

4.3 BIOLOGICAL RESOURCES

INTRODUCTION

This section of the EIR addresses the potential for the proposed Project to conflict with policies protecting biological resources on the Project Site and within the surrounding area. The analysis focuses on whether the Project would conflict with existing plans and policies developed to protect biological resources, including trees. Regulatory measures are identified. The analysis includes an inventory and evaluation of existing trees on the Compton High School campus, described in the *City of Compton Tree Report, Compton High School* (Tree Report), dated March 23, 2018, prepared by Carlberg Associates and provided in **Appendix G**.

ENVIRONMENTAL SETTING

Regulatory Framework

a. Federal

Federal Endangered Species Act

The Endangered Species Act (ESA)¹ provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposes for listing, or candidates for listing as endangered or threatened under the ESA.

The ESA has four major components: provisions for listing species; requirements for consultation with the US Fish and Wildlife Services (USFWS) and the National Marine Fisheries Services; prohibitions against “taking” of listed species; and provisions for permits that allow an incidental “take.”²

- Section 4(a) requires that critical habitat be designated by the USFWS “to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened.” Critical habitat is formally designated by USFWS to provide guidance for planners/managers and biologists with an indication of where suitable habitat may occur and where high priority of preservation for a particular species should be given.
- Section 7, called “Interagency Cooperation,” is the mechanism by which federal agencies ensure that the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species. Section 7 of the ESA requires federal agencies to consult with the USFWS on proposed

1 Endangered Species Act of 1973 (ESA), 16 USC sec. 1531 et seq.

2 “Take,” as defined under the ESA, means to “harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.”

federal actions that may affect endangered, threatened, or proposed (for listing) species or critical habitat that may support the species.

- Section 9 prohibits “take” of endangered species.
- Section 10 provides the regulatory mechanism that allows the incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans (HCPs) for the impacted species must be developed in support of incidental take permits for nonfederal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Migratory Bird Treaty Act

Enacted in 1918, the Migratory Bird Treaty Act (MBTA)³ is the domestic law that affirms or implements the United States’ commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations.

As with the ESA, the MBTA also authorizes the Secretary of the Interior to issue permits for take. The procedures for securing such permits are found in Title 50 of the Code of Federal Regulations, together with a list of the migratory birds covered by the act. This law is generally protective of migratory birds but does not specify the type of protection required. The USFWS administers permits to take migratory birds in accordance with the regulations promulgated by the MBTA. Nesting raptors, such as red-tailed hawks and burrowing owls, are protected under the MBTA. In common practice, USFWS places restrictions on disturbances allowed near active raptor nests.

b. State

California Fish and Game Code

Section 1600 et. Seq.: Lake and Streambed Alteration Program

The Lake and Streambed Alteration Program requires that a project proponent notify the California Department of Fish and Wildlife (CDFW) of any proposed alteration of streambeds, rivers, and lakes. The intent of the program is to protect habitats that are important to fish and wildlife. CDFW has regulatory authority over activities in streams and lakes that will:

- substantially divert or obstruct the natural flow of any river, stream, or lake;

3 US Migratory Bird Treaty Act (MBTA), 16 United States Code 703 et seq.

- substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake;
- deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Section 1900: California Native Plant Protection Act

The California Native Plant Protection Act (NPPA)⁴ was enacted in 1977 and includes measures to preserve, protect, and enhance endangered and rare native plants.⁵ The list of native plants afforded protected by NPPA includes those listed as endangered and threatened under the California Endangered Species Act (CESA), and the NPPA definitions of endangered and rare differ from those contained in CESA. NPPA specifies that no person shall import into the State, or take, possess, or sell within this State any endangered or rare native plant, except in compliance with provisions of NPPA. Even where exceptions apply, individual landowners who have been notified by CDFW of the presence of a rare or endangered plant are required to notify CDFW at least 10 days before changing land uses to allow CDFW to salvage any endangered or rare native plant material.

Section 2800: California Endangered Species Act

The State enacted the California Endangered Species Act (CESA) in 1984.⁶ CESA expands upon the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the California Fish and Game Code. To align with ESA, CESA created categories of “threatened” and “endangered” species.

CESA prohibits the taking, importation, or sale of State-listed endangered or threatened species except in compliance with permits or conditions specified in CESA. CESA authorizes the CDFW to issue permits for incidental take of endangered or threatened species by general development activities, provided that (1) a proposed project will not jeopardize the continued existence of such species; and (2) any of the project’s negative effects on those species will be minimized and fully mitigated. CESA also authorizes CDFW to enter into a memorandum of understanding with individual or organizations to import, export, take or possess species for scientific, educational, or management purposes.

