Appendix A CEQA Checklist

Determining Significance Under CEQA

Information in this chapter is presented to clarify the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The proposed project could have an adverse impact on the environment, and must satisfy requirements of both laws, since both the Department of Transportation (Department) and the Federal Highway Administration (FHWA) must make project decisions. A combined Environmental Assessment/Initial Study (EA/IS) has been prepared in accordance with NEPA and CEQA.

CEQA requires that a determination of significant impacts be stated in the environmental document (IS), and this information is presented in this chapter. Under Section 15382 of the CEQA Guidelines, "significant effect" is defined as "… a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

NEPA does not require a determination of significant effects in an EA. Under NEPA, the term significant is used to describe Section 4(f) resources (Department of Transportation Act), Section 106 properties (National Historic Preservation Act), and floodplain impacts (Executive Order 11988).

2.2 CEQA Environmental Checklist

The following checklist identifies physical, biological, social, and economic factors that might be affected by or affect the proposed project. The CEQA impact levels are potentially significant impact, less than significant impact with mitigation, less than significant impact, and no impact. Please refer to the following for detailed discussions regarding impacts:

CEQA:

- Guidance: Title 14, Chapter 3, California Code of Regulations, Sections 15000 et seq.

- California Environmental Resources Evaluation System (CERES) (http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/)
- Statutes: Division 13, California Public Resource Code, Sections 21000-21178.1 (http://www.ceres.ca.gov/topic/envlaw/ceqa/stat/)

CEQA requires that environmental documents determine significant or potentially significant impacts. In many cases, background studies performed in connection with the project indicate no impacts. A "no impact" reflects this determination. Any needed discussion is included in the section following the checklist.

CEQA ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No impact
AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	X	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	•	•	[K]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	•	•	DO	•
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	●	●	☐	X
AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	•	•	EH	☐

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	●	☐	X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	●	X
AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	●	IX
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	X	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	X	☐
d) Expose sensitive receptors to substantial pollutant concentration?	●	●	DO	●
e) Create objectionable odors affecting a substantial number of people?	☐	☐	X	☐
BIOLOGICAL RESOURCES - Would the project:				
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?	☐	X	●	●
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	●	☐	X	☐

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?	☐	[Z]	•	☐
d) 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?	•	•	DO	•
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	•	•	DO	•
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?	•	•	DO	•
COMMUNITY RESOURCES - Would the project:				
a) Cause disruption of orderly planned development?	☐	☐	☐	X
b) Be inconsistent with a Coastal Zone Management Plan?	•	•	•	[X]
c) Affect life-styles, or neighborhood character or stability?	•	X	•	•
d) Physically divide an established community?	☐	☐	☐	X
e) Affect minority, low-income, elderly, disabled, transit-dependent, or other specific interest group?	☐	☐	[I]	•
f) Affect employment, industry, or commerce, or require the displacement of businesses or farms?	•	DO	•	☐
g) Affect property values or the local tax base?	☐	☐	X	☐

h) Affect any community facilities (including medical, educational, scientific, or religious institutions, ceremonial sites or sacred shrines?	●	☐	X	●
i) Result in alterations to waterborne, rail, or air traffic?	☐	☐	●	X
j) Support large commercial or residential development?	☐	●	☐	X
k) Affect wild or scenic rivers or natural landmarks?	☐	☐	☐	X
1) Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours, and temporary access, etc.)?	●	☐	●	●
CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	●	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	●	☐	●	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	●	●	●	X
GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	●	●	☐	●
ii) Strong seismic ground shaking?	●	●	☐	●

	●	●	☒	☐
iv) Landslides?	☐	☐	☐	X
b) Result in substantial soil erosion or the lossoftopsoil?	●	●	☒	●
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	X	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.	●	●	X	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	●	☒
HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	●	●	●	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	●	●	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school?	●	☐	☐	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	●	●	X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	X	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐

HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☐

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				X
LAND USE AND PLANNING - Would the project:				
a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
b) Conflict with any applicable habitat conservation plan or natural community conservation plan?				
MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

NOISE - Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	X	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	●	●	X	●
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	●	X	●	●
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	●	☐	X	●
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	●	●	●	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X

POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	●	●	●	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	X	☐	●
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	●	●	X	☐

PUBLIC SERVICES -

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?				
Police protection?		1	X	
Schools?		X		
Parks?				
Other public facilities?			X	

