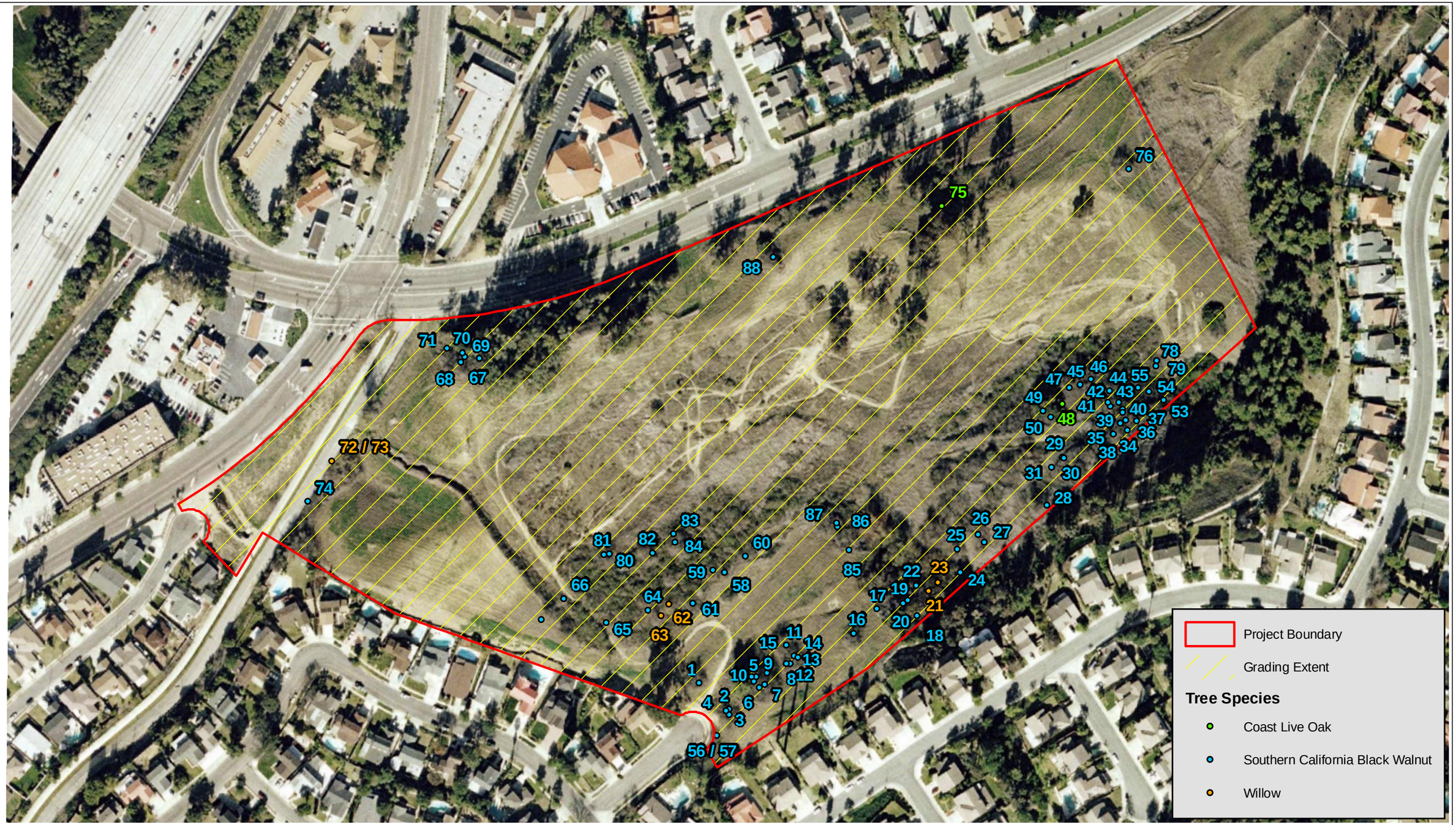

PCR

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175 0 175 Feet

Source: Google Earth, 2006; PCR Services Corporation, 2007.

Figure 11
Site D
Impacts to Protected Tree Species

4.6.3 Potentially Significant Impacts to Nesting Birds

The study area has the potential to support both raptor and songbird nests due to the presence of trees, shrubs, and ground cover. Nesting activity typically occurs from February 15 to August 15. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA). In addition, nests and eggs are protected under Fish and Game Code Section 3503. The removal of vegetation during the breeding season is considered a potentially significant impact of the proposed project. However, mitigation provided below would reduce this impact to a less than significant level.

5.0 MITIGATION MEASURES

5.1 APPROACH

Mitigation measures are recommended for those impacts determined to be significant to sensitive natural resources. Mitigation measures for impacts considered to be "significant" were developed in an effort to reduce such impacts to a level of "insignificance," while at the same time allowing the project proponent an opportunity to realize development goals. As stated in CEQA Section 15370 mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

5.2 MITIGATION MEASURES FOR SIGNIFICANT IMPACTS

The following mitigation measures address potentially significant impacts from implementation of the proposed project.

5.2.1 Measures to Mitigate Impacts to Nesting Birds

Mitigation for the potential taking of migratory bird species will be accomplished in one of two ways. First, efforts will be made to schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds. The nesting season is typically February 15-August 15. This would insure that no active nests would be disturbed and that habitat removal could proceed rapidly. Secondly, if initial vegetation removal occurs during the nesting season, all suitable habitats will be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 100 feet (as determined by the monitoring biologist) will be delineated, flagged,

and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.

