5.3 BIOLOGICAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the proposed La Puerta School Site Specific Plan (Specific Plan) to impact biological resources in the City of Claremont—specifically, in the Project Area covered by the Specific Plan and its surroundings. The analysis in this section is based in part on the following technical report:

- *Biological Resources Technical Report*, Cadre Environmental, June 2022

A complete copy of this report is included as Appendix C of this DEIR.

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal, state, and local laws, regulations, plans, or guidelines related to biological resources that are applicable to the Specific Plan are summarized below.

Federal Regulations

Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, protects and conserves any species of plant or animal that is endangered or threatened with extinction, as well as the habitats where these species are found. "Take" of endangered species is prohibited under Section 9 of the FESA. "Take" means to "harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." Section 7 of the FESA requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) on proposed federal actions that may affect any endangered, threatened, or proposed (for listing) species or critical habitat that may support the species. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS "to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened." This provides guidance for planners/managers and biologists by indicating locations of suitable habitat and where preservation of a particular species has high priority. Section 10 of the FESA provides the regulatory mechanism for incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans for the impacted species must be developed in support of incidental take permits to minimize impacts to the species and formulate viable mitigation measures.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA) affirms and implements the United States' commitment to four international conventions—with Canada, Japan, Mexico, and Russia—to protect shared migratory bird resources. The MBTA governs the take, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these items, except under a valid permit or as permitted in the implementing regulations. USFWS administers permits to take migratory birds in accordance with the MBTA.

Clean Water Act, Section 404

The United States Army Corps of Engineers (USACE) regulates discharge of dredged or fill material into "waters of the United States."[1] Any filling or dredging within waters of the United States requires a permit, which entails assessment of potential adverse impacts to USACE wetlands and jurisdictional waters and any mitigation measures that the USACE requires. Section 7 consultation with USFWS may be required for impacts to a federally listed species. If cultural resources may be present, Section 106 review may also be required. When a Section 404 permit is required, a Section 401 Water Quality Certification is also required from the Regional Water Quality Control Board (RWQCB).

Clean Water Act, Section 401and 402

Section 401(a)(1) of the CWA specifies that any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal permitting agency with a certification, issued by the state in which the discharge originates, that any such discharge will comply with the applicable provisions of the CWA. In California, the applicable Regional Water Quality Control Board (RWQCB) must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include USACE Section 404 permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Claremont is in the jurisdiction of the Santa Ana RWQCB (Region 8).

State Regulations

California Fish and Game Code, Section 1600

Section 1600 of the California Fish and Game Code requires a project proponent to notify the California Department of Fish and Wildlife (CDFW) of any proposed alteration of streambeds, rivers, and lakes. The intent is to protect habitats that are important to fish and wildlife. CDFW may review and place conditions on the project, as part of a Streambed Alteration Agreement, which address potentially significant adverse impacts within CDFW's jurisdictional limits.

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFW. Its intent is to prohibit take and protect state-listed endangered and threatened species of fish, wildlife, and plants. Unlike its federal counterpart, CESA also applies the take prohibitions to species petitioned for listing (state candidates). Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Com-

1 "Waters of the United States," as applied to the jurisdictional limits of the USACE under the Clean Water Act, includes all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the tide; all interstate waters, including interstate wetlands; and all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds whose use, degradation, or destruction could affect interstate or foreign commerce; water impoundments; tributaries of waters; territorial seas; and wetlands adjacent to waters. The terminology used by Section 404 of the Clean Water Act includes "navigable waters," which is defined at Section 502(7) of the act as "waters of the United States, including the territorial seas."

mission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Under certain conditions, CESA has provisions for take through a 2081 permit or memorandum of understanding. In addition, some sensitive mammals and birds are protected by the state as "fully protected species." California "species of special concern" are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's California Natural Diversity Database (CNDDB), which maintains a record of known and recorded occurrences of sensitive species. Informally listed taxa are not protected per se but warrant consideration in the preparation of biological resources assessments.

Local Regulations

City of Claremont Municipal Code

Chapter 12.26 (City Trees) of the Claremont Municipal Code outlines provisions for the protection of City trees, that is, trees within the City's property or public right-of-way.

