

4.9 BIOLOGICAL RESOURCES

4.9.1 *Environmental Setting*

Existing Vegetation

The project site and the surrounding areas are urbanized and do not include large vacant and undisturbed areas which may support rare, endangered, or threatened plant species. The site is developed with commercial structures and a parking lot, with vegetation consisting of turf grass, shrubs, ornamental trees, and other common landscaping plant materials.

The landscaped areas on the site are limited to the parkways on Mountain Avenue, the setback areas on Mountain Avenue and Fifth Street, planter areas along the front façades of the Target/Food 4 Less building and the Toys R Us building, and in the parking fingers at the Hollywood Video store.

The parkway along Mountain Avenue is planted with turf grass and alternating London plane and bronze loquat trees, like those found across the street and on other segments of Mountain Avenue northeast of the site. The setback area along Mountain Avenue is defined by a low wall (Village wall), with agapanthus, Indian Hawthorne, and turf grass behind the wall.

The setback area along Fifth Street is also defined by a low wall, with liquidambar trees and oleander shrubs behind the wall. Indian Hawthorne, agapanthus, and turf grass are planted within the triangular vision clearance areas by the driveways.

The front facade of the Target/Food 4 Less building has a narrow planter area with liquidambar trees and Indian Hawthorne shrubs, along with oleanders at the southeast corner. The Toys R Us building has a planter area to the east, supporting a large Aleppo pine tree, and raised planters with dead trees along the front facade. Along Fifth Street and southwest of the Toys R Us building, there are liquidambar, juniper, and Carolina cherry trees and turf grass. Weeds are also present at the pavement edges and cracks within the parking lot.

The northeastern corner of the site (occupied by the Hollywood Video store) has queen palm trees within the parking fingers, with Texas privet, daylilies, gazania, New Zealand flax, bird of paradise, and crape myrtle trees along the building façade and in the landscaped area along Mountain Avenue.

Adjacent areas are developed with commercial and residential uses, and also support introduced plant species commonly used for landscaping. There are no trees along the western and northern boundaries of the site, although various trees within the residential condominiums to the west are found along the block wall. Also, creeping fig is present along the north block wall, with a row of Italian cypress trees at the eastern segment of the northern site boundary. Queen palm trees, day lilies, and Yew pine also line the wall separating the Toys R Us building from the gas station to the east, with Boston ivy around the trash enclosure for the gas station.

The sewer easement near Hollowell Street runs through the side yards of residences, which are covered with turf and landscaping plants and paved driveways.

There are no riparian or other sensitive natural communities on or near the project site. There are no natural drainage channels or streams in the area. Storm drainage is provided by underground lines and

catch basins (Thomas Guide, 2005 pp. pp. 571, 572, 601, 602 and ALTA/ACSM Land Title Survey, 2004).

Wildlife

Wildlife on the site consists of insects, birds, and small mammals that are commonly found in urban environments. Potential animal habitats include the trees, shrubs, and turf areas along the parkways and setback areas, and within scattered planter areas.

Sensitive Species

The site is developed with commercial buildings and a surface parking lot and does not provide open areas for natural or native vegetation and wildlife. On-site vegetation consists of landscaping materials and animal life consists of small mammals, birds, and insects that are adapted to urban environments. No sensitive plant or animal species are known to exist or are expected to be present on the site.

Wetland Areas

The site and the surrounding areas are developed with commercial and residential uses. The project site is largely developed and highly disturbed. There are no riparian or other sensitive natural communities on or near the project site. The site does not contain wetland habitat or designated blue line streams, according to the USGS Ontario Quadrangle. There are no natural drainage channels or streams in the area. Storm drainage is provided by curbs and gutters, underground lines, and catch basins (ALTA/ACSM Land Title Survey, 2004). Thus, no areas subject to U. S. Army Corps of Engineers and California Department of Fish and Game jurisdiction are present on the site.

