

### 4.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources on and in the vicinity of the site for the proposed Belmont Pool Revitalization (proposed Project), the potential impacts of the proposed Project on those resources, and measures to avoid, minimize, and/or mitigate those impacts. The information and analyses provided in this section are summarized from the following technical documents:

- Belmont Plaza Project Biological Survey Memorandum (LSA Associates, Inc. [LSA], May 2013)
- Preconstruction Nesting Bird and Bat Roost Surveys Prior to Belmont Pool Demolition Memorandum (LSA, August 2014)
- Follow-up Preconstruction Nesting Bird Survey for the Belmont Veterans Memorial Pier Parking Lot Project, City of Long Beach, California (LSA, April 2015)

These documents are provided jointly as Appendix C.

#### Scoping Process

The City of Long Beach (City) distributed the first Notice of Preparation (NOP) for this Draft Environmental Impact Report (EIR) from April 18 to May 17, 2013. The City received three comment letters in response to the original NOP. No comment letter associated with Biological Resources was received in response to the original NOP circulated for the proposed Project. Due to revisions in the Project Description, the City re-issued and circulated the NOP for the EIR between April 9, 2014, and May 8, 2014. The City received five comment letters in response to the re-issued NOP during the public review period. No Biological Resources-related issues were raised in those comment letters.

#### 4.3.1 Methodology

**Literature Review.** A literature review was conducted to determine potential occurrence of special-status plant and animal species on or in the immediate vicinity of the Project site. Database records for the *Long Beach, San Pedro, Torrance, Inglewood, South Gate, Whittier, Los Alamitos, and Seal Beach, California*, United States Geological Survey (USGS) 7.5-minute quadrangles were reviewed on April 11, 2013, and June 12, 2014, using the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) *Rarefind 4* and *Rarefind 5* (CDFW, CNDDDB 2014-Biogeographic Data Branch) and the California Native Plant Society (CNPS) *Electronic Inventory of Rare and Endangered Vascular Plants of California* (CNPS v8-02, June 12, 2014). Sensitive species known by LSA biologists to occur in the general area were also considered.

**Biological Survey.** A general biological survey of the Project site was conducted by LSA biologist Erin Martinelli on April 12, 2013. The survey consisted of walking the entire site and recording the landscape conditions and the floral and faunal species observed on the site. In addition, a preconstruction nesting bird and bat roost survey was conducted by LSA biologists Erin Martinelli and Jill Carpenter on August 18, 2014. The survey was conducted to identify any active bird nesting

or roosting locations, or any bat roosts, within the Project area that could be impacted by demolition of the former Belmont Pool.

#### 4.3.2 Existing Environmental Setting

The Project site is relatively flat, and there are no substantial hillsides or unstable slopes immediately adjacent to the site boundary. There is no native habitat on the Project site, and vegetation consists of a few mature ornamental trees, a manicured lawn, and frequently maintained ornamental landscaping. The CNPS list of rare and endangered vascular plants generated during the literature review was evaluated. Due to a complete lack of suitable habitat for special-status native plant species at the Project site, the potential for their occurrence at the site is not considered further in this analysis.

The entire Project site is a previously developed property in a heavily urbanized coastal area. The land uses surrounding the Project site consist of mixed uses, which include single-family and multifamily residential with some retail/restaurant uses, and also includes the pier, public beaches, and associated parking. Therefore, the Project site and the surrounding areas are not subject to any Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). The Project site is located within the Coastal Zone. There is no native habitat present on site or adjacent for any special-status species. No critical habitat has been identified in the Project study area.

A number of bird species typically associated with urban park areas consisting of ornamental landscaping were observed within the Project site. Species diversity was found to be relatively low, likely due to the isolation from adjoining, terrestrial natural areas for many years. Because of the isolation of this site amidst urban development, the Project site does not function as a wildlife movement corridor. However, park areas with ornamental trees can provide foraging and nesting habitat for wildlife, particularly wildlife adapted to urban environments. Those species present on site are either able to fly in, are able to navigate on the ground through long stretches of residential development, or have been able to sustain a small population in spite of the isolation.

**Species Observed.** Species observed at the proposed Project site during the May 3, 2013, general biological survey include black-crowned night-heron (*Nycticorax nycticorax*), western gull (*Larus occidentalis*), rock pigeon (*Columba livia*),<sup>1</sup> mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), Allen's hummingbird (*Selasphorus sasin*), red-crowned parrot (*Amazona viridigenalis*),<sup>1</sup> black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), bushtit (*Psaltriparus minimus*), European starling (*Sturnus vulgaris*),<sup>1</sup> orange-crowned warbler (*Oreothlypis celata*),<sup>1</sup> yellow-rumped warbler (*Setophaga coronata*), chipping sparrow (*Spizella passerina*), house finch (*Haemorhous mexicanus*), and house sparrow (*Passer domesticus*).<sup>1</sup> None of these species is federally or State-listed as Threatened or Endangered.

During the August 18, 2014, preconstruction nesting bird and bat roost surveys, species observed include black-crowned night-heron, western gull, rock pigeon,<sup>1</sup> mourning dove, Allen's hummingbird, red-crowned parrot,<sup>1</sup> and American crow.

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<sup>1</sup> Species not native to the survey area, *Belmont Plaza Project Biological Survey Memorandum* (LSA, May 2013).

The special-interest animal species with the potential to occur on the Project site are described in Table 4.3.A. Two special-status bird species—Allen’s hummingbird and Cooper’s hawk (*Accipiter cooperii*)—either were observed on the Project site or have a moderate probability of occurring on the Project site based on the results of the records search.