City of Claremont Tree Policies and Guidelines Manual (Tree Policy Manual)

The City's Tree Policy Manual defines and illustrates the policies and procedures that are utilized by City staff in the management and care of all trees located on City property or within the City's public right-of-way. The Tree Policy Manual documents the City's official guidelines for the planting, pruning, removal, preservation, and protection of all City-owned trees, which are considered a part of Claremont's community forest. The Tree Policy Ordinance acts as the source reference by City staff for the implementation of the duties, authorities and regulations delineated in Chapter 12.26 of the Claremont Municipal Code (Claremont 2015).

City of Claremont Urban Forest Management Plan

The City's Urban Forest Management Plan outlines the measures that the City can take to care for and improve the part of the City's urban forest that it owns (Claremont 2019).

5.3.1.2 EXISTING CONDITIONS

Plant Communities/Habitat

Plants

General plant species documented in the Project Area include disturbed/non-native grassland, ornamental trees, palms, and shrubs, as well as laurel sumac shrubs.

Disturbed/Non-native Grassland

Disturbed/Non-native grassland habitats documented on-site are either dominated by ruderal species or equally dominated by ruderal and non-native grassland species. Ruderal invasive species documented within this vegetation community include prickly sow-thistle (*Sonchus asper*), cheeseweed (*Malva parviflora*), black mustard (*Brassica nigra*), horseweed (*Erigeron canadensis*), tocalote (*Centaurea melitensis*), red-stemmed filaree (*Erodium cicutarium*), prickly lettuce (*Lactuca serriola*), Russian thistle (Salsola tragus), spotted spurge (*Euphorbia maculata*),

nettle-leaved goosefoot (*Chenopodium murale*), tumbling pigweed (*Amaranthus albus*), puncture vine (*Tribulus terrestris*), tree tobacco (*Nicotiana glauca*), Italian thistle (*Carduus pycnocephalus*), and orchard nettle (*Urtica urens*).

Native species commonly occurring with disturbed habitats and documented on-site include Jimpson weed (*Datura wrightii*), nightshade (*Solanum douglasii*), western ragweed (*Ambrosia psilostachya*), telegraph weed (*Heterotheca grandiflora*), common fiddleneck (*Amsinckia intermedia*), bicolored lupin (*Lupinus bicolor*), Spanish clover (*Acmispon americanus*), and California cudweed (*Pseudognaphalium californicum*).

Non-native grasses detected within this vegetation type in sub- or codominant distribution include ripgut grass (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), goldentop (*Lamarckia aurea*), Bermuda grass (*Cynodon dactylon*), Common Mediterranean grass (*Schismus barbatus*), hare barley (*Hordeum murinum*), and wild oat (*Avena fatua*).

Ornamental Trees, Palms, and Shrubs

Ornamental trees, palms and shrubs are scattered throughout the Project Area and offsite impact area located along the southern end of the La Puerta Sports Park. Species detected include Peruvian pepper tree (*Schinus molle*), Brazilian pepper tree (*Schinus terebinthifolia*), pine (*Pinus* sp.), olive (*Olea europaea*), ash tree (*Fraxinus* sp.), jade plant (*Crassula ovata*), Mexican fan palm (*Washingtonia robusta*), lemon scented gum (*Corymbia citriodora*), blue gum (Eucalyptus globulus), Chinese elm (*Ulmus parvifolia*), oleander (*Nerium oleander*), waxleaf privet (*Ligustrum quihoui*), black lotus (*Robinia pseudoacacia*), and tuna cactus (*Opuntia ficus-indica*).

Laurel Sumac Shurbs

Several isolated native laurel sumac shrubs are scattered on-site primarily along the northern and western boundaries of the Project Area. Although a few small coast live oak occur along the western Project Area boundary adjacent to the laurel sumac and ornamental vegetation, no additional native trees, shrubs, or vegetation warranting classification as an independent vegetation community were documented within or adjacent to the Project Area.

Wildlife

General wildlife species documented on-site include American kestrel (*Falco sparverius*) red-tailed hawk (*Buteo jamaicensis*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), white crowned sparrow (*Zonotrichia leucophrys*), lesser goldfinch (*Spinus psaltria*), house finch (*Haemorhous mexicanus*), and side-blotched lizard (*Uta stansburiana elegans*).