RECREATION -

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				

TRANSPORTATION/TRAFFIC - Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			x	

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	●	●	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incomplete uses (e.g., farm equipment)?	☐	☐	●	X
e) Result in inadequate emergency access?	●	●	X	☐
f) Result in inadequate parking capacity?	☐	☐	X	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	●	●	☐	X

UTILITY AND SERVICE SYSTEMS -
Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	●	●	●	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	●	●	●	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	●	☐	Xi	●
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	●	☐	☐	X
e) Result in determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	●	●	●	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X

g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐
MANDATORY FINDINGS OF SIGNIFICANCE -				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐

5.3 Discussion of CEQA Checklist Responses

In the course of this evaluation, certain impacts of the project were found to result in a "No Impact" determination under CEQA due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following section reflects the proceeding checklist and provides a brief description of effects found to have no impact based on background studies performed in connection with the project and/or available information. It should be noted that several of the following areas are more fully analyzed within the appropriate section of this EA/IS to satisfy applicable NEPA requirements. The following responses are limited to those checklist items, which were determined to have "No Impact" only.

5.3.1 Aesthetics

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?

No scenic resources are located within the project site limits; therefore, no impacts are anticipated. The project proposes "at-grade" roadway and storm water conveyance improvements which do not have the potential to obstruct views of the surrounding area.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The proposed project would not involve any substantial lighting or glare that would adversely affect day or nighttime views in the area; therefore, no impacts are anticipated.

5.3.2 Agricultural Resources

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

As mentioned above the Farmland Conversion Impact Rating was submitted and concluded that no consideration for farmland protection be required and no additional sites be evaluated. There are no Williamson Act parcels within the affected areas. Therefore, the proposed project would not conflict with existing zoning or a Williamson Act contract.

c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

As mentioned above, the Farmland Conversion Impact Rating concluded that no further consideration for farmland protection be given or considered. The proposed project includes 0.25-acres of Prime and Unique Farmland, Statewide and Local Important Farmland.

5.3.3 Community Resources

a) Cause disruption of orderly planned development?

Implementation of the proposed project improvements is consistent with the *City of Chino Hills General Plan* Circulation Element and furthermore, does not have the potential to disrupt orderly planned development.

b) Be inconsistent with a Coastal Zone Management Plan?

The proposed project is not located within the State Coastal Zone and, therefore, is not considered inconsistent with a Coastal Zone Management Plan.

d) Physically divide an established community?

The proposal will not physically divide an established community.

i) Result in alterations to waterborne, rail, or air traffic?

The proposed project will not affect waterborne, rail, or air traffic.

j) Support large commercial or residential development?

Due to scope of the proposed project, large commercial or residential developments are not proposed.

k) Affect wild or scenic rivers or natural landmarks?

Due to the location of the proposed project, in the City of Chino Hills, away from wild, scenic rivers or natural landmarks, impacts are not anticipated.

5.3.4 Cultural Resources

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Based upon the Historic Property Survey Report (HPSR) prepared for the project area, the current project design will not affect any known historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Based upon the Archaeological Survey Report (ASR) prepared for the project area, the current project design will not affect any known archaeological resources.

c) Disturb any human remains, including those interred outside of formal cemeteries?

There are no known formal or informal gravesites within the project limits. No signs of human remains were detected during the field survey conducted for the proposed project.

5.3.5 Geology and Soils

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

iv) Landslides?

The project area consists of relatively flat topography with surrounding flat areas with no unusual topographic features. The City of Chino Hills General Plan indicates the proposed project is within an area least susceptible to landslides. Landslides and features related to slope instability are rare to non-existent within this area and includes low-lying valley bottoms and floodplains, and broad, level areas along tops of ridges underlain by resistant bedrock. Impacts associated with landslides or mudslides are not anticipated to occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Septic tanks or alternative wastewater disposal systems are not needed or proposed as part of this transportation-related project.

5.3.6 Hazards and Hazardous Materials

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project involves improvements that do not have the capacity to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The United States Department of Transportation (DOT) has established regulatory criteria for safe handling and transportation of hazardous materials. It should be also noted that since that project will widen Peyton

Drive and improve circulation, it will likely reduce the number of accidents occurring along the roadway, thus improving the safe transport of any potential hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably forseeable upset and accident conditions involving the release of hazardous materials into the environment?

