

Initial Study/Mitigated Negative Declaration

Alta Cuvee Mixed Use Project

**APPENDIX B
BIOLOGICAL RESOURCES ASSESSMENT**

Memorandum

To City of Rancho Cucamonga

CC CRP/WP Alta Cuvee LLC

Subject Rancho Cuvee Mixed-Use Project Biological Resource Assessment

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Date June 22, 2021

AECOM conducted a biological resource assessment for the proposed Rancho Cuvee Mixed-Use Project (Project) that involves the development of a mixed-use apartment community located in the City of Rancho Cucamonga, California (see Figure in Appendix A). The purpose of this assessment was to inventory and evaluate biological resources in the vicinity of the Project. This memorandum summarizes the Project; provides the regulatory framework applicable to the resources that occur within or adjacent to the Project area; describes existing biological resources located within the vicinity of the Project; assesses potential impacts to sensitive habitats and species; and presents recommendations to avoid and minimize potential impacts.

1.0 Project Description

The proposed Project would develop a four-story, 260-unit apartment community in the City of Rancho Cucamonga, California. The proposed Project would include the construction of two four-story buildings composed of 255 apartment units and five live-work units, a below-grade parking garage, and a surface parking lot on the southern and eastern portions of the proposed Project site, approximately 5,500 square feet of indoor amenity space, approximately 16,860 square feet of outdoor amenity space including a pool and spa, and landscaping surrounding both buildings. Additionally, the proposed Project would include the construction of sidewalks and the undergrounding of power lines along Etiwanda Avenue.

2.0 Project Location

The proposed Project would be located at 12901-12939 Foothill Boulevard, at the southeastern corner of the intersection of Foothill Boulevard and Etiwanda Avenue in the City of Rancho Cucamonga, California (see Figure in Appendix A). The proposed Project site is bound by Foothill Boulevard, a vacant lot, and condominiums to the north; Etiwanda Avenue and a shopping center to the west; and residential single-family homes to the south and east. The 5.2-acre proposed Project site is composed of two parcels (Assessor's Parcel Numbers (APNs) 0229-311-14 and 0229-311-15) which are currently vacant and undeveloped.

3.0 Regulatory Requirements

This section provides a brief overview of federal, state, and local regulations that may be applicable to biological resources that occur within the proposed Project, and their respective requirements. The final determination of whether permits are required is made by the regulating agencies.

3.1 Federal Regulations and Standards

Federal Endangered Species Act

Enacted in 1973, the ESA provides for the conservation of threatened and endangered species and their ecosystems (U.S. Code [U.S.C.] Title 16, Chapter 35, Sections 1531–1544). The ESA prohibits the “take” of threatened and endangered species except under certain circumstances and only with authorization from USFWS through a permit under Section 4(d), 7 or 10(a) of the ESA. “Take” under the ESA is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

Formal consultation under the ESA would be required if the Project had the potential to affect a federally listed species that has been detected within or adjacent to the BSA. No federally listed species were detected during the field survey, and suitable habitats for such species do not occur in the BSA, or the species’ known distribution does not coincide with the BSA. Therefore, formal consultation is not anticipated.

Migratory Bird Treaty Act (MBTA)

Congress passed the MBTA in 1918 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 (U.S.C. Title 16, Chapter 7, Subchapter II, Sections 703–712). The prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and Russia.

No permit is issued under the MBTA; however, the Project would remain in compliance with the MBTA by conducting pre-construction nesting bird surveys, and, if needed, providing a qualified biologist to monitor active nests occurring in the BSA to ensure construction does not affect species protected under the MBTA.

Bald and Golden Eagle Protection Act (the Eagle Act)

The Eagle Act, amended in 1962, was originally implemented for the protection of bald eagles. In 1962, Congress amended the Eagle Act to also cover golden eagles, a move that was partially an attempt to strengthen protection of bald eagles, because the latter were often killed by people mistaking them for golden eagles. This act makes it illegal to import, export, take (which includes molest or disturb), sell, purchase, or barter any bald eagle or golden eagle or part thereof.