Sensitive Resources

Vegetation Communities

No vegetation communities listed by CDFW as sensitive were documented within or adjacent to the Project Area.

Sensitive Plants

No state or federally listed threatened or endangered plant species were detected or are expected to occur on-site. No other California Native Plant Society, special-status plants, or species of local concern were observed or expected to occur on-site. The Project Area is completely devoid of natural undisturbed vegetation communities and is characterized as disturbed/non-native grassland, disturbed, ornamental and developed.

Sensitive Wildlife

No state or federally listed threatened or endangered wildlife species were detected or are expected to occur on-site. However, suitable foraging and/or breeding habitat for two sensitive species was detected on-site for the California horned lark (*Eremophila alpestris actia*) and sharp-shinned hawk (*Accipiter striatus*).

Wildlife Movement Corridors

The Project Area does not represent a regional or local wildlife movement corridor and provide no cover, food, natural unrestricted water courses or habitats that would facilitate movement on-site or between regional open space lands. The Project Area is completely devoid of natural undisturbed vegetation communities, bordered by fencing and is surrounded by residential development and the La Puerta Sports Park. A pedestrian connection trail, which serves as a connection point to the Thompson Creek Trail, is located immediately north of the Project Area. However, this trail only serves as an access route from residential development extending west of the Project Area approximately 1,000 feet to the Thompson Creek Trail. The Thompson Creek trail is located immediately east and adjacent to a concrete channeled and fenced reach of Thompson Creek.

Jurisdictional Waters and Wetlands

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or adjacent to the Project Area. Specifically, no natural drainages, swales or inundated features are present.

5.3.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

B-1 Have a substantial 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.

B-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

B-3 Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

B-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.

B-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

B-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.

5.3.3 Environmental Impacts

5.3.3.1 METHODOLOGY

Literature Review

Existing biological resource conditions within and adjacent to the Project Area were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by USFWS were reviewed in conjunction with anticipated federally listed species potentially occurring within the Project Area. The CNDDB, a CDFW Natural Heritage Division species account database, was also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the sources reviewed provided a baseline from which to inventory the biological resources potentially occurring in the Project Area and its surroundings. Other sources of information included the review of unpublished biological resource letter reports and assessments. Other CDFW reports and publications consulted include the following:

- Special Animals (CDFW 2022b).
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2022c).
- Endangered, Threatened, and Rare Plants of California (CDFW 2022d).
- Special Vascular Plants and Bryophytes List (CDFW 2022e).

Field Surveys

An initial reconnaissance survey of the Project Area was conducted by Cadre Environmental in June 2022 in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search and previous surveys. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, and vegetation and rare plant maps prepared by previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within the Project Area, if available. Based on the initial CDFW and USFWS database reviews a habitat assessment was conducted for but not limited to the following target species:

- Sensitive plants.
- Coastal California gnatcatcher (*Polioptila californica californica*), Federally Threated (FT) and California Species of Special Concern (SSC).
- Burrowing owl (*Athene cunicularia*), SSC.
- Least Bell's vireo (*Vireo bellii pusillus*), Federally Endangered (FE)/FT.
- American peregrine falcon (*Falco peregrinus anatum*), State Fully Protected.
- Southern California legless lizard (*Anniella stebbinsi*), SSC.

Vegetation Communities/Habitat Classification Mapping

Natural community names and hierarchical structure follows the CDFW "List of California Terrestrial Natural Communities" and/or Holland (1986) classification systems, which have been refined and augmented where appropriate to better characterize the habitat types observed on-site when not addressed by the classification systems.

Floristic Plant Inventory

A general plant survey was conducted throughout the Project Area during the initial reconnaissance in a collective effort to identify all species occurring on-site. All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were recorded onto a 1:200 scale orthorectified color aerial photograph or documented using a global positioning system. In addition to species detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Regional Connectivity/Wildlife Movement Corridors

The analysis of wildlife movement corridors associated with the Project Area and immediate vicinity is based on information compiled from literature, analysis of the aerial photograph and direct observations made in the field during the reconnaissance site visit. A literature review was conducted that includes documents on island biogeography (studies of fragmented and isolated habitat "islands"), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field-verified digital data, in conjunction with the GIS database, allowed proper identification of regional vegetation communities and drainage features. This information was crucial

to assessing the relationship of the Project Area to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in the Biological Resources Technical Report (Appendix C) are intended to focus on wildlife movement associated within the Project Area and the immediate vicinity.

