Section 4.9: Biological Resources

A Biological Resources Assessment was prepared by SWCA and DEA in January 2009, which identifies existing plant and animal life on the site, as well as analyzes the project's potential impacts on sensitive biological resources. This assessment is provided in Appendix H of this SEIR and the findings are summarized below.

4.9.1 Environmental Setting

The City of Ontario is located in a valley area that connects montane areas to the north, desert areas to the east and coastal areas to the west. The transition of physically distinct environments creates an "ecotone" environment, which is characterized by two or more ecosystems that overlap, creating an increased diversity of species and a unique habitat arrangement.

On-site topography is relatively flat, with elevation changes of 20 to 30 feet across the Specific Plan area. The project site is surrounded by a mix of commercial and industrial development, along with large areas of highly disturbed or abandoned agricultural lands. It supports highly disturbed ruderal habitat, with scattered native and ornamental trees throughout. The site and the surrounding area have been extensively developed as a vineyard and winery for over 100 years and contained a large number of structures, until their demolition in early 2008. The area is now actively managed for weed abatement and vector control, with several areas having been recently disked or slashed at the time of the site visit. Past grading activities have resulted in areas of soil mounding, with construction debris piles scattered throughout the site.

Existing Vegetation

Due to the high levels of historical development and ongoing disturbance, the project site does not contain any areas of natural habitat. Habitats identified within the project site are shown in Figure 4.9-1, *On-site Vegetation*, with land area occupied by the biotic habitats provided in Table 4.9-1, *Biotic Habitats*.

TABLE 4.9-1
BIOTIC HABITATS

Habitats	Area 1	Area 2	Total Acres*
Ruderal	5.78	5.86	11.64
Nonnative Grassland	5.24	0	5.24
Urban or Built-Up	4.65	0.35	5.00
Total	**15.67**	**6.21**	**21.88**

* Difference to actual site area due to survey estimates.
Source: Biological Resources Assessment, 2009

Ruderal Habitat - Ruderal habitats on the project site are highly disturbed through historical and current land use activities. *A*reas without existing development are actively managed for weed abatement and vector control by an ongoing program of frequent disking. This has resulted in a poorly structured soil profile and a high proportion of non-native weedy plant species. A number of ornamental trees are also present. Approximately 11.64 acres of ruderal habitat was observed, with 5.78 acres west of Turner Avenue and 5.86 acres near Archibald Avenue, and approximately 0.25 acre of piled debris throughout the site.

Common plant species observed included the common horseweed (*Conyza canadensis*), Coulter's horseweed (*Conyza coulteri*), common sunflower (*Helianthus annuus*), tumbling oracle

Source: Biological Assessment, 2009

Figure 4.9-1
On-site Vegetation

Guasti Plaza Specific Plan Amendment
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(*Atriplex rosea*), lambsquarters (*Chenopodium album*), Russian thistle (*Salsola tragus*), red-stemmed filaree (*Erodium cicutarium*), and puncture vine (*tribulus terrestris*). Common wildlife observed within the ruderal habitat areas included the side-blotched lizard (*Uta stansburiana*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), and white-tailed antelope squirrel (*Ammospermophilus leucurus*)/ California ground squirrel (*Otospermophilus beecheyi)*.

Nonnative Grasslands - Within the project site, nonnative grassland habitat occurs south of Old Guasti Road along the UPRR right-of-way on approximately 5.24 acres (including approximately 0.5 acre of piled debris). Common plant species found within the nonnative grassland habitat include short-podded mustard (*Hirschfeldia incana*), London rocket (*Sisymbrium irio*), tumbling oracle, cheeseweed (*Malva parviflora*), and red brome grass (*Bromus madritensis* ssp. *rubens*). A number of large trees, including the ornamental mimosa tree (*Albizzia julibrissin*), California pepper tree (*Schinus molle*), and river red gum (*Eucalyptus camaldulensis*) were also found in this habitat. Wildlife observed within the nonnative grassland habitat areas included the side-blotched lizard, American crow (*Corvus brachyrhynchos*), and mourning dove. A red-tailed hawk (*Buteo jamaicensis*) was also observed perching in a large red gum during the survey.

Urban or Built-Up Lands – Urban and built-up lands include the old winery buildings and residential cottages, internal roadways, utility infrastructure, and cleared areas. Approximately 4.65 acres are occupied by structures and other urban or built-up land west of Turner Avenue (along the alignment of Pepper Tree Lane) and 0.35 acre is occupied by 2 residential structures east of Archibald Avenue. The habitat value of these lands is generally poor due to the high levels of activity on the site and the lack of substantial vegetative cover.

Plants

A total of 45 plant species were observed and identified within the project site during general botanical surveys. Twenty-six plant families were represented, with 10 native species and 35 nonnative (71%) species. No special-status plant species were observed or detected. Table 4.9-2, *Plant Species*, lists the plant species that were observed or detected on the project site.

