



Section 5.11:

Biological Resources



SECTION 5.11

BIOLOGICAL RESOURCES

5.11.1 PURPOSE

This section describes biological resources in the City of Fullerton and potential adverse impacts associated with implementation of the proposed Fullerton Plan (i.e., General Plan Update). Review and analysis of compliance with all Federal, State, and local laws and policies regarding biological resources have also been conducted. Potential impacts are identified and mitigation measures to avoid or lessen the potential impacts are recommended, as necessary.

5.11.2 EXISTING REGULATORY SETTING

Threatened and endangered species are listed by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). In California, three agencies generally regulate activities within inland streams, wetlands, and riparian areas: U.S. Army Corps of Engineers (ACOE); the CDFG; and the Regional Water Quality Control Board (RWQCB). The ACOE Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The CDFG regulates activities under CDFG Code Sections 1600-1607. The RWQCB regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Act.

FEDERAL REGULATIONS

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (50 CFR 17) is intended to protect plants and animals that have been identified as being at risk of extinction and classified as either threatened or endangered. FESA also regulates the “taking” of any endangered fish or wildlife species, per Section 9 of the Act. A responsible agency or individual landowners are required to submit to a formal consultation with the USFWS to assess potential impacts to listed species as the result of a development project, pursuant to FESA Sections 7 and 10. The USFWS is required to make a determination as to the extent of impact to a particular species a project would have. If it is determined that potential impacts to a species would likely occur, measures to avoid or reduce such impacts must be identified.

Federal Clean Water Act

SECTION 404

The ACOE maintains regulatory authority over the discharge of dredged or fill material into the waters of the United States, pursuant to Section 404 of the CWA. The ACOE and United States Environmental Protection Agency (EPA) defines “fill material” as any “material placed in waters of the United States where the material has the effect of: (i) Replacing any portion of a water of the United States with dry land; or (ii) Changing the bottom elevation of any portion of the waters of the United States.” Fill material may include sand, rock, clay, construction debris,



wood chips, or other similar “materials used to create any structure or infrastructure in the waters of the United States.” The term “waters of the United States” includes the following:

- All waters that have, are, or may be used in interstate or foreign commerce (including sightseeing or hunting), including all waters subject to the ebb and flow of the tide;
- Wetlands;
- All waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundments of water mentioned above;
- All tributaries of waters mentioned above;
- Territorial seas; and
- All wetlands adjacent to the waters mentioned above.

In the absence of wetlands, the ACOE’s jurisdiction in non-tidal waters extends to the ordinary high water mark (OHWM), which is defined as “...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 area (33 CFR 328.3(e)).”

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are jointly defined by the ACOE and EPA as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3(b)).”

On January 9, 2001, the U.S. Supreme Court issued the decision, *Solid Waste Agency of Northern Cook County v. U.S. Army Corp of Engineers et al.* As a result of this case, the scope of the ACOE’s Section 404 CWA regulatory permitting program was limited, restricting ACOE’s jurisdictional authority over isolated, non-navigable, intrastate waters that are not tributary or adjacent to navigable waters or tributaries (i.e., wetland conditions). The Supreme Court held that Congress did not intend for isolated, non-navigable water conditions to be covered within Section 404 of the CWA, as they are not considered to be true “waters of the U.S.”

SECTION 401

The RWQCB is the primary agency responsible for protecting water quality in California. The RWQCB regulates discharges to surface waters under the Federal CWA and the California Porter-Cologne Water Quality Control Act. The RWQCB’s jurisdiction extends to all waters of the State and to all waters of the United States, including wetlands (isolated and non-isolated conditions).

Through 401 Certification, Section 401 of the CWA allows the RWQCB to regulate any proposed Federally permitted activity that may affect water quality. Such activities include the discharge of dredged or fill material, as permitted by the ACOE, pursuant to Section 404 of the CWA. The RWQCB is required to provide “certification that there is reasonable assurance that an activity which may result in the discharge to waters of the United States will not violate water



quality standards,” pursuant to Section 401. Water Quality Certification must be based on the finding that proposed discharge will comply with applicable water quality standards, of which are given as objectives in each of the RWQCB’s Basin Plans.

In addition, pursuant to the Porter-Cologne Water Quality Control Act, the State is given authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if a Section 404 does not apply. “Waste” is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

STATE

California Endangered Species Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the State. The State of California also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. The CDFG is given the responsibility by the State to assess development projects for their potential to impact listed species and their habitats. State listed special-status species are also addressed through the issuance of a 2081 permit (Memorandum of Understanding).

California Fish and Game Code

Within the State of California, fish, wildlife, and native plant resources are protected and managed by the CDFG. The Fish and Game Commission and/or the CDFG are responsible for issuing permits for the take or possession of protected species. The following sections of the Code address the protected species: Section 3511 (birds); Section 4700 (mammals); Section 5050 (reptiles and amphibians); and, Section 5515 (fish).

California Department of Fish and Game Lake and Streambed Alteration Agreements

Historically, the State of California regulated activities in rivers, streams, and lakes pursuant to California Fish and Game Code Sections 1600-1607; however, on January 1, 2004, legislation went into effect that repealed Fish and Game Code Sections 1600-1607 and instead, added Fish and Game Code Sections 1600-1616. This action eliminated the separation between private/public notifications (previously 1601/1603). Section 1602 of the Fish and Game Code requires any person, state, or local governmental agency, or public utility to notify the CDFG before commencing any activity that would result in one or more of the following:

- Substantially obstruct or divert the natural flow of a river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or,



- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes within the State of California. While the jurisdictional limits are similar to the limits defined by ACOE regulations, CDFG jurisdiction includes riparian habitat supported by a river, stream, or lake with or without the presence or absence of saturated soil conditions or hydric soils. CDFG jurisdiction generally includes to the top of bank of the stream, or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Any project that occurs within or in the vicinity of a river, stream, lake, or their tributaries typically requires notification of the CDFG, including 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 supports or has supported riparian vegetation.

Migratory Bird Treaty Act of 1918

The Federal Migratory Bird Treaty Act (MBTA) was originally drafted to end the commercial trade in bird feathers popular in the latter part of the 1800s. The MBTA makes it illegal to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers, nests, eggs, or other avian products. The USFWS is responsible for enforcing the MBTA.

California Environmental Quality Act

In addition to specific Federal and State statutes for the protection of threatened and endangered species, California Environmental Quality Act (CEQA) Guidelines Section 15380(b) provides that a species not listed on the Federal or State list of protected species may be considered rare or endangered if it can be shown that the species meets certain specified criteria. Modeled after definitions in the FESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals, these criteria are given in CEQA Guidelines Section 15380(b). The effect of Section 15380(b) is to require public agencies to undertake reviews to determine if projects would result in significant effects on species not listed by either the USFWS or CDFG (i.e., candidate species). Through this process, agencies are provided with the authority to protect additional species from the potential impacts of a project until the appropriate government agencies have an opportunity to designate the species as protected, if deemed appropriate.

LOCAL

Fullerton Municipal Code

CHAPTER 9.06 (COMMUNITY FORESTRY)

Fullerton Municipal Code Chapter 9.06 (Community Forestry) addresses the planning, planting, maintenance, and removal of all trees and other landscape material in any street or other public area; over any landscape material in any street median, parkway strip or other landscaped



portion of a public right-of-way; over trees and other landscape material in other public spaces under the jurisdiction of the City such as parks, trails and public buildings; and over certain trees on private property. It also allows for the designation and protection of Landmark Trees.

The Community Forestry Ordinance requires the Director to prepare and maintain a community-wide Community Forest Management Plan; recommend to the City Council changes or additions to the Master Street Tree Plan; develop maintenance standards as they relate to street trees in public areas; inspect the planting, maintenance and removal of all trees in public areas; make determination over the appropriateness of tree removals in public areas; review all landscaping plans as they affect trees in public areas; coordinate with the Departments of Engineering, Community Services and Development Services the planning and installation of all publicly required trees; and coordinate with the Community Services Department to develop and maintain an ongoing program of public outreach and education in order to promote public understanding of the City's community forest and public adherence to the standards and procedures of the ordinance.

CHAPTER 15.27 (OPEN SPACE [O-S] ZONE)

Fullerton Municipal Code Chapter 15.27 (Open Space [O-S] Zone) establishes the Open Space zone, which is intended to permit and recognize areas within the City boundaries that provide for an aesthetic, recreational, or environmental benefit to the community. Such benefit may be direct or indirect, active or passive, and actual or perceived.

The O-S Zone is separated into sub-zones to delineate the nature of the particular types of open space being preserved and recognized. Wildlife Habitat (WH) is identified as a sub-zone. Section 15.27.050 (Wildlife habitat sub-zone [O-S-WH]) requires any area with an O-S-WH sub-zone be bound by any and all state or federal restrictions and monitoring requirements attached to the preservation of applicable threatened or endangered species on the site. No new structures or new oil facilities are permitted in the O-S-WH sub-zone.

Section 15.27.030 (Permitted Uses) states the Director shall approve oil field facilities proposed within 150 feet of a wildlife habitat sub-zone only when a finding may be made that there will be no substantial adverse impact upon, and specifically no "take" of, the wildlife habitat.

Habitat Conservation Plans

The Endangered Species Act was amended in 1982 to establish a conservation planning process that allows the incidental "take" of a threatened or endangered species. This provision of the Act allows the USFWS to permit the "take" of a listed species in cases where the take is "incidental to, and not the purpose of carrying out otherwise lawful activities." An application for a "take" permit requires preparation of a Habitat Conservation Plan (HCP). The purpose of the HCP is to acquire and manage habitats that support endangered and other special status species. Approval of the HCP by appropriate agencies satisfies the requirements for obtaining a Federal 10A permit.

