BIGGS PROPERTY DEVELOPMENT
1715 ELM STREET CONDOMINIUMS
BIOLOGICAL RESOURCES ASSESSMENT

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OCTOBER 2012

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Date report prepared: October 2012

Project site location: 1715 Elm Street, El Cerrito, California, on the west side of Elm Street, between Blake and Hill streets, approximately 1,000 feet east of San Pablo Avenue.
APN: 502-112-038
USGS Quad: Richmond, CA

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CHAPTER 1. INTRODUCTION

1.1 Project Location **1**
1.2 Project Description **1**
1.3 Project Setting **1**

CHAPTER 2 REGULATORY SETTING

2.1 Federal **9**
2.1.1 Endangered Species Act 9
2.1.2 Clean Water Act 9
2.1.2.1 Section 404 9
2.1.2.2 Section 401 10
2.1.3 Migratory Bird Treaty Act 11
2.1.3.1 Bald and Golden Eagle Protection Act 11
2.2 State **11**
2.2.1 California Endangered Species Act 11
2.2.2 California Fish and Game Code 11
2.2.2.1 Streambed Alteration Agreement 11
2.2.2.2 Native Plant Protection Act 12
2.2.2.3 Birds of Prey 12
2.2.2.4 Fully Protected Species 12
2.2.3. California Wetlands and Other Water Policies 13
2.2.3.1 Porter-Cologne Water Quality Control Act 13
2.2.3.2 Clean Water Act, Section 401 Water Quality Certificaton 13
2.2.3.3 Delegated Permit Authority 14
2.2.3.4 State Definition of Covered Waters 14
2.3 Nongovernmental Agency **14**
2.3.1California Native Plant Society 14
2.4 Local **15**
2.4.1El Cerrito Municipal Code 15
2.4.1.1 Chapter 19.12 – Creek Protection Overlay District 15

CHAPTER 3 STUDY METHODS

3.1 Studies Required **16**
3.1.1 Literature Review 16
3.1.2 Habitat Assessment 16
3.1.3 Impact Assessment 17

CHAPTER 4 BIOLOGICAL SETTING

4.1 Existing Land Uses **18**
4.2 Regional Species and Habitats of Concern **18**
4.2.1 Wetlands and Other Waters of the US 18
4.2.2 Special-Status Species 21

CHAPTER 5 DISCUSSION OF IMPACTS AND MITIGATION

5.1 Standards of Significance **31**
5.2 Methodology **32**
5.3 Impacts to Candidate, Sensitive, or Special-Status Species (Standard of Significance 1) **32**
5.3.1 Avoidance and Minimization Measures 33
5.4 Impacts to Riparian Habitat or Sensitive Natural Communities (Standard of Significance 2) **34**
5.5 Impacts to Federally Protected Wetlands (Standard of Significance 3) **37**
5.5.1 Avoidance and Minimization Measures 37
5.6 Impacts to the Movement of Native Resident or Migratory Fish or Wildlife Species or Within Established Migratory Corridors (Standard of Significance 4) **37**
5.7 Conflict with Local Policies and Ordinances (Standard of Significance 5) **38**
5.8 Conflict with Conservation Plans (Standard of Significance 6) **38**
5.9 Special-Status Species Population Impacts (Standard of Significance 7) **38**

CHAPTER 6 REFERENCES

APPENDIX A – DATABASE RESULTS

LIST OF TABLES

Table 1: Existing Land Use Classifications 18
Table 2: Special-Status Species in the Project Vicinity 23

LIST OF FIGURES

Figure 1: Regional Vicinity Map 3
Figure 2: Project Location Map 5
Figure 3: Site Plan 7
Figure 4: Existing Land Uses 19
Figure 5: Creek Map 35

The purpose of this Biological Resources Assessment (BRA) is to describe the existing biological environment and to review the proposed 1715 Elm Street Condominiums development project in sufficient detail to determine to what extent the proposed action may affect threatened, endangered, proposed, or candidate species and/or their habitats. This BRA summarizes the effects on biological resources within the project study area (PSA) for use in the environmental document, and presents technical information upon which later decisions regarding project design may be developed.

1.1 PROJECT LOCATION

El Cerrito is located in Contra Costa County, in the northern San Francisco Bay Area, approximately 13.5 miles north of Oakland (**Figures 1** and **2**). Contra Costa County is bordered by the counties of Alameda to the south, Solano to the north, and San Joaquin to the east. El Cerrito is bordered by Richmond to the north and west, Albany to the south, and Wildcat Canyon Regional Park and Kensington to the east. El Cerrito is approximately 5 miles from the campus of the University of California, Berkeley, and is located approximately one-half mile east of San Francisco Bay.

1.2 PROJECT DESCRIPTION

The Elm Street condominium project proposes 13 new condominiums and the rehabilitation and relocation of the existing single-family detached house on the site (**Figure 3**). The existing 1,116-square-foot house contains two bedrooms. The proposed condominium units will contain a combination of one- and three-bedroom units totaling 14,147 square feet, with 3 one-bedroom units (approximately 869 square feet per unit) and 10 three-bedroom units (approximately 1,154 square feet per unit). The project proposes a residential density of 33 units per acre.

Parking will be provided in a gated parking garage located below the units and includes one parking space designed to comply with the requirements of the Americans with Disabilities Act. The project proposes 14 new parking spaces and is requesting an exception to the City parking requirements, which requires 19 spaces. The proposed parking exception is based on the proximity of the project site to the El Cerrito del Norte BART station, several bus lines, and nearby commercial uses.

1.3 PROJECT SETTING

The project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. There is currently a fence running across the front of the property to restrict access to the site. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a 3 percent slope across the property. It currently includes a vacant two-story house built in 1897, a detached garage, a well house, and a shed. There are several persimmon trees and one miniature lemon tree on-site. The site has fallen into disrepair and is now overgrown with weeds and unkempt landscaping.

An open, rock-lined drainage ditch runs east–west across the site along the southern edge of the property approximately 20 feet from the house. The ditch is approximately 4 feet deep and continues westerly onto the adjacent property in an open box culvert. The ditch conveys stormwater runoff from upstream properties to the east.

The project site is primarily surrounded by residential neighborhoods. Elm Street and residential properties are to the east, residential properties and Hill Street to the north, residential

properties and Liberty Street to the west, and a day care and Blake Street are located to the south (**Figure 2**). Windrush School, a private K–8 school, is approximately 700 feet to the northeast, while San Pablo Avenue, which is a major commercial corridor, and a Safeway store are a few blocks to the west. The El Cerrito del Norte BART station is approximately one-quarter mile to the northwest.

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Figure 1
Project Regional Location

