# HAMILTON BIOLOGICAL

May 11, 2019

Beach Cities Health District
1200 Del Amo Street
Redondo Beach, CA 90277
Attn: Ed Almanza

## SUBJECT: BIOLOGICAL EVALUATION
## BEACH CITIES HEALTH DISTRICT
## REDONDO BEACH, LOS ANGELES COUNTY, CALIFORNIA

Dear Mr. Almanza,

At your request, Hamilton Biological, Inc., has conducted a biological evaluation of the 11-acre Beach Cities Health District project site, in the City of Redondo Beach (Figure 1). The proposed project involves redevelopment of the site, which is fully developed. This report provides the methods and results of my survey, and discusses environmental regulations that may be relevant to implementation of the proposed project.

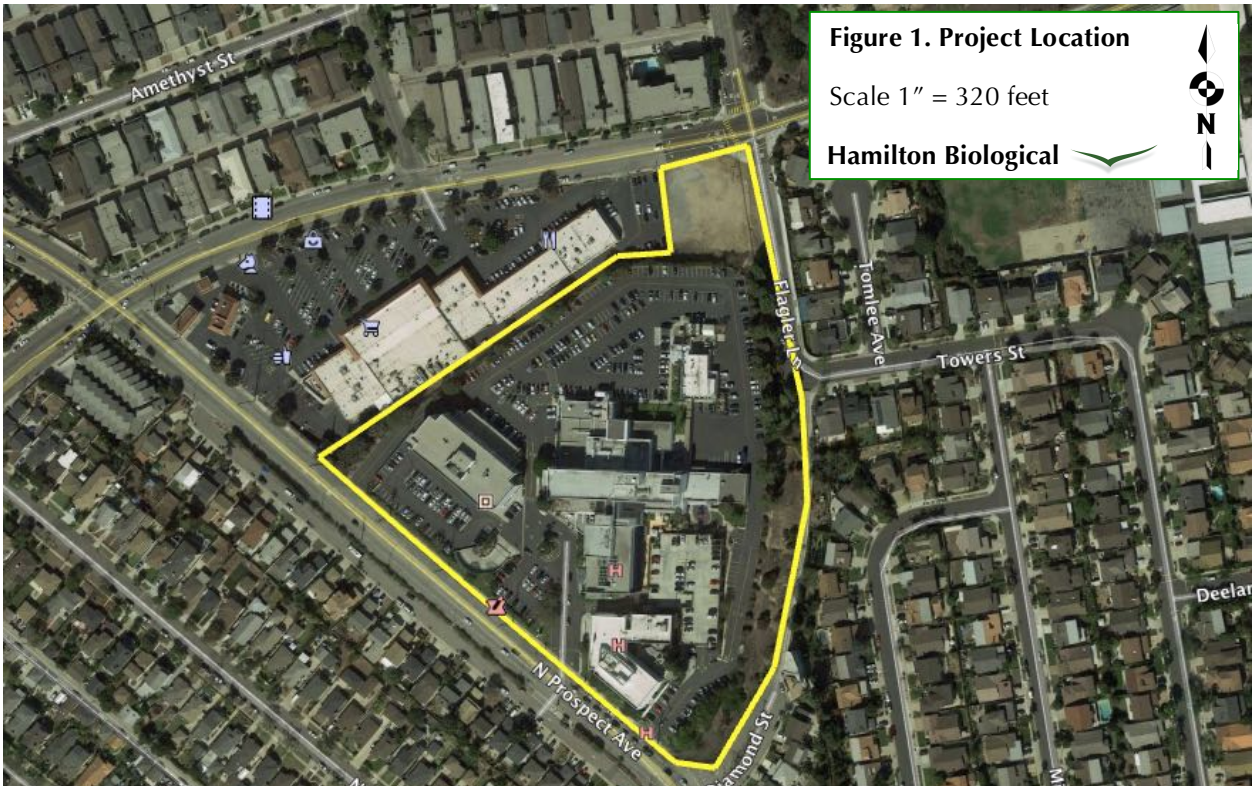


**Figure 1.** The Beach Cities Health District campus is located at 514 N. Prospect Avenue in Redondo Beach, CA. The biological survey covered the entire campus. Surrounding land uses are urban.

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# METHODS

## *Field Visit*

Biologist Robert A. Hamilton conduct a field survey on May 9, 2019, from 10:45 a.m. to 3:15 p.m. Skies were 100% overcast; winds were in the range of 1–4 miles per hour; and the temperature was 62–63° F. Mr. Hamilton covered all parts of the campus, searching for all plant and wildlife species present, and searching for any sign of active nesting by birds. The purpose was to evaluate whether any biological resources present in the area might be subject to local, state, or federal resource-protection regulations.

