

CHAPTER 3.4 BIOLOGICAL RESOURCES

3.4 BIOLOGICAL RESOURCES

This section presents a discussion of the existing biological resources on the Proposed Project site and surrounding area. The regulations and programs that provide for their protection, as they are relevant to federal, State and local laws and regulations are provided. Analysis of the potential effects of the resumption of mining and implementation of the proposed Reclamation Plan is presented, and mitigation measures to avoid, eliminate, or reduce effects to a less than significant level are identified, as necessary.

In addition, this section addresses an NOP comment letter received from the California Department of Fish and Wildlife, South Coast Region, dated April 15, 2014.

3.4.1 EXISTING ENVIRONMENT

General Land Use

The City zoning map shows the Olive Pit zoning as Agricultural (A-1). The site is an inactive mine that has gone fallow and has no active uses. General land uses surrounding the site include residential to the north; commercial, industrial, and residential to the south; industrial to the east; and residential to the west. The site is completely surrounded by developed land.

Disturbance

The entire study area contains evidence of intense disturbance from previous mining activities. Mining at the Olive Pit began in 1925 and ceased in 1973. The site remains inactive and is in the same configuration that existed when mining ceased. Evidence of ongoing anthropogenic disturbance from trespass, off-highway vehicle (OHV) activity, illegal dumping, littering, and other physical disturbance was noted throughout the site. Due to its adjacency with intense urban uses, the site is subject to regular noise, lighting, invasion by non-native exotic species, and other spillover effects. Sign of domestic pets was also observed. Natural disturbance to the site includes erosion on the steep perimeter slopes and loose gravelly soils, in addition to occasional flooding and inundation within the lower elevations of the site.

Topography and Soils

Topography of the site is generally characterized by a deep depression with steep slopes on all sides. The perimeter of the site remains at street level where surface elevations range from a high of 430 feet AMSL at the northeast corner of the site, to a low of 400 feet AMSL at the southwest corner. The past mining activities left steep slopes that descend into the pit up to 100 feet. The toe of the mined slopes surrounding the pit ranges from a high of 320 feet AMSL in the northeast corner, to a low of 250 feet AMSL on the western edge of the pit. The bottom of the pit is uneven and represents the extraction patterns of the previous mining activities. Aerial imagery suggests that the lower elevations in the pit become completely inundated presumably during higher rainfall years.

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The site is mapped as supporting a single soil type according to the U.S. Department of Agriculture (USDA) Web Soil Survey (USDA 2014; Attachment A: Figure 5): Hanford gravelly sandy loam. The site is situated within granite-based alluvial river deposits consisting of coarse sands, cobbles, and boulders deposited by the San Gabriel River. The soil is well-drained. The observed surface soils within the site are highly disturbed as a result of previous activities. The steeper perimeter slopes show sign of erosion disturbance. Based on aerial imagery, the soils within the lowest elevations are apparently subjected to flood disturbance.

Vegetation Communities / Habitat Types

Vegetation communities or habitat types are classified in this report according to Holland (2008). Seven vegetation community or land use types were mapped within the project site: mule fat scrub, Diegan coastal sage scrub (disturbed phase), non-native grassland, Eucalyptus woodland, non-native vegetation, disturbed habitat, and developed land (i.e., existing paved access roads and concrete-lined storm drain channel in northeastern corner of the site). The existing vegetation communities are depicted on Figure 3.4-1 and summarized below within Table 3.4-1.

Table 3.4-1 Existing Vegetation Communities

VEGETATION COMMUNITY	ACREAGE
Mule Fat Scrub	1.0
Diegan Coastal Sage Scrub – Disturbed	63.6
Non-native Grassland	6.0
Eucalyptus Woodland	3.4
Non-native Vegetation	5.4
Disturbed Habitat	106.8
Developed	3.8
Total	190.0

Figure 3.4-1 Vegetation



Vegetation

OLIVE PIT MINING AND RECLAMATION PROJECT

Figure 6



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Wildlife

The project site is disturbed and does not provide extensive high quality habitat for animal species. Overall, animal activity during the June 2014 biological survey was low. Animal species observed or otherwise detected onsite included common species such as western fence lizard (*Sceloporus occidentalis*) and side-blotch lizard (*Uta stansburiana*); house finch (*Carpodacus mexicanus*), lesser goldfinch (*Spinus psaltria*), house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), bushtit (*Psaltriparus minimus*), black phoebe (*Sayornis nigricans*), common raven (*Corvus corax*), and common poorwill (*Phalaenoptilus nuttallii*); desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), domestic cat (*Felis catus*) and domestic dog (*Canis familiaris*). In addition, a single raptor species was observed at perch and soaring over the site: red-tailed hawk (*Buteo jamaicensis*). Other common species expected to occur include species such as striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and Virginia opossum (*Didelphis virginiana*). No rare, threatened, or endangered species were observed or otherwise detected within the site.

Sensitive Natural Communities

Sensitive natural communities include land that supports unique vegetation communities or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the CEQA Guidelines.

The project site supports mule fat scrub and Diegan coastal sage scrub, which are considered sensitive natural communities. Both of these communities occur as disturbed phases and are low in habitat quality due to disturbance and isolation from habitat blocks in the local and regional area.

The mule fat scrub onsite is monotypic and comprised almost exclusively of mule fat (*Baccharis salicifolia*). It is not associated with any surface water or streambed feature, and is situated within a shallow slope located immediately adjacent to one of several man-made depressions onsite created from mining excavations. The presence of this stand is likely a result of it being situated in some of the lowest elevations on the site and in an area immediately adjacent to a depression that holds water during wet years. The tall, steep, north-facing slope to the immediate south of the stand likely helps to keep conditions cool and moist as well.

The coastal sage scrub is highly variable in terms of species composition, with many stands being heavily dominated by California brittlebush (*Encelia farinosa*) or deerweed (*Acmispon glaber*). Some stands are composed entirely of California buckwheat (*Eriogonum fasciculatum*). All of the sage scrub onsite contains a high composition of non-native plants, including thick patches and scattered assemblages of fountain grass (*Pennisetum alopecuroides*), black mustard

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(*Brassica nigra*), shortpod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), castor bean (*Ricinus communis*), gum tree (*Eucalyptus* sp.), and tree-of-heaven (*Ailanthus altissima*), among others. Limited portions of the onsite sage scrub resemble Riversidean alluvial fan sage scrub, with small concentrations of species such as yerba santa (*Eriodictyon trichocalyx*) and scalebroom (*Lepidospartum squamatum*); however, these concentrations are not represented in large enough areas to map separately. The coastal sage scrub onsite is considered low in quality based on isolation, disturbance, and prevalence of non-native species. Impacts to coastal sage scrub would be considered potentially significant and mitigation would be required. The project has been designed to minimize impacts to coastal sage scrub by avoiding and preserving the existing scrub located on the upper slopes along the perimeter of the site. Where impacts to coastal sage scrub cannot be avoided, the areas would be revegetated and preserved as part of post-mining reclamation for all slopes above the water table.