4 The Native Plant Protection Act (NPPA) of 1977 (Fish and Game Code Sections 1900–1913) directed the California Department of Fish and Game (CDFG; now CDFW) to carry out the Legislature’s intent to “preserve, protect and enhance rare and endangered plants in this State.” The NPPA gave the California Fish and Game Commission the power to designate native plants as “endangered” or “rare” and protected endangered and rare plants from take.

5 California Fish and Game Code (CDFG), sec. 1900 et. seq.

6 California Endangered Species Act, CDFG, sec. 2050 et. seq.

Section 3500 et. Seq.

Sections 3500 et. seq.⁷ of the California Fish and Game Code (CFG) regulate the taking of migratory birds and their nests, including eggs and feathers. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) may violate these sections, as well as and federal law protecting migratory birds.

The CFGC classifies some species as “fully protected,” and “take” of these species is generally prohibited.⁸ In 2011, legislation amended the CFGC to allow “take” of fully protected species covered under approved natural community conservation plans.

c. Local**City of Compton****General Plan**

The City’s existing General Plan was adopted in December 1991. The General Plan serves as a blueprint for planning and development in the City, and indicates the community’s vision for the future. The City’s adopted Conservation/Open Space, Parks and Recreation Element identifies goals and policies relevant to Compton air quality, water resources, energy conservation, open space, parks, and recreation; however, the area governed by the General Plan is in an urbanized area and no natural habitats exist within the City. The General Plan does not include areas governed by a habitat conservation or community conservation plan, and as such, provides no specific goals or policies pertaining to natural habitats or sensitive status species.⁹

The City is in the process of completing an update to the General Plan. The 2030 Comprehensive General Plan Update currently in the working draft stages.

Municipal Code

All street trees within the City of Compton are the property of the City; “street tree” refers to a plant or arborescent form planted and maintained within the public right-of-way. The City of Compton Municipal Code (CMC), Section 20-4, Street Trees,¹⁰ provides for the maintenance and replacement of all street trees.

7 CDFG, sec. 3500–3516, div 4, Birds and Mammals, pt. 2, Birds, ch. 1, General Provisions.

8 CDFG, sec. 3511, 4700, 5050, and 5515.

9 City of Compton, *General Plan*, “Conservation/Open Space, Parks and Recreation Element” (December 3, 1991).

10 City of Compton, Municipal Code (CMC), Section 20-4, Street Trees, Ordinance No. 1,741.

The Director of Public Works has exclusive authority to plant, remove, prune, inspect, maintain, root prune, or otherwise alter such street trees. It is unlawful, a public nuisance, and an infraction punishable by a fine for removing, pruning, injuring, or destroying any street trees. Any person may request the removal, spraying, pruning, root pruning, or replacement of a street tree on or adjacent to his property. Upon such request, the director may inspect such tree, and in his sole and exclusive determination, cause the removal, spraying, pruning, root pruning, or replacement of the tree.

Existing Conditions

Local Area Biological Overview

The City of Compton is an urbanized suburban community that does not contain any significant amounts of natural open space or native habitat other than a small portion of the soft-bottom portion of the Compton Creek. Plant life is limited to nonnative, introduced, and ornamental species that are used for landscaping. Native vegetation has been largely replaced by imported species. Lawns, street trees, and ornamental plants and shrubs are the dominant form of plant life.

The climate is Mediterranean, like the rest of the Southern California region, with moderate temperatures year-round, rainy winters, and dry summers that support a wide range of imported vegetation. The soft-bottom portion of Compton Creek is a wetland habitat that includes cattails, aquatic grasses, killdeer, red-winged blackbirds, and great blue heron. Animal life in Compton predominantly consists of domesticated animals and pets, though wild animals that are capable of living in close proximity of man, such as birds, skunks, and squirrels, are found in the area.

A search of the California Natural Diversity Database (CNDDDB) maintained by CDFW for the nine quadrangles that encompass the Project Site was completed on May 9, 2018 and is included in **Appendix H: California Natural Diversity Database, Special-Status Species**.¹¹ The results of the CNDDDB reviews indicated the potential occurrence of three animal species, as well as one plant species. However, no records of special-status plant species were identified on the Project Site. In addition, an eBird database search was conducted for the Project; no bird occurrences for the Project Site or surrounding area were indicated.¹²

Animal Species

The indicated animal species are the coast horned lizard (*Phrynosoma blainvillii*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus*)

11 California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB), *RareFind 5*, ver. 5.2.14 (April 16, 2018).

12 Cornell Lab of Ornithology, *eBird*, database (2018), accessed May 07, 2018, available at <http://www.ebird.org>.

occidentalis). The likelihood for these species to occur on the Project Site is low because no habitat exists on site for these species to exist. Further, the coast horned lizard is listed as possibly extirpated, and the western yellow-billed cuckoo is listed as extirpated; while the southwestern willow flycatcher is listed as presumed extant. No riparian vegetation exists on site.