Jurisdictional Resources Assessment

A jurisdictional resources assessment was conducted throughout all regions of the Project Area and offsite impact area of the La Puerta Sports Park by Cadre Environmental in June 2022. The assessment determined the boundaries or absence of potential wetland and non-wetland waters of the United States subject to the regulatory jurisdiction of the USACE pursuant to Clean Water Act (CWA) Section 404; wetland and non-wetland waters of the State subject to the regulatory jurisdiction of the Regional Water Quality Control Board (RWQCB) pursuant to Clean Water Act (CWA) Section 401 and State Porter-Cologne Water Quality Control Act (Porter-Cologne); streambed and riparian habitat subject to the regulatory jurisdiction of the CDFW pursuant Sections 1600 et seq. of the California Fish and Game Code (CDFG Codes).

Wetlands are identified by the presence of three characteristics: hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these criteria were met, one or more transects were run to determine the extent of the wetland. Specifically, the presence of wetland hydrology was evaluated throughout the Project Area by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil pits, where applicable. In addition, indicators of wetland or riverine hydrology were recorded, including water marks, drift lines, rack, debris, and sediment deposits, as warranted. Any indicators of hydric soils, such as redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor were also recorded.

5.3.3.2 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Notice of Preparation disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.3-1: Implementation of the Specific Plan could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species. [Threshold B-1]

Impact Analysis: Development accommodated by the Specific Plan would not have a substantial adverse effect, either directly or through habitat modifications, on any plant or wildlife species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. No federal or state endangered species were detected or expected to occur within or adjacent to the Project Area (9.58-acres), including the adjacent offsite impact area (includes 0.63-acre of southern end of La Puerta Sports Park) (see Figure 5.3-1, *Vegetation Communities Impact Map*).

No potential burrowing owl burrows larger than four inches in diameter or characteristic sign including white-wash, feathers, tracks, or pellets were detected within or adjacent to the Project Area. However, the disturbed

portion of the Project Area has several piles of concrete debris with openings, which represent suitable refugia[2] for the species. Because the Project Area could be colonized by burrowing owl, a preconstruction survey will be required to be conducted. With incorporation of Mitigation Measure BIO-1, a preconstruction survey will be conducted immediately prior to the initiation of construction to ensure that the Specific Plan does not result in a direct or indirect impact to the species. If burrowing owls are detected on-site during the preconstruction survey and as stipulated in Mitigation Measure BIO-1, a burrowing owl relocation plan will be developed for the active translocation of individuals as directed by the City of Claremont and wildlife agencies.

As stated by CDFW, "there is a record of a peregrine falcon (*Falco peregrinus anatum*) sighted directly northwest of the Project Area, along Thompson Creek Trail. Peregrine falcon is a species classified as fully protected under CDFW. Direct impacts in the form of habitat loss and indirect impacts in the form of construction noise and ground vibrations may occur and remove potential foraging habitat for this fully protected species. In addition, construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment on-site and around the Project Area, which may be considered take of a fully protected species" (CDFW 2022f).

As stated in the biological resources technical report (Appendix C), no breeding habitat for the peregrine falcon is located within or in the region (0.5-mile) of the Project Area. The species nests on cliffs or structures generally over 200 feet in height none of which occur on-site or in the vicinity of the Project Area. Implementation of the Specific Plan would not result in a direct impact to the species. Regardless, several of the mature ornamental trees on-site represent potential nesting habitat for common raptor species. Loss of an active raptor nest would conflict with CDFG Codes 3503 & 3513 and MBTA. However, implementation of Mitigation Measure BIO-2 will ensure compliance with the CDFG Codes and MBTA.

Suitable foraging and/or breeding habitat for two sensitive species was detected on-site including the California horned lark and sharp-shinned hawk. However, implementation of Mitigation Measure BIO-2 will ensure implementation of the Specific Plan would not result in an impact to the species.