Wildlife Corridors

The project area is an urbanized area, where animal species consists of those adapted to urban environments. The site and adjacent areas are developed with commercial and residential structures and land uses and do not serve as wildlife dispersal corridors. However, birds may be using the trees and shrubs at the site for nesting, shelter, and/or food sources.

Birds migrating through the area are protected by the Migratory Bird Treaty Act of 1918. This Act requires the protection of birds migrating from the United States (U. S.) and Canada. Additional agreements exist between the U. S. and Japan, Mexico, and the former Soviet Union. Migratory birds are species or families of birds that live, reproduce, or migrate within or across international borders at some point during their life cycle (Federal Wildlife and Related Laws Handbook, Chapter 4, Migratory Bird Treaty Act website, accessed 3/12/2007).

Habitat Conservation Plan

There is no regional multiple species habitat conservation plan for the City or the project site (Ontario General Plan, 1992 Natural Resources Element and SOI GPA, 1998 pp. 6-16 to 6-19), although designated habitat for sensitive species have been identified in other areas of the County (Biotic Resource Overlay, 2000) and individual development projects in the region have established conservation areas at various locations to mitigate impacts to sensitive biological resources.

Title 10, Chapter 2 (Parkway Trees) of the Ontario Municipal Code prohibits the removal or relocation of any parkway tree without prior authorization from the Public Works Agency of the City, and the planting of a replacement parkway tree is made a condition of removal.

4.9.2 Threshold of Significance

In accordance with Appendix G of the CEQA Guidelines, a project could have a significant adverse impact on biological resources, if its implementation results in any of the following:

- ◆ Has 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 Wildlife Service;
- ◆ Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;
- ◆ Has 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;
- ◆ Interferes 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; or
- ◆ Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or, conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.9.3 Environmental Impacts

The proposed project involves the removal and replacement of existing landscaping materials at the site and along the parkways on Fifth Street and Mountain Avenue. Roadway and utility improvements that would occur within the roadway pavement or other paved areas would not affect biological resources.

Sensitive Species (*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*)

Due to the highly disturbed conditions at the site, no sensitive plant or animal species are known to exist or are expected to be present on the site. Development of the proposed Wal-Mart Supercenter would lead to the removal of existing vegetation on the project site and replacement with other introduced plant materials. The London Plane, Liquidambar, Loquat, Aleppo Pine, Juniper, and Carolina Cherry trees present on the site would be removed and replaced with Crape Myrtle, Sycamore Maple, Jacaranda, Aristocrat Pear, Hybrid Fan Palm, London Plane, African Sumac, Flame Tree, and Afghan Pine trees. In addition, existing turf and shrubs would be replaced with various other shrubs, perennials, vines, and groundcover (Conceptual Landscape Plan, October 2004). The existing and proposed plant materials are typical landscaping plant materials commonly found in urban environments. Thus, no impacts on sensitive species are expected and impacts on existing plants would be considered less than significant.

The majority of the proposed landscaping materials would be drought-tolerant species, as called for in the Mountain Village Specific Plan.

The landscaped areas along the setbacks on Fifth Street and Mountain Avenue would be removed and replaced to allow for the construction of an additional southbound through lane on Mountain Avenue and to make the landscaping on Fifth Street match those on Mountain Avenue. The conceptual landscaping plan for the project shows that more trees, shrubs and other landscaping materials would be provided by the project than currently existing. Thus, no significant adverse impact to plant species is expected to result from the proposed project.

Removal of existing landscaping would lead to the loss of animal habitats on the site. While the insects, birds, and small mammals may move out of the site during construction, these animals are not expected to include sensitive species, due to the highly disturbed condition and urban environment at the site.

Similarly, the removal of turf and landscaping plants or paved driveways on the sewer easement near Hollowell Street would lead to temporary disturbance of landscaping plants and animal habitats, which would be replaced upon completion of the sewer line upgrade.

