5.3 BIOLOGICAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the City of Industry General Plan Update to impact biological resources in the City and its Sphere of Influence (SOI) (together referred to as the City). The following two documents are incorporated into this EIR by reference:

- *Draft Environmental Impact Report for the Industry Business Center,* The Planning Center|DC&E, June 2004.
- *Draft Biological Resources Impact Analysis for the proposed Industry Business Center Project,* Jones & Stokes, December 18, 2003. Included as Appendix D in the 2004 IBC EIR.

5.3.1 Environmental Setting

Plant Communities/Habitat

Except for its eastern end, which consists of the vacant IBC site, the majority of the City is built out. There are roughly 1,005 acres of vacant land in the City, or approximately 13 percent of the City's total area. Nearly 60 percent (592 acres) of the vacant land in the City is on the IBC site, which is generally located north of the State Route-57/60 merger and east of Valley Boulevard (see Figure 5.3-1, *Vacant Land/Lots*). The remainder of the vacant land in the City is made up of mostly small isolated vacant parcels (see Figure 5.3-1), most of which are smaller than 10 to 15 acres each in size. There are also approximately 183 acres of landscaped areas and slopes in the Industry Hills Recreation and Conference Center, including two golf courses, interspersed between developed areas.

Water bodies in the City that provide some habitat for riparian vegetation include the San Gabriel River (144 acres within the City), Walnut Creek (approximately 33 acres in the City), and a segment of Diamond Bar Creek extending roughly 2,800 feet across the southeast and southern edges of the IBC site. Other water bodies in the City, San Jose Creek and Puente Creek, do not provide substantial habitat for riparian vegetation or for animals due to channelization with concrete bed and banks.

IBC Site

The IBC site has historically been used for livestock grazing, which is considered to have affected the diversity and abundance of plant and animal species and the vegetation communities on the site. Four plant communities were identified on the IBC site in a biological impact analysis in 2003. Ninety-five percent of the site was found to consist of annual grassland in which the dominant vegetation is a variety of nonnative grasses (brome [*Bromus spp*.], ryegrass [*Lolium sp*.], barley [*Hordeum murinum*], Goldentop [*Lamarckia aurea*], Foxtail fescue [*Vulpia myuros*], and oat [*Avena sp*.]) and mustards (Black mustard, [*Brassica nigra*], and short-pod mustard [*Hirschfeldia incana*]. Native purple needlegrass (*Nassella pulchra*) Grassland occurs in patches in the uplands on the west side of the site. The balance of the site is vegetated with remnant riversidian sage scrub and mule fat scrub.

Riparian vegetation was also identified in two areas on the IBC site: along Diamond Bar Creek next to the southeast site boundary, and at the northeast corner of the site. The riparian vegetation was not classified into plant communities; the three dominant plant species in the riparian areas were arroyo willow (*Salix lasiolepis*), Mexican elderberry (*Sambucus mexicana*), and California black walnut (*Juglans californica*). The riparian vegetation contained some components of four natural communities: California walnut woodland, southern cottonwood willow riparian forest, southern sycamore alder riparian woodland, and southern willow scrub; however, no riparian vegetation was classified within any one of the four communities.

Other Vacant Land

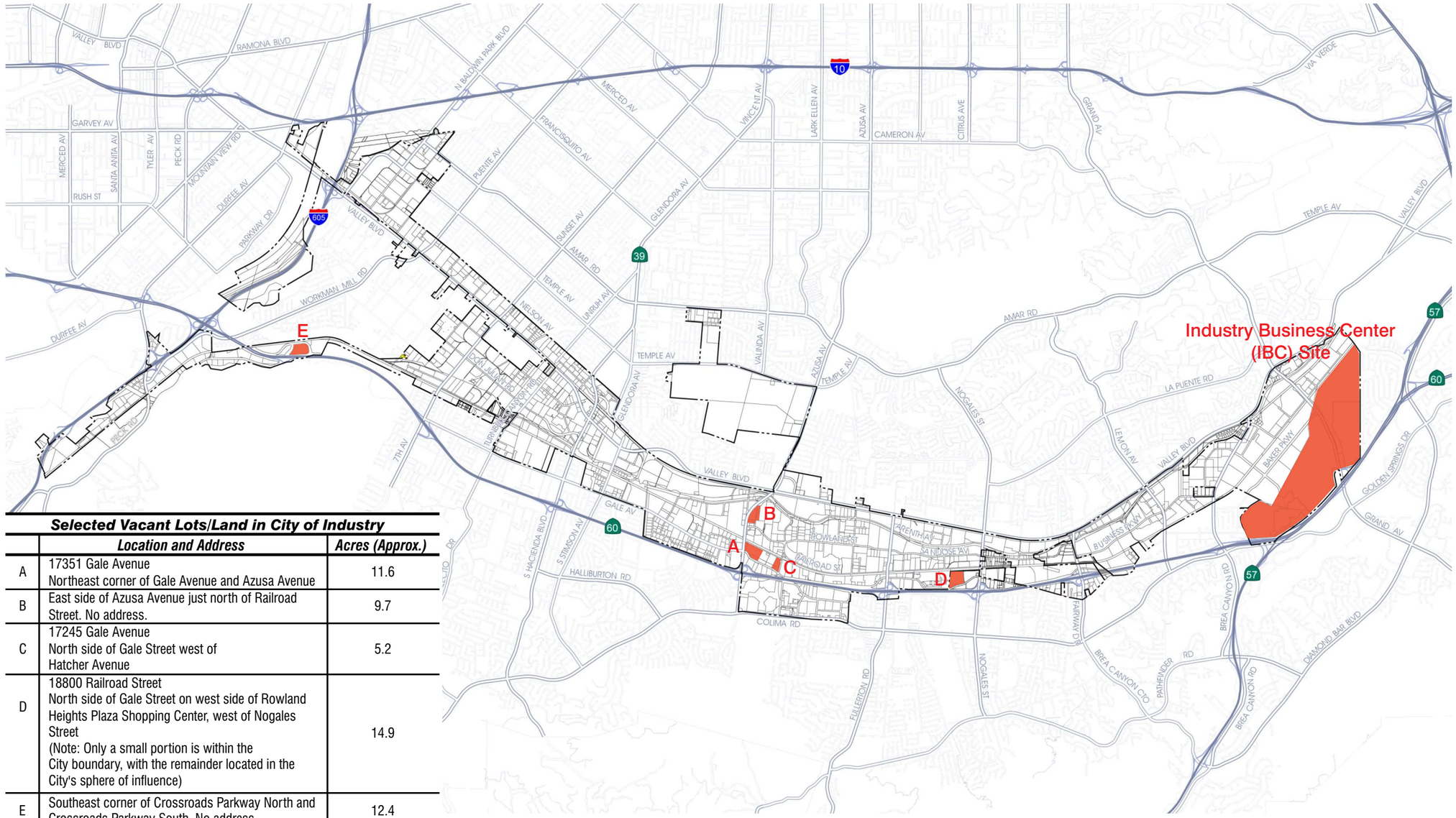
A site visit was performed in the City in January 2011 for several vacant lots (a total of five, as shown in Figure 5.3-1, *Vacant Land/Lots*). Land cover and vegetation on the vacant lots are described in Table 5.3-1. Based on the site visit, all of the lots have been graded or heavily disturbed; evidence of previous development was observed on two of the five; and much of a third lot was covered with large piles of soil that may be soil export from grading operations. No native habitat was observed on any of the five vacant sites. Vacant lots addressed in this section are designated for development in the proposed General Plan Update, which is consistent with existing zoning designations for the sites.