An Initial Site Assessment (ISA) was conducted for the project site by RBF Consulting on December 16, 2003, and revised June 18, 2004 including immediate adjoining parcels. According to the results of the ISA, no visible evidence of a recognized environmental condition within the boundaries of the project site was observed during the site inspection. The presence of hazardous materials on the project site that may have been generated from adjacent properties was not reported. Also, the potential that adverse environmental conditions were created by previous uses of the project site is considered to be low.

c) Emit hazardous emissions or handle hazardous or acutely hazardous material substances, or waste within one-quarter mile of an existing or proposed school?

The proposed project involves roadway widening which does not have the capacity to emit hazardous emissions and does not involve handling of hazardous materials.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Available public records were reviewed as part of the ISA. The lists, which were reviewed, identified that no listed regulatory sites are reported within the boundaries of the project site. Therefore, no impacts are anticipated in this regard.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, no impacts are anticipated.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The proposed project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

h) Expose people or structures to a significant risk of loss, injury or death involving wildlandfires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The proposed project site is situated in an area of Chino Hills with relatively sparse wildland vegetation. No impacts with regards to wildland fires have been identified.

5.3.7 Hydrology and Water Quality

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The proposed project involves the widening of existing roadways and does not involve the development of housing. Therefore, housing would not be placed within a 100-year flood hazard area as a result of project implementation.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The proposed project does not have the potential to expose people or property to a significant risk of loss, injury or death involving flooding. Therefore, no impacts in this regard are anticipated.

j) Inundation by seiche, tsunami, or mudflow?

Due to the location and nature of the proposed project, in San Bernardino County, well-removed from the Pacific Ocean and other large bodies of water, the potential for inundation by seiche, tsunami, or mudflow is not anticipated.

5.3.8 Mineral Resources

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Project implementation would not result in the loss of availability of a known mineral resource. No significant mineral deposits are known to exist in the City of Chino Hills, according to the General Plan and the California Geological Survey.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Project implementation would not result in the loss of availability of a locally-important mineral resource recovery site. No sites designated as an area with significant mineral deposits are located within the project limits.

5.3.9 Noise

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

According to the *City of Chino Hills General Plan* the most common sources of noise in developed areas are transportation-related noise sources including automobiles, trucks, motorcycles, railroads, and aircrafts. The single greatest transportation-related noise generator within the City is State Highway 71. The proposed project area is located outside of any airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

As mentioned above, the proposed project is not within the vicinity of a private airstrip or expose people residing or working in the area to excessive noise levels. .

5.3.10 Population and Housing

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed project is consistent with the recommended circulation element in the *Chino Hills Specific Plan* and *City ofChino Hills General Plan* Circulation Element, which designates Peyton Drive as a Major Arterial (6 lanes) from Grand Avenue to Eucalyptus Avenue and a two lane completion of Eucalyptus Avenue from Peyton Drive to Chino Hills. The project is not anticipated to increase or prohibit future developments along Peyton Drive. The project would be consistent with the goals and plans of the *Chino Hills Specific Plan* and *City of Chino Hills General Plan* Circulation Element, and therefore no growth related impacts are anticipated.

5.3.11 Public Services

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Parks?

Neither neighborhood nor regional park facilities would be directly or indirectly affected by implementation of the proposed project. The proposed project would improve access to and from the community facilities and services within the projects vicinity.

5.3.12 Recreation

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Neither neighborhood nor regional park facilities or other recreational facilities would be affected by implementation of the proposed project.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The project involves improvements to an existing roadway, which does not include recreational facilities or the expansion of existing facilities. Therefore, impacts in this regard are not anticipated.

5.3.13 Transportation/Traffic

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Due to the nature and scope of the proposed improvements, project implementation would not have the capacity to result in a change in air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incomplete uses (e.g., farm equipment)?

The proposed project is subject to compliance with accepted traffic engineering standards, which are intended to reduce traffic hazards. There are no incompatible uses, which have been identified with this project.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Due to the nature and scope of the proposal, no conflicts with any adopted politicies supporting alternative transportation will occur.