- **Cooper’s Hawk:** Although not observed during the site visit, Cooper’s hawks are well adjusted to urban habitats in the Los Angeles Basin. This species has a moderate potential of nesting in the Project area and is likely to occur outside the nesting season. The status of this species is California Special Animal.
- **Allen’s Hummingbird:** Allen’s hummingbirds were observed foraging during the LSA biologist site visit. This species has a status as a United States Fish and Wildlife Service (USFWS) Bird of Conservation Concern and as a California Special Animal.

**Wetlands and Waters.** The Project site is located above the elevation of tidal influence from the Pacific Ocean. As part of background research collection for a different, unrelated project, LSA obtained the mean high tide level and mean tidal elevation data from the National Oceanic and Atmospheric Administration (NOAA) for the region. The average tide and average high tide data show that the Project is out of the tidal range.<sup>1</sup> No other wetlands and nonwetland waters of the United States are present.

### 4.3.3 Regulatory Setting

The following State and federal laws and regulations related to biological resources and the agencies responsible for implementing those laws and regulations are applicable to the proposed Project.

#### Federal Regulations and Policies.

##### United States Army Corps of Engineers.

**Section 404 of the Clean Water Act.** The United States Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the United States (U.S.). The term “waters of the U.S.” is defined at 33 Code of Federal Regulations (CFR) Part 328 and includes (1) *All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce...*, (2) *all interstate waters and wetlands*, (3) *all other waters such as intrastate 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*, (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*.

<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA). 2004. Tides and Currents Datums-Station Selection. Long Beach, Terminal Island, California. Website: <http://tidesandcurrents.noaa.gov/datums.html?id=9410680> (accessed January 20, 2015).

**Table 4.3.A: Special-Status Animal Species Potentially Occurring or Known to Occur in the Biological Study Area**

| Common Name                     | Scientific Name                               | Status: Federal/State                | General Habitat Description   | Potential for Occurrence at the Project Site | Rationale  |
|---------------------------------|---|--------------------------------------|---|--|--|
| <b>INVERTEBRATES</b>            |   |                                      |   |  |  |
| Western tidal-flat tiger beetle | <i>Cicindela gabbii</i>                       | --/CSA                               | Inhabits estuaries and mudflats along the coast of southern California. Generally found on dark-colored mud in the lower zone; occasionally found on dry saline flats of estuaries.   | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Sandy beach tiger beetle        | <i>Cicindela hirticollis gravida</i>          | --/CSA                               | Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco bay to northern Mexico. Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not affected by wave action. | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Western beach tiger beetle      | <i>Cicindela latesignata latesignata</i>      | --/CSA                               | Mudflats and beaches in coastal southern California.  | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Senile tiger beetle             | <i>Cicindela senilis frosti</i>               | --/CSA                               | Inhabits marine shoreline, from central California coast south to salt marshes of San Diego, also found at Lake Elsinore. Inhabits dark-colored mud in the lower zone and dried salt pans in the upper zone.                                | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Monarch butterfly               | <i>Danaus plexippus</i>                       | --/CSA (overwintering concentration) | Winter roost sites extend along the coast from northern Mendocino County to Baja California. Roosts located in wind-protected tree groves (eucalyptus, pine, and cypress) with nectar and water sources nearby.                             | Low potential for roosting concentration     | Suitable winter roost trees are not present on the Project site, and roosting has not been reported in the area. |
| Palos Verdes blue butterfly     | <i>Glaucopsyche lygdamus palosverdesensis</i> | FE/CSA                               | Requires suitable larval host plants for oviposition and larval development. Host plants occur within disturbed patches in CSS communities throughout the Palos Verdes Peninsula.   | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Wandering (=saltmarsh) skipper  | <i>Panoquina errans</i>                       | --/CSA                               | Southern California coastal salt marshes. Requires moist saltgrass for larval development.  | Absent                                       | Suitable habitat does not exist on the Project site.   |

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|--|---------------------------------------|------------------------------|---|---|--|
| Riverside fairy shrimp                           | <i>Streptocephalus woottoni</i>       | FE/CSA                       | Warm-water vernal pools (i.e., large, deep pools that retain water into the warm season) with low-to-moderate dissolved solids, in annual grassland areas interspersed through chaparral or CSS vegetation. Suitable habitat includes some artificially created or enhanced pools, such as some stock ponds, that have vernal pool-like hydrology and vegetation. Known from areas within about 50 mi of the coast from Ventura County south to San Diego County and Baja California. | Absent  | Suitable habitat does not exist on the Project site. |
| Dorothy's El Segundo dune weevil                 | <i>Trigonoscuta dorothea dorothea</i> | --/CSA                       | Endemic to coastal sand dunes in Los Angeles County.  | Absent  | Suitable habitat does not exist on the Project site. |
| Mimic tryonia (=California brackish water snail) | <i>Tryonia imitator</i>               | --/CSA                       | Inhabits coastal lagoons, estuaries, and salt marshes, from Sonoma County south to San Diego County.  | Absent  | Suitable habitat does not exist on the Project site. |
| <b>FISH</b>                                      |                                       |                              |   |   |  |
| Mohave tui chub                                  | <i>Siphateles bicolor mohavensis</i>  | FE/SE                        | Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning. Known from San Bernardino County.   | Absent  | Suitable habitat does not exist on the Project site. |
| <b>AMPHIBIANS</b>                                |                                       |                              |   |   |  |
| Western spadefoot                                | <i>Spea hammondi</i>                  | --/CSC                       | Grasslands and occasionally hardwood woodlands; largely terrestrial but requires rain pools or other ponded water persisting at least 3 weeks for breeding; burrows in loose soils during dry season. Occurs in the Central Valley and adjacent foothills, the non-desert areas of southern California, and Baja California.  | Absent  | Suitable habitat does not exist on the Project site. |

