

## 5.3 Biological Resources

The analysis in this section of the EIR addresses the potential impacts to biological resources that may occur due to implementation of the proposed Collier Park Renovations Project. The following discussion includes information based on the Biological Resources Letter Report prepared by Atkins (2012), which is provided as Appendix C of this EIR.

### 5.3.1 Regulatory Framework

#### 5.3.1.1 Federal

##### Endangered Species Act

The U.S. Congress passed the federal Endangered Species Act (ESA) in 1973 to provide a means for conserving the ecosystems that endangered and threatened species require in order to prevent species extinctions. The federal ESA has four major components: 1) Section 4, which provides for listing species and designating critical habitat; 2) Section 7, which requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS), to ensure that their actions are not likely to jeopardize the continued existence of species or result in the modification or destruction of critical habitat; 3) Section 9, which prohibits “take” of listed species; and 4) Section 10, which provides for permitting incidental “take” of listed species. Under the federal ESA, the term “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Critical habitat is defined as “the specific areas within the geographic area occupied by a species on which are found those physical and biological features essential to the conservation of the species, and that may require special management considerations or protection; and specific areas outside the geographic area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species.” Critical habitat has not been designated in La Mesa.

##### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S. Code 703-711) implements an international treaty for the conservation and management of bird species that may migrate through more than one country. The MBTA protects all common wild birds found in the U.S. except the house sparrow, starling, feral pigeon, and resident game birds such as pheasant, grouse, quail, and wild turkey. Enforced in the U.S. by the USFWS, the MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in Code of Federal Regulations Title 50, Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered a “take” and is potentially punishable by fines and/or imprisonment. In 1972, the MBTA was amended to include protection for migratory birds of prey (raptors). Generally, applicants who obtain a federal ESA Section 10(a) permit simultaneously receive a three-year MBTA permit for ESA-listed migratory birds.

##### Water Pollution Control Act (Clean Water Act)

The federal Water Pollution Control Act, passed by Congress in 1948, authorized the Surgeon General of the Public Health Service to prepare comprehensive programs for eliminating or reducing the pollution

of interstate waters and tributaries and improving the sanitary condition of surface and underground waters. This Act was later amended to become the federal Water Pollution Control Act Amendments of 1972, commonly known as the Clean Water Act (CWA). The CWA was designed to restore and maintain the chemical, physical, and biological integrity of the waters of the U.S. and gave the U.S. Environmental Protection Agency (USEPA) the authority to implement pollution control programs, including setting wastewater standards for industry and water quality standards for contaminants in surface waters. The USEPA has delegated responsibility for implementation of portions of the CWA in California to the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs), including water quality control planning and control programs.

The CWA also prohibits the discharge of any pollutants from a point source into navigable waters, except as allowed by permits issued under certain sections of the CWA. Specifically, Section 404 authorizes the U.S. Army of Corps of Engineers (USACE) to issue permits for and regulate the discharge of dredged or fill materials into wetlands or other waters of the U.S. Under the CWA and its implementing regulations, "waters of the U.S." are broadly defined as rivers, creeks, streams, and lakes extending to their headwaters, including adjacent wetlands. Furthermore, Section 401 allows states to certify or deny federal permits or licenses that might result in a discharge to state waters, including wetlands. Section 401 certifications are issued by the RWQCB for activities requiring a federal permit or license that may result in the discharge of pollutants into waters of the U.S.

### 5.3.1.2 State

#### California Fish and Game Code

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

The California ESA, which is administered by CDFG, is similar in many ways to the federal ESA. The California ESA provides a process for the CDFG to list species as threatened or endangered in response to a citizen petition or by its own initiative (CFG Code Section 2070 et seq.). Section 2080 prohibits the take of species listed as threatened or endangered pursuant to the California ESA. Section 2081 allows the CDFG to authorize take prohibited under Section 2080 provided that: 1) the taking is incidental to an otherwise lawful activity; 2) the taking will be minimized and fully mitigated; 3) the applicant ensures adequate funding for minimization and mitigation; and 4) the authorization will not jeopardize the continued existence of the listed species.

The Streambed Alteration Agreement regulations require any person, state, or local governmental agency to provide advance written notification to the CDFG prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake (CFG Code Section 1602). The State definition of "rivers, streams, and lakes" includes all 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 with surface or subsurface flows that support or have supported riparian vegetation.

