

13.7 Biological Constraints Survey



An Environmental Planning/Resource
Management Corporation



January 16, 2006

Ms. Rita Garcia
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VIA FACSIMILE AND MAIL
(949) 472-8373

Subject: Update of Biological Constraints Survey for the Marymount College
Project Site, City of Rancho Palos Verdes, Los Angeles County, California

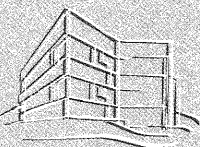
Dear Ms. Garcia:

On February 13, 2002, BonTerra Consulting Ecologist Weena Sangkatavat and Consulting Biologist Mike Couffer conducted a biological constraints survey on the undeveloped portion of Marymount College project site (hereafter referred to as the project site) located in the City of Rancho Palos Verdes, Los Angeles County, California. On January 10, 2006, Mr. Couffer conducted a survey of the project site in order to update the previous report. Palos Verdes Drive East forms the western and southern boundary of the project site. The existing Marymount College is adjacent to the north and east. Land uses to the south and west of the project site are residential. The elevation of the project site is approximately 875 feet above mean sea level. The project site is located on the U.S. Geological Survey's San Pedro 7.5-minute quadrangle.

SURVEY METHODS

BonTerra Consulting conducted a search of available literature to identify special status plants, wildlife, and habitats known to occur in the vicinity of the project site. The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (CNPS 2001) and a compendia of special status species published by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game ([CDFG] 2005 and 2006) were reviewed. In addition, CDFG's California Natural Diversity Database was reviewed prior to the site visit (CDFG 2005).

All plant and wildlife species observed were recorded in field notes. Plant species were identified in the field or collected for future identification. Plants were identified using keys in Hickman (1993), Munz, (1974), and Abrams (1923, 1960). Taxonomy follows Hickman (1993) and current scientific data (e.g., scientific journals) for scientific and common names. Taxonomy and nomenclature for wildlife generally follow AOU (1998) for birds and Laudenslayer et al. (1991) for all other terrestrial vertebrates.



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SURVEY RESULTS

Vegetation

The project site consists of a west-facing slope and bench that appears to be disced on a regular basis. The habitat covering the slope and much of the bench is covered by non-native California annual grassland species, including wartweed (*Euphorbia helioscopia*), cheeseweed (*Malva parvifolium*), rough sow-thistle (*Sonchus asper*), black mustard (*Brassica nigra*), and Russian thistle (*Salsola tragus*). Some native seedlings, including rattlesnake spurge (*Chamaesyce albomarginata*), coastal goldenbush (*Isocoma menziesii*), lupine (*Lupinus* sp.) and malacothrix (*Malacothrix* sp.), were also observed in this portion of the site.

A parking lot forms the northern boundary of the project site and has a 20-foot-wide ornamental buffer to the south and west. Ornamental species observed growing in this area included Australian saltbush (*Atriplex semibaccata*), hottentot fig (*Carpobrotus edulis*), English ivy (*Hedera helix*), pine (*Pinus* sp.), flowering pear (*Prunus* sp.), and garden nasturtium (*Tropaeolum majus*). Native vegetation in this area included two small coast live oak (*Quercus agrifolia*) seedlings about three feet tall, and lemonadeberry (*Rhus integrifolia*). The oaks were two inches or less in diameter at breast height (dbh). One bush sunflower (*Encelia californica*), a native plant species, was observed growing at the northeastern corner of the project site. Approximately a dozen ashy-leaf buckwheat (*Erigonum cinereum*) plants were observed growing on the road cut above Rancho Palos Verdes Drive East along the southwestern boundary of the project site. A small patch of California sagebrush (*Artemisia californica*), approximately 12 feet across, was located within a larger patch of otherwise non-native habitat at the top of the slope on the east side of the project site, immediately below a soccer field. A grove of seven gum trees (*Eucalyptus* spp.) was located in the western portion of the project site.