The East Coyote Hills Specific Plan area is located within a Habitat Conservation Plan. *The Habitat Conservation Plan to Mitigate Impacts on the Coastal California Gnatcatcher and Cactus Wren Present on the Coyote Hills East Project Site* (Coyote Hills East HCP), July 1993, established conservation measures, monitoring programs, long-term maintenance plans, and a



mechanism for guaranteed funding of conservation programs in perpetuity, while allowing compatible recreational and residential development in an urban setting. The Coyote Hills East HCP was prepared and approved in response to the Coyote Hills East project, which involved take of California gnatcatchers and cactus wren. Specific actions were identified to mitigate such takings, including a five-year coastal sage scrub revegetation monitoring and maintenance program, a brown-headed cowbird trapping program, habitat buffers, habitat fencing, and full funding for long-term conservation commitments.

5.11.3 EXISTING ENVIRONMENTAL SETTING

The City of Fullerton is largely urbanized with approximately five percent (708.7 acres) of vacant land remaining. The largest concentration of vacant land occurs within West Coyote Hills. West Coyote Hills is primarily undeveloped and consists of natural vegetation and habitat, including coastal sage scrub and riparian scrub habitats. Remaining vacant parcels within the City are primarily infill and occur in developed and urbanized areas containing no natural vegetation or habitat.

East Coyote Hills includes the Coyote Hills Golf Course, oil extraction facilities, residential homes, and approximately 120 acres of natural open space, including natural and revegetated coastal sage scrub.

For analysis purposes, biological resources are described separately for each of the following areas:

- West Coyote Hills
- East Coyote Hills
- Remaining Areas of the City

BIOLOGICAL RESOURCES

West Coyote Hills Focus Area

The West Coyote Hills Focus Area is generally bounded on the north by the City of La Habra, on the east by Euclid Street, on the west by the City of La Mirada, and on the south by Rosecrans Avenue and residential development north of Rosecrans Avenue. The boundaries of the West Coyote Hills Focus Area are consistent with the undeveloped portion of West Coyote Hills, which is part of an approximately 1,000-acre Coyote Hills West Master Specific Plan 2-A (Master Specific Plan), adopted in 1977.

The Master Specific Plan allowed for the development of 2,694 residential dwelling units and approximately 13 acres of commercial development. Since its adoption, over 1,500 residential dwelling units have been constructed. Development of the remaining undeveloped acreage is part of the proposed West Coyote Hills Specific Plan Amendment (SPA). The SPA would revise the provisions for the development of the property as represented in the Master Specific Plan to allow for a maximum of 760 residential dwelling units, 68,000 square feet of retail uses, a multiple use site on approximately 17 acres that can be used for schools, parks, public and private recreation facilities and residential uses, and approximately 283 acres of open space for wildlife habitat, trails, and vista parks, as well as improvements to the 72-acre Robert E. Ward



Preserve, currently owned by the City. Combined, approximately 355 acres would be preserved as open space and habitat in perpetuity.

As part of the environmental review process for the SPA, several biological studies and fieldwork have been conducted for the West Coyote Hills Specific Plan Area (i.e., West Coyote Hills Focus Area), and are summarized in the *Recirculated Revised Draft Environmental Impact Report SCH No. 1997051056, West Coyote Hills Specific Plan and Robert E. Ward Nature Preserve, Amendment No. 8 to Coyote Hills West Master Specific Plan 2-A (Recirculated Revised Draft EIR)*, prepared by Keeton Kreitzer Consulting, January 2008. The following existing conditions discussion is incorporated from the Recirculated Revised Draft EIR.

VEGETATION

Based on species composition and general surface features, 17 habitat types were identified onsite: coastal sage scrub, disturbed coastal sage scrub, southern cactus scrub, disturbed southern cactus scrub, coyote brush scrub, disturbed coyote brush scrub, toyon-sumac chaparral, disturbed toyon-sumac chaparral, mulefat scrub, disturbed mule fat scrub, southern willow scrub, disturbed southern willow scrub, non-native grassland, poison oak scrub, ornamental, disturbed habitat, and developed. Acreages for the West Coyote Hill Specific Plan Area, including the Robert E. Ward Nature Preserve, are presented by habitat type in Table 5.11-1, Coyote Hills West – Existing Vegetation Communities.

As indicated in Table 5.11-1, the site is predominated by various phases of sage scrub (i.e., disturbed, intact, southern cactus scrub, coyote brush scrub; 332.2 acres), followed by disturbed habitat (108.9 acres) and developed areas (99.9 acres). Mulefat scrub covers 19 acres and southern willow scrub covers 1.3 acres. Chaparral covers 13.9 acres and other minor coverages include ornamental (3.6), poison oak scrub (2.0 acres), and annual non-native grassland (0.7 acre).

Coastal Sage Scrub and Disturbed Coastal Sage Scrub

Approximately 225.7 acres of the site supports either coastal sage scrub (183.1 acres) or disturbed coastal sage scrub (42.6 acres). This community is dominated by California sagebrush (*Artemisia californica*), with lesser amounts of the flat-top buckwheat (*Eriogonum fasciculatum*) white sage (*Salvia apiana*), bush monkey-flower (*Mimulus aurantiacus*), poison-oak (*Toxicodendron diversilobum*), and Mexican elderberry (*Sambucus mexicana*).

The Coastal Sage Scrub/Disturbed Coastal Sage Scrub community is extremely species-poor in this area, supporting fewer than 50 native species. In particular, the number and percent cover of native ferns, annual dicots, and perennial dicot herbs are exceedingly low. The depauperate (i.e., poor species numbers) flora may be the result of intensive vegetation management over the last 100 years to reduce the threat of wild fire. Typical numbers of native plant taxa for 100- to 300-acre sites that support scrub communities are generally in the range of 90-125 species. The West Coyote Hills area is comparatively floristically poor in species richness when compared to other sites.



**Table 5.11-1
Coyote Hills West – Existing Vegetation Communities**

Vegetation Community and Land Cover Types		Total Area ¹
Native Habitats	Coastal Sage Scrub (CSS)	183.1
	Disturbed Coastal Sage Scrub (dCSS)	42.6
	Southern Cactus Scrub (SCS)	88.1
	Disturbed Southern Cactus Scrub (dSCS)	0.9
	Coyote Bush Scrub (CBS)	16.4
	Disturbed Coyote Bush Scrub (dCBS)	1.2
	Subtotal Scrub Habitat	332.3
	Toyon-Sambucus Chaparral (TSC)	13.8
	Disturbed Toyon-Sambucus Chaparral (dTSC)	0.1
	Poison-Oak Scrub (POS)	1.9
	Mule Fat Scrub (MFS)	14.8
	Disturbed Mule Fact Scrub (dMFS)	4.2
	Southern Willow Scrub (SWS)	0.8
	Disturbed Southern Willow Scrub (dSWS)	0.3
	Subtotal Other Native Habitat	35.8
	Total Native Habitat	368.2
Non-Native Habitats	Annual (Non-Native) Grassland (AGL)	0.7
	Disturbed Habitat (DH)	108.9
	Ornamental Plantings (ORN)	3.6
	Developed Land (DEV)	99.9
	Subtotal	213.1
Totals		581.2²
¹ Includes the 510-acre West Coyote Hills property and 72.3 acre Robert E. Ward Nature Preserve.		
² Does not add up to 582.3 due to rounding.		
Sources: Dudek & Associates, Inc., September 2003 and Project Design Consultants, March 2006.		

To account for the exceedingly depauperate flora, it appears that the site has been disturbed severely and/or repeatedly. Although it is the opinion that all of the coastal sage scrub could be categorized as “disturbed,” given the different densities of shrub cover, the habitat has been classified as “disturbed” and “undisturbed.”

Southern Cactus Scrub and Disturbed Southern Cactus Scrub

Southern cactus scrub is a form of coastal sage scrub that is dominated by shrubby succulent cacti, principally coast prickly-pear (*Opuntia littoralis*). Other non-succulent shrubs common in coastal sage scrub tend to make up the balance of the cover (i.e., California sagebrush and flat-top buckwheat). Approximately 88.1 acres of southern cactus scrub were mapped on the total area surveyed. Less than one acre of the southern cactus scrub habitat has been classified as “disturbed.” Large dense stands of southern cactus scrub habitat occur in the eastern half of the site in the areas west and east of Gilbert Street.



Coyote Bush Scrub and Disturbed Coyote Bush Scrub

Although not listed as a native plant community, coyote bush scrub is an upland community that is recognized by resource agencies as a subtype of coastal sage scrub. Nonetheless, it is a distinct vegetational association in southern California, dominated by coyote brush (*Baccharis pilularis*), usually with a few scattered individuals of other native shrub species. It frequently is a successional community that occurs in more mesic (i.e., moderately moist) sites and along drainages where coastal sage scrub or chaparral has been eliminated by disturbance. Coyote brush scrub typically is considered a subcategory of coastal sage scrub by the resource agencies because its general plant architecture and density are similar enough to the latter to support many of the “target” coastal sage scrub wildlife species, including the California gnatcatcher. Within the area, this habitat is characterized by a predominance of coyote brush, which is found throughout the site. Other species found in this vegetation community include California sage brush (*Artemisia californica*), flat-top buckwheat (*Eriogonum fasciculatum*) and common sow-thistle (*Sonchus oleraceus*). The area supports approximately 17.6 acres of coyote bush scrub, including 1.2 acres of disturbed coyote bush scrub.

Toyon-Sambucus Chaparral and Disturbed Toyon-Sambucus Chaparral

Toyon-sambucus chaparral is a relatively tall (2-4 meters), dense, woody shrub association dominated by the broadleaf sclerophylls toyon (*Heteromeles arbutifolia*) and laurel sumac (*Malosm luarina*). Within the area there is a tall, woody community that approaches this habitat type but does not conform particularly well to the Bramlett and Gray (1992) description. It is dominated by toyon, lemonade berry (*Rhus integrifolia*), and Mexican elderberry (*Sambucus mexicanus*), and occupies 13.8 acres; only 0.1 acre is classified as “disturbed.” Chaparral is not considered sensitive. It is also not a primary habitat type for any of the addressed special-status species.