The non-native grassland onsite occurs as thin patches with limited biological function and value. It is not suitable for any sensitive plant species and does not provide high quality foraging habitat for raptors. For these reasons, it is not considered sensitive and impacts would not warrant mitigation.

Special-Status Species

Special-status species were assessed for their potential to occur onsite based on the following criteria guidelines and are presented in Tables 3.4-2 and 3.4-3.

- Present:** Species was observed on site during the recent site visit.
- High:** Habitat (including plant communities, soils, and elevation factors) for the species occurs directly on site.
- Moderate:** Either habitat (including plant communities, soils, and elevation factors) for the species occurs on site or immediately adjacent to it.
- Low:** Limited habitat for the species occurs on site and a known occurrence occurs within the database search, or suitable habitat strongly associated with the species occurs on site, but no records were found within the database search.
- Very Low:** Species was found within the database search, but habitat (including soils and elevation factors) do not exist on site or the known geographic range of the species does not include the survey area.
- None:** The species has no potential to occur or is not present on the site. This level of certainty can be formerly ascertained during focused surveys conducted in accordance with protocol guidelines at an appropriate time for identification. No focused surveys were conducted during the biological reconnaissance survey.

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Special-Status Plant Species

Special-status plant species are those listed as federally threatened or endangered by the USFWS; State listed as threatened or endangered or considered sensitive by the CDFW; and/or, are CNPS List 1A, 1B, or 2 species, as recognized in the CNPS's Inventory of Rare and Endangered Vascular Plants of California and consistent with the CEQA Guidelines.

A search of the USFWS, CNDDDB, and CNPS species records reported in the project vicinity (within five miles) did not result in any point records for sensitive plant species on or immediately adjacent to the project site. A total of 13 species reported in the project vicinity were specifically analyzed for their potential to occur (Table 3.4-2).

No sensitive plants were observed during the June 2014 general biological survey. The majority of the site is characterized by disturbed habitat and scattered disturbance-tolerant plants. No sensitive plant species have a high potential to occur within the project site due to lack of suitable habitat, inappropriate soil conditions, inappropriate elevations, existing disturbances, and prevalence of non-native plant species.

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**Table 3.4-2 Sensitive Plant Species Potential to Occur
Olive Pit Mining and Reclamation Project**

Common Name	Species Name	Status	Habit, Ecology and Life History	Potential to Occur
Brand's star phacelia	<i>Phacelia stellaris</i>	FC/-- CNPS List 1B.1	Annual herb found in coastal scrub and coastal dunes. Prefers open areas between 15 and 4970 feet. Flowering period is between March and June.	Very Low. Marginal scrub habitat is present on project site however, disturbance and isolation of the habitat strongly reduce the potential for this rare species to occur. This species is presumed to be extirpated from the local area. Was not observed during the June 2014 survey.
Braunton's milk-vetch	<i>Astragalus brauntonii</i>	FE/-- CNPS 1B.1	Perennial herb occurs at recent burns and disturbed areas, usually on sandstone and carbonate layers. Habitat associations include chaparral, coastal scrub, and valley and foothill grassland. Elevations are 10 to 2100 feet. Blooms between February and July.	Very Low. Marginal scrub occurs, but soils are not sandstone or carbonate layer. This species was not observed during the June 2014 survey.
Greata's aster	<i>Aster greatae</i>	--/-- CNPS 1B.3	Rhizomatous herb occurs within broadleaved upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and riparian woodland at mesic sites. Elevations are 980 to 6600 feet. Blooms between June and October.	Very Low. No suitable vegetation association occurs. Site occurs well below known elevation limits.
Many-stemmed dudleya	<i>Dudleya multicaulis</i>	--/-- CNPS List 1B.1	Perennial herb occurs on clay soils within chaparral, coastal scrub, and grassland. Elevations are 50 to 2590 feet. Blooms April to July.	Very Low. Soils onsite are not appropriate for this species.

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Common Name	Species Name	Status	Habit, Ecology and Life History	Potential to Occur
Mesa horkelia	<i>Horkelia cuneata</i> var. <i>puberula</i>	--/-- CNPS List 1B.1	Perennial herb found in chaparral, cismontane woodland, and coastal scrub on sandy or gravelly soils. Found at an elevation range of 230-2660 feet. Flowering period is February through July.	Moderate. Marginal scrub and suitable soils occur on site. Site is situated at the low end of elevation range. There are historical records within half a mile of the site. Disturbance and isolation of the habitat strongly reduce the potential for this rare species to occur. This species was not observed during the June 2014 survey.
Parry's spineflower	<i>Chorizanthe parryi</i> var. <i>parryi</i>	--/-- CNPS List 1B.1	Annual herb which grows in coastal scrub and chaparral. Prefers dry slopes and flats; sometimes at interface of two vegetation types, such as chaparral and oak woodland. Found on dry, sandy soils between 130 to 5600 feet in elevation. Flowers from April through June.	Very Low. Marginal scrub habitat occurs however, soils are not highly suitable. Was not observed during the June 2014 survey.
Peruvian dodder	<i>Cuscuta obtusiflora</i> var. <i>glandulosa</i>	--/-- CNPS List 2.2	Annual herb found in marshes and swamps. Preferred habitat of this parasitic vine is freshwater marsh. Found at elevations between 50 to 920 feet. Flowering period is from July through October.	None. No appropriate habitat on project site.
Robinson's pepper-grass	<i>Lepidium virginicum</i> var. <i>robinsonii</i>	--/-- CNPS List 1B.2	Annual herb which occurs in chaparral and coastal scrub. Prefers dry soils between elevations of 1 to 3100 feet. Flowering period is January through July.	Low. Marginal habitat occurs on site, but high amount of disturbance and prevalence of non-natives strongly reduce potential for this species to occur.
San Bernardino aster	<i>Symphotrichum defoliatum</i>	--/-- CNPS List 1B.2	Perennial herb found in meadows, seeps, marshes, swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, and grassland. Often seen in vernal mesic grassland, near ditches, streams, springs, or disturbed areas at elevations of between 5 and 6690 feet. Flowers between July and November.	Low. Little to no appropriate habitat on project site.

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Common Name	Species Name	Status	Habit, Ecology and Life History	Potential to Occur
San Gabriel Mountains dudleya	<i>Dudleya densiflora</i>	--/-- CNPS List 1B.1	Perennial herb occurs on granitic cliffs and canyon walls in association with chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland. Elevations are 980 to 1700 feet. Blooms April to July.	None. Suitable habitat does not occur onsite. Site occurs well below elevation limits.
Slender-horned spineflower	<i>Dodecahema leptoceras</i>	FE/SE CNPS 1B.1	Annual herb occurs within chaparral, cismontane woodland, and alluvial fan sage scrub on sandy soils of historic floodplain areas. Elevations are 650 to 2500 feet. Blooming period is April to June.	Low. Marginal sage scrub occurs, but soils are primarily gravel and very coarse sand. History of mining and isolation strongly reduces the potential for this species to occur. This species was not observed during the June 2014 survey.
Sonoran maiden fern	<i>Thelypteris puberula var. sonorensis</i>	--/-- CNPS List 2.2	Perennial rhizomatous herb occurs within meadows, seeps, and streams. No elevation range reported. Flowering period is January to September.	Very Low. This species is known from the foothills of the San Gabriel Mountains to the north of the site. Marginal seasonally-flooded areas occur onsite, but existing disturbance strongly reduces potential for occurrence.
Southern mountains skullcap	<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i>	--/-- CNPS List 1B.2	Perennial herb of chaparral, cismontane woodland, and coniferous forest. Gravelly soils on stream banks or mesic sites in woodland between elevations of 1395-6560 feet. Flowers from June through August.	Very Low. Project site is outside of the elevation range for this species.

