

SECTION 4.3

BIOLOGICAL RESOURCES

This section provides a background discussion of the regulatory framework, the affected environment and impacts to biological resources. The regulatory framework discussion focuses on the federal, state, and local regulations that apply to plants, animals and sensitive habitats. The affected environment discussion focuses on the topography and soils; general vegetation; general wildlife; and potential for sensitive biological resources. Information contained in this section is summarized from the “Biological Resources Assessment Letter Report for the Trinity Cannabis Cultivation and Manufacturing Facility, Calexico, California” dated January 23, 2018 (Primrose 2018). This report is provided on the attached CD of Technical Appendices as **Appendix C** of this EIR.

4.3.1 REGULATORY FRAMEWORK

A. FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (16 United States Code [USC] section 1531 et seq.) provides for the conservation of endangered and threatened species listed pursuant to Section 4 of FESA (16 U.S.C. section 1533) and the ecosystems upon which they depend. Two sections of this law mandate protection for species in this category: FESA Sections 9 and 7. Under Section 9, it is unlawful for anyone to “take” a listed animal. Take may be direct (e.g., harming or killing species) or indirect (e.g., by significantly modifying its habitat in such a way that it causes harm to the species) (United States Fish and Wildlife Service [USFWS] 1973). Section 7 of FESA (16 USC section 1536) requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of Critical Habitat for these species. The USFWS administers this federal program. The Project parcels were surveyed for the potential presence of species covered under FESA.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC sections 703-712) is a federal law that implements international treaties and conventions held to protect migratory birds (USFWS 1918). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 Code of Federal Regulations (CFR) Part 10. This includes feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The MBTA requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1 to August 31, annually) to avoid nest abandonment and/or loss of eggs or young. The loss of habitat upon which the birds depend could constitute a violation of the MBTA. In addition to the MBTA, CDFW also enforces the protection of non-game native birds. Sections 3503 and 3503.5 of the California Fish and Game Code (FGC) mandate the protection of California non-game native birds’ nests; FGC Section 3800 makes it unlawful to take California-native non- game birds. The Project parcels were surveyed for the potential presence of birds, nests and vegetation that would support migratory birds.

B. STATE

Note: the name of the California Department of Fish and Game (CDFG) was changed to the California Department of Fish and Wildlife (CDFW) on January 1, 2013.

California Endangered Species Act

The California Endangered Species Act (CESA) (CDFG Code Section 2050 et seq.) requires the CDFW to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA

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prohibits take of candidate species (under consideration for listing). The definition of “take” includes harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

CESA also requires the CDFW to comply with the California Environmental Quality Act (CEQA) (Pub. Resources Code [PRC] Section 21000 et seq.) when evaluating incidental take permit applications (FGC section 2081(b) and California Code of Regulations [CCR], Title 14, section 783.0 et seq.), and the potential impacts the project or activity for which the application was submitted may have on the environment. The CDFW’s CEQA obligations include consultation with other public agencies which have jurisdiction over the project or activity (CCR, Title 14, section 783.5(d)(3)), but in no event may the CDFW issue an incidental take permit if issuance would jeopardize the continued existence of the species (FGC section 2081(c); CCR, Title 14, section 783.4(b)). The Project parcels were surveyed for the potential presence of species covered under CESA.

California Fish and Wildlife Code

CDFG Code Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. CDFG Code Section 3503.5 states specifically that 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. CDFG Code Sections 3511, 4700, and 5050 provide the designation of certain fully protected birds, mammals, and reptiles/amphibians, respectively, stating that the fully protected species or parts thereof may not be taken or possessed at any time. The Project parcels were surveyed for the potential presence of birds and nests, mammals, and reptiles/amphibians covered under applicable sections of the CDFG Code.