Table 5.3-1
Land Cover and Vegetation of Selected Vacant Lots in City of Industry

Lot	Location, Address, and Assessor's Parcel Numbers	Acres (Approx.)	Land Cover and Vegetation[1]
A	17351 Gale Avenue Northeast corner of Gale Avenue and Azusa Avenue APN 8264-001-928, -943 (part), -944 (part), and -804	11.6	The entire site has been graded. Nearly half of lot is covered by large piles of soil that may be soil export from grading operations. A portion of the remainder of the site is covered with asphalt gravel. About half the site is vegetated with grasses; and with some herbs, including Lupine (*Lupinus spp*.), and shrubs including tumbleweed (*Salsola tragus*) and Toyon (*Heteromeles arbutifolia*).
B	East side of Azusa Avenue just north of Railroad Street 8264-025-904, 915, and -917	9.7	Most of the site is vegetated with grasses. There is some asphalt pavement at the south end of the site. There is a long low pile of soil along the east site boundary, which is vegetated with grasses and several shrubs or small trees. The pile of soil appears to have been placed onsite. Since the site visit, this site has been graded and covered with gravel and is currently used as a temporary construction staging area for the Walnut Creek Energy Plan.
C	17245 Gale Avenue North side of Gale Street west of Hatcher Avenue APN 8264-001-941 and -942	5.2	Entire site is vegetated with grasses. The site is flat except for a few small piles of demolition debris in the center of the site. The site was previously developed; there is a remainder of a paved driveway entering the site from Gale Avenue with "Stop" painted on the exit lane. At various times, this site has been used for temporary car storage and events.
D	18800 Railroad Street North side of Gale Street on west side of Rowland Heights Plaza Shopping Center, west of Nogales Street APN 264-021-020	14.9	Only a small portion of the site is within the City boundary, with the remainder located in the City's SOI. Almost the entire site is vegetated; mostly with grasses, and with some herbs and shrubs. The site terrain consists of regularly-shaped low hills, indicating that hills were formed by previous grading activities. A one-lane paved road winds through the site. An engineered drainage channel of earthen bed and banks extends from the northwest corner of the site eastward two-thirds of the way across the north site boundary and then curves southeastward; the drainage channel enters concrete storm drains at each end of the site. Plant species observed onsite include horehound (*Marrubium vulgare*), cheeseweed (*Malva parviflora*), horseweed (*Conyza canadensis*), milk thistle (*Sylibum marianum*), castor bean (*Ricinus communis*), palm, and mule fat (*Baccharis salicifolia*). There is other evidence of past development of the site, including standing telephone poles.
E	Southeast corner of Crossroads Parkway North and Crossroads Parkway South APN 8120-026-007	12.4	Most of site is vegetated with grasses, except for shrubs and trees along the road edges. Soil is in narrow furrows, indicating that the site has been previously graded. Ground surface consists of gravel on north-central part of site.

[1] Information provided was based on the January 2011 site visits conducted for the vacant lots noted in this table.

Vacant Land/Lots



Selected Vacant Lots/Land in City of Industry		
	Location and Address	**Acres (Approx.)**
A	17351 Gale Avenue Northeast corner of Gale Avenue and Azusa Avenue	11.6
B	East side of Azusa Avenue just north of Railroad Street. No address.	9.7
C	17245 Gale Avenue North side of Gale Street west of Hatcher Avenue	5.2
D	18800 Railroad Street North side of Gale Street on west side of Rowland Heights Plaza Shopping Center, west of Nogales Street (Note: Only a small portion is within the City boundary, with the remainder located in the City's sphere of influence)	14.9
E	Southeast corner of Crossroads Parkway North and Crossroads Parkway South. No address.	12.4
IBC	Eastern end of the City, generally along the north side of SR-56/60 and south of Valley Boulevard	592

Vacant Lots: Designated for development in the General Plan Update

0 5,900
Scale (Feet)

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Sensitive Resources

As the IBC site comprises approximately 60 percent of the vacant land in the City, sensitive resources on the IBC site are described here separately from such resources elsewhere in the City and have been addressed by previous technical studies.