As stated by CDFW, "A review of CNDDB indicates an occurrence of southern California legless lizards (*Anniella stebbinsi*), a designated SSC, within two miles of the Project Area. Construction resulting from development accommodated by the Specific Plan will require ground disturbing activities such as grading and grubbing, which may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Moreover, the Specific Plan may remove essential foraging and breeding habitat for the species" (CDFW 2022f).

As stated in the biological resources technical report (Appendix C), no suitable habitat for the Southern California legless lizard was documented on-site. The species primarily occurs in habitats characterized as having loose often sandy substrates in association with vegetative cover, detritus, and moist soils. The Project Area is completely devoid of natural undisturbed vegetation communities and is characterized as disturbed/non-native grassland, disturbed, ornamental and developed and did no exhibit mesic conditions. Therefore, impacts to the Southern California legless lizard would be less than significant.

[2] Respective of burrowing owls, refugia is a feature that provides short- or long-term shelter from predators and/or environmental conditions – also known as hibernaculum.

Impact 5.3-2: Implementation of the Specific Plan would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. [Threshold B-2]

Impact Analysis: No riparian, sensitive or undisturbed native/natural habitats were documented within (includes 9.58-acres Project Area) or adjacent (includes 0.63-acre of southern end of La Puerta Sports Park) to the Project Area, as outlined in Table 5.3-1 and shown in Figure 5.3-1, *Vegetation Communities Impact Map*.

Table 5.3-1 Project Area Vegetation Community Impacts

Vegetation Type	Acreage (on-site)	Acreage (offsite)	Impact Acres (total)
Disturbed/Non-native Grassland	6.51	0.00	6.51
Developed	1.44	0.40	1.84
Disturbed	1.05	0.23	1.28
Ornamental	0.49	0.00	0.49
Laurel Sumac (Individual Shrubs)	0.09	0.00	0.09
Totals	**9.58**	**0.63**	**10.21**

Source: See Appendix C.

The Project Area is completely devoid of natural undisturbed vegetation communities and is characterized as disturbed/non-native grassland, disturbed, ornamental and developed. A few scattered native laurel sumac shrubs and coast live oak trees are scattered within and adjacent to the ornamental vegetation. The Project Area was previously used as a La Puerta Intermediate School, which was closed in 1979. The offsite impact area where infrastructure improvements (sewer and drainage) servicing the Project Area will be placed include the paved bordering reach of Forbes Avenue to the west and the southern end of the La Puerta Sports Park. Therefore, no impact would occur.