California Environmental Quality Act

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. In addition to federal or state listed species, “sensitive” plants and animals receive consideration under CEQA. Sensitive species include, but are not limited to, wildlife Species of Special Concern (SSC) listed by CDFW, and plant species on the California Native Plant Society’s (CNPS) List 1A (Presumed extinct), List 1B (Rare, threatened, or endangered in California and elsewhere. Eligible for state listing) or List 2 (Rare, threatened, or endangered in California but more common elsewhere. Eligible for state listing). Refer to **Table 4.3-2**, below, for the potential presence of SSC on the Project parcels.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (FGC sections 1900-1913) is a state act that was created to help “preserve, protect, and enhance rare and endangered plants in this state.” The NPPA is regulated by the CDFW. The CDFW has the authority to classify native plants as endangered or rare to help prevent these species from take. Endangered and rare plants species would also be provided additional protection under CESA. The Project parcels were surveyed for the potential presence of rare and endangered plants.

C. LOCAL

City of Calexico General Plan

The Calexico General Plan has been prepared to fulfill the requirement of California law that each city adopt a comprehensive General Plan to guide physical development of the incorporated area and land

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outside of the municipal boundaries. Calexico’s current General Plan dated February 2007 was adopted by the City on May 1, 2007.

California law requires the inclusion of a Conservation Element and an Open Space Element in a City’s General Plan. The City has elected to combine these two elements. **Table 4.3-1** analyzes the consistency of the proposed Project with the applicable goals, objectives, policies and programs relating to biological resources from the Conservation/Open Space Element. While this EIR analyzes the Project’s consistency with the General Plan pursuant to State CEQA Guidelines Section 15125(d), the Calexico City Council ultimately determines consistency with the General Plan.

**TABLE 4.3-1
CITY OF CALEXICO GENERAL PLAN CONSISTENCY ANALYSIS**

| General Plan Goals, Objectives Policies and Policies | Consistent with General Plan? | Analysis |
|--|-------------------------------------|--|
| CONSERVATION/OPEN SPACE ELEMENT | | |
| 5.4.1 Conservation Goal: To balance development with preservation and management of natural and human-built open space resources, thus ensuring the long-term viability of the City. | | |
| 5.4.1.3 Ecological and Biological Resources | | |
| Objective 3 Identify, protect, and improve significant ecological and biological resources in and around the City of Calexico. | | |
| Policy 3c. Projects of one acre or more involving alteration or development of undisturbed land shall be required to submit a biological survey conducted by a qualified biologist to the City of Calexico. A focused biological study may be required if habitat that could potentially support listed or threatened species exists on the site. | Yes | The proposed Project is 8.44 acres. This includes 2.21 acres that have been previously developed with 2421 Enterprise Boulevard. The remaining acreage is undeveloped, but previously disturbed land. Because the Project parcels contained vegetation and potential for nesting birds, a general biological resources survey was conducted. In addition, the California Natural Diversity Database (CNDDDB) was review for potential biological resources on the Project parcels. The findings of the biological resources survey and CNDDDB review were documented in a Biological Resources Assessment prepared for the Project parcels. (Primrose 2018) (Appendix C). Therefore, the proposed Project is consistent with this policy. |

4.3.2 ENVIRONMENTAL SETTING

A. PROJECT PARCELS

California Natural Diversity Database

A search of the California Natural Diversity Database (CNDDDB) was conducted by Primrose Biological Services. The CNDDDB search of the Calexico quadrangle was conducted to identify special-status species known to occur in the general vicinity of the Project parcels. The CNDDDB search resulted in records for six

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special-status plant species and seven special-status wildlife species that may occur on and/or in the vicinity of the Project parcels. The biological resources survey area is depicted in **Figure 4.3-1**. **Table 4.3-2** summarizes the special status species identified by the CNDDDB search.