Bald and golden eagles are not known from the Project area, and habitat in the BSA is not suitable for these species. As a result, the Project would not be expected to take bald or golden eagle.

Clean Water Act (CWA)

Under Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into jurisdictional waters of the U.S., which include those waters listed in 33 CFR 328.3 (Definitions) (U.S.C. Title 33, Chapter 26, Sections 101–607). Section 401 of the CWA requires a water quality certification from the state for all permits issued by the USACE under Section 404 of the CWA. RWQCB is the state agency in charge of issuing a CWA Section 401 water quality certification or waiver.

No aquatic features under regulatory jurisdiction of the USACE or RWQCB occur within the BSA. As a result, permits from these agencies are not anticipated.

3.2 State Regulations and Standards

California Fish and Game Code

The CFGC regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as impacts to natural resources such as wetlands and waters of the state. It includes the CESA (Sections 2050–2115) and Lake and Streambed Alteration Agreement (LSAA) regulations (Section 1600 et seq.).

Wildlife “take” is defined by the CDFW as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Protection extends to the animals, dead or alive, and all their body parts. Section 2081 of the CESA allows the CDFW to issue an incidental take permit for state-listed threatened or endangered species, should the proposed Project have the potential to “take” a state-listed species that has been detected within or adjacent to the Project. Certain criteria are required under the CESA prior to the issuance of such a permit, including the requirement that impacts of the take are minimized and fully mitigated.

The Native Plant Protection Act (NPPA) was adopted in 1977 (CFGC §§ 1900–1913) to preserve, protect, and enhance rare and endangered plants. CDFW is responsible for administering the NPPA, while the Fish and Wildlife Commission has the authority to designate native plants as “endangered” or “rare” and provide measures to avoid take.

The CFGC includes protections against take, possession, or needlessly destroying the nest or eggs of any bird (CFGC §§ 3503), including those birds in the orders Falconiformes or Strigiformes (birds-of-prey) (CFGC §§ 3503.5).

No state-listed species are expected to occur in the BSA, and suitable habitats for such species do not occur in the BSA. As a result, a permit under Section 2081 is not anticipated for the Project.

No aquatic features under the CDFW jurisdiction occur within the BSA. As a result, coordination with the CDFW and the issuance of an LSAA is not anticipated for this Project.

Porter-Cologne Water Quality Control Act

Under Section 13000 et seq., of the Porter-Cologne Quality Control Act, RWQCB is the agency that regulates discharges of waste and fill material within any region that could affect a water of the state (California Water Code [CWC] 13260[a]), (including wetlands and isolated waters) as defined by CWC Section 13050(e).

No aquatic features under RWQCB jurisdiction occur within the BSA. As a result, coordination with RWQCB and the issuance of a permit under the Porter-Cologne Quality Control Act is not anticipated for the Project.

California Environmental Quality Act (CEQA)¹

The California Environmental Quality Act (CEQA) requires that significant environmental impacts of Proposed Projects be reduced to a less-than-significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and documented. CEQA applies to certain activities in California undertaken by either a public agency or a private entity that must receive some discretionary approval from a California

¹ PRC Section 21000 et seq. and the State CEQA Guidelines, California Code of Regulations, Section 15000 et seq.

government agency. CEQA does not specifically define what constitutes an “adverse effect” on a biological resource. Instead, lead agencies are charged with determining what specifically should be considered an impact.

3.3 Local Regulations and Standards

Significant Ecological Areas Program

Los Angeles County first began to inventory biotic resources and identify important areas of biological diversity in the 1970s. Today, the primary mechanism used by the County to conserve biological diversity is a planning overlay called Significant Ecological Areas (SEAs)² designated in the County’s General Plan Conservation/Open Space Element. SEAs are ecologically important land and water systems that support valuable habitat for plants and animals, often integral to the preservation of rare, threatened, or endangered species and the conservation of biological diversity in Los Angeles County. While SEAs are not preserves, they are areas where Los Angeles County deems it important to facilitate a balance between development and resource conservation.

