



5.3 Biological Resources



5.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources on the Site, and the potential adverse impacts associated with implementation of the Project. An analysis of compliance with all Federal, State, and local regulations and policies regarding biological resources has also been conducted. This section is primarily based upon the *Habitat Suitability Evaluation* (Habitat Evaluation), prepared by Ecological Sciences, Inc. (Ecological Sciences), dated January 17, 2018; refer to [Appendix 11.2, *Habitat Evaluation*](#).

5.3.1 EXISTING SETTING

The Site is currently developed with a former commercial nursery (Colorama Wholesale Nursery). The Site is fully developed with no open space; existing on-site development includes an office, greenhouses, potting sheds, shade structures, an agricultural chemical storage building, a tractor repair building, two irrigation ponds, parking areas, and other features typical of a wholesale nursery. Vehicular and pedestrian access to the Site is provided via North Todd Avenue.

Surrounding land uses include light industrial development to the north, south, and west. Recreational uses are located to the east. Chain link fencing and a driveway/roadway associated with the off-site Laborers Training School separate the Site from the San Gabriel River and Trail further west.

VEGETATION AND WILDLIFE

On September 16, 2017, Ecological Sciences biologists conducted a reconnaissance-level field survey to characterize on-site habitats and to generally evaluate their potential to support sensitive species. Plant species and vegetation communities (where present) were primarily identified by walking meandering transects over the Site. All direct observations of wildlife were recorded, as was signs of wildlife. The Site was also evaluated for the potential presence of plant, animal, or habitat considered rare, threatened, sensitive, endangered, or otherwise unique by regulatory or resource agencies.

As stated above, the Site is entirely developed with a former commercial nursery and associated structures, such as an office, service buildings, sheds, and greenhouses. No native vegetation exists on-site. Common bird species observed during the field survey included Anna' hummingbird (*Calypte anna*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), and house sparrow (*Passer domesticus*). No reptiles or mammals were observed.

MIGRATORY CORRIDORS AND LINKAGES

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a



variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The Site is not located within any local or regional designated migratory corridors or linkages. The closest designated wildlife movement corridor is the San Gabriel Canyon Significant Ecological Area (SEA) designated by the County of Los Angeles, which includes the San Gabriel River to the west of the Site. The San Gabriel River has the potential to provide wildlife movement opportunities along the riparian corridor from the mountains to the valley floor. However, the Site is currently separated from this SEA by chain link fencing and a driveway/roadway associated with the Laborers Training School.

JURISDICTIONAL RESOURCES

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The United States Army Corps of Engineers (USACE) Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the California Department of Fish and Wildlife (CDFW) regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Two irrigation ponds are located in the western end of the Site and were constructed to collect, treat, and recycle irrigation water from on-site nursery operations. These irrigation ponds were constructed within the uplands and do not discharge into or receive flows from any flood control channels/basins, waterways, or streambeds, including the adjacent San Gabriel River. As such, the irrigation ponds would not qualify as “waters of the United States” or “waters of the State” and any impacts to these features would not require regulatory approvals from the USACE, Regional Board, or CDFW. No other potential jurisdictional drainage or wetland features were observed on the Site during the investigation that would be considered jurisdictional by the USACE, Regional Board, or CDFW, including wetlands.

SPECIAL STATUS SPECIES

As part of the Habitat Evaluation, a literature search was conducted to identify pertinent biological resources in the Site vicinity. Primary data sources reviewed to evaluate the occurrence potential of special-status resources on the Site included: the California Natural Diversity Database (CNDDDB); the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants of California* for the Azusa, Waterman Mountain, Crystal Lake, Glendora, Baldwin Park, and Mt. Wilson United States Geological Survey (USGS) 7.5-minute quadrangle maps; literature pertaining to habitat requirements of special-status species potentially occurring in the Site; and historic distribution data.

Special Status Plant Species

Special-status plant species known in the region that could potentially occur within the Site are summarized below in Table 5.3-1, *Special-Status Plant Species Known in the Site Vicinity*.