## Natural Community Conservation Planning Act

The Natural Community Conservation Planning (NCCP) Act is designed to conserve natural communities at the ecosystem scale while accommodating compatible land uses. The CDFG is the principal state agency implementing the NCCP program. Section 2800 et seq. of the CFG Code addresses NCCPs and a Section 2835 permit is issued by the CDFG for all NCCPs. The NCCP Act established a process to allow for comprehensive, regional multi-species planning in a manner that satisfies the requirements of the federal ESA and California ESA (through a companion regional Habitat Conservation Plan). The NCCP program has provided the framework for innovative efforts by the State, local governments, and private interests to plan for the protection of regional biodiversity and the ecosystems upon which it depends. NCCPs seek to ensure the long-term conservation of multiple species, while allowing for compatible and appropriate economic activity to proceed.

## Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (California Water Code, Division 7) provides for statewide coordination of water quality regulations. The Act established the SWRCB as the statewide authority and nine separate RWQCBs to oversee smaller regional areas within the State. The Act authorizes the SWRCB to adopt, review, and revise policies for all waters of the State (including both surface and ground waters), and directs the RWQCBs to develop regional Basin Plans. Section 13170 of the California Water Code also authorizes the SWRCB to adopt water quality control plans on its own initiative. The San Diego Basin Plan (San Diego RWQCB 1994) is designed to preserve and enhance the quality of water resources in the San Diego region for the benefit of present and future generations. The purpose of the plan is to designate beneficial uses of the region's surface and ground waters, designate water quality objectives for the reasonable protection of those uses, and establish an implementation plan to achieve the objectives.

### 5.3.1.3 Local

#### City of La Mesa General Plan

The Conservation and Open Space Element of the adopted La Mesa General Plan (City of La Mesa 1996) includes the following conservation policies and objectives related to biological and sensitive land resources:

##### Conservation Policies

- 1) The City will establish policies which encourage the preservation of the City's few remaining areas of sensitive lands and natural habitat, where such features will make a significant contribution to regional or local preservation efforts.

##### Conservation Objectives

- 1) The Community Development Department will initiate the creation of an Open Space Overlay Zone which can effectively protect those areas of natural vegetation determined to be of significant value individually or as part of a regional habitat conservation program.

- 2) The City will actively pursue participation in regional programs which provide viable methods for mitigation of significant natural habitat areas within broader regional systems.

## **City of La Mesa Subarea Habitat Conservation Plan**

The La Mesa Subarea Habitat Conservation Plan/Natural Community Conservation Plan (City of La Mesa 1998) is a local habitat conservation plan prepared pursuant to the NCCP Act to supplement the San Diego Multiple Species Conservation Program (MSCP) Subregional Plan. The MSCP is intended to provide for the protection and conservation of the region's sensitive plant and wildlife species habitat while continuing to allow appropriate levels of development and growth. As a planning tool, the MSCP protects the region's biodiversity while reducing conflicts between development interests and natural resources.

### **5.3.2 Existing Conditions**

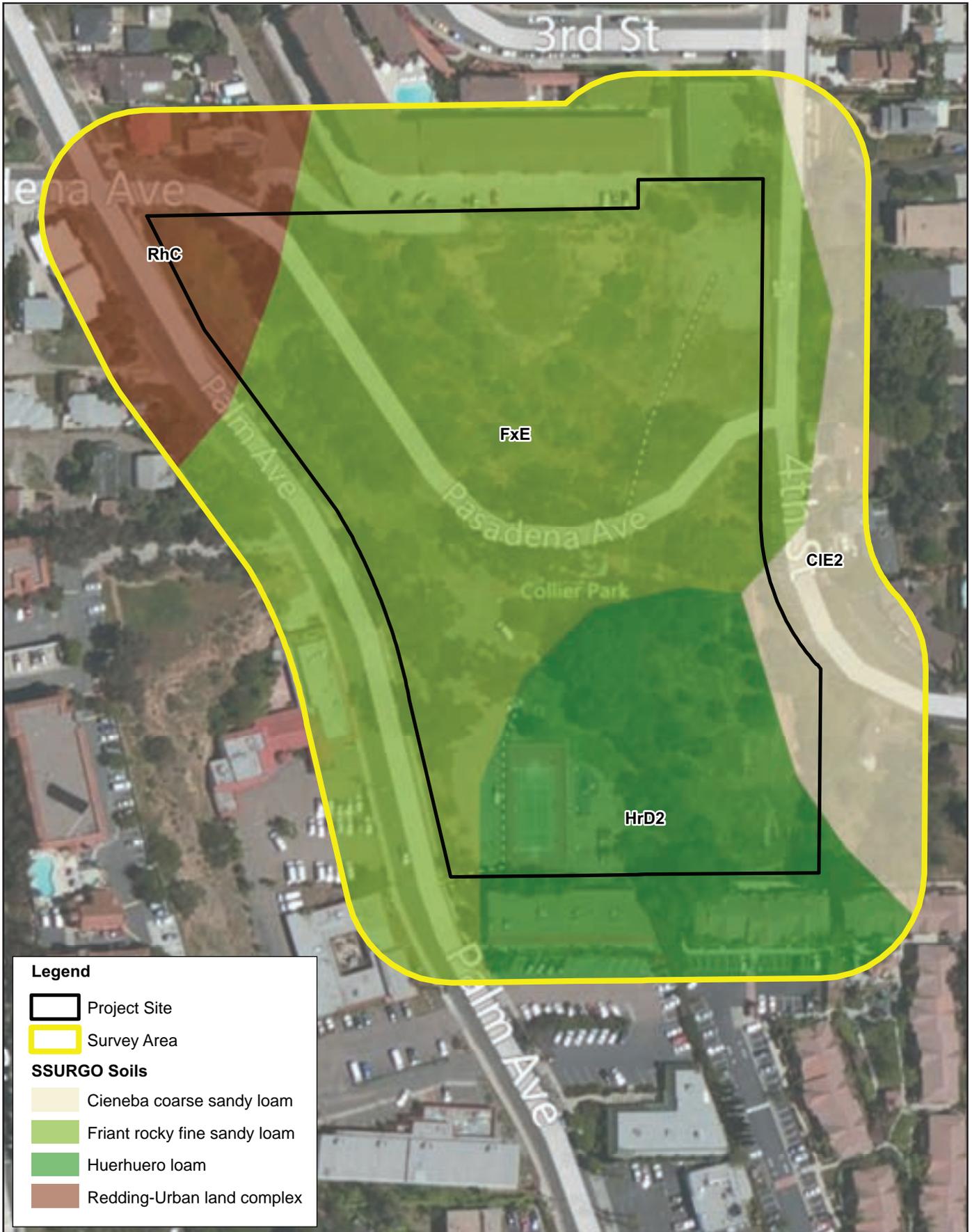
#### **5.3.2.1 General Biological Resources**