IBC Site (Addressed by Previous Studies)

Sensitive Plants

Sensitive plant species in their general range and for which generally appropriate habitat is on or near the IBC site and were evaluated for their potential to occur onsite in a 2003 biological impact analysis (Jones and Stokes 2003). The results of the evaluation are summarized in Table 5.3-2.

Table 5.3-2
Likelihood of Sensitive Plant Species on IBC Site

Common Name	Scientific Name	Status[1]	Likelihood of Occurrence	Comment Codes[2]
Low Likelihood of Occurrence				
Plummer's mariposa lily	Calochortus plummerae	1B	Low	r, D, L
Intermediate mariposa lily	Calochortus weedii var. intermedius	1B	Low	r, D, L
Southern tarplant	Centromadia parryi ssp. australis	1B	Low	r, D, g
Smooth tarplant	Centromadia pungens ssp. laevis	1B	Low	r, D, g
Robinson's pepper grass	Lepidium viringicum var. robinsonii	1B	Low	r, D, L, g
Assumed Absent				
Greata's aster	Aster greatae	1B	Assumed Absent	D, r, g, e
Braunton's milk-vetch	Astragalus brauntonii	FE, 1B	Assumed Absent	r, D, L, g
Thread-leaved brodiaea	Brodiaea filifolia	FT, SE, 1B	Assumed Absent	R, D, g
Slender mariposa lily	Calochortus clavatus var. gracilis	1B	Assumed Absent	r, D, L, g, e
Salt marsh birds beak	Cordylanthus maritimus ssp. maritimus	FE, SE, 1B	Assumed Absent	R, G
San Fernando Valley spineflower	Chorizanthe parryi var. Fernandina	FC, SE, 1A	Assumed Absent	R, g
Slender-horned spineflower	Dodecahema leptocerans	FE, SE, 1B	Assumed Absent	R
San Gabriel River dudleya	Dudleya cymosa ssp. crebrifolia	1B	Assumed Absent	R, g
San Gabriel Mountains dudleya	Dudleya densiflora	1B	Assumed Absent	R, g
San Gabriel bedstraw	Galium grande	1B	Assumed Absent	R, E, g
Lemon lily	Lilium parryi	1b	Assumed Absent	R, G, E
San Gabriel linanthus	Linanthus concinnus	1B	Assumed Absent	E, R
Hall's monardella	Monardella macrantha hallii	1B	Assumed Absent	R, E
Spreading navarretia	Navarretia fossalis	FT, 1B	Assumed Absent	R
California orcutt grass	Orcuttia californica	FE, SE, 1B	Assumed Absent	R, G
Wooly mountain parsley	Oreonana vestita	1B	Assumed Absent	R, E
Rock creek broomrape	Orobanche valida ssp. vailida	1B	Assumed Absent	R, E
Fringed grass-of-Parnassus	Parnassia cirrata	1B	Assumed Absent	R, E
Lyon's pentachaeta	Pentachaeta lyonii	FE, SE, 1B	Assumed Absent	R, D, L, G
Gambel's watercress	Rorippa gambellii	FE, ST, 1B	Assumed Absent	R, H, g
Sonoran maiden Fern	Thelypteris puberula var. sonorensis	2	Assumed Absent	R, H

Table 5.3-2
Likelihood of Sensitive Plant Species on IBC Site

Confirmed Absent				
Coulter's saltbush	Atriplex coulteri	1B	Confirmed Absent	R, D, g
Davidson's saltscale	Atriplex seranana va. Davidsonii	1B	Confirmed Absent	R, D, L, g
Nevin's barberry	Berberis nevinii	FE, SE, 1B	Confirmed Absent	
Chaparral sand-verbena	Abronia villosa var. aurita	1B	Confirmed Absent	R, g
Many-stemmed dudleya	Dudleya multicaulis	1B	Confirmed Absent	r, D, L
Santa Ana River woollystar	Eriastrum densifolum ssp. sanctorum	FE, SE, 1B	Confirmed Absent	R, g
Round-leaved filaree	Erodium macrophyllum	2	Confirmed Absent	R
Los Angeles sunflower	Helianthus nuttallii ssp. parishii	1A	Confirmed Absent	R
Mesa horkelia	Horkelia cuneata ssp. puberula	1B	Confirmed Absent	R, D, g
Coulter's goldfields	Lasthenia glabrata coulteri	1B	Confirmed Absent	R, g
Prostate navarretia	Navarretia prostrate	1B	Confirmed Absent	R, g
Rayless ragwort	Senecio aphanactis	2	Confirmed Absent	R
Salt spring checkerbloom	Sidalcea neomexicana	2	Confirmed Absent	R
Brand's phacelia	Phacelia stellaris	1B	Confirmed Absent	R, g

Source: Jones and Stokes 2003

[1]'Status:

Federal	State	California Native Plant Society (CNPS) Rank
FE: Federally Endangered	SE: State Endangered	1A: Plants Presumed Extinct in California
FT: Federally Threatened	ST: State Threatened	1B: Plants Rare, Threatened, or Endangered in California and Elsewhere
FC: Federal Candidate species		2: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

[2] Comment Codes: Uppercase codes indicate the factor appears to preclude reasonable potential for occurrence; lowercase codes indicate a factor that makes presence unlikely but does not rule out presence.
C = Confirmed absent through field work by qualified biologist.
G = Outside of currently known geographic distribution.
L = Potential habitat onsite is of very limited extent relative to species requirements.
E = Elevation range onsite is well outside the known elevation range of the species.
H = Hydrology features (including rainfall, surface water, groundwater) appear well outside species' range of tolerance.
R = Critical Resources (habitat features such as vegetation community and soil salinity) other than hydrology are absent or outside of species' requirements.
D = Disturbance (direct or indirect) is expected to preclude species.

