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May 24, 2024

VIA EMAIL

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councilinfo@cityoforange.org

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**Re: NOTICE OF PRESENCE OF PROTECTED SPECIES – Puma concolor –
ON ORANGE HEIGHTS DEVELOPMENT SITE SANTIAGO CANYON
ROAD, ORANGE; OBJECTION TO ISSUANCE OF PERMITS**

Dear Honorable City Council and City Attorney:

Please take notice that on behalf of No Orange Heights, we are notifying the City of Orange of the verified presence of a protected species – the Southern California Mountain Lion ESU (Puma concolor) (herein after “Mountain Lion”) on a site currently proposed for development at Santiago Canyon Rd.

The sighting of this Mountain Lion on site on April 3, 2024 has been verified and a California Natural Diversity Database (“CNDDDB”) Online Field Survey Form Report has been submitted to the CNDDDB maintained by the California Department of Fish and Wildlife (“CDFW”) for them (Enclosure 1).

On April 3, 2024, a Mountain Lion was captured on remote camera technology moving within the Project Site. Because of the presence of the Mountain Lion on the Orange Heights site, the City of Orange may not issue any grading, construction, or other types of permits that would affect the habitat of the Mountain Lion without obtaining an Incidental Take Permit (“ITP”) from the CDFW.

It is our understanding that the area is in immediate threat of development as The Irvine Company is applying for permits to develop land into 1180 single-family homes. If the City were to issue a grading or other type of construction permit, the City – and the individual City employees who authorize such a permit – would be liable for violation of the California Endangered Species Act.

The Mountain Lion is a candidate species for listing as endangered or threatened under the California Endangered Species Act. Thus, as a candidate species, it receives all the protections a threatened or endangered species would. (*Center for Biological Diversity v. Fish & Game Com.* (2008) 166 Cal.App. 4th 597, 600.) CDFW has been advised of the presence of the Mountain Lion onsite and is cc'd on this letter.

Thank you for your attention to this matter.

Sincerely,



Jamie T. Hall

Enclosures: 1. CNDDDB Online Field Survey Form Report, April 3, 2024

CC via email:

Mayor Dan Slater, dan@danslater.com
Councilmember Ana Gutierrez, CD5, anagutierrez@cityoforange.org
Councilmember Arianna Barrios, CD1, abarrios@cityoforange.org
Councilmember John Gyllenhammer, CD6, jgyllenhammer@cityoforange.org
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Russell Bunim, cdinfo@cityoforange.org

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090
CNDDDB@wildlife.ca.gov

For Office Use Only

Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Date of Field Work (mm/dd/yyyy): 04/03/2024

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Puma concolor* - SA Population

Common Name: Mountain Lion

Species Found? Yes No _____
If not found, why?

Total No. Individuals: 1 Subsequent Visit? Yes No

Is this an existing NDDDB occurrence? Yes, Occ. # _____ No Unk.

Collection? If yes: _____
Number Museum / Herbarium

Reporter: Joel Robinson

Address: 5907 E Valley Forge Dr
Orange, CA 92869

E-mail Address: jrobinson@naturalist-for-you.org

Phone: 714-639-8480

Plant Information

Phenology:

% vegetative % flowering % fruiting

Animal Information

1
adults # juveniles # larvae # egg masses # unknown
 wintering breeding nesting rookery burrow site lek other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

Seen exiting the northern opening of a culvert underneath Santiago Canyon Rd, .5 mile east of the intersection of Jamboree Rd and E Chapman Ave.

County: Orange Landowner / Mgr: The Irvine Company

Quad Name: Black Star Canyon Elevation: approximately 587 ft

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H M S Source of Coordinates (GPS, topo. map & type): Google Maps

T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H M S GPS Make & Model: Google

DATUM: NAD27 NAD83 WGS84 Horizontal Accuracy: 5 m _____ meters/feet

Coordinate System: UTM Zone 10 UTM Zone 11 OR Geographic (Latitude & Longitude)

Coordinates: 33°47'16.0"N 117°45'09.8"W

Habitat Description (plants & animals) plant communities, dominants, associates, substrates/soils, aspects/slope:

Animal Behavior (Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):

Adult male mountain lion with a tracking collar, confirmed as M317 by Winston Vickers of the CA Mountain Lion Project, was documented on a wildlife trail camera exiting a culvert under Santiago Canyon Rd while heading up a drainage towards Irvine Regional Park at 1:22AM. At this location he tripped the camera leaving the culvert. The lion had previously been observed via tracking collar and mapped data points throughout the 400 acres of privately own land.