A biological resources field survey was conducted on April 5, 2012, to map the extent of vegetation communities; assess the presence of suitable habitat for sensitive plant and animal species; and determine the presence of other sensitive biological resources, such as jurisdictional waterways and wetlands, at Collier Park (Atkins 2012). The 12.37-acre survey area, which consists of the park and approximately 100 feet beyond the park, is located within a highly developed urban area. The southern and western portions of the park, referred to as the Panhandle area, are primarily developed for recreational use with existing facilities such as a tennis court, playground, restrooms, picnic area, and parking lot. The northern and eastern portions of the park, corresponding to the Collier Club House and History Hill areas, consist of mostly undeveloped parkland.

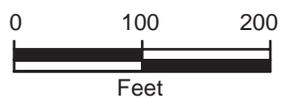
The survey area contains a number of anthropogenic-related disturbances associated with the recreational and illicit uses of the park, as well as with the surrounding residential and mixed use urban developments. Significant disturbances to the existing biological resources have occurred due to park usage, including encroachment into undeveloped areas, accumulation of litter, and exposure to domestic pets. Adverse spillover effects from surrounding developments are evident throughout the survey area, including a high number of non-native and exotic ornamental plant species, runoff, and trash. In addition, vehicular traffic on the surrounding and through streets imposes adverse disturbances associated with noise, lighting, and illegal dumping. These disturbances degrade the existing habitat and limit use of the survey area by most wildlife species.

#### **Soils**

As depicted in Figure 5.3-1, the Natural Resource Conservation Service has mapped four soil types within the survey area that correspond to the following four different soil series: Friant rocky fine sandy loam, 9 to 30 percent slopes (FxE); Huerhuero loam, 9 to 15 percent slopes, eroded (HrD2); Redding-Urban land complex, 2 to 9 percent slopes (RhC); and Cieneba coarse sandy loam, 15 to 30 percent slopes, eroded (CIE2). The observed surface soils within the majority of the survey area are highly disturbed as a result of past and existing development. Evidence of foreign fill deposit was observed throughout the survey area. No undisturbed native soils were observed during the field survey. In combination with the incompatible vegetation associations and disturbed hydrology that exists within the survey area, the soils do not provide suitable conditions for most rare plants known to occur in the region.



Source: Bing, USDA NRCS



**SOILS MAP  
FIGURE 5.3-1**

## Vegetation Communities

As depicted Figure 5.3-2 and described below, three general vegetation communities or land use types occur within the survey area: urban/developed land, non-native vegetation/ornamental, and disturbed habitat.

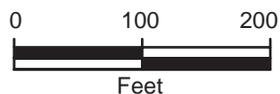
Urban/Developed Land. Urban/developed land generally includes areas that have been permanently altered due to the construction of aboveground developments such as buildings, roads, and associated landscaped areas. Urban/developed land is characterized by a high percentage of unvegetated bare earth, asphalt, concrete, and other permanent surfaces. Approximately 6.64 acres of urban/developed land is mapped within the survey area. This community type occurs as existing surface streets, driveways, parking lots, buildings, hardscape, and ornamental landscape areas associated with Collier Park and surrounding developments. Limited vegetation exists as small, isolated patches of non-native ornamental plantings. The areas characterized by urban/developed land within the survey area provide poor habitat conditions and very limited biological function and value due to regular anthropogenic-related disturbances and lack of resources.