¹Listing is as follows: F = Federal; S = State of California; E = Endangered; T = Threatened; R = Rare; C = Candidate for listing
²CNPS = California Native Plant Society Lists: 1A – presumed extinct; 1B – rare, threatened, or endangered in California and elsewhere; 2 – rare, threatened, or endangered in California but more common elsewhere; 3 – more information needed; 4 – watch list for species of limited distribution. Extension codes: .1 – seriously endangered; .2 – moderately endangered; .3 – not very endangered.

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Special-Status Animal Species

Special-status animal species are those listed as threatened or endangered, proposed for listing, or candidates for listing by the USFWS and considered sensitive animals by the CDFW.

A search of the USFWS and CNDDDB species records reported in the project vicinity (within five miles) did not result in any point records for sensitive animal species on or immediately adjacent the project site. A total of 12 species reported in the project vicinity were specifically analyzed for their potential to occur (Table 3.4-3).

No sensitive animal species have a high potential to occur due to lack of suitable habitat; local and regional isolation of the site; highly urbanized areas completely surrounding the site; adjacency with existing developments; past and ongoing disturbances, including noise, lighting, illegal dumping, pedestrian use, off-highway vehicle use, and evidence of occasional flooding; and evidence of domestic pet use (i.e., cat and dog).

The project site contains trees and other vegetation that could provide suitable nesting habitat for several common bird species, including raptors. Avoidance and minimization measures are recommended to prevent impacts to nesting birds.

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Table 3.4-3 Sensitive Animal Species Potential to Occur – Olive Pit Mining and Reclamation Project

Common Name	Species Name	Status	Habitat Associations	Potential to Occur
Reptiles and Amphibians				
Coast horned lizard	<i>Phrynosoma blainvillei</i>	--/SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants and other insects.	Low. Suitable upland habitat occurs on the site however, soils are not highly suitable, and disturbance and isolation strongly reduce potential for occurrence.
Coast Range newt	<i>Taricha torosa</i>	--/SSC	Wet forests, oak forests, chaparral, and rolling grasslands near streams and other aquatic habitat.	None. No suitable habitat occurs.
Coastal western whiptail	<i>Cnemidophorus tigris multiscutatus</i>	--/SSC	Deserts and semiarid areas with sparse vegetation and open areas, and in woodland and riparian areas. Substrate may be firm soil, sandy, or rocky at surface.	Low. Suitable upland habitat occurs on the site however, disturbance and isolation of the habitat strongly reduce potential for occurrence.
Birds				
Coastal California gnatcatcher	<i>Poliophtila californica</i>	FT/SSC	Coastal sage scrub below 2500 ft. in southern California. Low, coastal sage scrub in arid washes, on mesas and slopes.	Low. The coastal sage scrub onsite is disturbed, isolated, and surrounded by development on all sides. Most occurs on steep slopes and is strongly dominated by either <i>Encelia farinosa</i> , <i>Lotus scoparius</i> . The site is completely isolated from potential habitat in the local area and would not be expected to support a self-sustaining population or migrating or dispersing individuals. This species was not incidentally observed or detected during the June 2014 survey.

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Common Name	Species Name	Status	Habitat Associations	Potential to Occur
Cooper's hawk	<i>Accipiter cooperii</i>	--/WL	(Nesting) Open, uninterrupted, or marginal woodland. Nest sites mainly found in riparian growths of deciduous trees, live oaks.	Low. Suitable foraging habitat and marginal nesting habitat occurs. This species could range over the local area.
Least Bell's vireo	<i>Vireo bellii pusillus</i>	FE/SE	Summer resident of Southern California in low riparian areas in the vicinity of water or in dry river bottoms below 2,000 ft. Nests places along the margins of bushes or on twigs projecting into pathways.	Very Low. Several low quality and isolated willow trees occur onsite that do not provide suitable habitat for this species. The mule fat scrub on the property is not suitable for this species.
Yellow-breasted chat	<i>Ictera virens</i>	--/SSC	Mature riparian woodland.	Very Low. Several low quality and isolated willow trees occur onsite that do not provide suitable habitat for this species. The mule fat scrub on the property is not suitable for this species.
Mammals				
American badger	<i>Taxidea taxus</i>	--/SSC	Open plains and prairies, farmland, and sometimes edges of woods.	Very Low. Marginal habitat occurs, but site is likely too disturbed and isolated. This species has likely been extirpated from the local area.
Big free-tailed bat	<i>Nyctinomops macrotis</i>	--/SSC	Rocky areas, in day they roost in rocky cliffs, sometimes caves, buildings, or tree holes.	Moderate. Marginal cliff habitat for roosting occurs.
Greater western mastiff bat	<i>Eumops perotis californicus</i>	--/SSC	Lower and upper Sonoran desert scrub near cliffs, preferring rugged rocky canyons with abundant crevices. Prefers crowding into tight crevices.	Moderate. Marginal cliff habitat for roosting occurs.

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Common Name	Species Name	Status	Habitat Associations	Potential to Occur
Pallid bat	<i>Antrozous pallidus</i>	--/SSC	Rocky, mountainous areas and near water; also found over more open, sparsely vegetated grasslands, and prefers foraging in the open. Uses three different roosts: 1) the day roost is in a warm, horizontal opening such as rock cracks; 2) the night roost is in the open, near foliage; and 3) the hibernation roost, which is in caves or cracks in rocks.	Low. Marginal roost and foraging habitat occurs.
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	--/SSC	Primarily in open habitats including coastal sage scrub, chaparral, grasslands, croplands, and open, disturbed areas if there is at least some shrub cover present.	Low. Suitable habitat is present, but disturbances and isolation strongly reduce the potential for occurrence.

¹Listing is as follows: FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SSC = State Species of Special Concern; WL = Watch List

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Waters and Wetlands

In the context of this assessment, jurisdictional waters and wetlands generally include waters of the U.S., including wetlands, regulated by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA); waters of the State regulated by the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA and State Porter-Cologne Water Quality Control Act; and/or, streambed and riparian habitat regulated by the CDFW pursuant to Sections 1600 *et seq.* of the California Fish and Game Code (CFG Code).

The site is a closed system and does not receive waters from natural drainage features offsite or discharge waters into offsite features. No natural drainage features, streambed, or stands of functioning riparian habitat occur on the project site. No portions of the site indicate drainage patterns or surface flow through an ordinary high water mark (OHWM). No streambed features and no functioning riparian habitat were evident during the 2014 general biological survey. The site does not abut or occur adjacent to any natural drainage features. The site is situated over 0.5 mile from Santa Fe Dam to the north and over 1.0 mile from the channelized reach of the San Gabriel River to the west. There are a few storm drain outlets and pipes that apparently discharge storm water onto the site from the adjacent urban areas and the City's storm drain system.