Mule Fat Scrub and Disturbed Mule Fat Scrub

Mule fat scrub is often a successional or early pioneer riparian association that becomes established on moist soils in drainages, old pond beds, and on spoil piles; it is dominated by mule fat (*Baccharis salicifolia*), an adventive willow-like shrub. This community occurs throughout the area in wide expansive sandy flats, basins, and spongy soil mounds. Within the area, mule fat scrub occurs in relatively dense stands (14.8 acres) or as sparse or open community (4.2 acres). The latter areas were mapped as “disturbed” habitat.

Southern Willow Scrub and Disturbed Southern Willow Scrub

Southern willow scrub and disturbed southern willow scrub habitat encompasses a total of only 1.1 acres of the area. This habitat type is generally described as a dense, broad-leafed, winter-deciduous riparian thicket dominated by several species of willow (*Salix spp.*), with scattered emergent Fremont cottonwood and western sycamore (*Platanus racemosa*). Most stands are too dense to allow much understory development. This habitat is considered seral (i.e., successional) due to repeated natural disturbance such as flooding and is, therefore, unable to develop into the taller southern cottonwood willow riparian forest. Other species within this habitat on-site include arroyo willow (*Salix lasiolepis*), black willow (*Salix gooddingii*), mule fat, western ragweed, poison oak, Mexican elderberry, and non-native trees.



Poison-oak Scrub

Poison-oak (*Toxicodendron diversilobum*) is a rhizomatous, deciduous shrub or vine that occurs in a variety of different plant communities. Large thickets of this species are present on slopes and other non-riparian sites throughout the area. Where it is the dominant plant in patches over 0.25 acre, it was mapped as a distinct association. Poison-oak scrub accounts for approximately 1.9 acres of the area. Like chaparral, poison oak scrub onsite is not considered sensitive and is not a primary habitat type for any of the addressed special-status species.

Ornamental Plantings

Two species of exotic trees either were planted or are adventive (i.e., non-native and invasive species that are not well established) on the property, and account for 3.6 acres of the area. Eucalyptus (*Eucalyptus globulus*) has been planted as a shade tree around some of the facilities and elsewhere, and Peruvian-pepper tree (*Schinus molle*) is widespread along road edges and within otherwise natural vegetation areas. Additional extensive patches of eucalyptus are also present along the southern property limits. Some of these existing trees support raptor nests; however, the coverage is not considered to be sensitive and only a resource of convenience in the absence of more suitable nesting resources. The City of Fullerton and the region support an abundance of eucalyptus and pepper trees that might support raptor nests.

Disturbed Habitat

Disturbed habitat is characterized by a predominance of invasive, weedy species or bare ground. Within the area, this habitat type is similar to non-native grassland, but is dominated almost exclusively by black mustard (*Brassica nigra*) and/or sweet-fennel (*Foeniculum vulgare*). Disturbed habitat accounted for 108.9 acres of the area surveyed. Disturbed habitat in the area does not function as a grassland. Instead, it is too tall and densely packed with non-native black mustard and sweet fennel, making it unsuitable for such grassland species as burrowing owl and grasshopper sparrow.

Annual (Non-Native) Grassland

Non-native grassland is a disturbance-generated plant community dominated by alien grasses, including slender wild oat (*Avena barbata*), ripgut grass (*Bromus diandrus*), foxtail chess (*Bromus madritensis ssp. rubens*), and several annual or perennial dicots such as star-thistle (*Centaurea melitensis*). Less than one acre (0.7 acre) of the area was mapped as non-native grassland. Annual non-native grassland primarily occurs in one small area approximating 150 feet by 150 feet. This is a very small area that would not support much other than occasional foraging by passing raptors. The small extent of annual non-native grasslands do not provide enough area or quality to support breeding by species such as the California horned lark, loggerhead shrike, tricolored blackbird), which are more likely to breed and forage more widely in the southern and eastern portions of the County, including the vast reserve areas of the Central/Coastal Subregion and Southern Subregion portions of the Natural Community Conservation Program (NCCP) study areas.



Developed Areas

Developed areas are places where the colonization of vegetation is inhibited by active use or permanent structures. These areas include paved roads, dirt roads, buildings, oil well pads, and any other cleared areas. Developed areas account for 99.9 acres, and differ from disturbed areas by having considerably less to no vegetation. Developed lands do not support any special status species.

Floral Diversity

A total of 83 species of vascular plants, including 55 native species (65 percent) and 28 non-native species (35 percent), was recorded within the habitats comprising the site during the field surveys conducted by DUDEK. The flora on the site exhibit low floral richness of native species, particularly considering the site's large size, few herbaceous perennials and annuals, and a high incidence of alien taxa. As previously indicated, the depauperate nature of the site may be the result of historical use of the site and the requirement for intensive vegetation management to reduce the threat of wild fire. Therefore, the low richness may be a consequence of historic county-required fire management programs and oil drilling operations.

WILDLIFE RESOURCES

Birds

A total of 114 bird species were identified during the surveys conducted on and adjacent to the subject. Species commonly observed on-site included: California quail (*Callipepla californica*), California towhee (*Pipilo crissalis*), house finch (*Carpodacus mexicanus*), rufous-sided towhee (*Pipilo erythrophthalmus*), northern mockingbird (*Mimus polyglottos*), and red-tailed hawk (*Buteo jamaicensis*).

Most of the birds observed are fairly common residents or migrants within the region. Red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), Great horned owl (*Bubo virginianus*), and barn owl (*Tyto alba*) use the property for breeding. All of these species are widespread in southern California and are not listed as sensitive, rare, threatened, or endangered by local, state, or federal agencies. In addition, western screech owl (*Megascops kennicottii benderi*) have been detected and may use the site occasionally for breeding purposes, although nests have not been observed on-site. A high on-site concentration of mammalian and avian prey species (ground squirrel and brush rabbit) for buteos and avian prey species (*California quail*) for accipiters onsite, probably translates into a high fecundity (i.e., fertility) rate for raptors.

A number of special status species occur on-site, including California gnatcatcher (*Poliioptila californica californica*), Cooper's hawk (*Accipiter cooperi*), sharp-shinned hawk (*Accipiter striatus*), loggerhead shrike (*Lanius ludovicianus*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), and coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*). Other notable species detected on-site include migrant least Bell's vireo (*Vireo belli pusillus*), belted kingfisher (*Ceryle alcyon*), brown-headed cowbirds (*Molothrus ater*), great-tailed grackle (*Quiscalus mexicanus*), and numerous other raptors. Based on observations of great-tailed grackles on the adjacent Westridge Golf Course, it appears that this species has



become a year-round resident. A number of migrant species also use the site during the fall and winter migrations.

The area continually supports moderate populations of raptors. Abundant non-functioning power and telephone poles provide many useful perch locations for roosting or foraging hawks and owls. Historically, many large eucalyptus trees provided yearly nesting locations for red-tailed hawk, red-shouldered hawk, Cooper's hawk, great-horned owl, and potentially others. The Focus Area provides many foraging opportunities for raptors. A large population of brush rabbits and California ground squirrels provide prey for red-tailed hawks, and a large population of California quail, mourning doves, and other species provide abundant prey for resident Cooper's hawks and red-shouldered hawks. Sharp-shinned hawks are often observed during the winter months chasing resident species and large flocks of winter migrants, including cedar waxwings, white-crowned sparrow, and western bluebirds.

A gum tree grove currently exists within the area. The single potential biological issue of importance related to this area is the presence of nesting raptors. However, it was determined that the majority of the gum trees comprising the grove are of sapling, or immature diameter, and their branches provide little structure for nesting raptors. Nonetheless, mature gum trees exist within the grove that have the potential to support nesting raptors.

In addition to the gum tree survey, a nesting raptor survey was conducted, which determined that six raptor or corvid (i.e., crows, jays and related species) nests were located on or within 500 feet of the area. During the survey, two of the nests were active with great horned owls and one nest was active with a red-tailed hawk. In addition, one currently inactive nest appeared to have been built by a red-tailed hawk and the builders of two apparently inactive nests were not conclusively determined. Raptors often return annually to the same nest site. Therefore, many of the nest sites discovered have a high likelihood of being reused during subsequent years. If the raptor's nest is damaged by predators or scavengers, the nest builders may construct a new nest in a different location. In addition, trees and nesting structures other than those described within the Focus Area remain available to nesting raptors, and could be utilized at any time during the current or subsequent nesting seasons.

Other raptors noted on or in the vicinity of the area included a pair of American kestrels, which were observed foraging on the eastern side of the main drainage that bisects the western half of the area. Although their nest was not located, there is a high potential for it to nest on-site. A barn owl was also identified nesting within the area. The screech owl reported as occurring in prior surveys also has the potential to nest on-site. The merlin was observed during surveys. However, this species is not expected to nest on-site because it is considered to be a "transient" species within the county; nesting areas for the merlin are far to the north of the region. The Cooper's hawk was also observed on-site and has the potential to nest on-site. No ground-nesting raptor species such as the northern harrier were observed during the surveys, and no nests of these species were located. White-tailed kites have not been observed to nest on the site and no distinctive juveniles have been observed on the site.

A burrowing owl survey was also conducted on the West Coyote Hills. The burrowing owl is a California Species of Special Concern. In Orange County, this species breeds and forages in grasslands and prefers flat to low rolling hills in treeless terrain; however, it has adapted well in disturbed areas where pipes and ditch banks may provide nesting burrows. The burrowing owl is small and nests in burrows, typically in open habitats along banks and roadsides, often



utilizing the abandoned burrows of California ground squirrels, which are present on the site. A thorough search of the site did not detect any burrowing owls. Further, no potential borrows with pellets, foot prints, feathers, or other evidence of burrowing owls was observed during the survey.