**TABLE 4.3-2
SPECIAL STATUS SPECIES KNOWN TO OCCUR IN THE PROJECT VICINITY**

| Common/Scientific Name | Status | Habitat | Occurrence/Potential |
|---|-------------|---|--|
| WILDLIFE | | | |
| Birds | | | |
| Burrowing owl (<i>Athene cunicularia</i>) | SSC | Disturbed agriculture. | Not observed, high potential to occur given adequate nesting and foraging habitat is present on the Project parcels. |
| Yellow warbler (<i>Setophaga petechia</i>) | SSC | Dense shrubs near marshes and water courses. | Not observed, moderate potential to occur given adequate nesting and foraging habitat is present on the Project parcels. |
| Reptiles and Amphibians | | | |
| Flat-tailed horned lizard (<i>Phrynosoma mcallii</i>) | SSC | Open sandy areas with low vegetation. | Not observed, low potential to occur on the Project parcels. |
| Mammals | | | |
| American badger (<i>Taxidea taxus</i>) | SSC | Desert Scrub | Not observed, moderate potential to occur on the Project parcels. |
| Pocketed-free tailed bat (<i>Phrynosoma mcallii</i>), | SSC | Central California to central Mexico; rocky areas within open shrub/grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces. | Not observed, moderate potential to occur on the Project parcels. |
| Western mastiff bat (<i>Eumops perotis californicus</i>) | FSC, SSC | Central California to central Mexico; rocky areas within open shrub/grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces. | Not observed, not likely to roost on the Project parcels due to lack of suitable habitat. |
| Western yellow bat (<i>Lasiurus xanthinus</i>) | SSC | Central California to central Mexico; rocky areas within open shrub/grassland and cultivated fields, as well as chaparral and chaparral/oak interfaces. | Not observed, not expected to occur due to a lack of suitable habitat. |

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**TABLE 4.3-2
SPECIAL STATUS SPECIES KNOWN TO OCCUR IN THE PROJECT VICINITY**

| Name | Rare Plant Rank/ CDFW SSC or FP | Habitat | Occurrence on Project Site |
|--|---------------------------------|--|--|
| PLANTS | | | |
| Sand-verbena (<i>Abronia villosa</i> var. <i>aurita</i>) | FE, CRPR 1B.1 | Creosote scrub | Not observed, not expected to occur due to a lack of suitable habitat. |
| Gravel milk-vetch (<i>Astragalus sabulorum</i>) | CRPR 2B.2 | Stony washes, pinyon and juniper woodlands | Not observed, not expected to occur due to a lack of suitable habitat. |
| Wiggin's Croton (<i>Croton wigginsii</i>) | CRPR 2B.2 | Creosote scrub | Not observed, not expected to occur due to a lack of suitable habitat. |
| Abram's spurge (<i>Euphorbia abramsiana</i>) | CRPR 2B.2 | Creosote scrub | Not observed, not expected to occur due to a lack of suitable habitat. |
| California satintail (<i>Imperata brevifolia</i>) | CRPR 2B.1 | Creosote scrub | Not observed, not expected to occur due to a lack of suitable habitat. |
| Sand food (<i>Pholisma sonora</i>) | CRPR 1B.2 | Desert Scrub, Sandy soils | Not observed, not expected to occur due to a lack of suitable habitat. |
| FE= Federally Endangered, FSC= Federal Species of Concern, SSC= California Species of Special Concern CRPR= California Native Plant Society Rare Plant Rank (1B = Rare throughout their range, and 2 = rare in California but common beyond boundaries of California) | | | |

Source: Primrose 2018.

Special-Status Plants

Six special-status plant species appeared in the literature review and database search for the Project parcels. A list was generated from the results of the literature review and the Project parcels were evaluated for suitable habitat that could support any of the special-status plant species on the list. Despite the results of the literature review, most special-status plant species are not expected to occur on the Project parcels due to the extensive previous ground disturbance nor were they observed during the biological resources survey.

Special-Status Wildlife

Of the seven special-status wildlife species identified in the CNDDDB review, none were observed during the biological resources survey of the Project parcels. The absence of these special-status species from the Project parcels is assumed to be due to the extensive ground disturbance associated with past agricultural operations and recent disturbance.

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Biological Resources Survey

Table 4.3-3 provides the details of the Biological Resources Survey for the Project parcels.

**TABLE 4.3-3
WEATHER CONDITIONS DURING THE BIOLOGICAL RESOURCES SURVEY**

| | Start | End | Temperature | Wind Speed |
|-------------------|------------|-----------|-------------|------------|
| December 29, 2017 | 11:00 a.m. | 2:00 p.m. | 73°F | 2=3 mph |

Source: Primrose 2018.

The results of the Biological Resources Survey, including site characteristics, plant communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors) are summarized in the discussion below.

Survey Area Characteristics

The Project includes five parcels (Assessor's Parcel Number [APN] 059-343-018, 059-343-003, 0589-343-014, 059-343-006, 059-343-016) totaling approximately 8.44 acres located in an industrial area in southwest Calexico, Imperial County. The parcels are located north of West Cole Boulevard between Sunset Boulevard on the west and Enterprise Boulevard to the east (**Figure 4.3-1**). These parcels are vacant and support one disturbed native vegetation community (Big Saltbush scrub).