Non-Native Vegetation/Ornamental. Non-native vegetation/ornamental includes stands of non-native ornamental plant species that have been previously planted for landscaping or have recruited onto the property from adjacent developments. Approximately 4.60 acres of non-native vegetation/ornamental is mapped within the survey area. Notable non-native and ornamental species observed include pine (*Pinus* spp.), blue gum (*Eucalyptus globulus*), red gum (*Eucalyptus camaldulensis*), fan palm (*Washingtonia robusta*), queen palm (*Syagrus romanzoffiana*), Canary Island palm (*Phoenix canariensis*), bottlebrush (*Callistemon* sp.), Peruvian pepper tree (*Schinus molle*), Brazilian pepper tree (*Schinus terebinthifolius*), olive (*Olea europaea*), oleander, golden wattle (*Acacia pycnantha*), great bougainvillea (*Bougainvillea spectabilis*), giant reed (*Arundo donax*), pride of Madeira (*Echium candicans*), African fountain grass (*Pennisetum setaceum*), English ivy (*Hedera helix*), red apple ice plant (*Drosanthemum hispidum*), freeway ice plant (*Carpobrotus edulis*), Mission cactus (*Opuntia ficus-indica*), yucca (*Yucca* spp.), and turf grasses, among others. A few, isolated native species were observed scattered throughout the non-native vegetation, including telegraph weed (*Heterotheca grandiflora*), California everlasting (*Gnaphalium californica*), laurel sumac (*Malosma laurina*), California buckwheat (*Eriogonum fasciculatum*), deerweed (*Lotus scoparius*), and chaparral mallow (*Malacothamnus fasciculatus*). In addition, a single coast live oak tree (*Quercus agrifolia*) was observed in the northern-central portion of the survey area. The areas characterized by non-native vegetation/ornamental within the survey area provide limited biological function and value due to exposure to regular disturbances and proximity to surrounding developments.

Disturbed Habitat. Disturbed habitat includes areas in which there is sparse vegetative cover and where there is evidence of soil surface disturbance and compaction from previous human activity and/or the presence of building foundations and debris. Vegetation within disturbed habitat (if present) may have a high predominance of non-native and ruderal (weedy) annual species that are indicators of disturbance such as Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), and sow-thistle (*Sonchus oleraceus*), among others. Approximately 1.13 acres of disturbed habitat is mapped within the survey area. This community type occurs as disturbed areas that are regularly impacted by vehicle parking use and recreation and maintenance activities within the park. Non-native, ruderal (weedy) plant species observed in very low percent coverage include goldentop grass (*Lamarckia aurea*), ripgut (*Bromus diandrus*), farmer's foxtail (*Hordeum murinum* ssp. *leporinum*),



Source: Bing, Atkins 2012



**VEGETATION COMMUNITIES MAP**  
**FIGURE 5.3-2**

African fountain grass, sow-thistle, cheeseweed (*Malva parviflora*), Russian thistle, wild radish (*Raphanus sativus*), yellow sweet clover (*Melilotus officinalis*), and lamb's quarters (*Chenopodium album*), among others. The areas characterized by disturbed habitat provide poor habitat conditions and limited biological function and value due to exposure to regular disturbances and proximity to surrounding developments.

### General Wildlife

The survey area is highly urbanized and does not provide extensive high quality habitat for wildlife species. Overall wildlife activity observed during the field survey was low. Common species observed or otherwise detected (e.g., call, feathers, scat, tracks) within or flying over the survey area during the field survey included common reptiles such as side-blotched lizard (*Uta stansburiana*); common songbirds such as black phoebe (*Sayornis nigricans*), western scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), Bullock's oriole (*Icterus bullockii*), Anna's hummingbird (*Calypte anna*), California towhee (*Melospiza crissalis*), lesser goldfinch (*Spinus psaltria*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), common raven (*Corvus corax*), and American crow (*Corvus brachyrhynchos*); and common mammals such as California ground squirrel (*Spermophilus beecheyi*), striped skunk (*Mephitis mephitis*), Botta's pocket gopher (*Thomomys bottae*), desert cottontail (*Sylvilagus auduboni*), and domestic dog (*Canis familiaris*). Other wildlife species expected to occur within the survey area include common species adapted to urban environments such as western fence lizard (*Sceloporus occidentalis*), mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), Virginia opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*), among others.