**Table 4.3.A: Special-Status Animal Species Potentially Occurring or Known to Occur in the Biological Study Area**

| Common Name              | Scientific Name                       | Status: Federal/State | General Habitat Description  | Potential for Occurrence at the Project Site | Rationale   |
|--------------------------|---------------------------------------|-----------------------|--|--|---|
| <b>REPTILES</b>          |                                       |                       |  |  |   |
| Silvery legless lizard   | <i>Anniella pulchra pulchra</i>       | --/CSC                | Fossorial. Inhabits loose soil and humus from central California to northern Baja California.  | Absent                                       | Suitable habitat does not exist on the Project site.  |
| Coastal western whiptail | <i>Aspidoscelis tigris stejnegeri</i> | --/CSA                | Wide variety of habitats, including CSS, sparse grassland, riparian woodland, and coastal and inland valleys and foothills, from Ventura County to Baja California.  | Absent                                       | Suitable habitat does not exist on the Project site.  |
| Green turtle             | <i>Chelonia mydas</i>                 | FT/--                 | Generally found in relatively shallow waters (except when migrating) inside reefs, bays, and inlets. Attracted to lagoons and shoals with an abundance of marine grass and algae. Open beaches with a sloping platform and minimal disturbance are required for nesting. In the eastern North Pacific, species has been sighted from Baja California to southern Alaska, but most commonly occur from San Diego south. | Absent                                       | Suitable habitat does not exist on the Project site. Not known to utilize or nest on beach area adjacent to the Project site. |
| Western pond turtle      | <i>Emys marmorata</i>                 | --/CSC                | Inhabits permanent or nearly permanent water below 1,830 m (6,000 ft) from central California, west of the Sierra-Cascade crest south to northwestern Baja California. Requires basking sites such as partially submerged logs, rocks, or open mud banks.  | Absent                                       | Suitable habitat does not exist on the Project site.  |
| Coast horned lizard      | <i>Phrynosoma blainvillii</i>         | --/CSC                | Primarily in sandy soil in open areas, especially washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Occurs west of the deserts from northern Baja California north to Shasta County below 8,000 ft elevation.   | Absent                                       | Suitable habitat does not exist on the Project site.  |

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|----------------------|--|-----------------------------|--|--|--|
| <b>BIRDS</b>         |  |                             |  |  |  |
| Cooper's hawk        | <i>Accipiter cooperii</i>              | --/CSA (nesting)            | Primarily forests and woodlands throughout North America. Nests in trees.  | Moderate                                     | This species is now a rather common and widespread breeder in urban areas throughout the Los Angeles Basin. Foraging and potential nesting habitat is present on the Project site.                   |
| Tricolored blackbird | <i>Agelaius tricolor</i>               | BCC/CSC (breeding)          | Open country in western Oregon, California, and northwestern Baja California. Breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs. Forages in grassland and cropland habitats. Seeks cover for roosting in emergent wetland vegetation, especially cattails and tules, and also in trees and shrubs. | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Burrowing owl        | <i>Athene cunicularia</i>              | BCC/CSC (burrow sites)      | Open country in much of North and South America.   | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Ferruginous hawk     | <i>Buteo regalis</i>                   | BCC/CSA (wintering)         | Forages in open fields, grasslands and agricultural areas, sagebrush flats, desert scrub, fringes of pinion-juniper habitats, and other open country in western North America. Requires large, open tracts of grasslands, sparse shrub, or desert habitats.  | Low  | Suitable habitat does not exist on the Project site.   |
| Western snowy plover | <i>Charadrius alexandrinus nivosus</i> | FT/CSC (coastal population) | Sandy coastal beaches, lakes, alkaline playas. Scattered locations along coastal California and Channel Islands, inland at Salton Sea, and at various alkaline lakes.  | Low  | Suitable habitat does not exist on the Project site. Sandy beach habitat occurs adjacent to the Project site, but occurrence of this species is unlikely due to heavy recreational use of the beach. |

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| Common Name                    | Scientific Name                           | Status: Federal/State | General Habitat Description  | Potential for Occurrence at the Project Site | Rationale  |
|--------------------------------|---|-----------------------|--|--|--|
| Western yellow-billed cuckoo   | <i>Coccyzus americanus occidentalis</i>   | FPT/SE                | Breeds and nests in extensive stands of dense cottonwood/willow riparian forest along broad, lower flood bottoms of larger river systems at scattered locales in western North America; winters in South America.          | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Southwestern willow flycatcher | <i>Empidonax traillii extimus</i>         | FE/SE                 | Rare and local breeder in extensive riparian areas of dense willows or (rarely) tamarisk, usually with standing water, in the southwestern U.S. and (formerly?) northwestern Mexico. Winters in Central and South America. | Absent                                       | Suitable habitat does not exist on the Project site.   |
| Merlin                         | <i>Falco columbarius</i>                  | --/CSA                | Open fields; breeds in the Holarctic Region and winters south to the tropics. Uncommon fall migrant and winter visitor to southwestern California.   | Low  | This species has increased greatly as a wintering species in the Los Angeles Basin and regularly forages along the Los Angeles River.  |
| American peregrine falcon      | <i>Falco peregrinus anatum</i>            | FDE, BCC/SDE, CFP     | Widespread but scarce and local throughout North America. Nests on buildings and bridges in the Los Angeles Basin.   | Low  | Nests in the Port of Los Angeles and may forage in the Project area.   |
| Loggerhead shrike              | <i>Lanius ludovicianus</i>                | BCC/CSC (nesting)     | Found in open country in much of North America but declining in many areas, including southwestern California.   | Low  | Suitable habitat does not exist on the Project site. Nested along the lower Los Angeles River in Long Beach and Cudahy as recently as 2002 and 2004, but now probably extirpated as a nesting species. Has also greatly declined as a wintering species in the area. |
| Belding's savannah sparrow     | <i>Passerculus sandwichensis beldingi</i> | --/SE                 | Resident in salt marshes, with rare exception (e.g., Islas Todos Santos, Baja California), of Pacific Coast from Santa Barbara County to Baja California.  | Absent                                       | Suitable habitat does not exist on the Project site.   |