## *Literature Review*

On May 9, 2019, I conducted a search of the California Native Plant Society's Online Inventory of Rare and Endangered Plants (www.rareplants.cnps.org) and the Consortium of California Herbaria web page (www.ucjeps.berkeley.edu/consortium) and searched for sensitive plant species known from the Redondo Beach area.

On May 9, 2019, I reviewed the following resources of the California Natural Diversity Data Base:

- California Department of Fish and Wildlife, Natural Diversity Database. November 2018. Special Animals List. Periodic publication. 53 pp.
- California Department of Fish and Wildlife, Natural Diversity Database. March 2019. Special Vascular Plants, Bryophytes, and Lichens List. Quarterly publication. 128 pp.
- California Natural Diversity Data Base. Rarefind data accessed online on May 9, 2019, for the U.S. Geologic Survey's Redondo Beach, Venice, Inglewood, and Torrance 7.5' topographic quadrangles.

On May 9, 2019, I reviewed eBird (www.ebird.org) for records of any special-status bird species with potential to utilize the project site.

The purpose of this review was to determine all sensitive plant and wildlife species recorded in the U.S. Geologic Survey's Redondo Beach, Venice, Inglewood, and Torrance 7.5' topographic quadrangles, and to evaluate the potential for these and other species to occur on the project site.

# RESULTS

The entire project site is developed in its existing condition, in the context of a strictly urban setting. An unpaved, gravel lot accounts for approximately 0.7 acre in the northeastern part of the site, and a weedy/landscaped slope accounts for approximately 1.6 acres along the eastern project boundary. The lot was recently used as a construction staging area.

## *Vegetation*

Vegetation on and around the project site consists entirely, or nearly entirely, of nonnative species, including plants commonly used in commercial landscaping and typical

weedy species found in urban environments in coastal southern California. Plant species observed include trees, such as pines (*Pinus* spp.), figs (*Ficus* spp.), Broad-leaved Paperbark (*Melaleuca quinquenervia*), Silver Dollar Eucalyptus (*Eucalyptus polyanthemos*), Floss Silk Tree (*Ceiba* sp.), Chinese Juniper (*Juniperus chinensis*), Mexican Fan Palm (*Washingtonia robusta*), Queen Anne Palm (*Syagrus romanzoffiana*), and Bottlebrush (*Callistemon citrinus*). Shrubs and vines observed include Indian Hawthorn (*Rhaphiolepis indica*), Bird of Paradise (*Strelitzia reginae*), English Ivy (*Hedera helix*), and Virginia Creeper (*Parthenocissus quinquefolia*). Herbaceous weeds observed include Wild Radish (*Raphanus sativus*), Garland Chrysanthemum (*Glebionis coronaria*), Cheeseweed (*Malva parviflora*), Puncturevine (*Tribulus terrestris*), Dandelion (*Taraxacum officinale*), and London Rocket (*Sisymbrium irio*). Exotic grasses observed included Smilo Grass (*Piptatherum miliaceum*), Bermuda Grass (*Cynodon dactylon*) and Crab Grass (*Digitaria sanguinalis*).

## *Wildlife*

The wildlife observed, and expected, in the project area consists of (a) native and non-native species resident in the local area that are adapted to living in urbanized Redondo Beach, and (b) native migratory birds in transit or wintering in the local area.

I detected one species of reptile on the site, the native Western Fence Lizard (*Sceloperus occidentalis*).

I observed 22 native species and four non-native bird species on the site:

| | | | |
|---|---|---|---|
| * Rock Pigeon | 5 | House Finch | 25 |
| * Eurasian Collared-Dove | 4 | Lesser Goldfinch | 7 |
| Mourning Dove | 4 | California Towhee | 2 |
| Anna's Hummingbird | 2 | Hooded Oriole | 2 |
| Allen's Hummingbird | 10 | Orange-crowned Warbler | 2 |
| Pacific-slope Flycatcher | 1 | Yellow Warbler | 3 |
| Black Phoebe | 1 | Hermit Warbler | 1 |
| Warbling Vireo | 13 | Wilson's Warbler | 7 |
| American Crow | 4 | Western Tanager | 6 |
| Bushtit (Pacific) | 2 | Black-headed Grosbeak | 1 |
| Swainson's Thrush | 1 | Blue Grosbeak | 1 |
| * European Starling | 10 | Lazuli Bunting | 1 |
| Cedar Waxwing | 10 | * House Sparrow | 5 |

* Non-native species.