#### 5.3.2.2 Special Status Species

Special status species generally include those plants and animals designated as endangered, threatened, candidate, rare, protected, sensitive, or species of special concern according to the USFWS, CDFG, California Native Plant Society (CNPS), or applicable regional and local plans, policies or regulations. The primary information source on the regional occurrence and distribution of all special-status species is the California Natural Diversity Database (CNDDDB) inventory, which is maintained by the Wildlife and Habitat Data Analysis Branch of the CDFG.

#### Special Status Plants

Based on a list compiled through the USFWS, CNDDDB, and other sources, which is provided in Attachment B of the Biological Resources Letter Report (Atkins 2012), 91 special status plant species have been reported at locations in the vicinity (within approximately five miles) of the survey area. None of these 91 special status plant species have been reported as occupying habitat that exists within the survey area. No special status plant species were observed within the survey area during the field survey.

#### Special Status Wildlife

Based on a list compiled through the USFWS and CNDDDB, which is provided in Attachment B of the Biological Resources Letter Report (Atkins 2012), 75 special status wildlife species have been reported at locations in the vicinity (within approximately five miles) of the survey area. None of these 75 special

status wildlife species have been reported as occupying habitat that exists within the survey area. No special status wildlife species were observed within the survey area during the field survey.

## **Nesting Birds**

The survey area and immediate vicinity contain trees, shrubs, and man-made structures (e.g., buildings) that provide suitable nesting habitat for common (non-sensitive) birds, including common raptors, protected under the MBTA and CFG Code. Common songbirds that have a potential to nest include house finch, Anna's hummingbird, California towhee, black phoebe, and Bullock's oriole, among others. Common raptors that have a potential to nest in the taller trees within the survey area include red-shouldered hawk (*Buteo lineatus*) and great-horned owl (*Bubo virginianus*).

### **5.3.2.3 Sensitive Natural Communities**

Based on a list compiled through the CNDDDB, which is provided in Attachment B of the Biological Resources Letter Report (Atkins 2012), 13 sensitive natural communities are known to occur in the vicinity (within approximately five miles) of the survey area. None of these 13 sensitive natural communities have been reported as occurring within the survey area. No riparian habitat or other sensitive natural communities were observed within the survey area during the field survey.

### **5.3.2.4 Jurisdictional Waters and Wetlands**

An isolated segment of a concrete-lined drainage channel transects the southern half of the survey area, running from Pasadena Avenue to just north of the existing playground, where it discharges into an underground storm drain line. The drainage channel, which is approximately 5 feet wide, conveys nuisance runoff and storm water flows discharging from a storm drain inlet on Pasadena Avenue and from the surrounding parkland. A natural spring, emanating from beneath the Spring House, also discharges into the drainage channel through a small pipe just east of the Spring House. Discharges from the drainage channel are conveyed via the on-site underground storm drain line to a catch basin at the southern boundary of the park. This catch basin, which also collects discharges from an off-site concrete v-ditch and storm drain line, appears to be the low point of the survey area and connects to the City's enclosed storm water drainage system. No riparian and wetland vegetation or earthen bed and bank were observed.

### **5.3.2.5 Wildlife Corridors, Linkages, and Nursery Sites**

Wildlife corridors and linkages generally include those areas that link habitats that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of habitat, separating different populations of a single species. Corridors act as connections between these isolated islands and populations, and represent a specific travel route that is used for movement and migration of species between constrained lands. Linkages are assemblages of connecting live-in habitats that support the movement of wildlife and genetic exchange. A "corridor" differs from a "linkage" because it typically represents a smaller, narrower avenue for movement. Wildlife corridors and linkages are perhaps most important in serving species that are mobile and migratory, or require large home ranges to carry out their life history requirements. No known wildlife corridors or linkages on or in the immediate vicinity of the survey area

have been identified in the La Mesa Subarea Habitat Conservation Plan/Natural Community Conservation Plan (City of La Mesa 1998).

Wildlife nursery sites are specific areas that contain the resources necessary for adult wildlife species to breed, give birth, and rear their young. Nursery sites support the constituent habitat elements required by juvenile wildlife species to grow and develop, including adequate space, refuge, food, and physical conditions in the environment. No known or potential wildlife nursery sites occur on or in the immediate vicinity of the survey area for any wildlife species.