Reptiles and Amphibians

Fourteen species of herpetofauna (i.e., amphibians and reptiles) were observed during the surveys, including side-blotched lizard (*Uta stansburiana*), western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), night snake (*Hypsiglena torquata*), Pacific treefrog (*Hyla regilla*), and western toad (*Bufo boreas*). Many other reptiles and amphibians potentially occur on-site. Chevron personnel indicated that rattlesnakes and other reptiles were commonly found onsite up until approximately 1984; recently though, none have been detected due to human impacts. Based on the presence of some rarely-seen species (e.g., night snake and legless lizard), it is likely that some additional fossorial (i.e., adapted to digging), reclusive, or shy reptiles may occur on the site or in the vicinity of the property. Western spadefoot (*Spea hammondi*) and African clawed frog (*Xenopus laevis*) were recovered in “last chance” oil capture basins adjacent to Beach Boulevard prior to development of the La Habra portion of the contiguous former Chevron ownership (i.e., Emery Hills). These areas were not vernal pools, but cast in place containers which were attached to off site stormwater outlets.

Mammals

Thirteen species of native mammals were detected on the site by sight, scat, tracks or other means. Common species include California ground squirrel (*Spermophilus beecheyi*), brush rabbit (*Sylvilagus bachmanii*), raccoon (*Procyon lotor*), and coyote (*Canis latrans*). All are common throughout the region. In addition, it is likely that other rodent and bat species also reside on the subject property. A questionable track also suggests that bobcat may also occur on-site periodically; however, none have ever been seen. Chevron personnel have also indicated that mule deer have not been on-site since at least 1980.

Invertebrates

Twenty-four species of butterflies were detected on the subject property. Common species include pale swallowtail (*Papilio eurymedon*), cabbage butterfly (*Pieris rapae*), funereal duskywing (*Erynnis funeralis*), Behr's metalmark (*Apodemia mormo virgulti*), acmon blue (*Plebejus acmon*), west coast lady (*Vanessa anabella*), and red admiral (*Vanessa atalanta*). All are common throughout the region. It is important to note that the subject property was surveyed 10 times for the Quino checkerspot butterfly; however, none of that species was identified and it was determined that the Quino checkerspot butterfly does not inhabit the subject property. Further, since the listing of the Quino checkerspot, the USFWS has gathered more information regarding its distribution, historical range, and likely manageable recovery areas. As a result, the USFWS has revised the areas in which it requires focused surveys to be conducted. Initially, this property was included in the required focused survey area as an area that only required a single survey effort. However, since that time, the USFWS has eliminated the entire West Coyote Hills area from the required survey area.



In addition to these species, the Monarch butterfly, although not formally listed with the resource agencies, is considered a species of local concern. This butterfly species winters from northern Mendocino County, California to northern Baja California. It roosts in wind-protected tree groves, typically gum trees, Monterey pine, and cypress trees, with nectar and water sources nearby. No winter roosts sites appeared in the CNDDDB search of the La Habra, California USGS quadrangle covering the West Coyote Hills property.

SPECIAL STATUS PLANT SPECIES

A focused survey for sensitive plants as directed by the USFWS was conducted. The survey consisted of searching all areas that would support any of the plants based on soils, slope, microclimate conditions, and habitat. The surveys were conducted during the appropriate season and the survey year followed a better than average rainfall wet season, followed by a particularly good plant growing season. Therefore, plant species observed during the survey were considered to be a comprehensive listing of what would be present at the site. None of the plant species that are recognized as rare, threatened, endangered, or otherwise sensitive by the USFWS, CDFG, or California Native Plant Society (CNPS) were located on the project site during the survey conducted in 1998. The sensitive plant survey was updated in 2004; refer to Table 5.11-2, Coyote Hills West – Special Status Plant Species.

As indicated in Table 5.11-2, one special status species (intermediate mariposa lily) exists on the site and was observed on the subject property during the 2004 spring survey. The intermediate mariposa lily was not observed in 1998. This species is rare through its range. Nine individual plants were observed during the focused survey conducted on the site, including six that were flowering and three in “bud.” In addition, two special status species (many-stemmed dudleya and chaparral sand-verbena) have a limited potential to occur, although neither was observed during that survey.

SPECIAL STATUS WILDLIFE SPECIES

One federally threatened species, the California gnatcatcher (*Polioptila californica californica*), is present onsite. One federally listed endangered species, the least Bell's vireo (*Vireo bellii pusillus*) was also observed on-site. (A single male was observed in 1998. However, this male was not singing and was in eucalyptus within the main central canyon of the site. The male was a migrant on its way to better, more suitable breeding grounds. The USFWS was aware of this sighting and concluded that it was not a resident of the site because the habitat is unsuitable for breeding purposes.) No other individuals have been observed or detected on the site since that observation.

Eleven other CDFG “species of special concern” or regionally special status species have been detected during the survey efforts conducted at various times on-site since 1994, including:

- Coastal cactus Wren (*Campylorhynchus brunneicapillus couesi*)
- Cooper's hawk (*Accipiter cooperi*)
- Sharp-shinned hawk (*Accipiter striatus*)
- Northern harrier (*Circus cyaneus*)
- Red-shouldered hawk (*Buteo lineatus*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Horned lark (*Eremophila alpestris actia*)



- Western bluebird (*Sialia mexicana*)
- Tri-colored blackbird (*Agelaius tricolor*)
- Bell's sage sparrow (*Amphispiza bellii bellii*)
- Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*)

Table 5.11-2
Coyote Hills West – Special Status Plant Species

Species	Status			Likelihood for Occurrence	Survey Results
	USFWS	CDFG	CNPS		
<i>Abronia villosa</i> var. <i>Aurita</i> Chaparral sand-verbena	—	—	List 1B	Limited potential to occur.	Not Observed
<i>Atriplex serenana</i> var. <i>Davidsonii</i> Davidson's saltscale	—	—	List 1B	Not expected to occur; lack of suitable habitat.	Not Observed
<i>Calochortus weedii</i> var. <i>intermedius</i> Intermediate mariposa lily	—	—	List 1B	Observed	Observed
<i>Centromadia parryi</i> ssp. <i>australis</i> Southern tarplant	—	—	List 1B	Not expected to occur; lack of suitable habitat.	Not Observed
<i>Chorizanthe parryi</i> var. <i>fernandina</i> San Fernando Valley spineflower	FC	SE	List 1B	Not expected to occur; lack of suitable habitat.	Not Observed
<i>Dudleya multicaulis</i> Many-stemmed dudleya	—	—	List 1B	Limited potential to occur.	Not Observed
<i>Lasthenia glabrata</i> ssp. <i>Coulteri</i> Coulter's goldfields	—	—	List 1B	Not expected to occur; lack of suitable habitat.	Not Observed
<i>Sidalcea neomexicana</i> Salt spring checkerbloom	—	—	List 2	Not expected to occur; lack of suitable habitat.	Not Observed
Status Definitions: USFWS FE - Species designated as Endangered under the federal Endangered Species Act. Endangered = "any species in danger of extinction throughout all or a significant portion of its range. FT - Species designated as threatened under the Federal Endangered Species Act. Threatened = "species likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range. FPE - Proposed for federal listing as Endangered FPT - Proposed for federal listing as Threatened. FC - Candidate for federal listing as Threatened or Endangered. CDFG ST - Threatened = "a species that, although not presently threatened with extinction, is likely to become an Endangered species in the foreseeable future in the absence of the special protection and management efforts required by the Act" (California Endangered Species Act). SE - Endangered = "a species is endangered when its prospects of survival and reproduction are in immediate jeopardy from one or more causes." CNPS 1A - Plants presumed Extinct in California. 1B - Plants Rare, Threatened, or Endangered in California and elsewhere. 2 - Plants Rare, Threatened, or Endangered in California but more common elsewhere. 3 - Plants about which more information is needed - A Review List. 4 - Plants of limited distribution - A Watch List. Source: BonTerra Consulting; October 11, 2004.					



One State “Fully Protected” species, the white-tailed kite (*Elanus leucurus*) was observed on-site. In addition to these species, the western spadefoot toad, a state species of concern, was found in the La Mirada portion of the former contiguous Chevron ownership project area adjacent to Beach Boulevard. A night snake was also observed just to the north, within the toyon-sumac chaparral.

Based on general information regarding wildlife distributions in the area and identified in general literature maintained by resources agencies and related sources, the site potentially could support other special status species. Observed and expected special status species are identified in Table 5.11-3, *Coyote Hills West – Observed and Potential Special Status Species*. It is important to note that while some of the species identified in Table 5.11-3 have the potential to occur on-site during migration or for foraging purposes, few have the potential to breed on-site due to inappropriate habitats on-site or lack of known residency in the area during the breeding season.

Table 5.11-3
Coyote Hills West – Observed and Potential Special Status Species

Species	Conservation Status	Habitat	Status Potential On-Site
Birds			
Reddish egret <i>Egretta ruficeps</i>	USFWS: None CDFG: None	Marshes, freshwater marsh, lakes and bays	No potential - due to lack of habitat.
White-faced ibis <i>Plegadis chihi</i>	USFWS: None CDFG: Species of Concern	Marshes, freshwater marsh, lakes and bays	No potential - due to lack of habitat.
White-tailed kite <i>Elanus leucurus</i>	USFWS: None CDFG: Fully Protected	Upland habitats; nests in riparian areas	Present - Individuals have been observed to forage on-site occasionally. No nesting activity has been observed on-site though and no juveniles have been detected.
Cooper's hawk <i>Accipiter cooperii</i>	USFWS: None CDFG: Species of Concern	Riparian, forest	Present - At least four pairs have been observed nesting on site in pepper and eucalyptus trees. They have generally been distributed across the site in isolated canyons or larger groves of trees. Others observed nesting in eucalyptus and pepper trees on adjacent lands.
Sharp-shinned hawk <i>Accipiter striatus</i>	USFWS: None CDFG: Species of Concern	Woodlands	Present - Numerous individuals have been observed to roost and forage on-site during the winter. Present only as winter resident, does not breed on-site.