Sensitive Animals

The potential for sensitive animal species for which there is suitable habitat in the region to occur on the IBC site was also evaluated in the 2003 biological impact analysis (Jones and Stokes 2003). The results of the evaluation are summarized in Table 5.3-3.

Table 5.3-3
Likelihood of Sensitive Animal Species Occurrence on IBC Site

Common Name	Scientific Name	Status1	Likelihood of Occurrence	Comment Codes2
Arthropood				
Riverside fairy shrimp	Streptocephalus woottoni	FE	Assumed Absent	G, R
Fish				
Arroyo chub	Gila orcutti	SSC	Assumed Absent	r, D, G
Santa Ana sucker	Catostomus santaanae	FT, SSC	Assumed Absent	G
Santa Ana speckled dace	Rhynichthys osculus ssp. 3	SSC	Assumed Absent	R, G
Amphibians				
Coast Range California newt	Taricha torosa torosa	SSC	Assumed Absent	r, D
Western spadefoot	Scaphiopus hammondi	SSC	Assumed Absent	R
Arroyo toad	Bufo californicus	FE, SSC	Assumed Absent	R, d
California redlegged frog	Rana aurora draytonii	FT, SSC	Assumed Absent	R, H
Mountain yellow-legged frog	Rana muscosa	FE, SSC	Assumed Absent	
Reptiles				
San Diego coast horned lizard	Phrynosoma coronatum blainvillei	SSC	Very Low	r, D
California Legless Lizard	Anniella pulchra	SSC	Very Low	r, D
Two-striped garter snake	Thanmophis hammondi	SSC	Very Low	r, D, L
Northern red diamond rattlesnake	Crotalus ruber ruber	SSC	Very Low	r, D, L
Southwestern Pond turtle	Clemmys marmorata palllida	SSC	Assumed Absent	R, D
Coast western patch-nosed snake	Salvadora hexalepis virgultea	SSC	Assumed Absent	G
Belding's orange-throated whiptail	Cnemidophorus hyperthrus beldingi	SSC	Assumed Absent	r, D
Birds				
Loggerhead shrike	Lanius ludovicianus	SSC	Confirmed Present	
Southern California rufous-crowned sparrow	Aimophila ruficeps canescens	SSC	Confirmed Present	
Northern Harrier	Circus cyaneus	SSC	Confirmed Present (migratory); Assumed Absent (breeding)	D, G
Cooper's hawk	Accipiter cooperi	SSC	Low (breeder); Confirmed Present	r, D
Vaux's swift	Chaetura vauxi	SSC	Assumed Absent (breeder); Confirmed Present (migratory)	G
California horned lark	Eremophila alpestris actia	SSC	Moderate (breeding); Confirmed Present (may be winter migratory)	
Western yellow warbler	Dendroica petechia brewsteri	SSC	Moderate (breeder); Confirmed Present (may be migratory)	D, I

Table 5.3-3
Likelihood of Sensitive Animal Species Occurrence on IBC Site

Tricolored blackbird	Agelaius tricolor	SSC	Assumed Absent (breeder); Confirmed Present (foraging)	R, H
Yellow-breasted chat	Icteria vivens	SSC	Low (breeder); Moderate	r, D
White-tailed kite	Elanus leucurus	CFP	Very Low	r, D
Burrowing owl	Athene cunicularia	SSC	Very Low	
Bell's sage sparrow	Amphispiza belli belli	SSC	Very Low	R, D, L
Bald Eagle	Haliaeetus leucocephalus	FT, EPA, SE, CFP	Assumed Absent	R, G
Sharp-shinned hawk	Accipiter striatus	SSC	Assumed Absent (breeder); Moderate (winter migratory)	G, R
Ferruginous hawk	Buteo regalis	SSC	Assumed Absent (breeder); Moderate (winter migratory)	G
Golden eagle	Aquila chrysaetos	EPA, CFP, SSC	Assumed Absent (breeder); Low (winter migratory)	R, D
Merlin	Falco columbaris	SSC	Assumed Absent (breeder); Low (winter migratory)	G
Prairie falcon	Falco mexicanus	SSC	Assumed Absent (breeder); Moderate (winter migratory)	R
American peregrine falcon	Falco peregrinus anatum	SE, CFP	Assumed Absent (breeder); Very Low (winter migratory)	R
Mountain plover	Charadrius montanus	SSC	Assumed Absent (breeder, winter resident)	r, D, G
California yellow-billed cuckoo	Coccyzus americanus occidentalis	FC, SE	Assumed Absent	R
Short-eared owl	Asio flammeus	SSC	Assumed Absent (breeder); Very Low (winter migratory)	D, g
Long-eared owl	Asio otus	SSC	Assumed Absent	R, D, g
Willow flycatcher	Empidonax traillii	SE	Confirmed Absent (breeder); Moderate (migratory)	r, d, l
Southwestern willow flycatcher	Empidonax traillii extimus	FE	Confirmed Absent	r, d, l
Least Bell's vireo	Vireo bellii pusillus	FE, SE	Confirmed Absent	r, D
Coastal cactus wren	Campylorhynchus brunneicapillus couesi	SSC	Assumed Absent	R
Coastal California gnatcatcher	Polioptila californica californica	FT, SSC	Confirmed Absent	r, D, L
Mammals				
Pallid bat	Antrozous pallidus	SSC	Very Low (roosting); Low	R, d, L

