



## 5.9 BIOLOGICAL RESOURCES

The purpose of this Section is to identify existing biological resources onsite and within the vicinity of the project, analyze potential project-related impacts to these resources (including sensitive species) and recommend mitigation measures to avoid or lessen the significance of impacts. This Section describes the biological character of the site in terms of vegetation, flora, wildlife and wildlife habitats, and analyzes the biological significance of the site in view of federal, state and local laws and policies. Information in this Section is based on the update of Biological Constraints Survey for the Marymount College Project Site (BonTerra Consulting, January 16, 2006). The Report is included in Appendix 13.5, *Biological Constraints Survey*. The report was prepared in accordance with accepted scientific and technical standards that are consistent with the requirements of the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG).

### SURVEY METHODOLOGIES

In February 2002, BonTerra Consulting conducted a biological constraints survey of the undeveloped portion of the Project site. On January 10, 2006, a follow-up survey was conducted in order to update the previous report. This section describes the methodologies used to conduct the biological field surveys for the proposed Project. The results of these survey efforts are discussed in the *Environmental Setting* Section below.

For purposes of this analysis, the study area refers to the vacant lands existing on the College property situated generally west and south of the improved areas. BonTerra Consulting conducted a search of available literature to identify special status plants, wildlife and habitats known to occur in the vicinity of the study area. 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 USFWS and CDFG (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, Munz and Abrams. Taxonomy follows Hickman and current scientific data (e.g., scientific journals) for scientific and common names. Taxonomy and nomenclature for wildlife generally follow American Ornithologist's Union (AOU) for birds and Laudenslayer et al. for all other terrestrial vertebrates.

### 5.9.1 ENVIRONMENTAL SETTING

This section describes the biological resources that either occur or potentially occur within the study area or in the immediate vicinity. Vegetation types, wildlife populations and movement patterns, special status vegetation types, and special status plant and wildlife species either known or potentially occurring are discussed below.



## 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 terrancina*), 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 12 ashy-leaf buckwheat (*Erigonum cinereum*) plants were observed growing on the road cut above 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 the existing athletic field. A grove of seven gum trees (*Eucalyptus* spp.) is located in the western portion of the Project site.

Two drainage channels extend 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

The Project site provides low-quality resources for native wildlife, since most vegetation outside of the drainage channels 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 (*Zenaida 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 drainage channels meet the criteria established by Section 1600 of the California Fish and Game (CDFG) 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 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 Palos Verdes Drive East. The vegetation in the drainage channels is primarily non-native. Neither drainage channel appeared to have riparian (water-dependent) vegetation. Although no water was present on the surface of either of the drainage channels, they may be determined to be under the jurisdiction of the USACE and/or CDFG.

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 and the County of Los Angeles oak tree ordinance does not protect oaks below six inches diameter at breast height (dbh).

### **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 plant species are known to occur in the Project vicinity. Seven of these species are listed as Federally and/or State Threatened or Endangered:



- 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 plant species are known to occur in the region of the Project site, potential habitat for these species does not occur on the Project site.<sup>1</sup>

Several CNPS List 1B and List 2 plant species have been reported in the CNDDDB to occur in the vicinity of the Project site:

- 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 plant species are not expected to occur on site 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 an area approximately 10 by 12 feet. Therefore, focused surveys for these species are not recommended.<sup>2</sup>

One CNPS List 3 species has been reported in the CNDDDB to occur in the vicinity of the Project site:

- Lewis's evening primrose (*Camissonia lewisii*).

This plant species is not expected to occur onsite due to the lack of suitable habitat.

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<sup>1</sup> Update of Biological Constraints Survey for the Marymount College Project Site, BonTerra Consulting, January 16, 2006, Page 3.

<sup>2</sup> Ibid, Page 4.



## 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. The following wildlife species were reported to occur in the Project region, but are not expected to occur on the Project site due to lack of suitable habitat:

- 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*).