Plant Species

The CNDDDB-listed plant is a prostrate vernal pool navarretia species (*Navarretia prostrata*). No vernal pools exist on the Project Site, and this plant species is listed as possibly extirpated from the area.

Existing Campus

The existing CHS campus is adjacent to Compton Creek, which is identified as a riparian area.¹³ However, Compton Creek has been highly modified, having been covered in impervious surfaces along a large portion of its length.

A Project Site visit was conducted on October 16, 2018. The following observations of the CHS campus and District facilities were made by Meridian Consultants LLC. The Project Site consists of the existing campus (AIN 6160-005-901), which is currently fully developed as the Compton High School (CHS), and other associated District facilities.

The CHS campus comprises a series of open, grassy playfield areas and nonnative ruderal and ornamental vegetation with extremely low habitat value to wildlife. The other District facilities area comprises asphalted surfaces and buildings. The area where the District facilities are located is largely vegetated, with lemon bottle brush (*Callistemon citrinus*) and varying palm trees clustered around the District Enrollment Center and along Alondra Boulevard. These palm trees include Mexican fan palm (*Washingtonia robusta*), California fan palm (*Washingtonia filifera*), and queen palm (*Syagrus romanzoffiana*). The northern District Facility area is fully asphalted and unvegetated.

Special-status species include those listed as endangered or threatened under the federal ESA or CESA; species otherwise given certain designations by the CDFW; and plant species listed as rare by the California Native Plant Society.¹⁴

No sensitive or special-status species (i.e., listed species, species proposed for listing, or candidate species) were observed or otherwise detected on the existing campus. While the existing campus and areas of the other District facilities do not include habitat areas for wildlife movement or migration corridors, tall,

13 US Fish and Wildlife Service (USFWS), National Wetlands Inventory, *Wetlands Mapper*, ver. 2, database, accessed November 2017, <https://www.fws.gov/wetlands/data/mapper.HTML>.

14 California Native Plant Society, *Inventory of Rare and Endangered Plants*, 8th ed., database, <http://rareplants.cnps.org/>.

mature trees exist throughout the campus and along perimeter streets and sidewalks. These trees could provide nesting areas for raptors and other native birds.

No wildlife movement/migration corridors are on the campus because it is entirely fenced and located in an urban area. Further, Compton Creek is currently separated from the Project Site by an approximately 20-foot-wide Class I asphalt bike path maintained by the City and a 6-foot-tall chain-link perimeter fence. A second fence that is roughly 4 feet tall further separates the bike path from the creek.

A tree survey (see **Appendix G**) was conducted for the existing campus and other District facilities February 27, 2018. The survey identified a total of 151 trees (6 native and 145 nonnative ornamental trees) within the campus; along the perimeter sidewalks and roadways and interspersed between the acquisition parcels; and along the perimeter of the District facilities area, southwest of the campus.

Two native California sycamore trees (*Platanus racemose*) are located along the westernmost boundary of the campus, behind home base of the baseball field. The other four native trees, two California sycamore (*Platanus racemose*) and two coast live oak trees (*Quercus agrifolia*), are located immediately southeast of the running track, just north of Cocoa Street.

Numerous trees are scattered throughout the CHS campus and acquisition parcels; however, the majority are found primarily along the perimeters of the Project Site, with several large jacaranda (*Jacaranda mimosifolia*), Brazilian pepper (*Chinus terebinthifolia*), Italian cypress (*Cupressus sempervirens*), and shamel ash (*Fraxinus uhdei*) trees located in the central student courtyard (commonly known as “Senior Square”). Thirty-three tall queen palm trees) and three young camphor trees line Acacia Avenue and Myrrh Street.

These 36 trees that line these two streets are considered right-of-way trees, while the remaining 115 are private property trees that are not “protected” by the City Code.

Acquisition Parcels

The Project Site includes 10 parcels that are proposed to be acquired by the District (AINs 6160-006-001, -002, -003, -004, -005, -006, -007, -008, -009, and -010). These parcels currently are developed with residential and commercial uses.