In addition to the survey area of vacant parcels depicted in **Figure 4.3-1**, the grounds and ornamental landscape surrounding the building at 2421 Enterprise Boulevard were also examined in the survey.

Disturbed Habitat

Each of the five parcels has been disturbed in some manner. APN 059-343-018 has been developed with a 33,112 sq. ft. building and 53 space parking lot with a loading dock on the north at 2421 Enterprise Boulevard. A 10,000 sq. ft. parcel will be carved out of this APN for the Transportation and Distribution Facility. The remaining four parcels along Sunset Boulevard (APNs 059-343-003, 059-343-0044, 059-343-006, and 059-343-016) have all been disturbed by human foot traffic and illegal dumping. Photos 4.3-1 thru 4.3-3 document conditions at the time of the Biological Resources Survey on December 29, 2017.

Wildlife

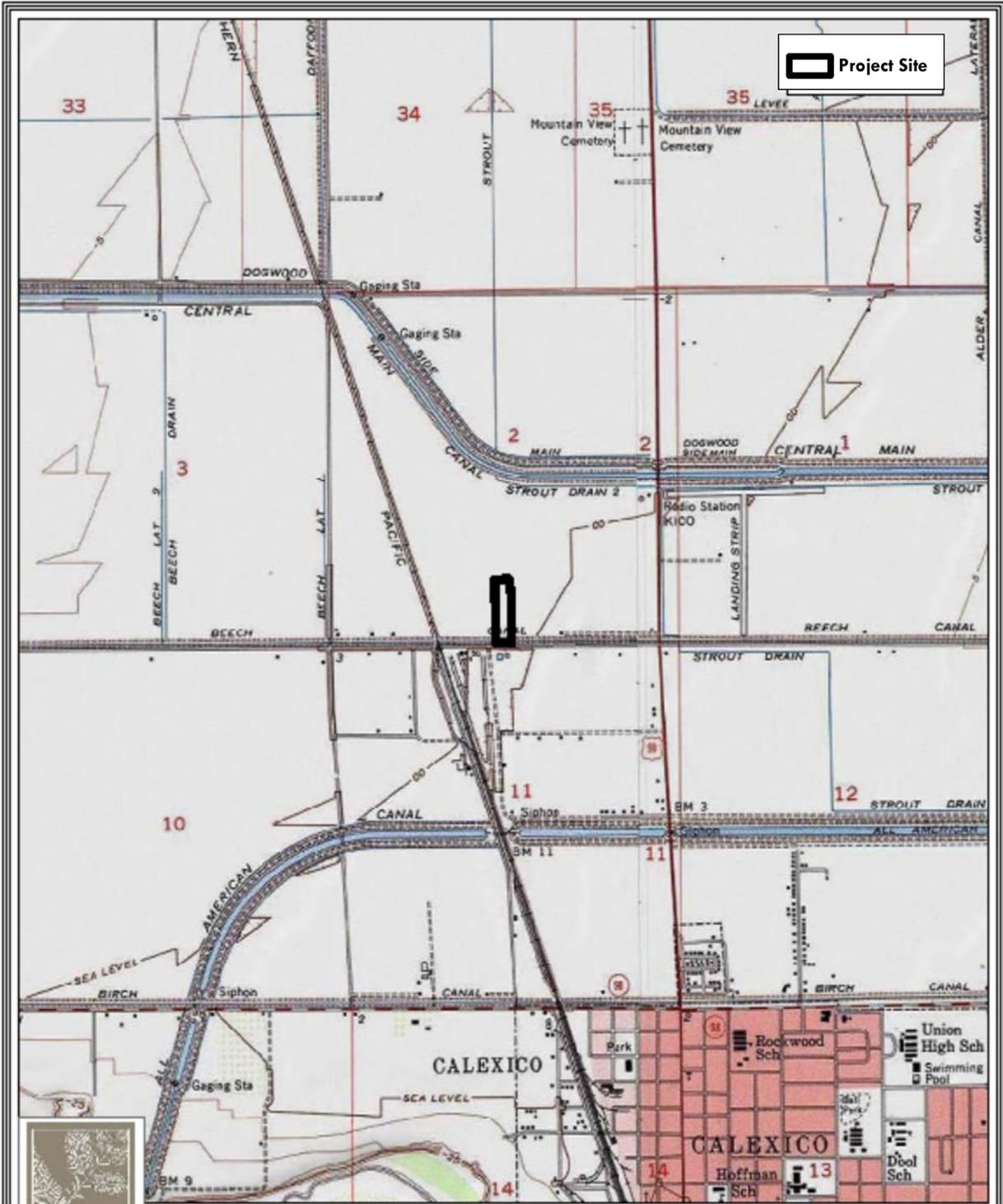
Wildlife observed or detected during the Biological Resources Survey was limited due to the lack of native vegetation communities. Only three species were observed or detected: mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus corax*), and house finch's (*Carpodacus mexicanus frontalis*). These species are commonly found in and adjacent to developed areas (Primrose 2018).