The loss of on-site habitat will make the existing site unavailable for wildlife species that may be using this habitat. It is anticipated that the common animal species present on the site would move to nearby vacant areas to the north, west, south, and east during the construction phase of the project. Once developed, landscaped areas, trees and other on-site vegetation could serve as habitat for these animals. Significant adverse impacts on animal habitats are not expected.

The on-site trees may serve as nesting habitat and foraging habitat for a variety of bird species. Birds in the project area are not uncommon in southern California. However, removal of existing vegetation on the site would potentially affect their nesting, shelter, and/or food sources.

While the presence of migratory birds on the site is expected to be transitory, the federal Migratory Bird Treaty Act states that migratory birds cannot be taken, pursued, hunted, captured, molested, or killed or their nesting sites destroyed without a permit from the United States Fish and Wildlife Service (USFWS). Thus, while birds would likely fly out of the site during grading and construction activities, nesting birds and their young may not be able to do so. The disturbance of breeding birds and fledglings is considered a significant adverse impact (Federal Wildlife and Related Laws Handbook, Chapter 4, Migratory Bird Treaty Act website, accessed 3/12/2007).

Impact 4.9.1: Disturbance of breeding birds or removal of occupied nests would adversely impact migratory birds.

To avoid this impact, occupied nests would have to be avoided and protected during the breeding season, with removal of the trees and nests occurring after the breeding season. With the proposed landscaping of the site as part of the project, future nesting habitats would also become available.

Riparian Habitats and Wetlands *(Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? Would the project 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?)

The project site is developed with commercial buildings and a parking lot. There are no wetland areas or riparian habitats on the site that may be affected by the proposed project (USGS Ontario Quadrangle and National Wetlands Inventory – Wetlands Online Mapper, March 2007). Similarly, areas where infrastructure and roadway improvements are proposed do not contain wetlands or riparian habitats. No impacts are expected on wetlands or riparian habitats.

Wildlife Corridors *(Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?)*

The site is developed and does not serve as a wildlife corridor. The site is surrounded by urban developments and there are no wildlife corridors that would be affected by the project. Roadway and infrastructure to be improved do not serve as wildlife corridors. No significant adverse impact on wildlife corridors is expected.

Habitat Conservation Plans or Local Preservation Plans *(Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or, conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?)*

There are no adopted habitat conservation plans for the City, the site, or the project area (Ontario General Plan, 1992 Natural Resources Element and SOI GPA, 1998 pp. 6-16 to 6-19). Thus, the project would not conflict with a habitat conservation plan or natural community conservation plan. No impacts relating to adopted habitat conservation plans are expected.

The project would comply with Title 10, Chapter 2 (Parkway Trees) of the Ontario Municipal Code through the provision of replacement parkway trees along Mountain Avenue and the planting of new parkway trees along Fifth Street. This is provided as a standard condition below. Impacts relating to local preservation plans and policies would be less than significant.

4.9.4 Previous Analysis

To the extent applicable, this Subsequent EIR tiers off previous environmental documents relating to the development of the project site. As outlined in Section 1.2.1, *Previous Environmental Review*, previous analyses include a Supplemental EIR considering the environmental impacts associated with future development within the Mountain Village Specific Plan area (which included the project site) and the EIR analyzing the environmental impacts of new development and redevelopment within the Added Area, which was part of Amendment No. 1 to the Ontario Redevelopment Project No. 2.

While baseline conditions in this Subsequent EIR reflect the present situation, the linkages between the three documents remain pertinent to the environmental review of the Wal-Mart Supercenter proposal. The following discussion summarizes the salient points of similarity/difference between the previous documents and the Subsequent EIR and, where similar impacts are present, applicable policies, standard conditions or mitigation measures in the previous documents are identified for incorporation or implementation by the current project, where appropriate.

