3C. Biological Resources

INTRODUCTION

This chapter describes the proposed project site environment and analyzes the potential impacts of the proposed project on biological resources. The project study area for biological resources consists of a site proposed for redevelopment in the City of San Dimas. The proposed project includes the demolition and removal of existing buildings and landscaping in preparation for the construction of a new Costco commercial complex. A reconnaissance field survey was conducted and assessments of impact significance and mitigation feasibility were made, consistent with established guidelines provided by agencies with jurisdiction over sensitive resources.[1]

SETTING

Regional Setting

The proposed project site is located in the Southwestern California region of the California Floristic Province, which includes Ventura and Orange Counties, most of Los Angeles County, and portions of San Bernardino, Riverside, and Imperial Counties. The regional climate can be characterized as Mediterranean with most precipitation occurring in the winter months.

Natural vegetation of the Southwestern California region includes woodlands, forests, and wetlands, as well as most of the chaparral and coastal sage scrub vegetation in Southern California. The Southwestern region has been extensively developed and, as a result, undisturbed habitat is generally found only in areas where steep topography precludes development and is considered increasingly rare by state and local agencies.

In its General Plan, the County of Los Angeles established 61 Significant Ecological Areas (SEAs) in 1976, which represent a wide variety of biological communities within the County. The SEAs are intended to preserve and protect regional biodiversity, however SEAs do not preclude limited compatible development.

Urban development predominates in the proposed project area. The closest SEA is San Dimas Canyon, located approximately three and a half miles from the proposed project site, where coastal sage scrub, alluvial fan scrub, oak woodland, walnut woodland, southern willow scrub, and riparian and chaparral plant communities can still be found.[2]

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[1] Including California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (Corps).

[2] PCR Services. *Biological Resources Assessment of the Proposed San Dimas Canyon/San Antonio Wash Significant Ecological Area*. November 2000.

Project Setting

Existing Conditions

The approximately 22.83-acre proposed project site lies between Gladstone Street to the north, a business park to the south, Lone Hill Avenue to the west and the former ATSF railway right-of-way and various commercial and residential structures to the east. The surrounding areas, as well as the majority of site, are fully developed. Generally, terrain at the site is relatively flat. The original topography and soils at the site are highly disturbed, reflecting a history of previous development and landscaping. Approximately 50 percent of the site is covered with buildings or asphalt, with vegetation confined to the perimeter, to landscaped areas adjacent to buildings, and to the large open space area on the northern portion of the site.

Plant Communities

No natural plant communities remain at, or in the vicinity of, the proposed project site. On-site vegetation consists overwhelmingly of ornamental landscape trees, shrubs, and groundcovers. There are approximately 120 trees on the site, including fig (*Ficus spp.*), blue-gum eucalyptus (*Eucalyptus globulus*), California washingtonia (*Washingtonia filifera*), and pine (*Pinus spp.*). Groundcover is dominated by non-native grasses, although other horticultural annuals and perennials occur in landscaping beds adjacent to buildings on the site.

Wildlife

Overall, the proposed project site has limited value as wildlife habitat. The nearest open space areas containing natural habitat lie one to three miles to the north and south of the proposed project site. Therefore the site is isolated, with no habitat contiguity or corridor connections for wildlife movement. The density of surrounding development and the presence of several highways and many city streets between the site and remaining fragments of natural habitat pose severe constraints on animal movement (with the exception of birds) into or out of the site. Wildlife using the site is limited to those species adapted to landscapes highly altered by humans and tolerant of human presence, such as the northern mockingbird (*Mimus polyglottos*), English sparrow (*Passer domesticus*), and house finch (*Carpodacus mexicanus*). These species were among those observed during the field survey of the project site.[3] These animals are all typical of urbanized areas and often nest in ornamental trees and shrubs or underneath structures, feeding on insects and fruit in nearby vegetation.

Special Status Species

No special status animals, plants, or plant communities were observed at the project site. Although the California Natural Diversity Data Base (CNDDB) and the California Native Plant Society (CNPS) list species occurrences within the United States Geologic Survey (USGS) quadrangles for the site and the surrounding area, these are predominantly historical sightings, dating back to the late 1800's and early 1900's. Many of the species noted have since been extirpated. More recent sightings do occur but these are restricted to remaining areas of open space and relatively undisturbed habitat. The likelihood of species dispersal, whether plants or

[3] ESA Biological Reconnaissance Survey. June 26, 2002.

animals, from these areas to the proposed project site is extremely low. Landscaping beds are well maintained and generally weed-free, suggesting that if a sensitive native plant species were able to establish on-site, it would probably be eradicated in the landscape maintenance process.