Raptors and Migratory Birds

Numerous species of migratory birds and raptors protected under the MBTA and CDFG could occur in the vicinity of the Project parcels. The mature trees and other landscape/ornamental vegetation surrounding the building at 2421 Enterprise Boulevard as well as the disturbed lands on the Project parcels represent potential nesting habitat for raptors and other birds. Nesting birds are anticipated to occur on the Project parcels (including on the parcel developed with 2421 Enterprise Boulevard which contains ornamental vegetation) in conjunction with the nesting bird season (typically February 1 through August 31).

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Source: Primrose 2018.

FIGURE 4.3-1
PROJECT VICINITY MAP

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Source: Primrose 2018.

FIGURE 4.3-2
VEGETATION COMMUNITIES

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Photo 4.3-1. View south from Sunset Boulevard toward West Cole Boulevard showing Big Saltbush scrub with soil piles.



Photo 4.3-2. View northeast from Sunset Boulevard looking at Big Saltbush scrub present throughout the Project parcels.

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Photo 4.3-3. View northeast from Sunset Boulevard. Big Saltbush scrub 3 to 4 feet in height visible throughout the Project parcels fronting Sunset Boulevard.

Vegetation Communities

The property consists of disturbed Big Saltbush (*Atriplex lentiformis*) scrub (approximately 5.7 acres). Parcels 1, 2 and 3 are bare ground with no biological resources found. **Figure 4.3-2** is a map of the vegetation communities covering the Project parcels.

4.3.3 IMPACTS AND MITIGATION MEASURES

A. STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following CEQA Guidelines as listed in Appendix G. The project would result in a significant impact to biological resources if it would result in any of the following:

- a) 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.
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- c) 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.

- d) Interfere substantially with the movement of any 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.
- e) Conflict with any local policies or ordinances protecting biological resource, such as a tree preservation policy or ordinance.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

B. ISSUES SCOPED OUT AS PART OF THE INITIAL STUDY CHECKLIST

Criterion “c” was eliminated from further evaluation as part of the Initial Study Checklist because the Project would not have a substantial adverse effect on a 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 parcels are in an industrial portion of the City. All of the Project parcels have been previously disturbed and do not contain wetlands.

Criterion “d” was eliminated because the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species; established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The Project parcels are surrounded by industrial development within the City of Calexico. Roads and structures are present in the immediate vicinity of the Project parcels and throughout the City. Based on the urban context of the parcels and the surrounding area, no native resident or migratory wildlife corridors are present.

Criterion “e” was eliminated because the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The City of Calexico does not have any ordinances protecting biological resources that would apply to the proposed Project.

Criterion “f” was eliminated because 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. The City of Calexico does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

C. METHODOLOGY

The methods used for the literature review and Biological Resources Assessment are presented below.

Literature Review

Literature reviewed included the CDFW’s CNDDDB (Primrose 2018) to determine the special-status species that have been documented in the vicinity of the Project parcels. The CNDDDB Electronic Inventory contains records of reported occurrences of federally or state-listed endangered, threatened, proposed endangered or threatened species, California SSC, and/or other special-status species or habitat that may occur within or in the vicinity of the Project parcels.