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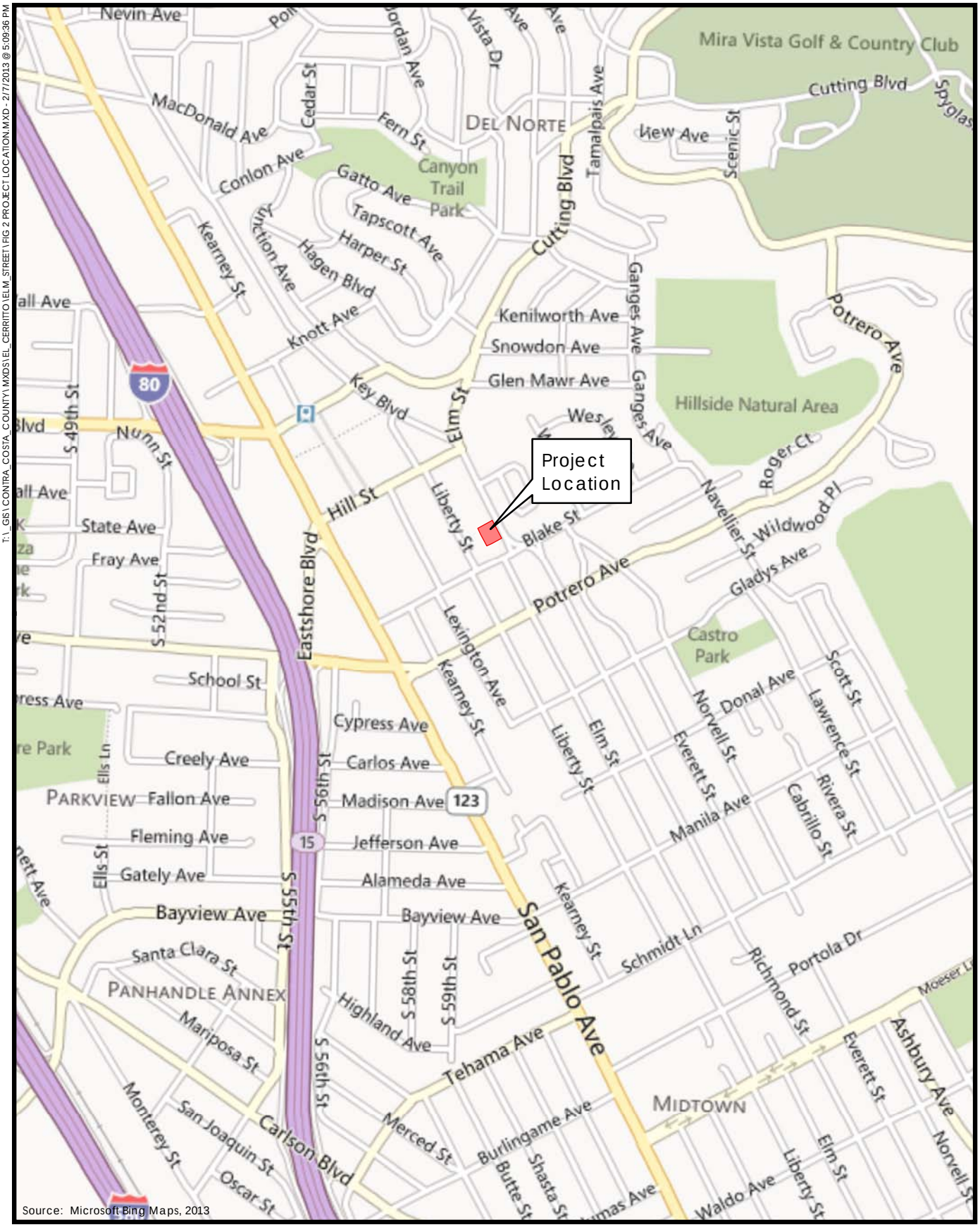
Project Location
Mira Vista Golf & Country Club
Cutting Blvd
Del Norte
Canyon Trail Park
Hillside Natural Area
Castro Park
Parkview
Panhandle Annex
Midtown
San Pablo Ave
Eastshore Blvd
Potrero Ave
Hill St
Liberty St
Blake St
Elm St
Kearney St
Lexington Ave
Carlson Blvd
Tehama Ave
Bayview Ave
Madison Ave
Jefferson Ave
Alameda Ave
Cypress Ave
Carlos Ave
Creely Ave
Fallon Ave
Fleming Ave
Gately Ave
School St
State Ave
Fray Ave
Nunn St
Knott Ave
Key Blvd
Kenilworth Ave
Snowdon Ave
Glen Mawr Ave
Ganges Ave
Tamalpais Ave
Scenic St
Potrero Ave
Roger Ct
Navellier St
Wildwood Pl
Gladys Ave
Donal Ave
Norvell St
Everett St
Manila Ave
Lawrence St
Scott St
Rivera St
Cabrillo St
Schmidt Ln
Portola Dr
Richmond St
Ashbury Ave
Waldo Ave
Burlingame Ave
Merced St
Highland Ave
Santa Clara St
Mariposa St
Monterey St
San Joaquin St
Oscar St
S 49th St
S 52nd St
S 55th St
S 56th St
S 58th St
S 59th St
Ells St
Ells Ln
Cedar St
Fern St
Conlon Ave
Gatto Ave
Tapscott Ave
Harper St
Hagen Blvd
Kearney St
Macdonald Ave
Nevin Ave
Jordan Ave
Vista Dr
Moeser Ln
Spyglass
Scenic St
Wesley
Roger Ct
Butte St
Shasta St
Burlingame Ave
Merced St
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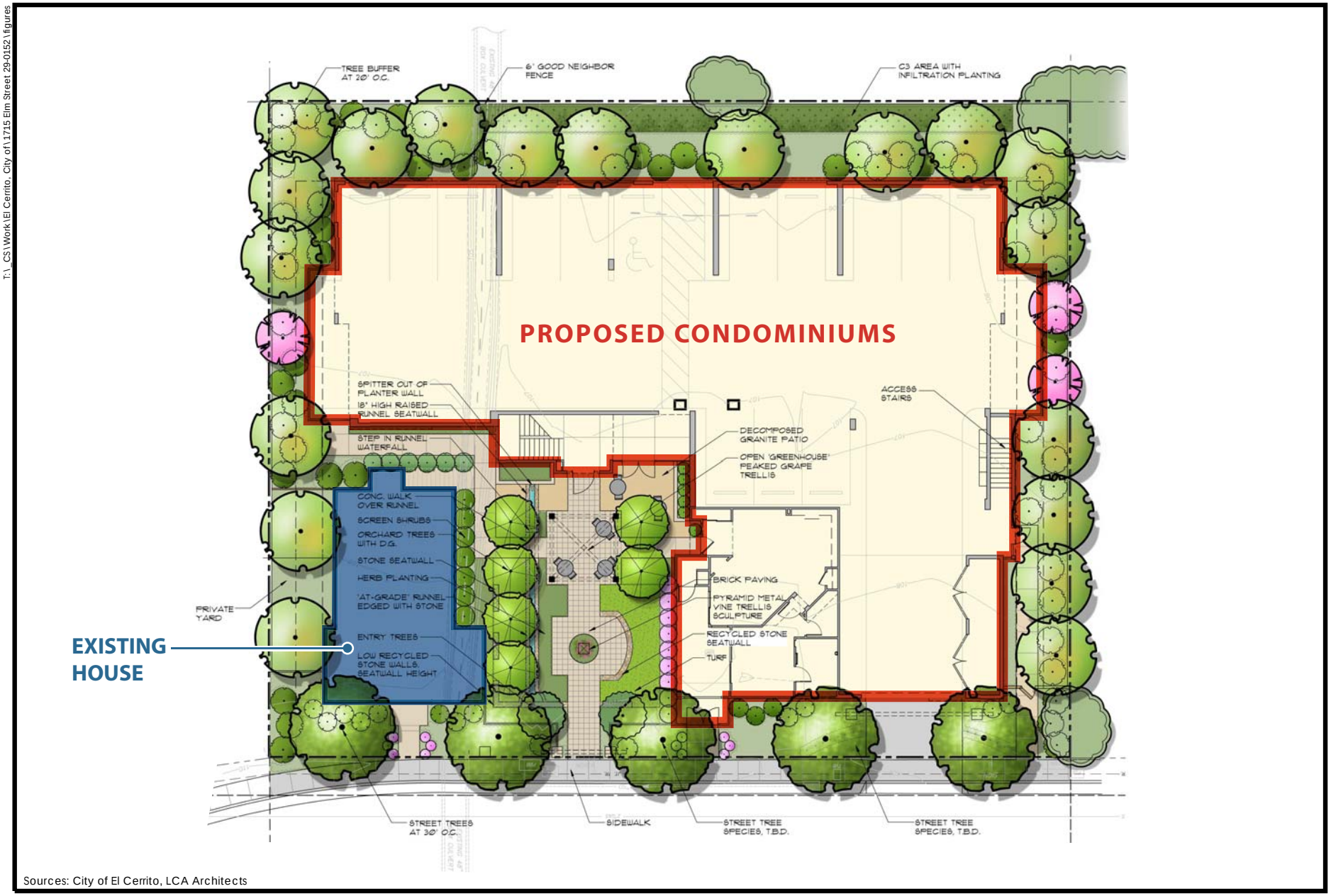

Sources: City of El Cerrito, LCA Architects

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Figure 3

Site Plan with Conceptual Streetscape and Buffer Yard Planting

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This section identifies the environmental review and consultation requirements as well as permits and approvals that must be obtained from local, state, and federal agencies before implementation of the proposed project.