**Table 5.3-1
Special-Status Plant Species Known in the Site Vicinity**

Common and Scientific Name	Status			Habitat Requirements	Occurrence Potential																												
	Federal	State	CNPS																														
Plummer's mariposa lily <i>Calochortus plummerae</i>	FSC	--	1B	Chaparral, cismontane woodlands, coastal scrub, Lower coniferous forests, and grasslands; associated with granitic soils.	Not Expected: Suitable habitat not present.																												
Many-stemmed dudleya <i>Dudleya multicaulis</i>	FSC	--	1B	Chaparral, coastal scrub, and grasslands; often associated with clay soils.	Not Expected: Suitable habitat not present.																												
Mesa horkelia <i>Horkelia cuneata</i> ssp. <i>puberula</i>	--	--	1B	Chaparral, cismontane woodland, coastal scrub; sandy or gravelly.	Not Expected: Suitable habitat not present.																												
Brands' star phacelia <i>Phacelia stellaris</i>	--	--	1B	Coastal strand, coastal sage scrub.	Not Expected: Suitable habitat not present.																												
San Bernardino aster <i>Symphyotrichum defoliatum</i>	--	--	1B	Meadows and seeps, marshes and swamps; coastal scrub, woodlands; mesic grassland; ditches.	Not Expected: Suitable habitat not present.																												
<p>Note: Information is based primarily on review of 2017 CNDDDB and CNPS online databases. Due to the developed nature of the Site, not all plant species known from the Site vicinity were included in this table.</p> <table border="0"> <tr> <td>FEDERAL</td> <td></td> <td>CNPS</td> <td></td> </tr> <tr> <td>FE:</td> <td>Federally Endangered</td> <td>List 1A:</td> <td>Plants presumed extinct in California.</td> </tr> <tr> <td>FT:</td> <td>Federally Threatened Species</td> <td>List 1B:</td> <td>Plants rare and endangered in California and elsewhere.</td> </tr> <tr> <td>FPE:</td> <td>Federally Proposed Endangered</td> <td>List 2:</td> <td>Plants rare and endangered in California, but more common elsewhere.</td> </tr> <tr> <td>FPT:</td> <td>Federally Proposed Threatened</td> <td>List 3:</td> <td>Taxa about which more information is needed.</td> </tr> <tr> <td>FC:</td> <td>Federal Candidate Species</td> <td>List 4:</td> <td>Plants of limited distribution.</td> </tr> <tr> <td>FSC:</td> <td>Federal Species of Concern</td> <td></td> <td></td> </tr> </table> <p>STATE</p> <p>CE: State Endangered CT: State Threatened CR: State Rare</p> <p>Source: Ecological Sciences Inc., <i>Habitat Suitability Evaluation</i>, January 17, 2018; included as Appendix 11.2, <i>Habitat Evaluation</i>.</p>						FEDERAL		CNPS		FE:	Federally Endangered	List 1A:	Plants presumed extinct in California.	FT:	Federally Threatened Species	List 1B:	Plants rare and endangered in California and elsewhere.	FPE:	Federally Proposed Endangered	List 2:	Plants rare and endangered in California, but more common elsewhere.	FPT:	Federally Proposed Threatened	List 3:	Taxa about which more information is needed.	FC:	Federal Candidate Species	List 4:	Plants of limited distribution.	FSC:	Federal Species of Concern		
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Based on habitat requirements for specific species and the availability and quality of habitats needed by each special-status plant species, it was determined that the Site does not provide suitable habitat for special-status species known to occur in the general vicinity of the Site. This was confirmed during the reconnaissance survey. All special-status plant species are presumed to be absent from the Site.

Special Status Wildlife Species

Sensitive wildlife species known to occur in the Site vicinity are summarized in [Table 5.3-2, *Special Status Wildlife Species Known in the Site Vicinity*](#).