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|--------------------------------|--|--|--|---|--|
| California brown pelican       | <i>Pelecanus occidentalis californicus</i> | --/CFP<br>(Nesting colony & communal roosts) | Colonial nester on coastal islands just outside the surf line. Nests on coastal islands of small to moderate size, which afford immunity from attack by ground-dwelling predators.   | Low   | Suitable nesting habitat does not exist on the Project site. Individuals may feed, fly over, and rest along the adjacent near-shore waters or beach areas.   |
| Coastal California gnatcatcher | <i>Poliophtila californica californica</i> | FT/CSC                                       | Inhabits CSS in low-lying foothills and valleys in cismontane southwestern California and Baja California.   | Absent  | Suitable habitat does not exist on the Project site.   |
| Light-footed clapper rail      | <i>Rallus longirostris levipes</i>         | FE/SE  | Found in salt marshes traversed by tidal sloughs, where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover; feeds on mollusks and crustaceans.                                | Absent  | Suitable habitat does not exist on the Project site.   |
| Bank swallow                   | <i>Riparia riparia</i>                     | --/ST<br>(nesting)                           | Nesting habitat is vertical banks of fine textured soils, most commonly along streams and rivers. In Southern California, fairly common spring and fall transient in interior; very uncommon spring transient and rare fall transient along coast. Casual in winter. | Absent  | Suitable habitat does not exist on the Project site.   |
| Black skimmer                  | <i>Rynchops niger</i>                      | BCC/CSC                                      | Casual inland; nests and breeds in coastal beach, sandbar, shell bank, island, and salt marsh and locally on gravel rooftops. Associates with terns, gulls, plovers.   | Low   | May occur on adjacent sandy beach area, but suitable habitat does not exist on the Project site.   |
| Allen's hummingbird            | <i>Selasphorus sasin</i>                   | BCC/CSA<br>(nesting)                         | Chaparral, open oak woodland riparian woodland, and residential areas on the breeding grounds from southwestern Oregon to southwestern California; primarily montane woodland on the wintering grounds in central Mexico.  | Present   | Fairly common resident in the Project area and observed during site visit. It is an abundant, adaptable, and increasing species throughout urban southern California and is expected anywhere there is a mix of exotic flowering trees and shrubs. |

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|-----------------------|------------------------------------|------------------------------|---|---|--|
| California least tern | <i>Sterna antillarum browni</i>    | FE/SE                        | Nests along the coast from San Francisco Bay south to northern Baja California. Forages in shallow water. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.   | Low   | Suitable habitat for nesting does not exist on the Project site.   |
| <b>MAMMALS</b>        |                                    |                              |   |   |  |
| Pallid bat            | <i>Antrozous pallidus</i>          | --/CSC                       | Varied habitats in western North America, including grasslands, shrublands, woodlands, deserts, and forest. Primarily day roosts in bridges, hollows, or crevices of trees, or buildings. Occasionally roosts in mines, caves, and cliff/rock crevices. Night roosts may be more open sites, such as porches, open buildings, and bridges.  | Low   | Known to roost in crevices of buildings. Foraging habitat is present along the Los Angeles and San Gabriel Rivers. Recorded throughout the Los Angeles area, including Long Beach.   |
| Western mastiff bat   | <i>Eumops perotis californicus</i> | --/CSC                       | Ranged historically throughout much of the southwestern U.S. and northwestern Mexico. In California, most records are from rocky areas at low elevations. Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral; roosts in crevices in vertical cliff faces, high buildings, trees, and tunnels throughout southwestern California. May roost in tall bridges. | Low   | May roost in crevices of buildings. There are numerous historic roosting areas in the Los Angeles Basin. In addition, foraging habitat is present along the Los Angeles and San Gabriel Rivers, and this species is known to forage over large distances from roost sites. |
| Silver-haired bat     | <i>Lasionycteris noctivagans</i>   | --/CSA                       | Primarily associated with north temperate zone conifer and mixed conifer/hardwood forests across southern Canada and most of the U.S. May be found in winter and during seasonal migration in lower, xeric habitats. Roosts mainly in hollows or crevices of trees, but may also roost in rock crevices, mines, or caves. May forage a considerable distance from roosting area.  | Low   | Rarely uses buildings for roosting but may roost in trees in the Project area and forage along the Los Angeles or San Gabriel Rivers. Recorded from Bellflower and Long Beach.   |

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|-----------------------------|--|------------------------------|---|---|---|
| Western red bat             | <i>Lasiurus blossevillii</i>           | --/CSC                       | Ranges from southwestern Canada through the western U.S. and Middle America to South America. Forages over a wide range of habitats but often associated with intact riparian habitat, particularly with willows, cottonwoods, and sycamores. Typically solitary, roosting in the foliage of trees or shrubs. Day roosts are commonly in habitats near streams or open fields, in orchards, and sometimes in urban areas. | Low   | May roost in large-leaved trees along segments of the lower Los Angeles and San Gabriel Rivers and adjacent residential areas. Foraging habitat is present along the Los Angeles and San Gabriel Rivers.                |
| Hoary bat                   | <i>Lasiurus cinereus</i>               | --/CSA                       | Widespread in North America and Hawaii. Forages over a wide range of habitats but prefers open habitats with access to water and trees for roosting. Typically solitary, roosting in the foliage of shrubs or coniferous and deciduous trees. Roosts are usually near the edge of a clearing.   | Low   | May roost in trees along segments of the lower Los Angeles and San Gabriel Rivers or in adjacent residential areas. Foraging habitat is present along the rivers. Recorded throughout the Los Angeles area.             |
| Western yellow bat          | <i>Lasiurus xanthinus</i>              | --/CSC                       | Varied habitats from the southwestern U.S. to southern Mexico; often associated with palms and desert riparian habitats. In southern California, occurs in palm oases and in residential areas with untrimmed palm trees. Roosts primarily in trees, especially the dead fronds of palm trees, although it has also been documented to roost under the leaves of deciduous trees such as cottonwoods.                     | Low   | May roost in palms along segments of the lower Los Angeles and San Gabriel Rivers and adjacent residential areas. Foraging habitat is present along the Los Angeles and San Gabriel Rivers. Recorded from Garden Grove. |
| South coast marsh vole      | <i>Microtus californicus stephensi</i> | --/CSC                       | Tidal marshes in Los Angeles, Orange, and southern Ventura Counties.  | Absent  | Suitable habitat does not exist on the Project site.  |
| Western small-footed myotis | <i>Myotis ciliolabrum</i>              | --/CSA                       | Found across much of North America, primarily in relatively arid wooded and brushy uplands near water. Individuals are known to roost singly or in small groups in cliff and rock crevices, buildings, concrete overpasses, caves, and mines.   | Low   | Known to occasionally roost in building crevices. Foraging habitat is present along the Los Angeles and San Gabriel Rivers.   |