5.3.14 Utilities and Service Systems

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Improvements associated with the proposed project do not have the capacity to generate wastewater or exceed wastewater treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Due to the nature and scope of the proposed improvements, project implementation would not require or result in the construction of new water or wastewater treatment facilities.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The construction of the underground storm drain and culvert improvements along Peyton Drive will include the relocation of utilities. The water line will need to be lowered beneath the proposed culvert at Peyton Drive. All utility relocations will be handled within the existing roadway and no right-of-way will be required. No impacts are anticipated.

e) Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Refer to Responses a) and b), above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The proposed improvements would not have the capacity to generate solid waste over a long-term period and therefore would not impact landfill capacity.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

The proposed project does not involve a solid waste generating land use and therefore would not be subject to Federal, State, and local statutes and regulations related to solid waste.

Appendix B Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
U2QN STREET
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Be energy efficient!

January 14,2005

TITLE VI
POLICY STATEMENT

The California Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person *in* the State of California shall, on die grounds of race, color, national origin, sex, disability, *md* age, be excluded from participation in, be *4mkd* the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

WEXKEMPTON
Director

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Appendix C Summary of Relocation Benefits

The City of Chino Hills does not have a formal relocation assistance program. Therefore, the City will implement and comply with the Caltrans Relocation Assistance Program. Furthermore, being a Federally funded project, the Caltrans Relocation Assistance Program would apply. A summary of the Caltrans Relocation Assistance Program is provided in the Community Impact Assessment prepared by LSA Associates.

RELOCATION ASSISTANCE ADVISORY SERVICES

The California Department of Transportation (the Department) will provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the Department's acquisition of real property for public use. The Department will assist residential displacees in obtaining comparable decent, safe and sanitary replacement housing by providing current and continuing information on sales price and rental rates of available housing. Nonresidential displacees will receive information on comparable properties for lease or purchase.

Residential replacement dwellings will be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, displacees will be offered comparable replacement dwellings that are open to all persons, regardless of race, color, religion, sex or national origin, and are consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include supplying information concerning Federal and State-assisted housing programs, and any other known services being offered by public and private agencies in the area.

RESIDENTIAL RELOCATION PAYMENTS PROGRAM

The Relocation Payment program will assist eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for, or incidental to, purchasing or renting a replacement dwelling, and actual reasonable expenses incurred in moving to a new location within 80 kilometers (50 miles) of displacee's property. Any actual moving costs in excess of 80 kilometers (50 miles) are the responsibility of the displacee. The Residential Relocation Program is summarized as follows:

Moving Costs

Any displaced person who is lawfully in occupancy of the acquired property, regardless of the length of occupancy in the property acquired will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 80 kilometers (50 miles), a moving service authorization, or a fixed payment based on a fixed moving cost schedule that is determined by the number of furnished or unfurnished rooms of the displaced dwelling.

Purchase Supplement

In addition to moving and related expenses payments, fully eligible homeowners may be entitled to payments for increased costs of purchasing replacement housing.

Homeowners who have owned and occupied their property for at least 180 days prior to the date of the first written offer to purchase the property, may qualify to receive a price differential payment equal to the difference between the Department's offer to purchase their property and the price of a comparable replacement dwelling, and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displaced dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. Also the interest differential must be based upon the lesser of either the loan on the displaced property or the loan on the replacement property. The maximum combination of these three supplemental payments that the owner-occupants can receive is $22,500. If the calculated total entitlement (without the moving payments) is in excess of $22,500, the displacee may qualify for the Last Resort Housing, described below.

Rental Supplement

Tenants who have occupied the property to be acquired by the Department for 90 days or more and owner-occupants who have occupied the property from 90 to 180 days prior to the date of the first written offer to purchase may qualify to receive a rental differential payment. This payment is made when the Department determines that the cost to rent a comparable and "decent, safe and sanitary" replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the eligible occupant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs

incidental to the purchase, subject to certain limitation noted below under the "Down Payment" section (see below). The maximum amount of payment to any tenant of 90 days or more and any owner-occupant of 90 to 179 days, in addition to moving expenses, is $5,250. If the calculated total entitlement for rental supplement exceeds $5,250, the displacee may qualify for the Last Resort Housing Program described below.

The rental supplement of $7,500 or less will be paid in a lump sum, unless the displacee requests that it be paid in installments. The displaced person must rent and occupy a "decent, safe and sanitary" replacement dwelling within one year of the date the Department takes legal possession of the property, or from the date the displacee vacates the Department-acquired property, whichever is later.