Table 5.3-3
Likelihood of Sensitive Animal Species Occurrence on IBC Site

Spotted bat	Euderma maculatum	SSC	Assumed Absent (breeding, roosting); Very Low	R, D
Pale Townsend's big-eared bat	Plecotus townsendii pallescens	SSC	Assumed Absent (nesting, roosting); Low	R, D
Los Angeles little pocket mouse	Perognathus longimembris brevinasus	SSC	Very Low	r, D, L
Southern grasshopper mouse	Onychomys torridus	SSC	Very Low	r, D, L
California western mastiff bat	Eumops perotis californicus	SSC	Assumed Absent (mesting, roosting); Moderate	R
San Diego black-tailed jackrabbit	Lepus californicus bennettii	SSC	Assumed Absent	r, D
Northwest San Diego pocket mouse	Perognathus fallax fallax	SSC	Assumed Absent	R, D, G
Dulzura pocket mouse	Chaetodipus californicus femoralis	SSC	Assumed Absent	r, D, l
San Diego desert woodrat	Neotoma lepida intermedia	SSC	Assumed Absent	R, D, L

Source: Jones and Stokes 2003

[1] Status:

Federal	**State**
FE: Federally Endangered	SE: State Endangered
FT: Federally Threatened	ST: State Threatened
FC: Federal Candidate species	SSC: State Species of Special Concern
EPA: Covered Under Bald and Golden Eagle Protection Act	CFP: California Fully Protected Species

[2] Comment Codes: Uppercase codes indicate the factor appears to preclude reasonable potential for occurrence; lowercase codes indicate a factor that makes presence unlikely but does not rule out presence.
C = Confirmed absent through field work by qualified biologist.
G = Outside of currently known geographic distribution.
L = Potential habitat onsite is of very limited extent relative to species requirements.
E = Elevation range onsite is well outside the known elevation range of the species.
H = Hydrology features (including rainfall, surface water, groundwater) appear well outside species' range of tolerance.
R = Critical Resources (habitat features such as vegetation community and soil salinity) other than hydrology are absent or outside of species' requirements.
D = Disturbance (direct or indirect) is expected to preclude species.

Sensitive Natural Communities

Two sensitive natural communities were identified on the IBC site: Riversidian sage scrub (10.9 acres) and riparian vegetation (11.7 acres). The Riversidian sage scrub acreage is in patches dominated and surrounded by nonnative grasses and forbs.[1]

Elsewhere in City

Plant Communities/Habitat

Five sensitive natural communities are listed on the California Natural Diversity Database as each occurring within at least one of the four 7.5-minute quadrangles encompassing the City: California Walnut Woodland,

[1] Forbs are nonwoody flowering plants other than grasses.

Riversidian Alluvial Fan Sage Scrub, Southern Coast Live Oak Riparian Forest, Southern Willow Scrub, and Walnut Forest.

Small, isolated, vacant areas in several parts of the City support disturbed (ruderal) and nonnative grassland vegetation; neither of these vegetation types is considered a sensitive natural community.

Wildlife Movement Corridors

IBC Site (Addressed by Previous Studies)

Bobcat, coyote, and raccoon were observed on the IBC site during the 2003 biological resources investigation conducted for this site. These animals are thought likely to have entered the site from the Puente Hills to the southeast; there is little potential for overland movement of wildlife from the IBC site to the south, west, or north due to urban development and to drainages conveyed offsite in underground storm drains or in concrete channels with steep high walls. However, the IBC site could be a corridor for movement of coastal California gnatcatcher (*Polioptila californica californica)* between the Puente Hills and the San Jose Hills. The IBC site is not expected to be an important wildlife movement corridor.

Elsewhere in City

The San Gabriel River, which passes northeast-southwest through the west end of the City, provides some space for wildlife movement. The San Gabriel River within the City is built of stone banks and earthen bottom. There are no other major or regional wildlife movement or migration corridors in the City. There are two small channelized swaths of land that are tributaries to the San Gabriel River in the western end of the City, south of I-605 and north of Peck Road. Although they are surrounded by industrial uses, these tributaries consist of an earthen bottom and banks and contain mature trees and ground cover.

Vacant lots elsewhere in the City (see Figure 5.3-1, *Vacant Land/Lots*) are not available for overland wildlife movement because they are isolated islands completely surrounded by developed urban uses, and because natural features such as streams, which are often used as wildlife movement corridors, do not pass through or next to any of the five lots.

Waters and Wetlands

IBC Site (Addressed by Previous Studies)

Diamond Bar Creek

Diamond Bar Creek crosses the southern end of the IBC site; that segment of Diamond Bar Creek is a deep channel of earthen bed and banks with riparian vegetation along its banks. Diamond Bar Creek continues westward where it is channelized with concrete bed and banks. The surface channel ends just east of Lemon Avenue, and the stream flows on to San Jose Creek in an underground storm drain. There is a tributary to Diamond Bar Creek in the northwest part of the IBC site; the tributary is in its natural condition, supporting a mix of native and nonnative vegetation.

Unnamed Drainage

An unnamed short drainage tributary to San Jose Creek passes through approximately 300 feet of the northeast corner of the IBC site; the drainage is in its natural condition within the IBC site and is channelized and/or buried outside of the site.

Elsewhere in City

San Gabriel River

San Gabriel River and two small tributary channels, described above.