For the most part, the acquisition parcels comprise concrete surfaces and associated residential and commercial buildings, with little to no vegetation other than some ornamental brush and tree species. Existing trees include one rights-of-way tree, a carrotwood tree (*Cupaniopsis anacardioides*) located in the City right-of-way at the southeast corner of Cocoa Street and S. Oleander Avenue; four undetermined

fruit trees; and a Chinese elm (*Ulmus parvifolia*) dispersed between the central residential parcels, at 325 and 321 W. Alondra Boulevard.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

To assist in determining whether the proposed Project would have a significant effect on the environment, the District finds the proposed Project may be deemed to have a significant impact related to biological resources if it would:

Threshold BIO-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 California Department of Fish and Game or U.S. Fish and Wildlife Service.

Threshold BIO-2: 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.

Threshold BIO-3: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Please refer to **Section 6.1: Effects Found Not to Be Significant** for an evaluation of those thresholds that were determined to be less than significant or have no impact and do not require further analysis in the EIR.

Project Impact Analysis

Threshold BIO-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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The fully developed Project Site includes grass athletic fields and various forms of ornamental landscaping. Given that the Project Site has been previously developed, it is not known to contain habitat suitable for candidate, sensitive, or special-status species. As noted in the prior discussion regarding observations recorded in the CNDDb, the CNDDb review for the area indicated the potential occurrence of three animal species and one plant species for areas in the South Gate Quadrangle. However, no records of special-

status plant species were identified on the Project Site.¹⁵ No bird occurrences were indicated for the Project Site or surrounding area.

The indicated animal species are the coast horned lizard (*Phrynosoma blainvillii*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The likelihood for these species to occur is low because no habitat exists on site for these species. Further, the coast horned lizard is listed as possibly extirpated, the western yellow-billed cuckoo is listed as extirpated, and the southwestern willow flycatcher is listed as presumed extant. Additionally, no riparian vegetation exists on site.

The CNDDDB-listed plant is a prostrate vernal pool navarretia species (*Navarretia prostrata*). No vernal pools exist on the Project Site, and this plant species is listed as possibly extirpated from the area. No such species have been observed or recorded on the Project Site.^{16,17}

Impacts would be less than significant.

Existing Campus

The Project Site (existing campus) is approximately 20 feet east of Compton Creek, which is identified as a riparian area.¹⁸ As proposed, the Project would not encroach into either the Creek area or any existing easements associated with the Creek. All proposed development of the reconstructed campus would occur within the existing footprint of the existing CHS campus outside of the creek area. The portion of Compton Creek adjacent to the Project Site has been modified by human activity and is currently characterized as a concrete-lined flood control channel. Compton Creek is currently separated from the Project Site by an approximately 20-foot-wide Class I asphalt bike path maintained by the City and a 6-foot-tall chain-link perimeter fence. A second fence that is roughly 4 feet tall further separates the bike path from the creek.

The proposed Project would remove all vegetation on the existing campus and the District facilities areas located to the southwest. No known or recorded species found on the Project Site is identified as a candidate, sensitive, or special-status species.¹⁹

Impacts would be less than significant.

15 Cornell Lab of Ornithology, *eBird*.

16 Cornell Lab of Ornithology, *eBird*.

17 CNDDDB *RareFind 5*.

18 USFWS, *Wetlands Mapper*, v. 2.

19 CNDDDB, *RareFind 5*.

Acquisition Parcels

The acquisition parcels comprise concrete and asphalt surfaces and associated residential and commercial buildings, with little to no vegetation except for small shrubs and six trees.

The proposed Project would remove all vegetation on these parcels. As with the existing campus, there are no known or recorded species identified on the Project Site as a candidate, sensitive, or special-status species in local or regional plans, policies, or state and federal regulations.^{20,21}

Impacts would be less than significant.

Threshold BIO-2: 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.

Existing Campus

The existing trees on the Project Site are almost entirely ornamental trees and not likely to support raptors or sensitive status species nesting activity or roosts. However, trees on the existing campus could provide nesting habitat for bird species.

No wildlife movement/migration corridors are associated with any portion of the existing campus. Further, Compton Creek is currently separated from the campus by an approximately 20-foot-wide Class I asphalt bike path maintained by the City, and a 6-foot-tall chain-link perimeter fence. A second fence that is roughly 4 feet tall further separates the bike path from the creek.

The removal of trees during demolition and site construction could disturb habitat for nesting birds. Birds as designated by the MBTA, including raptors, or nests or eggs of any bird, except as otherwise provided by the CDFW Code, may not be taken, possessed, or destroyed at any time.

As such, the proposed Project could result in activities that could cause potentially significant impacts.

Acquisition Parcels

The existing six trees (one carrotwood tree (*Cupaniopsis anacardioides*), four undetermined fruit trees and a Chinese elm (*Ulmus parvifolia*) are dispersed throughout the acquisition parcels. These trees are

²⁰ CNDDDB, *RareFind 5*.