TABLE 4.9-2
PLANT SPECIES

Common Name	Scientific Name	Family	Vegetation Community	
			Ruderal	Nonnative Grasslands
Dicots				
California Pepper Tree *	*Schinus molle*	Anacardiaceae	X	X
Oleander *	*Nerium oleander*	Apocynaceae	X	
Algerian Ivy*	*Hedera canariensis*	Araliaceae	X	
English Ivy*	*Hedera helix*		X	
Brass Buttons*	*Cotula spp.*	Asteraceae	X	
Common Horseweed *	*Conyza canadensis*		X	
Coulter's Horseweed *	*Conyza coulteri*		X	
Common Sunflower *	*Helianthus annuus*		X	
Telegraph Weed	*Heterotheca grandiflora*		X	
Golden Crownbeard*	*Verbesina enceloides*		X	

TABLE 4.9-2
PLANT SPECIES

Common Name	Scientific Name	Family	Vegetation Community	
			Ruderal	Nonnative Grasslands
Dicots				
Short-podded Mustard *	*Hirschfeldia incana*	Brassicaceae		X
London Rocket*	*Sisymbrium irio*		X	X
Peruvian Tree Cactus*	*Cereus spp.*	Cactaceae	X	
Mission Fig*	*Opuntia ficus-indica*		X	
Tumbling Oracle*	*Atriplex rosea*	Chenopodiaceae	X	X
Lambsquarters*	*Chenopodium album*		X	
Russian Thistle*	*Salsola tragus*		X	X
Goosefoot	*Chenopodium spp.*		X	
Strawberry Tree*	*Arbutus unedo*	Ericaceae	X	
Mimosa Tree*	*Albizzia julibrissin*	Fabaceae	X	X
Carob Tree*	*Ceratonia siliqua*		X	
Red-stemmed Filaree*	*Erodium cicutarium*	Geraniaceae	X	
American Sweet Gum *	*Liquidambar styraciflua*	Hamamelidaceae	X	
Cheeseweed*	*Malva parviflora*	Malvaceae		X
River Red Gum *	*Eucalyptus camaldulensis*	Myrtaceae	X	X
Silver Dollar Gum *	*Eucalyptus polyanthemos*		X	
Edible Fig *	*Ficus carica*	Moraceae	X	
Fig (resprout)*	*Ficus spp.*		X	
Fruitless Mulberry	*Morus alba*		X	
Bougainvillea*	*Bougainvillea spp.*	Nyctaginaceae	X	
Cut-leaved Evening Primrose	*Oenothera laciniata*	Oenothera	X	
Suncups	*Camissonia spp.*	Onagraceae	X	
Firethorn*	*Pyracantha coccinea*	Rosaceae	X	
Lemon Tree	*Citrus limon*	Rutaceae	X	
Chinese Tree-of-Heaven*	*Ailanthus altissima*	Simaroubaceae	X	
False Jimson Weed	*Datura wrightii*	Solanaceae	X	
Tree Tobacco*	*Nicotiana glauca*		X	
Puncture Vine *	*Tribulus terrestris*	Zygophyllaceae	X	
Monocots				
Ornamental Yucca	*Yucca* spp.	Agavaceae	X	
California Fan Palm	*Washingtonia filifera*	Arecaceae	X	
Mexican Fan Palm *	*Washingtonia robusta*			
Red Brome*	*Bromus madritensis* ssp. *rubens*	Poaceae	X	X
Saltgrass	*Distichlis spicata*		X	
Mediterranean Schismus *	*Schismus barbatus*		X	
Purple Needlegrass	*Stipa pulchra*		X	
Gymnosperms				
Mediterranean Cypress *	*Cupressus sempervirens*	Cupressaceae	X	

*Nonnative Plant Taxa
Source: Biological Resources Assessment, 2009

Wildlife

Wildlife species observed during the surveys were limited to common reptile, bird, and mammal species. No special-status wildlife species were observed. Table 4.9-3, *Wildlife Species,* lists the wildlife species that were observed or detected on the project site.

TABLE 4.9-3
WILDLIFE SPECIES

Common Name	Scientific Name	Sighting Conditions	Record Type	
			Observed	Detected
Reptiles				
Side-blotched lizard	*Uta stansburiana*	Occurs throughout site near debris piles, rubble, and dense vegetation.	X	
Birds				
American Crow	*Corvus brachyrhynchos*	Several birds perching in mature trees (Eucalypts) throughout the project site.	X	
Brewer's Blackbird	*Euphagus cyanocephalus*	Small group of birds perched on a vacant winery building in southwest of project site (3-5 birds).	X	
House Finch	*Carpodacus mexicanus*	Large numbers scattered throughout ruderal areas of the project site. High concentration within Tumbling Oracle and Russian Thistle stands (seeds).	X	
Mourning Dove	*Zenaida macroura*	Number of birds identified feeding throughout the project site.	X	
Northern Mockingbird	*Mimus polyglottos*	Conspicuous species found on high perch/fencing locations near brushy areas on the project site.	X	
Red-tailed Hawk	*Buteo jamaicensis*	One bird spotted in a high stag of a eucalyptus tree overlooking railroad right-of-way on project site.	X	
Mammals				
Antelope Ground Squirrel/ California ground squirrel	*Ammospermophilus leucurus* / *Otospermophilus beecheyi*	Two animals observed scurrying between dirt mounds near abandoned residences	X	
Source: Biological Resources Assessment, 2009				

Sensitive Plant Species

Sensitive plant species identified in the area through CNDDB and CNPS Rare Plant Inventory searches were determined to either be "absent" or "not likely to occur" on the site due to the lack of records for occurrence in the surrounding area; potential habitat on the site was determined to be to be marginal, limited, or otherwise unfavorable; or the site is not likely provide suitable habitat for a sustaining population of the species. No special-status plant species were observed on the site and none are expected to occur within the project site.