2.1 FEDERAL

2.1.1 ENDANGERED SPECIES ACT

The Endangered Species Act of 1973 (ESA), as amended, provides protective measures for federally listed threatened and endangered species, including their habitats, from unlawful take (16 United States Code (USC) Sections 1531–1544). The ESA defines "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Title 50, Part 222, of the Code of Federal Regulations (50 CFR Section 222) further defines "harm" to include "an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns including feeding, spawning, rearing, migrating, feeding, or sheltering."

ESA Section 7(a)(1) requires federal agencies to utilize their authority to further the conservation of listed species. ESA Section 7(a)(2) requires consultation with the US Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) if a federal agency undertakes, funds, permits, or authorizes (termed the federal nexus) any action that may affect endangered or threatened species, or designated critical habitat. For projects that may result in the incidental "take" of threatened or endangered species, or critical habitat, and that lack a federal nexus, a Section 10(a)(1)(b) incidental take permit can be obtained from the USFWS and/or the NMFS.

2.1.2 CLEAN WATER ACT

The basis of the Clean Water Act (CWA) was established in 1948; however, it was referred to as the Federal Water Pollution Control Act. The act was reorganized and expanded in 1972 (33 USC Section 1251), and at this time the Clean Water Act became the act's commonly used name. The basis of the CWA is the regulation of pollutant discharges into waters of the United States (WoUS), as well as the establishment of surface water quality standards.

2.1.2.1 Section 404

CWA Section 404 (33 USC Section 1344) established the program to regulate the discharge of dredged or fill material into WoUS, including wetlands. Under this regulation, certain activities proposed within WoUS require the obtainment of a permit prior to initiation. These activities include, but are not limited to, placement of fill for the purposes of development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and bridges), and mining operations.

The primary objective of this program is to ensure that the discharge of dredge or fill material is not permitted if a practicable alternative to the proposed activities exists that results in less impact to WoUS, or the proposed activity would result in significant adverse impacts to WoUS. To comply with these objectives, a permittee must document the measures taken to avoid and minimize impacts to WoUS, and provide compensatory mitigation for any unavoidable impacts.

The US Environmental Protection Agency (EPA) and the USFWS are assigned roles and responsibilities in the administration of this program; however, the US Army Corps of Engineers (USACE) is the lead agency in the administration of day-to-day activities, including issuance of permits. The agencies will typically assert jurisdiction over the following waters: (1) traditional navigable waters (TNW); (2) wetlands adjacent to TNWs; (3) relatively permanent waters (RPW) that are non-navigable tributaries to TNWs, and have relatively permanent flow or seasonally continuous flow (typically three months); and (4) wetlands that directly abut RPWs. Case-by-case investigations are usually conducted by the agencies to ascertain their jurisdiction over waters that are non-navigable tributaries and do not contain relatively permanent or seasonal flow, wetlands adjacent to the aforementioned features, and wetlands adjacent to but not directly abutting RPWs (USACE 2007). Jurisdiction is not generally asserted over swales or erosional features (e.g., gullies or small washes characterized by low volume/short duration flow events), or ditches constructed wholly within and draining only uplands that do not have relatively permanent flows.

The extent of jurisdiction within WoUS, which lack adjacent wetlands, is determined by the ordinary high water mark (OHWM). The OHWM is defined in 33 CFR Section 328.3(e) as the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." Wetlands are further defined under 33 CFR Section 328.3 and 40 CFR Section 230.3 as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" and typically include "swamps, marshes, bogs, and similar areas." The USACE (1987) *Corps of Engineers Wetland Delineation Manual* (1987 Manual) sets forth a standardized methodology for delineating the extent of wetlands under federal jurisdiction.

The 1987 Manual outlines three parameters that all wetlands, under normal circumstances, must contain positive indicators for to be considered jurisdictional. These parameters include (1) wetland hydrology, (2) hydrophytic vegetation, and (3) hydric soils (USACE 1987). In 2006, the USACE issued a series of Regional Supplements to address regional differences that are important to the functioning and identification of wetlands. The supplements present "wetland indicators, delineation guidance, and other information" that is specific to the region. The USACE requires that wetland delineations submitted after June 5, 2007, be conducted in accordance with both the 1987 Manual and the applicable supplement.

2.1.2.2 Section 401

Under CWA Section 401 (33 USC Section 1341), federal agencies are not authorized to issue a permit and/or license for any activity that may result in discharges to WoUS, unless a state or tribe where the discharge originates either grants or waives CWA Section 401 certification. CWA Section 401 provides states or tribes with the ability to grant, grant with conditions, deny, or waive certification. Granting certification, with or without conditions, allows the federal permit/license to be issued and remain consistent with any conditions set forth in the CWA Section 401 certification. Denial of the certification prohibits the issuance of the federal license or permit, and waiver allows the permit/license to be issued without state or tribal comment. Decisions made by states or tribes are based on the proposed project's compliance with EPA water quality standards as well as applicable effluent limitation guidelines, new source performance standards, toxic pollutant restrictions, and any other appropriate requirements of

state or tribal law. In California, the State Water Resources Control Board (SWRCB) is the primary regulatory authority for CWA Section 401 requirements (additional details below).

2.1.3 MIGRATORY BIRD TREATY ACT

Migratory birds are protected under the Migratory Bird Treaty Act of 1918 (16 USC Sections 703–711). The Migratory Bird Treaty Act makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Section 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR Section 21). The majority of birds found in the project vicinity would be protected under the act.

2.1.3.1 Bald and Golden Eagle Protection Act

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are federally protected under the Bald and Golden Eagle Protection Act (16 USC Sections 668–668c). Under the act, it is illegal to take, possess, sell, purchase, barter, offer to sell or purchase or barter, transport, export, or import at any time or in any manner a bald or golden eagle, alive or dead; or any part, nest, or egg of these eagles unless authorized by the Secretary of the Interior. Violations are subject to fines and/or imprisonment for up to one year. Active nest sites are also protected from disturbance during the breeding season.

2.2 STATE

2.2.1 CALIFORNIA ENDANGERED SPECIES ACT

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of endangered and threatened species (California Fish and Game Code [FGC] Section 2070). The CDFW also maintains a list of "candidate species," which are species formally noticed as being under review for potential addition to the list of endangered or threatened species, and a list of "species of special concern," which serve as a species "watch lists."

Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present, and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of the CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under FGC Section 206.591. Authorization from the CDFW would be in the form of an incidental take permit.

2.2.2 CALIFORNIA FISH AND GAME CODE

2.2.2.1 Streambed Alteration Agreement

State and local public agencies are subject to FGC Section 1602, which governs construction activities that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated as waters of the state by the CDFW. Under FGC Section 1602, a discretionary Streambed Alteration Agreement must be

issued by the CDFW to the project proponent prior to the initiation of construction activities within lands under CDFW jurisdiction. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

2.2.2.2 Native Plant Protection Act

The Native Plant Protection Act (FGC Sections 1900–1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception in the act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give that state agency at least 10 days to retrieve the plants before they are plowed under or otherwise destroyed (FGC Section 1913). Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

2.2.2.3 Birds of Prey

Under FGC Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey), or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

2.2.2.4 Fully Protected Species

California statutes also afford "fully protected" status to a number of specifically identified birds, mammals, reptiles, and amphibians. These species cannot be "taken," even with an incidental take permit. FGC Section 3505 makes it unlawful to "take" "any aigrette or egret, osprey, bird of paradise, goura, numidi, or any part of such a bird."

FGC Section 3511 protects from "take" the following fully protected birds: (a) American peregrine falcon (*Falco peregrinus anatum*); (b) brown pelican (*Pelecanus occidentalis*); (c) California black rail (*Laterallus jamaicensis coturniculus*); (d) California clapper rail (*Rallus longirostris obsoletus*); (e) California condor (*Gymnogyps californianus*); (f) California least tern (*Sterna albifrons browni*); (g) golden eagle; (h) greater sandhill crane (*Grus canadensis tabida*); (i) light-footed clapper rail (*Rallus longirostris levipes*); (j) southern bald eagle (*Haliaeetus leucocephalus leucocephalus*); (k) trumpeter swan (*Cygnus buccinator*); (l) white-tailed kite (*Elanus leucurus*); and (m) Yuma clapper rail (*Rallus longirostris yumanensis*).