The sensitive wildlife species with potential to occur on the project site are:<sup>3</sup>

- 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 the Palos Verdes Peninsula. 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's believe that ashy-leaf buckwheat could be another host plant for this species, but this association has not been proven. 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.<sup>4</sup>
- Palos Verdes Blue Butterfly (*Glaucopsyche lygdamus palosverdesensis*). Palos Verdes (PVB) 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 PVB 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, 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 nor deerweed were observed on the Project site. The PVB butterfly is not expected to occur on

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<sup>3</sup> Ibid, Page 4.

<sup>4</sup> Ibid.



the Project site due to the lack of suitable habitat.<sup>5</sup> Refer to the NCCP Section below for further discussion regarding the PVB butterfly.

- 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.<sup>6</sup> 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 2006 constraints surveys.
- Nesting Raptors. No raptor (bird of prey) nests were observed in the immediate vicinity of the study area; however raptor species have potential to nest in the gum trees in the northwestern portion of the study area.

Refer to Section 8.0, *Effects Found Not To Be Significant*, for a discussion regarding the California gnatcatcher with respect to the City's Natural Community Conservation Plan.

## **WILDLIFE MOVEMENT**

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (e.g., foraging for food or water, defending territories, searching for mates, accessing breeding areas, or securing cover). A number of terms have been used in various wildlife movement studies, such as "travel route," "wildlife corridor" and "wildlife crossing" to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and to facilitate the discussion on wildlife movement in this analysis, these terms are briefly defined as follows:

- *Travel Route* – A landscape feature such as a ridgeline, drainage, canyon, or riparian strip within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites).
- *Wildlife Corridor* – A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another.
- *Wildlife Crossing* – A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement.

The Project site does not contain wildlife crossings or corridors, as defined above, since it is surrounded by residential development. While there are no areas that would be considered wildlife movement corridors, wildlife is expected to utilize the

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<sup>5</sup> Ibid.

<sup>6</sup> Local concern lists are typically developed by entities such as the county or local special interest groups such as Audubon chapters or Conservancies.



habitats on the Project site for local movement. With the exception of birds and flying insects, wildlife movement is expected to be constrained to on-site habitats, or to those limited areas to the east of the College.

## **5.9.2 REGULATORY SETTING**

### **CLEAN WATER ACT OF 1977**

Regulatory protection for water resources throughout the United States is under the jurisdiction of the Army Corps of Engineers (ACOE). Section 404 of the Clean Water Act prohibits the discharge of dredged or fill material into “waters of the United States” without formal consent from the ACOE. The “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. Delineation of wetlands and other waters of the United States is required to determine acreage affected by dredge spoil or fill disposal. Impacts to biological resources are assessed as part of the permit process by the USFWS. Policies relating to the loss of wetlands generally stress the need to compensate for wetland acreage losses by creating wetlands from non-wetland habitat on at least an acre-for-acre basis.

### **UNITED STATES ENDANGERED SPECIES ACT (SECTION 7 OR SECTION 10)**

The United States Endangered Species Act provides legislation to protect Federally-listed plant and animal species. It provides legal protection, requires definition of critical habitat, and development of recovery plans for plant and animal species in danger of extinction. Acquisition, development reviews or establishment of mitigation and enhancement measures can address threats to critical habitat areas. Impacts to listed species resulting from the implementation of a project would require the responsible agency to consult the USFWS. Formal consultations must take place with the USFWS pursuant to Section 10 of the Endangered Species Act, with the USFWS then making a determination as to the extent of impact to a particular species. If the USFWS determines that impacts to a species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.

### **MIGRATORY BIRD TREATY ACT**

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



## **STATE OF CALIFORNIA ENDANGERED SPECIES ACT**

The State of California Endangered Species Act mandates that in instances where impacts to a State-listed endangered species would occur, the lead or responsible agency must contact the California Department of Fish and Game and enter into formal consultation. Impacts to the State-listed species would be evaluated and identification of mitigation measures would likely be required.

## **CALIFORNIA DEPARTMENT OF FISH AND GAME CODE CHAPTER 6**

This Code governs State-designated wetlands, including riparian and stream habitat, and mandates that mitigation be implemented to replace wetland extent and value lost to development. A Section 1603 (Fish and Game Code) Agreement is required for any alteration to a stream or lake, as well as to their associated riparian habitats, for purposes of development in California.