**Table 4.3.A: Special-Status Animal Species Potentially Occurring or Known to Occur in the Biological Study Area**

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|--------------------------|----------------------------------|------------------------------|---|---|--|
| Long-eared myotis        | <i>Myotis evotis</i>             | --/CSA                       | Found throughout much of North America in semiarid shrublands, chaparral, and agricultural areas but usually associated with coniferous forests. Roosts under exfoliating tree bark and in hollow trees, caves, mines, and crevices in cliffs/rocks. Sometimes roosts in buildings and bridges.                                       | Low   | Known to occasionally roost in buildings. Foraging habitat is present along the Los Angeles and San Gabriel Rivers.  |
| Yuma myotis              | <i>Myotis yumanensis</i>         | --/CSA                       | Occurs in a variety of habitats in western North America, including riparian habitats, arid scrublands and deserts, and forests. Optimal habitats are open forests and woodlands with sources of water over which to feed. Roosts in buildings, mines, caves, or crevices and under bridges. May occasionally roost in swallow nests. | Low   | Known to frequently roost in buildings. Observed roosting and foraging along the lower Los Angeles River from SR-91 to Willow Street. Foraging habitat is present along the Los Angeles and San Gabriel Rivers.  |
| San Diego desert woodrat | <i>Neotoma lepida intermedia</i> | --CSC                        | Found in desert scrub and CSS habitat, especially in association with cactus patches. Builds stick nests around cacti, or on rocky crevices. Occurs along the Pacific slope from San Luis Obispo County to northwest Baja California.   | Absent  | Suitable habitat does not exist on the Project site.   |
| Pocketed free-tailed bat | <i>Nyctinomops femorosaccus</i>  | --/CSC                       | Varied habitats, but usually associated with high cliffs or rocky areas. Spotty distribution, ranging from southern California and southwestern Arizona through central Mexico. Roosts primarily in cliffs/rock crevices; may use buildings for roosting. Rarely roosts in bridges.   | Low   | Although roosting is unlikely in the Project area, may roost in buildings. Foraging habitat is present along the Los Angeles and San Gabriel Rivers, and this species is known to forage over large distances from roost sites. Recorded from Harbor City and Inglewood. |

**Table 4.3.A: Special-Status Animal Species Potentially Occurring or Known to Occur in the Biological Study Area**

| Common Name                         | Scientific Name                           | Status: Federal/State | General Habitat Description   | Potential for Occurrence at the Project Site | Rationale   |
|-------------------------------------|---|-----------------------|---|--|---|
| Big free-tailed bat                 | <i>Nyctinomops macrotis</i>               | --/CSC                | Mainly inhabits rugged, rocky habitats in arid southwestern North America. Feeds principally on large moths. Roosts primarily in cliffs/rock crevices and rarely in buildings, caves, and tree cavities. Not known to use bridges for roosting. | Low  | Although roosting is unlikely in the Project area, foraging habitat is present along the Los Angeles and San Gabriel Rivers, and this species is known to forage over large distances from roost sites. Recorded from Long Beach and Los Angeles. |
| Pacific pocket mouse                | <i>Perognathus longimembris pacificus</i> | FE/CSC                | Historically occupied open habitats on sandy soils along the coast from Los Angeles to the Mexican border. Now known from only four sites in Orange and San Diego Counties.   | Absent                                       | Suitable habitat does not exist on the Project site.  |
| Southern California saltmarsh shrew | <i>Sorex ornatus salicornicus</i>         | --/CSC                | Coastal marshes with dense vegetation and woody debris for cover. Known only from Los Angeles, Ventura, and Orange Counties.  | Absent                                       | Suitable habitat does not exist on the Project site.  |
| American badger                     | <i>Taxidea taxus</i>                      | --/CSC                | Primary habitat requirements seem to be sufficient food and friable soils in relatively open uncultivated ground in grasslands, woodlands, and desert. Widely distributed in North America.   | Absent                                       | Suitable habitat does not exist on the Project site.  |

Source: *Biological Assessment Report* (April 2013).

Status: Federally-listed as Endangered (FE), Federally-listed as Threatened (FT), State-listed as Endangered (SE), State-listed as Threatened (ST), Federally Proposed Threatened (FPT), Federally Delisted as Endangered (FDE), United States Fish and Wildlife Service Birds of Conservation Concern (BCC), California Delisted as Endangered (SDE), California Fully Protected Species (CFP), California Species of Special Concern (CSC), and California Special Animal (CSA).

CSS = coastal sage scrub

ft = feet/foot

LSA = LSA Associates, Inc.

m = meters

mi = miles

SR-91 = State Route 91

U.S. = United States

Wetlands are defined at 33 CFR 328.3(b) as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support...a prevalence of vegetation typically adapted for life in saturated soil conditions.”