Together, the General Plan overlays and a SEA conditional-use permit process are referred to as the SEA Program. The SEA Program, through goals and policies of the General Plan and the SEA ordinance (Title 22 Zoning Regulations, Section 22.56.215), help guide development within the SEAs. The SEA ordinance establishes the permitting, design standards, and review process for development within the SEAs, and permits are reviewed by the SEA Technical Advisory Committee. Development activities in the SEAs are reviewed closely in order to conserve water and biological resources such as streams, oak woodlands, and threatened or endangered species and their habitat.

The BSA does not coincide with a SEA. The nearest SEA is San Dimas Canyon/San Antonio Wash, which is approximately 10 miles northwest of the BSA. The Project is not anticipated to affect resources within any SEA, and as a result the SEA program would not be applicable to the proposed Project.

City of Rancho Cucamonga Tree Protection Ordinances

City of Rancho Cucamonga Municipal Code (17.06.08)³, contains the City’s Tree Removal Permit Ordinance. The purpose of this ordinance is to provide a review process for the removal of heritage trees that are considered to be a community resource. This ordinance pertains to Eucalyptus windrows, extremely large trees (greater than 30 inches in diameter at breast height), and trees considered culturally significant. Based on the results of the reconnaissance field survey, this ordinance would not apply to the Project because no trees included in this ordinance were observed during the field reconnaissance survey.

² Significant Ecological Areas Program. Los Angeles County. 2020. Accessed online at: <http://planning.lacounty.gov/site/sea/>. Accessed on October 1, 2020.

³ City of Carson Municipal Code. 2020. Available at : <http://qcode.us/codes/ranchocucamonga/>. Accessed on October 9, 2020.

Removal of street trees or any tree on City-owned property also require a permit⁴. No street trees or City-owned trees were observed during the field reconnaissance survey, so this ordinance does not apply to the Project.

4.0 Methodology

An assessment was conducted to determine the potential for sensitive biological resources to occur within the biological survey area (BSA), which included a desktop review and reconnaissance field survey. The BSA included the entire Project parcels (APNs 0229-311-14 and 0229-311-15) plus a surrounding 500-foot buffer. For the purposes of this memorandum, special-status species are defined as species that are included on one or more of the following lists:

- Plant and wildlife species that are listed as threatened or endangered, or are candidates for listing as threatened or endangered, under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA)⁵;
- California Department of Fish and Wildlife (CDFW)-designated Species of Special Concern (SSC), or designated Fully Protected Species⁶; and
- Plants designated by the California Native Plant Society (CNPS) and CDFW with a California Rare Plant Rank (CRPR)⁷

Prior to conducted the reconnaissance field survey, AECOM reviewed existing databases and identified biological resources that may occur in the BSA, including special-status plants and wildlife, United States (U.S.) Fish and Wildlife Service's (USFWS's) Critical Habitat, and previously delineated waters of the U.S. and state of California. The database searches were conducted of the Guasti 7.5-minute United States Geological Survey (USGS) topographic quadrangle, along with the eight surrounding quadrangles which included: Mt. Baldy, Cucamonga Peak, Devore, Ontario, Fontana, Prado Dam, Corona North, and Riverside West. Aerial imagery of the BSA was reviewed to help characterize site conditions. This information was evaluated by consulting the following available databases:

- CDFW CNDDDB⁸;
- USFWS online Information for Planning and Consultation (IPaC)⁹;
- CNPS Inventory of Rare and Endangered Plants¹⁰;

⁴ Rancho Cucamonga City Website. Available at: <https://www.cityofrc.us/your-government/trees>. Accessed on October 9, 2020.

⁵ Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (Title 50 Code of Federal Regulations [CFR] 17.12 [listed plants], Title 50 CFR 17.11 [listed animals] and includes notices in the Federal Register for proposed species). Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (Title 14 California Code of Regulations 670.5).