Table 5.3-2
Special-Status Wildlife Species Known in the Site Vicinity

Common and Scientific Name	Status		Habitat Requirements	Occurrence Potential
	Federal	State		
Reptiles				
Coast horned lizard <i>Phrynosoma blainvillii</i>	FSC	CSC	Relatively open grasslands, scrublands, and woodlands with fine, loose soil.	Not Expected: No suitable habitat present.
Coastal western whiptail <i>Aspidoscelis tigris multiscutatus</i>	--	◆	Sage scrub, chaparral, and grassland.	Not Expected: Suitable habitat not present.
Birds				
Cooper's hawk (nesting) <i>Accipiter cooperi</i>	--	CSC	Dense stands of live oaks and riparian woodlands.	Not Expected: No suitable habitat present.
Ferruginous hawk (wintering) <i>Buteo regalis</i>	FSC, MNBMC	CSC	Grasslands, agricultural fields, and open scrublands.	Not Expected: No suitable habitat present.
Western burrowing owl (burrow sites) <i>Athene cunicularia hypugea</i>	FSC, MNBMC	CSC	Grasslands and open scrub.	Not Expected: No suitable habitat present.
California coastal gnatcatcher <i>Poliophtila californica</i>	FT	CSC	Coastal sage scrub in areas of flat or gently sloping terrain.	Not Expected: Suitable habitat not present.
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE	CE	Willow dominated riparian habitat with dense understory.	Not expected: Suitable habitat not present.
Bank swallow <i>Riparia</i>	CT	--	Sandy, vertical banks along rivers and lakes.	Not expected: Suitable habitat not present.
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	--	CE	Riparian forest nester, lower flood-bottoms of larger river systems.	Not Expected: Suitable habitat not present.
Yellow-breasted chat <i>Icteria virens</i>	--	CSC	Riparian thickets and riparian woodlands with dense understory.	Not Expected: Suitable habitat not present.
California horned lark <i>Eremophila alpestris actia</i>	--	CSC	Grasslands, disturbed areas, agriculture fields, and beach areas.	Not Expected: No suitable habitat present.
Loggerhead shrike <i>Lanius ludovicianus</i>	FSC, MNBMC	CSC	Grasslands with scattered shrubs, trees, fences or other perches.	Low Potential: Marginally suitable habitat present.
Mammals				
San Diego black-tailed jackrabbit <i>Lepus californicus bennettii</i>	FSC	CSC	Chaparral, coastal scrub, and grasslands.	Not Expected: Suitable habitat not present.
Pallid bat <i>Antrozous pallidus</i>	--	CSC	Arid habitats, including grasslands, shrublands, woodlands, and forests; prefers rocky outcrops, cliffs, and crevices with access to open habitats for foraging.	Not Expected: Suitable habitat not present.
Western yellow bat <i>Lasurius xanthininus</i>	--	CSC	Valley foothill riparian, desert riparian, and palm oasis.	Not Expected: Suitable habitat not present.



**Table 5.3-2 [continued]
Special-Status Wildlife Species Known in the Site Vicinity**

Common and Scientific Name	Status		Habitat Requirements	Occurrence Potential																																													
	Federal	State																																															
Western mastiff bat <i>Eumops perotis</i>	FSC (ssp. <i>californicus</i>)	CSC	Primarily arid lowlands and coastal basins with rugged, rocky terrain, along with suitable crevices for day-roosts; primarily a cliff-dweller.	Not Expected: Suitable habitat not present.																																													
Pocketed free-tailed bat <i>Nyctinomops femorosaccus</i>	--	CSC	Pine juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian; rocky areas with high cliffs.	Not Expected: Suitable habitat not present.																																													
Big free-tailed bat <i>Nyctinomops macrotis</i>	--	--	Low lying arid areas in California; needs high cliffs or rocky outcrops for roosting.	Not Expected: Suitable habitat not present.																																													
American badger <i>Taxidea taxus</i>	--	CSC	Drier open stages of shrub, forest, and herbaceous habitats with friable soils.	Not Expected: Suitable habitat not present.																																													
<p>Note: Information is based primarily on review of 2017 CNDDDB. Due to the developed nature of the Site, not all plant species known from the Site vicinity were included in this table.</p> <table border="0"> <tr> <td colspan="2">Federal - U.S. Fish and Wildlife Service</td> <td colspan="3">State - California Department of Fish and Wildlife</td> </tr> <tr> <td>FE:</td> <td>Federally Endangered</td> <td>CE:</td> <td colspan="2">California Endangered</td> </tr> <tr> <td>FT:</td> <td>Federally Threatened</td> <td>CT:</td> <td colspan="2">California Threatened</td> </tr> <tr> <td>FPE:</td> <td>Federally Proposed Endangered</td> <td>CCE:</td> <td colspan="2">California Candidate (Endangered)</td> </tr> <tr> <td>FPT:</td> <td>Federally Proposed Threatened</td> <td>CCT:</td> <td colspan="2">California Candidate (Threatened)</td> </tr> <tr> <td>FC:</td> <td>Federal Candidate for listing as threatened or endangered</td> <td>CFP:</td> <td colspan="2">California Fully Protected</td> </tr> <tr> <td>FSC:</td> <td>Federal Species of Concern- no formal protection is granted to this designation</td> <td>CP:</td> <td colspan="2">California Fully Protected</td> </tr> <tr> <td>MNBMC:</td> <td>Migratory Nongame Birds of Management Concern</td> <td>CSC:</td> <td colspan="2">California Species of Special Concern</td> </tr> <tr> <td></td> <td></td> <td>◆</td> <td colspan="2">California Special-animal</td> </tr> </table>					Federal - U.S. Fish and Wildlife Service		State - California Department of Fish and Wildlife			FE:	Federally Endangered	CE:	California Endangered		FT:	Federally Threatened	CT:	California Threatened		FPE:	Federally Proposed Endangered	CCE:	California Candidate (Endangered)		FPT:	Federally Proposed Threatened	CCT:	California Candidate (Threatened)		FC:	Federal Candidate for listing as threatened or endangered	CFP:	California Fully Protected		FSC:	Federal Species of Concern- no formal protection is granted to this designation	CP:	California Fully Protected		MNBMC:	Migratory Nongame Birds of Management Concern	CSC:	California Species of Special Concern				◆	California Special-animal	
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Source: Ecological Sciences Inc., <i>Habitat Suitability Evaluation</i> , January 17, 2018; included as Appendix 11.2, Habitat Evaluation .																																																	