Waters found to be isolated and not subject to Clean Water Act (CWA) regulation are often still regulated by the Regional Water Quality Control Board (RWQCB) under the State Porter-Cologne Water Quality Control Act (Porter-Cologne Act), as discussed below. No Section 404 Permit would be required for the proposed Project.

**Regional Water Quality Control Board (RWQCB).** Waters subject to the provisions of Section 404 of the CWA also require Water Quality Certification from the RWQCB pursuant to Section 401 of the CWA. Waters that do not fall under the jurisdiction of the RWQCB pursuant to Section 401 of the CWA may require authorization through application for waste discharge requirements (WDRs) or through waiver of WDRs, pursuant to the Porter-Cologne Act (California Water Code, Division 7). No Section 401 Permit would be required for the proposed Project. Stormwater discharge is subject to the requirements of National Pollutant Elimination Discharge System (NPDES) permitting.

### **State Regulations and Policies.**

**United States Fish and Wildlife Service.** The Federal Endangered Species Act (FESA) of 1973 sets forth a two-tiered classification scheme based on the biological health of a species. Endangered species are those in danger of becoming extinct throughout all or a significant portion of their range. Threatened species are those likely to become endangered in the foreseeable future; Special Rules under Section 4(d) can be made to address threatened species. Ultimately, the FESA attempts to bring populations of listed species to healthy levels so that they no longer need special protection.

If a federal action exists and the Project may impact listed species or designated critical habitat, consultation with the United States Fish and Wildlife Service (USFWS) is required through Section 7 of the FESA. By law, Section 7 consultation is a cooperative effort involving affected parties engaged in analyzing the effects posed by proposed actions on listed species or critical habitats. The FESA prohibits the “take” of listed species by anyone unless authorized by the USFWS. Take is defined as “conduct which attempts or results in the killing, harming, or harassing of a listed species.” Harm is defined as “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering.” Harassment is defined as an “intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding, or sheltering.” Therefore, in order to comply with the FESA, any proposed Project should be assessed prior to construction to determine whether that project will impact listed species or, in the case of a federal action on the Project, designated critical habitats. There are no designated Critical Habitats in the proposed Project site.

**California Department of Fish and Wildlife.** The CDFW, through Sections 1600–1603 of the California Fish and Game Code, is empowered to regulate all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.” The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW. While seasonal ponds are within the CDFW definition of wetlands, if they are not associated with a river, stream, or lake, they are not subject to CDFW jurisdiction under Section 1602 of the California Fish and Game Code. No streams or riparian habitat subject to the jurisdiction of the CDFW is located on the Project site, and no Streambed Alteration Agreement (SAA) is required for the proposed Project.

**California Endangered Species Act (CESA).** The California Endangered Species Act (CESA; California Fish and Game Code Sections 2050–2098) was signed into law in 1984. It was intended to parallel the federal law. The CESA prohibits the unauthorized “take” of species listed as threatened or endangered under its provisions. However, a significant difference exists in the CESA definition of “take,” which is limited to actually or attempting to “hunt, pursue, capture, or kill.” There are no State-listed Threatened or Endangered Species occupying the Project site, and none are expected to occur.

**California Coastal Commission.** The California Coastal Commission (Coastal Commission), through provisions of the California Coastal Act (Coastal Act), is empowered to issue a Coastal Development Permit (CDP) for many projects located within the Coastal Zone. In areas where a local entity has a certified Local Coastal Program (LCP), such as the City of Long Beach, the primary responsibility for issuing CDPs is transferred from the Coastal Commission to the local government for all nonshore/nonwater projects in the Coastal Zone. The local agency can issue a CDP only if it is consistent with the LCP. The Coastal Commission, however, has appeal authority for portions of LCPs and retains permanent coastal permit authority for areas without a certified LCP, as well as over certain public trust lands (areas on the water, immediate shoreline, tidelands, submerged lands, and coastal-oriented bodies of water). The proposed Project will require issuance of a CDP from the Coastal Commission because the proposed Project area includes tidal lands and a large portion of the site is within the Coastal Commissions’ original jurisdiction.

The Coastal Commission regulates the diking, filling, and dredging of wetlands within the Coastal Zone. The Coastal Act Section 30121 defines wetlands as lands “within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.” The facility improvements associated with the proposed Project are regulated and reviewed by the Coastal Commission.

## Species Protection under Regulatory and Local Policies.

**Nesting Birds.** The federal Migratory Bird Treaty Act (MBTA) regulations and portions of the California Fish and Game Code prohibit the “take” of nearly all native bird species and their nests. While these laws and regulations were originally intended to control the intentional take of birds and/or their eggs and nests by collectors, falconers, etc., they can nevertheless be applied to unintentional take (e.g., destroying an active nest by cutting down a tree). It is sometimes possible to obtain a permit for relocating or removing a nest.

**Local Tree Protection.** The City of Long Beach Municipal Code (Ordinance C-7642) requires that a permit be obtained from the Director of Public Works prior to removal of trees from City-owned property. The City also requires that the trees be identified, mapped, and measured prior to removal. The City’s Tree Maintenance Policy requires a 1:1 replacement ratio and payment of a fee that is equivalent to a City-approved 15-gallon tree.

**Tree Trimming Policy.** The City’s Department of Parks, Recreation, and Marine has an adopted Tidelands Area Tree Trimming policy that provides guidelines and procedures for trimming trees within the Tidelands area. The guidelines contained in the policy restrict tree trimming within 300 feet of any tree containing an active nest or nesting activity during the period from January 15 to September 1.<sup>1</sup>

### 4.3.4 Impact Significance Criteria

The thresholds for impacts on biological resources used in this analysis are consistent with the Environmental Checklist in Appendix G of the *State CEQA Guidelines*. The proposed Project may be deemed to have a significant impact with respect to biological resources if it results in a:

- Threshold 4.3.1:** 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 CDFW or USFWS;
- Threshold 4.3.2:** Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS;
- Threshold 4.3.3:** Substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

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<sup>1</sup> City of Long Beach Department of Parks, Recreation, and Marine. Policies and Procedures Subject: Tree Trimming. May 8, 1987.