FGC Section 4700 identifies the following fully protected mammals that cannot be "taken": (a) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*); (b) bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*); (c) Guadalupe fur seal (*Arctocephalus townsendi*); (d) ring-tailed cat (genus *Bassariscus*); (e) Pacific right whale (*Eubalaena sieboldi*); (f) salt-marsh harvest mouse (*Reithrodontomys raviventris*); (g) southern sea otter (*Enhydra lutris nereis*); and (h) wolverine (*Gulo gulo*).

FGC Section 5050 protects from "take" the following fully protected reptiles and amphibians: (a) blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*); (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*); (c) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*); (d) limestone salamander (*Hydromantes brunus*); and (e) black toad (*Bufo boreas exsul*).

FGC Section 5515 also identifies certain fully protected fish that cannot lawfully be "taken" even with an incidental take permit: (a) Colorado River squawfish (*Ptychocheilus lucius*); (b) thicktail chub (*Gila crassicauda*); (c) Mohave chub (*Gila mohavensis*); (d) Lost River sucker (*Catostomus luxatus*); (e) Modoc sucker (*Catostomus microps*); (f) shortnose sucker (*Chasmistes brevirostris*); (g) humpback sucker (*Xyrauchen texanus*); (h) Owens River pupfish (*Cyprinoden radiosus*); (i) unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*); and (j) rough sculpin (*Cottus asperrimus*).

2.2.3 CALIFORNIA WETLANDS AND OTHER WATER POLICIES

The State Water Resources Control Board and its various departments do not authorize or approve projects that fill or otherwise harm or destroy coastal, estuarine, or inland wetlands. Exceptions may be granted if all of the following conditions are met:

- The project is water-dependent.
- No other feasible alternative is available.
- The public trust is not adversely affected.
- Adequate compensation is proposed as part of the project.

2.2.3.1 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1966 (California Water Code Section 13000 et seq.; CCR Title 23, Chapter 3, Subchapter 15) is the primary state regulation that addresses water quality. The requirements of the act are implemented by the SWRCB at the state level and by the Regional Water Quality Control Board (RWQCB) at the local level. The RWQCB carries out planning, permitting, and enforcement activities related to water quality in California. The act provides for waste discharge requirements and a permitting system for discharges to land or water. Certification is required by the RWQCB for activities that can affect water quality.

2.2.3.2 Clean Water Act, Section 401 Water Quality Certificaton

CWA Section 401 (33 USC Section 1341) requires that any applicant for a federal license or permit, which may result in a pollutant discharge to WoUS, obtain a certification that the discharge will comply with EPA water quality standards. The state or tribal agency responsible for issuance of the Section 401 certification may also require compliance with additional effluent limitations and water quality standards set forth in state/tribal laws. In California, the SWRCB is the primary regulatory authority for CWA Section 401 requirements.

The San Francisco Bay RWQCB is responsible for enforcing water quality criteria and protecting water resources in the project area. In addition, the RWQCB is responsible for controlling discharges to surface waters of the state by issuing waste discharge requirements (WDR), or commonly by issuing conditional waivers to WDRs. The RWQCB requires that a project proponent obtain a CWA Section 401 water quality certification for CWA Section 404 permits issued by the USACE. A request for water quality certification (including WDRs) by the RWQCB and an application for a General Permit for Storm Water Discharges Associated with Construction Activities are prepared and submitted following completion of the California Environmental Quality Act (CEQA) environmental document and submittal of the wetland delineation to the USACE.

2.2.3.3 Delegated Permit Authority

California has been delegated permit authority for the National Pollutant Discharge Elimination System permit program including stormwater permits for all areas except tribal lands. Issuance of CWA Section 404 dredge and fill permits remains the responsibility of the USACE; however, the state actively uses its CWA Section 401 certification authority to ensure CWA Section 404 permits are in compliance with state water quality standards.

2.2.3.4 State Definition of Covered Waters

Under California state law, "waters of the state" means "any surface water or groundwater, including saline waters, within the boundaries of the state." Therefore, water quality laws apply to both surface water and groundwater. After the US Supreme Court decision in *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers*, the Office of Chief Counsel of the SWRCB released a legal memorandum confirming the state's jurisdiction over isolated wetlands. The memorandum stated that under the California Porter-Cologne Water Quality Control Act (Porter-Cologne), discharges to wetlands and other waters of the state are subject to state regulation, and this includes isolated wetlands. In general, the State Water Resources Control Board regulates discharges to isolated waters in much the same way as it does for WoUS, using Porter-Cologne rather than Clean Water Act authority.

2.3 NONGOVERNMENTAL AGENCY

2.3.1 CALIFORNIA NATIVE PLANT SOCIETY

The California Native Plant Society (CNPS) is a nongovernmental agency that classifies native plant species according to current population distribution and threat level, in regard to extinction. These data are utilized by the CNPS to create and maintain a list of native California plants that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the *Inventory of Rare and Endangered Plants of California* (CNPS 2012). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

The following identifies the definitions of the CNPS listings:

List 1A: Plants believed to be extinct

List 1B: Plants that are rare, threatened, or endangered in California and elsewhere

List 2: Plants that are rare, threatened, or endangered in California, but are more numerous elsewhere

All of the plant species on Lists 1 and 2 meet the requirements of the Native Plant Protection Act Section 1901, Chapter 10, or FGC Section 2062 and Section 2067 and are eligible for state listing. Plants appearing on List 1 or 2 are considered to meet the criteria of CEQA Section 15380, and effects on these species are considered "significant." Plants on List 3 (plants about which we need more information) and/or List 4 (plants of limited distribution), as defined by the CNPS, are not currently protected under state or federal law. Therefore, no detailed descriptions or impact analysis was performed on species with these classifications.

2.4 LOCAL

2.4.1 EL CERRITO MUNICIPAL CODE

2.4.1.1 Chapter 19.12 – Creek Protection Overlay District

Chapter 19.12 of the El Cerrito Municipal Code affords protective measures to natural watercourses identified in the –CP Creek Protection (CP) overlay district. The purpose of the CP overlay district is to delineate creeks and major drainages and ensure that development or other activities in these sensitive areas achieves the following goals:

- Preserves, enhances, and restores natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed.
- Preserves riparian vegetation and protects wildlife habitat and wildlife corridors along natural drainage ways.
- Protect lands adjacent to riparian areas as public or private permanent open space through dedication or easements.
- Protects property owners and the public from erosion and flooding.
- Increases access to creeks for maintenance purposes and for potential public access to creek-side amenities.
- Ensures that projects are consistent with City Council adopted guidelines and resolutions for creek restoration and improvement, including designated creeks as natural corridors with habitat enhancement.
- Furthers the Joint Watershed Goals Statement of restoring creeks by removing culverts, underground pipes, and obstructions to fish and animal migration, and daylighting creeks where they can be enjoyed by people and wildlife.

This section describes the survey methods used to collect data on biological resources on and in the vicinity of the project site.

3.1 STUDIES REQUIRED

Pedestrian surveys were conducted within the PSA to assess the biological resources that may be impacted as part of the proposed project. A habitat assessment was performed to identify the habitat present within the PSA and in the vicinity, along with an informal evaluation of potentially jurisdictional waters. A biologist reviewed the proposed project description, performed literature reviews and database searches, and conducted biological surveys to obtain information regarding habitat quality and the presence of sensitive plant and wildlife species within the PSA.

3.1.1 LITERATURE REVIEW

A list of special-status species and habitats that have the potential to occur within the PSA or in the vicinity was prepared using information provided by the USFWS Sacramento office's Species Lists (2012a), the USFWS Critical Habitat Portal (2012b), the CDFW's California Natural Diversity Database (CNDDB, 2012a), and the CNPS's Inventory of Rare and Endangered Plants of California (2012).

A search of the USFWS Sacramento office Species List database was performed for the Richmond, California, USGS 7.5-minute quadrangle to identify special-status species under their jurisdiction that may be affected by the proposed project. In addition, a query of the USFWS Critical Habitat Portal was conducted to identify any designated critical habitat on or in the vicinity of the PSA. No critical habitat was identified. The CNDDB provided a list of known occurrences for special-status species within a 1-mile and 5-mile radius of the PSA. Lastly, the CNPS database was queried to identify special-status plant species with the potential to occur within the Richmond, California, USGS quadrangle. Please see **Appendix A** for the raw data returned from the database queries.