Sensitive Animal Species

Several sensitive animal species have either been observed within the project site (present), or their occurrence potential was assessed as "may occur" within the project area due to the presence of suitable habitat and recent local records in the project area vicinity. These include:

- Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*)
- Burrowing owl (*Athene cunicularia*)
- California mastiff bat (*Eumops perotis californicus*)

Delhi Sands Flower-Loving Fly – The project site is mapped within the Ontario Recovery Unit of the Final Recovery Plan for the federally endangered Delhi sands flower-loving fly. Additionally, Delhi fine sand soils that underlie the site are an important habitat component for the Delhi sands flower-loving fly. There is one recent record from 2002 of this species within 5 miles of the project site. Potential habitat for the Delhi sands flower-loving fly includes 5.24 acres of undeveloped nonnative grassland habitat on Delhi soils located south of Old Guasti Road. This area is dominated by dense nonnative vegetation and has a history of intensive land uses that included agriculture. This has altered the underlying soils to a degree that it no longer provides suitable habitat for the fly.

Burrowing Owl - The burrowing owl is a California Species of Special Concern and occurs primarily in agricultural and grassland areas of interior and coastal valleys. There are 10 recent records of this species within 5 miles of the project site. Suitable foraging and nesting habitat for burrowing owl occurs over much of the project site, within the nonnative grassland and ruderal habitats. Thus, while burrowing owls were not observed on-site, they may forage and nest within the site.

California Mastiff Bat – The California mastiff bat is a California Species of Special Concern. This species is the largest North American bat, with a wingspan of more than 22 inches. They are found in rocky areas and cliff faces, roosting in cliff crevices and buildings throughout Southern California, Arizona, and Mexico. There is one recent record of this species within 5 miles of the project site. Suitable roosting habitat exists in the trees and abandoned structures at the project site. In addition, the project site also provides suitable foraging habitat for the bat.

Nesting Migratory and Native Avian Species - Appropriate nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513 occurs over most of the project site. Suitable nesting and foraging habitat includes the ruderal and grassland habitats, as well as trees and structures on the site.

Wetland Areas

No wetlands or other waters of the U.S. or of the State were identified within or adjacent to the project site.

Mature Trees

Preservation and maintenance of parkway trees are regulated by City Municipal Code Title 10, Parks and Recreation, Chapter 2: Parkway Trees. Trees within the project site have been fenced for preservation or boxed for transplanting to ensure project compliance with the City's Municipal Code and the tree preservation program in the Guasti Plaza Specific Plan. Trees observed on-site and their preservation statuses are listed below:

- California pepper tree (*Schinus molle*) – fenced for preservation
- Peruvian tree cactus (*Cereus* spp.) – boxed for transplant
- Strawberry tree (*Arbutus unedo*) – open ground

- Mimosa tree (*Albizzia julibrissin*) – fenced for preservation
- Carob tree (*Ceratonia siliqua*) – boxed for transplant
- American sweet gum (*Liquidambar styraciflua*) – fenced for preservation
- River red gum (*Eucalyptus camuldulensis*) – select specimens fenced for preservation
- Silver dollar gum (*Eucalyptus polyanthemos*) – fenced for preservation
- Edible fig (*Ficus carica*) – boxed for transplant
- Fruitless mulberry (*Morus alba*) – fenced for preservation
- Lemon tree (*Citrus limon*) – fenced for preservation
- Chinese Tree-of-Heaven (*Ailanthus altissima*) – ornamental trees near residences
- California fan palm (*Washingtonia filifera*) – open ground under management
- Mexican fan palm (*Washingtonia robusta*) – open ground under management
- Mediterranean cypress (*Cupressus sempervirens*) – boxed for transplant

Wildlife Corridors

Wildlife movement corridors are linear features that connect at least two significant habitat areas to each other, thereby reducing the effects of fragmentation and allowing the movement of species between larger habitat areas, in order to accommodate sustainable wildlife populations and promote genetic and species diversity. Wildlife corridors promote gene flow; allow re-colonization of areas following catastrophic events such as fire; prevent the loss of large animals by linking suitable habitat areas; and help ensure the survival of native species that cannot compete with more aggressive nonnative species in fragmented habitats.

The Specific Plan area and the site are bordered on all sides by urban development and highly disturbed undeveloped parcels that do not support any native habitats. Although the project site may facilitate the movements of wildlife between undeveloped parcels to the north, west, and south, it does not serve as the sole property linking habitats in the area. Therefore, the project site itself does not serve as an important wildlife corridor. Also, the San Bernardino County General Plan does not identify a wildlife corridor on or near the site.

Habitat Conservation Plan

There is no Natural Community Conservation Plan (NCCP), Habitat Conservation Plan (HCP), or other regional conservation plan that covers the project site or the surrounding area. Designated habitat for sensitive species have been identified in other areas of San Bernardino County and individual development projects in the region have established conservation areas at various locations to mitigate impacts to sensitive biological resources.