Table 5.11-3 [continued]
Coyote Hills West – Observed and Potential Special Status Species

Species	Conservation Status	Habitat	Status Potential On-Site
Red-shouldered hawk <i>Butea lineatus</i>	USFWS: None CDFG: None	Woodlands, grasslands	Present - Pairs use the site to forage and nest.
Swainson's hawk <i>Buteo swainsoni</i>	USFWS: None CDFG: Threatened	Desert Scrub	Not observed; presence highly unlikely - due to lack of appropriate habitat.
Ferruginous hawk <i>Buteo regalis</i>	USFWS: None CDFG: Species of Concern	Grasslands, desert scrub	Not observed; presence highly unlikely - due to lack of appropriate habitat, proximity to residences and extensive site disturbance
Northern harrier <i>Circus cyaneus</i>	USFWS: None CDFG: Species of Concern	Grasslands, freshwater marsh, salt marsh	Present - observed to forage over the site occasionally, but does not nest on-site.
Bald eagle <i>Haliaeetus leucocephalus</i>	USFWS: Threatened CDFG: Endangered	Lakes, reservoirs, salt marshes	Not observed; presence highly unlikely - due to lack of appropriate habitat.
Golden eagle <i>Aquila chrysaetos</i>	USFWS: Protected CDFG: Species of Concern	Scrub habitats, grasslands, cliffs	Not observed; presence highly unlikely - due to small size, generally unsuitable habitat, and adjacent development.
American peregrine falcon <i>Falco peregrinus</i>	USFWS: Delisted/Recovered CDFG: Endangered	Wetlands, grasslands	Not observed; presence highly unlikely - due to adjacent development.
Coastal cactus wren <i>Campylorhynchus brunneicapillus cousei</i>	USFWS: None CDFG: Species of Concern	Southern cactus scrub	Present - there have been as many as 69 family groups mapped on the project site. Abundant quality cactus resources are present across the site.
Burrowing owl <i>Athene cunicularia</i>	USFWS: None CDFG: Species of Concern	Grassland, agricultural habitats	Not observed; presence unlikely - should have been detected over the course of studies.



**Table 5.11-3 [continued]
Coyote Hills West – Observed and Potential Special Status Species**

Species	Conservation Status	Habitat	Status Potential On-Site
California gnatcatcher <i>Poliophtila californica californica</i>	USFWS: Threatened CDFG: Species of Concern	Coastal sage scrub	Present – Populations ranging between an estimated 40 to 60 pairs have been detected on site between 1998 and 2004. This is within the expected range based on the amount and quality of habitat on site. This number is expected to fluctuate from year to year depending on a variety of factors. Pairs occur throughout the project area. Additional pairs have been detected on adjacent properties, some of which have since been developed.
Western bluebird <i>Sialia Mexicana</i>	USFWS: None CDFG: None	Riparian, oak woodlands; generally above 1,000 feet amsl	Present - a regular winter resident. Does not breed on-site.
Southwestern willow flycatcher <i>Empidonax traillii</i>	USFWS: Endangered CDFG: Species of Concern	Riparian forest, riparian scrub	Highly unlikely - due to lack of habitat.
California horned lark <i>Eremophila alpestris acttia</i>	USFWS: None CDFG: Species of Concern	Non-native grasslands	Present - Regularly observed flocks during the winter months and occasionally at other times of the year.
Loggerhead shrike <i>Lanius ludovicianus</i>	USFWS: None CDFG: Species of Concern	Coastal sage scrub and grasslands	Present - Individuals have been observed on occasion. No breeding pairs have been detected.
Least Bell's vireo <i>Vireo bellii pusillus</i>	USFWS: Endangered CDFG: Endangered	Riparian	Present - A single male was observed in 1998. This male was not singing and was in eucalyptus within the main center canyon of the site. The male was a migrant on its way to better, more suitable breeding grounds. The USFWS was aware of this sighting and did not assume that it was a resident of the site, as the habitat on-site is unsuitable for breeding purposes.



**Table 5.11-3 [continued]
Coyote Hills West – Observed and Potential Special Status Species**

Species	Conservation Status	Habitat	Status Potential On-Site
Tricolored blackbird <i>Agelaius tricolor</i>	USFWS: None CDFG: Species of Concern	Freshwater marsh, coastal marsh, grasslands	Present - Occasionally observed foraging on-site. No suitable breeding habitat occurs on site.
Southern California rufous-crowned sparrow <i>Aimophila ruficeps canescens</i>	USFWS: None CDFG: Species of Concern	Coastal sage scrub	Present - two pairs observed in center of site; probably breeds on-site.
Bell's sage sparrow <i>Amphispiza belli belli</i>	USFWS: None CDFG: Species of Concern	Chaparral, coastal sage scrub	Present - individuals have been occasionally observed on-site.
Reptiles			
Orange-throated whiptail <i>Cnemidophorus hyperythrus obeldingi</i>	USFWS: None CDFG: Species of Concern	Coastal sage scrub, grasslands	Not present - focused surveys were negative.
San Diego horned lizard <i>Phrynosoma coronatum blainvillei</i>	USFWS: None CDFG: Species of Concern	Coastal sage scrub, chaparral, oak woodlands	Highly unlikely - due to extensive site disturbance and lack of observations during past 9 years of surveys.
Amphibians			
Western spadefoot toad <i>Spea hammondi</i>	USFWS: None CDFG: Species of Concern	Ephemeral ponds with adjacent uplands	Moderate potential - found one individual in the La Mirada portion of Emery Ranch. An African clawed frog was also found with it and no spadefoot tadpoles have been found in pools on-site during the winters between 1994 and 2000.
Southwestern pond turtle <i>Clemmys marmorata pallida</i>	USFWS: None CDFG: Species of Concern	Riparian, freshwater marsh, lakes, ponds	No potential - due to lack of habitat.
Source: Dudek & Associates, Inc., August 2003.			



A number of other special status species were considered but not included in the survey due to an obvious lack of habitat on site (e.g., double-crested cormorant, least tern, spotted owl, Santa Ana sucker) or outside of the species range (e.g., Pacific pocket mouse, Palos Verdes blue). Additionally a number of species were not included because they were not regionally or locally sensitive (i.e., greater roadrunner, lesser nighthawk, wrentit), or were game species (e.g., California quail, mourning doves).

California Gnatcatcher

The California gnatcatcher is the only federally listed species to utilize sage scrub communities as its primary habitat. The Coastal Sage Scrub Natural Communities Conservation Plan (NCCP) was established to protect the California gnatcatcher and over 100 other special status species associated with coastal sage scrub; however, the subject property is not included in the NCCP. This program is administered by the CDFG in cooperation with the U.S. Fish and Wildlife Service. The California gnatcatcher is a recognized umbrella species for this habitat by the wildlife agencies administering the NCCP. As an umbrella species, it is reasonable to assert that impacts and mitigation measures applicable to California gnatcatcher also apply to other sage scrub species (e.g., rufous-crowned sparrow). Surveys conducted on the site found a gnatcatcher population of 40 pairs in 1994 and 48 pairs in 1998. Since these surveys, pair specific monitoring and mitigation monitoring visits have been conducted.

To supplement the prior gnatcatcher survey data a gnatcatcher survey was conducted in July and August of 2004 to determine if significant changes in the California gnatcatcher population had occurred at the site since the original surveys were conducted in 1998. The surveys showed that, at that time, an estimated 60 pairs of gnatcatchers were found at the project site during that time of the year, which is within the normal fluctuation levels for a population of this size. Several individual, unpaired birds and juveniles were also observed throughout the site during the survey period.

Cactus Wren

Cactus wren surveys were also conducted on the site during the same periods during which California gnatcatcher surveys were conducted. These surveys concluded that the cactus wren does inhabit most of the site. Cactus wren are found on the site in large patches of dense cactus within a matrix of sage scrub habitat. This species maintains territories up to 5 acres. Most coastal cactus wrens occur in isolated patches and persist in highly fragmented habitats, but nesting can occur close to roads and development as long as nesting and foraging habitat remains.

Other Species

The Costa's hummingbird is an uncommon bird on the project area, with few individual occurrences. The site is predominated by Anna's hummingbird due to the presence of many adjacent domestic flowering plants, onsite patches of tree tobacco, and the subordination of Costa's to Anna's. The site probably does not represent a stronghold for this species.

Greater roadrunner are known to be present in the project area. However, based on the average territory size for greater roadrunner (up to 123 acres), there are likely few pairs on the project site currently. They utilize fragmented habitats, but fall victim to the associated side



effects of development. Greater roadrunners are not indicative of high-quality habitat as much as large patches of habitat. The project area is currently completely surrounded by development.

Lesser nighthawk was never observed to nest on the project site and only one sighting was made during the fall. This site is not anticipated to represent typical suitable habitat for this species due to the hilly nature of the terrain and the denseness of the available habitat.

White-crowned sparrows occur on the project site during the winter only and do not breed on site. The subspecies *Zonotrichia leucophrys nuttalli* is the resident subspecies that breeds in coastal California. However, they will remain in the same area year-round. Since white-crowned sparrows have not been observed onsite during the breeding season, in spite of an extensive amount of time spent in the field by competent ornithologists, it is highly likely that they do not breed. The sensitive subspecies *Zonotrichia leucophrys nuttalli* actually prefers habitat patchiness, which means that it does not fit well as a species denoting "high-quality habitat" in the classic sense.

