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February 1, 2018

M&A #14-055-01

Mr. Kim Howlett  
Harris & Associates  
600 B Street, Suite 2000  
San Diego, CA 92101

**Biological Resource Letter Report  
Bahia Resort Hotel Renovation and Expansion Project**

Dear Mr. Howlett:

Merkel & Associates, Inc. has prepared the following biological resource letter report for the City of San Diego, written in accordance with the current City of San Diego Guidelines for Conducting Biological Surveys (2012).

If you have any questions concerning this biological letter report, please do not hesitate to contact me at (858) 560-5465 or [hdhenderson@merkelinc.com](mailto:hdhenderson@merkelinc.com).

Sincerely,

Holly D. Henderson  
Senior Biologist/Project Manager

Keith W. Merkel  
Principal Consultant

**BIOLOGICAL RESOURCE LETTER REPORT**  
**BAHIA RESORT HOTEL RENOVATION AND EXPANSION PROJECT**  
*February 2018*

**ABSTRACT**

Merkel & Associates, Inc. (M&A) has prepared this biological resource letter report for the proposed Bahia Resort Hotel Renovation and Expansion Project. The purpose of this report is to document the existing biological conditions within the project study area; identify potential impacts to biological resources that could result from implementation of the proposed project; and recommend measures to avoid, minimize, and/or mitigate significant impacts consistent with federal, state, and local rules and regulations including the California Environmental Quality Act (CEQA) and the City of San Diego (City) Multiple Species Conservation Program (MSCP) Subarea Plan (1997) and Biology Guidelines (2012a).

The project location is situated north of West Mission Bay Drive (998 W Mission Bay Drive) on a peninsula (Bahia Point) that separates Santa Barbara Cove and Ventura Cove in the Mission Bay Park Master Plan Area of the City of San Diego. The Bahia Resort Hotel currently operates under an existing City lease that encompasses 583,772 square feet (13.4 acres). This leasehold boundary runs along West Mission Bay Drive, north of the public right-of-way, on the south; along the west side of Gleason Road on the east; to the south of the existing public parking lot on the north; and roughly co-terminus with the beach/waterline on the west. The site is within the coastal overlay zone but does not lie within the City's Multi-Habitat Planning Area (MHPA) preserve.

The project is a renovation and expansion project of The Bahia Resort Hotel and leasehold area consisting of the following proposed components: demolition of some existing buildings, construction of additional guest rooms, construction of a 2-3 story parking structure, creation of additional wet boat slips, construction of a new pool facility, expansion of current recreational amenities, and a reconfiguration of the current parking lots within Mission Bay Park to accommodate more vehicles.

The project would not result in significant impacts to upland habitats as the project site is completely developed. However, several large stands of ornamental trees occur on site, which could provide nesting habitat to migratory bird species. Impacts to marine resources include eelgrass and bay coverage impacts associated with expansion of the boat dock. These impacts would be mitigated through restoration of eelgrass elsewhere in Mission Bay. Best management practices for upland construction would eliminate further unanticipated impacts to eelgrass, such as from sediment runoff.

Potential impacts to California least tern and marine mammals from in-water construction would be mitigated to a less than significant level through implementation of mitigation measures that include timing in-water construction to take place outside of the nesting season for California least tern, ceasing in-water construction if marine mammals move into the project area and resuming construction once they have departed, commencement of pile driving with several short blows to encourage any marine mammals in the area to depart, and maintenance of no wake vessel speeds for construction equipment.

If upland construction of the proposed project would occur during the migratory bird breeding season (generally defined as January 15 – September 15), a pre-construction survey for active migratory bird nests shall be conducted within approximately 48 to 72 hours prior to the start of construction. The results of the survey would be submitted to the City in the form of a written report, and shall include the following information: a) date(s) of survey, b) total field time of survey efforts, c) name(s) of investigator(s), and d) if any active nests were found. If an active migratory bird nest were found, then all construction activities undertaken for the project would comply with regulatory requirements of the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Codes §3503 and §3513.

## **INTRODUCTION**

### **Purpose of Report**

Merkel & Associates, Inc. (M&A) has prepared this biological resource letter report for the proposed The Bahia Resort Hotel Renovation and Expansion Project (Project). The purpose of this report is to document the existing biological conditions within the project study area; identify potential impacts to biological resources that could result from implementation of the proposed project; and recommend measures to avoid, minimize, and/or mitigate significant impacts consistent with federal, state, and local rules and regulations including the California Environmental Quality Act (CEQA) and City of San Diego (City) Multiple Species Conservation Program (MSCP) Subarea Plan (1997) and Biology Guidelines (2012).

### **Project Location**

The project location is situated north of West Mission Bay Drive (998 W Mission Bay Drive) on a peninsula (Bahia Point) that separates Santa Barbara Cove and Ventura Cove in the Mission Bay Park Master Plan Area of the City of San Diego (Figure 1). The Bahia Resort Hotel currently operates under an existing City lease that encompasses 583,772 square feet (13.4 acres). This leasehold boundary runs along West Mission Bay Drive, north of the public right-of-way, on the south; along the west side of Gleason Road on the east; to the south of the existing public parking lot on the north; and roughly co-terminus with the beach/waterline on the west.

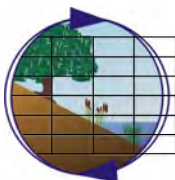
### **Project Description**

#### ***Proposed Bahia Development***

Per the Mission Bay Park Master Plan, the Bahia Resort Hotel is permitted to develop up to 600 hotel rooms on Bahia Point. The project proposes renovation and expansion of the existing Bahia Resort Hotel and would involve demolition of all existing buildings, with the exception of the two tower hotel elements. The north tower, which houses 68 hotel rooms, and the south tower, which houses 76 hotel rooms, would remain.

The project would develop up to 456 new hotel rooms within ten new buildings (Figure 2). New buildings would range in height from two- to three-stories and would be located in the northern half of the peninsula, orienting toward the bay. A new pool facility would be located in the center of this new complex of hotel buildings, directly south of the existing north tower. A new parking garage would be constructed in the southern portion of the project site, along West Mission Bay Drive. The structure would accommodate up to 710 parking spaces in three levels of parking above grade and one-half level of parking below grade. Access for the hotel would be located from Gleason Road, as it is today. Access into the parking garage would also be provided at this primary access point.

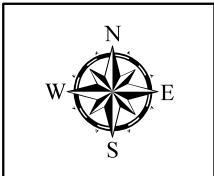
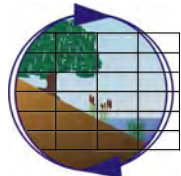




**Project Vicinity Map**  
BAHIA RESORT HOTEL  
RENOVATION AND EXPANSION PROJECT

**Figure 1**





**Proposed Project Elements and Leasehold Expansion**  
BAHIA RESORT HOTEL  
RENOVATION AND EXPANSION PROJECT

**Figure 2**

Gleason Road would be revised to terminate at the north end of a new 100-space parking lot, which would accommodate public parking. Additional new facilities would include a reception area, conference space, restaurants and retail space, and fitness amenities.

### ***Proposed Recreational Amenities***

The project would expand recreational amenities available to the public. The current grass areas in the eastern and northern portions of the site would allow for a 20-foot wide grass strip along the length of Ventura Cove and an open grass area would remain in the northern portion of the peninsula, to the north of the amended leasehold boundary (Figure 2). An additional grass strip would be provided along Santa Barbara Cove, creating a continuous 20-foot wide grass strip area around the entire perimeter of the peninsula that would be available to the public. Additionally, a 50-foot by 100-foot lawn area would be added roughly east of Gleason Road and north of West Mission Bay Drive, adjacent to Ventura Cove. This area would allow for passive recreation. A new restroom facility would be located in this area, as well, with paddle board/kayak lockers and other water sport rentals. Consistent with the Master Plan Update, to offset the loss of any lawn area at Bahia Point, a minimum 20-foot wide grass strip would be implemented along the length of Ventura Cove, adjacent to the parking lot, for approximately 400 feet. A continuous ten-foot wide pedestrian and bicycle access path would be provided around Bahia Point, maintaining the path along the bay and providing separation between users and the busy roadway of West Mission Bay Drive. The boat dock in Santa Barbara Cove would be expanded to, accommodate approximately 18 additional watercraft.

### ***Proposed Public Parking***

Currently, there are 270 public parking spaces on Bahia Point. The project would result in providing 273 public parking spaces. Some public parking currently located along the east and north sides of the peninsula would be displaced by the proposed project. Those spaces would be replaced by reconfiguring, expanding, and creating new areas for public parking in accordance with the Mission Bay Park Master Plan. Three public surface parking lots would be provided. One would be located at Ventura Cove southeast of Bahia Point, one would be located southwest of the project site at Bonita Cove, and one would be located on Bahia Point outside the Bahia Hotel leasehold area (Figure 2). An off-site lot would be provided at Bonita Cove as a western extension of the existing public parking lot and would provide 86 spaces. Another off-site lot would be provided along Ventura Cove in the eastern parking area, accommodated predominantly through reconfiguring the existing paved area for more efficient parking, providing 87 net spaces. Adjacent to the Bahia Resort Hotel leasehold area, public parking would be provided in a new parking lot at the northern terminus of Gleason Road, providing 100 parking spaces. As a result, the proposed project would



provide a total of 273 public parking spaces – a gain of three public parking spaces over what currently exists.

### ***Proposed City Leasehold Expansion/Lease Amendment***

In accordance with the adopted Mission Bay Park Master Plan (City of San Diego 2002), the Bahia Resort Hotel is allowed to increase its leasehold by a maximum of one acre, or 43,560 square feet. This increase would result in a maximum leasehold area of 627,332 square feet (14.4 acres). The Bahia Resort Hotel Renovation and Expansion project proposes a reconfiguration of the City lease boundary by 0.66 acre, bringing the total proposed leasehold to 612,507 square feet (14.06 acres) (Figure 2). The leasehold area and Development Plan would be reflected in new leasehold documents. The new lease documents' leasehold areas would run along West Mission Bay Drive on the south in the same manner as the current leasehold. On the west, the leasehold boundary would run along the eastern side of the proposed pedestrian and bicycle access path. On the north, the leasehold boundary would terminate at the expansion plan limit line, as identified in the Mission Bay Master Plan. On the east, the leasehold boundary would be along the western side of Gleason Road and the proposed parking lot, and along the western boundary of the proposed pedestrian and bicycle access path. All beach areas (essentially all lands on the bay-side of the proposed pedestrian and bicycle access path) would be removed from the leasehold boundary.

The existing City lease will be amended to reflect the leasehold expansion. In addition, the proposed development site plan will be incorporated into the City lease as the approved lease "Development Plan."