There is one HCP in the City of Ontario: the Oakmont Industrial Group HCP, located in the eastern portion of the City. The Oakmont Industrial Group HCP covers approximately 10 acres at the northwest corner of Milliken Avenue and Greystone Drive, between Ontario Boulevard and State Route (SR) 60 Freeway. This area has been set aside by the USFWS for Delhi sands flower-loving fly habitat restoration. It is located approximately 3 miles southeast of the project site.

4.9.2 Threshold of Significance

According to Appendix G of the CEQA Guidelines, a project could have a significant adverse impact on biological resources, if its implementation results in any of the following:

- Has 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 Game or U.S. Fish and Wildlife Service;
- Has 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 Game or US Fish and Wildlife Service;
- Has 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;
- Interferes 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; or
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or, conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.9.3 Environmental Impacts

The proposed Amendment would create an overlay zone which would allow the development of 500 dwelling units on the site or 450,000 square feet of office uses. Future residential development within the overlay zone would result in the disturbance and removal of existing vegetation and animal habitats on the site.

Sensitive Species *(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 California Department of Fish and Game or U.S. Fish and Wildlife Service?)*

Vegetation Removal
Future residential development would result in the removal of nonnative grassland and ruderal habitat areas, relocation of trees, and disturbance of existing structures. These habitats are not considered sensitive and impacts to vegetation communities would be less than significant. However, loss of on-site vegetation would contribute to the loss of habitat for sensitive species.

Sensitive Species
No sensitive plant species occur or have the potential to occur within the project site. Therefore, no impacts to sensitive plant species are expected from future residential development or the proposed Amendment. However, sensitive animal species that use on-site habitats may be adversely affected.

The nonnative grassland and ruderal habitat on-site may serve as foraging and nesting sites for the western burrowing owl, a California Species of Special Concern. Clearing of the site for construction would lead to the removal of the vegetation and small mammal burrows and other artificial features, including several debris piles, which potentially provide burrowing and nesting habitat for burrowing owls. Potential adverse impacts to burrowing owls include the loss of foraging, burrowing, and nesting sites for the owls. This may occur from:

- Disturbance within 50 meters (approximately 160 feet) of burrows, which may result in the harassment of owls at occupied burrows
- Destruction of natural and artificial burrows (culverts, concrete slabs, and debris piles that provide shelter to burrowing owls)
- Destruction and/or degradation of foraging habitat adjacent (within 100 meters) of an occupied burrow

This is considered a significant adverse impact.

Impact 4.9.1: Ground disturbance and removal of on-site vegetation could lead to the disturbance or destruction of burrowing owls.

To adequately determine the presence/absence of the burrowing owl on the project site, winter and breeding season surveys for the burrowing owl, as well as pre-construction surveys would have to be conducted. In the event that burrowing owls are determined to occur on the project site, mitigation for habitat loss shall be implemented as set forth in the prevailing guidance document for the species. This would include a 50-meter buffer to be marked around the nesting burrow and avoided until the end of the breeding season (August 31) or until it has been determined by a qualified biologist that the adults and young have dispersed; the acquisition and protection of off-site habitat to offset the loss of foraging and burrowing/breeding habitat on the project site, with the enhancement of existing unsuitable burrows or creation of artificial burrows at a ratio of 2:1 on the protected land site; and/or eviction of non-breeding burrowing owls, as outlined in the CDFG's Staff Report on Burrowing Owl Mitigation (1995).

Trees and abandoned structures serve as roosting sites for the California mastiff bat, a California Species of Special Concern. On-site vegetation also provides suitable foraging habitat for the bat. Relocation of the trees, clearing of the site, and reconstruction of the historical structures would lead to the disturbance of the mastiff bat and removal of foraging areas for the bat. Thus, potential adverse impacts to the California mastiff bat would occur with future residential development. This is considered a significant adverse impact.

Impact 4.9.2: Tree relocation, structure rehabilitation, and removal of on-site vegetation could lead to the disturbance or destruction of the California mastiff bat.

Measures to protect the California mastiff bat need to be implemented as part of future residential development. This includes a pre-construction survey and protection of nursery roosts and immature bats. If nursery roosts that contain immature bats are discovered during the preconstruction survey, the roosts shall be protected until the young are able to fly.

The undeveloped areas of the site that may contain Delhi sands are highly disturbed due to recent demolition and land clearing activities, as well as ongoing weed management. Thus, no suitable habitat for the Delhi sands flower-loving fly is present and no impacts to the fly are expected with future residential development.

The project area provides suitable nesting habitat for nesting avian species. Construction activities associated with future residential development would result in ground disturbance and the removal of on-site vegetation, which could impact migratory birds. Abandonment or destruction of an active nest or the destruction of eggs or young of any protected avian species, including special-status species, is considered a significant adverse impact.

Impact 4.9.3: Future residential development has the potential to impact avian species, including special-status avian species that inhabit and nest on the site or areas near the site during the breeding season.

Timing ground clearing and construction activities outside the bird breeding season, survey of nests during the breeding season, and protection of occupied nests would avoid impacts on breeding birds. If nests are discovered, a qualified biologist shall remove the nests only after it has been determined that the nest is not active (i.e., the nest does not contain eggs, nor is an adult actively brooding on the nest). Any active non-raptor nests identified on the project site or within 300 feet of the project site shall be marked with a 300-foot buffer, and the buffer area would need to be avoided by construction activities until a qualified biologist determines that the chicks have fledged. Active raptor nests on the project site or within 500 feet of the project site shall be marked with a 500-foot buffer and the buffer avoided until a qualified biologist determines that the chicks have fledged.