3.1.2 HABITAT ASSESSMENT

A reconnaissance-level survey was conducted by PMC biologists Summer Pardo on September 21, 2012. The purpose of this survey was to identify habitat types within the PSA, including potentially jurisdictional waters and sensitive natural communities. The field investigation included a general inspection of the PSA. Data collected during the survey was used to generate a habitat layer for the PSA using ESRI's ArcGIS mapping program. Habitat classifications were assigned using the CDFW's *California Wildlife Habitat Relationships System* (2012b).

3.1.3 IMPACT ASSESSMENT

The impact assessment is based on information provided in the project description; the biological and regional setting; and on federal, state, and local regulatory requirements regarding impacts to biological resources. In addition, the impact analysis utilized data collected from the literature review, reconnaissance-level survey, and habitat mapping. Impacts to specific biological resources are identified, and appropriate avoidance, minimization, compensation, and/or mitigation measures are discussed further in **Chapter 5**.

This chapter describes the region in which the project will occur, including a description of the existing biological conditions.

4.1 EXISTING LAND USES

The site survey on September 21, 2012, revealed that urban residential land uses dominate the proposed project site and adjacent lands. The site is dominated by residential uses, with one surface water feature on the southern portion of the parcel (**Table 1**, **Figure 4**). The site contains one residential structure, along with a storage shed, carport, and pump house. The vegetation on-site is characterized by ruderal herbaceous species, with scattered orchard trees. In addition, one U-shaped surface water feature traverses the property from east to west. This feature is characterized by cobble reinforced sidewalls and bed, and is dominated by watercress (*Nasturtium officinale*).

TABLE 1: EXISTING LAND USE CLASSIFICATIONS

Land Use	Acreage
Urban	0.41
Surface Water	0.01
Total	0.42

4.2 REGIONAL SPECIES AND HABITATS OF CONCERN

4.2.1 WETLANDS AND OTHER WATERS OF THE US

Jurisdictional WoUS and isolated wetlands provide a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, migration, and movement corridors for both special-status and common species. In addition to habitat functions, these features provide physical conveyance of surface water flows capable of handling large stormwater events. Large storms can produce extreme flows that cause bank cutting and sedimentation of open waters and streams. Jurisdictional waters can slow these flows and lessen the effects of these large storm events, protecting habitat and other resources. The informal evaluation of potentially jurisdictional waters identified one surface water feature within the PSA, which is a daylighted portion of Baxter Creek. A formal delineation has not been conducted or verified to date.

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Figure 4
Existing Land Use Map

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4.2.2 SPECIAL-STATUS SPECIES

Candidate, sensitive, or special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat. These species have been identified and assigned a status ranking by governmental agencies such as the CDFW, the USFWS, and private organizations such as the CNPS. The degree to which a species is at risk of extinction is the determining factor in the assignment of a status ranking. Some common threats to a species' or a population's persistence include habitat loss, degradation, and fragmentation, as well as human conflict and intrusion. For the purposes of this BRA, special-status species are defined by the following codes:

- Listed, proposed, or candidates for listing under the ESA (50 CFR Section 17.11 – listed; 61 Federal Register Section 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the CESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations (CCR) Section 670.1 et seq.)
- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380), including CNPS List 1 and 2

Several special-status species were identified by the database queries (**Table 2**); however, the urban land uses on and adjacent to the proposed project site do not provide suitable habitat for any of the special-status plant species listed as occurring in the area. In addition, several wildlife species were identified. The majority of the species with the potential to occur in the project vicinity are associated with coastal habitats (e.g., salt marshes, mangroves, brackish/estuarine waters). These habitats do not occur on-site; therefore, no impacts to special-status species associated with coastal habitats will occur. Further discussions regarding potential impacts to special-status species are provided in Subsection 5.2.

TABLE 2: SPECIAL-STATUS SPECIES IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Plants						
Pallid manzanita	Arctostaphylos pallida	T	E	1B.1	Siliceous shale, sandy or gravelly soil. Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub (CNPS 2012).	None. No habitat on site.
Santa Cruz tarplant	Holocarpha macradenia	T	E	1B.1	Clay, sandy soil. Coastal prairie, coastal scrub, valley & foothill grassland (CNPS 2012).	None. No habitat on site.
Critical habitat, Santa Cruz tarplant		X	–	–	–	No critical habitat on or near the project site.
California aeablite	Suaeda californica	E	–	1B.1	Marshes & swamps (coastal salt) (CNPS 2012).	None. No habitat on site.
Alkali milk-vetch	Astragalus tener var. tener	–	–	1B.2	Alkaline soils. Playas, valley and foothill grassland (adobe clay), vernal pools (CNPS 2012).	None. No habitat on site.
Bent-flowered fiddleneck	Amsinckia lunaris	–	–	1B.2	Coastal bluff scrub, cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.
Coastal bluff morning-glory	Calystegia purpurata ssp. saxicola	–	–	1B.2	Coastal dunes, coastal scrub, north coast coniferous forest (CNPS 2012).	None. No habitat on site.
Diablo helianthella	Helianthella castanea	–	–	1B.2	Broadleaf upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fragrant fritillary	Fritillaria liliacea	–	–	1B.2	Serpentinite soils. Cismontane woodland, coastal prairie, coastal scrub, valley & foothill grassland (CNPS 2012).	None. No habitat on site.
Franciscan thistle	Cirsium andrewsii	–	–	1B.2	Mesic, sometimes serpentinite soils. Broadleafed upland forest, coastal bluff scrub, coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on site.
Loma Prieta hoita	Hoita strobilina	–	–	1B.2	Usually serpentinite, mesic soils. Chaparral, cismontane woodland, riparian woodland (CNPS 2012).	None. No habitat on site.
Oregon meconella	Meconella oregana	–	–	1B.1	Coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on site.
Point Reyes bird's-beak	Chloropyron maritimum ssp. palustre	–	–	1B.2	Marshes & swamps (coastal salt) (CNPS 2012).	None. No habitat on site.
Round-leaved filaree	California macrophylla	–	–	1B.1	Clay soils. Cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.
Saline clover	Trifolium hydrophilum	–	–	1B.2	Marshes & swamps, valley and foothill grassland (mesic, alkaline), vernal pools (CNPS 2012).	None. No habitat on site.
Western leatherwood	Dirca occidentalis	–	–	1B.2	Mesic soils. Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland (CNPS 2012).	None. No habitat on site.
Invertebrates						
Callippe silverspot butterfly	Speyeria callippe callippe	E			Host plant: violet (*Viola pedunculata*) (Essig Museum of Entomology 2012).	None. Host plant does not occur on the site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fish						
Green sturgeon	Acipenser medirostris	T (NMFS)	T		Oceanic waters, bays, and estuaries during non-spawning season. Spawning habitat = deep pools in large, turbulent, freshwater mainstems (NMFS 2005).	None. No habitat on site.
Tidewater goby	Eucyclogobius newberryi	E	E		Brackish water, shallow lagoons & lower stream reaches, still water (USFWS 2005).	None. No habitat on site.
Delta smelt	Hypomesus transpacificus	T	E		Brackish water below 25°C non-spawning season. Spawning habitat = shallow, fresh or slightly brackish backwater sloughs with good water quality and substrate (USFWS 1995).	None. No habitat on site.
Coho salmon – central CA coast	Oncorhynchus kisutch	T	T		Spawning habitat = small streams, stable gravel substrates. Non-spawning = estuarine, marine waters (Weitkamp et al. 1995).	None. No habitat on site.
Central California coastal steelhead	Oncorhynchus mykiss	T (NMFS)	T		Spawning habitat = gravel-bottomed, fast-flowing, well-oxygenated rivers and streams. Non-spawning = estuarine, marine waters (Busby et al. 1996).	None. No habitat on site.
Central Valley steelhead		T (NMFS)	T			None. No habitat on site.
Central Valley spring-run Chinook Salmon	Oncorhynchus tshawytscha	T (NMFS)	E		Spawning habitat = fast moving, freshwater streams and rivers. Juvenile habitat = brackish estuaries. Non-spawning = marine waters (Myers et al. 1998).	None. No habitat on site.
Critical habitat, winter-run Chinook salmon		X	–			No critical habitat on or near the project site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Winter-run Chinook salmon, Sacramento River		E (NMFS)	SSC			None. No habitat on site.
Amphibians						
California red-legged frog	Rana draytonii	T	–		Ponds/streams in humid forests, woodlands, grasslands, coastal scrub, and streamsides with plant cover in lowlands or foothills. Breeding habitat = permanent or ephemeral water sources; lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps. Ephemeral wetland habitats require animal burrows or other moist refuges for estivation when the wetlands are dry. From sea level to 5,000 feet. (1,525 meters) (Nafis 2012).	None. No habitat on site.
Critical habitat, California red-legged frog		X	–			No critical habitat on or near the project site.
Reptiles						
Alameda whipsnake [=striped racer]	Masticophis lateralis euryxanthus	T	T		Canyons, rocky hillsides, chaparral scrublands, open woodlands, pond edges andtream courses (Nafis 2012).	None. No habitat on site.
Critical habitat, Alameda whipsnake		X				No critical habitat on or near the project site.
Birds						
Western snowy plover	Charadrius alexandrinus nivosus	T			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, river bars, along alkaline or saline lakes, reservoirs, and ponds (Cornell Lab of Ornithology 2012).	None. No habitat on site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
California brown pelican	Pelecanus occidentalis californicus	E			Warm coastal marine and estuarine environments. Rare inland. Breeds primarily on islands (Cornell Lab of Ornithology 2012).	None. No habitat on site.
California clapper rail	Rallus longirostris obsoletus	E	E		Saltmarshes and mangrove swamps (Cornell Lab of Ornithology 2012).	None. No habitat on site.
California least tern	Sternula antillarum (=Sterna, =albifrons) browni	E			Seacoasts, beaches, bays, estuaries, lagoons, lakes and rivers, breeding on sandy or gravelly beaches and banks of rivers or lakes, rarely on flat rooftops of buildings (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Bald eagle	Haliaeetus leucocephalus	D	E		Typically nest in forested areas adjacent to large bodies of water, staying away from heavily developed areas when possible. Tolerant of human activity when feeding, and may congregate around fish processing plants, dumps, and below dams where fish concentrate. For perching, bald eagles prefer tall, mature coniferous or deciduous trees that afford a wide view of the surroundings. In winter, they can also be seen in dry, open uplands if there is access to open water for fishing (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Cackling (=Aleutian Canada) goose	Branta hutchinsii leucopareia	D	–		Breeds in coastal marshes, along tundra ponds and streams, and steep turf slopes above rocky shores (Cornell Lab of Ornithology 2012).	None. No habitat on site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
California black rail	Laterallus jamaicensis coturniculus	–	T		Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Mammals						
Salt marsh harvest mouse	Reithrodontomys raviventris	E	E		Salt marshes with dense stands of pickleweed; adjacent to upland, salt-tolerant vegetation (USFWS 1984).	None. No habitat on site.