Biological Resources Assessment

The Biological Resources Assessment included a biological resources survey of the Project parcels described under the Environmental Setting, above. **Figure 4.3-2** depicts the land cover types present and **Photos 4.3-1** thru **4.3-3** provide a visual representation of conditions as they existed at the time of the survey on December 29, 2017.

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D. PROJECT IMPACTS AND MITIGATION MEASURES

Impacts to Candidate, Sensitive, or Special Status Species

Impact 4.3.1 Construction of the proposed Project would result in the removal of disturbed habitat as well as a Big Saltbush scrub. None of the existing land cover types on the Project parcels are considered special status habitats nor are any special status plants or wildlife present. Therefore, impacts to a candidate, sensitive, or special status species are considered **less than significant**.

The Project parcels consist primarily of disturbed habitat and Big Saltbush scrub. Big Saltbush is a large, perennial, native shrub that typically grows to between 3.3 and 8.2 feet tall but can reach 9.8 feet. Big Saltbush scrub throughout the parcels was 3 to 4 feet in height.

The CNDDDB search identified six sensitive plants as having potential to occur in the general property vicinity including chaparral sand-verbena (*Abronia villosa var. aurita*), gravel milk-vetch (*Astragalus sabulonum*), Wiggin's Croton (*Croton wigginsii*), Abram's spurge (*Euphorbia abramsiana*), California satintail (*Imperata brevifolia*), and sand food (*Pholisma sonora*). None of these plant species were detected during the Biological Resources Survey and none are likely to occur.

Seven sensitive wildlife species were identified during the CNDDDB search and are known to occur in the general vicinity of the Project parcels including American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), flat-tailed horned lizard (*Phrynosoma mcallii*), pocketed-free tailed bat (*Nyctinomops femorosaccus*), western mastiff bat (*Eumops perotis californicus*), western yellow bat (*Lasiurus xanthinus*), and yellow warbler (*Setophaga petechia*). None of these wildlife species were detected during the Biological Resources Survey. In addition to the above listed special-status species, several special-status bat species have potential to occur in the general area.

No bat roosts were detected during the Biological Resources Survey. Although the industrial buildings to the east of the Project parcels could provide bat roosting habitat, it is unlikely the Project parcels provide significant roosting habitat.

During construction, the Project parcels would be cleared of all existing weeds and vegetation. All parcels would be graded. The Saltbush vegetation currently on the Project parcels is not a protected habitat type, nor does it support sensitive biological resources. One species, gravel milk-vetch (CNPS List 2B.2), has a low potential to occur on the Project parcels. Therefore, impacts to sensitive vegetation communities and cover types are considered **less than significant**.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

Impacts to Nesting and Migratory Birds

Impact 4.3.2 The proposed Project could result in direct impacts to nesting and migratory birds protected under CDFG Code and the MBTA. This is considered a **potentially significant impact**.

The landscape and ornamental vegetation surrounding 2421 Enterprise Boulevard as well as disturbed lands on the vacant Project parcels represent potential nesting habitat for raptors and other birds. Two California Species of Special Concern were identified in the CNDDDB search conducted for the Project

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parcels: burrowing owl (*Athene cunicularia*) and yellow warbler (*Setophaga petechia*). While neither was observed during the Biological Resources Survey, both species have potential to occur based on the nesting and foraging habitat present. In addition, birds protected under the federal MBTA have the potential to nest on the Project parcels. Loss of an active nest is considered a violation of the MBTA. Therefore, impacts to nesting and migratory birds is considered **potentially significant**.

Mitigation Measures

MM 4.3.2a Vegetation removal should occur outside the migratory bird breeding and raptor breeding season (January 15 – September 15). Alternatively, pre-construction surveys for the presence of nesting raptors or other birds will be required to ensure that active nests are not removed.

Timing/Implementation: January 15 – September 15/Project Applicant.

Enforcement/Monitoring: City of Calexico Planning Department

MM 4.3.2b If construction or other Project activities are scheduled to occur during the bird breeding season (January 15 – September 15), a pre-construction nesting bird survey shall be conducted by a qualified biologist. The focus of the survey will be detecting nesting activities of bird and raptor species on the Project parcels. The survey shall be completed no more than 3 days prior to grading activities. The nesting bird survey shall include the Project parcels and adjacent areas where construction activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist shall establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities shall avoid disturbance within the buffer zones until the nest is deemed no longer active by the biologist.