## **CITY OF RANCHO PALOS VERDES NATURAL COMMUNITIES CONSERVATION PLANNING SUBAREA PLAN**

The State's Natural Communities Conservation Planning (NCCP) Act of 1991 provides for the preparation and implementation of large-scale natural conservation plans. The purpose of these plans is to identify and provide for the area-wide protection of natural wildlife diversity, while allowing for compatible and appropriate development and growth. Because of the relatively high concentration of federally protected CSS habitat in the City, and the growing intensity of development pressures on these areas, in 1996, the City entered into a Planning Agreement with the California Department of Fish and Game and the U.S. Fish and Wildlife Service to develop an NCCP subarea plan that would encompass the entire City of Rancho Palos Verdes.

The Palos Verdes Peninsula Subarea NCCP only involves land located within the City of RPV. The RPV Subarea, although relatively small in area, as compared to other NCCP subareas in Southern California, is unique in that it contains healthy concentrations of CSS habitat (approximately 1,250 acres) and a number of CSS species that are not found in other Southern California CSS communities.

The Alternative C (revised) map was presented to the City Council on June 12, 2002, at which time the City Council directed Staff to proceed with completion of the draft NCCP Plan with the new Alternative C as the basis for the plan. Minor refinements have subsequently been made to the Alternative C preserve design and a Draft NCCP Plan, with Alternative C as its basis, has been prepared. A description and summary of the draft NCCP Plan was presented to the Council on February 4, 2003. At that time, the City Council directed Staff to complete the Draft NCCP Plan.

Furthermore, a draft Implementing Agreement has been completed. The Implementing Agreement (IA) is the legal document that sets forth the responsibilities of all the parties involved with the City's NCCP: the City, the Palos Verdes Peninsula Land Conservancy (PVPLC), the California Department of Fish and Game, and the U.S. Fish and Wildlife Service.



On August 31, 2004, the City Council conceptually approved the Citywide Natural Community Conservation Plan (NCCP) Subarea Plan that identifies Biological Resource Areas and establishes habitat preserves, a map and IA. The RPVNCCP provides for conservation and protection of the Palos Verdes blue butterfly and other special status species, while permitting impacts from development to potential habitat for the covered species, including CSS habitat. The NCCP has been conceptually approved by the City of Rancho Palos Verdes and is currently being implemented although approval by the Resource Agencies (Federal and State) is pending. The species covered by the City's Subarea Plan are listed in Table 5.9-1, Proposed Covered Species List for the RPV Subarea Plan.

**Table 5.9-1  
Proposed Covered Species List for the RPV Subarea Plan**

Status	Common Name	Scientific Name
<b>Plant Species</b>		
CNPS List 1B	Aphanisma	<i>Aphanisma blitoides</i>
CNPS List 1B	South Coast Saltscale	<i>Atriplex pacifica</i>
CNPS List 4	Peirson's Morning-glory	<i>Calystegia peirsonii</i>
CNPS List 4	Catalina Crossosoma	<i>Crossosoma californicum</i>
CNPS List 1B	Bright Green Dudleya	<i>Dudleya virens</i>
CNPS List 1B	Santa Catalina Island Desert-thorn	<i>Lycium brevipes var. hassei</i>
FE, CE, CNPS List 1B	Lyon's Pentachaeta	<i>Pentachaeta lyonii</i>
CNPS List 4	Woolly Seablite	<i>Suaeda taxifolia</i>
<b>Wildlife Species</b>		
FE	Palos Verdes Blue Butterfly	<i>Glaucopsyche lygdamus Palosverdesensis</i>
FE	El Segundo Blue Butterfly	<i>Euphilotes battoides allyni</i>
FT	Coastal California Gnatcatcher	<i>Polioptila californica californica</i>
SSC	Cactus Wren	<i>Campylorhynchus brunneicapillus</i>
Source: City of Rancho Palos Verdes, <i>Proposed Covered Species List for the Rancho Palos Verdes Subarea Plan (Table 3-1 of the Rancho Palos Verdes Natural Communities Conservation Planning Subarea Plan Draft EIR)</i> , February 20, 2004.		
FE – Federally Endangered      CNPS List 1B – Plants, rare, threatened, or endangered in California and elsewhere. FT – Federally Threatened      CNPS List 4 – Plants, rare threatened, or endangered in California, but more elsewhere. Common SSC – State Species of Concern CE – State of California Endangered		