- Threshold 4.3.4:** Substantial interference 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;
- Threshold 4.3.5:** Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance; or
- Threshold 4.3.6:** Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan.

The Initial Study (IS; Appendix A) substantiates the determination that the proposed Project would result in less than significant impacts associated with Thresholds 4.3.2 (adverse effect on riparian or other sensitive natural community) and Threshold 4.3.3 (adverse effect on wetlands). Additionally, the IS determined the proposed Project would not result in impacts associated with Threshold 4.3.6 (conflict with adopted HCPs or NCCPs). No new information identifying a change in the level of impacts were discovered during the scoping process. As a result, these thresholds are not considered further in the analyses of the potential impacts of the proposed Project on biological resources.

**CEQA Baseline.** At the time the NOP was published (April 2014), the Project site contained both the Belmont Pool facilities and the outdoor temporary pool (opened in December 2013 to provide swimming facilities while the permanent facility was under construction). Although the site contained the former Belmont Pool building at the time of the NOP, the facility was demolished in February 2015 to alleviate an imminent public safety threat due to the seismically unsafe condition of the building.

The inclusion of the former building in the assessment of biological impacts is appropriate because the structure and surrounding trees were surveyed prior to the removal of the building in order to identify any nesting/roosting sites. In addition, no vegetation currently exists on the site of the former facility. A temporary backfilled blanket of sand was placed over the site of the demolished building and does not contain any significant biological resources in its current condition. Substantial evidence supports the determination that inclusion of the former pool facility as the baseline for biological impacts is appropriate because it is based on recent historical use.

#### 4.3.5 Project Impacts

- Threshold 4.3.1:** Would the project 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 CDFW or USFWS?

**Less than Significant Impact.** No sensitive natural community or special-status plant species were identified on the Project site, and no designated critical habitat is located in the Project Site. Although the on-site vegetation is nonnative, Allen's hummingbirds were observed foraging on the Project site. However, bird species known to be utilizing the site, including Allen's hummingbird, would be able to relocate to other hunting and foraging habitats once the Project is implemented. These species are

adapted to hunting and foraging in an urban environment, and the loss of the foraging habitat on site would not be considered significant.

The loss of disturbed, nonnative habitat, and the associated reduction of locally common wildlife populations, is not considered significant impacts. The removal of on-site vegetation is not expected to have a significant adverse effect on candidate, sensitive, or special-status species, as defined by the CDFW or the USFWS. Therefore, any impacts to sensitive or special-status species would be less than significant, and no mitigation is required.

**Threshold 4.3.4: Would the project 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?**

**Less than Significant Impact with Mitigation Incorporated.** The proposed Project site is not currently a highly functioning movement corridor for wildlife species and does not contain any significant high-value nursery habitat sites. The proposed Project site is developed and located in an urban area subject to frequent intense human activity under current conditions. Because of the isolation of this site amidst urban development, the proposed Project site does not function as a wildlife movement corridor.

However, because of the presence of several mature ornamental trees, implementation of the proposed Project may interfere with native resident or migratory bird species. The MBTA and Fish and Game Code 3503 protect most native bird species from destruction or harm. This protection extends to individuals as well as any part, nest, or eggs of any bird listed as migratory. Most native North American bird species are on the MBTA list, which applies to the Project site given the number and likelihood of nesting migratory birds in the trees located on the Project site.

A total of 30 trees would be removed or relocated. Twenty-four canopy trees would be removed, along with five palms. Four to five of the canopy trees are being considered for relocation, to accommodate the expansion of pool facilities. In addition, noise and activities during construction could cause the potential abandonment of nests by migratory birds. The *Biological Survey Memorandum* and *Preconstruction Nesting Bird and Bat Roost Surveys Memorandum* (Appendix C) prepared for the Project identified ten nesting/roosting sites in total (nine nesting/roosting locations were identified in the initial *Biological Survey Memorandum*, and one new nesting/roosting location was identified in the *Preconstruction Nesting Bird and Bat Roost Surveys Memorandum*). The preconstruction nesting bird and bat roost surveys conducted on August 18, 2014, found no active bird nests but did identify evidence of recent roosting in two locations and one roosting black-crowned night heron.

Construction activities associated with the proposed Project may result in some temporary disruptions to the roosting activities of the bird species utilizing these locations. In addition, construction of the pool facilities and renovations to the passive park areas have the potential to cause a direct loss of nesting trees or the abandonment of nests in those trees. However, the bird species present in the Project area are currently coexisting with pool and park users and are accustomed to human intrusion and noise and are anticipated to be able to reestablish to the relocated trees and adapt to the additional

trees installed as a part of the proposed Project. Therefore, long-term operation of the proposed Project is anticipated to have less than significant impacts on nesting and/or roosting birds.

During the preconstruction nesting bird and bat roost surveys conducted on August 18, 2014, no bats were observed emerging from the former Belmont Pool building complex at any time during the emergence survey; no bats were observed flying or foraging in the vicinity; and no bats were detected with acoustic equipment. Therefore, based upon the daytime building inspection and the nighttime emergence survey, there was no evidence that bats were roosting on or around the Project site. Therefore, no impacts to day-roosting bats or bat colonies on the Project site or in the vicinity of the Project site are expected to occur.