## **METHODS AND SURVEY LIMITATIONS**

### **Literature and Data Review**

Historical and currently available biological literature and data pertaining to the project area were reviewed prior to initiation of the field investigation. The site is developed and contains mostly ornamental plantings. This review included examination of: 1) aerial photography for the project site (Google Earth 2014 and Microsoft Corporation 2012); 2) regional vegetation data for the project vicinity (SanGIS 1995 and 2012); 3) geological substrates and soil types mapped on the project site (USGS 2005 and SanGIS 2002, respectively); 4) federally designated critical habitat for the project vicinity (USFWS 2014a); and 5) California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service (USFWS) special status species records for the project vicinity (CDFW 2014 and USFWS 2014b, respectively).



### **Survey Date(s), Time(s), and Conditions**

Field surveys consisted of a general biological survey to map vegetation and identify botanical and wildlife species, as well as a marine habitat survey that included eelgrass (*Zostera marina*) mapping. Table 1 summarizes the survey dates, times, and conditions.

**Table 1. Survey Date(s), Time(s), and Conditions**

Survey	Date	Time	Conditions (start to end) <sup>1</sup>	Biologist
General Biology	April 1, 2015	0915-1030	Weather: 20%-15% cc Wind: 0-1 BS Temperature: ~57° F	Brandon Stidum
Marine Habitat and Eelgrass	March 23, 2015	1100-1230	Weather: clear Wind: 0-1 BS Temperature: ~65° F	Jordan Volker Thomas Valencia

<sup>1</sup> cc = cloud cover; BS = Beaufort scale; °F = degrees Fahrenheit

### **Field Survey Methods**

#### ***General Biology: Vegetation Mapping and Botanical/Wildlife Survey***

M&A conducted a general biological survey of the study area on April 1, 2015. The survey was conducted on foot and included the entire project area along with a 100-foot buffer beyond all proposed project elements.

Existing vegetation types were delineated onto a 1" = 67' scale, color aerial photograph of the project site. The vegetation types were classified according to the Holland (1986) code classification system as modified by Oberbauer et al. (2008), and have been mapped in accordance with the City Biological Guidelines and Guidelines for Conducting Biological Surveys (2012).

A list of detectable flora and fauna species was recorded in a field notebook. Plant identifications were either resolved in the field or later determined through verification of voucher specimens, and wildlife species were determined through direct observation (aided by binoculars), identification of songs, call notes and alarm calls, or by detection of sign (e.g., burrows, tracks, scat, etc.).

The scientific and common names utilized for the floral and faunal resources were noted according to the following nomenclature: flora, Baldwin (2011); butterflies, Klein and San Diego Natural History Museum (2002) and Opler et al. (2010); amphibians and reptiles, Crother et al. (2012); birds, American Ornithologists' Union (1998 and 2014); and mammals, (species level) Wilson and Reeder (2005) and (sub-species level) Hall (1981).

Photographs of the project area were taken to record the biological resources present within the study area, and data collected from the survey were digitized in Environmental Systems Research Institute (ESRI) Geographical Information System (GIS) software, using ArcGIS® for Desktop.

### ***Marine Habitats and Eelgrass Survey***

Intertidal marine habitats were surveyed from shore in conjunction with the general biological survey described above. An in-water eelgrass survey was completed on March 23, 2015.

Work was completed using interferometric sidescan sonar, which provided an image of seafloor backscatter within the entire project area. Interpretation of the backscatter data allowed for an assessment of the distribution of eelgrass. Sidescan backscatter data were acquired at a frequency of 468 kHz, with a scanning range of 102 feet for both the starboard and port channels, resulting in a 204-foot wide swath. All data were collected in latitude and longitude using the North American Datum of 1983 (NAD 83). The survey was conducted by running transects spaced to allow for overlap between adjoining sidescan swaths. Transect surveys were performed until the entirety of the survey area was captured in the survey record. Following completion of the survey, the data were converted into a geographically registered mosaic through digital post-processing, and plotted on a geo-rectified aerial image of the project area. Marine resources of interest were then digitized to show their distribution within the survey area.

### ***Directed Sensitive Species Survey/Assessment***

Concurrent with the vegetation mapping and botanical/wildlife survey, a directed survey/assessment for special status species, as defined under CEQA, was conducted within the study area.

State CEQA Guidelines §15380 (Title 14, Chapter 3, Article 20) define “endangered, rare or threatened species” as “species or subspecies of animal or plant or variety of plant” listed under the Code of Federal Regulations, Title 50, Part 17.11 or 17.12 (Volume 1, Chapter I) or California Code of Regulations, Title 14, Sections 670.2 or 670.5 (Division 1, Subdivision 3, Chapter 3), or a species not included in the above listings but that can be shown to be “endangered” meaning “when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors” or “rare” meaning “although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens or the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered ‘threatened’ as that term is used in the Federal Endangered Species Act”. State CEQA guidelines Appendix G, Section IV generally refers to species that fall under the above criteria as “special status species”.

Thus, for the purposes of this report, special status species are: 1) federally and state listed species (CDFW 2015c and 2015d); 2) CDFW Species of Special Concern (SSC), Fully Protected (FP), and Watch List (WL) species (CDFW 2015a and 2015b); 3) species designated as Special Plants or Special Animals in the CNDDDB, which include all taxa inventoried by the CDFW, regardless of their legal or protection status; and 4) MSCP Narrow Endemic and Covered Species (City 1997).

The potential for sensitive species to occur on the project site was assessed based on the presence of potentially suitable habitat, as well as historical and currently available species data.

### ***Eelgrass Shading Analysis***

The proposed parking structure has potential to shade eelgrass resources in Santa Barbara Cove. Therefore, a shading impact analysis was completed as part of the field survey. The height of several tall palm trees at the southwestern edge of Bahia Point in the location of the proposed parking structure were measured to the nearest 0.3 feet using a clinometer and a tape measure. The peak of the roof of the existing hotel building closest to the beach in the southwest corner of the project area was measured using the same method. The height of each tree or structure was calculated as: clinometer percentage reading  $\times$  distance from the tree or structure + height of the clinometer off of the ground. For example, a reading of 70% taken 60 feet from a tree with the clinometer 6 feet off of the ground would yield a tree height of:  $0.7 \times 60 = 42 + 6 = 48$  feet.

An aerial photograph taken during mid-morning on December 23, 2014 was then utilized to determine the maximum shadow cast by the palm trees and existing hotel buildings (Figure 3). This date corresponds to the winter solstice (which fell on December 21, 2014), the day of the year with the lowest sun angle or solar altitude in the northern hemisphere, and thus, longest shadows. The calculated tree height and the shadow length (measured from aerial photo) were then used to calculate sun angle using the equation:

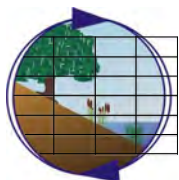
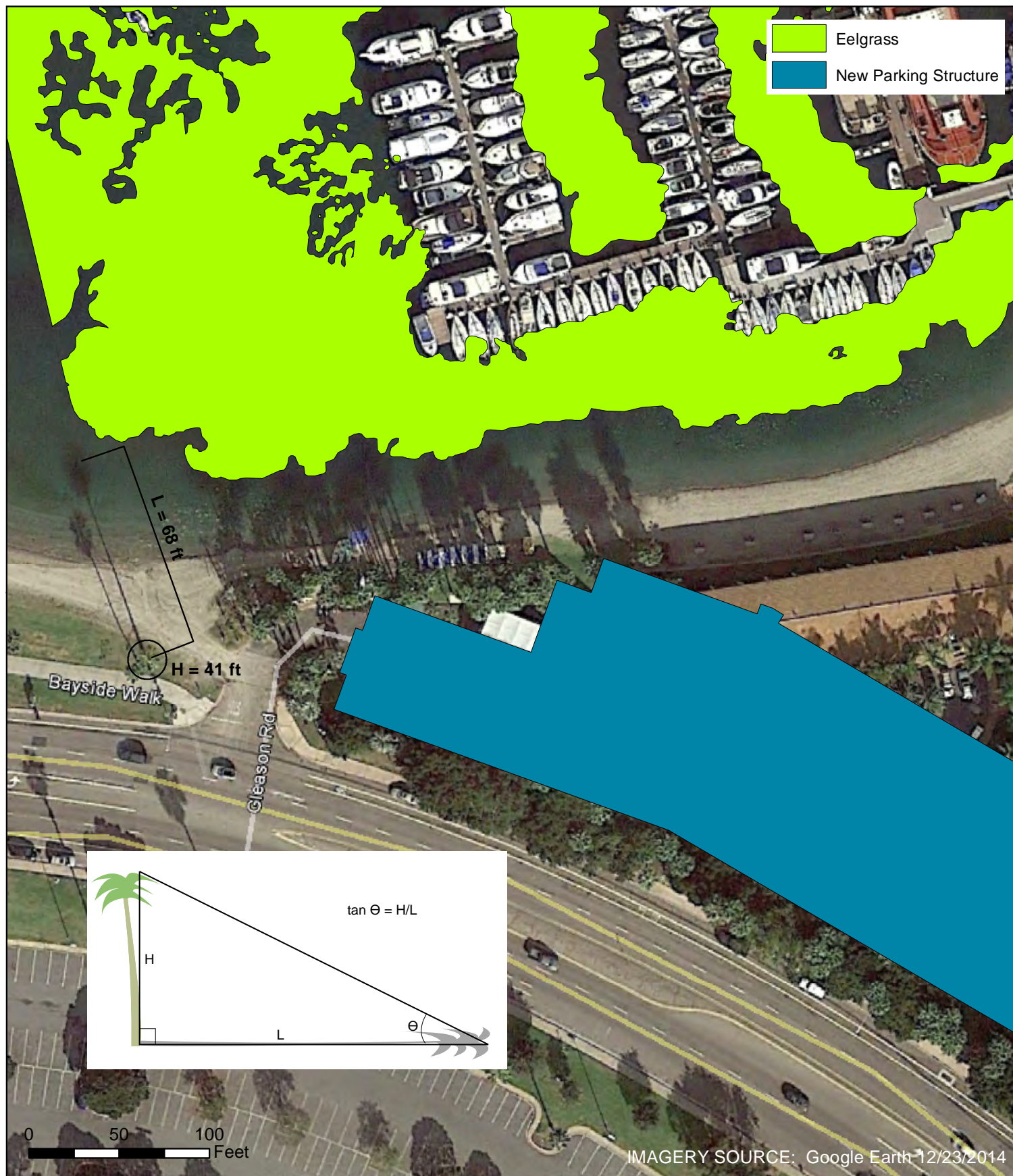
$$\text{sun angle} = \tan^{-1} (\text{tree height/shadow length})$$

This angle (31 degrees) was then used to calculate an equivalent shadow length cast by a 40-foot high parking structure:

$$\text{parking structure shadow length} = \text{parking structure height}/\tan (31)$$

resulting in a shadow length of ~65 feet at the time at which the photo was taken (approx. 10:30 am).