Figure 5.1-3, *Covered Species Point Locations and Habitats Not Being Conserved by the Plan*, of the Rancho Palos Verdes Natural Communities Conservation Planning Subarea Plan Draft EIR, illustrates the proposed Reserve design. As indicated on Figure 5.1-3, the project site is located outside and west of the Reserve area. It is noted that the eastern portion of the project site is identified as "Grassland-Not Conserved" and the southern portion as "Neutral Lands"; refer to Figure 5.1-3. According to the NCCP EIR, Neutral Lands include extreme slopes on private property.



## **SPECIAL STATUS BIOLOGICAL ISSUES**

Biological impacts associated with the proposed Project were evaluated with respect to the following special status biological issues:

- Federally- or State-listed Endangered or Threatened species of plant or wildlife;
- Non-listed species that meet the criteria in the definition of Rare, Threatened, or Endangered in the California Environmental Quality Act (CEQA) Guidelines;
- Streambeds, wetlands and their associated vegetation;
- Habitats suitable to support a federally- or state-listed Endangered or Threatened species of plant or wildlife;
- Species designated as California Species of Special Concern or Federal Species of Concern;
- Habitat, other than wetlands, considered special status by regulatory agencies (USFWS, CDFG) or resource conservation organizations; and
- Other species or issues of concern to regulatory agencies or conservation organizations.

The actual and potential occurrence of these resources within the study area was correlated with the significance criteria noted below to determine whether the impacts of the proposed Project on these resources would be considered significant.

### **5.9.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

Appendix G, *Initial Study Environmental Checklist Form*, of the CEQA Guidelines, includes questions relating to biological resources. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this Section. Accordingly, a Project may create a significant environmental impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Game and Wildlife Service;
- 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 Game and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh,



vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites; refer to Section 8.0, *Effects Found Not To Be Significant*.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; refer to Section 8.0, *Effects Found Not To Be Significant*.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; refer to Section 8.0, *Effects Found Not To Be Significant*.

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

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

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

#### **5.9.4 IMPACTS AND MITIGATION MEASURES**

The determination of impacts in this analysis is based on a comparison of maps depicting Project grading limits and maps of onsite biological resources. All construction activities, including staging and equipment areas, would be contained within the limits of grading. Both direct and indirect impacts on biological resources



have been evaluated. Direct impacts are those that involve the initial loss of habitats due to grading and construction. Indirect impacts are those that would be related to disturbance from construction activities (e.g., noise, dust) and use of the Project site.

#### **5.9.4.1 SPECIAL STATUS BIOLOGICAL RESOURCES**

- PROJECT IMPLEMENTATION COULD AFFECT PLANT OR WILDLIFE SPECIES IDENTIFIED AS SPECIAL STATUS.**

##### **Impact Analysis:**

##### **PLANT SPECIES**

As discussed in the *Special Status Plant and Wildlife Species* Section, several special status plant species are known to occur in the region of the Project site, although, potential habitat for these species does not occur on the Project site. Therefore, Project implementation would result in a less than significant impact in this regard.

Several CNPS List 1B and List 2 plant species have been reported in the CNDDDB to occur in the vicinity of the Project site. However, 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. Suitable habitat for special status plant species is based on vegetation types and/or soil types. If either, or in some instance both, of these components are absent from a site, then a species can be assumed to be absent based on the lack of required vegetation and/or soil necessary for the species.

As previously noted, focused surveys for these species are not recommended due to the lack of expected occurrence. Even if any of these species were observed onsite, 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.