The site is depauperate and lacks resources typical of riparian habitats in the region. The few willow trees onsite are situated up on top of a manufactured berm within an upland landscape position and amongst the disturbed habitat onsite. The trees are severely water stressed and not associated with any surface drainage feature, streambed, or basin. The individual trees do not constitute a functioning stand of riparian habitat and do not provide high value to wildlife resources.

The mule fat scrub onsite is not associated with any surface water or streambed feature. It is situated within a shallow slope located immediately south and southwest of the lowest of several man-made depressions onsite created from mining excavations. The depression adjacent to the mule fat stand is presumably closest to the water table and where water collects and stays inundated or saturated the longest at the surface. Mule fat occurs scattered throughout the project site, from areas located up on the top of perimeter slopes, on slope faces, and down at the bottom of slopes and within the pit floor. In the Arid West region, mule fat is considered a facultative (FAC) species, which means that it is equally likely to occur in wetlands or non-wetlands (estimated probability 34% – 66%). As such, its presence alone does not indicate a true upland or wetland position on the site. Although a formal jurisdictional delineation was not performed for this study, it is entirely possible that the depression underlying the stand of mule fat scrub supports wetland conditions for at least a portion of the year.

Aerial imagery suggests that the depression adjacent to the stand of mule fat has the ability to hold standing water, likely depending on the amount of precipitation received, groundwater recharge, and depth to water table during the winter. The imagery also suggests that other low-

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elevation spots within the pit appear to become inundated as well. The depressions are acknowledged on the USFWS National Wetlands Inventory as three distinct basins. These depressions are man-made and isolated, with no apparent surface water features draining into them. The underlying soils are gravel and sand. There is no indication of an underlying hardpan. Percolation rates are expected to be high. Depth and duration of standing water is likely largely dependent on groundwater recharge and depth to water table. Given the information available for this study, it can be concluded that the depressions on the site are man-made features that have the ability to hold water during a portion of the year. The features are not natural and do not support a dominance of wetland or riparian vegetation. These same attributes are characteristic of the many other mining pits in the local area. For the reasons stated above, the features are not considered to be jurisdictional, including isolated waters of the State subject to RWQCB jurisdiction pursuant to the State Porter-Cologne Water Quality Control Act.

Wildlife Corridors and Linkages

Wildlife corridors connect otherwise isolated pieces of habitat and allow movement or dispersal of plant materials and animals. Local wildlife corridors allow access to resources such as food, water, and shelter within the framework of their daily routine and life history. For example, animals can use these corridors to travel between their riparian breeding habitats and their upland burrowing habitats. Regional corridors provide these functions over a larger scale and link two or more large habitat areas, allowing the dispersal of organisms and the consequent mixing of genes between populations. A corridor is a specific route that is used for the movement and migration of species, and may be different from a linkage in that it represents a smaller or narrower avenue for movement. A linkage is an area of land that supports or contributes to the long-term movement of animals and genetic exchange by providing live-in habitat that connects to other habitat areas. Many linkages occur as stepping-stone linkages that are comprised of a fragmented archipelago arrangement of habitat over a linear distance.

No wildlife corridors or linkages occur on or in the immediate vicinity of the site. The project site is surrounded on all sides by highly urbanized land. It is locally and regionally isolated and separated from undeveloped land by expansive development. The site does not support habitat that would contribute substantially to the assembly and function of any local or regional wildlife corridors or linkages. The habitat that exists is relatively low in quality and is disconnected and isolated from better quality habitat in the local and regional area. The site is completely enclosed with perimeter fencing. Animal species that require direct or less-constrained habitat connectivity along their travel routes would be challenged to find access to the habitat within the site and immediate vicinity.

The project site is likely used by common resident and migratory birds with the ability to fly over long distances. Due to the site's isolation and the fact there are no additional undeveloped parcels or habitat fragments in the local area, it does not function as a stepping-stone linkage and is not part of an archipelago chain of small open space patches amongst the urbanized area.

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Special-status birds, such as the federally threatened coastal California gnatcatcher (*Polioptila californica californica*), would not be expected to move onto the site from undeveloped land in the region due to the distance they would have to travel over urbanized land that is highly disturbed and provides little to no vegetative cover. Based on observations of coastal California gnatcatchers in a variety of natural and non-natural habitats, it is expected that they may disperse across marginal habitats such as agriculture, disturbed habitats (e.g., fallow fields, abandoned vineyards), and non-native grasslands and are capable of moving across roadways (Riverside County 2003). The closest undeveloped land is within the Santa Fe Dam Recreation Area (i.e., Santa Fe Dam Regional Park, Santa Fe Flood Control Basin) located approximately 0.65 mile north of the site. The CNDDDB reports a gnatcatcher record from 2007 near the Nature Center within the Regional Park. The site is separated from this area by highly urbanized land associated with residential neighborhoods of Baldwin Park. Gnatcatchers would not be expected to overland disperse through the highly urbanized area that separates the site from the Santa Fe Regional Park.

Therefore, the project site does not support habitat that would contribute substantially to the assembly and function of any local or regional wildlife corridors or linkages, including those for special-status birds such as the coastal California gnatcatcher.

3.4.2 REGULATORY SETTING

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) (7 United States Code (USC) 136; 16 USC 460 et seq. [1973]) extends legal protection to plants and animals, listed as endangered or threatened by the United States Fish and Wildlife Service (USFWS), and gives authorization to the USFWS to review proposed federal actions to assess potential impacts to species listed as endangered or threatened. The ESA generally prohibits the “taking” of a federally listed species. “Taking” of a threatened or endangered species is deemed to occur when an intentional or negligent act or omission results in any of the following actions: “to harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Such acts may include significant habitat modification or degradation if it results in death or injury. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited. Sections 7 and 10 of the ESA permit “incidental take” of a listed species via a federal or private action, respectively, through formal consultation with the USFWS. In lieu of a separate Section 10a Permit, an applicant may be included in a local Habitat Conservation Plan (HCP).

Clean Water Act

The Federal Water Pollution Control Act, more commonly known as the Clean Water Act (CWA) (33 USC ss/1251 et seq. [1977]), establishes the basic structure for regulating discharges of pollutants into the waters of the United States and is the primary regulatory body affecting wetlands. The objective of the CWA is to restore and maintain the chemical, physical, and

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biological integrity of the Nation's waters. The CWA gives the United States Environmental Protection Agency (USEPA) authority to implement pollution control programs, set water quality standards for all contaminants in surface waters, and to address nonpoint source pollution. The CWA makes it illegal for any person to discharge pollutants into navigable waters, unless a permit is first obtained.

Section 404 of the CWA regulates the discharge of dredged or fill material into navigable waters and defines standards under which these types of activities may be permitted.

Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA) as amended under the Migratory Bird Treaty Reform Act of 2004 (FR Doc. 05-5127). The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. In common practice, USFWS places restrictions on disturbances allowed near active raptor nests.