Rufous-crowned sparrow is considered to be a special-status species, as it is a California Species of Concern. It is a species that occurs in more intact and larger patches of sage scrub and occasionally chaparral habitats. It is a species, which is highly adapted to fire regimes, and where it occurs, is one of the few resident avian species to remain immediately after large fires. This species prefers scrub habitats with rocky and open slopes. This species is sensitive to edge effects and rarely occur in smaller isolated patches of habitat. Habitat disturbance appears to enhance habitat for them while dense stands of scrub or chaparral are often abandoned. While a couple of pairs have been located on site in the past, this site generally does not exhibit the most suitable habitat for the species – sage scrub and chaparral is very dense, it is not a large contiguous block of habitat that is connected to other habitat, it is surrounded by development, and does not include rocky and open slopes. This site does not represent good long-term habitat for this species and would not support a core population of this species.

Sage sparrow were only noted on site during the winter and were likely *Amphispiza belli canescens* as *A. b. belli* is a resident breeding subspecies. The species more typically occupies higher elevation chaparral and dense scrub communities.

The wrentit is a non-special status species that exists on the subject property that is expected to remain on the project area after development occurs.

A single least Bell's vireo was observed on one occasion in atypical and unsuitable eucalyptus vegetation. Further, the vicinity was visited at various times during the rest of the season by qualified personnel to verify that it was not resident. This species is very notable in the landscape by its very vocal behavior. The USFWS agreed that the species was passing through and not resident. Very little suitable habitat (i.e., low, dense riparian growth) is present on the project site. Where the minimum known territory size is approximately 2.0 acres, the total available southern willow scrub that was available was 1.3 acres. This species migrates long distances, but toward the end of the migration it may slow movement to 20 miles per day. This site may be used by moving birds during migration. However, based on the typical reduced rate of movement (20 miles per day), there is much more viable habitat present within that range for this species to utilize.



East Coyote Hills

East Coyote Hills is bordered to the north by Bastanchury Road, to the east by State College Boulevard, to the west by Brea Boulevard, and to the south by residential housing. Land uses surrounding the area include residential homes, commercial businesses, and a City park. The East Coyote Hills area includes the Coyote Hills Golf Course, oil extraction facilities, residential homes, and natural open space. The golf course, oil facilities, and homes comprise approximately 276 acres of the area; the approximately 120 acres remaining are natural and revegetated coastal sage scrub. Significant biological resources are known to occur within the site, including California gnatcatcher and cactus wren.

Remaining Areas of the City

Remaining areas of the City, including the Focus Areas, are primarily developed with limited opportunities for infill development. With the exception of East Coyote Hills and West Coyote Hills, vacant land with natural vegetation supportive of sensitive species does not occur. Generally, vacant parcels have been previously disturbed or are surrounded by existing development. Ornamental trees are the most common vegetation in developed areas of the City.

WILDLIFE MOVEMENT CORRIDORS

Wildlife corridors functionally connect larger areas of open, usable habitat together. The corridors provide avenues of dispersal for young animals as well as providing immigration and emigration paths. They may be represented by natural landscape features (e.g., riparian corridors or drainages) or by non-native features (e.g., channelized drainages, eucalyptus groves, etc.). Corridors provide for the continual exchange of genetic information between populations, helping to maintain genetic diversity, which, in turn, reduces the probability of extirpation (i.e., local destruction or local extinction) or extinction through stochastic (i.e., random) events. Larger animals such as mule deer, coyote, and mountain lions, require large expanses of land. For these species, corridors provide a link between habitat patches, increasing the area available for dispersal, foraging and breeding. For smaller wildlife such as reptiles, amphibians, some birds, and small mammals, the corridor itself may serve as both live-in habitat and a dispersal avenue. For avian species, corridors do not necessarily need to be directly linked since they can fly from patch to patch. However, some species require that habitat patches are more proximate.

West Coyote Hills Focus Area

In order to evaluate the importance of the context of wildlife movement, it is important to identify the animal species that potentially use the area. The primary “target” species usually identified for the maintenance of wildlife corridors include larger mammals such as coyote, bobcat, mule deer, and mountain lion. Although mountain lions and mule deer have been excluded from the West Coyote Hills area by surrounding development over the decades, the area supports resident coyotes and may potentially receive occasional use from bobcats. However, the area provides little value as a major wildlife corridor due to the urbanization surrounding the area. Specifically, the area has no reliable connections to other large habitat patches; rather, it is part



of a habitat island. As such, the area's importance lies in its relationship to the rest of the habitat island.

The area currently functions as a migration stop over for a variety of avian species during the fall and spring and supports some over-wintering species. The East Coyote Hills represents the closest patches of habitat, which are approximately two miles to the east; the Puente Hills are located approximately three miles north of the site. Both of these areas are isolated from the West Coyote Hills by extensive and dense development, including residential and commercial uses, major roads, and freeways. The most viable apparent connection of the populations occupying the West Coyote Hills property to the Chino Hills/Puente Hills populations would be through two miles of urban development to the East Coyote Hills gnatcatcher population, and then continuing through two to three more miles of urban and rural development. Although these areas of habitat may be appropriate for most avian species to move between, California gnatcatchers are unlikely to travel those distances with any regularity based on the current understanding of the species. While it is possible for an occasional individual to accidentally find its way to one of these sites, this would be a very rare and random occurrence. On most days, the Puente Hills are not visible due to smog, and the East Coyotes Hills are completely obscured by topography and, therefore, would not be seen by the birds. Further, it appears the Puente Hills are not a source of population for that species and the area is less likely to be colonized, despite the presence of suitable habitat due to steeper slopes, environmental condition factors (e.g., rainfall, average temperature, fog), inhospitable habitat between the dense populations at either end and the suitable habitat within the hills, and smog shrouding the hills from the Fullerton population for large portions of the year.

East Coyote Hills

Similar to West Coyote Hills, the East Coyote Hills are surrounded by development and do not provide reliable connections to other large habitat patches. Although the area may function as a migration stop over for a variety of avian species, as noted in the West Coyote Hills discussion above, East Coyote Hills gnatcatcher population would have to travel through two to three miles of urban development to West Coyote Hills, which is highly unlikely. Further, the West Coyote Hills are obscured by topography and, therefore, would not be seen by the birds.

Remaining Areas of the City

The remaining areas of the City are largely developed and surrounded by development. Wildlife movement corridors do not occur within the City.

WETLANDS

West Coyote Hills Focus Area

There are 13 drainage features and one previously permitted drainage feature within the West Coyote Hills Focus Area. Four drainages are located within the limits of the Robert E. Ward Nature Preserve Property. All drainages are ephemeral (i.e., not characterized by year-round flows) waters. Corps jurisdiction within the area totals approximately 1.46 acres, none of which consists of jurisdictional wetlands, and includes approximately 16,157 linear feet of ephemeral



streambed. CDFG jurisdiction totals approximately 2.54 acres, of which 1.0 acre consists of vegetated riparian habitat and totals approximately 16,388 linear feet of ephemeral streambed.

East Coyote Hills

The East Coyote Hills area is primarily developed with a golf course, oil facilities, and homes, as well as approximately 120 acres of natural and revegetated coastal sage scrub. Wetlands are not anticipated to occur within the area.

Remaining Areas of the City

Remaining areas of the City, including the Focus Areas, are primarily developed and do not contain wetlands or wetland habitat. Ornamental trees are the most common vegetation in developed areas of the City.

TREE RESOURCES

Fullerton is recognized as a national Tree City with a well-established street tree network and numerous other public and private areas that support a wide variety of mature trees. The City intends to plant additional trees and to maintain existing street, park, and other public and private trees to enhance the City's overall character and sense of place.

5.11.4 SIGNIFICANCE THRESHOLDS AND CRITERIA

Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist, which was included with the Notice of Preparation to show the areas being analyzed within the EIR; refer to Appendix A of this EIR. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this Section. Accordingly, a project would typically have a significant impact on biological resources if the project would result in any of the following:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.



- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

CEQA Guidelines Section 15065(a), Mandatory Findings of Significance, states that a project may have a significant effect on the environment if it would have "... the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species ..."

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would substantially diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, State, or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

CEQA Guidelines Section 15380, Endangered, Rare or Threatened Species, states that a lead agency can consider a non-listed species to be Rare, Threatened, or Endangered for the purposes of CEQA, if the species can be shown to meet the criteria in the definition of Rare, Threatened, or Endangered. For the purposes of this discussion, the current scientific knowledge on the population size and distribution for each special status species was considered according to the definitions for Rare, Threatened, and Endangered listed in *CEQA Guidelines* Section 15380.

5.11.5 PROJECT IMPACTS AND MITIGATION MEASURES

SPECIAL STATUS SPECIES

- IMPLEMENTATION OF THE FULLERTON PLAN COULD HAVE AN ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES.

Impact Analysis: Potential impacts to special status species are described separately for each of the following areas:

- West Coyote Hills
- East Coyote Hills
- Remaining Areas of the City



West Coyote Hills Focus Area

Special status wildlife and plant species and their habitat are known to occur within the West Coyote Hills Focus Area. Thus, future development associated with implementation of The Fullerton Plan on naturally vegetated vacant land within this area could significantly impact native habitat areas where sensitive plant and wildlife species exist. The most notable impact would involve the removal of sensitive vegetation communities and sensitive species for building pad development, and building and roadway construction.

West Coyote Hills has been identified as a Focus Area within The Fullerton Plan. The West Coyote Hills Focus Area is part of the Coyote Hills West Master Specific Plan 2-A (Master Specific Plan). Development of the remaining undeveloped acreage is being considered as part of the proposed West Coyote Hills Specific Plan Amendment (SPA) (July 12, 2011). The Fullerton Plan assumes development of the West Coyote Hills Focus Area consistent with the development potential proposed by the SPA, which allows for new residential and non-residential development.