Lewis' evening primrose (*Camissonia lewisii*) is the only CNPS List 3 species that has the potential to occur in the vicinity of the Project site. However, this plant species is not expected to occur onsite due to the lack of suitable vegetative habitat. Further, CNPS List 3 species are not considered to be constraints to development. Impacts on these species are typically considered to be less than significant and would not require mitigation.

##### **WILDLIFE SPECIES**

The following special status wildlife species were reported to occur in the Project region, but are not expected to occur on the Project site due to lack of suitable habitat:

- Western snowy plover (*Charadrius alexandrinus nivosus*) - nests on barren to sparsely vegetated sand beaches, dry salt flats in lagoons, dredge spoils



deposited on beach or dune habitat, levees and flats at salt-evaporation ponds, and river bars – habitat not present onsite, therefore, species not expected.;

- Mojave tui chub (*Gila bicolor mohavensis*) - lacustrine habitats, are always associated with deep pools and slough-like areas – habitat not present onsite, therefore, species not expected;
- California black rail (*Laterallus jamaicensis coturniculus*) - tidal salt marshes– habitat not present onsite, therefore, species not expected;
- Belding’s savannah sparrow (*Passerculus sandwichensis beldingii*) - coastal salt marshes– habitat not present onsite, therefore, species not expected;;
- Pacific pocket mouse (*Perognathus longimembris pacificus*) – coastal sage scrub – habitat not present onsite, therefore, species not expected;
- Coastal California gnatcatcher (*Polioptila californica californica*) – coastal sage scrub – habitat not present onsite, therefore, species not expected; and
- California least tern (*Sterna antillarum brownii*) - sandy beaches and salt flats along the coast– habitat not present onsite, therefore, species not expected.

Therefore, Project implementation would result in a less than significant impact in this regard.

Three sensitive wildlife species were identified as having the potential to occur on the Project site: the Palos Verdes Blue Butterfly (*Glacopsyche lygdamus palosverdesensis*), El Segundo Blue Butterfly (*Euphilotes battoides allyni*) and western Burrowing owl. Neither milk-vetch nor 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. Therefore, Project implementation would result in a less than significant impact in this regard.

Potential impacts to the El Segundo Blue Butterfly and western Burrowing owl are discussed below.

El Segundo Blue Butterfly (*Euphilotes battoides allyni*). Bluff buckwheat was not observed on the Project site. However, ashy-leaf buckwheat does occur at two locations onsite: approximately 12 plants were observed growing on the road cut above Palos Verdes Drive East (along the southwestern boundary of the Project site); and three individual plants in the western drainage. The 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. Potential impacts to this species are considered significant unless mitigated. With implementation of the recommended mitigation, which requires that a habitat assessment be conducted for the El Segundo blue butterfly by a biologist permitted by the USFWS, potential impacts to this species would be reduced to less than significant.



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 Guidelines* (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 2006 constraints surveys. Therefore, this species would not be significantly impacted by Project implementation.

Nesting Raptors. No raptor (bird of prey) nests were observed in the immediate vicinity of the study area. However, raptor species have the potential to nest in the gum trees located at the northwestern portion of the study area. Therefore, impacts to raptors (i.e., the loss of an active raptor nest) resulting from removal of the existing gum trees would be considered a violation of the CDFG Code, thus, a significant impact. However, regulations by the CDFG prohibit activities having the potential to disturb active raptor nests, a protection that is generally discontinued once nesting activity is complete. Mitigation is recommended requiring that a survey for active nests be conducted 30 days prior to commencement of construction, if construction occurs during the breeding season (February 1 to June 30). With implementation of the recommended mitigation, Project implementation would result in less than significant impacts in this regard.