Many of the birds observed are migatory species that do not nest in the Redondo Beach area. One active nest, of an Allen's Hummingbird, was detected.

No mammals were detected, but expected species include the non-native Eastern Fox Squirrel (*Sciurus niger*) and several native species, including the Botta Pocket Gopher (*Thomomys bottae*), Raccoon (*Procyon lotor*), Virginia Opossum (*Didelphis virginiana*), and Striped Skunk (*Mephitis mephitis*).

## SENSITIVE BIOLOGICAL RESOURCES

The literature review yielded dozens of special-status species that have been recorded within the Redondo Beach, Venice, Inglewood, and Torrance USGS 7.5' topographic quadrangles. Very few of the special-status species identified through the literature search are capable of surviving in developed areas like this project site, which supports no natural plant communities. Table A, below provides information on those special-status species that have legitimate potential to occur on the project site.

### TABLE A: SPECIAL STATUS SPECIES

| Species | Regulatory Status | Potential Status in Study Area |
|---|---|---|
| **Plants** | | |
| Southern Tarplant *Centromadia parryi* ssp. *australis* | CNPS Rank 1B.1, for species that CNPS considers "rare, threatened, or endangered in CA and elsewhere." | Southern Tarplant typically occurs on flat, disturbed ground near the coast that receives intermittent flooding. The species very rarely occurs in disturbed lots (pers. obs.). In the general project vicinity, populations occur in the Torrance area.<br><br>The disturbed lot in the northeastern part of the property has marginal potential to support Southern Tarplant, but the species is conspicuous, and I searched specifically for either living or dead stalks, which would have been visible at the time of the field survey. Based on the lack of observations of this species, and the developed nature of the site, this plant has very low potential to occur on the site. |
| **Invertebrates** | | |
| Monarch *Danaus plexippus* | California Special Animal, referring to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. The Department of Fish and Game considers this list to include the taxa of greatest conservation need, although not all are equally at risk. | This butterfly species is of concern due to its limited number of remaining overwintering sites, which are covered by statues of the California Public Resources Code and the California Fish and Game Code. Numbers have been fluctuating over the years, with a downward trend during the recent past.<br><br>In southern California, Monarchs usually overwinter in substantial groves of eucalyptus, and occasionally pines, in natural areas between a half-mile and one mile from the coast. Based on the small size and urban location of the pine stands on the site, and lack of observation of Monarchs during the site visit, I consider pines on the site to have very low potential to provide overwintering habitat for Monarchs. |
| **Birds** | | |
| *Cooper's Hawk Accipiter cooperii* | California Special Animal, referring to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. The Department of Fish and Game considers this list to include the taxa of greatest conservation need, although not all are equally at risk. | Once found mainly in natural areas with riparian and oak woodlands (e.g., Hamilton, R. A., and D. R. Willick. 1996. *The Birds of Orange County, California, Status and Distribution*. Sea and Sage Press, Irvine.), this species has experienced "significant population increases and range expansions starting in 1990s, most noticeable in the form of breeders colonizing urban and suburban areas" (Curtis, O. E., R. N. Rosenfield, and J. Bielefeldt. 2006. Cooper's Hawk (Accipiter cooperii), version 2.0 in The Birds of North America; A. F. Poole, Editor. Cornell Lab of Ornithology, Ithaca, NY). Following rapid expansion of the breeding population into urban and suburban southern California during the past two decades, Cooper's Hawk is now a common, widespread resident.<br><br>Cooper's Hawk was not observed during the field survey, but has moderate potential to breed in the project vicinity and high potential to occur on the site during migration and/or winter. |

## APPLICABLE ENVIRONMENTAL PROTECTION REGULATIONS

The project site, being developed in the existing condition, does not support any plant communities that might be subject to resource-project regulations. The only potentially applicable resource-protection regulations involve requirements to avoid impacts to actively nesting birds, as described in the following sections.