### 5.3.3 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a significant impact to biological resources would occur if implementation of the proposed project would:

- **Threshold 1:** 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 CDFG or USFWS.
- **Threshold 2:** 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 CDFG or USFWS.
- **Threshold 3:** Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- **Threshold 4:** 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.
- **Threshold 5:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- **Threshold 6:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### 5.3.4 Impacts

#### 5.3.4.1 Special Status Species

**Threshold 1: Would the project Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS?**

#### Special Status Plants

As stated in Section 5.3.2.2 above, none of the 91 special status plant species known to occur in the vicinity (within approximately five miles) have been reported as occupying habitat that exists within the

project site, and no special status plant species were observed within the project site during the field survey. The vegetation, soils, and hydrology associated with the project site are disturbed and are generally unsuitable for the special status plant species known to occur in the region. Most of the project site is developed or disturbed, and the limited vegetation that exists is comprised primarily of non-native ornamental plant species and non-native herbaceous species typical of disturbed undeveloped land. Given the level of disturbance and overall unsuitability of the existing soils, vegetation associations, and hydrology, no special status plant species would be expected to occur within the survey area. Therefore, no impacts are anticipated to occur to any special status plant species as a result of the proposed project.

## Special Status Wildlife

As stated in Section 5.3.2.2 above, none of the 75 special status wildlife species known to occur in the vicinity (within approximately five miles) have been reported as occupying habitat that exists within the project site, and no special status wildlife species were observed within the project site during the field survey. Similar to special status plant species, there are a number of disturbance factors that would preclude special status wildlife species from occurring within the project site. In addition to the lack of suitable habitat, perhaps most limiting is the presence of existing developments and exposure to regular disturbances, including lighting, noise, vehicle, and pedestrian activity. The project site is regionally isolated and lacks direct connectivity or reasonable proximity to larger stands of native habitat. The habitat present within the project site is mostly comprised of non-native vegetation that does not offer the space and resources required by the special status wildlife species known to occur in the region. The non-native vegetation is constrained in all directions by existing developments and disconnected from native habitat in the local and regional area. The existing developments surrounding the project site present a challenge to wildlife species attempting to disperse into the area due to their dependency on habitat connectivity and on the presence of development barriers along their travel route. Furthermore, the project site is regularly used by pedestrians, which was evident from existing foot trails, litter, and debris. The project site is also subject to regular park maintenance activities, off-pavement parking, and dumping. Pedestrian, vehicle, and equipment activities within the project site reduce the quality of the habitat and likelihood for special status wildlife species to occur. The project site is also subject to adverse indirect effects from noise and nighttime lighting from adjacent transportation and residential developments, the effects of which could deter wildlife species from using the area. Given these factors, no special status wildlife would be expected to occur within the survey area. Therefore, no impacts are anticipated to occur to any special status wildlife species as a result of the proposed project.

## Nesting Birds

As stated in Section 5.3.2.2 above, the project site and immediate vicinity contain trees, shrubs, and man-made structures (e.g., buildings) that provide suitable nesting habitat for common (non-sensitive) birds, including common raptors, protected under the MBTA and CFG Code. Construction of the proposed project would require in the removal or trimming of trees and shrubs during the general bird nesting season (January 15 through August 31), which could potentially result in impacts to nesting birds. Direct impacts could occur as a result of the removal of vegetation supporting an active nest. Indirect impacts could occur as a result of construction noise and vibration in the immediate vicinity of an active nest, such that the disturbance results in a nest failure. These impacts to nesting birds would be considered significant in violation of the MBTA and CFG Code. Therefore, construction of the proposed project would result in a potentially significant impact to nesting birds.

### 5.3.4.2 Sensitive Natural Communities

**Threshold 2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS?**

As stated in Section 5.3.2.3 above, none of the 13 sensitive natural communities known to occur in the vicinity (within approximately five miles) have been reported as occurring within the project site, and no riparian habitat or other sensitive natural communities were observed within the project site during the field survey. The habitat types that occur within the project site (urban/developed, non-native vegetation/ornamental, and disturbed habitat) are highly disturbed, and where vegetation is present, it is comprised of a dominance of non-native plant species. Thus, sensitive natural communities are considered to be absent from the project site. Therefore, no impacts to sensitive natural communities would occur as a result of the proposed project.

### 5.3.4.3 Jurisdictional Waters and Wetlands

**Threshold 3: Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Jurisdictional waters and wetlands generally include those resources regulated by the USACE pursuant to Section 404 of the federal CWA; the RWQCB pursuant to Section 401 of the federal CWA and the Porter-Cologne Water Quality Control Act; and the CDFG pursuant to Sections 1600 et seq. of the CFG Code. As stated in Section 5.3.2.4 above, an isolated segment of a concrete-lined drainage channel transects the southern half of the project site; however, no riparian and wetland vegetation or earthen bed and bank were observed. As there are no traditional navigable waters in the vicinity of the project site, the drainage channel lacks connectivity and an apparent nexus to any downstream navigable waters. Due to this lack of connectivity, as well as the man-made nature of the drainage channel and the City's storm water drainage system into which it discharges, the drainage channel does not fall under the regulatory jurisdiction of the USACE or RWQCB. Furthermore, the drainage channel would not fall under the regulatory jurisdiction of the CDFG because the man-made, concrete-lined channel does not support riparian vegetation and does not provide habitat capable of supporting wildlife, fish, or other aquatic life. Thus, jurisdictional waters and wetlands are considered to be absent from the project site. Therefore, no impacts to jurisdictional waters and wetlands would occur as a result of the proposed project.