California Endangered Species Act

Similar to the federal ESA, the California Endangered Species Act (CESA) along with the Native Plant Protection Act authorizes the CDFW to designate, protect, and regulate the taking of special-status species in the State of California. Special-status species are those designated by the State as endangered, threatened or species of concern. CESA defines endangered as those species whose continued existence in California is jeopardized. State-listed threatened species are those not presently threatened with extinction, but which may become endangered if their environments change or deteriorate. Most "species of concern," are species whose breeding populations in California may face local extirpation. To avoid the future need to list these species as endangered or threatened, the CDFW recommends consideration of these species, which do not as yet have any legal status, during analysis of the impacts of proposed projects.

California Fish and Game Code

The CFG Code regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the State. It includes CESA (Sections 2050-2115), Native Plant Protection Act (Sections 1900 *et seq.*), and Streambed Alteration Agreement regulations (Sections 1600-1616), as well as provisions for legal hunting and fishing, and tribal agreements for activities involving take of native wildlife. The CFG Code also includes protection of birds (Sections 3500 *et seq.*) and the California Native Plant Protection Act (NPPA) of 1977 (Sections 1900-1913), which directed CDFW to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State."

Pursuant to CFG Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code or any regulation made pursuant thereto. Raptors (birds of prey) and owls and their active nests are protected by CFG

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Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. In common practice, CDFW places timing restrictions on clearing of potential nesting habitat (e.g., vegetation), as well as restrictions on disturbances allowed near active raptor nests.

California Environmental Quality Act

Primary environmental legislation in California is found in the CEQA and its implementing guidelines (State CEQA Guidelines), requiring that projects with potential adverse effects or impacts on the environment undergo environmental review. Adverse impacts to the environment are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

Although threatened and endangered species are protected by specific federal and State statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or State list of protected species may be considered rare or endangered 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 and animals. CEQA Guideline Section 15380(d) allows a public agency to undertake a review to determine if a significant effect would occur on species that have not yet been listed by either the USFWS or CDFG (i.e., species of concern). Thus, if warranted under special circumstances, CEQA provides an agency with the ability to protect a species from a project's potential impacts until the respective government agencies have an opportunity to designate the species as formally protected.

Pursuant to the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project area and determine whether the proposed project will have a potentially significant impact on such species.

City of Irwindale General Plan – Resource Management Element Policies

The Irwindale General Plan will serve as the blueprint for future planning and development in the City. The General Plan indicates the City's vision for the future through the policies and plans that are designed to shape the physical development of the community. The General Plan acknowledges the City's previous planning efforts, the established land use patterns in the community, and adopted development policy. The City's history and development patterns have been shaped, in large measure, by the numerous quarries that have historically operated in the City. The primary issue that is addressed in this General Plan is how these areas will be used in the coming decades. This General Plan establishes patterns of land use and development that promotes the maintenance of the established residential neighborhoods, while at the same time, accommodating future growth. The Resource Management Element of the General Plan indicates the City's policies concerning the conservation and preservation of important natural and man-

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made resources. This element complies with the State requirements for a conservation element and an open space element. The scope of this element has also been expanded to consider issues related to mining and parks and recreation.

Resource Management Element Policies

The policies included in this element focus on the following three major issue areas: The City's commitment to the maintenance and management of natural resources; The City's commitment in maintaining and enhancing open space in the City that may be used for resource preservation and/or recreation; and, The City's continued commitment in maintaining those amenities, both natural and man-made, that contributes to the livability of the site.

Issue Area – Natural Resources

The City will continue to cooperate in the maintenance and conservation of the area's natural resources.

Issue Area – Open Space Resources

The City will strive to enhance the recreational and open space resources for the benefit and enjoyment of the existing and future residents.

Issue Area – Resource Preservation

The City will maintain and preserve those natural and man-made amenities that contribute to the City's livability.

Issue Area – Mining and Reclamation

The City will improve environmental compliance, reclamation planning, and long-term economic improvement of the mines and quarries (inactive, active, and reclaimed) in Irwindale.

3.4.3 IMPACT ANALYSIS AND MITIGATION

METHODOLOGY

This assessment is largely compiled from the Biological Resources Letter Report for the Olive Pit Mine and Reclamation Project (June 2014) prepared by HELIX Environmental Planning, Inc. Their original report is included in Appendix E of this EIR. Also reviewed for biological relevance was the Olive Pit Draft Reclamation Plan (May 2014) prepared by EnviroMINE, Inc. This report is on file and available for review with the City of Irwindale Community Development Department. Additional data sources used in this analysis include the California Department of Fish & Wildlife (CDFW) California Natural Diversity Data Base (CNDDB), site reconnaissance, aerial photo interpretation, and other sources listed in the HELIX report.

THRESHOLDS OF SIGNIFICANCE

The significance of potential biological impacts was determined based on CEQA Guidelines Appendix G and other relevant considerations including existing and proposed City policies.

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These Guidelines identify certain thresholds that should be considered when determining whether an impact is significant or considered less-than-significant.

The Proposed Project would be considered to have a significant impact to biological resources if it were to:

- A. 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;
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS;
- C. Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, riparian, and seasonal wetlands) through direct removal, filling, hydrological interruption or other means;
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites;
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. 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 impact analysis section of this chapter is organized according to the thresholds of significance identified above. Species not observed during the survey, without suitable habitat in the area, or having the unlikely potential for occurrence on-site, were eliminated from further consideration because their known ranges are located outside of the Project area and/or the Project area does not contain habitats similar to those known to support these species.

Threshold BIO-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 with Mitigation.

No sensitive plants were observed during the June 2014 general biological survey. The majority of the site is characterized by disturbed habitat and scattered disturbance-tolerant plants. None of the sensitive plant species reported in the project vicinity have a high potential to occur within

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the project site due to lack of suitable habitat, inappropriate soil conditions, inappropriate elevations, existing disturbances, and prevalence of non-native plant species. No significant impacts to sensitive plant species are expected.

None of the sensitive animal species reported to the project vicinity have a high potential to occur due to lack of suitable habitat; local and regional isolation of the site; highly urbanized areas completely surrounding the site; adjacency with existing developments; past and ongoing disturbances, including noise, lighting, pedestrian use, off-highway vehicle use, and evidence of occasional flooding; and evidence of domestic cat and dog use. No significant impacts to sensitive animal species are expected.

The project site contains trees, shrubs, and other vegetation that provide suitable nesting habitat for common birds, including raptors, protected under the MBTA and CFG Code. Construction of the proposed project could result in the removal or trimming of trees and other vegetation during the general bird nesting season (January 15 through September 15) and, therefore, could result in impacts to nesting birds in violation of the MBTA and CFG Code. Direct impacts could occur as a result of removal of vegetation supporting an active nest. Impacts would be considered significant.

Implementation of mitigation measure **BIO-1** below would reduce potentially significant impacts on special-status animal species and their habitat, including nesting birds and raptors protected under the MBTA and CFG Code, to less than significant levels.