**Aerial Image Utilized for Eelgrass Shading Analysis**  
 BAHIA RESORT HOTEL  
 RENOVATION AND EXPANSION PROJECT

**Figure 3**

In accordance with the Mission Bay Park Master Plan (City of San Diego 1994, as amended 2002), the new parking structure would be no more than thirty feet high with an additional ten-foot roof variance, for a total maximum height of forty feet. While the constructed parking structure may not be exactly forty feet tall, this conservative height estimate allows analysis of maximum potential shading impacts for the project. The northwest corner of the parking structure would be approximately 35 linear feet from the shoreward edge of the sand beach at Santa Barbara Cove (Figure 3). The northwestern corner of the parking structure would have approximately the same setback as the existing palms adjacent to the beach in this area and would be approximately 15 feet closer to the shore than the existing hotel building along the bayfront in the same area.

Results from the baseline eelgrass survey (completed on March 23, 2015), along with the maximum shadow length for the proposed parking structure, were then projected onto the December 23, 2014 aerial photograph using ArcGIS® and the overlap of eelgrass, and the maximum extent of the parking structure shadow was determined.

### ***Survey Limitations***

Biological inventories are generally subject to various survey limitations. Depending on the season and time of day during which field surveys are conducted, some species may not be detected due to temporal species variability. One biological survey was conducted during morning hours of the early spring season; therefore, some species of annual plants, invertebrates, amphibians, reptiles, migratory or nesting birds, and nocturnal wildlife may not have been detected. Based on the biological literature and data review performed, as well as knowledge of species-specific habitat requirements, it is anticipated that any additional species potentially present on the project site can be fairly accurately predicted, and that the survey conducted was sufficient in obtaining a thorough review of the biological resources present on the project site.

## **SURVEY RESULTS**

### **Physical Characteristics**

The project site is located in an urban coastal environment along Mission Bay, in San Diego, California. Prior to the 1920's, Mission Bay was primarily tidal mudflat and salt marsh habitat, separated from the Pacific Ocean by a sand spit that is the location of the present day community of Mission Beach. As development progressed in coastal San Diego, a long process was initiated to dredge the mudflats, re-contour the shorelines, and convert Mission Bay into a generally subtidal recreational bay. The project site is located on the peninsula of Bahia Point, created in the 1940's as part of the dredging and re-contouring of the shorelines of Mission Bay.

Bahia Point consists of the existing Bahia Resort Hotel, ornamental grass and plantings, and parking areas. The point is surrounded along the east, north, and west sides by Mission Bay. Santa Barbara Cove borders the western shoreline of Bahia Point and contains docks for small boats and for the Bahia Belle sternwheeler. Ventura Cove borders the eastern shoreline of Bahia Point. In addition to Bahia point, the study area includes several parking lots and grassy recreation areas of Mission Bay Park to the east and south of the Bahia Resort Hotel that would be re-configured as part of proposed project.

The elevation within the study area ranges from 0 feet above mean sea level (MSL) to +10 feet above MSL (SanGIS 1992). Soils within the study area are mapped as “Made Land” as the Bahia Point was created from material dredged to create Mission Bay as it currently exists. The project site is not located within the City’s MHPA preserve, but is within the coastal overlay zone. The project area is fully developed and no jurisdictional resources were identified within the study area.

### **Biological Resources - Terrestrial**

#### ***Terrestrial Habitats***

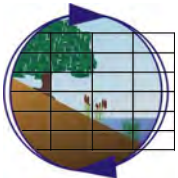
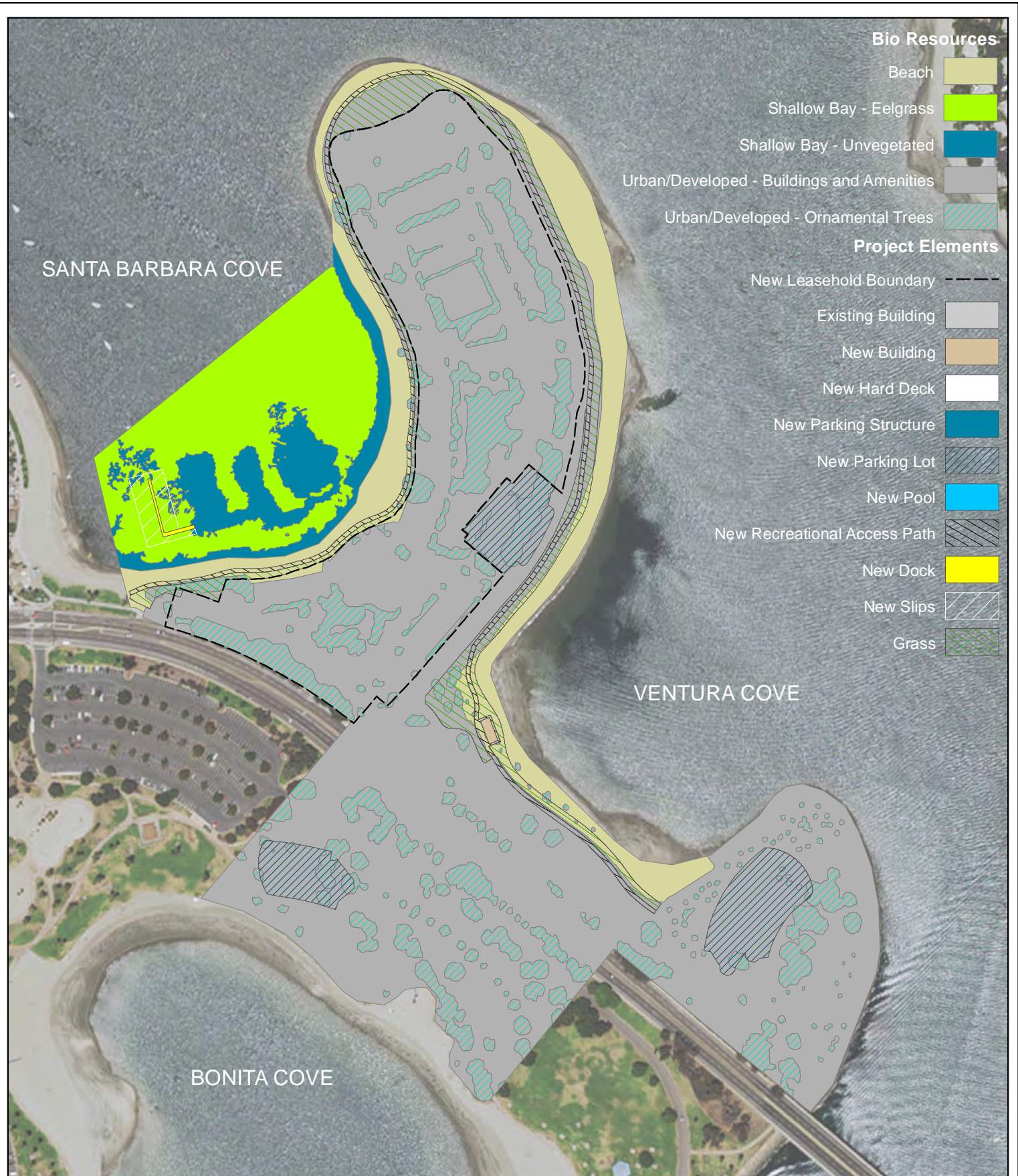
One terrestrial habitat type was identified within the study area during the biological survey (Table 2; Figure 4). Bahia Point is completely developed, and botanical resources consist of ornamental plantings that landscape the grounds of the Bahia Resort Hotel, as well as large ornamental shade trees within Mission Bay Park. The following text describes terrestrial habitats in detail.

**Table 2. Terrestrial Habitats/Vegetation Communities**

<b>Habitat/Vegetation Community</b>	<b>Holland/ Oberbauer Code</b>	<b>MSCP Tier; Habitat Type</b>	<b>Existing (acres)</b>	<b>City of San Diego <i>Inside MHPA</i></b>	<b>City of San Diego <i>Outside MHPA</i></b>
Urban/Developed – Buildings and Amenities	12000	IV	30.54	0	30.54
Urban/Developed – Ornamental Trees	12000	IV	7.75	0	7.75
<b>Total:</b>			<b>38.29</b>	<b>0</b>	<b>38.29</b>

A complete list of the floral species observed within the study area during the biological survey is included with this report in Appendix 1. The following text describes each habitat type as found within the project area.





**Terrestrial and Marine Biological Resources Map**  
**BAHIA RESORT HOTEL**  
**RENOVATION AND EXPANSION PROJECT**

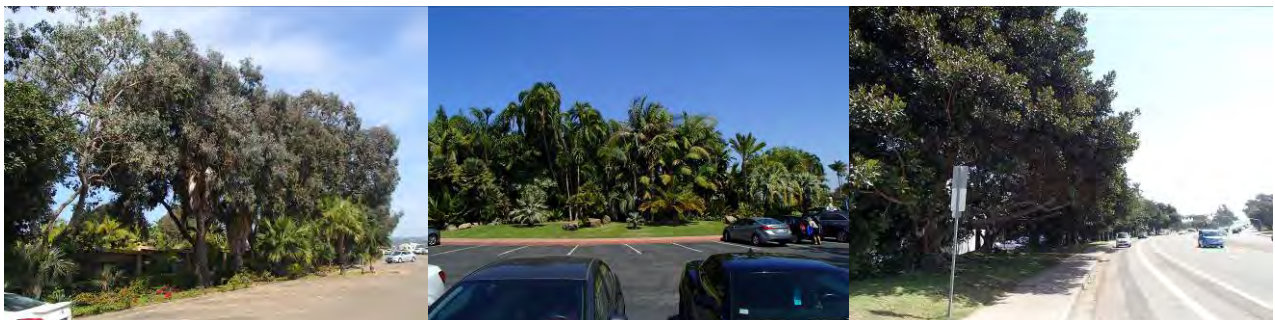
**Figure 4**

### Urban/Developed – Buildings and Amenities (Oberbauer 12000)

This habitat consists of the Bahia Resort Hotel buildings, access road, parking areas, and associated facilities (e.g. pool, tennis courts, walking paths, docks). This habitat also includes the public parking and recreational grass areas within the project footprint that are part of Mission Bay Park lands. Urban/developed lands, as defined by Oberbauer et al. (2008), include ornamental plantings (trees, shrubs, and grass) installed as part of developed landscaped areas. For the purposes of this report, landscaped areas are included within Urban/Developed habitat. However, Bahia Point contains several large groupings of mature ornamental trees that have the greatest potential to provide nesting habitat for several bird species. As such, these trees have been mapped as a subcategory of Urban/Developed habitat.