### *Federal Migratory Bird Treaty Act*

The federal Migratory Bird Treaty Act (MBTA) of 1918 implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia). At the heart of the MBTA is this language:

> Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

For many years, this language was subject to broad interpretation, which in some cases led to prosecution for violations of the MBTA that were incidental to otherwise lawful activities, such as tree trimming. On December 22, 2017, the federal government issued revised guidance on the MBTA that reached the following conclusion:

> The text, history, and purpose of the MBTA demonstrate that it is a law limited in relevant part to affirmative and purposeful actions, such as hunting and poaching, that reduce migratory birds and their nests and eggs, by killing or capturing, to human control. Even assuming that the text could be subject to multiple interpretations, courts and agencies are to avoid interpreting ambiguous laws in ways that raise grave Constitutional doubts if alternative interpretations are available. Interpreting the MBTA to criminalize incidental takings raises serious due process concerns and is contrary to the fundamental principle that ambiguity in criminal statutes must be resolved in favor of defendants. Based upon the text, history, and purpose of the MBTA, and consistent with decisions in the Courts of Appeals for the Fifth, Eighth, and Ninth circuits, there is an alternative interpretation that avoids these concerns. Thus, based on the foregoing, we conclude that the MBTA's prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control.

Thus, at this time, the MBTA is not considered relevant to this project.

### *California Fish and Game Code*

Section 3503 of the California Fish and Game Code 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." Thus, in California, it remains a potential State offense to knowingly disrupt an active nest of virtually any native bird spe-

cies. The term "active nest" is not clearly defined in the Fish and Game Code, and in some circumstances may be left to the discretion of the biologist in the field. At present, wardens for the California Department of Fish & Wildlife (CDFW) typically define an active nest as one that is completed and holding at least one egg (Erinn Wilson, CDFW, pers. comm.).

## IMPACT ANALYSIS & RECOMMENDED MITIGATION MEASURES

This section analyzes the expected impacts of the proposed project on biological resources. Thresholds of significance for the anticipated impacts are determined by interpretation of the CEQA Guidelines as presented below. Mitigation measures are recommended to address any impacts considered to be potentially significant.

Pursuant to Appendix G of CEQA Guidelines, a significant impact to biological resources would result if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any federal, state, or local policies or ordinances protecting biological resources, such as a tree preservation ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### *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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Based upon my review of the relevant literature, and the results of my field visit, I conclude that the one special-status plant species with any potential to occur on the site, Southern Tarplant, is very unlikely to be present.

The site does not provide habitat suitable for use by overwintering Monarchs, and so no impacts to potential overwintering habitat for this special-status invertebrate are identified.

The one "special-status" wildlife species likely to occur on the site, Cooper's Hawk, is a common and widespread raptor found frequently in urban and suburban areas across southern California. The species is not listed as threatened or endangered, and is not recognized as a California Species of Special Concern. Any potential project impacts to habitats utilized by Cooper's Hawks would be less than significant under CEQA.

Based upon this analysis, implementation of the proposed actions would not have any substantial effect, either directly or through habitat modifications, upon any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

### *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The project site lacks riparian habitats or other sensitive natural communities. Therefore, I conclude that implementation of the proposed actions would not have a substantial adverse effect upon any riparian habitat or other sensitive natural community identified in local or regional policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

### *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?*

The project site lacks wetland communities, and no off-site wetland areas could be adversely affected by the project. Therefore, I conclude that implementation of the proposed actions would not have a substantial adverse effect upon federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

### *Would the project interfere substantially with the movement of any native resident or migratory fish or wild-life species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site lies within a fully developed urban area, and does not serve any substantial, identifiable wildlife-movement purpose. Therefore, I conclude that implementation of the proposed actions would not have a substantial adverse effect upon the

movement of any native resident or migratory fish or wild-life species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

### *Would the project conflict with any federal, state, or local policies or ordinances protecting biological resources, such as a tree preservation ordinance?*

Disruption of the active nesting of any bird species represents a potential violation of Sections 3503 and/or 3513 of the California Fish and Game Code. Thus, any impact to actively nesting birds would represent a potentially significant impact.

### Recommended Mitigation – Nesting Birds

In order to avoid potentially significant to nesting birds, any and all vegetation removal that takes place during the nesting season (February 15 to August 31) should be monitored by a qualified biologist to ensure that no impacts to actively nesting birds take place. If any active bird nests are found (i.e., containing at least one nestling or potentially viable egg), protection of the nest and contents should be accomplished by setting up appropriate buffers around any active nesting sites until young fledge or the nest fails.

### *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project site does not lie within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, I conclude that implementation of the proposed actions would not have a substantial adverse effect upon any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## SIGNIFICANCE OF IMPACTS AFTER MITIGATION

With implementation of the recommended mitigation measure for avoiding impacts to actively nesting birds, it is concluded that no significant impacts to biological resources would occur as a result of project implementation.

## CONCLUSION

If any reader of this biological report has any questions, please call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

Sincerely,

Robert A. Hamilton
President, Hamilton Biological, Inc.
http://hamiltonbiological.com