Two drainages run north to south across the project site. Non-native species, which included wartweed, hottentot fig, sweet fennel (*Foeniculum vulgare*), tree tobacco (*Nicotiana glauca*), and castor bean (*Ricinus communis*), were observed growing in the eastern drainage. Non-native plant species observed in the western drainage included acacia (*Acacia* sp.), tree tobacco, olive (*Olea europaea*), myoporum (*Myoporum laetum*), wild radish (*Raphanus sativus*), castor bean, and Peruvian pepper tree (*Schinus molle*). The few native species occurring in the western drainage included four individual California sagebrush plants (*Artemisia californica*) and three individual ashy-leaf buckwheat plants.

Wildlife Habitat

The project site provides low-quality resources for native wildlife since most vegetation outside of the drainages has been disced. No amphibians or reptiles were observed during the survey. Common amphibian and reptile species that may occur on the project site include the Pacific tree frog (*Hyla regilla*), gopher snake (*Pituophis melanoleucus*), western fence lizard (*Sceloporus occidentalis*), and side-blotched lizard (*Uta stansburinana*). Bird species observed during the survey included red-tailed hawk (*Buteo jamaicensis*), mourning dove (*Zenaidura macroura*), Anna's hummingbird (*Calypte anna*), ash-throated flycatcher (*Myiarchus cinerascens*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), northern mockingbird (*Mimus polyglottos*), common yellowthroat (*Geothlypis trichas*), California towhee (*Pipilo crissalis*), white-crowned sparrow (*Zonotrichia leucophrys*), western meadow lark (*Sturnella neglecta*), red-winged blackbird (*Agelaius phoeniceus*), and Brewer's blackbird (*Euphagus cyanocephalus*). Mammal species observed during the survey included Botta's pocket gopher (*Thomomys bottae*) and domestic cat (*Felis catus*). Other mammal species expected to occur on the project site include Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), house mouse (*Mus musculus*), deer mouse (*Peromyscus maniculatus*), desert cottontail (*Sylvilagus audubonii*), and coyote (*Canis latrans*).

Special Status Habitats

Riparian habitat, which may include wetlands and "waters of the United States," are protected under Section 404 of the Clean Water Act and are under the jurisdiction of the U.S. Army Corps of Engineers (USACE). "Waters of the United States" include navigable coastal and inland waters, lakes, rivers, and streams and their tributaries, interstate waters and their tributaries, wetlands adjacent to such waters, intermittent streams, and other waters that could affect interstate commerce. In addition, if drainages meet the criteria established by Section 1600 of the California Fish and Game Code, a Streambed Alteration Agreement may be required by CDFG prior to any modification of the bed, bank, or channel of a streambed.

The eastern drainage on the project site measures approximately seven feet wide and 140 feet long from the top of the drainage to a piped culvert at Rancho Palos Verdes Drive East. The western drainage is approximately 10 to 30 feet wide and 90 feet long from the top of the drainage to piped culvert at Rancho Palos Verdes Drive East. The vegetation in the drainages is primarily non-native. Neither drainages appeared to have riparian (water-dependent) vegetation. Although no water was present on the surface of either of the drainages, they may be determined to be under the jurisdiction of the USACE and/or CDFG. Permits/agreements from these agencies may be required prior to any alteration of the these areas.

Two coast live oak seedlings occur within the ornamental area at the northern boundary of the project site. The City of Rancho Palos Verdes does not have an ordinance protecting oak trees for the area where the project site is located, and the County of Los Angeles oak tree ordinance does not protect oaks below six inches dbh. Therefore, these oaks are not considered a constraint to development (Jones, pers. comm. 2002).

Special Status Plant and Wildlife Species

Plants or wildlife may be considered to have "special status" due to declining populations, vulnerability to habitat change, or restricted distributions. Special status species have been listed as Threatened or Endangered under state and/or federal Endangered Species Acts (ESA), or are of concern to state and/or federal resource agencies or private conservation organizations.