### Urban/Developed – Ornamental Trees (Oberbauer 12000)

Groupings of large ornamental trees occur within the Urban/Developed lands of the Bahia Resort Hotel, along West Mission Bay Drive and within the grassy recreational areas of Mission Bay Park near Ventura Cove. As described above, these trees are considered part of Urban/Developed lands, but have been mapped with crosshatch overlay (Figure 4). Large groupings of palms occur throughout Bahia Point, and include but are not limited to Mexican fan palm (*Washingtonia robusta*), Canary Island date palm (*Phoenix canariensis*), Mexican blue palm (*Brahea armata*), king palm (*Archontophoenix cunninghamiana*), queen palm (*Syagrus romanzoffiana*), and fishtail palms (*Caryota* sp). Groupings of large eucalyptus, including red flowering gum (*Corymbia ficifolia*), lemon-scented gum (*Eucalyptus citriodora*) and silver dollar gum (*Eucalyptus polyanthemos*), border Gleason Road along the east side of Bahia Point. A row of large fig trees (*Ficus* spp.) and Mexican fan palms occur along West Mission Bay Drive and screen the Bahia Resort Hotel from the road.



**Groups of large ornamental trees include (from left to right) gum (*Eucalyptus* spp) along Gleason Road, clusters of mixed palms at Bahia Resort Hotel, and large fig (*Ficus* spp) along West Mission Bay Drive.**



### ***Terrestrial Zoological Resources-Fauna***

Wildlife species noted during the biological survey consisted primarily of common urban associated species as well as species commonly found in nearshore coastal bay environments. Avian species observed within ornamental plantings on Bahia Point included common urban-associated species including European starling (*Sturnus vulgaris*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*) and rock pigeon (*Columba livia*). The ornamental oak trees and palms adjacent to the Ventura Cove parking lot supported a more diverse group of migratory species including several warbler species, bushtit (*Psaltirparus minimus*), western bluebird (*Sialia mexicana*), and acorn woodpecker (*Melanerpes formicivorus*). Only one mammal, desert cottontail (*Sylvilagus audubonii sanctidiegi*), was observed within the project area. A complete list of the fauna species observed within the study area during the biological survey is included with this report in Appendix 2.

### ***Terrestrial Rare, Threatened, Endangered, Endemic and/or Sensitive Species or MSCP-Covered Species***

No terrestrial special status species were identified within the study area. The project site has a potential to be utilized by other regionally common migratory birds that are not designated as special status species under CEQA, but are protected under the federal MBTA and California Fish and Game Code Sections 3503 and 3513. No avian nests were observed within the study area during the biological survey; however, migratory birds observed that have a potential to nest within the study area include Anna's hummingbird, mourning dove, house finch (*Haemorrhous mexicanus*), and black phoebe (*Sayornis nigricans*). While nesting season varies by species, migratory species typically nest between January and September.

### **Biological Resources - Marine**

#### ***Marine Habitats and Zoological Resources***

Three marine habitats occur within the study area (Table 3, Figure 4). A narrow, groomed supratidal and intertidal sand beach runs around the shoreline of Bahia Point, transitioning into shallow bay waters, and dense eelgrass beds occur just offshore within Santa Barbara and Ventura Coves. The eelgrass within Santa Barbara Cove was mapped for this reporting effort, as the project proposes to expand existing boat docks in this area (Figure 5). Eelgrass was not mapped around the north side of Bahia Point, or within Ventura Cove, as no in-water project elements would occur in these areas. The following text describes marine habitats in detail.



**Table 3. Marine Habitats/Vegetation Communities**

Habitat/Vegetation Community	Holland/Oberbauer Code	MSCP Tier; Habitat Type	Existing (acres)	City of San Diego Inside MHPA	City of San Diego Outside MHPA
Beach	64400	NA	5.41	0	5.41
Shallow Bay - Eelgrass	64123	NA	5.56	0	5.56
Shallow Bay - Unvegetated	64123	NA	2.36	0	2.36
<b>Total:</b>			<b>13.33</b>	<b>0</b>	<b>13.33</b>

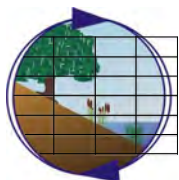
Beach (Oberbauer 64400)

A narrow band of sand beach occurs around the shoreline of Bahia Point. The beach is separated from developed areas by grassy areas and walking paths. This habitat is heavily utilized for recreational purposes by guests of the Bahia Resort Hotel and visitors to Mission Bay. The lower portions of the beach are intertidal habitat providing loafing and foraging area for shorebirds and gulls; however, human disturbance along the shoreline prevents extensive use of this habitat by birds. Avian species observed along the sand beach and in shallow bay waters included western seagull (*Larus occidentalis*) and California gull (*Larus californicus*) and waterfowl including mallard (*Anas platyrhynchos*) and surf scoter (*Melanitta perspicillata*).



*A narrow intertidal sand beach occurs along the shoreline of Bahia Point.*

The upper portion of the beach is supratidal recreational beach. This area occurs above the highest high tides and is even with or slightly sloping downward from the turf and trail improvements of Mission Bay Park. Typically, this area is distinguished from the intertidal beach by an erosion scarp established by the action of the waves. The upper supratidal beach is generally used by terrestrial birds and some gulls that opportunistically forage on scavenged food items. At high tides, especially during stormy weather, these beach areas may be used by loafing birds to an increased extent.



**Baseline Eelgrass Survey of Santa Barbara Cove**  
**March 23, 2015**  
 BAHIA RESORT HOTEL  
 RENOVATION AND EXPANSION PROJECT

**Figure 5**

### Shallow Bay - Eelgrass (Oberbauer 64123)

Results of the baseline eelgrass survey completed on March 23, 2015 indicate a dense bed of eelgrass within Santa Barbara Cove (Figure 5). Eelgrass extends around the existing boat docks. The survey documented 242,304 square feet (5.56 acres) of eelgrass within the surveyed area.

Eelgrass vegetated habitats are an essential component of southern California's coastal marine environment. Eelgrass beds function as important habitat for a variety of invertebrate, fish, and avian species.

For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. Typical eelgrass associates include pipefish (*Syngnathus* spp.), kelpfish (Family Clinidae), and surfperch (Family Embiotocidae), as well as schooling fish such as topsmelt (*Atherinops affinis*) and anchovy (*Anchoa* spp.).



*Eelgrass (Zostera marina) in habitat typically found in shallow waters of Mission Bay*

### Shallow Bay - Unvegetated (Oberbauer 64123)

Shallow bay habitat is described by Oberbauer et al. (2008) as having a depth shallow enough for light to penetrate to the seafloor. This habitat within Mission Bay is typically comprised of fine sands and mud, and contains patches of red algae (*Gracilaria* spp., *Ceramium* spp.) and green algae (*Ulva* spp.). Typical invertebrate species include burrowing bivalves (*Chione* spp., *Macoma nasuta*), the amphipod, *Grandidierella japonica*, and bay ghost shrimp (*Callinassa californiensis*). Other invertebrates found in this habitat include the invasive Japanese mussel (*Musculista senhousia*), the opisthobranch, *Navanax inermis*, and California sea hare (*Aplysia californica*). Common fish species include round stingray (*Urobatis halleri*), gobies (Family Gobiidae), barred sand bass (*Paralabrax nebulifer*), and bottom dwelling diamond turbot (*Hypsopsetta guttulata*) and California halibut (*Paralichthys californicus*).

The shallow bay habitat within the project area that does not contain eelgrass is limited to small, natural gaps in the eelgrass bed, the area directly beneath existing docks and docked vessels where shading prevents eelgrass growth, and the area adjacent to the stern of the Bahia Belle and William D. Evans sternwheelers where turbulent scour from these deep draft vessels prevents persistent eelgrass growth (Figure 5).

**Marine Rare, Threatened, Endangered, Endemic and/or Sensitive Species or MSCP-Covered Species**

Species identified as protected, rare, sensitive, threatened or endangered by the USFWS, National Marine Fisheries Service (NMFS), or CDFW that may be expected in the project area at various times include three bird species, and two marine mammals (Table 4). All of these are marine species, and none were observed during the current survey effort. California brown pelican (*Pelecanus occidentalis californicus*) and double crested cormorant (*Phalacrocorax auritus*) are protected at nesting locations and communal roosts, neither of which is present within the project area. Individual brown pelican and double crested cormorant occasionally forage within the nearshore waters or loaf on sand beaches adjacent to Bahia Point. However, these species are opportunistic in their loafing and foraging activities are not dependent upon the project area for essential biological activities. California least terns (*Sternula antillarum browni*) do occasionally forage within the project area during summer months. The nearest least tern nesting colonies are located at Mariner's Point, approximately 0.6 miles to the south of the project site, and Fiesta Island, approximately 1.0 miles to the east of the project site. This species makes opportunistic use of the bay shallows to forage for small fish.

**Table 4. Special Status Species Observed or Expected to Occur within the Study Area**

Common Name	Scientific Name	Status	Occurrence at Project Site
California Brown Pelican	<i>Pelecanus occidentalis californicus</i>	CDFG FP	Uncommon
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	CDFG WL	Uncommon
California Least Tern	<i>Sternula antillarum browni</i>	SE, FE	Likely*
Harbor Seal	<i>Phoca vitulina</i>	MMPA	Uncommon
California Sea Lion	<i>Zalophus californianus</i>	MMPA	Uncommon

**SE** – State Endangered; **FE**- Federally Endangered; **FT** – Federally Threatened; **CDFW SSC**- CDFW Species of Special Concern; **CDFW-FP** – CDFW Fully Protected Species; **CDFW-WL**- CDFW Watch List; **MMPA** – species protected by the Marine Mammal Protection Act

\*Least terns are a migratory species found in the area from approximately April 1 through September 1 of each year.

Other special status species that have a low to moderate potential to occur on the study area, based on the presence of suitable habitat, include marine mammals, specifically California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina*). Disturbance of these species is prohibited under the Marine Mammal Protection Act (MMPA). No breeding, haul out, or loafing areas for these marine mammals occur within the project area. California sea lion and harbor seal forage



throughout Mission Bay, but are mainly observed near the entrance to the bay and adjacent to fishing docks and landings (such as Quivira Basin and along Dana Landing). As such, they are uncommon visitors to the project area.

### **Jurisdictional Wetland and Waterways**

No wetlands were identified within the project study area. Mission Bay is considered a traditionally navigable water under the Rivers & Harbors Act (R&HA) and waters of the U.S. under the Clean Water Act (CWA). Under these acts, the U.S. Army Corps of Engineers (USACE) has jurisdiction of activities within navigable waters, including placement of structures under Section 10 of the R&HA and for placement of fill into waters of the U.S. under the Clean Water Act. Jurisdiction under the R&HA is defined as the mean high tide line (+4.99 ft MLLW), while the jurisdiction under the CWA is the highest annual high tide (+7.79 ft MLLW).