⁶ California Natural Diversity Database (CNDDDB). October 2020. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

⁷ Plants listed as rare under the California Native Plant Protection Act (California Fish and Game Code Section 1900 *et seq.*)

⁸ CDFW CNDDDB RareFind 5.0. Available at <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data#43018407-rarefind-5>. Accessed on September 11, 2020.

⁹ IPaC. 2020. USFWS. Available at: <https://ecos.fws.gov/ipac/>. Accessed September 2020.

¹⁰ CNPS, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.45). Available at: <http://www.rareplants.cnps.org>. Accessed on September 11, 2020.

- USFWS Critical Habitat Mapper¹¹;
- USFWS National Wetlands Inventory (NWI)¹², and
- USGS National Hydrography Dataset (NHD)¹³.

Additional sources of information on special-status species in California were reviewed, given that CNDDDB is not inclusive of all current known occurrence information. The probability of occurrence evaluation provided in this memorandum for special-status species identified during the database reviews was supplemented by AECOM's professional knowledge of the area and included reviews of other published sources of information regarding special-status species in California. These latter sources include the following:

- eBird website¹⁴;
- Inaturalist website¹⁵;
- Calflora website¹⁶; and
- Western Bat Working Group (WBWG) website¹⁷.

Methodology for the reconnaissance field survey included AECOM Senior Biologist Angelique Herman conducting a pedestrian survey of the Project parcels on September 24, 2020, between the hours of 2:00 pm and 3:30 pm. The temperature ranged from 96 degrees Fahrenheit (°F) to 99°F. Skies were clear, and wind speeds were recorded between 0 and 3 miles per hour. The Project parcels were carefully surveyed on foot, and all wildlife and plants observed were recorded (Appendix B). Photographs were collected of the Project parcel (Appendix C). The adjacent properties located within the 500-foot buffer of the BSA were surveyed with binoculars from public sidewalks, to the extent feasible, to determine the potential for biological resources. Survey conditions were suitable for determining the potential for biological resources, and no survey constraints impeded the ability of the biologist to perform the survey successfully.

5.0 Findings

5.1 General Site Conditions

The BSA is located within a vacant lot in a residential area within City of Rancho Cucamonga. The Project parcels are surrounded by single-family residences, a commercial center, and a vacant lot. The dominant vegetation community within the Project parcels was non-native grassland

¹¹ USFWS Critical Habitat Mapper. 2020. Available at: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>. Accessed on September 28, 2020.

¹² USFWS National Wetlands Inventory. 2020. Available at: <https://www.fws.gov/wetlands/data/mapper.html>. Accessed on October 14, 2020.

¹³ USGS National Hydrography Products. 2020. Available at: <https://www.usgs.gov/core-science-systems/ngp/national-hydrography/access-national-hydrography-products>. Accessed on September 11, 2020.

¹⁴ The Cornell Lab of Ornithology: eBird Website. 2020. Available at <http://www.ebird.org>. Accessed on September 11, 2020.

¹⁵ Inaturalist Open Source Software. iNaturalist website. 2020. Available at <http://inaturalist.org>. Accessed on September 11, 2020.

¹⁶ Calflora website. 2020. Available at <http://calflora.org>. Accessed on September 11, 2020.

¹⁷ Western Bat Working Group website. 2020. Available at <http://wbwg.org/western-bat-species/>. Accessed on September 28, 2020.

composed largely of red brome (*Bromus madritensis* ssp. *rubens*) and wild oat (*Avena fatua*). Ornamental woody vegetation, including English ivy (*Hedera helix*), Nepalese firethorn (*Pyracantha crenulate*), and Peruvian pepper tree (*Schinus molle*), line the southern and eastern border of the parcels. Native plant species were scarce, and the area was dominated by non-native invasive plant species. A list of plants observed is in Appendix B. The Project parcels are mostly flat with a gentle swale occurring toward the center of the area. Photographs of the Project parcels are located in Appendix C.