Riparian Habitats and Wetlands *(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 California Department of Fish and Game or US Fish and Wildlife Service? Would the project 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?)*

No sensitive natural communities and riparian areas, including natural drainage channels or streams, are present on or near the site. Thus, no impacts to riparian habitats or wetlands would occur with future residential development.

Wetlands *(Would the project 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?)*

No wetlands or other waters of the U.S. or of the State were identified within or adjacent to the project site. No impacts to these habitats are expected to occur as part of future residential development.

Wildlife Corridors *(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 wildlife corridors, or impede the use of native wildlife nursery sites?)*

While the site is largely vacant at this time, it was developed with several structures and roads as part of the historic Guasti community until recently. The site did not serve as a wildlife corridor and does not provide linkages between wildlife habitat areas that may be separated by rugged terrain, vegetation changes, urban development, or human disturbance.

There are vacant areas to the north and west of the site, but Turner Avenue and urban development (office buildings) are present to the east. The I-10 Freeway is located approximately 700 feet to the north and the UPRR tracks and the airport are south of the site. In addition, the vacant area to the north is separated from the site by new Guasti Road, which runs along the northern boundary of the site and the Guasti Mansion and grounds are present to the west. Thus, the site does not function as a wildlife corridor nor is it part of a major wildlife corridor in the region.

Future residential development on the site is not expected to affect wildlife migration or block a regional wildlife corridor. No adverse impacts are expected.

Habitat Conservation Plans or Local Preservation Plans *(Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or, conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?)*

There is no adopted habitat conservation plan or natural community conservation plan for the site or the Guasti Specific Plan area. No biological resources that could be subject to habitat conservation are present on the site or in the surrounding area. Thus, no conflict with a habitat conservation plan or natural community conservation plan is expected with the proposed Amendment or future residential development on the site.

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

The existing tree preservation program in the Guasti Plaza Specific Plan seeks to protect and preserve mature trees within the project area. This program has been implemented through protective fencing and future transplanting of mature trees within the Specific Plan area, including the site. No additional impacts are expected to occur as a result of future residential development. Eventual transplant of the boxed trees as part of future development on the site or the adjacent areas of the Specific Plan would prevent any adverse impacts to mature trees. No significant adverse impacts are expected.

4.9.4 Previous Analysis

To the extent applicable, this Supplemental EIR tiers off previous environmental documents relating to the development of the project site, which include the EIR for the Guasti Plaza Specific Plan and the EIR for the Guasti Redevelopment Plan. The following discussion summarizes the similarities/differences in potential impacts between the previous documents and this Supplemental EIR and, where similar impacts are present, applicable policies, standard conditions or mitigation measures in the previous documents are identified for incorporation or implementation by the current project, where appropriate.

Guasti Plaza Specific Plan EIR
The EIR for the Guasti Plaza Specific Plan stated that no native plant species or communities are present in the area, as the vineyard and introduced trees make up the majority of plants in the Specific Plan area. Future development is not expected to have a significant adverse impact on native plant and animal species. However, existing trees contribute to the historic character of the area and an aggressive tree preservation program is included in the Specific Plan. The EIR did not identify wetland habitats, wildlife migration corridors, or any adopted habitat conservation plan in the Specific Plan area.

> *Future residential development would lead to the same disturbance of existing trees and would need to comply with the Specific Plan's tree preservation program and the mitigation measure in the previous EIR. In addition, potential impacts to sensitive animal species are identified above.*

A mitigation measure was provided in the EIR for Guasti Plaza Specific Plan:

1. Prior to issuance of any grading or building permit, the applicant shall submit a comprehensive landscape maintenance program developed by a City approved, certified arborist, to Public Facilities Development for review and approval. The recommendations of the arborist shall be implemented to the satisfaction of Public Facilities Development.

   This mitigation measure remains applicable to future residential development under the proposed Specific Plan Amendment.

Guasti Redevelopment Plan EIR

The Biological Assessment prepared for the Guasti Redevelopment Plan identified on-site vegetation as ornamental landscaping, vineyard, ruderal habitat and non-native grassland. The EIR for the Guasti Redevelopment Plan analyzed the potential impacts to sensitive species, such as the Delhi Sands Flower-loving Fly (DSF), the San Bernardino Kangaroo Rat (SBKR), burrowing owl, raptors, and other sensitive species. Mitigation for the DSF, SBKR, burrowing owl, raptors, and other sensitive species were included in the EIR.

The EIR indicated that there are no riparian areas, wetlands, habitat conservation plan, or regional wildlife corridors are present in the area. There are numerous trees in the Project Area, but these are common species not protected by regulation or policy. Compliance with mitigation in the Specific Plan EIR and the tree preservation program in the Specific Plan was called for.

Consistent with the EIR for the Guasti Redevelopment Plan, the project site is not identified to contain potential DSF habitat. However, burrowing owl and California mastiff bat habitats have been identified on the site, as discussed above.