### **Wildlife Movement and Nursery Sites**

The project site is on a peninsula surrounded on three sides by the waters of Mission Bay. While migratory birds may stop briefly in the large ornamental trees planted at Bahia Point and Ventura Cove, the project site is not considered to be within a wildlife corridor. Eelgrass is considered to be an important nursery habitat for several fish species and is considered to be Essential Fish Habitat (EFH) and a Habitat Area of Particular Concern (HAPC) under the Magnuson-Stevens Fisheries Conservation and Management Act, as well as a Special Aquatic Site under the Clean Water Act.

## **PROJECT IMPACT ANALYSIS**

### **Thresholds of Significance**

State CEQA Guidelines §15065 (a) (Title 14, Chapter 3, Article 5) states, “A project may have a significant effect on the environment” if:

- “The project has 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; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.”
- “The project has possible environmental effects which are individually limited but cumulatively considerable.”

The following analysis identifies potential impacts to biological resources that could result from implementation of the proposed project and addresses the significance of these impacts pursuant

to CEQA, in accordance with the issues listed under CEQA Guidelines Appendix G, Section IV. In addition, the City has developed Significance Determination Thresholds (2011) and Biology Guidelines (2012a) under CEQA; therefore, mitigation measures for significant project impacts are recommended in accordance with these City guidelines, as well as the City MSCP Subarea Plan (1997).

### **Impact Definitions**

Project impacts are categorized pursuant to CEQA as direct, indirect, or cumulative impacts.

- CEQA Guidelines §15358 (a) (1) and (b) (Title 14, Chapter 3, Article 20) defines a “direct impact or primary effect” as “effects which are caused by the project and occur at the same time and place” and relate to a “physical change” in the environment.
- CEQA Guidelines §15358 (a) (2) and (b) (Title 14, Chapter 3, Article 20) defines an “indirect impact or secondary effect” as “effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable” and relate to a “physical change” in the environment.
- CEQA Guidelines §15355 (Title 14, Chapter 3, Article 20) defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

Direct, indirect, and cumulative impacts can be described as either permanent or temporary. Permanent impacts are defined as effects that would result in an irreversible loss of biological resources; temporary impacts can be defined as effects that could be restored, thus providing habitat and wildlife functions and values effectively equal to the functions and values that existed before the area was impacted.

### **Project Impacts, Significance, and Recommended Mitigation**

Potential project impacts were evaluated based on examination of the proposed project plans (Delawie 2015) within the context of the biological resources documented during the field surveys, and those biological resources assessed as having a likely potential to occur in the project area. Direct impacts were determined by overlaying the project plans on the mapped vegetation communities/habitats in GIS ESRI software platforms. Indirect impacts were determined based on the design, intended use, and location of the proposed project elements relative to biological resources.

### ***Terrestrial Habitats/Vegetation Communities***

The proposed project would result in direct impacts to urban/developed lands (Tier IV habitat types) as a result of demolition of existing structures and facilities, and construction of the proposed project (Table 5; Figure 4). For the purposes of this analysis, all habitats inside of the new leasehold are considered to be impacted. This would include several large stands of mature ornamental trees, including those along the eastern shoreline of Bahia Point adjacent to Gleason Road. Impacts to urban/developed lands (Tier IV habitats) would be considered less than significant under CEQA since these habitats are not regionally considered to have high conservation value requiring mitigation. Other impacts to developed lands (grass turf and ornamental trees) would occur in the locations of the new parking areas on Bahia Point and south of west Mission Bay Drive adjacent to Bonita Cove.

**Table 5. Terrestrial Habitats/Vegetation Communities, Impacts, and Mitigation**

<u>Habitat/Vegetation Community</u>	MSCP Tier; Habitat Type	Total in Study Area (acres)	Impacts inside MHPA (acres)	Impacts outside MHPA (acres)	Mitigation Ratio <sup>1</sup>	Mitigation Required (acres)
Urban/Developed – Buildings and Amenities	Tier IV; Upland	30.54	0	15.11	0:1	0
Urban/Developed – Ornamental Trees	Tier IV; Upland	7.75	0	4.33	0:1	0
<b>Total:</b>		<b>38.29</b>	<b>0</b>	<b>19.44</b>	<b>-</b>	<b>0</b>

<sup>1</sup>Mitigation ratios for upland habitats are based on the City's Biology Guidelines (City 2012a).

### ***Marine Habitats/Vegetation Communities***

The project would also result in direct impacts to eelgrass habitat as a result of expansion of the number of wet boat slips (Table 6; Figure 5). Eelgrass is considered a high value habitat afforded special consideration under state and federal regulatory programs. Project construction would result in impacts to 14,838 square feet (0.34 acre) of eelgrass as a result of direct shading from expansion of the dock and occupied slips. According to the Southern California Eelgrass Mitigation Policy (SCEMP) (NMFS 1991, revision 11), impacts would require mitigation at a 1.2:1 ratio.

In addition to direct impacts from shading of proposed expansion of the dock and docked vessels, the new parking structure proposed for the project has potential to shade eelgrass along the shore. Figure 6 illustrates results of the eelgrass shading analysis completed as part of this effort. Figure 6 shows the maximum shadow length for palm trees and existing buildings, and provides a shadow

length estimate for the proposed parking structure. This figure also shows the results of the baseline eelgrass survey (surveyed March 23, 2015). Results indicate that the current shoreward boundary of the eelgrass bed in Santa Barbara cove is bayward, or outside of, of the maximum shadow estimated for the proposed parking structure. As a result, the parking structure is not expected to shade existing eelgrass resources and is not anticipated to have an adverse impact on eelgrass growth or coverage.

**Table 6. Marine Habitats/Vegetation Communities, Impacts, and Mitigation**

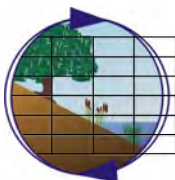
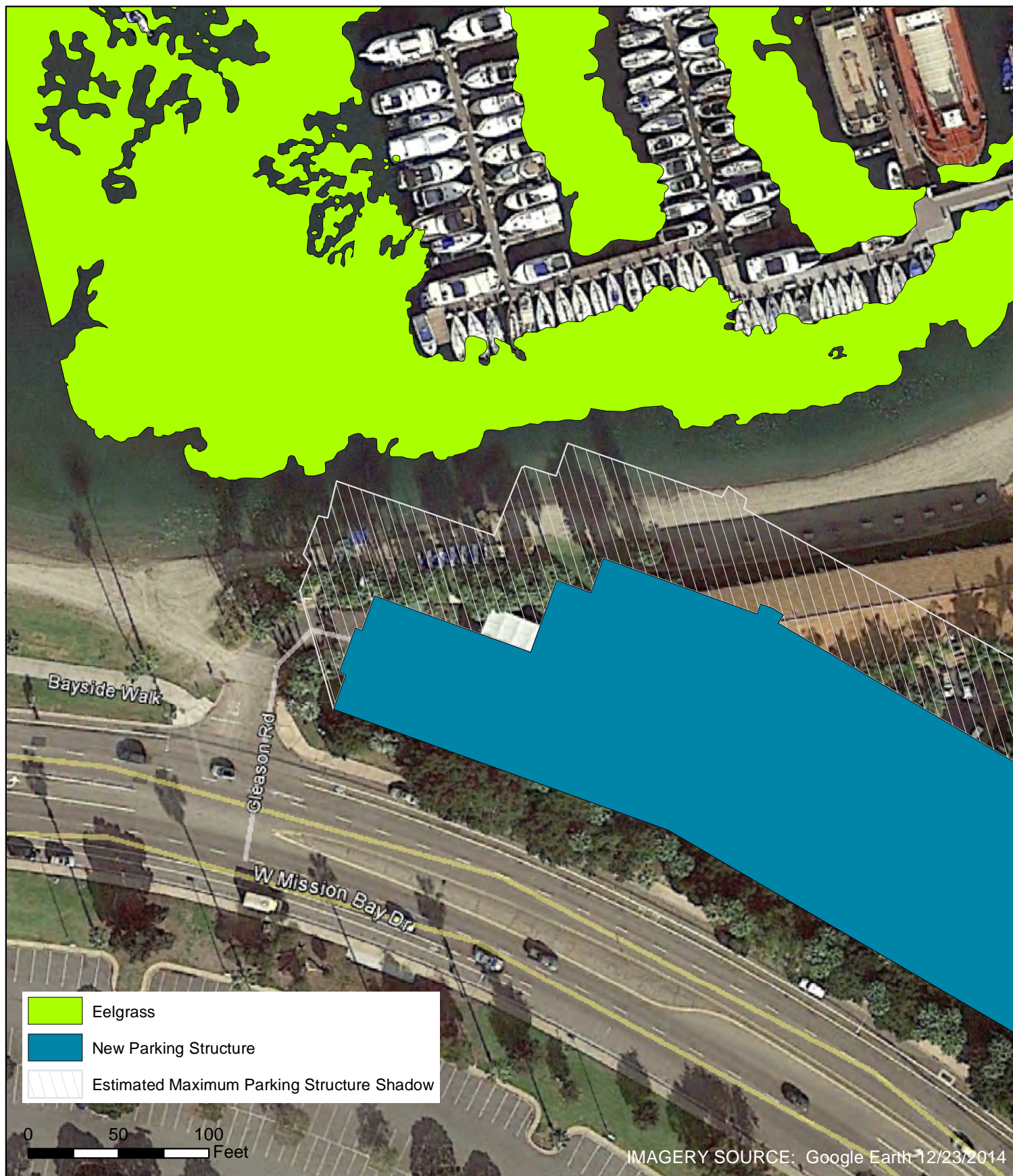
<u>Habitat/Vegetation Community</u>	Total in Study Area (acres)	Impacts	Area of Bay Coverage <sup>2</sup>	Pile Count <sup>3</sup>	Mitigation Ratio <sup>1</sup>	Mitigation Required (acres)
Beach	5.41	1.16			0:1	0
Shallow Bay - Eelgrass	5.56	0.34			1.2:1	0.41
Shallow Bay - Unvegetated	2.36	0.03			0:1	0
<u>Other Impacts</u>						
Bay Coverage			0.37		1:1	0.37
New Pilings (count)				14		
<b>Total:</b>	<b>13.33</b>	<b>1.53</b>	<b>0.37</b>	<b>14</b>	<b>-</b>	<b>0.78</b>

<sup>1</sup>Mitigation ratios for eelgrass habitat is based on the Southern California Eelgrass Mitigation Policy (NMFS 1991, rev 11)

<sup>2</sup>Bay coverage is defined as the amount of bay surface area covered by in-water structures, and is considered a reduction of foraging habitat available to aerial fish foraging birds.