5.2 Special-status Species

The desktop review yielded records for 49 special-status plant species and 52 special-status wildlife species that have been documented within the Guasti and surrounding eight quadrangles (Appendix D). No special-status plant or wildlife species were observed within BSA during the reconnaissance field survey. Common plant and wildlife species observed during the reconnaissance field survey are included in Appendix B.

The CNDDDB search yielded four special-status species with occurrences that overlap the BSA, including coast horned lizard (*Phrynosoma blainvillii*), Delhi Sands flower-loving fly (*Rhaphiomidas terminates abdominalis*), Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and Parry's spineflower (*Chorizanthe parryi* var. *parryi*).

Although the CNDDDB occurrences overlap with the BSA, none were considered to have potential to occur in the BSA given present day site conditions. In general, the CNDDDB records of these four species had non-specific locations which were not mapped precisely to the locations where the species were observed and each individual observation is a square mile or greater in size; so it is not known whether the observation was actually made precisely within the BSA. The CNDDDB records that overlap with the BSA are also 19 or more years old and there has been significant development in the area since that time and it is possible many locations have been extirpated. These four species were assessed for potential to occur within the BSA; however, the CNDDDB occurrence information is not sufficient by itself to conclude that the species is present or has potential to occur in the present day.

Los Angeles pocket mouse is a CDFW SSC which is associated with alluvial fan sage scrub with loose sandy soils, and a high percentage of bare ground compared to plant or thatch cover. Ground cover within the BSA consists largely of non-native annual grasses with a high thatch cover and little bare ground. The CNDDDB record from 1999 that overlaps the BSA described the area as degraded alluvial sage scrub. The NWI database showed a broad riparian drainage, likely connected to Etiwanda Creek, which could have been the historical source of the alluvial material and alluvial fan sage scrub; however no alluvial fan sage scrub was detected in the BSA at the time of the reconnaissance field survey, and the drainage has since been developed and is no longer a natural feature. The Los Angeles pocket mouse CNDDDB record covers a large area overlapping with the historical riparian area so, it is more likely that the Los Angeles pocket mice were concentrated in the historical riparian area and not necessarily in the BSA. Current site conditions do not provide suitable habitat for Los Angeles pocket mouse.

Burrowing owl is a CDFW SSC species that is associated with large expanses of (usually flat) grasslands and resides in small mammal burrows year around. Though the BSA is comprised of grassland and does include small mammal burrows (California ground squirrel), western burrowing owl is not expected to occur within the BSA for breeding or overwintering. The Project parcels are a relatively small (5.2 acres) undeveloped area surrounded by residential and commercial development. Anthropogenic disturbances (traffic, noise, mowing, and threats by domestic dogs) prevent the BSA from supporting burrowing owl. No burrowing owl sign (whitewash, owl pellets, or feathers) was observed during the field survey.

A complete list of special-status species known to occur in the vicinity of the BSA, their sensitivity status, general habitat descriptions, and potential or detection within the BSA is summarized in Appendix D. Due to the high levels of historic disturbance and absence of native habitats, the BSA does not provide suitable habitat for any special-status plant species; therefore, none are expected to occur within the BSA.

Similarly, the BSA does not provide high-quality habitat for special-status wildlife species; however, marginal habitat for two special-status wildlife species identified during the review of potential species (Table 1) is present in the BSA. These special-status species have a low potential to occur.