Waters of the United States

Based on the results of the June 26, 2002 survey of the proposed project site, no wetlands or other waters of the U.S. occur on the project site. The entire project site consists of developed or historically developed land with no wetlands or other waters of the U.S. present.

APPLICABLE REGULATIONS

Federal Endangered Species Act

Under the Endangered Species Act (ESA), the Secretary of the Interior and the Secretary of Commerce jointly have the authority to list a species as threatened or endangered.[4] Pursuant to the requirements of the ESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed or proposed species may be present in the project region and determine whether the proposed project would have a potentially significant impact on such species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under the ESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species.[5] Project-related impacts to these species or their habitats would be considered "significant." The "take"[6] prohibition of the ESA prohibits any action that adversely affects a single member of an endangered or threatened species.

California Endangered Species Act

Under the California Endangered Species Act (Cal-ESA), the California Department of Fish and Game (DFG) is responsible for maintaining a list of threatened and endangered species,[7] candidate species, and species of special concern. Pursuant to the requirements of Cal-ESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state listed endangered or threatened species may be present on the project region and determine whether the proposed project would have a potentially significant impact on such species. In addition, DFG encourages informal consultation on any proposed project that may impact a candidate species. Project-related impacts to species on the Cal-ESA threatened and endangered

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[4] 16 USC 1533(c).

[5] 16 USC 1536(3), (4).

[6] "Take," as defined in Section 9 of the ESA, is broadly defined to include intentional or accidental "harassment" or "harm" to wildlife. "Harass" is further defined by the USFWS 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 which include, but are not limited to, breeding, feeding, and sheltering. "Harm" is defined as an act that actually kills or injures wildlife. This may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

[7] California Fish and Game Code 2070.

list would be considered significant. Impacts to species of special concern would be considered significant under certain circumstances, discussed below.

California Environmental Quality Act (CEQA) Guidelines Section 15380

Although threatened and endangered animal and plant species are protected by specific federal and state statutes, CEQA Guidelines provide that a species not listed on the federal or state list of protected species may be considered rare or endangered or threatened if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in ESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals.

Other Statutes, Codes, and Policies Affording Limited Species Protection

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act[8] prohibits the killing of a migratory bird and the destruction of any active migratory bird nests and/or eggs.

California Fish and Game Code Section 3503.5

Birds of prey are protected in California under the State Fish and Game Code, Section 3503.5. Section 3503.5 states that it is, "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbances during the breeding season that result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment are prohibited under this Act. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by DFG. Any loss of fertile eggs, nesting raptors or any activities resulting in nest abandonment would constitute a significant impact. This approach would apply to Cooper's hawk, red-tailed hawks, American kestrels, barn owls, and other birds of prey.

California Native Plant Society Lists

In general, plants appearing on CNPS List 1 or 2 are considered to meet CEQA's Section 15380 criteria, and effects to these species are considered "significant." The CNPS defines these categories as follows:

List 1A: Plants believed extinct.
List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere.
List 2: Plants Rare, Threatened, or Endangered in California, but More Numerous Elsewhere.

[8] 16 U.S.C., Sec. 703, Supp. I 1989.

City of San Dimas Tree Preservation Ordinance

The City of San Dimas Tree Preservation Ordinance (San Dimas Municipal Code, Section 18.162) requires permits, including appropriate mitigation, for the removal of mature trees in the City of San Dimas.

IMPACTS AND MITIGATION

Methodology

ESA conducted a biological survey of the proposed project site on June 26, 2002 to assess suitability of habitat for special status species.[9] The survey was primarily botanical in focus, to assess suitability of habitat for, and presence or absence of, special status plant species. The entire site was surveyed by a qualified biologist and all plant species were identified to a level adequate to determine if any were of special status. Habitat suitable for birds and other animals, as well as all animals actually observed, also were noted. The California Natural Diversity Data Base (CFDG, 2000) and the California Native Plant Society's (CNPS) Electronic Inventory (Skinner and Pavlik, 1995) records for the USGS San Dimas quadrangle were consulted prior to the field survey.

Criteria for Determining Significance

The criteria used to determine the significance of an impact in this Draft EIR are based on the model initial study checklist contained in Appendix G of the State CEQA Guidelines. The proposed project may result in a significant impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special status species in local or regional plans, policies, or regulations or by the DFG or USFWS;

- Substantially effect riparian habitat or any other sensitive natural community identified local or regional plans, policies, or regulations or by DFG or USFWS;

- Substantially effect 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;

[9] Species are accorded "special status" because of their recognized rarity or vulnerability to habitat loss or population decline. Some are formally listed and receive specific protection defined in federal or state endangered species legislation. Other species have no formal listing status as threatened or endangered, but are designated as "rare" or "sensitive" on the basis of policies adopted by state resource agencies or organizations with acknowledged expertise, such as the California Native Plant Society.

- Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or,

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state conservation plan.

Project Impacts

Impact 3C1: The proposed project would not result in a disturbance to or loss of habitat for state and/or federally listed threatened and endangered species or to any sensitive natural communities.

Habitat for any state and/or federally listed threatened and endangered species known to exist historically or presently within the region does not occur on the proposed project site. The proposed project site is located in an urbanized area, subject to continual disturbances. The closest SEA is the San Dimas Canyon located approximately 3.5 miles to the northeast of the proposed project site. In addition, vegetation on the proposed project site consists of non-native grasses, shrubs, and trees. Horticultural plant varieties make up practically all the vegetative cover present on-site. Also, the site is not anticipated to support suitable foraging habitat for any such species. Impacts will not occur to threatened and endangered species because these species and any potentially sensitive habitat do not occur on or adjacent to the proposed project site.

Mitigation Measure

No mitigation is required.

Residual Impacts

Less than significant.

Impact 3C2: The proposed project would require the removal of mature trees which are protected by the City of San Dimas Tree Protection Ordinance.

The proposed project would result in the removal of approximately 120 non-native ornamental trees. Trees to be removed include fig, pine, california washingtonia, and blue-gum eucalyptus. The majority of these trees can be considered mature, with a diameter at breast height of greater than 15 inches. Since these trees are non-native ornamentals they are not protected under federal or state regulations that pertain to special status species. Many cities, including the City of San Dimas, have tree protection ordinances that afford various additional protections for mature or native tree species. Plans for the proposed project include re-landscaping the site. Many of the trees that would be removed would be replaced. However, the proposed project site is not located in a densely wooded area. Therefore, with the inclusion of the mitigation measures listed in Chapter 3A. Aesthetics, Impact 3A1, removal of trees at the proposed project site would constitute a less than significant impact.

Mitigation Measures

See Chapter 3A. Aesthetics, Impact 3A1.

Residual Impacts

Impact would be less than significant.

Impact 3C3: The proposed project could result in the destruction of bird nests during tree removal.

Removal of the trees on the proposed project site may have an adverse impact on nesting activity of native resident or migratory birds. The California Fish and Game Code (Section 3503) prohibits the destruction of native resident and migratory bird eggs and nests. Bird species observed at the proposed project site include northern mockingbirds, house finches, English sparrows, and European starlings. The first two species are native residents. The final two species are not native to California. English sparrows and European starlings are specifically not afforded protection under the Fish and Game code (Section 3801), since they are non-native species. However, the potential exists for mockingbirds or house finches to nest on-site. These species' eggs and nests would be protected by law. Northern mockingbirds may breed at any time from February to late September, with a peak of activity in May and June, and often raise more than one clutch per year. House finches generally nest beginning in March or April and may raise two or three clutches per year. Implementation of the following mitigation measure would ensure a less than significant impact.

Mitigation Measures

M-3C.1 *A qualified biologist shall conduct an intensive nest search in all trees slated for removal to avoid destruction of resident native bird nests. Tree removal may be delayed until October, to ensure reproductive success for native species using the site for nesting purposes.*

Residual Impacts

Impacts would be less than significant.

Impact 3C4: Together with other area projects, the proposed project would not have significant cumulative biological impacts.

This analysis is based on the Cumulative Project List provided in Chapter 2. The listed projects include commercial/mixed-use and residential projects located within two miles of the project site that are currently under construction, approved but not built, or proposed for development. The proposed project occurs within a highly urbanized landscape; a setting with no remaining natural plant communities and, therefore, limited value as wildlife habitat. As was documented earlier in this section of the Draft EIR no special status animals, plants, or plant communities

occur on the proposed project site and it is highly unlikely that any sensitive species occur within the two-mile radius of the proposed project site considered in this analysis.

The proposed project, as well as the nearby projects, can be considered infill development. This development is occurring in an area where biological resources have already been highly impacted by urban development and most, if not all, projects will be built on sites that have already been developed in the past. The natural communities that existed in the area prior to development were extirpated, in most cases, many years ago. Therefore, the proposed project, in conjunction with the listed projects, will have no cumulative impacts on sensitive biological resources in the area.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would not be cumulatively considerable.