Future development within the West Coyote Hills Focus Area could involve significant impacts to special status species without the implementation of mitigation. Although The Fullerton Plan anticipates future development within the area, it does not propose site-specific development at this time. Future development proposals within the West Coyote Hills Focus Area would be required to provide a Biological Resource Assessment prepared by a qualified biologist to assess existing resources, the potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level (Mitigation Measure BIO-1). Thus, implementation of The Fullerton Plan would result in less than significant impacts following compliance with Mitigation Measure BIO-1 and the goals, policies, and actions of The Fullerton Plan.

East Coyote Hills

The Coyote Hills East HCP was prepared and approved prior to development of the Coyote Hills East project, which includes residential, golf course, parks, and natural open space uses. The Coyote Hills East HCP was prepared to protect significant biological resources located within the site, including California gnatcatcher, cactus wren, and coastal sage scrub.

Coyote Hills East is not located within a Focus Area and has not been identified for future development. However, several sensitive plant and animal species are known or anticipated to occur within East Coyote Hills. Implementation of the Coyote Hills East HCP would continue to protect special status species within this area. A less than significant impact would occur in this regard.

Remaining Areas of the City

The remaining areas of the City, including the Focus Areas (with the exception of West Coyote Hills), are primarily developed and do not contain areas of naturally vegetated vacant land. Future development within these areas would occur primarily through redevelopment of existing development sites or infill development. It is not anticipated that implementation of The Fullerton Plan would result in significant impacts to candidate, sensitive, or special status



species and their habitats within the remaining areas of the City. However, due to the conceptual nature of future development, individual development projects would be reviewed to determine if individual assessments of potential project-specific impacts to biological resources, including impacts to candidate, sensitive, or special status species and their habitats would be required (Mitigation Measure BIO-1). If necessary, project-specific mitigation would be recommended to reduce potential impacts to a less than significant level.

Overall, implementation of The Fullerton Plan would allow for development within an area of the City (i.e., West Coyote Hills) known to contain significant biological habitat and species. However, future development of the West Coyote Hills Focus Area in accordance with the approved SPA would be required to comply with the mitigation measures identified in the *Recirculated Revised Draft EIR*, which would reduce impacts to a less than significant level. As stated, future development within the remaining areas of the City would be reviewed to determine if individual assessments of potential project-specific impacts to biological resources, including impacts to candidate, sensitive, or special status species and their habitats would be required. If necessary, project-specific mitigation would be recommended to reduce potential impacts to a less than significant level.

Additionally, The Fullerton Plan includes policies and actions to protect and restore natural resources (Policy P1.3), respect the natural environment of wildlife (Policy P25.4), manage development in areas containing significant or rare biological resources (Policy 26.5), preserve and enhance conservation areas (Policy 25.6), and mitigate project level impacts to sensitive habitat areas (Policy P25.8). All future development would be subject to compliance with the policies and actions of The Fullerton Plan. Therefore, future development associated with implementation of The Fullerton Plan is not anticipated to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. A less than significant impact would occur in this regard.

Proposed General Plan Update Policies and Actions:

P1.3 *Protection and Restoration of Natural Resources*

Support projects, programs, policies and regulations to protect, and where appropriate restore, the natural landscape, topography, drainage ways, habitat, and other natural resources when planning improvements to existing and new neighborhoods and districts.

P25.1 *Conservation of Sensitive Natural Resources*

Support regional and subregional efforts to conserve habitat for sensitive species and plant communities.

P25.2 *Waterways Preservation*

Support projects, programs, policies and regulations to preserve the City's public creeks and lakes such as Tri City Lake, Bastanchury Greenbelt Creek, and Laguna Lake; pursue collaborative efforts to restore channelized portions of Brea Creek and Fullerton Creek.



- P25.4 ***Wildlife Management***
Support projects, programs, policies and regulations to promote and encourage residents and visitors to respect the natural environment of wildlife inhabiting and/or migrating to the City's open spaces.
- P26.5 ***Managed Development***
Support projects, programs, policies and regulations to manage development in areas containing significant or rare biological resources.
- P25.6 ***Enhancement of Conservation Areas***
Support projects, programs, policies and regulations to preserve and enhance established conservation areas.
- P25.8 ***Mitigation of Impacts on Sensitive Areas***
Support projects, programs, policies and regulations to consider and mitigate project level impacts to sensitive habitat areas at the site and building design stages.
- P25.9 ***Mitigation of Impacts on Waterways***
Support projects, programs, policies and regulations to consider and mitigate project level impacts to public waterways at the site and building design stages.
- A24.2 ***Interdepartmental Coordination and Collaboration***
Establish an interdepartmental coordination process to regularly address planning, design, and other matters (e.g. encroachments; updates to habitat, conservation and fire management policies; conditions of development applications; etc.) pertaining to open space.
- A25.1 ***Open Space Preservation with Neighboring Cities***
Explore joint review and agreement with neighboring cities for approaches and practices which preserve natural open space areas of mutual concern.

Mitigation Measures:

- BIO-1 A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat area, as determined by the City of Fullerton Community Development Department, shall provide a Biological Resource Assessment prepared by a qualified biologist for review and approval by the Community Development Department. The Biological Resource Assessment shall evaluate the impact the proposed development may have on the habitat, and whether the development would be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., annual wildflower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures.



Level of Significance After Mitigation: Less Than Significant Impact.

SENSITIVE VEGETATION COMMUNITIES

- IMPLEMENTATION OF THE FULLERTON PLAN COULD HAVE AN ADVERSE EFFECT ON A SENSITIVE VEGETATION COMMUNITY, INCLUDING RIPARIAN HABITAT AND FEDERALLY PROTECTED WETLANDS.

Impact Analysis: Potential impacts to sensitive vegetation communities are described separately for each of the following areas:

- West Coyote Hills
- East Coyote Hills
- Remaining Areas of the City

West Coyote Hills Focus Area

As indicated in Table 5.11-1 and Table 5.11-2, sensitive vegetation and riparian habitat are known to occur within the West Coyote Hills Focus Area; refer to the *Special Status Species* discussion, above. There are 13 drainage features and one previously permitted drainage feature within the West Coyote Hills Focus Area. Four drainages are located within the limits of the Robert E. Ward Nature Preserve Property. All drainages are ephemeral (i.e., not characterized by year-round flows) waters. Corps jurisdiction within the area totals approximately 1.46 acres, none of which consists of jurisdictional wetlands, and includes approximately 16,157 linear feet of ephemeral streambed. CDFG jurisdiction totals approximately 2.54 acres, of which 1.0 acre consists of vegetated riparian habitat and totals approximately 16,388 linear feet of ephemeral streambed.

West Coyote Hills has been identified as a Focus Area within The Fullerton Plan. Thus, future development associated with implementation of The Fullerton Plan could significantly impact sensitive vegetation, including riparian habitat and jurisdictional waters. As stated, The Fullerton Plan does not propose site-specific development at this time. Future development proposals within the West Coyote Hills Focus Area would be required to provide a Biological Resource Assessment prepared by a qualified biologist to assess existing resources, the potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level (Mitigation Measure BIO-1). Thus, implementation of The Fullerton Plan would result in less than significant impacts following compliance with Mitigation Measure BIO-1 and the goals, policies, and actions of The Fullerton Plan.

East Coyote Hills

The Coyote Hills East HCP was prepared and approved prior to development of the Coyote Hills East project, which includes residential, golf course, parks, and natural open space uses. The Coyote Hills East HCP was prepared to protect significant biological resources located within the site, including California gnatcatcher, cactus wren, and coastal sage scrub.



Coyote Hills East is not located within a Focus Area and has not been identified for future development. However, several sensitive plant and animal species and habitat are known or anticipated to occur within Coyote Hills East. Implementation of the Coyote Hills East HCP would continue to protect special status species and habitat within this area. A less than significant impact would occur in this regard.

Remaining Areas of the City

Remaining areas of the City, including the Focus Areas, are primarily developed and do not contain wetlands or wetland habitat. Ornamental trees are the most common vegetation in developed areas of the City. Impacts would be less than significant in this regard.

The Fullerton Plan includes policies and actions to protect and restore natural resources (Policy P1.3), preserve waterways (Policy P25.2), manage development in areas containing significant or rare biological resources (Policy 26.5), preserve and enhance conservation areas (Policy 25.6), and mitigate project level impacts to sensitive habitat areas (Policy P25.8). All future development would be subject to compliance with the policies and actions of The Fullerton Plan. Therefore, future development associated with implementation of The Fullerton Plan is not anticipated to have a substantial adverse effect on a sensitive vegetation community, including riparian habitat and federally protected wetlands. A less than significant impact would occur in this regard.

Proposed General Plan Update Policies and Actions:

- P1.3 *Protection and Restoration of Natural Resources***
Support projects, programs, policies and regulations to protect, and where appropriate restore, the natural landscape, topography, drainage ways, habitat, and other natural resources when planning improvements to existing and new neighborhoods and districts.
- P25.1 *Conservation of Sensitive Natural Resources***
Support regional and subregional efforts to conserve habitat for sensitive species and plant communities.
- P25.2 *Waterways Preservation***
Support projects, programs, policies and regulations to preserve the City's public creeks and lakes such as Tri City Lake, Bastanchury Greenbelt Creek, and Laguna Lake; pursue collaborative efforts to restore channelized portions of Brea Creek and Fullerton Creek.
- P26.5 *Managed Development***
Support projects, programs, policies and regulations to manage development in areas containing significant or rare biological resources.
- P25.6 *Enhancement of Conservation Areas***
Support projects, programs, policies and regulations to preserve and enhance established conservation areas.