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): Excellent Good Fair Poor

Immediate AND surrounding land use: The Irvine Company's Orange Heights 1180-home proposed development project, parks, residen

Visible disturbances: _____

Threats: Development, inhibited connectivity due to residential development, roads, toll road

Comments: Critical mountain lion habitat under threat as THE IRVINE COMPANY pushes for development, based on an outdated EIR from 2005 that failed to consider impacts to mountain lion as significant. They are pressing the Caltrans and the City of Orange for permits, which would obliterate range-wide habitat connectivity and further

Determination: (check one or more, and fill in blanks)

Keyed (cite reference): _____
 Compared with specimen housed at: _____
 Compared with photo / drawing in: _____
 By another person (name): Shared with Winston Vickers, CA Mountain Lion Project
 Other: _____

Photographs: (check one or more)

Slide Print Digital
Plant / animal
Habitat
Diagnostic feature
May we obtain duplicates at our expense? yes no

Date: 4-3-2024 Time: 1:22 AM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-3-2024 Time: 1:22 AM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-3-2024 Time: 1:22 AM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-3-2024 Time: 1:22 AM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-19-2024 Time: 4:10 PM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-19-2024 Time: 4:10 PM

Coordinates: 33°47'16.0"N 117°45'09.8"W



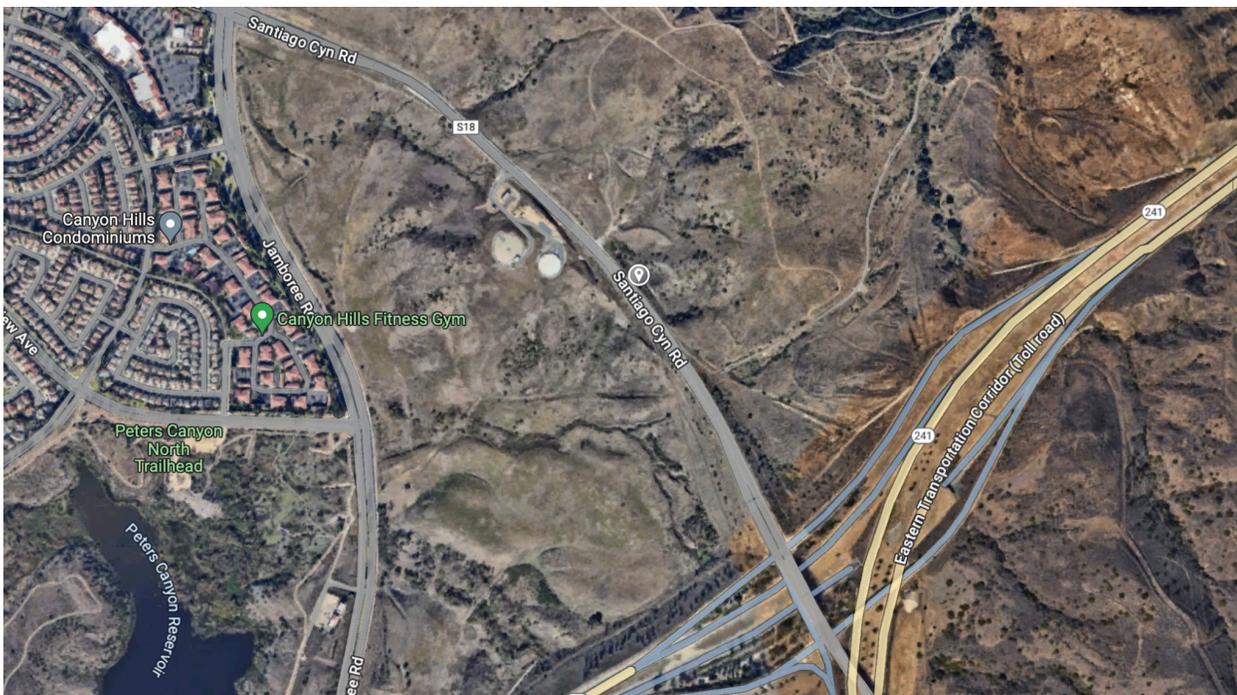
Date: 4-19-2024 Time: 4:10 PM

Coordinates: 33°47'16.0"N 117°45'09.8"W



Date: 4-3-202 Time: 1:22 AM

Coordinates: 33°47'16.0"N 117°45'09.8"W



M317 movement data points from 2023 through 2024.
Information supplied by T. Winston Vickers, DVM, MPVM
Associate Wildlife Research Veterinarian, UC Davis One
Health Institute, Co-Director Wildlife Health Center CA
Carnivore Project, Staff Veterinarian, Institute for Wildlife
Studies, 949-929-8643 (cell)
twickers@ucdavis.edu, twinstonvickers@gmail.com