Table 1. Special-status Wildlife Species with Potential to Occur in the BSA

Wildlife		
Common Name (Scientific Name)	Status Federal/State/Other	Potential to Occur
Invertebrates		
Crotch bumble bee (<i>Bombus crotchii</i>)	- / CE ¹⁸ / -	Low
Mammals		
western yellow bat (<i>Lasiurus xanthinus</i>)	- / - / SSC, WBWG-H	Low

Crotch bumble bee is a state candidate for listing as endangered. Although the potential is low due to the high-level of disturbance within the BSA, there is potential for this species to occur due to its tolerance of hot and dry habitats with low vegetation cover. This species nests in holes or burrows in friable soil, so an area with herbaceous vegetation cover and some exposed soil, such as that within the BSA, could provide habitat for Crotch bumble bee. The probability of Crotch bumble bee occurring is low due to low habitat quality for this species within the BSA. The Project parcels are a relatively small (5.2 acres) undeveloped area surrounded by residential and commercial development. Anthropogenic disturbances such as routine mowing of the site, and low density of host plants contribute to the low habitat quality. No bumble bee species were observed during the field survey.

Western yellow bat is a CDFW SSC and is ranked as High Priority by the WBWG. Western yellow bats prefer roosting in trees and palms in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats; however, they have been captured in agricultural areas and residential areas¹⁹, especially those with swimming pools or near other water bodies. Although the potential is low, trees within the BSA, could provide roosting habitat for the western yellow bat. The

¹⁸ During a November 19, 2020 court ruling, the California Superior Court in Sacramento ruled that the fish and game commission cannot list insects under the California Endangered Species Act (CESA) This decision by the Court is currently being appealed by the Xerces Society and CDFW. Regardless of the outcome, Crotch bumble bee meets the requirements for protection under CEQA. As of June 2, 2021, the most recent CDFW listing of state species is dated April 2021, and Crotch bumble bee remains CE. Candidate species have the same protections as listed species, so the Crotch bumble bee should be considered unless its status is officially changed.

¹⁹ Los Angeles Natural History Museum. 2020. Backyard Bats webpage. Available at: <https://nhm.org/community-science-nhm/backyard-bats>. Accessed October 22, 2020.

probability of Western yellow bat occurring is low due to low habitat quality for this species within the BSA. The Project parcels are a relatively small (5.2 acres) undeveloped area surrounded by residential and commercial development. Anthropogenic disturbances such as traffic noise, routine mowing of the site, predation by domestic cats, and low density of insect food sources contribute to the low habitat quality. No sign of bat roosting (guano, urea staining, or collections of insect carcasses) were observed during the field survey.

Many birds protected under the Migratory Bird Treaty Act (MBTA) and CFGC §§ 3503–3503.5 are likely to use the BSA for breeding, migratory stopovers, and local dispersal. Mourning dove (*Zenaidura macroura*) is a species likely to nest within the BSA on or near to the ground. House finch (*Haemorhous mexicanus*), Northern mockingbird (*Mimus polyglottos*), and California scrub-jays (*Apelocoma californica*) are most likely to nest in trees within the BSA.

5.3 Sensitive Natural Communities

Sensitive natural communities are those designated as rare in the region by the CNDDDB, support special-status plant or wildlife species, or receive regulatory protection (i.e., Section 404 of the Clean Water Act and/or Sections 1600 et seq. of the California Fish and Game Code [CFGC]). Rare communities are given the highest inventory priority. Ten regional habitats of concern including California Walnut Woodland, Canyon Live Oak Ravine Forest, Coastal and Valley Freshwater Marsh, Riversidian Alluvial Fan Sage Scrub, Southern California Arroyo Chub/Santa Ana Sucker Stream, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Riparian Forest, Southern Sycamore Alder Riparian Woodland, and Southern Willow Scrub were recorded in the CNDDDB from the USGS Guasti and surrounding eight quadrangles; however, no sensitive vegetation communities identified in the CNDDDB coincide with the BSA. Additionally, CDFW maintains and periodically updates a list of Sensitive Natural Communities²⁰. Based on the results of the reconnaissance field survey, the BSA is composed of non-native annual grassland and bare ground and bordered with ornamental trees and shrubs (Appendices A, B, and C). Sensitive natural vegetation communities listed by CDFW are not present in the BSA.

5.4 Critical Habitat

Critical habitat is specific geographic areas designated by USFWS that contain features essential to the conservation of a federally endangered or threatened species and that may require special management and protection. The BSA does not coincide with lands designated by USFWS as critical habitat for a listed species.