Timing/Implementation: No more than three days prior to grading/by a qualified biologist.

Enforcement/Monitoring: City of Calexico Planning Department

Significance After Mitigation

Implementation mitigation measures MM 4.3.2a and MM 4.3.2b would reduce potential impacts to nesting and migratory birds by limiting vegetation removal to non-breeding season or requiring a pre-construction nesting bird survey. If nesting birds are identified, a buffer would be established and construction activities must avoid disturbance within the buffer zone. With implementation of these measures, impacts to nesting and migratory birds would be reduced to less than significant levels.

4.3.4 CUMULATIVE SETTING, IMPACTS AND MITIGATION MEASURES

A. CUMULATIVE SETTING

The cumulative setting for biological resources is the Imperial County region. Within this region, the geographic scope for cumulative impacts varies for each species. The geographic scope for considering cumulative impacts for migratory birds, including raptors, is the Imperial Valley, which is part of the Pacific Migration Flyway for birds migrating between as far south as South America and as far north as the Arctic Circle. The Pacific Migration Flyway serves as an important stopover site for many species for rest and foraging. Likewise, the Pacific Migration Flyway serves as breeding grounds for some species. Although burrowing owls and some raptors do not migrate along the Pacific Migration Flyway, these species occur throughout the Imperial Valley.

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Development anticipated as part of the cumulative setting is reflected in the land uses shown on the City's General Plan Land Use Map, and the proposed, approved and reasonably foreseeable projects in the City of Calexico as identified in Table 3.0-1 in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used.

B. CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Impacts to Biological Resources (Candidate, Sensitive, or Special Status Species and Nesting and Migratory Birds)

Impact 4.3.3 Implementation of the proposed Project in combination with other proposed, approved and reasonably foreseeable projects in the City of Calexico, could have cumulative impacts on candidate, sensitive, or special status species and nesting and migratory birds. Biological surveys and mitigation measures are required on a project-specific basis to address impacts to biological resources including habitats and wildlife. Therefore, cumulative impacts to candidate, sensitive, or special status species and nesting and migratory birds are considered **less than cumulatively considerable**.

The proposed Project would be located on five parcels that have been previously disturbed covering a total of 8.44 acres (included 2.21 acres occupied by 2421 Enterprise Boulevard). As noted during the Biological Resources Survey, the Project parcels were characterized by disturbed habitat and Big Saltbush scrub. Neither of these are considered sensitive habitats. Likewise, no special status species wildlife or plants were observed on the Project parcels during the Biological Resources Survey. Therefore, the proposed Project would result in a **less than cumulatively considerable contribution** to impacts to candidate, sensitive, or special status species.

Impacts to biological resources are mitigated on a project-by-project basis. With implementation of mitigation measures for each cumulative project, impacts to candidate, sensitive, or special status species would be mitigated. Therefore, the proposed Project, when combined with other cumulative projects, would result in a **less than cumulatively considerable impact** to candidate, sensitive, or special status species.

In addition to the birds observed during the Biological Resources Survey, two birds that are considered California Species of Special Concern have the potential to occur on the Project parcels. Birds protected under the MBTA also have the potential to nest on the Project parcels. Mitigation measures MM 4.3.2a and MM 4.3.2b would reduce impacts to nesting and migratory birds by requiring vegetation removal outside of migratory bird breeding and raptor breeding season. If it is not feasible to remove vegetation outside of breeding season, a pre-construction survey would be required. Implementation of these mitigation measures would avoid impacts to nesting and migratory birds thereby resulting in a **less than cumulatively considerable contribution** to impacts to nesting and migratory birds. Likewise, the proposed Project, when combined with other cumulative projects, would result in a **less than cumulatively considerable impact** to migratory birds.

Mitigation Measures

Implement MM 4.3.2a and MM 4.3.2b.

Significance After Mitigation

Following implementation of the mitigation measures MM 4.3.2a and MM 4.3.2b, cumulative impacts to nesting and migratory birds would be reduced to **less than cumulative considerable**.