Key
Federal & State Status
(E) Endangered - Listed as being in danger of extinction.
(T) Threatened - Listed as likely to become endangered within the foreseeable future.
(NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
Critical Habitat - Area essential to the conservation of a species.
(X) Critical habitat designated for this species.
(D) Delisted
CNPS Rare Plant Rank
Rareness Ranks
(1A) Presumed Extinct in California
(1B) Rare, Threatened, or Endangered in California and Elsewhere
(2) Rare, Threatened, or Endangered in California, But More Common Elsewhere
(3) More Species Information Needed

Key
(4) Limited Distribution
Threat Ranks
(0.1) Seriously threatened in California
(0.2) Fairly threatened in California
(0.3) Not very threatened in California

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This chapter of the BRA discusses impacts to special-status natural communities and species with the potential to occur in the project study area. Potential effects to species are based on the pre-application subdivision exhibit; current project description; likelihood of each species to occur within the PSA; and each species' biological growth, reproduction, feeding, resting, and cover requirements as appropriate. Each species is discussed, including results of surveys for the species, designated critical habitat for the species within the PSA (if applicable), avoidance and minimization measures proposed to avoid or reduce project-related impacts to the species, expected or potential project-related effects to the species, and cumulative effects to the species when considered with other proposed, completed, or reasonably foreseeable projects in the project vicinity. Project-related effects to plant and wildlife species can be direct, indirect, permanent, temporary, and cumulative. Direct impacts are those caused by the proposed project and occur at the time of project construction or implementation. Indirect effects are those that are caused by the proposed project and are reasonably certain to occur, but occur later in time.

5.1 STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance:

1) 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 CDFW or USFWS.

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS.

3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

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.

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

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.

7) Reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels.

5.2 METHODOLOGY

The impact assessment below discusses impacts from implementation of project activities. The impact assessment was based on the project description, information described in the project and biological setting, and the standards of significance described above. In addition, the impact analysis is organized by the significance criteria noted above: special-status plant and wildlife species, sensitive vegetation communities, federally protected wetlands, wildlife movement corridors, and compliance with local plans and policies, or existing habitat conservation plans. Each impact category includes a description of the specific potential impacts as well as avoidance, minimization, and mitigation measures that can potentially reduce and mitigate potentially significant impacts.

5.3 IMPACTS TO CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES (STANDARD OF SIGNIFICANCE 1)

Impact BIO-1 Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to special-status species, which would be considered a **potentially significant** impact.

Several special-status species were identified by the database queries; however, the urban land uses on and adjacent to the proposed project site do not provide suitable habitat for any of the special-status plant species listed as occurring in the area. In addition, several wildlife species were identified. The majority of the species with the potential to occur in the project vicinity are associated with coastal habitats (e.g., salt marshes, mangroves, brackish/estuarine waters). These habitats do not occur on-site; therefore, no impacts to special-status species associated with coastal habitats will occur.

A few species associated with streams/creeks were identified as having the potential to occur in the project vicinity. The on-site surface water was historically a natural creek that was channelized for stormwater conveyance. A geographic information system (GIS) data layer was obtained from Contra Costa County (2007) that depicts the location and extent of creeks in El Cerrito. An analysis was conducted using the creek GIS layer and aerial photointerpretation of existing land uses to determine the extent of Baxter Creek that has been undergrounded. This analysis determined that Baxter Creek is approximately 9,550 feet in length, approximately 7,750 linear feet have been undergrounded, and 1,800 linear feet remain daylighted (**Figure 5**). The on-site surface water represents approximately 115 linear feet of the daylighted segments.

The special-status fish species associated with streams/creeks, which have the potential to occur in the project vicinity, are anadramous. Although Baxter Creek eventually drains into San Francisco Bay, approximately 1.25 miles of the creek is undergrounded between the project site and the bay. The extent of creek that is underground before reaching the property precludes the migration of any special-status fish species into the on-site surface water. In addition, the lack of natural connections to suitable habitat for the special-status amphibian

and reptile species associated with streams/creeks in the project vicinity, and the unsuitable habitat conditions within the on-site surface water, eliminate the potential for these species to occur on-site. Therefore, **no impact** to special-status species will occur as a result of the proposed project.

The proposed project does, however, have the potential to impact migratory birds, raptors, and bats. Trees on and adjacent to the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act, as well Sections 3503.5 and 3800–3806 of the Fish and Game Code. In addition, the abandoned structures on-site have the potential to provide suitable nesting habitat for protected birds, as well as roosting habitat for bats. The demotion of the abandoned structures and removal of trees during construction activities could result in noise, dust, human disturbance, and other direct/indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site.

Potential nest abandonment and mortality to eggs and chicks would be considered a **potentially significant** impact to protected bird species; however, implementation of mitigation measures **MM-BIO-1** through **MM-BIO-3** will reduce those impacts to a **less than significant** level. In addition, mortality of roosting bat species during construction would be considered a **potentially significant** impact; however, implementation of mitigation measure **MM-BIO-4** will reduce those impacts to a **less than significant** level.

5.3.1 AVOIDANCE AND MINIMIZATION MEASURES

MM-BIO-1

Survey for Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, will be submitted to the City Planning Department until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and the Migratory Bird Treaty Act shall be included in the construction specifications.