- P25.8 ***Mitigation of Impacts on Sensitive Areas***
Support projects, programs, policies and regulations to consider and mitigate project level impacts to sensitive habitat areas at the site and building design stages.
- P25.9 ***Mitigation of Impacts on Waterways***
Support projects, programs, policies and regulations to consider and mitigate project level impacts to public waterways at the site and building design stages.
- A24.2 ***Interdepartmental Coordination and Collaboration***
Establish an interdepartmental coordination process to regularly address planning, design, and other matters (e.g. encroachments; updates to habitat, conservation and fire management policies; conditions of development applications; etc.) pertaining to open space.
- A25.1 ***Open Space Preservation with Neighboring Cities***
Explore joint review and agreement with neighboring cities for approaches and practices which preserve natural open space areas of mutual concern.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance After Mitigation: Less Than Significant Impact.

WILDLIFE MOVEMENT CORRIDORS

■ IMPLEMENTATION OF THE FULLERTON PLAN WOULD NOT INTERFERE WITH AN ESTABLISHED WILDLIFE CORRIDOR.

Impact Analysis: Wildlife corridors functionally connect larger areas of open, usable habitat together. The City of Fullerton is largely developed and surrounded by developed communities. Although the East Coyote Hills and West Coyote Hills areas contain significant plant and animal populations, these areas are isolated from one another by three miles of urbanization and are surrounded by developed areas. Therefore, they do not provide reliable connections to other large habitat patches. Although these areas of habitat may be appropriate for most avian species to move between, California gnatcatchers are unlikely to travel those distances with any regularity. The remaining areas of the City are largely developed and surrounded by development. Thus, implementation of the proposed project would not interfere with an established or reliable wildlife corridor. The Fullerton Plan includes a policy (Policy P25.4) to address wildlife management, including any potential wildlife inhabiting and/or migrating to the City's open spaces, further reducing potential impacts to a less than significant level.

Proposed General Plan Update Policies and Actions:

- P25.4 ***Wildlife Management***
Support projects, programs, policies and regulations to promote and encourage residents and visitors to respect the natural environment of wildlife inhabiting and/or migrating to the City's open spaces.



Mitigation Measures: No further mitigation is required beyond compliance with the proposed General Plan Update Policies and Actions.

Level of Significance After Mitigation: Less Than Significant Impact.

LOCAL POLICY/ORDINANCE CONSISTENCY

■ IMPLEMENTATION OF THE FULLERTON PLAN WOULD NOT CONFLICT WITH A LOCAL POLICY OR ORDINANCE PROTECTING BIOLOGICAL RESOURCES.

Impact Analysis: The City's Community Forest Ordinance seeks to create and maintain a unified urban-forest resource within the City. The Community Forest Ordinance addresses the planning, planting, maintenance, and removal of all trees and other landscape material in any street or other public area; over any landscape material in any street median, parkway strip or other landscaped portion of a public right-of-way; over trees and other landscape material in other public spaces under the jurisdiction of the City such as parks, trails and public buildings; and over certain trees on private property. It also allows for the designation and protection of Landmark Trees. Implementation of The Fullerton Plan is not anticipated to conflict with the Community Forest Ordinance. Future development, revitalization, and/or redevelopment activities within the proposed Focus Areas would be reviewed for consistency with the Municipal Code, including the Community Forest Ordinance. Further, The Fullerton Plan establishes policies and actions to support the City's Community Forest and to encourage the proper management of trees. Impacts would be less than significant in this regard.

Proposed General Plan Update Policies and Actions:

- P25.3 ***Comprehensive Tree Management***
Support projects, programs, policies and regulations to comprehensively plan for, manage and promote trees throughout the City.
- A25.2 ***Community Forest Ordinance and Community Forest Management Plan***
Update the Community Forest Ordinance and Community Forest Management Plan to include standards for tree protection and enhancement in private development.

Mitigation Measures: No further mitigation is required beyond compliance with the proposed General Plan Update Policies and Actions.

Level of Significance After Mitigation: Less Than Significant Impact.

HABITAT CONSERVATION PLAN

■ IMPLEMENTATION OF THE FULLERTON PLAN WOULD NOT CONFLICT WITH THE PROVISIONS OF THE COYOTE HILLS EAST HABITAT CONSERVATION PLAN.

Impact Analysis: The Coyote Hills East HCP establishes conservation measures, monitoring programs, long-term maintenance plans, and a mechanism for guaranteed funding of



conservation programs in perpetuity, while allowing compatible recreational and residential development in an urban setting. The Coyote Hills East HCP was prepared and approved in response to the Coyote Hills East project, which involved take of California gnatcatchers and cactus wren. Specific actions were identified to mitigate such takings, including a five-year coastal sage scrub revegetation monitoring and maintenance program, a brown-headed cowbird trapping program, habitat buffers, habitat fencing, and full funding for long-term conservation commitments.

Since approval of the Coyote Hills East HCP development of the Coyote Hills East project, which includes residential, golf course, parks, and natural open space uses, has occurred. The Coyote Hills East HCP was prepared to protect significant biological resources located within the site, including California gnatcatcher, cactus wren, and coastal sage scrub.

Coyote Hills East is not located within a Focus Area and has not been identified for future development. The Fullerton Plan would not alter the provisions of the Coyote Hills East HCP. Implementation of the Coyote Hills East HCP would continue to protect special status species and habitat within this area. A less than significant impact would occur in this regard.

Proposed General Plan Update Policies and Actions:

- P1.3 ***Protection and Restoration of Natural Resources***
Support projects, programs, policies and regulations to protect, and where appropriate restore, the natural landscape, topography, drainage ways, habitat, and other natural resources when planning improvements to existing and new neighborhoods and districts.
- P25.1 ***Conservation of Sensitive Natural Resources***
Support regional and subregional efforts to conserve habitat for sensitive species and plant communities.
- P25.6 ***Enhancement of Conservation Areas***
Support projects, programs, policies and regulations to preserve and enhance established conservation areas.
- P25.8 ***Mitigation of Impacts on Sensitive Areas***
Support projects, programs, policies and regulations to consider and mitigate project level impacts to sensitive habitat areas at the site and building design stages.
- A24.2 ***Interdepartmental Coordination and Collaboration***
Establish an interdepartmental coordination process to regularly address planning, design, and other matters (e.g. encroachments; updates to habitat, conservation and fire management policies; conditions of development applications; etc.) pertaining to open space.

Mitigation Measures: No further mitigation is required beyond compliance with the proposed General Plan Update Policies and Actions.

Level of Significance After Mitigation: Less Than Significant Impact.



5.11.6 CUMULATIVE IMPACTS

- DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE FULLERTON PLAN AND CUMULATIVE DEVELOPMENT COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO BIOLOGICAL RESOURCES.

Impact Analysis: Implementation of The Fullerton Plan is not anticipated to result in cumulatively considerable impacts to biological resources. Significant biological resources are primarily located within the West Coyote Hills and East Coyote Hills areas of the City. The Fullerton Plan focuses development within 12 Focus Areas, which includes the West Coyote Hills.

As stated, future development of the West Coyote Hills Focus Area could potentially result in impacts to significant biological resources. Future development proposals within the West Coyote Hills Focus Area would be required to provide a Biological Resource Assessment prepared by a qualified biologist to assess existing resources, the potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level (Mitigation Measure BIO-1). Due to the location of the West Coyote Hills Focus Area and the urbanized nature of surrounding development, cumulative impacts to biological resources associated with implementation of The Fullerton Plan are not anticipated.

Further, as discussed below, implementation of The Fullerton Plan is not anticipated to result in new development or changes to existing development within the East Coyote Hills, which contains natural and revegetated coastal sage scrub habitat. Thus, the potential for incremental impacts associated with development of the West Coyote Hills Focus Area and other projects to combine, resulting in cumulatively significant impacts is physically limited.

East Coyote Hills is located within a habitat conservation plan and includes natural open space, including natural and revegetated coastal sage scrub. The Fullerton Plan does not anticipate new development or changes to existing development within the East Coyote Hills. Potential project and cumulative project impacts to biological resources, including the potential loss of special status plant or wildlife species and their habitat within the East Coyote Hills would not occur.

Remaining vacant parcels within the City are primarily infill and occur in developed and urbanized areas containing no natural vegetation or habitat. Future development within the remaining areas of the City would be reviewed to determine if individual assessments of potential project-specific impacts to biological resources, including impacts to candidate, sensitive, or special status species and their habitats would be required. If necessary, project-specific mitigation would be recommended to reduce potential impacts to a less than significant level. Thus, cumulative impacts associated with development within the remaining areas of the City would not occur.

Overall, future development with potential to impact biological resources would be required to comply with the established Federal and State regulatory framework. Biological impacts associated with implementation of The Fullerton Plan would be less than significant by adherence to and/or compliance with goals, policies, and actions in The Fullerton Plan, and



compliance with identified mitigation. Therefore, implementation of The Fullerton Plan would not result in cumulatively considerable impacts to biological resources.

Proposed General Plan Update Policies and Actions: Refer to the Policies and Actions cited above.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance After Mitigation: Less Than Significant Impact.

5.11.7 SIGNIFICANT UNAVOIDABLE IMPACTS

Biological impacts associated with implementation of The Fullerton Plan would be less than significant by adherence to and/or compliance with goals, policies, and actions in the The Fullerton Plan and identified mitigation. No significant unavoidable impacts to biological resources would occur as a result of buildout of The Fullerton Plan.

5.11.8 SOURCES CITED

City of Fullerton, City of Fullerton General Plan, June 1994.

City of Fullerton, *City of Fullerton General Plan Final Environmental Impact Report*, June 1994.

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RBF Consulting, *The Fullerton Plan Draft*, August 2011.

Sweetwater Environmental Biologists and Michael Brandman Associates, *Habitat Conservation Plan to Mitigate Impacts on the Coastal California Gnatcatcher and Cactus Wren Present on the Coyote Hills East Project Site*, City of Fullerton, Orange County, California, July 1993.



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