Plant Species

Several special status are known to occur in the project vicinity. Seven of these species are listed as federally and/or state Threatened or Endangered and include Ventura Marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), coastal dunes milk-vetch (*Astragalus tener* var. *titi*), San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), salt marsh bird's-beak (*Cordylanthus maritimus* ssp. *maritimus*), beach spectaclepod (*Dithyrea maritima*), Mexican flannelbush (*Fremontodendron mexicanum*), and Lyon's pentachaeta (*Pentachaeta lyonii*). While these species are known to occur in the region of the project site, potential habitat for these species does not occur on the project site.

In addition, several CNPS List 1B and List 2 species have been reported in the CNDDDB to occur in the vicinity of the project site. These species include Aphanisma (*Aphanisma blitoides*), South Coast saltscale (*Atriplex pacifica*), Parish's brittlescale (*Atriplex parishii*), Davidson's saltscale (*Atriplex serenana* var. *davidsoni*), southern tarplant (*Centromadia parryi* ssp. *australis*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), Catalina crossosoma (*Crossosoma californicum*), many-stemmed dudleya (*Dudleya multicaulis*), island green dudleya (*Dudleya virens* ssp. *insularis*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), Santa Catalina Island desert thorn (*Lycium brevipes* var. *hassei*), prostrate navarretia (*Navarretia prostrata*), coast woolly-heads (*Nemacaulis denudata* var. *denudata*), Brand's phacelia (*Phacelia stellaris*), Ballona cinquefoil (*Potentilla multijuga*), and estuary seablite (*Suaeda*

esteroa). These species are not expected to occur onsite either due to the lack of suitable habitat or due to the degraded nature of the remaining area of coastal sage scrub on site which covers approximately 12-feet by 10-feet. Focused surveys for these species are not recommended due to the lack of expected occurrence. However, if any of these species were observed on site, their occurrence and potential impact would represent such a small loss of area given the size of the project site (approximately 25 acres) compared to the known distribution of these species, that this potential loss would be considered less than significant.

One CNPS List 3 species also has the potential to occur on the project site. CNPS List 3 species are not considered to be constraints to development, and impacts on these species are typically considered to be less than significant and would not require mitigation.

Wildlife Species

Several special status wildlife species are known to occur in the region; however, only Threatened or Endangered species typically present constraints to development. Species with potential to occur on the project site are discussed below. Western snowy plover (*Charadrius alexandrinus nivosus*), Mojave tui chub (*Gila bicolor mohavensis*), California black rail (*Laterallus jamaicensis coturniculus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingii*), Pacific pocket mouse (*Perognathus longimembris pacificus*), coastal California gnatcatcher (*Polioptila californica californica*), and California least tern (*Sterna antillarum brownii*), were reported to occur in the project region; however, these species are not expected to occur on the project site due to lack of suitable habitat.

El Segundo Blue Butterfly (*Euphilotes battoides allyni*)

El Segundo blue butterfly is a federally-listed Endangered species. This butterfly persists on just a few remaining fragments of dune habitat along the Los Angeles County coast from Los Angeles International Airport to Palos Verdes. The largest remaining population of this species is found on the property of the Los Angeles International Airport. The El Segundo blue butterfly is threatened by loss of habitat, including the loss of its host plant, bluff buckwheat (*Eriogonum parvifolium*). Bluff buckwheat was not observed on the project site. However, ashy-leaf buckwheat does occur on the project site. Some biologist believe that ashy-leaf buckwheat could be another host plant for this species, but this association has not been proven (Osborne, pers. comm. 2002). El Segundo blue butterfly has a limited potential to occur on the project site based on the limited distribution of ashy-leaf buckwheat on the project site (Osborne, pers. comm. 2002).

Palos Verdes Blue Butterfly (*Glaucopsyche lygdamus palosverdesensis*)

Palos Verdes blue butterfly is a federally-listed Endangered species. It was believed to be extinct, but was rediscovered on March 10, 1994, at a Defense Fuel Support Point site in San Pedro. During the 1980s, there were 12 locations identified as supporting the Palos Verdes blue butterfly. All of these locations were on the southern half of the Palos Verdes Peninsula and supported coastal sage scrub habitats. This butterfly is a subspecies of the silvery blue (*Glaucopsyche lygdamus*) of which at least ten subspecies have been described in North America. The larval food plants or host plants for this species consist of legumes (Garth and Tilden 1986), such as milk-vetch or rattleweed (*Astragalus trichopodus lonchus*). In addition, this species will also lay its eggs on deerweed (*Lotus scoparius*). Neither milk-vetch or deerweed were observed on the project site. The Palos Verdes blue butterfly is not expected to occur on the project site due to the lack of suitable habitat (Osborne, pers. comm. 2002).