Down Payment

Displacees eligible to receive a rental differential payment may elect to apply it to a down payment for the purchase of a comparable replacement dwelling. The down payment and incidental expenses cannot exceed the maximum payment of $5,250, unless the Last Resort Housing Program is indicated. The one-year eligibility period in which to purchase and occupy a "decent, safe and sanitary" replacement dwelling will apply.

Last Resort Housing

Federal regulations (49 CFR 24.404) contain the policy and procedure for implementing the Last Resort Housing Program on Federal aid projects. To maintain uniformity in the program, the Department has also adopted these federal guidelines on non-Federal-aid projects. Except for the amounts of payments and the methods in making them, last resort housing benefits are the same as those benefits for standard relocation as explained above. Last resort housing has been designed primarily to cover situations where available comparable replacement housing, or when their anticipated replacement housing payments, exceed the $5,250 and $22,500 limits of the standard relocation procedures. In certain exceptional situations, last resort housing may also be used for tenants of less than 90 days.

After the first written offer to acquire the property has been made, the Department will, within a reasonable length of time, personally contact the displacees to gather important information relating to:

- Preferences in the area of relocation.
- Number of people to be displaced and the distribution of adults and children according to age and sex.
- Location of school and employment.
- Special arrangements needed to accommodate any handicapped member of the family.
- Financial ability to relocate into comparable replacement dwelling, that will house all members of the family decently.

The above explanation is general in nature and is not intended to be a complete explanation of relocation regulations. Any questions concerning relocation should be addressed to the Department. Any persons to be displaced will be assigned a relocation advisor who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments.

THE BUSINESS AND FARM RELOCATION ASSISTANCE PROGRAM

The Business and Farm Relocation Assistance Program provides aid in locating suitable replacement property for the displacee's farm or business, including, when requested, a current list of properties offered for sale or rent. In addition, certain types of payments are available to businesses, farms, and non-profit organizations. These payments may be summarized as follows:

- Reimbursement for the actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business in an amount not greater than the reasonable cost of relocating the property.
- Reimbursement up to $1,000 of actual reasonable expenses in searching for a new business site.
- Reimbursement up to $10,000 of actual reasonable expenses related to the reestablishment of the business at the new location
- Reimbursement of the actual reasonable cost of moving inventory, machinery, office equipment and similar business-related personal property, including dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting personal property.

Payment in lieu of moving expense is available to businesses that are expected to suffer a substantial loss of existing patronage as a result of the displacement, or if certain other requirements such as inability to find a suitable relocation site are met. This payment is an amount equal to the average annual net earnings for the last two taxable years prior to relocation. Such payment may not be less than $1,000 and not more than $20,000.

ADDITIONAL INFORMATION

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law (except for any Federal law providing low-income housing assistance).

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without being given at least 90 days advance notice, in writing. Occupants of any type of dwelling eligible for relocation payments will not be required to move unless at least one comparable "decent, safe and sanitary" replacement residence, open to all persons regardless of race, color, religion, sex or national origin, is available or has been made available to them by the state.

Any person, business, farm or non-profit organization, which has been refused a relocation payment by the Department, or believes that the payments are inadequate, may appeal for a hearing before a hearing officer or the Department's Relocation Assistance Appeals Board. No legal assistance is required; however, the displacee may choose to obtain legal counsel at his/her expense. Information about the appeal procedure is available from the Department's Relocation Advisors.

The information above is not intended to be a complete statement of all of the Department's laws and regulations. At the time of the first written offer to purchase, owner-occupants are given a more detailed explanation of the State's relocation services. Tenant occupants of properties to be acquired are contacted immediately after the first written offer to purchase, and also given a more detailed explanation of the Department's relocation programs.

IMPORTANT NOTICE

To avoid loss of possible benefits, no individual, family, business, farm or non-profit organization should commit to purchase or rent a replacement property without first contacting a Department of Transportation relocation advisor at:

State of California
Department of Transportation, District #08
464 West 4th Street
San Bernardino, CA 92401-1400

Appendix D Minimization and/or Mitigation Summary

Incorporation of the following measures will be effective in reducing impacts that are considered to potentially cause a significant effect on the environment to less than significant levels.

LU1. Final engineering plans shall specify that no construction staging or stockpiling of materials or equipment shall occur on-site at the Ruben S. Ayala High School.

LU2. Access to all school facilities shall be maintained throughout the duration of construction activities. Appropriate construction signage and access shall be provided to route pedestrians, staff, and patrons safely around construction. Crossing guards shall be located near Ayala High School when construction impacts the movement of students to ensure student safety.