5.5 Jurisdictional Waters

Jurisdictional waters include waters of the state and of the U.S that fall under federal regulatory jurisdiction of the U.S. Army Corp of Engineers and/or under state jurisdiction of CDFW and Regional Water Quality Control Board (RWQCB). An online database search of the USGS NHD indicates no previously mapped jurisdictional waters occur within the BSA. No features potentially under the state or federal jurisdiction were detected during the reconnaissance field survey.

²⁰ CDFW, VegCamp, Natural Communities List. 2020. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>. Accessed on October 5, 2020.

5.6 Wildlife Corridors

In an urban context, a wildlife corridor can be defined as a linear landscape feature of sufficient width and buffer to allow animal movement between two comparatively undisturbed habitat fragments, or between a habitat fragment and some vital resource that encourages population growth and diversity. Habitat fragments are isolated patches of habitat separated by otherwise foreign or inhospitable areas, such as urban tracts or highways.

The BSA occurs within an industrial center of the Los Angeles Basin and does not occur within or intersect a recognized/established regional wildlife corridor or wildlife nursery site. Ornamental trees and shrubs along the border of the Project parcels provide some opportunities for cover, foraging, and nesting to localized bird populations. The BSA is located within the Pacific Flyway one of four major North American migration routes for birds, especially waterfowl, that extends from Alaska and Canada through California to Mexico. As these birds travel the flyway on their annual north-south migration, they stopover at wetlands with suitable habitat and food supplies. The Project site is composed of non-native annual grassland and bare ground and bordered with ornamental trees and shrubs. As such, the Project site does not contain suitable habitat or food supplies for birds migrating and therefore, is not used as part of this corridor.

6.0 Impacts on Biological Resources

Biological resources may be either directly or indirectly impacted by a project. Direct and indirect impacts may be either permanent or temporary in nature. These impact categories are defined below.

- **Direct:** Any alteration, physical disturbance, or destruction of biological resources that would result from project-related activities is considered a direct impact. Examples include clearing vegetation, encroaching into wetlands or a stream, and the loss of individual species and/or their habitats.
- **Indirect:** As a result of project-related activities, biological resources may also be affected in a manner that is ancillary to physical impacts. Examples include elevated noise and dust levels, soil compaction, increased human activity, decreased water quality, and the introduction of invasive wildlife (domestic cats and dogs) and plants.
- **Permanent:** All impacts that result in the long-term or irreversible removal of biological resources are considered permanent. Examples include constructing a building or permanent road on an area containing biological resources.
- **Temporary:** Any impacts considered to have reversible effects on biological resources can be viewed as temporary. Examples include the generation of fugitive dust during construction; or removing vegetation for the preparation of stream bank stabilization activities, and either allowing the natural vegetation to recolonize or actively revegetating the impact area. Surface disturbance that removes vegetation and disturbs the soil is considered a long-term temporary impact because of slow natural recovery in arid ecosystems.

6.1. Vegetation

Implementation of the proposed Project would result in direct, permanent removal of approximately 6.3 acres of non-native annual grassland vegetation. Mixed-use buildings and ornamental landscaping would replace the non-native grassland.

Implementation of the proposed Project would not result in indirect impacts to native vegetation communities since non occur adjacent to the BSA.

5.2 Special-Status Species

Special-Status Plants

Based on the results of the biological resource assessment, no special-status plant species are expected to occur within the BSA due to high levels of historic disturbance and absence of native habitats; therefore, no direct impacts to special status plants are expected.

Indirect impacts to special-status plant species occurring outside of the Project site are not expected since special-status plants are unlikely to occur immediately adjacent to the BSA.