MM-BIO-2

Survey for Active Raptor Nests. If construction activities will occur during nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area will be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer will be erected around the nest while it is active to protect the nesting raptors. This buffer distance may be

amended to account for nests that are not within the line of sight of the construction activity.

MM-BIO-3 **Conduct Surveys for Bird Nests in Structures.** If demolition of abandoned structures will take place during of the migratory bird nesting season (April 15–August 15), then, a survey for nesting migratory birds (e.g., swallows, phoebes) will precede demolition. If bird nests are discovered in the structure, the building will not be removed until the nest(s) become inactive.

MM-BIO-4 **Conduct Surveys of Potential Bat Roosts.** Demolition of abandoned structures will be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

5.4 IMPACTS TO RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITIES (STANDARD OF SIGNIFICANCE 2)

Sensitive habitats include those that are of special concern to resource agencies and those that are protected under CEQA, Section 1600 of the Fish and Game Code, and Section 404 of the Clean Water Act (CWA).

The project proponent is proposing to underground the on-site surface water for the purposes of constructing new condominiums. This U-shaped feature is characterized by cobble reinforced sidewalls and bed, and is dominated by watercress (*Nasturtium officinale*). No riparian habitat is associated with this feature; therefore, this impact would be **less than significant**.

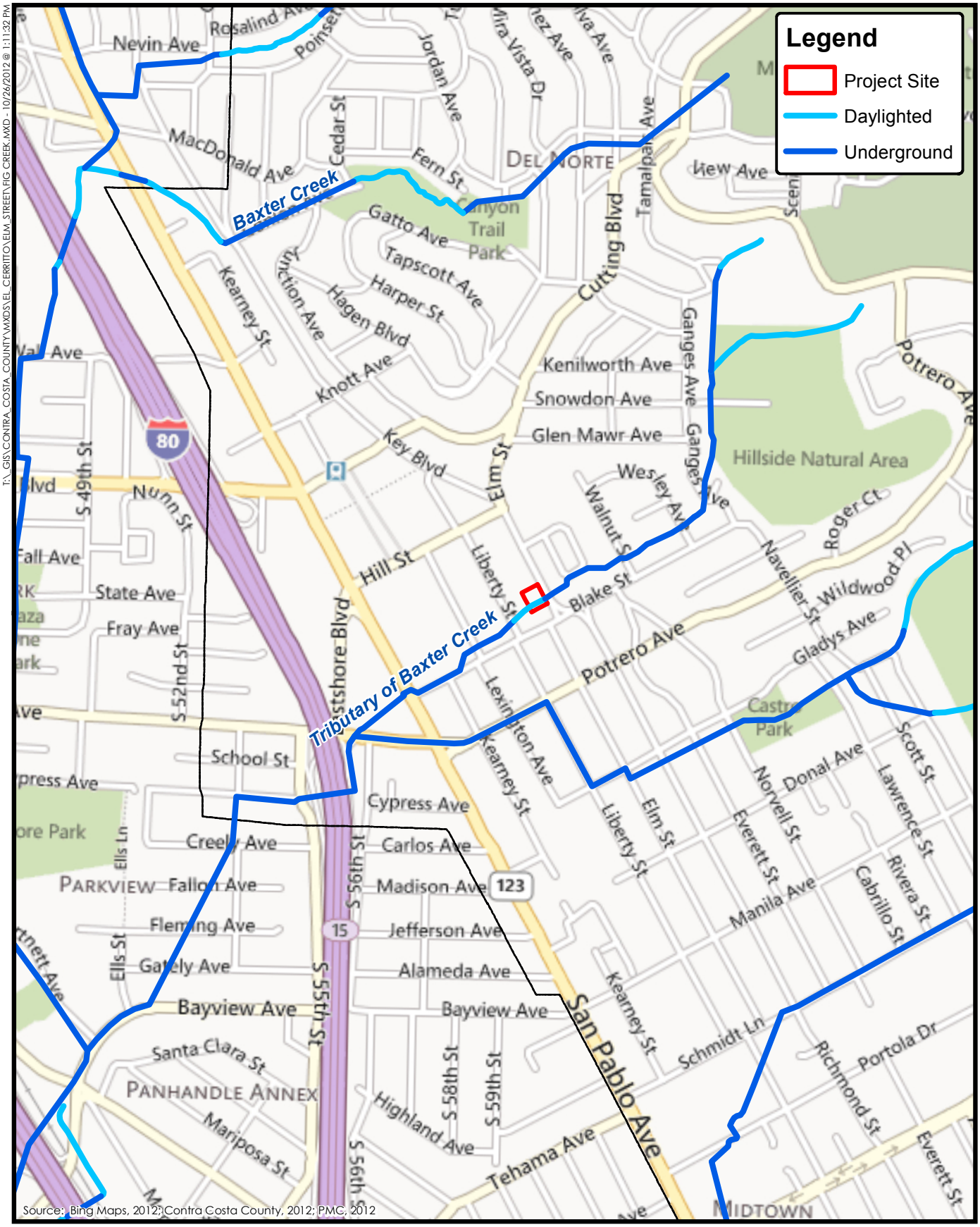

Figure 5
Creek Map

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5.5 IMPACTS TO FEDERALLY PROTECTED WETLANDS (STANDARD OF SIGNIFICANCE 3)

Impact BIO-2 Implementation of project-related activities could result in the disturbance, degradation, and/or removal of federally protected wetlands, which would be considered a **potentially significant** impact.

To date, a jurisdictional determination for the project has not been verified by any state or federal agencies. However, the on-site surface water is presumed to be jurisdictional to the USACE, Regional Water Quality Control Board, and CDFW.

Authorization to place fill within the on-site jurisdictional feature may be required by the USACE, through the CWA Section 404 permitting process prior to project implementation. If a CWA Section 404 permit were to be required, a CWA Section 401 permit would be also required from the RWQCB. If it is determined that the on-site jurisdictional feature qualifies as waters of the state, and would be affected by the proposed project, the applicant would be required to obtain authorizations from the RWQCB and the CDFW to fill/disturb these features prior to project implementation. Furthermore, construction-related impacts to water quality would be mitigated through the implementation of best management practices (BMPs).

Implementation of mitigation measure **MM-BIO-5** would reduce impacts to waters of the state and waters of the United States to a **less than significant** level.

5.5.1 AVOIDANCE AND MINIMIZATION MEASURES

MM-BIO-5 **Mitigate for Loss of Waters of the United States.** If the US Army Corps of Engineers identifies that the feature is jurisdictional, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; or (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities.

Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

If the USACE verifies that the feature is not jurisdictional, no mitigation will be required.

5.6 IMPACTS TO THE MOVEMENT OF NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITHIN ESTABLISHED MIGRATORY CORRIDORS (STANDARD OF SIGNIFICANCE 4)

Implementation of the proposed project would not interfere substantially with the movement of native resident or migratory fish or wildlife species. No established migratory routes are identified on or adjacent to the project site. Additionally, the on-site drainage feature has no natural connections to perennial features utilized by anadromous fish species. Due to the highly urbanized land uses in the project vicinity, it is unlikely that any significant aquatic or

wildlife corridors exist in the project vicinity. Therefore, **no impact** will occur, and no mitigation is proposed.

5.7 CONFLICT WITH LOCAL POLICIES AND ORDINANCES (STANDARD OF SIGNIFICANCE 5)

Impact BIO-8 Implementation of project-related activities may conflict with El Cerrito Municipal Code Chapter 19.12, which would be considered a **potentially significant** impact.

The proposed project will result in the bridging/undergrounding of the on-site surface water for the purposes of constructing new condominiums. Therefore, the proposed activities would conflict with local policies or ordinances protecting biological resources. The on-site surface water provides marginal habitat value for wildlife that may include utilization by local birds and mammals, as well as by feral/domesticated pets. As a result, bridging/undergrounding the on-site surface water would result in **less than significant** impacts to biological resources, and no mitigation is proposed.

5.8 CONFLICT WITH CONSERVATION PLANS (STANDARD OF SIGNIFICANCE 6)

The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. There are no adopted habitat conservation plans that overlap the PSA; therefore, the proposed project would not conflict with such plans, and **no impact** is anticipated. No avoidance and minimization measures are proposed.