San Jose Creek

San Jose Creek passes east-west through almost the entire length of the City, entering at the City's northeast corner and terminating into the San Gabriel River just north of SR-60. San Jose Creek is channelized with concrete bed and banks through the length of the City. A former streambed of San Jose Creek originates near the intersection of Workman Mill Road and Peck Road and extends southwest until it discharges into the San Gabriel River just west of the Rose Hills Road overcrossing of I-605.

Walnut Creek

Walnut Creek passes through the northern edge of the City at the City's northwest corner. Walnut Creek in the City is constructed with earthen bed and banks and contains some scattered trees and ground cover.

Puente Creek

Puente Creek passes northeast-southwest through the City east of 7th Street, and discharges into San Jose Creek. Puente Creek in the City is built of concrete bed and banks.

Regulatory Setting

Federal and state laws, regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized below.

Federal

Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, was promulgated to protect and conserve any species of plant or animal that is endangered or threatened with extinction and the habitats in which these species are found. "Take" of endangered species is prohibited under Section 9 of the FESA. "Take," as defined under FESA, 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 US 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 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." Critical habitat is formally designated by USFWS to provide guidance for planners/managers and biologists with an indication of where suitable habitat may occur and where high priority of preservation for a particular species should be given. Section 10 of FESA provides the regulatory mechanism that allows the incidental take of a listed species by private interests and non-federal government agencies during lawful activities. Habitat conservation plans (HCPs) for the impacted species must be developed in support of incidental take permits for nonfederal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA), is the domestic law that affirms or implements the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, 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 activities, except under a valid permit or as permitted in the implementing regulations. USFWS administers permits to take migratory birds in accordance with the regulations promulgated by the MBTA.

Clean Water Act, Section 404

The United States Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the US (including wetlands and nonwetland bodies of water that meet specific criteria).[2] Pursuant to Section 404 of the federal Clean Water Act (CWA), a permit is required for any filling or dredging within waters of the US. The permit review process entails an assessment of potential adverse impacts to Corps wetlands and jurisdictional waters, wherein the Corps may require mitigation measures. Where a federally listed species may be affected, a Section 7 consultation with USFWS may be required. If there is potential for cultural resources to be present, Section 106 review may be required. Also, where a Section 404 permit is required, a Section 401 Water Quality Certification would also be required from the Regional Water Quality Control Board (RWQCB).

Clean Water Act, Sections 401 and 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 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 RWQCB must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include Corps Section 404 permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Industry is within the jurisdiction of the Los Angeles RWQCB (Region 4).

State

California Fish and Game Code, Section 1600

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

[2] "Waters of the United States," as it applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act, includes: all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; 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, the use, degradation or destruction of which could affect interstate or foreign commerce; water impoundments; tributaries of waters; territorial seas; 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."

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by CDFG. 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 Commission. 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 (MOU). 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 CDFG's California Natural Diversity Data Base (CNDDB) project, which maintains a database of known and recorded occurrences of sensitive species. Informally listed species taxa are not protected per se, but warrant consideration in the preparation of biological resources assessments.

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 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.

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.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant: B-5 and B-6. These impacts will not be addressed in the following analysis.

5.3.3 Environmental Impacts

The proposed General Plan Update would permit development of 822 acres, or 82 percent, of the 1,005 acres of existing vacant land in the City (including the IBC site) with industrial, commercial, and institutional uses. The Industry Hills Recreation and Conference Center, containing approximately 183 acres of landscaped areas and slopes, including two golf courses, would remain designated as recreation/open space. Future development that would be accommodated by the General Plan Update would not involve development of other land uses, and thus is not expected to adversely impact biological resources on the area encompassing the Recreation and Conference Center. Therefore, impacts to biological resources on the Recreation and Conference Center are not discussed further below.

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

IMPACT 5.3-1: FUTURE DEVELOPMENT THAT WOULD BE ACCOMODATED BY THE GENERAL PLAN UPDATE COULD IMPACT SENSITIVE SPECIES OCCURRING IN CERTAIN AREAS OF THE CITY. [THRESHOLD B-1]

Impact Analysis:

IBC Site (Addressed in Previous Studies)

Future development that would be accommodated by the General Plan Update would include development of the entire IBC site. While no sensitive plant species were observed on the IBC site during the 2003 biological impact analysis prepared by Jones and Stokes, five sensitive plant species were found to have a low potential for occurrence on the site: Plummer's mariposa lily, Intermediate mariposa lily, Southern tarplant, smooth tarplant, and Robinson's pepper grass. Any occurrences of these species onsite would be isolated remnant populations on habitat poorly suited, at best, for those species. No significant impacts to sensitive plant species were identified in the 2003 biological impact analysis.

Based on the 2003 biological impact analysis, the following sensitive animal species were observed onsite: loggerhead shrike, Southern California rufous-crowned sparrow, northern harrier, Cooper's hawk, Vaux's swift, California horned lark, western yellow warbler, tricolored blackbird, yellow-breasted chat. All of the sensitive animal species identified onsite are California Species of Special Concern; none of the species are listed as endangered or threatened under state or federal Endangered Species Acts. However, no impacts to endangered or threatened animal species were identified in the 2003 biological impact analysis. Low-quality habitat was identified for six other sensitive animal species; impacts to those species were identified as adverse but less than significant.

Additionally, the IBC site has an approved Plan of Development and is slated for future development. Biological impacts associated with development of this site were fully analyzed in the 2004 IBC EIR prepared for the IBC Plan of Development. As concluded in the 2004 IBC EIR, these impacts were determined to be less than significant after implementation of mitigation. Future development of the IBC site would be required to adhere to the mitigation measures outlined in the 2004 IBC EIR.