A number of mitigation measures were provided in the EIR for Guasti Redevelopment Plan:

1. <u>Delhi Sands Flower-Loving Fly</u>
   The USFWS prepared presence/absence survey guidelines for the DSF in December 1996. In general, the guidelines maintain that in order to fully determine the presence or absence of DSF such that the results are acceptable to the service, a survey following these guidelines must be conducted. The guidelines require that surveys be conducted in all areas containing or potentially containing Delhi sands twice weekly (2 days per week) during the annual flight period from August 1 to September 20 for two consecutive years. USFWS requires that a qualified biologist with a current section 10(a) endangered species recovery permit conduct all surveys.

   Individual projects situated within the undeveloped areas designated on Appendix E-2, Figure 5, will have protocol surveys conducted on them prior to any soil disturbance

   Should the presence of DSF be found on the site as a result of focused protocol surveys, the project applicant will be required to enter into negotiation with USFWS as appropriate to determine mitigation measures. No individual of the species may be taken without the authorization of the United States Fish and Wildlife Service.

The project site is not located in areas identified as undeveloped and potential DSF habitat, as shown in Figure 4.9-2, which is Figure 5 of the Redevelopment Plan EIR. With the highly disturbed conditions at the site, potential habitat for the DSF is not present and this mitigation is not applicable to future residential development on the site.

2. San Bernardino Kangaroo Rat, Northwestern San Diego Pocket Mouse, Los Angeles Pocket Mouse

As described, each of these small mammal species has a moderate to high potential of occurring on the project site. In order to avoid potentially significant impacts to either of these special-status species, individual projects within currently undeveloped areas will be surveyed (Appendix E-2, Figure 5).

Presence or absence of these species can be effectively determined by conducting a live-trapping program. A qualified biologist (trapping for San Bernardino Kangaroo Rat requires a Section 10(a) permit) will set out a series of live capture traps in appropriate habitat for eight consecutive nights. Though these species can potentially be active throughout the year, it is recommended that surveys be conducted between April and October in order to avoid inclement or cold whether that could potentially result in loss of animals in traps.

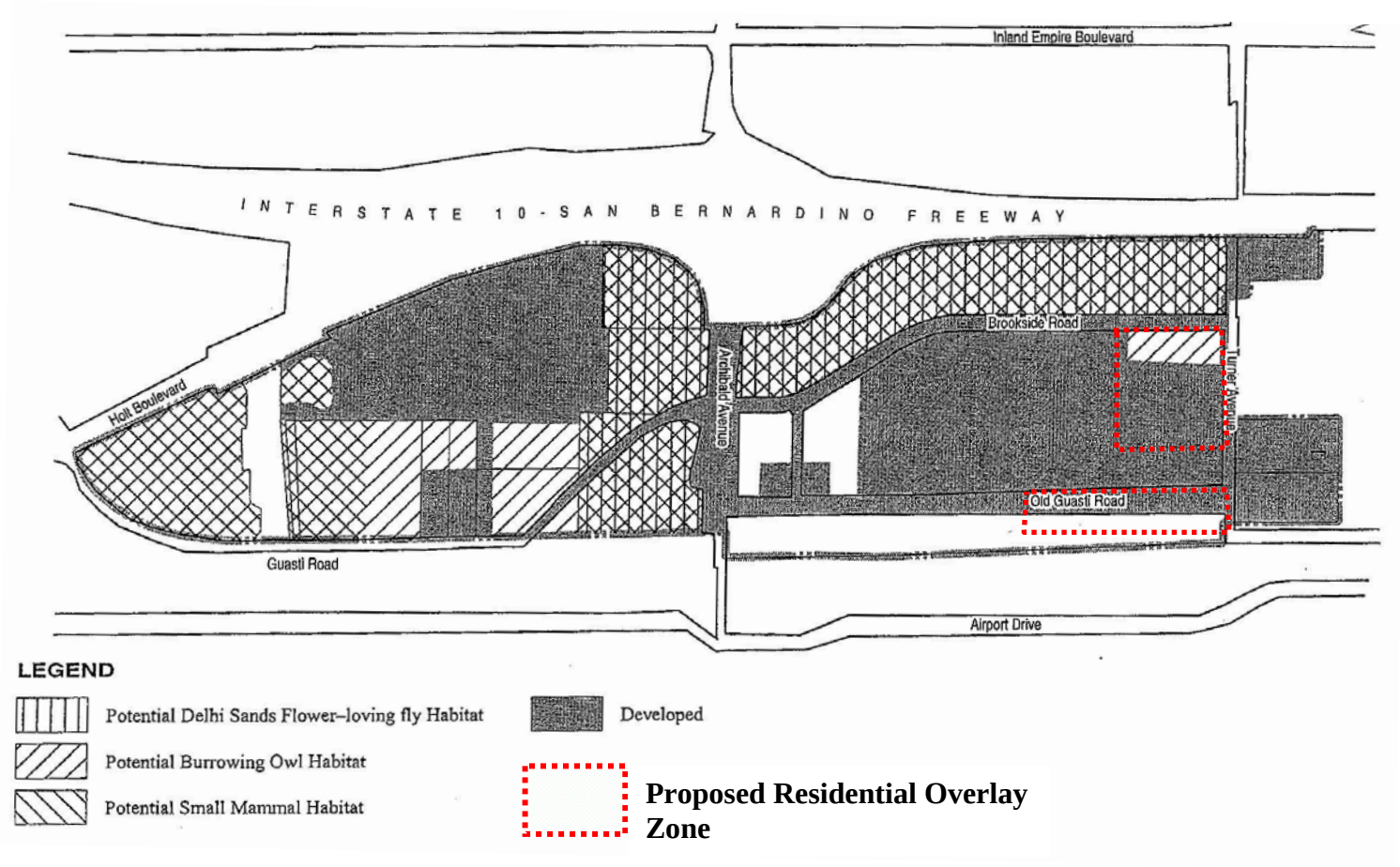
Should the presence of endangered or special-status species be found on the site as a result of focused protocol surveys, the project applicant will be required to enter into negotiation with USFWS, or Stated Department of Fish and Game (DFG) as appropriate to determine mitigation measures. No individual animal may be relocated or taken without the authorization of appropriate agency.