BIO-1 Avoidance of Nesting Birds and Raptors. The project applicant shall require that initial grading and vegetation activities (i.e., earthwork, clearing, and grubbing) for Phase I and Phase II are performed outside of the general breeding season for migratory birds and raptors, which is defined as occurring between January 15 and September 15. If activities must occur during the general bird breeding season, the project applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven days prior to the commencement of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

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Threshold BIO-2

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?

Less than Significant Impact with Mitigation.

Two sensitive natural communities were mapped within the project site: mule fat scrub and Diegan coastal sage scrub. Mule fat scrub has a global sensitivity ranking of G4 and a State sensitivity ranking of S4 (i.e., this community is apparently secure and there are greater than 100 viable occurrences and/or greater than 50,000 acres statewide and worldwide). Diegan coastal sage scrub has a global sensitivity ranking of G3 and a State sensitivity ranking of S3 (i.e., this community is vulnerable and there are 21-100 viable occurrences and/or 10,000-50,000 acres statewide and worldwide).

The onsite mule fat scrub and coastal sage scrub represents native habitat that has re-established onsite since mining activities ceased. These communities are highly disturbed and provide limited biological function and value. Neither have a high potential to support any sensitive species. The mule fat scrub is not associated with any functioning riparian habitat and is of low quality. The Diegan coastal sage scrub is highly disturbed, low in quality, and isolated from core habitat blocks in the local and regional area. Nevertheless, the communities are considered sensitive and impacts would be considered significant.

Non-native grassland has a sensitivity ranking of G4S4. This habitat type is generally considered sensitive when it provides suitable or occupied habitat for sensitive animals, and/or when it provides high quality foraging habitat for raptors. The non-native grassland onsite is confined to thin, linear patches that do not provide suitable habitat for sensitive species and do not provide good quality raptor foraging habitat. Therefore, the non-native grassland onsite is not considered to be a sensitive natural community. Impacts to this community would be considered less than significant.

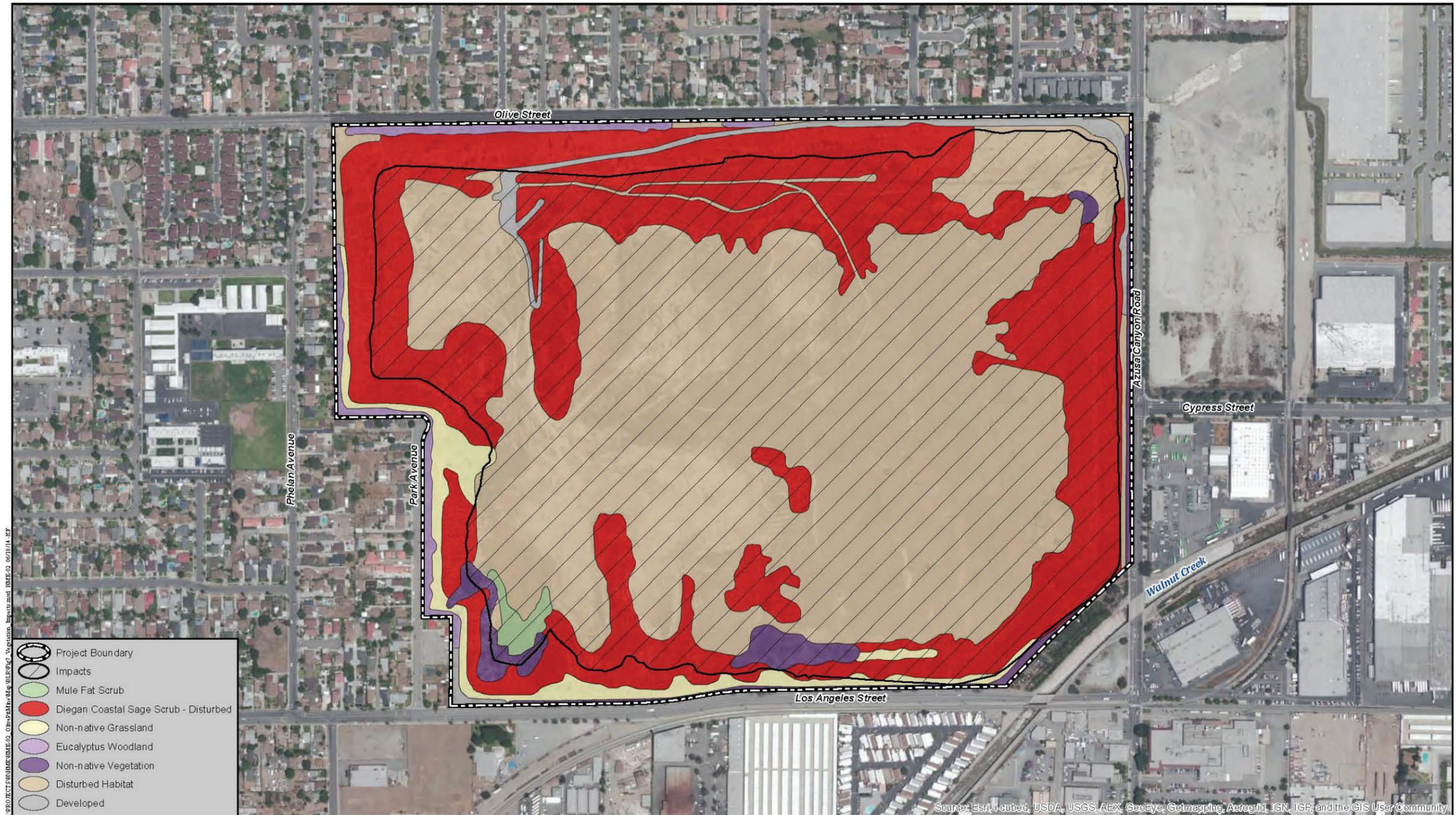
The project impacts to sensitive natural communities and proposed conceptual open space and restoration areas are depicted within Figure 3.4-2 summarized below within Table 3.4-4.

Table 3.4-4 Impacts to Vegetation Communities and Proposed Mitigation

Vegetation Community	Existing*	Impacts*	Mitigation			
			Ratio	Avoided / Preserved	Restored / Preserved	Total
Mule Fat Scrub	1.0	1.0	1:1	-	1.0	1.0
Diegan Coastal Sage Scrub – Disturbed	63.6	45.6	1:1	18.0	47.8	65.8
TOTAL	64.6	46.6	-	18.0	48.8	66.8

*Areas are presented in acre(s) rounded to the nearest 0.1

Figure 3.4-2 Vegetation Impacts



Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGR, and the GIS User Community

Vegetation Impacts

OLIVE PIT MINING AND RECLAMATION PROJECT

Figure 7



Figure 3.4-3 Conceptual Open Space and Restoration Area



Conceptual Open Space and Restoration Area

OLIVE PIT MINING AND RECLAMATION PROJECT



Figure 8

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The project would impact 1.0 acre of mule fat scrub and 45.6 acres of coastal sage scrub. The project would avoid 18.0 acres of Diegan coastal sage scrub, which would be placed in open space. Consistent with the reclamation plan requirements, the project would restore impact areas onsite through the establishment of 2:1 slopes and revegetation of the slopes above the water table with native habitat, to include a minimum of 1.0 acre of mule fat scrub and 47.8 acres of Diegan coastal sage scrub. The restored areas would also be placed in open space. Therefore, the impact is considered significant.