No special-status wildlife species were directly observed on-site, and none are expected based on habitat requirements, availability, and quality of habitat needed by each species and known distributions.

Special-Status Plant Communities

Special-status habitat types are vegetation communities that support concentrations of sensitive plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife. Although sensitive habitats are not necessarily afforded legal protection unless they support protected species, potential impacts to them may increase concerns and mitigation suggestions by resources agencies. Special-status habitats known from the Site vicinity include Riversidean Alluvial Fan Sage Scrub, Walnut Forest, and California Walnut Woodland. These habitat types are all associated with the San Gabriel River located to the west of the Site. No special-status habitats were recorded on-site due to long-standing site disturbances associated with the wholesale nursery.



5.3.2 REGULATORY SETTING

Threatened and endangered species are listed by the U.S. Fish and Wildlife Service (USFWS) and CDFW. In California, three agencies generally regulate activities within inland streams, wetlands, and riparian areas: USACE; the CDFW; and the Regional Water Quality Control Board (RWQCB). The USACE Regulatory Branch regulates activities pursuant to Section 404 of the CWA and Section 10 of the Rivers and Harbors Act. The CDFW regulates activities under CDFW Code Sections 1600-1607. The RWQCB regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Act.

FEDERAL LEVEL

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 is intended to protect plants and animals that have been identified as being at risk of extinction and classified as either threatened or endangered. FESA also regulates the “taking” of any endangered fish or wildlife species, per Section 9 of the Act. A responsible agency or individual landowners are required to submit to a formal consultation with the USFWS to assess potential impacts to listed species as the result of a development project, pursuant to FESA Sections 7 and 10. The USFWS is required to make a determination as to the extent of impact to a particular species a project would have. If it is determined that potential impacts to a species would likely occur, measures to avoid or reduce such impacts must be identified.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. Sections 661-667e) requires that whenever waters or channel of a stream or other body of water are proposed or authorized to be modified by a public or private agency under a Federal license or permit, the Federal agency must first consult with the USFWS and/or National Oceanic and Atmospheric Administration Fisheries and with the head of the agency exercising administration over the wildlife resources of the state where construction would occur (in this case the CDFW), with a view to conservation of birds, fish, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) implements various treaties for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Unless permitted by regulations, the MBTA provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. The MBTA protects the nests of all native bird species, including common species such as mourning dove, Anna’s hummingbird, and common yellowthroat.



The Bald Eagle Protection Act (16 U.S.C. 668) was passed in 1940 to protect bald eagles and was later amended to include golden eagles. Under the act, it is unlawful to import, export, take, sell, purchase, or barter any bald eagle or golden eagle, their parts, products, nests, or eggs. Take includes pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing eagles.