The project site is not located in areas identified as undeveloped and potential SBKR, NSDPM or LAPM habitat, as shown in Figure 4.9-2, which is Figure 5 of the Redevelopment Plan EIR. This mitigation is not applicable to future residential development on the site.

3. Cooper's Hawk, Golden Eagle, Loggerhead Shrike

Regulatory agencies are primarily concerned with impacts to these species while actively nesting. Foraging birds present on a given site are expected to disperse to other areas should that site be developed. However, nesting birds, eggs, and young can be impacted and are protected under the migratory bird treaty act.

In order to avoid significant impacts to these species, all shrub and tree removal scheduled between early February and late July will be preceded by a nesting bird survey. Generally within 15 days of grubbing, grading, or other vegetation removal, a qualified biologist will survey all existing suitable habitats for nesting birds. If nests are found, they should be fenced off from disturbance at a distance of 300 feet for raptors and 50 feet for any other species. Barriers will remain in place until all young birds have fledged or the nests are determined by the biologist to no longer be active.



Source: Guasti Redevelopment Plan EIR

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Figure 4.9-2
Special Status Specific Survey Areas
Guasti Plaza Specific Plan Amendment
Supplemental EIR

Should the presence of endangered or special-status species be found on the site as a result of focused protocol surveys, the project applicant will be required to enter into negotiation with USFWS, or Stated Department of Fish and Game (DFG) as appropriate to determine mitigation measures. No individual animal may be relocated or taken without the authorization of appropriate agency.

This mitigation remains applicable to future residential development under the proposed Specific Plan Amendment.

4. Burrowing Owl

Presence/absence survey techniques for burrowing owls have been developed that are currently acceptable to USFWS and California Department of Fish and Game. Generally, all areas supporting suitable habitat will be surveyed during daylight hours (Appendix E-2, Figure 5). Burrows of suitable size should be evaluated for the presence of owl sign (pellets, fecal material, feathers, prey remains). Any potentially suitable burrows will be flagged and surveyed again at dusk.

It is generally acceptable to have a qualified biologist passively/exclude burrowing owls that are not currently nesting from an occupied site. Nesting burrowing owls must be left unmolested until such time that young have fledged or a qualified biologist has determined the nest is no longer active.

The northeastern corner of the project site is located in areas identified as potential BUOW habitat, as shown in Figure 5 of the Redevelopment Plan EIR. Based on the discussion above, this mitigation remains applicable to future residential development under the proposed Specific Plan Amendment.

5. Sensitive Species

Prior to issuance of permits for individual projects within the project area, a biological reconnaissance shall be completed to ensure no changes to the biological resources have occurred since the completion of previous surveys.

Should the presence of endangered or special-status species be found on the site as a result of focused protocol surveys, the project applicant will be required to enter into negotiation with USFWS, or State Department of Fish and Game (DFG) as appropriate to determine mitigation measures. No individual animal may be relocated or taken without the authorization of appropriate agency.

This mitigation has been implemented as part of the EIR process for the proposed Specific Plan Amendment. However, should development occur after 2 years of the latest biological assessment, a new assessment shall be performed.

6. Tree Removal

Prior to the issuance of any grading or building permit, the applicant shall submit a comprehensive landscape maintenance program developed by a City approved, certified arborist, to Public Facilities Development for review and approval. To the extent feasible, mature trees should be maintained and incorporated into the landscape program. The recommendations of the arborist shall be implemented to the satisfaction of Public Facilities Development.

This mitigation is similar to the measure in the Specific Plan EIR and remains applicable to future residential development under the proposed Specific Plan Amendment.

7. Landscape Guidelines
Landscape Guidelines for the Guasti Plaza portion of Plan Area B shall be in accordance with the mitigation measures and conditions of the Guasti Plaza Specific Plan. Landscape Guidelines for all other portions of the Project Area, including Plan Areas A and C and the remainder of Plan Area B should parallel to the extent feasible those guidelines establish for Guasti Plaza.

This mitigation is contained in the Specific Plan and is applicable to future residential development under the proposed Specific Plan Amendment as a standard condition.

4.9.5 Standard Conditions and Mitigation Measures

Standard Conditions

The implementation of the following standard condition would prevent adverse impacts on existing trees:

Standard Condition 4.9.1: Future residential development shall comply with the Landscape Guidelines in the Guasti Plaza Specific Plan.