Implementation of mitigation measure **BIO-2** would ensure that impacts to sensitive natural communities are fully compensated.

BIO-2 Habitat Mitigation.

The project applicant shall compensate the loss of 1.0 acre of mule fat scrub through onsite restoration and preservation, which shall be provided in-kind and at a 1:1 ratio for a minimum of 1.0 acre of restored mule fat scrub preserved onsite. The project applicant shall further compensate the loss of 45.6 acres of Diegan coastal sage scrub through onsite restoration and preservation, which shall be provided in-kind and at a minimum 1:1 ratio for a total of 18.0 acres of avoided and enhanced coastal sage scrub preserved onsite and a minimum of 28.7 acres (up to 48.9 acres) of restored coastal sage scrub preserved onsite. Areas preserved onsite shall be designated as open space and placed within a protective easement for conservation purposes, such as a restrictive covenant or conservation easement. Signage and fencing shall be provided at perimeter locations. Fencing design shall be developed to promote safety of life and property, prevent unauthorized access by pedestrians and vehicles into sensitive areas, and allow limited passage for wildlife species in the local area.

The project applicant or successors and assigns shall fund the long-term management of the open space, which shall include implementation of area specific management directives for maintenance and biological monitoring. At a minimum, maintenance directives shall include trash removal, treatment of non-native invasive and exotic plants, maintenance of operation BMPs, and fencing and signage upkeep. At a minimum, biological monitoring directives shall include periodic botanical surveys, including botanical inventory and vegetation community assessment; general wildlife surveys; inspections for non-native invasive and exotic plants; inspections for pest and nuisance wildlife species; and reporting. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

The project applicant shall retain a qualified biologist to prepare a restoration and enhancement plan for the restored and enhanced areas on the site, to be approved by the City prior to construction, which shall include the following:

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- A. All final specifications and topographic-based grading (with 10-foot contours), planting, and irrigation plans (if irrigation is used). Grading for the restoration areas shall incorporate variability in the topography in a way that mimics natural conditions to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. All restoration sites shall be prepared for planting by decompacting the top soil in a way that mimics natural top soil to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. Topsoil and plant materials salvaged from avoided habitat areas onsite shall be transplanted to and/or used as a seed/cutting source for the restoration areas to the maximum extent practicable as approved by the City. Planting and irrigation shall not be installed until the City has approved site grading. All plantings shall be installed in a way that mimics natural plant distribution, and not in rows;
- B. Planting palettes (plant species, size, and number/acre) and seed mix (plant species and pounds/acre). The plant palette proposed in the plan shall include native species specifically associated with the native vegetation communities or habitat type(s) impacted by the project. At a minimum the following local native species found to occur as dominants within the communities impacted by the project shall be considered for use in the plant palette:
- elderberry (*Sambucus* sp.)
 - laurel sumac (*Malosma laurina*)
 - California sagebrush (*Artemisia californica*)
 - tarragon (*Artemisia dracunculus*)
 - mule fat (*Baccharis salicifolia*)
 - California brittlebush (*Encelia farinosa*)
 - desert croton (*Croton californicus*)
 - deerweed (*Acmispon glaber*)
 - white sage (*Salvia apiana*)
 - sun cup (*Camissoniopsis* sp.)
 - buckwheat (*Eriogonum fasciculatum*)
 - toyon (*Heteromeles arbutifolia*)
 - deergrass (*Muhlenbergia rigens*)

Unless otherwise approved by the City, only locally native species (no cultivars) obtained from as close to the project site as possible shall be used. The source and proof of local origin of all plant material and seed shall be provided;

- C. Container plant survival shall be 80 percent of the initial plantings for the first seven to ten years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;

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- D. A final implementation schedule that indicates when all native habitat impacts, as well as restoration grading, planting, and irrigation, will begin and end. Necessary site preparation and planting shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after City approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault of negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes, etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions or inaction by federal or state agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);
- E. Seven to ten years of success criteria for restoration areas, including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;
- F. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified, random sampling shall be used for all quantitative;
- G. Contingency measures in the event of restoration failure;
- H. Annual mitigation maintenance and monitoring reports shall be submitted to the City after the maintenance and monitoring period and no later than December 1 of each year. Copies shall also be provided to the Department of Fish and Wildlife at their request.

Threshold BIO-3

Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

The project site has no direct contact with federally protected wetlands. The site is generally self-contained and does not receive or discharge waters to the San Gabriel River, the Santa Fe Flood Control Basin, or any other surface water bodies or drainage features nearby. No potential jurisdictional waters and wetlands were identified during the general biological survey. Lower elevations onsite are characterized by depressions and imprints in the land that were created by previous mining activities. The depressions have the potential to become inundated and hold water during wet years. There is no evidence that an underlying hard pan exists and the depressions are not considered to be vernal pools. Therefore, no federally protected wetlands will be affected by the project and no mitigation is required.

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Threshold BIO-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 corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact.

No wildlife corridors or linkages occur on or in the immediate vicinity of the site. The project site does not support habitat that would contribute substantially to the assembly and function of any local or regional wildlife corridors or linkages. The project site is surrounded on all sides by highly urbanized land. It is locally and regionally isolated and separated from undeveloped land by expansive development. The habitat that exists is relatively low in quality and is disconnected and isolated from better quality habitat in the local and regional area. The site is completely enclosed with perimeter fencing. Animal species that require direct or less-constrained habitat connectivity along their travel routes would be challenged to find access to the habitat within the site and immediate vicinity.

Due to the site's isolation and the fact there are no additional undeveloped parcels or habitat fragments in the local area, it does not function as a stepping-stone linkage and is not part of an archipelago chain of small open space patches amongst the urbanized area. The closest undeveloped land is within the Santa Fe Dam Recreation Area (i.e., Santa Fe Dam Regional Park, Santa Fe Flood Control Basin) located approximately 0.65 mile north of the site. The site is separated from this area by highly urbanized land associated with residential neighborhoods of Baldwin Park. Wildlife, including special-status birds such as the coastal California gnatcatcher, would not be expected to overland disperse through the highly urbanized area that separates the site from the Santa Fe Dam Regional Park. At best, the project site is used as temporary or live-in habitat by common resident and migratory birds with the ability to fly over long distances. Impacts to wildlife movement and nursery sites would be less than significant and no mitigation is required.

Threshold BIO-5

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

No Impact.

The project would not conflict with any local policies or ordinances protecting biological resources. The project does not occur within a designated Significant Ecological Area (SEA) and would not conflict with any County of Los Angeles policies or ordinances. No impact would occur.

The City's General Plan includes several resource management element policies that relate to the project. The project would be consistent with the natural resources issue area policies in that it

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will maintain and conserve existing natural resources on the site through onsite preservation and restoration measures. The project would be consistent with the open space resources issue area policies by enhancing open space resources onsite. The project would be potentially inconsistent with the resource preservation issue area policies if it did not maintain and preserve native habitat onsite by impacting 1.0 acre of mule fat scrub and 45.6 acres of coastal sage scrub or nesting birds and raptors. The project would be potentially inconsistent with the mining and reclamation issue area policies as they relate to biological resources based on impacts identified in BIO-1 and BIO-2. Therefore, the project would potentially cause a significant impact.