5.9 SPECIAL-STATUS SPECIES POPULATION IMPACTS (STANDARD OF SIGNIFICANCE 7)

Implementation of project-related activities would not reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels. As such, there would be **no impact**.

Mitigation measures **MM-BIO-1** through **MM-BIO-9** will ensure that the proposed project does not reduce sensitive plant, wildlife, habitat, and/or other biological resources below self-sustaining levels. As such, there would be a **less than significant** impact, and no additional avoidance and minimization measures are proposed.

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APPENDIX A - DATABASE RESULTS

U.S. Fish & Wildlife Service

Sacramento Fish & Wildlife Office

Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the RICHMOND (466A) U.S.G.S. 7 1/2 Minute Quad

Database last updated: September 18, 2011
Report Date: October 17, 2012

Listed Species

Invertebrates

Speyeria callippe callippe
callippe silverspot butterfly (E)

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

Eucyclogobius newberryi
tidewater goby (E)

Hypomesus transpacificus
delta smelt (T)

Oncorhynchus kisutch
coho salmon - central CA coast (E) (NMFS)

Oncorhynchus mykiss
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Rana draytonii
California red-legged frog (T)
Critical habitat, California red-legged frog (X)

Reptiles

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)
Critical habitat, Alameda whipsnake (X)

Birds

Charadrius alexandrinus nivosus
western snowy plover (T)

Pelecanus occidentalis californicus
California brown pelican (E)

Rallus longirostris obsoletus
California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)

Mammals

Reithrodontomys raviventris
salt marsh harvest mouse (E)

Plants

Arctostaphylos pallida
pallid manzanita (=Alameda or Oakland Hills manzanita) (T)

Holocarpha macradenia
Critical habitat, Santa Cruz tarplant (X)
Santa Cruz tarplant (T)

Suaeda californica
California sea blite (E)

Key:

- (E) Endangered - Listed as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- (P) Proposed - Officially proposed in the Federal Register for listing as

endangered or threatened.

- (NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
- Critical Habitat - Area essential to the conservation of a species.
- (PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.
- (C) Candidate - Candidate to become a proposed species.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) Critical Habitat designated for this species

CNDDB OUTPUT				
1 Mile Count				
Occurrence Count	**Scientific Name**	**Common Name**	**Federal Listing**	**State Listing**
1	*Antrozous pallidus*	pallid bat	None	None
1	*Astragalus tener* var. *tener*	alkali milk-vetch	None	None
2	*Danaus plexippus*	monarch butterfly	None	None
2	*Fritillaria liliacea*	fragrant fritillary	None	None
1	*Helminthoglypta nickliniana bridgesi*	Bridges' coast range shoulderband	None	None
1	*Lasiurus cinereus*	hoary bat	None	None
3	*Masticophis lateralis euryxanthus*	Alameda whipsnake	Threatened	Threatened
1	*Melospiza melodia pusillula*	Alameda song sparrow	None	None
1	*Suaeda californica*	California seablite	Endangered	None
1	*Trifolium hydrophilum*	saline clover	None	None
5 Mile Count				
Occurrence Count	**Scientific Name**	**Common Name**	**Federal Listing**	**State Listing**
3	*Amsinckia lunaris*	bent-flowered fiddleneck	None	None
5	*Antrozous pallidus*	pallid bat	None	None
2	*Archoplites interruptus*	Sacramento perch	None	None
3	*Arctostaphylos pallida*	pallid manzanita	Threatened	Endangered
1	*Asio flammeus*	short-eared owl	None	None
1	*Astragalus tener* var. *tener*	alkali milk-vetch	None	None
1	*Athene cunicularia*	burrowing owl	None	None
1	*Branta hutchinsii leucopareia*	cackling (=Aleutian Canada) goose	Delisted	None
1	*California macrophylla*	round-leaved filaree	None	None
1	*Calystegia purpurata* ssp. *saxicola*	coastal bluff morning-glory	None	None
1	*Chloropyron maritimum* ssp. *palustre*	Point Reyes bird's-beak	None	None
2	*Circus cyaneus*	northern harrier	None	None
1	*Cirsium andrewsii*	Franciscan thistle	None	None
4	*Danaus plexippus*	monarch butterfly	None	None
1	*Dipodomys heermanni berkeleyensis*	Berkeley kangaroo rat	None	None
5	*Dirca occidentalis*	western leatherwood	None	None
1	*Egretta thula*	snowy egret	None	None
3	*Elanus leucurus*	white-tailed kite	None	None
3	*Emys marmorata*	western pond turtle	None	None
1	*Eucyclogobius newberryi*	tidewater goby	Endangered	None
4	*Fritillaria liliacea*	fragrant fritillary	None	None

5 Mile Count				
Occurrence Count	**Scientific Name**	**Common Name**	**Federal Listing**	**State Listing**
1	*Haliaeetus leucocephalus*	bald eagle	Delisted	Endangered
6	*Helianthella castanea*	Diablo helianthella	None	None
4	*Helminthoglypta nickliniana bridgesi*	Bridges' coast range shoulderband	None	None
1	*Hoita strobilina*	Loma Prieta hoita	None	None
14	*Holocarpha macradenia*	Santa Cruz tarplant	Threatened	Endangered
1	*Hydroprogne caspia*	Caspian tern	None	None
1	*Lasionycteris noctivagans*	silver-haired bat	None	None
2	*Lasiurus cinereus*	hoary bat	None	None
4	*Laterallus jamaicensis coturniculus*	California black rail	None	Threatened
30	*Masticophis lateralis euryxanthus*	Alameda whipsnake	Threatened	Threatened
1	*Meconella oregana*	Oregon meconella	None	None
4	*Melospiza melodia pusillula*	Alameda song sparrow	None	None
5	*Melospiza melodia samuelis*	San Pablo song sparrow	None	None
1	*Microcina leei*	Lee's micro-blind harvestman	None	None
6	*Microtus californicus sanpabloensis*	San Pablo vole	None	None
3	Northern Coastal Salt Marsh	Northern Coastal Salt Marsh	None	None
1	Northern Maritime Chaparral	Northern Maritime Chaparral	None	None
1	*Nycticorax nycticorax*	black-crowned night heron	None	None
1	*Nyctinomops macrotis*	big free-tailed bat	None	None
4	*Rallus longirostris obsoletus*	California clapper rail	Endangered	Endangered
3	*Rana draytonii*	California red-legged frog	Threatened	None
2	*Reithrodontomys raviventris*	salt-marsh harvest mouse	Endangered	Endangered
1	*Sorex vagrans halicoetes*	salt-marsh wandering shrew	None	None
1	*Suaeda californica*	California seablite	Endangered	None
3	*Trifolium hydrophilum*	saline clover	None	None
1	Valley Needlegrass Grassland	Valley Needlegrass Grassland	None	None
1	*Xanthocephalus xanthocephalus*	yellow-headed blackbird	None	None

Rare Plant Rank
1B.2
1B.2
1B.1
1B.2

Rare Plant Rank
1B.2
1B.1
1B.2
1B.1
1B.2
1B.2
1B.2
1B.2
1B.2

Rare Plant Rank
1B.2
1B.1
1B.1
1B.1
1B.1
1B.2

CNPS RARE PLANT INVENTORY OUTPUT		
Scientific Name	**Common Name**	**Rare Plant Rank**
Arctostaphylos pallida	pallid manzanita	1B.1
Astragalus tener var. tener	alkali milk-vetch	1B.2
Calystegia purpurata ssp. saxicola	coastal bluff morning-glory	1B.2
Chloropyron maritimum ssp. palustre	Point Reyes bird's-beak	1B.2
Dirca occidentalis	western leatherwood	1B.2
Fritillaria liliacea	fragrant fritillary	1B.2
Helianthella castanea	Diablo helianthella	1B.2
Hoita strobilina	Loma Prieta hoita	1B.1
Holocarpha macradenia	Santa Cruz tarplant	1B.1
Meconella oregana	Oregon meconella	1B.1
Streptanthus albidus ssp. peramoenus	most beautiful jewel-flower	1B.2
Suaeda californica	California seablite	1B.1
Trifolium hydrophilum	saline clover	1B.2