### 5.3.4.4 Wildlife Corridors, Linkages, and Nursery Sites

**Threshold 4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

As stated in Section 5.3.2.5 above, no known wildlife corridors or linkages on or in the immediate vicinity of the project site have been identified in the La Mesa Subarea Subarea Conservation Plan/Natural Community Conservation Plan (City of La Mesa 1998) and no known or potential wildlife nursery sites occur on or in the immediate vicinity of the survey area for any wildlife species. The project site and

immediate vicinity are highly urbanized. As such, the project site does not contain any resources that would contribute to the assembly and function of any local or regional wildlife corridors or linkages and does not contain the constituent habitat elements of a wildlife nursery site. The closest habitat core and intact stand of native habitat occurs approximately 0.5 mile southwest of the project site near High Street and State Route 125. This habitat core area is separated from the project site by existing transportation, commercial, and residential developments. Due to the distance of the project site from other open space areas capable of supporting wildlife, it is unlikely that any mobile or migratory species would utilize the project site as a corridor or linkage. In addition, the concrete-lined drainage channel within the project site does not function as a corridor or linkage because it generally lacks the constituent elements of temporary and live-in habitats, such as cover, forage, and connectivity to adjacent habitats. Thus, the project site does not function independently or contribute to the assembly of any wildlife corridors, linkages, or nursery sites. Therefore, no impacts to wildlife corridors, linkages, and nursery sites would occur as a result of the proposed project.

### 5.3.4.5 Biological Resources Protection Policies or Ordinances

**Threshold 5: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Construction of the proposed project would require the clearing of existing trees and vegetation in the areas of planned development. Because no sensitive lands or natural habitat occur within the project site, the proposed project would not conflict with the conservation policies and objectives identified in the Conservation and Open Space Element of the adopted La Mesa General Plan (City of La Mesa 1996), as described in Section 5.3.1.3 above. Following construction, these areas would be landscaped with native vegetation using low water demand techniques consistent with the City's Water Efficient Landscape Ordinance (La Mesa Municipal Code Chapter 14.29). In addition, new trees would be planted in accordance with the City's Tree Policy Manual, which provides a reference for existing guidelines, policies, and standards for the planting, care, preservation, maintenance, and replacement of trees. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.

### 5.3.4.6 Adopted Habitat Conservation Plan

**Threshold 6: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The project site is located within the boundaries of the La Mesa Subarea Habitat Conservation Plan/Natural Community Conservation Plan (City of La Mesa 1998), which was adopted by the City Council in 1998 and approved by the USFWS and CDFG in 1999. However, the project site is located within a highly developed urban area of the City that experiences a number of anthropogenic-related disturbances typical of urban settings. The project site is characterized by developed lands and non-native habitat types that do not support the resources or constituent habitat elements associated with special status species known to occur in the region. No riparian habitat, other sensitive natural communities, or wetlands, including sensitive MSCP tier habitat types and protected wetlands, occur within the project site. No suitable habitat for MSCP covered species, MSCP narrow endemic species, or non-covered sensitive species occurs within the project site. The project site is not located on or in the

immediate vicinity of areas designated as Multi-Habitat Planning Area or other preserve lands. The project site does not function independently or contribute to the assembly of any wildlife corridors, linkages, or nursery sites, including any MSCP core biological resource areas or linkages. Therefore, the proposed project would not conflict with the provisions of the adopted La Mesa Subarea Habitat Conservation Plan/Natural Community Conservation Plan. Impacts would be less than significant.

## 5.3.5 Mitigation Measures

### 5.3.5.1 Special Status Species

A potentially significant impact related to special status species (specifically, nesting birds and raptors) would result from implementation of the proposed project. Implementation of the following mitigation measures would reduce this impact to below a level of significance.