**Mitigation Measures:**

- BIO-1 Prior to issuance of any Grading Permit, a habitat assessment for the El Segundo blue butterfly (*Euphilotes battoides allyni*) shall be conducted by a qualified biologist permitted by the USFWS to conduct surveys for this species. If any El Segundo blue butterfly is located in the impact area, prior to issuance of any Grading Permit, a Special Status Plant Mitigation Program shall be developed in consultation with the appropriate resource agencies if the status of the species and the size of the population warrant a finding of significance.
- BIO-2 A qualified Biologist, approved by the Director of Planning, Building and Code Enforcement, shall conduct a focused survey for active raptor nests no more than 30 days prior to commencement of any grading or construction or the removal of the gum trees, if such activity 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 the nest is no longer active as determined by a qualified Biologist.

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

**5.9.4.2 SPECIAL STATUS HABITATS**

- THE PROPOSED PROJECT COULD IMPACT SPECIAL STATUS HABITAT.



**Impact Analysis:** Two drainage channels located onsite (eastern drainage and western drainage) have the potential to contain wetlands and/or riparian habitat. The vegetation in the drainage channels is primarily ruderal and ornamental. Neither drainage channel appeared to have riparian (water-dependent) vegetation. Although no water was present on the surface of either of the drainage channels during the survey, they may be determined to be under the jurisdiction of the ACOE and/or CDFG. Permits/agreements from these agencies may be required prior to any alteration of these areas. Mitigation is recommended requiring that a jurisdictional delineation be conducted to determine whether either of the two drainage channels is under the jurisdiction of ACOE and CDFG. If these agencies have jurisdiction over the Project site, permits or waivers thereof, would 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 extent practicable.

Two coast live oak seedlings occur within the ornamental area, at the northern boundary of the study area. The City of Rancho Palos Verdes does not have an ordinance protecting oak trees for the area where the Project is located and the County of Los Angeles Oak Tree Ordinance does not protect oaks less than 6.0 inches in dbh. Therefore, these oaks are not considered a constraint to development. A less than significant impact would occur in this regard.

**Mitigation Measures:**

BIO-3 Prior to issuance of any Grading Permit, a jurisdictional delineation shall be conducted by the Applicant to determine whether the two drainage channels are under the jurisdiction of ACOE and CDFG. If these agencies have jurisdiction over the Project's study area, permits or waivers thereof, would be required from one or both of these agencies prior to issuance of any Grading Permit. The Applicant shall be required to comply with all permit conditions from the ACOE and/or CDFG. Conditions of these permits may include, but are not limited to, the replacement of habitat value within the jurisdictional areas impacted. The replacement of value may come in the form of habitat restoration and/or enhancement onsite or in the immediate vicinity at the discretion of the permitting agencies.

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

**5.9.4.3 CITY OF RANCHO PALOS VERDES NATURAL COMMUNITIES CONSERVATION PLANNING SUBAREA PLAN**

**IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE RPV NCCP SUBAREA PLAN.**

**Impact Analysis:** The RPV Natural Community Conservation Plan (NCCP) Subarea Plan establishes habitat preserves. The project site is located outside and west of the Reserve area, as indicated on Figure 5.1-3, *Covered Species Point*



*Locations and Habitats Not Being Conserved by the Plan*, of the RPV NCCP Subarea Plan Draft EIR.

## PLANT SPECIES

Of the 23 special status plant species known to occur in the vicinity of the Project site, the following six species are covered by the City's Subarea Plan; refer to Table 5.9-1, *Proposed Covered Species List for the RPV Subarea Plan*:

- *Aphanisma (Aphanisma blitoides)*;
- South Coast Saltscale (*Atriplex pacifica*);
- Catalina Crossosoma (*Crossosoma californicum*);
- Bright Green Dudleya (*Dudleya virens*);
- Santa Catalina Island Desert-thorn (*Lycium brevipes var. hassei*); and
- Lyon's Pentachaeta (*Pentachaeta lyonii*).

As discussed previously, these special status plant species are not expected to occur on site due to lack of suitable habitat or the degraded nature of the remaining area of coastal sage scrub on site. No significant impacts to the six plant species covered by the City's Subarea Plan are expected from development of the proposed Project.