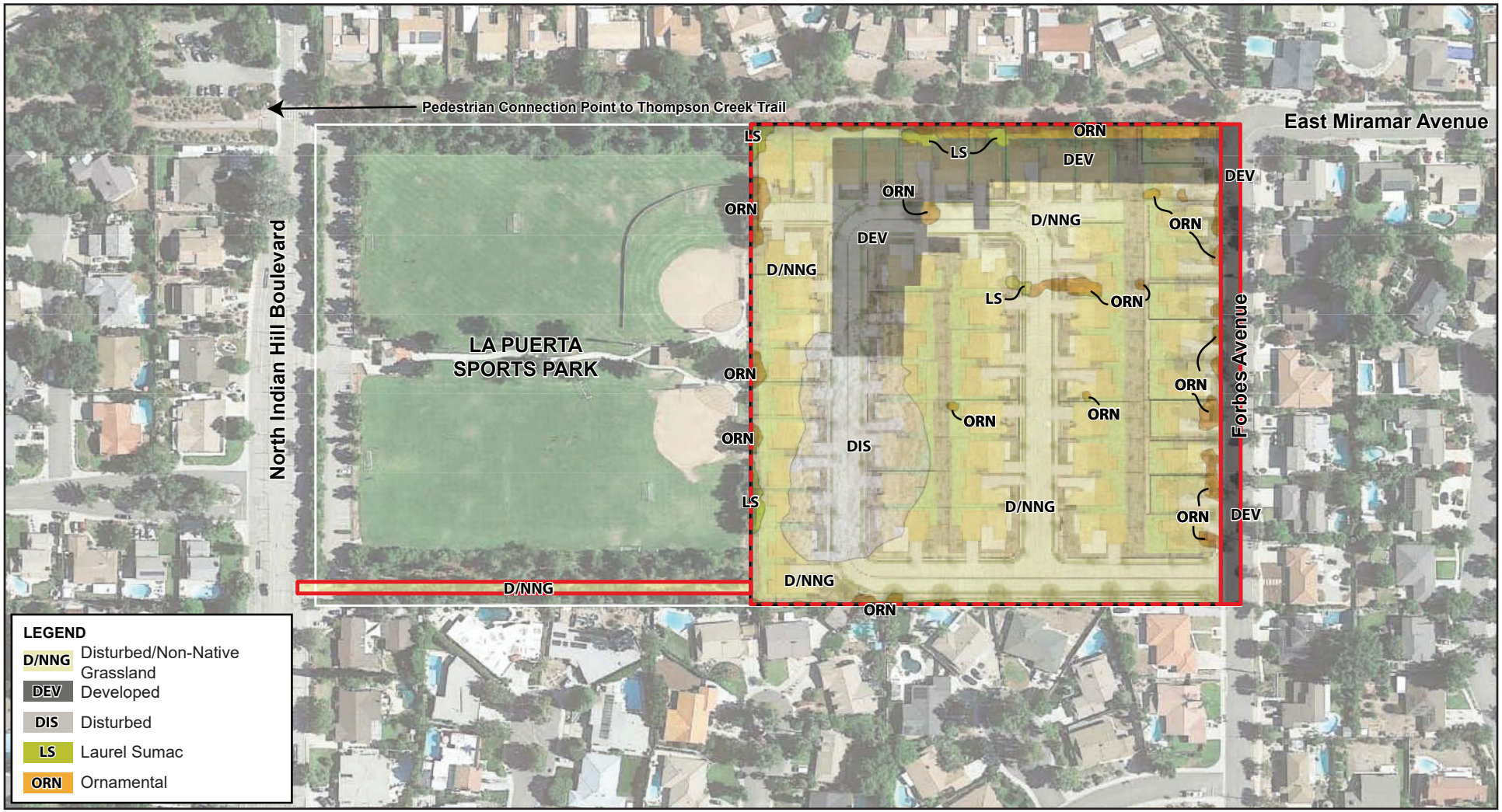
Impact 5.3-3: Implementation of the Specific Plan would not have a substantial adverse effect on state or federally protected wetlands. [Threshold B-3]

Impact Analysis: No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Area (Appendix C). Therefore, no impact would occur.

Impact 5.3-4: Implementation of the Specific Plan would not interfere with an established wildlife corridor; however, removal of vegetation on-site during site clearance could impact nesting migratory birds. [Threshold B-4]

Impact Analysis: The Project Area does not represent a regional wildlife movement corridor and provides no cover, food, natural unrestricted water courses or habitats that would facilitate movement on-site or between regional open space lands. The Project Area is completely devoid of natural undisturbed vegetation communities, bordered by fencing and is surrounded by residential development and the La Puerta Sports Park.

Figure 5.3-1 - Vegetation Communities Impact Map



Source: CADRE, 2022.

5. Environmental Analysis
BIOLOGICAL RESOURCES

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A pedestrian connection trail abuts the northern boundary of the Project Area; the trail extends from the intersection of Forbes Avenue and Miramar Avenue on the east to the Thompson Creek Trail head parking lot on Indian Hill Boulevard. The trail includes a paved meandering walkway, trees, bushes, and ground cover. It is enclosed by residential block walls along the northern end and chain-link fencing along the southern end. This paved trail serves as an access route from residential development extending west of the Project Area to the Thompson Creek Trail head and Claremont Hills Wilderness Park.

Per Figure 5-2, Trails Plan, of the Claremont General Plan Open Space, Parkland, Conservation, and Air Quality Element, the trail is not a part of the official Thompson Creek Trail, which is located immediately east and adjacent to the concrete channeled and fenced reach of Thompson Creek. The pedestrian trail serves as a connection to the Thompson Creek Trail and is mainly used by walkers, joggers, and bicyclists. It is not designed for and does not meet the minimum characteristics to be classified as a wildlife corridor, which typically include creeks and native vegetation. It is considered an urban trail (and not a wilderness trail) that provides direct access to the Thompson Creek Trail.