**BIO-1**     Avoidance of Nesting Birds. To prevent impacts to nesting passerines (song birds) and other non-raptors protected under the MBTA and CFG Code, the City shall enforce the following:

- 1) If construction occurs during the general nesting season for passerine birds (February 1 through August 31), and where any mature tree, shrub, or structure capable of supporting a bird nest occurs within 300 feet of proposed project construction activities, the City shall retain a qualified biologist to conduct a pre-construction survey for nesting birds prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction. The construction contractor shall also retain a qualified biologist to monitor all clearing of vegetation during the general nesting season to ensure that construction activities stay within the project footprint and that any established avoidance buffers are being maintained. The biological monitor will submit weekly monitoring reports to the City during clearing of vegetation and shall notify the City immediately if project activities damage active nests.
- 2) If any nesting birds are present on or within 300 feet of the proposed project construction area, the City shall retain a qualified biologist to flag and demarcate the location of all nesting birds and monitor construction activities. Temporary avoidance of active bird nests, including the enforcement of an avoidance buffer of 300 feet, shall be required until the qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. The biological monitor shall submit weekly monitoring reports to the City during clearing of vegetation and shall notify the City immediately if project activities damage active nests. Documentation of the nesting bird surveys and any follow-up monitoring, as necessary, shall be provided to the City within 10 days of completing the final survey or monitoring event. The avoidance buffer may be reduced from 300 feet to a minimum of 25 feet at the discretion of the monitoring biologist, and with written consent from the USFWS and CDFG. If the biological monitor determines that a narrower buffer is warranted, the biological monitor shall provide USFWS and CDFG with a written explanation as to why. Based on the submitted explanation, USFWS and CDFG shall determine whether to allow the narrower buffer.

**BIO-2** Avoidance of Nesting Raptors. To prevent impacts to nesting raptors protected under the MBTA and CFG Code, the City shall enforce the following:

- 1) If construction occurs during the raptor nesting season (January 15 through July 31), and where any mature tree or structure capable of supporting a raptor nest occurs within 500 feet of proposed project construction activities, the City shall retain a qualified biologist to conduct a pre-construction survey for nesting raptors prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction. The construction contractor shall also retain a qualified biologist to monitor all clearing of vegetation during the raptor nesting season to ensure that construction activities stay within the project footprint and that an established avoidance buffers are being maintained. The biological monitor will submit weekly monitoring reports to the City during clearing of vegetation and shall notify the City immediately if project activities damage active nests.
- 2) If any nesting raptors are present on or within 500 feet of the proposed project construction area, the City shall retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet, shall be required until the qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. The biological monitor shall submit weekly monitoring reports to the City during clearing of vegetation and shall notify the City immediately if project activities damage active nests. Documentation of the raptor surveys and any follow-up monitoring, as necessary, shall be provided to the City within 10 days of completing the final survey or monitoring event. The avoidance buffer may be reduced at the discretion of the monitoring biologist and with written consent from the USFWS and CDFG. If the biological monitor determines that a narrower buffer is warranted, the biological monitor shall provide USFWS and CDFG with a written explanation as to why. Based on the submitted explanation, USFWS and CDFG shall determine whether to allow the narrower buffer.

### **5.3.5.2 Sensitive Natural Communities**

No significant impacts related to sensitive natural communities would result from the implementation of the proposed project. Therefore, no mitigation measures are required.

### **5.3.5.3 Jurisdictional Waters and Wetlands**

No significant impacts related to jurisdictional waters and wetlands would result from the implementation of the proposed project. Therefore, no mitigation measures are required.

### **5.3.5.4 Wildlife Corridors, Linkages, and Nursery Sites**

No significant impacts related to wildlife corridors, linkages, and nursery sites would result from the implementation of the proposed project. Therefore, no mitigation measures are required.

### 5.3.5.5 Biological Resources Protection Policies or Ordinances

No significant impacts related to biological resources protection policies or ordinances would result from the implementation of the proposed project. Therefore, no mitigation measures are required.

### 5.3.5.6 Adopted Habitat Conservation Plan

No significant impacts related to the adopted habitat conservation plan would result from the implementation of the proposed project. Therefore, no mitigation measures are required.

## 5.3.6 Significance Determination

The significance of biological resources impacts before and after mitigation is summarized in Table 5.3-1. Implementation of the proposed project would not result in any significant impacts related to sensitive natural communities; jurisdictional waters and wetlands; wildlife corridors, linkages, and nursery site; biological resources protection policies or ordinances; or the adopted habitat conservation plan; however, potentially significant impacts related to special status species would occur prior to mitigation. With implementation of mitigation measures BIO-1 and BIO-2, these impacts would be reduced to below a level of significance. Therefore, impacts associated with biological resources would be less than significant after mitigation.

**Table 5.3-1 Summary of Significance of Biological Resources Impacts**

Issue	Significance before Mitigation	Mitigation	Significance after Mitigation
Special Status Species	Significant	BIO-1 & BIO-2	Less than Significant
Sensitive Natural Communities	Less than Significant	None	Less than Significant
Jurisdictional Waters and Wetlands	Less than Significant	None	Less than Significant
Wildlife Corridors, Linkages, and Nursery Sites	Less than Significant	None	Less than Significant
Biological Resources Protection Policies or Ordinances	Less than Significant	None	Less than Significant
Adopted Habitat Conservation Plan	Less than Significant	None	Less than Significant