## WILDLIFE SPECIES

Of the ten special status wildlife species known to occur in the vicinity of the Project site, the following three species are covered by the City's Subarea Plan; refer to Table 5.9-1:

- El Segundo Blue Butterfly (*Euphilotes battoides allyni*);
- Palos Verdes Blue Butterfly (*Glaucopsyche lygdamus palosverdesensis*); and
- Coastal California Gnatcatcher (*Polioptila californica californica*).

El Segundo Blue Butterfly. According to the NCCP EIR, the El Segundo Blue (ESB) is restricted to remnant coastal dune habitats. There is no dune habitat within the jurisdiction of Rancho Palos Verdes, but coast buckwheat is known to occur within the coastal bluff scrub habitat between Point Vicente and Abalone Cove. There are no known locations on or adjacent to the project site; refer to Figure 5.1-2, *Covered Species Distributions*, of the RPV NCCP Subarea Plan Draft EIR. However, ESB has a limited potential to occur on the Project site based on the limited distribution of ashy-leaf buckwheat. With implementation of the recommended mitigation, which requires that a habitat assessment be conducted for the ESB by a SFWS-permitted biologist, potential impacts to this species would be reduced to less than significant.

Palos Verdes Blue Butterfly. According to the NCCP EIR, the PVB is known to occur only at the Naval Fuel Depot in San Pedro (between Western Avenue and Gaffey Street, south of Palos Verdes Drive North, at Malaga Dunes, and was reintroduced at the Chandler Preserve. Historical occurrences of PVB in the Project vicinity include two locations: south of the project site and near "The Switchback" area of Palos Verdes Drive East; refer to on Figure 5.1-2 of the RPV NCCP Subarea Plan Draft EIR. As indicated on Figure 5.1-2, the known existing and historical PVB



locations are not on or adjacent to the project site. Further, the PVB is not expected to occur on the Project site due to the lack of suitable habitat.

Coastal California Gnatcatcher. According to the NCCP EIR, the Palos Verdes Peninsula supports a remnant population of 26 to 56 pairs of Coastal California Gnatcatcher considered isolated from the remainder of the U.S. population are not expected on the Project site due to the lack of suitable habitat. As indicated on Figure 5.1-2, the known gnatcatcher locations are not on or adjacent to the project site. Further, this species is not expected to occur on the Project site due to lack of suitable habitat.

With mitigation, no significant impacts to these wildlife species covered by the City's Subarea Plan are expected from development of the proposed Project. Also, no significant impacts to regional planning efforts are expected from Project development. Therefore, Project implementation would not conflict with the provisions of the City adopted NCCP.

**Mitigation Measures:** Refer to Mitigation Measure BIO-1.

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

## 5.9.5 CUMULATIVE IMPACTS

### CUMULATIVE DEVELOPMENT IN THE PROJECT AREA (INCLUDING THE PROPOSED PROJECT) COULD IMPACT THE AREA'S BIOLOGICAL RESOURCES.

**Impact Analysis:** The Trump National Golf Club, Ocean Front Estates, Point View Project, Terranea (Long Point) Resort Hotel, and Point Vicente Interpretive Center all impacted coastal sage scrub and other habitat types that are known to support plant and wildlife species present in the Project vicinity. Several of these sites, had potential direct or indirect impacts to the coastal California gnatcatcher and special status plant species. For each of these projects, impacts to these resources were mitigated through the CEQA process and where appropriate, acquired the required regulatory approvals from the resource agencies.

When viewed in conjunction with other major developments planned for the City of Rancho Palos Verdes described above, the loss of native vegetation and wildlife habitat, and the displacement of wildlife species in the Project area could be considered a negative cumulative effect. However, cumulative impacts to special status wildlife and habitat are currently being mitigated on a project-by-project basis and in accordance with the City's NCCP program. For projects outside of the NCCP boundaries, cumulative impacts would be reduced to less than significant through compliance with the established local, State and Federal regulatory framework.

**Mitigation Measures:** No mitigation measures are recommended.

**Level of Significance:** Less Than Significant Impact.



### **5.9.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

No unavoidable significant impacts related to biological resources have been identified following regulatory compliance and implementation of the recommended mitigation measures.