Western Burrowing Owl

Western burrowing owl (*Athene cunicularia hypugea*) is a California Species of Special Concern. Although this species is not formally listed by the resource agencies, it is considered a species of Local Concern and impacts on this species may be considered significant under CEQA (Section 15380). This species has the potential to occur on the project site as a winter migrant; however, no burrows that could be occupied by the burrowing owl were observed during the 2002 or 2005 constraints surveys.

Wildlife Movement

The project site is surrounded by residential development. While there are no areas that would be considered wildlife movement corridors, wildlife are expected to utilize the habitats on the project site for local movement. With the exception of birds and flying insects, wildlife movement is expected to be constrained to onsite habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects the nests of all native bird species, including common species such as mourning dove, Anna's hummingbird, and common yellowthroat. Any vegetation removal should be done outside the peak bird nesting season (March 15 to September 15) to avoid impacts on nesting birds. If vegetation must be cleared during this time period, CDFG often requires several weeks of surveys prior to vegetation clearing to find all bird nests. Each nest observed is then protected by a 100 to 500-foot buffer where no construction activity is allowed until the nest has failed or the nestlings have fledged. This can be a severe constraint on proposed construction activities. When all nests are plotted on a map with their associated buffers, the entire proposed work area could be restricted from construction activities. Therefore, any vegetation clearing activities should occur between September 16 and March 14 which is outside of the bird nesting season.

Nesting Raptors

No raptor (bird of prey) nests were observed in the immediately vicinity of the project site; however, raptor species have potential to nest in the gum trees on the project site. Regulations by the CDFG prohibit activities having the potential to disturb active raptor nests, a protection that is generally discontinued once nesting activity is completed. A survey for active nests would be required to be conducted 30 days prior to any habitat disturbance, including geotechnical testing, during the breeding season, which is approximately February 1 through June 30 for most species.

RECOMMENDATIONS

BonTerra Consulting recommends that a jurisdictional delineation be conducted to determine whether either of the two drainages are under the jurisdiction of USACE and CDFG. If these agencies have jurisdiction over the project site, permits or waivers thereof will be required from one or both of these agencies. Acquisition and implementation of these permits may constrain development and impacts to these areas should be minimized to the greatest extent practicable.

In addition, BonTerra recommends that a habitat assessment be conducted for the El Segundo blue butterfly. The butterfly survey should be conducted by a biologist permitted by the USFWS to conduct surveys for this species.

A focused survey for active raptor nests would be recommended 30 days prior to commencement of construction if construction occurs during the breeding season (between February 1 and June 30). If an active nest is found, some restrictions on grading activities may be required in the vicinity of the nest until

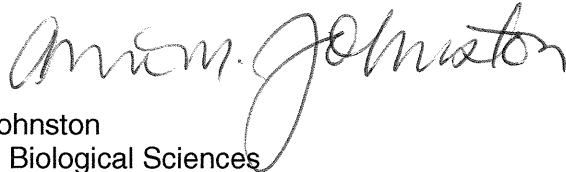
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the nest is no longer active as determined by a qualified biologist. The restriction is generally not considered a substantial constraint to development.

Please contact me at (714) 444-9199 if you have questions or comments.

Sincerely,

BONTERRA CONSULTING



Ann M. Johnston
Principal, Biological Sciences

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Osborne, Kendall. February 21, 2002. Personal communication regarding El Segundo blue butterfly and Palos Verdes blue butterfly. Kendall Osborne is a recognized butterfly expert and is permitted by the USFWS to perform surveys on the El Segundo blue and Palos Verdes blue butterfly.