5.2.2 Measures to Mitigate Impacts to Jurisdictional Features

Impacts to jurisdictional features will be subject to the regulations set forth by several agencies. The ACOE and the CDFG will require the project proponent to explore alternatives to reduce impacts and will also require mitigation for all unavoidable impacts. The ACOE has a "no net loss" policy which requires that any unavoidable impacts to wetland functions and values be replaced. In addition, the RWQCB will add restrictions to control runoff from the study area, require on-site treatment of runoff to improve water quality, and impose BMP's on the construction. All of the features of the project that will address water quality issues will be explained within the Water Quality Management Plan and Stormwater Pollution Prevention Plan.

The following measures, if implemented, would reduce impacts to ACOE/RWQCB and CDFG jurisdictional areas to a level less than significant:

- On- or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a ratio no less than 2:1,
- On- or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1,
- Incorporation of design features into the proposed project that will minimize impacts.

5.2.3 Measures to Mitigate Impacts to Protected Trees

In accordance with the City of Diamond Bar's tree ordinance, replacement trees shall be planted at a minimum of 3:1 for residential parcels greater than 20,000 square feet and commercial and industrial properties; however, the Director or Commission have final approval. The following information is necessary to determine the extent of City-required mitigation to any impacts of protected tree species on-site:

- The anticipated effectiveness of the replacement trees, as determined by arborists' report submitted by the applicant;
- The sizes of the replacement trees shall be determined by the Director of the City's Community and Development Services Department;
- Tree relocation or replacement shall be on-site to the extent feasible;

- Planting replacement trees on public property and/or monetary donation to a Tree Replacement Fund in the amount equal to the value of required replacement trees, and the cost of installation; and

- Finally, the applicant may be required as a condition of permit approval to enter into a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.

5.2.4 Measures to Mitigate Impacts to California Walnut Woodland

Measures to mitigate impacts to California walnut woodland will be in concert with the replanting of trees protected by the City of Diamond Bar's Tree Preservation and Protection Ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. A mitigation plan shall be prepared that will describe the number, size, and location of walnut trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful. In addition, due to the temporal loss of mature trees, in-lieu fee credits shall be purchased with the Puente Hills Landfill Native Habitat Preservation Authority at the discretion of the City of Diamond Bar and the California Department of Fish and Game.

6.0 IMPACTS AFTER MITIGATION

6.1 UNAVOIDABLE SIGNIFICANT IMPACTS

The proposed project, inclusive of mitigation measures will mitigate all significant adverse impacts to nesting birds, jurisdictional features, regulated trees, and California walnut woodland.

6.2 CUMULATIVE IMPACTS

Cumulative impacts are defined as the direct and indirect effects of a proposed project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed project. CEQA deems a cumulative impact analysis to be adequate if a list of "related projects" is included in the EIR or the proposed project is consistent with an adopted general, specific, master, or comparable programmatic plan [Section 15130(b)(1)(B)]. CEQA also states that no further cumulative impact analysis is necessary for impacts of a proposed project consistent with an adopted general, specific, master, or comparable programmatic plan [Section 15130(d)].

Therefore, the regional context, which this cumulative impacts analysis was based is within the bounds of the proposed Puente Hills Significant Ecological Area (SEA), a 13,421-acre area beginning in the west in and adjacent to Whittier Narrows Dam Country Recreation Area and Flood Control Basin at the confluence of the San Gabriel and Rio Hondo Rivers, moving east and beginning again along Workman Mill Road at the mouth of Sycamore Canyon, and ending along the Los Angeles/San Bernardino County lines. This section discusses the added effects on biological resources of the proposed development, other planned developments, and recently developed areas in the vicinity of the Puente Hills SEA. Proposed developments in the vicinity of the study area include the 2,935-acre Aera Master Planned Community, which is located on the Shell Oil Company property south of the study area, and the 367-acre Canyon Crest project located directly east of the study area along Carbon Canyon Road.

The study area is located within a region that contains several large open space areas within the Chino Hills. Much of the open space is preserved within Chino Hills State Park, Carbon Canyon Regional Park, and potentially the Puente-Chino Hills Wildlife Corridor. These open space areas will provide extensive foraging areas and regional populations of sensitive species potentially occurring within the study area are expected to remain stable within the

region. None of the sensitive species observed or expected within the study area are Federally or State listed, therefore, cumulative impacts to sensitive species are not considered significant.

The proposed project will also impact approximately 2.1 acres of sensitive walnut woodland and will add incrementally to regional impacts; however, project-related mitigation would replace the impacted trees at a ratio of at least 3:1. Therefore, cumulative impacts are considered adverse, but less than significant due to the replacement plantings.

Southern willow scrub habitat is considered sensitive because of its potential to support sensitive wildlife species. However, this habitat type within the study area is limited in distribution and is not connected to contiguous like habitats; therefore, is not expected to support sensitive species. The loss of 0.3 acre of southern willow scrub will add incrementally to regional impacts but is not considered to be cumulatively significant because project-specific mitigation shall be implemented that will create, enhance, and/or restore similar habitat within the region.

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