

3.3.9 Biological Resources

Introduction

The Biological Resources section addresses the impacts of the proposed project on campus vegetation, wildlife, aquatic resources and associated habitats.

Responsible Agencies

The following state agency is the Responsible Agency for state listed species:

- The California Department of Fish and Game (CDFG) (<http://www.dfg.ca.gov/dfghome.html>) for projects affecting species protected by the California Endangered Species Act.

Federal Agencies

The following federal agencies may be contacted for projects involving federal funds or requiring federal permits:

- The U.S. Fish and Wildlife Service (USFWS) (see <http://www.fws.gov>) for projects affecting species protected by the U.S. Endangered Species Act or Bald Eagle Protection Act; and
- The U.S. Army Corps of Engineers (USACE) (see <http://www.usace.army.mil>) for projects affecting wetlands and/or waters of the United States (Under Section 404 of the Clean Water Act)

CEQA requires consultation with the Department of Fish and Game if the project may result in effects to endangered or threatened species. The consultation process is designed to determine whether a project would jeopardize the continued existence of an officially listed or candidate species under the California Endangered Species Act. Prior to beginning the formal consultation process, the campus should determine if a listed species may be affected by the project and design mitigation plans to either avoid, minimize or compensate for these effects.

Further, the Department of Fish and Game requires a Stream Bed Alteration Agreement prior to any construction activity occurring within the bed, channel or banks of any California river, stream or lake (see Fish and Game Code, Section 1601-1603; <http://www.leginfo.ca.gov/calaw.html>). Recent regulation requires CDFG to produce CEQA documentation when issuing Stream Bed Alteration Agreements or authorizations for take of threatened or endangered species. Project CEQA documentation can serve as this vehicle if the documentation addresses these issues to the satisfaction of CDFG. The EIR therefore should provide sufficient detail on the project effects and proposed mitigation plan to serve as the CDFG CEQA documentation if possible.

LRDP EIR

The Biological Resources section of an LRDP EIR should evaluate whether the proposed LRDP would substantially affect:

- wetlands or waterways;
- listed wildlife and plant species or their habitat;
- species or resources considered rare or of local importance;
- trees protected by local ordinances; or
- important migratory corridors.

The Biological Resources section of an LRDP EIR is commonly based on information and data derived from field surveys of the land areas potentially affected by LRDP plans and activities. On-site surveys, supplemented by resource maps, aerial photography, and review of the existing biological literature form the basis for the section.

Project EIR

The Biological Resources section of a Project EIR should review the specific project plans within the context of the construction year to determine consistency with the LRDP EIR. Wildlife and plant resources may be transitory and their presence within a project site may change seasonally and annually.

In addition, species may have been provided new or additional protection after the LRDP EIR was certified. Consultation with the appropriate agencies will determine if newly protected resources may be affected by the project. If protected resources may be affected by the project that are not identified within the LRDP EIR, then these species should be addressed within the Project EIR in a similar fashion as discussed within the LRDP EIR section.

Standards of Significance

Would the project:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?
- 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 CDFG or USFWS?
- Have a substantial adverse effect on federal protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes, vernal pools, coastal areas, etc.) through direct removal, filling, hydrological interruption or other means?
- Interfere substantially with 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?
- Conflict with any applicable local policies protecting biological resources?

- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP) or other approved local, regional or state habitat conservation plan?
- Exceed an applicable LRDP or program EIR Standard of Significance? (This is used in situations where the campus may have identified a biological standard that is different from or exceeds the state standards.)

Analytical Methods

- Collect and review existing resource maps, including those from the California Natural Diversity Database for sensitive species, sensitive wildlife habitat and native California plant communities. Obtain aerial photographs. Prepare graphics that show vegetation cover types and wildlife habitat.
- Describe existing biotic resources through field surveys and literature review. Identify through surveys (during the appropriate season) the presence or absence of rare or endangered plant or animal species, or their likely habitat.
- Characterize the distribution and abundance of habitats or species where appropriate.
- Determine potential impacts and assign level of significance. Consult with the California Department of Fish and Game, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service as appropriate. Consider utilizing the biological resources section as a source document in federal and state regulatory processes.
- Identify potential cumulative impacts. Determine any future reasonably foreseeable projects within the region which may result in impacts similar to those described within the EIR. Identify if the project's mitigated effect, when added to the effects of these planned future projects, will result in a significant cumulative effect to these resources.

Generally Feasible Mitigation Measures

- Redesign project as feasible to avoid development of areas known to contain candidate, rare or endangered species populations, or their habitat;
- Redesign project as feasible to avoid development within significant riparian corridors, wetlands, marshes and other wildlife habitat (consider application of the 404(b)(1) guidelines to federally regulated wetlands);
- Minimize adverse impacts to sensitive and significant biological resources by reconfiguring the project as feasible or using in-kind habitat replacement on- or off-site;
- Develop vegetation or wildlife management strategies to conform to plant, animal, and habitat protection goals of the LRDP;

- Provide new landscaping that complies with the campus landscape plan; and
- Preserve trees, shrubs and grass areas where feasible.