Development accommodated by the Specific Plan would not impede use of the trail, since development would not occur within the boundaries of the trail. No improvements to or development would occur within the pedestrian connection trail.

On-site vegetation including ornamental trees, shrubs and palms represents potential habitat for nesting bird and raptor species, many of which were documented on-site during the site assessment conducted as a part of the biological resources technical report (Appendix C). Loss of an active nest would conflict with CDFG Codes 3503 & 3513 and the MBTA. However, implementation of Mitigation Measure BIO-2 will ensure compliance with the CDFG Codes and MBTA. Therefore, impacts would be reduced to less than significant.

Impact 5.3-5: Implementation of the Specific Plan would not conflict with the City of Claremont's tree preservation policies. [Threshold B-5]

Impact Analysis: The Project Area is completely devoid of natural undisturbed vegetation communities and is characterized as disturbed/non-native grassland, disturbed, ornamental and developed. A few scattered native laurel sumac shrubs and coast live oak trees are scattered within and adjacent to the ornamental vegetation. Ornamental trees, palms and shrubs are scattered throughout the Project Area and the offsite impact area located along the southern end of the La Puerta Sports Park. Tree species detected include Peruvian pepper tree (Schinus molle), Brazilian pepper tree (Schinus terebinthifolia), pine (Pinus sp.), olive (Olea europaea), ash tree (Fraxinus sp.), jade plant (Crassula ovata), Mexican fan palm (Washingtonia robusta), lemon scented gum (Corymbia citriodora), blue gum (Eucalyptus globulus), Chinese elm (Ulmus parvifolia), oleander (Nerium oleander), waxleaf privet (Ligustrum quihoui), black lotus (Robinia pseudoacacia), and tuna cactus (Opuntia ficus-indica).

Chapter 12.26 (City Trees) of the Claremont Municipal Code outlines provisions for the protection of City trees, that is, trees within the City's property or public right-of-way. Additionally, the City's Tree Policy Manual defines and illustrates the policies and procedures that are utilized by City staff in the management and care of all trees located on City property or within the City's public right-of-way. Furthermore, the City's Urban Forest

Management Plan outlines the measures that the City can take to care for and improve the part of the City's urban forest that it owns.

Implementation of the Specific Plan would result in the removal of all trees on-site, which are considered trees on private property. The City does not contain any provisions for the impact to (including removal of) trees on private property. Also, it is not anticipated that implementation of the Specific Plan would impact any City trees, specifically those within the Forbes Avenue right-of-way, which forms the eastern boundary of the Project Area. However, if during the final site planning of development accommodated by the Specific Plan it is determined by the City that development would result in impacts to City trees along Forbes Avenue, a tree removal permit will be required in accordance with the provisions of Chapter 12.26 (City Trees) of the Claremont Municipal Code. The permit application would include an infectious tree disease management section or a list of preventative measures, developed in consultation with an arborist, to describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases. The removal of any City trees would also be required to be done in compliance with the policies, procedures and measures of the City's Tree Polity Manual and Urban Forest Management Plan. Compliance with the provision of the City's Municipal Code, Tree Policy Manual and Urban Forest Management Plan would be ensured through the City's development review process.

Therefore, impacts to City trees would be considered less than significant.

Impact 5.3-6: Construction and operation of development accommodated by the Specific Plan would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. [Threshold B-6]

Impact Analysis: The Project Area is not within or adjacent to a habitat conservation plan or natural community conservation plan. In fact, there are no adopted habitat conservation plans or natural community conservation plans in the City (USFWS 2022; CDFW 2022g). Therefore, implementation of Specific Plan would not result in a conflict with the provisions of an adopted habitat conservation plan and no impact would occur.

5.3.4 Cumulative Impacts

The direct and/or indirect impacts of development that would be accommodated by the Specific Plan would not result in significant cumulative impacts (CEQA Section 15310) to biological resources within the region of the Project Area. Cumulative impacts refer to incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. The Specific Plan would accommodate development of Project Area, which consists primarily of disturbed/non-native grassland habitat surrounded by existing residential and recreational development, and therefore will not result in an adverse cumulative impact. As with development accommodated by the Specific Plan, other development projects in the City would be required to undergo discretionary review and would be subject to the same resource protection requirements and CEQA review. For example, other development projects would require the preparation of site-specific biological resource assessments, which would include some degree of site surveying. Additionally, as with development

accommodated by the Specific Plan, other development projects would similarly be required to comply with all applicable existing regulations, procedures, and policies that are intended to address biological resources impacts.