Mitigation Measure 4.3.1 (compliance with the MBTA) would restrict the removal of trees and vegetation during the nesting season and require surveys, as necessary, prior to construction to ensure that potential construction impacts to migratory birds are reduced to a less than significant level. Peak nesting months are typically March through June, although nesting can occur as early as mid-January and as late as September 1. Therefore, it is recommended that any necessary tree removal be completed during the autumn and winter months (i.e., September 2 through January 14). Implementation of Mitigation Measure 4.3.1 would be required to ensure that potential impacts to migratory birds are reduced to a less than significant level.

**Threshold 4.3.5: Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

**Less than Significant Impact with Mitigation Incorporated.** The proposed Project would be constructed within an existing developed area that contains ornamental landscaping and nonnative vegetation. The proposed Project would comply with the Tidelands Area Tree Trimming policy by restricting tree trimming within 300 feet of any tree containing an active nest or nesting activity during the period from January 15 through September 1.

The construction of the pool facilities as currently planned would result in removal or relocation of 30 trees. Of these 30 trees, 24 canopy trees and 5 palms would be removed. A total of 4 to 5 canopy trees are being slated for relocation, to accommodate the expansion of pool facilities. In accordance with the City's Municipal Code, Chapter 14.28, a ministerial permit from the Director of Public Works would be required before the removal of any trees on City-owned property. A tree removal permit would be obtained prior to any grading or construction activities. The City's Tree Maintenance Policy requires a 1:1 replacement ratio and payment of a fee that is equivalent to a City-approved 15-gallon tree. Mitigation Measure 4.3.2 addresses this ordinance and outlines the requirement for the replacement of trees. Therefore, with implementation of Mitigation Measure 4.3.2, impacts related to the City's tree protection ordinance would be reduced to a less than significant level.

#### **4.3.6 Cumulative Impacts**

**Less than Significant Impact with Mitigation Incorporated.** The cumulative study area for biological resources would be the immediate Project site and the Greater Belmont Shore area. The proposed Project has a limited potential to result in a cumulative impact to nesting migratory bird species or biological resources. However, Mitigation Measures 4.3.1 and 4.3.2, requiring avoidance

of construction during nesting season and replacement of removed trees at a 1:1 ratio, would reduce potential impacts to migratory bird species to a less than significant level. Therefore, overall adverse impacts to nesting migratory bird species would not be cumulatively significant.

As described earlier, the Project site does not contain any native habitat, and is in an area with substantial urban development and limited native habitat. Therefore, loss of potential habitat on the Project site would not be a substantial impact. As a result, when considered with the potential effects of other development in this part of the City of Long Beach on biological resources, the proposed Project would not contribute appreciably to cumulative adverse impacts on biological resources. Therefore, the contribution of the proposed Project to cumulative adverse impacts on biological resources would be less than significant.

#### **4.3.7 Level of Significance before Mitigation**

No special-status plant species were observed on site. Therefore, no impact related to a candidate, sensitive, or special-status plant species would occur as a result of implementation of the proposed Project. No significant impacts to these species are anticipated as a result of implementation of the proposed Project (Threshold 4.3.1).

The likelihood of nesting birds occurring on site during the breeding season is high considering the existing presence of birds and the existing trees located on the Project site that may provide habitat for nesting birds. Therefore, impacts would be potentially significant prior to implementation of mitigation (Threshold 4.3.4).

The proposed Project would remove or relocate 30 existing ornamental and nonnative trees that are under jurisdiction of the Tree Removal Ordinance. Therefore, impacts would be potentially significant prior to implementation of mitigation (Threshold 4.3.5).

#### **4.3.8 Mitigation Measures**

The following measure is required to ensure compliance with the MBTA.

**Mitigation Measure 4.3.1:** **Migratory Bird Treaty Act.** Tree and vegetation removal shall be restricted to outside the likely active nesting season (January 15 through September 1) for those bird species present or potentially occurring within the proposed Project area. That time period is inclusive of most other birds' nesting periods, thus maximizing avoidance of impacts to any nesting birds. If construction is proposed between January 15 and September 1, a qualified biologist familiar with local avian species and the requirements of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code shall conduct a preconstruction survey for nesting birds no more than 3 days prior to construction. The survey shall include the entire area that will be disturbed. The results of the survey shall be recorded in a memorandum and submitted to the City of Long Beach (City) Parks, Recreation, and Marine Director within 48 hours. If the survey is

positive, and the nesting species are subject to the MBTA or the California Fish and Game Code, the memorandum shall be submitted to the California Department of Fish and Wildlife (CDFW) to determine appropriate action. If nesting birds are present, a qualified biologist shall be retained to monitor the site during initial vegetation clearing and grading, as well as during other activities that would have the potential to disrupt nesting behavior. The monitor shall be empowered by the City to halt construction work in the vicinity of the nesting birds if the monitor believes the nest is at risk of failure or the birds are excessively disturbed.

The following measure is required to ensure compliance with the City's local ordinance regarding tree removal.

**Mitigation Measure 4.3.2: Local Tree Removal Ordinances.** Prior to the start of any demolition or construction activities, the City of Long Beach (City) Parks, Recreation, and Marine Director, or designee, shall obtain a tree removal permit from the City's Director of Public Works. A City-approved Construction Plan shall be submitted with the permit to remove tree(s). The City-approved Plan shall show that the existing City (parkway) tree has a direct impact on the design and function of the proposed Project. The City shall incur all removal costs, including site cleanup, make any necessary repair of hardscape damage, and replace the tree. The removed tree shall be replaced with an approved 15-gallon tree and payment of a fee that is equivalent to a City-approved 15-gallon tree.

#### **4.3.9 Level of Significance after Mitigation**

Potential impacts to Biological Resources from the proposed Project would be mitigated to levels that are less than significant with implementation of Mitigation Measures 4.3.1 and 4.3.2. Therefore, the proposed Project would not result in any significant unavoidable impacts related to Biological Resources.

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