<sup>3</sup>New piling count is an estimate based on existing docks





**Eelgrass Shading Analysis Results**  
**BAHIA RESORT HOTEL**  
**RENOVATION AND EXPANSION PROJECT**

**Figure 6**

Interestingly, the shoreward extent of existing eelgrass appears to occur just bayward of the maximum shadows cast by the existing palm trees in the same vicinity (Figure 6). The shadows of the palm trees are spaced closely enough to form a nearly complete shadow along the shoreward edge of eelgrass during winter months (Figure 3). It is not clear whether the shoreward extent of eelgrass in this area is limited by shading from existing trees, or from topography along the shoreline, or some other cause. Eelgrass is typically restricted to tidal depths of 0 feet MLLW or lower. However, during winter months, as desiccation stress declines, eelgrass may spread into intertidal areas. Eelgrass then recedes away from the shore and into deeper waters as warmer summer weather increases likelihood of desiccation. Based on the results shown in Figure 6, shading from existing trees or shoreline topography would likely prevent expansion of eelgrass in this area during winter months. This further supports the conclusion that the new parking structure would not impact eelgrass resources.

Impacts to beach habitat would be along the supratidal edge of the existing beach around Bahia Point and along Ventura Cove. These areas will transition to recreational path and grass.

#### ***Bay Fill, Bay Coverage, and Pilings***

The proposed project would result in an increase in bay surface area coverage of 14,838 square feet (0.34 acre), and an increase of approximately 14 piles. Bay coverage would be from the expansion of the dock and number of wet boat slips. The new dock and slips would require installation of new concrete piles. The total number of piles is an estimate based on the configuration of the existing docks and slips. It has been assumed that the new dock would support the same number of slips as the existing docks. However, fewer larger slips would require fewer piles, while a greater number of narrower slips would require more piles.

Increased bay surface area, or bay coverage, is considered to be a significant impact as it removes a portion of the functionality of affected bay habitats, through decreased forage opportunities for some avian species as well as through decreased productivity in shaded waters. However, the covered/shaded habitat still provides ecological value (forage opportunities, substrate to grow on, shelter from predators) for numerous fish and invertebrate species. While mitigation is required to offset bay coverage, the mitigation ratio is typically lower than for eelgrass impacts, and mitigation does not always need to be in-kind. Options for bay coverage mitigation are discussed below.

The placement of pier pilings to support structures such as docks, piers, and bridges is not typically considered to be bay fill (USACE 1990). Only where pilings are installed in a manner where they function specifically as fill material are piles considered to be fill. In such an instance, piles result in significant changes in water circulation patterns. The current project does not include the installation of pilings to function as bay fill. The Bahia Resort Hotel docks are located in Mission Bay

in an area of low water velocity. Water velocities in Mission Bay peak in the narrower entrance channel to the Bay, and then decrease in wider portions of the Bay. Areas with low water velocities are less impacted by impediments (such as dock piles) placed in the field of flow. As a result, it is not anticipated that installation of additional piles would meaningfully alter water velocities, sedimentation rates, or circulation patterns in the Bay. At piles located near the edges of the dock and boat slips, the communities would also benefit from increased primary productivity as a result of macroalgal growth. As a result, the increase in the number of dock pilings is not considered to be a significant impact, distinct from the effects of bay coverage of the docks.

### ***Special Status Species***

There were no sensitive species observed within the project site during the field surveys. The project site does not feature unique or rare habitats whose alteration would significantly impact sensitive species in the area (as identified in Table 4).

Sensitive bird species that occasionally occur in the project site are the California brown pelican, double-crested cormorant, and California least tern. As discussed above, no nesting sites or communal roosts for California brown pelican or double-crested cormorant occur within or adjacent to the project area. These two species are only occasional visitors to the project area. However, both species are fish foragers (California brown pelican forages from the air, and double-crested cormorant dives from the water). Permanent loss of shallow bay foraging area resulting from increased bay coverage would reduce the area available for foraging within Mission Bay. This loss is partially offset by the fact that structures in the Bay, including docks and pilings, tend to aggregate fish and increase foraging opportunity along the periphery of the structures. Noise associated with pile driving and dock construction could potentially disturb pelicans or cormorants foraging immediately adjacent to the site; however, if disturbed they would likely relocate to available loafing and foraging areas available outside the project area. Based on these factors, impacts of the proposed project on California brown pelican and double-crested cormorant are not considered to be significant.

California least tern nests within Mission Bay (with the closest nesting sites 0.6 miles to the south of the project site at Mariner's Point, and 1.0 miles to the east of the project site at Fiesta Island) and are seasonally present within Mission Bay between the months of April and October. Permanent loss of shallow bay habitat resulting from increased bay coverage is potentially significant. Temporary turbidity and noise from during construction of the new dock and installation of piles could potential disturb foraging California least terns. The loss of forage habitat due to increased bay coverage may be mitigated by enhancement of fish productivity or foraging efficiency in other areas of the bay as discussed within the mitigation section of this report. Potential impacts to

California least tern may be reduced to less than significant with implementation of mitigation for bay coverage impacts.

Harbor seals and California sea lions are observed commonly in Mission Bay adjacent to the entrance channel and near bait barges and fishing docks and landings. These mammals are less common in central and inner portions of Mission Bay and are expected to occur infrequently within the project area. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the project area or vicinity. In-water construction associated with installation of the new dock and boat slips is anticipated to be of a short duration and low impact level with regard to localized turbidity and minor sound pressure waves generated by pile driving activities. Marine mammals would be expected to leave the site for adjacent waters if disturbed by project work; thus, it is not expected that any harm would occur to marine mammals. However, the Marine Mammal Protection Act prohibits “take” of marine mammals. The definition of take under the Act, like that of the Endangered Species Act, includes “harassment”. For this reason, a potentially significant impact to marine mammals could occur if animals are disturbed during construction activities, even if they are not harmed by the activities. Potential impacts to marine mammals are reduced to less than significant with mitigation incorporated.

#### ***Jurisdictional Wetlands***

The proposed project would not result in impacts to jurisdictional wetlands since none occur within the project area. Impacts within Mission Bay occur in jurisdictional traditionally navigable waters of the U.S. The development of the dock extension would be regulated under Section 10 of the Rivers & Harbors Act. It is likely that development of any off-setting mitigation for bay coverage and eelgrass impacts would be subject to Section 404 of the Clean Water Act.

#### ***Wildlife Movement and Nursery Sites***

Impacts to eelgrass habitat are described above. No other nursery or wildlife corridors occur within the project area.

#### **Local Policies, Ordinances, and Adopted Plans**

The following federal/state laws/regulations and local ordinances/plans are applicable to the proposed project, and are evaluated for consistency purposes. The regulatory requirements anticipated for the proposed project are discussed following the summary of applicable regulations.



## ***Federal Regulations***

### **Clean Water Act**

The federal Water Pollution Control Act Amendments of 1972 (33 United States Code [USC] 1251–1376), as amended by the Water Quality Act of 1987, and better known as the CWA, is the major federal legislation governing water quality. The purpose of the federal CWA is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Waters of the United States include: 1) all navigable waters (including all waters subject to the ebb and flow of the tide); 2) all interstate waters and wetlands; 3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, or natural ponds; 4) all impoundments of waters mentioned above; 5) all tributaries to waters mentioned above; 6) the territorial seas; and 7) all wetlands adjacent to waters mentioned above.

Discharges of fills into waters of the United States are regulated under CWA Section 404. Section 404 provides for issuance of dredge/fill permits by the USACE. Permits typically include conditions to minimize impacts on water quality. Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters to obtain certification from the State that the discharge will protect waters of the State. Certification is provided by the State Water Resources Control Board (SWRCB) or as delegated to the respective RWQCB. A Section 401 permit from the San Diego RWQCB would be required for the Proposed Project if a Section 404 permit is required.

### **Rivers and Harbors Appropriation Act**

The Rivers and Harbors Appropriation Act of 1899 (33 USC 403), commonly known as the Rivers and Harbors Act (R&H), prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waterways of the United States without congressional approval. Under R&H Section 10, the USACE is authorized to permit structures in navigable waters. Building or modifying wharves, piers, jetties, and other structures in or over the waters of the San Diego coastline requires USACE approval through the Section 10 permit process.

### **Endangered Species Act**

The ESA protects plants and wildlife that are listed as endangered or threatened by the USFWS and NMFS. ESA Section 9 prohibits the taking of endangered wildlife, where taking is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under ESA Section 7, agencies are required to consult with the

USFWS or NMFS if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS or NMFS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. In cases where the federal agency determines its action may affect, but would be unlikely to adversely affect, a federally listed species, the agency informally consults with the USFWS and/or NMFS. This informal consultation typically involves incorporating measures intended to ensure effects would not be adverse. Concurrence from the USFWS and/or NMFS concludes the informal process. Without such concurrence, the federal agency formally consults to ensure full compliance with the ESA.

#### Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 was established to promote domestic and commercial fishing under sound conservation and management principles. NMFS, as a branch of the National Oceanic and Atmospheric Administration (NOAA), implements the act via eight regional fisheries management councils (FMCs). The FMCs in turn prepare and implement fishery management plans (FMPs) in accordance with local conditions. The Pacific FMC is responsible for the Pacific region, in which the Project site is located. The FMPs also establish EFH for the species they manage and require consultation with NMFS for actions that may adversely affect EFH.

#### Marine Mammal Protection Act

The MMPA of 1972 prohibits, with certain exceptions, the take of marine mammals in United States waters and by United States citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. The USFWS and NMFS administer the MMPA.

#### Migratory Bird Treaty Act

The MBTA (16 U.S.C. 703-712) was enacted in 1918. Its purpose is to prohibit the kill or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA. Under the MBTA of 1918 (16 U.S.C. section 703-712; Ch. 128; July 3, 1918; 40 Stat. 755; as amended 1936, 1956, 1960, 1968, 1969, 1974, 1978, 1986 and 1998), it is unlawful, except as permitted by the USFWS, to “take, possess, transport, sell, purchase, barter, import, or export all species of birds protected by the MBTA, as well as their feathers, parts, nests, or eggs (USFWS 2003). Take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR 10.12). Birds protected by the MBTA include all birds covered by the treaties for the protection of

migratory birds between the United States and Great Britain (on behalf of Canada, 1916), Mexico (1936), Japan (1972), and Russia (1976), and subsequent amendments.”

It is important to note that since the MBTA addresses migratory birds by family rather than at a lower taxonomic level, most bird species are protected by the MBTA because most taxonomic families include migratory members. In addition, “take” as defined under the federal MBTA is not synonymous with “take” as defined under the federal ESA. The MBTA definition of “take” lacks a “harm and harassment” clause comparable to “take” under the ESA; thus, the MBTA authority does not extend to activities beyond the nests, eggs, feathers, or specific bird parts (i.e., activities or habitat modification in the vicinity of nesting birds that do not result in “take” as defined under the MBTA are not prohibited). Further, “a permit is not required to dislodge or destroy migratory bird nests that are not occupied by juveniles or eggs; however, any such destruction that results in take of any migratory bird is a violation of the MBTA (i.e., where juveniles still depend on the nest for survival) (USFWS 2003).”