Federal Clean Water Act

SECTION 404

The USACE maintains regulatory authority over the discharge of dredged or fill material into the waters of the United States, pursuant to Section 404 of the CWA. The USACE and U.S. Environmental Protection Agency (EPA) define “fill material” as any “material placed in waters of the United States where the material has the effect of: (i) Replacing any portion of a water of the United States with dry land; or (ii) Changing the bottom elevation of any portion of the waters of the United States.” Fill material may include sand, rock, clay, construction debris, wood chips, or other similar “materials used to create any structure or infrastructure in the waters of the United States.” The term “waters of the United States” includes the following:

- All waters that have, are, or may be used in interstate or foreign commerce (including sightseeing or hunting), including all waters subject to the ebb and flow of the tide;
- Wetlands;
- All waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundments of water mentioned above;
- All tributaries of waters mentioned above;
- Territorial seas; and
- All wetlands adjacent to the waters mentioned above.

In the absence of wetlands, the USACE’s jurisdiction in non-tidal waters extends to the Ordinary High Water Mark, which is defined as “...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area (33 CFR 328.3(e)).”

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are jointly defined by the USACE and EPA as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3(b)).”



SECTION 401

The RWQCB is the primary agency responsible for protecting water quality in California. The RWQCB regulates discharges to surface waters under the Federal CWA and the California Porter-Cologne Water Quality Control Act. The RWQCB's jurisdiction extends to all waters of the State and to all waters of the United States, including wetlands (isolated and non-isolated conditions). Through 401 Certification, Section 401 of the CWA allows the RWQCB to regulate any proposed Federally-permitted activity that may affect water quality. Such activities include the discharge of dredged or fill material, as permitted by the USACE, pursuant to Section 404 of the CWA. The RWQCB is required to provide "certification that there is reasonable assurance that an activity which may result in the discharge to waters of the United States will not violate water quality standards," pursuant to Section 401. Water Quality Certification must be based on the finding that proposed discharge will comply with applicable water quality standards, which are given as objectives in each of the RWQCB's Basin Plans.

In addition, pursuant to the Porter-Cologne Water Quality Control Act, the State is given authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if a Section 404 does not apply. "Waste" is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

STATE LEVEL

California Endangered Species Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the State (Sections 2074.2 and 2075.5 of the Fish and Wildlife Code). The State of California also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. The CDFW is given the responsibility by the State to assess development projects for their potential to impact listed species and their habitats. State listed special-status species are also addressed through the issuance of a 2081 permit (Memorandum of Understanding).

California Department of Fish and Game Code

Within the State of California, fish, wildlife, and native plant resources are protected and managed by the CDFW. The CDFW is responsible for issuing permits for the take or possession of protected species. The following sections of the Fish and Wildlife Code address the protected species: Section 3511 (birds); Section 4700 (mammals); Section 5050 (reptiles and amphibians); and, Section 5515 (fish).



California Department of Fish and Wildlife Lake and Streambed Alteration Agreements

Section 1602 of the Fish and Wildlife Code requires any person, state, or local governmental agency, or public utility to notify the CDFW before commencing any activity that would result in one or more of the following:

- Substantially obstruct or divert the natural flow of a river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
- Deposit debris, waste, or other material that could pass into any river, stream, or lake.

Fish and Wildlife Code Section 1602 applies to all perennial, intermittent, ephemeral, and episodic rivers, streams, and lakes within the State of California. While the jurisdictional limits are similar to the limits defined by USACE regulations, CDFW jurisdiction includes riparian habitat supported by a river, stream, or lake with or without the presence or absence of saturated soil conditions or hydric soils. CDFW jurisdiction generally includes to the top of bank of the stream, or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Any project that occurs within or in the vicinity of a river, stream, lake, or their tributaries typically requires notification of the CDFW, including rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life, and watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

California Native Plant Society

The CNPS publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California (Inventory) in both hard copy and electronic version. The Inventory assigns plants to the following categories:

- 1A – Presumed extinct in California and either rare or extinct elsewhere;
- 1B – Rare, threatened, or endangered in California and elsewhere;
- 2A – Presumed extirpated in California, but common elsewhere;
- 2B – Rare, threatened, or endangered in California, but more common elsewhere;
- 3 – Plants for which more information is needed; and
- 4 – Plants of limited distribution.

Additional endangerment codes are assigned to each taxa as follows:

- 0.1 – Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat);
- 0.2 – Moderately threatened in California (20-80 percent occurrences threatened/moderate degree and immediacy of threat); and
- 0.3 – Not very threatened in California (<20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known).