²¹ Cornell Lab of Ornithology, *eBird*.

ornamental trees and not likely to support raptors or sensitive status species nesting activity or roosts. However, they could provide nesting habitat for other bird species.

No wildlife movement/migration corridors are associated with the acquisition parcels. However, the Project calls for the removal of trees that could serve as habitat for nesting birds. Birds designated by the MBTA, including raptors, or nests or eggs of any bird, except as otherwise provided by the CFGC, may not be taken, possessed, or destroyed at any time.

As such, the proposed Project could result in activities that could cause potentially significant impacts.

Threshold BIO-3: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

As noted in the CMC Section 20-4, all street trees within the City are the property of the City; “street tree” refers to a plant or arborescent form planted and maintained within the public right-of-way.

Existing Campus

A total of 36 nonnative, ornamental street trees as defined by the CMC Section 20-4 were inventoried within the public right-of-way along S. Acacia Avenue and W. Myrrh Street. These street trees are along the northern and eastern perimeter of the campus, with 13 trees along W. Myrrh Street, and 23 along S. Acacia Avenue. No street trees exist within the current District facilities area.

All these trees would be removed as part of the Project.

Acquisition Parcels

One nonnative, ornamental street tree as defined by the CMC Section 20-4 is within the public right-of-way at the westernmost perimeter of the acquisition parcels, at the Corner of Cocoa Street and S. Oleander Avenue.

Pursuant to the CMC,²² the removal of any City-owned trees would require the approval of the City’s Public Works Director. The City’s Public Works Department may require replacement of removed street trees. Pursuant to the CMC, the District would implement the following as part of the Project design in accordance with the requirements of the City’s ordinance relative to street trees:

22 Compton Municipal Code (CMC), Sec. 20-4, Street Trees, Ordinance No. 1,741.

- a. Upon written approval of the Director, the District may undertake by agreement with a private nursery or tree service, the planting of a street tree provided that the location, species, and manner of planting are acceptable to the Director.
- b. The District shall utilize as list of trees provided by the Director that are acceptable for use as a street tree. The District will implement any requirements of the Director regarding any such criteria relating to the location and manner of planting such trees as will protect public safety and public and private improvements.
- c. All new plantings of street trees as replacements for street trees existing on the effective date of this section shall conform to the species and planting criteria set forth in item b above.
- d. The District will implement any other conditions of approval that may be imposed by the City for street trees and in such manner as may be determined by the Director.

The District would obtain approval from the City's Public Works Director for the removal and replacement of all designated street trees

The proposed Project would not conflict with local policies or ordinances protecting biological resources.

Impacts would be less than significant.

CUMULATIVE IMPACTS

Some of the cumulative development projects described in **Section 3.0: Environmental Setting** would result in significant impacts because tree and vegetation removal could substantially interfere with the movement of residential or migratory wildlife species. Cumulative impacts to protected trees would result from combined, incremental impacts of the proposed Project when added to other closely related past, present, and foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant impacts taking place over a period of time.

Similar to the proposed Project, the related projects would be required to demonstrate compliance with the provisions under the CMC Section 20-4 through the City's development review process with respect to the removal of street trees. Therefore, the related projects in combination with the proposed Project would not have a cumulatively considerable impact with respect to the removal of trees.

No sensitive or special-status species (i.e., listed species, species proposed for listing, or candidate species) were observed or otherwise detected in the urban portions of the City.²³ The potential development sites within the City do not contain, nor are they located adjacent to, any suitable habitat for any of the

23 City of Compton Draft EIR for the Compton 2030 Comprehensive General Plan Update, SCH# 2011031066.

sensitive and/or protected species.²⁴ The habitat on the undeveloped vacant properties in the planning area is disturbed and is dominated primarily by ruderal vegetation. As such, impacts to sensitive or special-status species of wildlife and plants would not be expected to occur.

Impacts would not be cumulatively considerable.

MITIGATION MEASURES

The following mitigation measure has been identified to reduce potentially significant impacts:

MM BIO-1 If construction activities occur between January 15 and August 31, a preconstruction survey (within 7 days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within or adjacent to the area proposed for development to avoid the nesting activities of breeding birds/raptors.

If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer (300 feet for all birds except raptors, which require a 500-foot buffer) from the active nest until the young birds have fledged and left the nest, or until the nest is no longer active, as determined by a qualified biologist.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of **Mitigation Measure MM BIO-1**, significant impacts to nesting birds and/or raptors would be reduced to a level that is less than significant. All other impacts would be less than significant without any mitigation.

²⁴ CNDDDB, *RareFind 5*.