Supplemental EIR for Mountain Village Specific Plan

The Supplemental EIR for the Mountain Village Specific Plan indicated that there are no sensitive biological resources, wetlands, or blueline streams in the Specific Plan area. The Supplemental EIR found that the Specific Plan area is highly disturbed and does not support sensitive plant or animal species. The Supplemental EIR indicated that the City has made a practice of preserving mature trees and consideration for preserving existing trees would need to be made by future developments.

Development of the project site, including the construction of the proposed new southbound lane on Mountain Avenue would require the removal of existing trees and vegetation along Mountain Avenue. The trees along Fifth Street would also be replaced to create a uniform streetscape within the development area. Trees found along the building frontages would be removed, as they are located in areas proposed for structures and drive aisles. However, the proposed landscaping of the site, as part of the project, will include the provision of trees that may provide future nesting habitats.

No standard conditions or mitigation measures for biological resources were provided in the Supplemental EIR for the Mountain Village Specific Plan.

EIR for Amendment No. 1

The EIR for Amendment No. 1 determined that there are no endangered or threatened species in the Added Area, including the project site. Also, no wetlands, riparian habitats, natural communities, or sensitive biological resources were identified in the Added Area. The EIR found that the proposed project would not affect wetlands, riparian habitats, natural communities, or sensitive biological resources.

As discussed in the previous EIR, the project would not impact sensitive plant and animal species, wetlands, wildlife corridors and habitat conservation plans. No standard conditions or mitigation measures for biological resources were provided in the EIR for Amendment No. 1.

The project's potential impacts on migratory birds were not identified in the previous EIRs, but would be mitigated, as provided below.

4.9.5 Standard Conditions and Mitigation Measures

Standard Conditions

In addition to other project-specific conditions which may be imposed by the City, the City will impose the following standard condition on the project as part of any future approval:

Standard Condition 4.9.1: The removal or relocation of parkway trees along Mountain Avenue shall require a permit from the Ontario Department of Public Works and the planting of replacement trees, in accordance with Title 10, Chapter 2 (Parkway Trees) of the Ontario Municipal Code.

Mitigation Measures

Mitigation measures that would reduce the potentially significant adverse impacts of the project and/or that have been identified in the Supplemental EIR for the MVSP and the EIR for Amendment No. 1 and found to be applicable to the project include the following:

Mitigation Measure 4.9.1: If site clearing and grading activities will start during the bird breeding season (February 15 to September 1 of each year), a pre-construction tree nesting survey shall be conducted within 15 days prior to the initiation of clearing activities. During this survey, a qualified ornithologist shall inspect all shrubs, trees and other potential nesting sites. If breeding birds and/or active nests are found, an avoidance area or construction-free buffer zone of at least 500 feet around the nest of raptors and 150 feet for other nesting birds shall be established around the nest and conspicuously flagged off. The construction crew shall be instructed to avoid any activities in this zone until the bird nest is no longer occupied, per a subsequent survey by the ornithologist or until after the breeding season.

4.9.6 Unavoidable Significant Adverse Impacts

Preliminary analysis in the Initial Study (IS) for the project indicated that no significant impacts are expected on wetlands, riparian habitat, wildlife corridors, or sensitive natural communities. No conflicts with existing conservations plans were expected. However, the IS did identify a potential adverse impact on nesting birds, resulting from the proposed removal of existing vegetation on and near the project site. The analysis in this Subsequent EIR reflects the findings of the IS and detailed discussion of potential impacts to migratory birds is provided above.

As indicated in this section, the proposed Wal-Mart Supercenter would lead to loss of existing vegetation on the site and their replacement with new landscaping plant materials. Removal of existing trees and shrubs may adversely affect migratory birds. The mitigation measure presented above would prevent impacts associated with the potential disturbance of breeding birds, active nests, and fledglings. Implementation of this measure will mitigate potential adverse impacts to below a level of significance. No unavoidable significant adverse impacts are expected after mitigation.