Mitigation Measures

The following mitigation measures would prevent significant adverse impacts on sensitive animal species that inhabit the site:

Mitigation Measure 4.9.1: The project site shall be surveyed for the presence of the burrowing owl during the winter season (between December 1 and January 31) to determine whether wintering burrowing owls occur on the site, and during the peak of the breeding season (between April 15 and July 15) to determine whether burrowing owls nest on the site. The surveys shall be conducted within one calendar year before the initiation of ground-disturbing activities associated with future residential development. Regardless of the results of the focused surveys, a preconstruction survey for burrowing owls shall also be conducted within 30 days of the initiation of ground-disturbing activities on the site, per the guidelines of the CDFG.

If burrowing owls are determined to occur within the project site during either focused or preconstruction surveys, mitigation shall include the acquisition and protection of off-site habitat to offset the loss of foraging and burrowing/breeding habitat on the project site. A minimum of 6.5 acres of foraging habitat (based on providing a 100-yard foraging radius around the burrow) per pair or unpaired resident bird shall be permanently protected. The protected lands shall be within the vicinity of the project site and in suitable habitat at a location approved by the CDFG. Any occupied burrows within the project site that will be destroyed shall be mitigated through enhancement of existing unsuitable burrows or creation of artificial burrows at a ratio of 2:1 on the protected land site.

If, during the preconstruction survey, burrowing owls are determined to occur on the project site or within 50 meters of the site, a 50-meter buffer shall be marked around the nesting burrow and avoided until the end of the breeding season (August 31) or until it has been determined by a qualified biologist that the adults and young have dispersed from the project area or buffer. Monitoring of the buffer by a qualified biologist would ensure that construction activities do not impact the breeding owls.

If burrowing owls are discovered within the project site during the pre-construction survey outside of the nesting season, a 50-meter buffer shall be marked around the occupied burrow and avoided until it has been determined by a qualified biologist that the owl has dispersed from the project site. Monitoring of the buffer by a qualified biologist would ensure that construction activities do not impact the owl prior to its dispersal from the site. Alternatively, eviction of non-breeding burrowing owls may be considered, as outlined in the CDFG's Staff Report on Burrowing Owl Mitigation (1995).

Mitigation Measure 4.9.2: Construction activities shall avoid work on structures and large trees during the bat breeding season (June 1 through November 30). If this is not practical, then a preconstruction survey shall be conducted by a qualified biologist prior to any work on existing structures or removal of large trees where bat nursery roosts may be located. If nursery roosts that contain immature bats are discovered during the preconstruction survey, the roosts shall be protected until the young are able to fly.

Mitigation Measure 4.9.3: Ground-disturbing and vegetation removal activities associated with construction on the project site shall be performed outside of the breeding season for birds or between September 1 and January 31. If these activities cannot be implemented during this time period, the developer shall retain a qualified biologist to perform preconstruction nest surveys to identify active nests within and adjacent to (up to 500 feet) the project site.

If the preconstruction survey is conducted early in the nesting season (February 1 to March 15) and nests are discovered, a qualified biologist shall remove the nests only after it has been determined that the nest is not active (i.e., the nest does not contain eggs, nor is an adult actively brooding on the nest). Any active non-raptor nests identified on the project site or within 300 feet of the project site shall be marked with a 300-foot buffer, and the buffer area would need to be avoided by construction activities until a qualified biologist determines that the chicks have fledged. Active raptor nests on the project site or within 500 feet of the project site shall be marked with a 500-foot buffer and the buffer avoided until a qualified biologist determines that the chicks have fledged. If the 300-foot buffer for non-raptor nests or 500-foot buffer for raptor nests cannot be avoided during construction on the project site, the developer shall retain a qualified biologist to monitor the nests on a daily basis during construction to ensure that the nests do not fail as the result of noise generated by the construction. The biological monitor shall have the authority to halt construction if the construction activities cause negative effects, such as the adults abandoning the nest or chicks falling from the nest.

Mitigation Measure 4.9.4: Prior to issuance of any grading or building permit, the applicant shall submit a comprehensive landscape maintenance program developed by a City approved, certified arborist, to Public Facilities Development for review and approval. The recommendations of the arborist shall be implemented to the satisfaction of Public Facilities Development.

Mitigation Measure 4.9-5: Prior to issuance of permits for individual projects within the project area, a biological reconnaissance shall be completed to ensure no changes to the biological resources have occurred if the most recent survey (2009) is at least 2 years old.

Should the presence of endangered or special-status species be found on the site as a result of focused protocol surveys, the project applicant will be required to enter into negotiation with the USFWS and/or State Department of Fish and Game (CDFG) to determine appropriate mitigation measures. No individual animal may be relocated or taken without the authorization of the appropriate agency.

4.9.6 Unavoidable Significant Adverse Impacts

Future residential development would lead to the loss of existing vegetation and habitats on the site, to be replaced with residential structures, relocated structures, on-site amenities, pavements and landscaped areas. Mitigation measures are recommended to reduce impacts associated with the loss of existing plant communities and habitat for the burrowing owl, California mastiff bat, and nesting birds, along with other mitigation in the previous EIRs. Compliance with the tree preservation program and landscape guidelines in the Guasti Plaza Specific Plan and implementation of the mitigation measures above will reduce impacts to sensitive biological resources to below a level of significance. No significant unavoidable adverse impacts are expected after mitigation.