With implementation of MM BIO-1 and MM BIO-2 any potential conflict to resource preservation issue area policies and the mining and reclamation issue area policies would be fully mitigated. There would be no significant impact with mitigation.

Threshold BIO-6

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

No Impact.

The project site is not located within the boundaries of any adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. The project would not conflict with such plans and no impact would occur.

Biological Mitigation Measures

MM BIO-1

Avoidance of Nesting Birds and Raptors. The project applicant shall require that initial grading and vegetation activities (i.e., earthwork, clearing, and grubbing) for Phase I and Phase II are performed outside of the general breeding season for migratory birds and raptors, which is defined as occurring between January 15 and September 15. If activities must occur during the general bird breeding season, the project applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven days prior to the commencement of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

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MM BIO-2

Habitat Mitigation.

The project applicant shall compensate the loss of 1.0 acre of mule fat scrub through onsite restoration and preservation, which shall be provided in-kind and at a 1:1 ratio for a minimum of 1.0 acre of restored mule fat scrub preserved onsite. The project applicant shall further compensate the loss of 45.6 acres of Diegan coastal sage scrub through onsite restoration and preservation, which shall be provided in-kind and at a minimum 1:1 ratio for a total of 18.0 acres of avoided and enhanced coastal sage scrub preserved onsite and a minimum of 28.7 acres (up to 48.9 acres) of restored coastal sage scrub preserved onsite. Areas preserved onsite shall be designated as open space and placed within a protective easement for conservation purposes, such as a restrictive covenant or conservation easement. Signage and fencing shall be provided at perimeter locations. Fencing design shall be developed to promote safety of life and property, prevent unauthorized access by pedestrians and vehicles into sensitive areas, and allow limited passage for wildlife species in the local area.

The project applicant or successors and assigns shall fund the long-term management of the open space, which shall include implementation of area specific management directives for maintenance and biological monitoring. At a minimum, maintenance directives shall include trash removal, treatment of non-native invasive and exotic plants, maintenance of operation BMPs, and fencing and signage upkeep. At a minimum, biological monitoring directives shall include periodic botanical surveys, including botanical inventory and vegetation community assessment; general wildlife surveys; inspections for non-native invasive and exotic plants; inspections for pest and nuisance wildlife species; and reporting. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

The project applicant shall retain a qualified biologist to prepare a restoration and enhancement plan for the restored and enhanced areas on the site, to be approved by the City prior to construction, which shall include the following:

- A. All final specifications and topographic-based grading (with 10-foot contours), planting, and irrigation plans (if irrigation is used). Grading for the restoration areas shall incorporate variability in the topography in a way that mimics natural conditions to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. All restoration sites shall be prepared for planting by decompacting the top soil in a way that mimics natural top soil to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. Topsoil and plant materials salvaged from avoided habitat areas onsite shall be transplanted to and/or used as a seed/cutting source for the restoration areas

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to the maximum extent practicable as approved by the City. Planting and irrigation shall not be installed until the City has approved site grading. All plantings shall be installed in a way that mimics natural plant distribution, and not in rows;

B. Planting palettes (plant species, size, and number/acre) and seed mix (plant species and pounds/acre). The plant palette proposed in the plan shall include native species specifically associated with the native vegetation communities or habitat type(s) impacted by the project. At a minimum the following local native species found to occur as dominants within the communities impacted by the project shall be considered for use in the plant palette:

- elderberry (*Sambucus* sp.)
- laurel sumac (*Malosma laurina*)
- California sagebrush (*Artemisia californica*)
- tarragon (*Artemisia dracuncululus*)
- mule fat (*Baccharis salicifolia*)
- California brittlebush (*Encelia farinosa*)
- desert croton (*Croton californicus*)
- deerweed (*Acmispon glaber*)
- white sage (*Salvia apiana*)
- sun cup (*Camissoniopsis* sp.)
- buckwheat (*Eriogonum fasciculatum*)
- toyon (*Heteromeles arbutifolia*)
- deergrass (*Muhlenbergia rigens*)

Unless otherwise approved by the City, only locally native species (no cultivars) obtained from as close to the project site as possible shall be used. The source and proof of local origin of all plant material and seed shall be provided;

C. Container plant survival shall be 80 percent of the initial plantings for the first seven to ten years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;

D. A final implementation schedule that indicates when all native habitat impacts, as well as restoration grading, planting, and irrigation, will begin and end. Necessary site preparation and planting shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after City approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault of negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes, etc.), labor disputes, sudden actions of the elements (e.g., further

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- landslide activity), or actions or inaction by federal or state agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);
- E. Seven to ten years of success criteria for restoration areas, including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;
 - F. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified, random sampling shall be used for all quantitative;
 - G. Contingency measures in the event of restoration failure;
 - H. Annual mitigation maintenance and monitoring reports shall be submitted to the City after the maintenance and monitoring period and no later than December 1 of each year. Copies shall also be provided to the Department of Fish and Wildlife at their request.

3.4.4 SIGNIFICANCE AFTER MITIGATION

With the successful implementation of mitigation measures BIO-1 and BIO-2, impacts on special-status species and sensitive natural communities would be less than significant.

3.4.5 CUMULATIVE IMPACTS

A list of all cumulative projects is provided in Chapter 3.0, Environmental Setting and Impact Analysis, above.

Would the Proposed Project, combined with other related cumulative projects, have a substantial adverse impact on biological resources?

No

Based on the cumulative project list, cumulative development may result in development of new residential, commercial, mining, industrial, recreational, and medical facilities in the cities of Irwindale, Azusa, Baldwin Park, Duarte, Glendora, and West Covina.

The project-specific potential impacts to biological resources are limited to nesting birds and raptors protected under the MBTA and CFG Code, and the sensitive natural communities, mule fat and coastal sage scrub. The project would have a contribution to the cumulative impact with respect to these issue areas.

Impacts of other projects within the cumulative study area would be unique to each site, but would likely contribute to a potential cumulative impact on nesting birds and raptors, given that these species nest within a variety of habitat types and settings. All projects within the

CHAPTER 3.4 BIOLOGICAL RESOURCES

cumulative study area, including the proposed project, are required to avoid impacts to nesting birds and raptors pursuant to the MBTA and CFG Code, thus resulting in no effect or reducing the cumulative impact to less than significant levels. The project's contribution to the cumulative impact would be reduced to less than significant levels through the implementation of BIO-1.

A significant cumulative impact has already occurred on mule fat and coastal sage scrub, as these sensitive natural communities have been largely eliminated from the region. The project would contribute to the significant impact in that it would result in a temporal loss of habitat onsite. However, the project proposes to fully compensate the loss of habitat, in-kind and onsite, which would result in no net loss of the habitat within the cumulative study area. The project's contribution to the cumulative impact would be reduced to less than significant levels through the implementation of BIO-2.