### ***State Regulations***

#### **California Coastal Act**

The California Coastal Act (CCA) is intended to provide protection of the unique nature and public interest values of the state’s coastal fringe. The CCA is implemented by the California Coastal Commission (CCC). The CCA recognizes California ports and harbors as primary economic elements of the national maritime industry. Within the port, the Port administers the CCA under an adopted Master Plan and updates to the Master Plan that require concurrence from the CCC. Land and waters outside of the Port’s Master Plan are administered by the CCC or by local jurisdictions operating under adopted Local Coastal Programs that have been approved by the CCC. For the proposed work, the Port administers the Coastal Act compliance.

#### **California Endangered Species Act**

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission (CDFC) to designate endangered, threatened, and rare species and to regulate the taking of these species (California Fish and Game Code [FGC] Sections 2050–2098). The CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction, but that may become endangered in the foreseeable future. FGC Section 2080 prohibits the taking of state-listed plants and animals. The CDFW also designates fully protected or protected species as those that may not be taken or possessed without a permit from the CDFC and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

When a species is both state- and federally listed, an expedited request for consistency with the USFWS biological opinion may be issued through a request for Section 2080.1 consistency determination.

#### California Fish and Game Code

The FGC is implemented by the CFGC, as authorized by Article IV, Section 20, of the Constitution of the State of California. FGC Sections 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people.

Sections 3503, 3503.5, and 3513 of the CFG prohibit the “take, possession, or destruction of bird nests or eggs.” Section 3503 states: “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” Section 3503.5 provides a refined and greater protection for birds-of-prey and states: “It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” The distinctions made for birds-of-prey are the inclusion of such birds themselves to the protections and the elimination of the term “needlessly” from the language of §3503. Section 3513 states: “It is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.”

The definition of “take” under the FGC is not distinct from the definition of “take” under California Endangered Species Act (CESA) (FGC §86) and thus, activities or habitat modification in the vicinity of nesting birds that do not result in “take” as defined under the FGC/CESA are not prohibited.

#### ***Local Plans***

Several plans provide guidelines for land- and waterside uses within Mission Bay.

#### City of San Diego MSCP Subarea Plan

The City of San Diego MSCP identifies sensitive biological resources and biologically valuable areas within the City municipal boundaries or City-owned land in unincorporated areas to be included in the MHPA, a hard-line preserve. The MHPA delineates core biological resource areas and corridors targeted for conservation present at the time that the MSCP was adopted (i.e., 1997). The City of San Diego Biology Guidelines defines the MHPA as “areas [that] have been determined to provide



the necessary habitat quantity, quality, and connectivity to support the future viability of San Diego's unique biodiversity..." (City of San Diego, 2012, page 5). Within the MHPA, a limited amount of development is allowed within areas of lower quality habitat and/or areas that do not provide long-term viability. The Biology Guidelines provide mitigation measures for impacts inside and outside of MHPA boundaries.

#### Mission Bay Park Master Plan (and updates)

The Mission Bay Park Master Plan was adopted in 1994 and has been amended several times, most recently in 2002. The stated goal of the Master Plan "is to identify new recreational demands and chart a course for the continuing development of the Park which will sustain the diversity and quality of recreation and protect and enhance the Bay's environment for future." The Plan seeks to balance public recreation with management and stewardship of environmental resources, and operation of economically successful commercial leisure enterprises. As such, the Plan identifies specific dedicated lease areas, including Bahia Point and the Bahia Hotel, and provides specific criteria to guide the precise redevelopment of the lease areas.

The Mission Bay Park Master Plan includes as an appendix the Mission Bay Park Natural Resource Management Plan, which documents the natural resources of the Park, and provides guidelines and programs for the protection, enhancement, and management of these resources. These include guidelines for development and mitigation such as methods for dredging and in-water work, buffer areas, seasonal restrictions for construction, and mitigation ratios for impacted habitats.

#### ***Regulatory Requirements for Proposed Project***

The proposed project will comply with SCEMP as administered by the USFWS, NMFS, and CDFW. The project will also comply with the recently adopted but not fully implemented California Eelgrass Mitigation Policy (CEMP) (NMFS 2014). In addition, the proposed project will comply with the *Caulerpa* Control Protocol (CCP), which calls for performance of a survey for *Caulerpa* prior to any bottom-disturbing activities (e.g. pile driving).

The project will require a Coastal Development Permit (CDP) from the CCC for re-development of the Bahia Resort Hotel and facilities within the Coastal Zone. The project will also comply with the USACE Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act, and with the requirements of Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act. An EFH Assessment will be required for this project.

Nesting birds may be present within the study area, and the proposed project includes removal of large stands of ornamental trees and shrubs that may serve as nesting habitat. The project would avoid impacts to active migratory bird nests (if present at the time of construction) under the

federal MBTA and/or FGC Sections 3503 and 3513 through implementation of seasonal restrictions for tree/shrub removal as described below, or implementation of nesting season surveys to ensure absence of nests prior to removing trees.

### **Cumulative Impacts**

The MSCP was designed to compensate for the loss of biological resources throughout the program's region; therefore, per the City's Guidelines for Conducting Biological Surveys (2002), projects that conform to the MSCP would not result in cumulatively considerable impacts for those biological resources adequately covered by the program. The project site does not support regionally sensitive terrestrial vegetation, has been designed to avoid impacts to regionally sensitive biological resources including migratory birds. The project would mitigate potential impacts to eelgrass resources and to sensitive avian and mammal species in conformance with the City of San Diego MSCP Subarea Plan and Biology Guidelines, the SCEMP, and the Mission Bay Park Master Plan as described below. Thus the project would not result in cumulatively significant impacts.

## **MITIGATION AND MONITORING REQUIREMENTS**

### **Mitigation Definitions**

CEQA Guidelines §15370 (Title 14, Chapter 3, Article 20) defines "mitigation" as:

- "Avoiding the impact altogether by not taking a certain action or parts of an action."
- "Minimizing impacts by limiting the degree or magnitude of the action and its implementation."
- "Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment."
- "Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action."
- "Compensating for the impact by replacing or providing substitute resources or environments."

The following mitigation is recommended for the proposed project:

### ***Eelgrass***

To mitigate potential impacts to eelgrass to a less than significant level the following measures would apply:

1. The project shall conform to the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP) (NMFS 1991, revision 11).

The construction of the new dock and boat slips is anticipated to result in an impact to eelgrass of 0.34 acre, requiring 0.41 acre of mitigation, in accordance with the 1.2:1 mitigation ratio set forth under the SCEMP. There are no opportunities to perform required mitigation within the existing or expanded leasehold for the Bahia Resort Hotel. As such, compensatory mitigation will require a separate agreement with the City of San Diego for a mitigation location elsewhere in Mission Bay. Several opportunities to enhance and restore eelgrass currently exist in Mission Bay. The Bay has experienced years of sedimentation at specific locations, resulting in shoals that have become navigation hazards and buried eelgrass habitat as they have built to intertidal elevations. Several of these locations are of an appropriate size to meet the mitigation needs for the proposed project. These include but are not limited to two storm drains in the Crown Point Shores area adjacent to the Northern Wildlife Preserve, within Bonita Cove, within South Cove, and along the southeast and northwest corners of Ventura Cove (Figure 7). Mitigation at any of these locations would require removal of sediment and restoration of eelgrass. The causes of sedimentation at each site vary and are a combination of bay hydrodynamics, sediment characteristics, and man-made conditions (such as presence of storm drains that cause sedimentation in low intertidal and shallow subtidal bay waters). As such, mitigation would require not only sediment removal and eelgrass restoration, but also removal of the conditions that cause continued sedimentation. For example, work completed in Ventura Cove would require replacement and extension of existing storm drains so that runoff no longer drains onto intertidal beach, eroding sand into adjacent eelgrass beds.

In accordance with the requirements of the SCEMP, a pre-construction eelgrass survey shall be completed by a qualified biologist within 60 days prior to initiation of demolition or construction activities at the site. This survey shall include both area and density characterization of the beds. A post-construction survey shall be performed by a qualified biologist within 30 days following project completion to quantify losses to eelgrass habitat. Impacts shall then be determined from a comparison of pre- and post-construction survey results. Impacts to eelgrass would require mitigation as defined in the SCEMP. Following the post-construction survey, a final mitigation planting plan shall be developed and implemented.

The proposed mitigation would be expected to result in full offset of eelgrass impacts through eelgrass restoration in accordance with the SCEMP. With the restoration of one or several mitigation sites, the losses of eelgrass anticipated would be fully mitigated to a less than significant level.

### Figure 7



### ***Bay Coverage***

The construction of the new dock and boat slips would result in an increase of 0.34 acre of bay coverage. The bay coverage impact could be offset in a number of ways. The USACE and the CCC have previously permitted a 1:1 area-based mitigation for increased bay coverage that was offset by various enhancement options. The accepted list of options includes:

- removal of similar bay covering structures (e.g. dock removal);
- removal of upland fills from the bay (expanding the bay area);
- creation of eelgrass habitat and/or reef structures (where appropriate) in presently unvegetated bottom areas to increase function of equivalent area as that shaded;
- purchase of credits from a mitigation bank (for fill removal or enhancement such as eelgrass), and;
- removal of non-functional riprap or debris from intertidal or shallow subtidal habitat in the bay to improve suitability for use by birds and fish.

It is recommended that bay coverage mitigation be combined with eelgrass mitigation described above, with the expansion of the selected eelgrass mitigation site to fulfill both eelgrass and bay coverage mitigation needs. Expansion of the eelgrass mitigation area to incorporate required mitigation for bay coverage would reduce bay coverage impacts to a less than significant level.

### ***Nesting Birds***

Implementation of the proposed project is expected to occur following acquisition of all applicable permits. If construction of the proposed project would occur during the migratory bird breeding season (generally defined as January 15 – September 15), a pre-construction survey for active migratory bird nests shall be conducted within approximately 48 to 72 hours prior to the start of construction. The results of the survey would be submitted to the City in the form of a written report, and shall include the following information: a) date(s) of survey, b) total field time of survey efforts, c) name(s) of investigator(s), and d) if any active nests were found. If an active migratory bird nest were found, then all construction activities undertaken for the project would comply with regulatory requirements of the federal MBTA and FGC §3503 and §3513.

### ***Special Status Species***

#### **California least tern**

Potentially significant impacts to California least terns associated with the loss of foraging habitat are addressed through mitigation of bay coverage as described above. To mitigate potential

impacts to California least terns related to construction activity to a less than significant level, the following construction measures are recommended:

- 1) The contractor shall schedule and complete all in-water construction activity outside of the nesting season for California least tern.