Special-status Wildlife

There are no special-status wildlife species with high potential to occur within the Project site or vicinity. Therefore, no direct or indirect impacts to special-status wildlife are expected. However, vegetation in the BSA provides potentially suitable nesting habitat for urban bird species protected by the MBTA and the CFGC that could nest in the BSA. Should construction activities occur during the nesting bird season (generally considered to extend from February 15 through September 1) and result in trampled or crushed nests, eggs, or nestlings, a significant direct impact to birds protected by the MBTA and CFGC would occur. By avoiding construction activities during the nesting bird season or adhering to avoidance and minimization measures provided in **Mitigation Measure BIO-1** related to pre-construction surveys and nest avoidance buffers, the direct impacts of construction on nesting birds and their associated habitat would be reduced to less than significant.

Indirect impacts to nesting birds within the BSA could occur during construction as a result of noise, dust, increased human presence, and vibrations. Such disturbances could result in increased nestling mortality due to nest abandonment or decreased feeding frequency by adults and would be considered significant. By avoiding construction activities during the nesting bird season or adhering to avoidance and minimization measures provided in **Mitigation Measure BIO-1** related to pre-construction surveys and nest avoidance buffers, indirect impacts to nesting birds would be reduced to less than significant.

Implementation and adherence to the avoidance and minimization and avoidance measures described in Section 7.0 of this memorandum would reduce the potential for direct impacts to less than significant.

6.3 Sensitive Natural Communities

Implementation of the proposed Project would not result in direct or indirect impacts to any sensitive natural communities, as none occur within the BSA or surrounding area.

6.4 Critical Habitat

Implementation of the proposed Project would not result in direct or indirect impacts to USFWS-designated critical habitat, as none occur within the BSA or surrounding area.

6.4 Jurisdictional Waters

Implementation of the proposed Project would not result in direct or indirect impacts to jurisdictional waters, as none occur within the BSA.

6.5 Wildlife Corridor

The BSA does not serve as a regional wildlife corridor; as a result, direct impacts to a regional wildlife movement corridor would not occur. Project construction activities (i.e., increased noise, human presence, vibration) would likely result in wildlife avoidance of the area during the

construction time frame. Such indirect impacts would be temporary in nature, restricted to the Project construction time period.

7.0 Avoidance and Minimization Measures

The following avoidance and minimization measures and field surveys, are recommended in order to avoid impacts to natural resources:

BIO-1:

- A qualified biologist shall conduct a pre-construction survey to identify nesting birds and roosting bats within seven days prior to the start of construction. The pre-construction survey shall be a pedestrian-based, visual encounter survey, providing full coverage of the Project parcels. The nesting bird survey shall occur when construction activities occur between February 15 and September 1 (i.e., nesting bird season) to detect active nests. If nesting birds are detected during pre-construction surveys, avoidance buffers shall be established, and biological monitoring shall be conducted during construction activities to avoid impacts to nesting birds (250-ft for raptors or special-status birds species and 50-ft for common bird species). If excluding work activities from any established buffers is not feasible, the qualified biologist may establish a modified buffer exclusion utilizing specific biological and/or ecological attributes of the project location and avian species. The active nest shall be monitored by the biologist for the duration of the construction until the young have fledged, or nest is no longer active. If the biologist determines nesting activities could fail as a result of work activities, all work shall cease within the buffer exclusion, and no entry into the buffer will occur.

8.0 Conclusion

Based on the analysis presented above regarding anticipated impacts of the proposed Project, significant impacts to special-status species are not expected. Impacts to nesting birds protected under the MBTA could occur. However, by conducting pre-construction surveys and subsequent biological monitoring efforts as described above in Section 7.0, impacts to biological resources would be further reduced to a level below significant.

Appendices

- Appendix A – Figure
- Appendix B – Plants and Wildlife Observed
- Appendix C – Photographic Log
- Appendix D – Special-Status Species Known to Occur in Vicinity of the BSA

Memorandum

Appendix A – Figure

Memorandum

Appendix B – Plants and Wildlife Observed

Memorandum

Appendix C – Photographic Log

Appendix D - Special-Status Species Known to Occur in Vicinity of the BSA