Plants on Lists 1A, 1B, 2A, 2B, and 3 of the CNPS Inventory consist of plants that may qualify for listing, and are given special consideration under CEQA during project review. Although plants on List 4 have little or no protection under CEQA, they are usually included in the project review for completeness.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by Federal, State, and local conservation plans, policies, or regulations. The CDFW ranks sensitive communities as “threatened” or “endangered” and keeps records of their occurrences in its CNDDDB. Sensitive vegetation communities are also identified by CDFW on its Natural Communities List recognized by the CNDDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by Federal or State agencies, must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Wildlife Code sections (fish at Section 5515, amphibian and reptiles at Section 5050, birds at Section 3511, and mammals at Section 4700) dealing with “fully protected” species states that these species “. . . may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take a fully protected (species),” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

Species of special concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

California Environmental Quality Act

In addition to specific Federal and State statutes for the protection of threatened and endangered species, *CEQA Guidelines* Section 15380(b) provides that a species not listed on the Federal or State list of protected species may be considered rare or endangered if it can be shown that the species



meets certain specified criteria. Modeled after definitions in the FESA and the section of the California Fish and Wildlife Code dealing with rare or endangered plants and animals, these criteria are given in *CEQA Guidelines* Section 15380(b). The effect of Section 15380(b) is to require public agencies to undertake reviews to determine if projects would result in significant effects on species not listed by either the USFWS or CDFW (i.e., candidate species). Through this process, agencies are provided with the authority to protect additional species from the potential impacts of a project until the appropriate government agencies have an opportunity to designate the species as protected, if deemed appropriate.

LOCAL LEVEL

City of Azusa General Plan

The *City of Azusa General Plan*, April 2004 (General Plan) Open Space and Biological Resources Element emphasizes the City's stewardship of the City's natural resources. The element includes goals and policies related to preserving the City's natural plant and animal habitats; restoring its fisheries and aquatic habitats; and reducing conflicts between wildlife and people. The following goals and policies are applicable to the Project:

GOALS AND POLICIES

Goal 1 – Preserve, restore, and enhance the diversity of biological resources in the City's undeveloped hillsides, canyons, floodplains, and urban areas.

Policy 1.3: Strive for the long-term maintenance of all native wildlife species living in the City and the Sphere of Influence including common and sensitive species.

IMPLEMENTATION PROGRAMS

OS5 Biological Resources Background Reports. Require all applicants for development to prepare a Biological Resources Background Report prior to application submittal for all projects that are proposed within natural areas and vacant rural areas. Applicants shall demonstrate to the City that project planning and design considers, avoids, and minimizes impacts to biological resources including common and sensitive species and habitats.

City of Azusa Municipal Code

The *City of Azusa Municipal and Development Code* (Municipal Code) includes the following provisions related to the protection of natural resources within the City's limits.

- *Article VI, Tree Preservation* – The City's tree preservation ordinance ensures the proper care, maintenance, and preservation of trees in Azusa. Section 62-196, *Tree Removal*, requires any removal of city parkway trees to be approved by the Director of Public Works, and Section 62-197, *General requirements for new subdivisions*, details requirements related to existing tree preservation.



- *Section 88.34.040, Landscape and Irrigation Plans* – Requires the submittal of a Preliminary and Final Landscape Plan that complies with the required content described in Section 88.34.040(c).
- *Section 88.34.060, Landscape Standards* – Provides standards for landscaping design related to plant selection and grouping, plant materials, and irrigation system requirements.

5.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Services (refer to Impact Statement BIO-1);
- 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Services (refer to Section 8.0, *Effects Found Not To Be Significant*);
- c) Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (refer to Section 8.0);
- d) 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 (refer to Impact Statement BIO-2);
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (refer to Section 8.0); and/or
- f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (refer to Section 8.0).

CEQA Guidelines Section 15065(a), *Mandatory Findings of Significance*, states that a project may have a significant effect on the environment if it would have “the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species ...”



An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would substantially diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, State, or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

CEQA Guidelines Section 15380, *Endangered, Rare or Threatened Species*, states that a lead agency can consider a non-listed species to be Rare, Threatened, or Endangered for the purposes of CEQA if the species can be shown to meet the criteria in the definition of Rare, Threatened, or Endangered. For the purposes of this discussion, the current scientific knowledge on the population size and distribution for each special-status species was considered according to the definitions for Rare, Threatened, and Endangered listed in *CEQA Guidelines* Section 15380.