Marine Mammals

To mitigate potential impacts to marine mammals to a less than significant level, the following construction measures are recommended.

- 1) If piles are impact driven, the contractor shall monitor for the presence of marine mammals during in-water construction work. In the event that marine mammals are present within 500-feet of the work, impact pile driving shall be delayed until mammals have left the area.
- 2) To avoid any deleterious injuries to marine mammals potentially affected by high energy noise generated by impact driving of piles, the contractor shall strike the first pile driven a few times and delay for a period of two minutes prior to commencing the completion of driving. If pile driving ceases for a period of greater than one-half hour, the contractor shall repeat the striking and delay process.
- 3) Construction vessel traffic shall maintain no wake speed.

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## **APPENDIX 1. FLORA SPECIES OBSERVED ON-SITE**

### ***Habitat Types:***

U = Urban/Developed  
B = Beach  
MB = Marine Bay

\* = Denotes non-native flora species.

Scientific Name	Common Name	Habitat
<b>GYMNOSPERMS</b>		
<b>Cupressaceae</b> - Cypress Family <i>*Juniperus sp.</i>	landscaped juniper	U
<b>Pinaceae</b> - Pine Family <i>Pinus torreyana</i> Carrière ssp. <i>torreyana</i> ornamental	Torrey pine	U,
<b>Cycadaceae</b> - Cycad Family <i>Cycas revoluta</i>	sago palm	U
<b>DICOTYLEDONS</b>		
<b>Aizoaceae</b> – Fig-Marigold Family <i>*Aptenia cordifolia</i> (L.f.) N. E. Br.	baby sun rose, shrubby dewplant, red apple (hybrid cultivar)	U
<b>Apocynaceae</b> - Dogbane Family <i>*Carissa macrocarpa</i>	amatungulu/Natal plum	U
<b>Asteraceae</b> - Sunflower Family <i>*Arctotis versuta</i> Norl. <i>*Hedypnois cretica</i> (L.) Dum.-Cours. <i>* Sonchus oleraceus</i> L.	blue-eyed African daisy Crete hedypnois common sow thistle	U U U
<b>Brassicaceae</b> - Mustard Family <i>* Lepidium didymum</i> L.	lesser swine cress	U
<b>Chenopdiaceae</b> – Goosefoot Family <i>*Chenopodium album</i> L.	lamb's quarters	U
<b>Fabaceae</b> - Pea Family <i>*Medicago arabica</i> (L.) Hudson <i>*Melilotus indicus</i> (L.) All. <i>*Trifolium repens</i> L.	spotted burclover Indian Sweetclover, sourclover white clover	U U U
<b>Fagaceae</b> - Oak Family <i>*Quercus ilex</i> L.	holm oak	U
<b>Geraniaceae</b> - Geranium Family <i>*Erodium moschatum</i> (L.) L'Hér. <i>*Pelargonium x hortorum</i> L. Bailey	white-stem filaree zonal geranium	U U
<b>Hamamelidaceae</b> – Witch-hazel family		

Scientific Name	Common Name	Habitat
* <i>Liquidambar styraciflua</i> L.	sweetgum	U
<b>Malvaceae</b> - Mallow Family		
* <i>Hibiscus rosa-sinensis</i>	hibiscus	U
* <i>Malva parviflora</i> L.	cheeseweed, little mallow	
<b>Moraceae</b> - Mulberry Family		
* <i>Ficus</i> sp.	landscaped fig	U
<b>Myrtaceae</b> - Myrtle Family		
* <i>Eucalyptus citriodora</i> Hook.	lemon-scented gum	U
* <i>Eucalyptus polyanthemos</i> Schauer	silver dollar gum, red box	U
* <i>Corymbia ficifolia</i>	red-flowering gum	U
<b>Nyctaginaceae</b> - Four-O'Clock Family		
* <i>Bougainvillea</i> sp.	landscape bougainvillea	U
<b>Onagraceae</b> - Evening-Primrose Family		
<i>Camissoniopsis cheiranthifolia</i> (Spreng.) W.L. Wagner & Hoch ssp. <i>suffruticosa</i> (S. Watson) W.L. Wagner & Hoch	beach evening primrose	U
<b>Polygonaceae</b> - Buckwheat Family		
* <i>Polygonum austini</i> Greene ssp. <i>depressum</i>	common knotweed, doorweed	U
<b>Rosaceae</b> - Rose Family		
* <i>Rhaphiolepis indica</i>	Indian hawthorn	U
<b>MONOCOTYLEDONS</b>		
<b>Agavaceae</b> – Century Plant Family		
* <i>Agave americana</i> L.	American agave	U
<b>Amaryllidaceae</b> - Amaryllis Family		
* <i>Agapanthus praecox</i>	African lily	U
* <i>Agapanthus</i> sp.	ornamental lily	U
* <i>Clivia miniata</i>	Natal lily/bush lily	U
<b>Araceae</b> – Arum Family		
* <i>Philodendron</i> sp.	ornamental philodendrons	U
<b>Arecaceae</b> - Palm Family		
* <i>Archontophoenix cunninghamiana</i>	king palm	U
* <i>Brahea armata</i>	Mexican blue palm	U
* <i>Caryota</i> sp.	fishtail palm	U



Scientific Name	Common Name	Habitat
* <i>Chamaerops humilis</i>	European fan palm	U
* <i>Phoenix canariensis</i> Chabaud	Canary Island palm	U
* <i>Syagrus romanzoffiana</i> (Chamisso) Glassman	queen palm	U
* <i>Washingtonia robusta</i> H. Wendl.	Mexican fan palm	U
<b>Asparagaceae – Asparagus Family</b>		
* <i>Asparagus asparagoides</i> (L.) Druce	florist's-smilax	U
* <i>Asparagus densiflorus</i> L.	foxtail fern	
* <i>Asparagus setaceus</i> (Kunth) Jessop	asparagus-fern	U
<b>Asphodelaceae – Asphodel Family</b>		
* <i>Aloe thraskii</i>	coast palm	U
<b>Liliaceae - Lily Family</b>		
*	Purple unidentified lilly	U
<b>Poaceae - Grass Family</b>		
* <i>Cynodon dactylon</i> (L.) Pers.	Bermuda grass	U
* <i>Poa pratensis</i> L. ssp. <i>pratensis</i>	Kentucky bluegrass	U
<b>Strelitziaceae</b>		
* <i>Strelitzia reginae</i>	bird-of-paradise	U
<b>Zosteraceae – Eelgrass Family</b>		
<i>Zostera marina</i> L.	common eelgrass/surf-grass	MB

**APPENDIX 2. FAUNA SPECIES OBSERVED OR DETECTED WITHIN PROJECT AREA*****Habitat Types:***

U = Urban Developed  
B = Beach  
DB = Deep Bay  
FO = Fly over

\* = denotes introduced species

***Abundance Codes (birds only):***

A = Abundant: Almost always encountered in moderate to large numbers in suitable habitat and the indicated season.

C = Common: Usually encountered in proper habitat at the given season.

U = Uncommon: Infrequently detected in suitable habitat. May occur in small numbers or only locally in the given season.

R = Rare: Applies to species that are found in very low numbers.

“Numbers” indicate the number of individuals observed during the field survey work.

***Status Codes (birds only):***

M = Migrant: Uses the site for brief periods of time, primarily during the spring and fall months.

R = Year-round resident: Probable breeder on-site or in the vicinity.

S = Spring/summer resident: Probable breeder on-site or in the vicinity unless combined with transient status.

T = Transient: Uses site irregularly in summer but unlikely to breed. Not a true migrant and actual status often poorly known.

W = Winter visitor: Does not breed locally.

V = Casual vagrant: Not expected; out of normal geographic or seasonal range and by definition rare.

Common Name	Scientific Name	Habitat	Abundance	Status
<b>BIRDS</b>				
<b>Anatidae (Swans, Geese, and Ducks)</b>				
brant	<i>Branta bernicla</i>	B, DB	C	M, W
mallard	<i>Anas platyrhynchos</i>	U, B, DB, FO	C	R, M, W
surf scoter	<i>Melanitta perspicillata</i>	DB	C	M, W
<b>Rallidae (Rails, Gallinules, and Coots)</b>				
American coot	<i>Fulica americana</i>	U, B	A	R, M, W
<b>Laridae (Gulls and Terns)</b>				
California gull	<i>Larus californicus</i>	U, B	C	M, W, T
western gull	<i>Larus occidentalis</i>	U, B, DB	A	R, T
<b>Columbidae (Pigeons and Doves)</b>				
rock pigeon	<i>Columba livia</i>	U	A	R
mourning dove	<i>Zenaida macroura</i>	U	C	R
<b>Trochilidae (Hummingbirds)</b>				
Anna's hummingbird	<i>Calypte anna</i>	U	C	R
<b>Picidae (Woodpeckers and Wrynecks)</b>				
acorn woodpecker	<i>Melanerpes formicivorus</i>	U	C	R
<b>Tyrannidae (Tyrant Flycatchers)</b>				
black phoebe	<i>Sayornis nigricans</i>	U	C	R
Cassin's kingbird	<i>Tyrannus vociferans</i>	U	C	R, M
<b>Corvidae (Jays, Magpies, and Crows)</b>				
American crow	<i>Corvus brachyrhynchos</i>	U	A	R
<b>Aegithalidae (Bushtit)</b>				
bushtit	<i>Psaltirparus minimus</i>	U	C	R
<b>Turdidae (Bluebirds and Thrushes)</b>				
western bluebird	<i>Sialia mexicana</i>	U	C	R, W
<b>Sturnidae (Starlings)</b>				
*European starling	<i>Sturnus vulgaris</i>	U	A	R
<b>Parulidae (Warblers)</b>				
orange-crowned warbler	<i>Oreothlypis celata</i>	U	C	M, W, S
yellow-rumped warbler	<i>Dendroica coronata</i>	U	C	M, W, S

Common Name	Scientific Name	Habitat	Abundance	Status
Townsend's warbler	<i>Dendroica townsendi</i>	U	C	M, W
<b>Emberizidae (Sparrows, Blackbirds and Relatives)</b>				
song sparrow	<i>Melospiza melodia</i>	U	A	R
white-crowned sparrow	<i>Zonotrichia leucophrys</i>	U	C	M, W
<b>Fringillidae (Finches)</b>				
house finch	<i>Haemorhous mexicanus</i>	U	A	R
<b>Passeridae (Weaver Finches)</b>				
*house sparrow	<i>Passer domesticus</i>	U	C	R
<b>MAMMALS</b>				
<b>Leporidae (Hares and Rabbits)</b>				
desert cottontail	<i>Sylvilagus audubonii sanctidiegi</i>	U	A	R