Elsewhere in City

Vacant land elsewhere in the City (see Figure 5.3-1, *Vacant Land/Lots*) consists of isolated vacant parcels in highly urbanized areas, most or all of which have been previously graded, developed, or disturbed in some way or another. There is no native habitat on any of these vacant lots. Vacant land in the City apart from the IBC site does not support regionally important habitat for sensitive species. Additionally, the vacant lots are designated for development under the General Plan Update.

IMPACT 5.3-2: FUTURE DEVELOPMENT THAT WOULD BE ACCOMODATED BY THE GENERAL PLAN UPDATE COULD CAUSE THE LOSS OF SENSITIVE NATURAL COMMUNITIES IN CERTAIN AREAS OF THE CITY. [THRESHOLD B-2 (PART)]

Impact Analysis:

IBC Site (Addressed in Previous Studies)

As estimated in the 2003 biological impact analysis prepared by Jones and Stokes for the Plan of Development for the IBC site, 10.9 acres of Riversidian Sage Scrub are distributed across the project site in small patches. The entire 10.9 acres of Riversidian Sage Scrub is anticipated to be either directly or indirectly affected by development of the IBC. As concluded in the 2003 biological impact analysis, the Riversidian Sage Scrub is degraded, since the small patches consist of only roughly 10 to 15 percent cover of sage scrub species; are dominated by nonnative grasses and forbs and surrounded by large areas of dense nonnative grassland and ruderals; and no longer function as sage scrub community. In addition, few sage scrub–associated animals were detected during field work. However, this vegetation community is seriously declining in the lowlands of Los Angeles County. Given its rarity in the county, the removal of 10.9 acres of Riversidian Sage Scrub, although degraded, is determined to be significant.

As also concluded in the 2003 biological impact analysis, the IBC site provides 591.7 acres of potential raptor foraging habitat within a highly-developed area. Potential habitat for nesting raptors on the site is limited to a few species already well adapted to a human-altered landscape (e.g., red-tailed hawk, red-shouldered hawk, Cooper's hawk, American kestrel). The foraging habitat on the site is principally nonnative annual grassland, riparian, and a few patches of Riversidian Sage Scrub community. All of these vegetation communities are expected to provide a relatively degraded rodent and insect prey base for this group of birds. Development of the IBC is expected to develop much of the 591.7 acres of potential raptor foraging habitat. Impacts to raptor foraging habitat were considered significant in the 2004 IBC EIR.

Mitigation measures were required in the 2004 IBC EIR for impacts to Riversidian Sage Scrub and raptor foraging habitat. These impacts were determined to be less than significant after implementation of mitigation. Future development of the IBC site would be required to adhere to the mitigation measures in the 2004 IBC EIR.

Elsewhere in City

No sensitive natural communities or native habitat were observed on any of the scattered vacant lots found in various areas of the City (see Figure 5.3-1, *Vacant Land/Lots*). Additionally, the vacant lots are located in highly urbanized areas of the City. Furthermore, the vacant lots are designated for development under the General Plan Update. Therefore, no impact to sensitive natural communities would occur due to future development of those lots in accordance with the General Plan Update.

IMPACT 5.3-3 FUTURE DEVELOPMENT THAT WOULD BE ACCOMMODATED BY THE GENERAL PLAN UPDATE COULD RESULT IN THE LOSS OF RIPARIAN HABITAT IN CERTAIN AREAS OF THE CITY. [THRESHOLD B-2 (PART)]

Impact Analysis:

IBC Site (Addressed in Previous Studies)

As estimated in the 2003 biological impact analysis prepared by Jones and Stokes for the 2004 IBC EIR, 11.7 acres of riparian habitats, including mulefat scrub vegetation, were identified on the IBC site. The Plan of Development analyzed in that EIR was designed to minimize impacts to riparian vegetation, but some direct and indirect impacts are anticipated due to the need to stabilize slopes along the Diamond Bar Creek and to provide drainage facilities.

Mitigation measures were required in the 2004 IBC EIR for impacts to riparian habitats. These impacts were determined to be less than significant after implementation of mitigation. Future development of the IBC site would be required to adhere to the mitigation measures in the 2004 IBC EIR.

Elsewhere in City

As described in Table 5.3-1, several mule fat (*Baccharis salicifolia*) shrubs were identified on a vacant lot at 18800 Railroad Street (Lot D on Figure 5.3-1, *Vacant Land/Lots*). Only a small portion of this lot lies within the City's boundary and the remainder falls in the City's SOI. The shrubs were growing next to an engineered drainage channel of earthen bed and banks along the segment of the channel extending east-west next to the northern lot boundary. Mule fat is a facultative wetland species; that is, it usually grows in wetlands (USDA 2011). No other riparian habitats and no other native habitat or sensitive natural communities were identified on other vacant lots or developed areas in the City outside the IBC site. However, a detailed inventory and analysis of other sites throughout the City was not conducted as a part of the General Plan Update.

Any future development of Lot D or other development projects accommodated by the General Plan Update that would disturb or impact riparian habitat would be required to prepare site-specific environmental documentation (e.g., jurisdictional delineation) in accordance with CEQA and the requirements of the applicable regulatory agency (e.g., CDFG, USFWS, Corps) to ensure that no impacts would occur or that impacts would be mitigated accordingly. Therefore, no impacts to riparian habitat would occur with implementation of the General Plan Update.