Based on these standards, the effects of the Project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact.

5.3.4 IMPACTS AND MITIGATION MEASURES

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

BIO-1 Would the Project have an adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status?

Impact Analysis:

WAREHOUSE ONLY OPTION

Plant Species

Table 5.3-1 lists five special-status plant species that have been recorded in the CNDDDB and CNPS in the Azusa, Waterman Mountain, Crystal Lake, Glendora, Baldwin Park, and Mt. Wilson quadrangles. However, no special-status plant species were detected on-site during the reconnaissance survey and none are expected due to the lack of suitable habitat. Longstanding use of the Site as a commercial nursery and other urban developments have altered soil characteristics on-site such that any uncovered soils are not capable of supporting sensitive plant species known from the Site vicinity. Thus, the Warehouse Only Option would not eliminate habitat for potentially occurring special-status plant species, nor reduce population size of sensitive plant species below self-sustaining levels on a local or regional basis. As such, impacts would be less than significant.



Wildlife Species

Nineteen special-status wildlife species have been recorded in the CNDDDB in the Azusa, Waterman Mountain, Crystal Lake, Glendora, Baldwin Park, and Mt. Wilson quadrangles; refer to [Table 5.3-2](#). However, no special-status wildlife species were directly observed on-site, and all are presumed to be absent from the Site based on habitat requirements, availability, and quality of habitat needed by each species and known distributions. As such, impacts to special-status wildlife species would be less than significant.

Special-Status Habitat

Special-status habitats known to occur in the Site vicinity include Riversidean Alluvial Fan Sage Scrub, Walnut Forest, and California Walnut Woodland. However, these habitat types are all associated with the San Gabriel River located to the west of the Site, which is physically separated from the Site by chain link fencing and a paved roadway. No special-status habitats were recorded on-site due to longstanding site disturbances associated with the former Colorama Wholesale Nursery. Thus, impacts would be less than significant.

WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, impacts under this option would also be less than significant.

Standard Conditions of Approval: No standard conditions of approval are applicable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Wildlife Corridors

BIO-2 Would the Project interfere with the movement of a native resident or migratory species?

Impact Analysis:

WAREHOUSE ONLY OPTION

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas and allows for breeding, and foraging. The Site is surrounded by existing development and is not located within any local or regional designated migratory corridors or linkages. The San Gabriel River to the west of the Site is considered a wildlife movement corridor and is associated with the Los Angeles County San Gabriel SEA. However, according to the Habitat Evaluation, Project implementation would not impact the San Gabriel River and is not expected to disrupt or have any adverse effects to potential wildlife movement along the river due to the chain link fencing, paved roadway, and rock conveyor



separating the river from the Site. Therefore, impacts involving wildlife movement would be less than significant.

Cultivar trees present on-site could provide potential nesting sites for several common native bird species. These potentially occurring common native birds are not protected by the FESA or CESA, however many native species are protected under the MBTA, Bald and Golden Eagle Protection Act, and Fish and Wildlife Code Sections 3503, 3503.5, 3511, and 3513, which prohibit take, possession, or destruction of birds, their nests or eggs (in particular, raptor species). Although nests were not observed during the field survey, the proposed construction activities could potentially impact nesting birds within the Site and within the immediate vicinity, which could result in a potentially significant impact. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. Some raptor species can nest as early as January. Implementation of Mitigation Measure BIO-1 would require a pre-construction clearance survey if construction cannot occur outside of the nesting season. The survey would ensure that no birds are nesting on or within 500 feet of the Site. A negative survey would be required by a biologist prior to construction to indicate no impacts to active bird nests. If active nests are found during the pre-construction clearance survey, construction activities would be required to stay outside a buffer determined by the biologist in consultation with CDFW, or construction would need to be delayed until the nest is inactive. During Site disturbance activities, a biological monitor would be required to delineate the boundaries of the buffer area and monitor the active nest. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, a monitoring report and written authorization by the CDFW Contractor would be required prior to initiation of construction activities within the buffer area. Therefore, adherence to Mitigation Measure BIO-1 would reduce impacts to a less than significant level.

WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result with implementation of Mitigation Measure BIO-1.

Standard Conditions of Approval: No standard conditions of approval are applicable.