Furthermore, as demonstrated above, with mitigation, impacts on biological resources as a result of implementation of the Specific Plan would be reduced to a level of less than significant. The mitigation measures include Mitigation Measures BIO-1 and BIO-2.

In consideration of the preceding, the contribution to cumulative archeological resource impacts as a result of development accommodated by the Specific Plan would be rendered less than significant, and therefore, direct and/or indirect impacts would not be cumulatively considerable.

5.3.5 Level of Significance Before Mitigation

Upon implementation of regulatory requirements, the following impacts would have no impact: 5.3-2, 5.3-3, 5.3-5, and 5.3-6.

Without mitigation, these impacts would be **potentially significant**:

- **Impact 5.3-1:** Construction activities associated with development accommodated by the Specific Plan could have a direct effect in the form of habitat loss or indirect effect in the form of construction noise and ground vibrations for the burrowing owl or peregrine falcon.

- **Impact 5.3-4:** Construction activities associated with development accommodated by the Specific Plan could result in the loss of active nests for nesting birds and raptors, which would conflict with CDFG Codes 3503 & 3513 and the MBTA.

5.3.6 Mitigation Measures

Impact 5.3-1

BIO-1 Prior to the initiation of on-site grading activities within any phase of the La Puerta School Site Specific Plan resulting in direct impacts to disturbed habitat, the project applicant shall perform a preconstruction survey for burrowing owls that shall be conducted 14 days prior to construction activities within the disturbed regions of the phased action area. The preconstruction survey shall be conducted by a qualified biologist. If ground-disturbing activities are delayed or suspended for more than 14 days after the preconstruction survey, the proposed area of disturbance shall be resurveyed for burrowing owls.

If owls are determined to be present within or adjacent to the phased construction footprint, they shall be captured and relocated by a qualified biologist. The preconstruction survey and any relocation activity shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation, 2012. According to CDFW guidelines, mitigation actions will be conducted from September 1st to January 31st,

which is prior to the nesting season. However, burrowing owl nesting activity is variable, and as such the time frame will be adjusted accordingly. Should eggs or fledglings be discovered in any owl burrow, the burrow cannot be disturbed (pursuant to CDFW guidelines) until the young have hatched and fledged (matured to a stage that they can leave the nest on their own). Occupied burrows shall not be disturbed during the nesting season (February 1st through August 31st) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either:

- The adult birds have not begun egg-laying and incubation; or
- The juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of the burrowing owls' nest during the breeding season to avoid abandonment of the young.

BIO-2 To avoid impacts to nesting birds (including burrowing owl and peregrine falcon) and raptors within or adjacent to the development area covered by the La Puerta School Site Specific Plan (Project Area) and to comply with the California Department of Fisht and Game (CDFG) Codes 3503 & 3513 and the Migratory Bird Treaty Act (MBTA), clearing shall occur between non-nesting (or non-breeding) season for birds and raptors (generally September 16th to December 31st). If this avoidance schedule is not feasible, the alternative shall be to carry out such activities under the supervision of a qualified biologist. This shall entail the following:

- A qualified biologist shall conduct a pre-construction nesting bird and raptor survey no more than 14 days prior to initiating ground disturbance activities. The survey shall consist of full coverage of the proposed disturbance limits and up to a 500-foot buffer area, determined by the biologist and considering the species nesting in the area and the habitat present. If no active nests are found, no additional measures are required.
- If occupied nests are found, their locations shall be mapped, species documented, and, to the extent feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area will be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.

Impact 5.3-4

Mitigation Measures BIO-1 and BIO-2 apply here.

5.3.7 Level of Significance After Mitigation

The mitigation measures outlined above would reduce potential impacts to biological resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to biological resources have been identified.

5.3.8 References

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5. Environmental Analysis
BIOLOGICAL RESOURCES

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