It is also important to note that the General Plan Update is a regulatory document that sets forth the framework for future growth and development and does not directly result in development in and of itself. Before any development can occur in the City, all such development is required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

IMPACT 5.3-4: FUTURE DEVELOPMENT THAT WOULD BE ACCOMODATED BY THE GENERAL PLAN UPDATE COULD IMPACT JURISDICTIONAL WATERS OF THE US ARMY CORPS OF ENGINEERS AND CALIFORNIA DEPARTMENT OF FISH AND GAME IN CERTAIN AREAS OF THE CITY. [THRESHOLD B-3]

Impact Analysis:

IBC Site (Addressed in Previous Studies)

As estimated in the 2003 biological impact analysis prepared by Jones and Stokes for the Plan of Development for the IBC site, 1.86 acres jurisdictional to the, that is, waters of the US or wetlands, were identified onsite. A total of 11.7 acres of riparian habitat jurisdictional to the CDFG were also identified onsite. A small portion of the area in Corps jurisdiction would be directly impacted by development of the IBC. Some direct and indirect impacts to habitat in CDFG jurisdiction would result from IBC development due to the need to stabilize slopes along the creek and to provide drainage facilities.

Mitigation measures were required in the 2004 IBC EIR for impacts to areas in Corps and CDFG jurisdictions. These impacts were determined to be less than significant after implementation of mitigation. Future development of the IBC site would be required to adhere to the mitigation measures in the 2004 IBC EIR.

Elsewhere in City

Based on a search of the USFWS National Wetlands Inventory, no wetlands occur on any of the scattered vacant lots shown in Figure 5.3-1, *Vacant Land/Lots* (USFWS 2011). Additionally, no standing water and no conspicuous hydrophytic vegetation were observed on the vacant lots during site visits performed in January 2011. However, several mule fat shrubs, as described in Table 5.3-1, a species that usually grows in wetlands, were identified on a vacant lot at 18800 Railroad Street (Lot D on Figure 5.3-1). Only a small portion of this lot lies within the City's boundary and the remainder falls in the City's SOI.

Any future development of Lot D or other development projects accommodated by the General Plan Update that would disturb or impact wetlands would be required to prepare site-specific environmental documentation (e.g., jurisdictional delineation) in accordance with CEQA and the requirements of the applicable regulatory agency (e.g., CDFG, USFWS, Corps) to ensure that no impacts would occur or that impacts would be mitigated accordingly. Therefore, no impacts to wetlands or jurisdictional waters would occur with implementation of the General Plan Update.

It is also important to note that the General Plan Update is a regulatory document that sets forth the framework for future growth and development and does not directly result in development in and of itself. Before any development can occur in the City, all such development is required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

IMPACT 5.3-5: FUTURE DEVELOPMENT THAT WOULD BE ACCOMODATED BY THE GENERAL PLAN UPDATE COULD ADVERSELY IMPACT WILDLIFE MOVEMENT IN CERTAIN AREAS OF THE CITY. [THRESHOLD B-4]

Impact Analysis:

IBC Site (Addressed in Previous Studies)

There is little potential for overland movement of wildlife from the IBC site to the south, west, or north due to urban development and to drainages conveyed offsite in underground storm drains or in concrete channels with steep high walls. Bobcat, coyote, and raccoon were observed onsite during the 2003 biological impact analysis prepared by Jones and Stokes for the Plan of Development for the IBC site. These animals are thought likely to have entered the site from the Puente Hills to the southeast. The IBC site is not expected to be an important wildlife movement corridor; however, the 2004 IBC EIR concluded that development of the IBC site would have a potentially significant impact on movement of coastal California gnatcatcher (*Polioptila californica californica)* between the Puente Hills and the San Jose Hills.

Mitigation measures were required in the 2004 IBC EIR for impacts to wildlife movement. These impacts were determined to be less than significant after implementation of mitigation. Future development of the IBC site would be required to adhere to the mitigation measures in the 2004 IBC EIR.

Elsewhere in City

Vacant lots elsewhere in the City are not available for overland wildlife movement because they are isolated parcels completely surrounded by developed urban uses, and natural features such as streams, which are often used as wildlife movement corridors, do not pass through or next to any of the five lots. Development of such vacant lots would not have substantial impacts on overland wildlife movement.

As described in Table 5.3-1, there are several shrubs and small trees on two of the vacant lots (Lots B and D in Figure 5.3-1, *Vacant Land/Lots*) that could be used for nesting by migratory birds. Development of either or both of those lots pursuant to the General Plan Update could impact migratory birds. However, the project applicant for either of these vacant lots would be required to comply with the provisions of the MBTA.

For example, clearing of vegetation is required to occur outside of the peak avian breeding season, which generally occurs from February 1 through September 1 (as early as January for some raptors). If project construction is necessary during the bird breeding season, a qualified biologist is required to conduct a survey for nesting birds within three days prior to the work, and ensure that no nesting birds in the project area would be impacted. If an active nest is identified, a buffer must be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer must be a minimum width of 300 feet (500 feet for raptors), delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction is permitted within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Adherence to the MBTA regulations would ensure that appropriate measures would be taken to avoid impacts to nesting birds if construction on these vacant lots occurs during the breeding season.

5.3.4 Relevant General Plan Policies

There are no policies in the proposed General Plan Update related to the protection of biological resources.

5.3.5 Existing Regulations

Federal

- Clean Water Act, Sections 401, 402, and 404
- Migratory Bird Treaty Act (United States Code, Title 16, Sections 703-712)

State

- California Fish and Game Code, Section 1600

5.3.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements, the following impacts would be less than significant: 5.3-1, 5.3-2, 5.3-3, 5.3-4, and 5.3-5.

5.3.7 Mitigation Measures

No significant impacts were identified and no mitigation measures are necessary.

5.3.8 Level of Significance After Mitigation

No significant adverse impacts were identified relating to biological resources.

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