Mitigation Measures:

BIO-1 Pursuant to the Migratory Bird Treaty Act (MBTA), Bald/Golden Eagle Protection Act, and California Fish and Wildlife Code (Sections 3503, 3503.5, 3511, and 3513), if the Project Applicant conducts all site disturbance/vegetation removal activities (such as removal of any trees, shrubs, or any other potential nesting habitat) outside the avian nesting season, January 1 through August 31, no further action is necessary. However, if ground disturbance/vegetation removal cannot occur outside of the nesting season, a qualified biologist shall conduct a pre-construction clearance survey for active nests within three to seven days of the start of any ground disturbing activities to ensure that no birds are nesting on or within 500 feet of the Site. If ground-disturbing activities are delayed or suspended for more than seven days after the survey, the site and buffer areas shall be resurveyed if suitable habitat is present. The biologist conducting the clearance



survey shall document a negative survey with a brief letter report indicating that no impacts to active bird nests would occur during site disturbance activities.

If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside a buffer determined by the biologist in consultation with California Department of Fish and Wildlife (CDFW), or construction shall be delayed until the nest is inactive. The buffer distance shall also be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. These buffers are typically 300 feet from the nests of non-listed, non-raptors and 500 feet from the nests of listed species or raptors. A biological monitor shall be retained and be present during site disturbance activities in order to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, a monitoring report shall be prepared and submitted to the City of Azusa Community Development Department for review and approval prior to initiation of construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until written authorization is received by the qualified biologist and City of Azusa Community Development Department.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.5 CUMULATIVE IMPACTS

Section 15355 of the *CEQA Guidelines* requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

- Would the Project, combined with implementation of other related cumulative projects, have a cumulatively considerable adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status?

Impact Analysis:

WAREHOUSE ONLY OPTION

Development of cumulative projects could result in direct take of special-status species, construction and post-construction disturbances, and/or special-status habitat conversion. However, as with the Project, all future cumulative development would undergo environmental review on a project-by-project basis, in order to evaluate potential impacts to biological resources and ensure compliance



with the established regulatory framework. As such, cumulative impacts to biological resources within the City would be mitigated on a project-by-project basis.

As concluded in Impact Statement BIO-1, no special-status plant or wildlife species were observed on the Site and none were determined to have a potential to occur. Further, no special-status habitats are present on-site. Therefore, the Warehouse Only Option would not result in cumulatively considerable impacts to special-status species or habitat.

WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, there would also be no cumulatively considerable impacts under this option.

Standard Conditions of Approval: No standard conditions of approval are applicable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Wildlife Corridors

- **Would the Project, combined with implementation of other related cumulative projects, cause a cumulatively considerable interference with the movement of a native resident or migratory species?**

Impact Analysis:

WAREHOUSE ONLY OPTION

Cumulative projects identified on [Table 4-1](#) and [Exhibit 4-1](#) could be located within a local or regional designated migratory corridors or linkages. Therefore, cumulative projects could disrupt or have an adverse effect to potential wildlife movement. Further, plant communities found on cumulative project sites could provide foraging habitat, nesting/denning sites, and shelter for wildlife including migrant and nesting bird species. Although the cumulative projects could potentially impact the movement of a native resident, migratory species, or nesting birds, all future cumulative development would undergo environmental review and appropriate mitigation, as necessary, on a project-by-project basis. Nesting birds are protected pursuant to the MBTA, Bald/Golden Eagle Protection Act, and Fish and Wildlife Code (Sections 3503, 3503.5, 3511, and 3513). Implementation of Mitigation Measure BIO-1 would provide pre-construction clearance for nesting birds or other measures if active nests are found, reducing impacts to a less than significant level.

As concluded in Impact Statement BIO-2, the Warehouse Only Option would result in less than significant impacts to the San Gabriel River wildlife corridor. Further, with compliance with MBTA and Mitigation Measure BIO-1, impacts to migratory birds would be reduced to a less than significant level. Thus, with compliance with recommended mitigation, Project implementation



would not result in cumulatively considerable impacts to the movement of native resident, migratory species, or nesting birds.

WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, impacts would not be cumulatively considerable with implementation of Mitigation Measure BIO-1.

Standard Conditions of Approval: No standard conditions of approval are applicable.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.6 SIGNIFICANT UNAVOIDABLE IMPACTS

Biological impacts associated with the Project would be less than significant with incorporation of the recommended mitigation measure. No significant unavoidable impacts to biological resources would occur.