LU3. The City of Chino Hills Police Department and Chino Hills Independent Fire Department shall be notified and supplied with construction plans before the construction begins. Such information shall include traffic management plans, referring to temporary street closures of adjacent streets and any other restrictions that may be necessary while the project is being completed. The high school shall be informed of traffic lane closures and closed drop-off zones to ensure safe arrival and departure of students.

C0M1. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act (Uniform Act) of 1970 (Public Law 91-646, 84 Stat. 1894) mandates that certain relocation services and payments be made available to eligible residents, businesses, and nonprofit organizations displaced by its projects. The Act provides for uniform and equitable treatment by Federal or Federally assisted programs of persons displaced from their homes, businesses, or farms, and establishes uniform and equitable land acquisition policies. The City of Chino Hills will provide affected property owners with a copy of the Uniform Act.

COM2. When acquisitions and relocations are unavoidable, the provisions of the Uniform Act and the 1987 Amendments as implemented by the Uniform

Relocation Assistance and Real Property Acquisition Regulations for the Federal and Federally assisted programs adopted by the Department of Transportation, dated March 2, 1989, would be followed. An independent appraisal of the affected property will be obtained, and an offer for the full appraisal will be made.

COM3. The Uniform Act requires that comparable, decent, safe, and sanitary replacement housing that is within a person's financial means be made available before that person may be displaced. In the event that such replacement housing is not available to "re-house" persons displaced by the project within statutory limits for replacement housing payments, "last resort" housing may be provided in a number of prescribed ways.

UTL1. Prior to commencement of construction, the Project Engineer shall coordinate with all affected utility purveyors to establish exact procedures and specifications for all facilities to be relocated during construction. Additionally, the Project Engineer shall notify other service purveyors in the vicinity of the improvements to verify that the proposed activities will not disrupt services to the community.

TRF1. Short-term mitigation to roadway use shall be mitigated by a Traffic Management Plan (TMP) to be established by the project contractor and approved by the City of Chino Hills prior to construction of any improvements. This TMP shall consist of prior notices, adequate sign-posting, detours, phased construction, and temporary driveways where necessary. The TMP shall specify implementation timing of each plan element (prior notices, sign-posting, detours, etc.) as determined appropriate by the City of Chino Hills. Adequate local and emergency access shall be provided at all times to adjacent uses, including schools. Proper detours and warning signs shall be established to ensure public safety. The TMP shall be devised so that construction shall not interfere with any emergency response or evacuation plans. Construction activities shall proceed in a timely manner to reduce impacts.

AES1. Prior to approval of final design plans and prior to construction, the City shall coordinate with the affected residents to ensure that all screening and privacy concerns have been addressed and reasonable landscape and architectural

treatment measures have been incorporated into the project design to achieve sufficient screening of the project. The landscape design plan shall be developed by a qualified landscape architect. The landscape plan shall also establish areas within the roadway right-of-way (ROW) that allow for incorporation of replacement landscaping.

WQ1. The project is required to meet stormwater management regulations. The City of Chino Hills National Pollutant Discharge Elimination System (NPDES) permit number is CAS618036, Order Number R8-20020012. A copy of the Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and Monitoring Plan shall be submitted to the City Engineer a minimum of thirty days prior to commencing grading operations. The SWPPP shall emphasize structural and non-structural Best Management Practices (BMPs) in compliance with NPDES requirements.

GEO1. Prior to final plan approval, a site-specific geotechnical study shall be prepared by a registered civil engineer or certified engineering geologist who has competence of seismic hazard evaluation and mitigation. The geotechnical report shall contain site-specific evaluations of the seismic hazards affecting the project site; identify portions of the project site containing seismic hazards; and identify any known off-site seismic hazards that could adversely affect the site in the event of an earthquake.

HIS1. Paleontologic monitors should be equipped to salvage fossils as they are unearthed, to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.

HIS2. The development of a preparation process of recovered specimens for identification and permanent preservation that includes washing of sediments to recover small invertebrates and vertebrates.

HIS3. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage (e.g., the SBCM). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not considered complete until such

curation into an established museum repository has been fully completed and documented.

HIS4. The preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, would signify completion of the program to mitigate impacts to paleontologic resources.

HIS5. In areas of potential but unknown sensitivity, field surveys prior to grading shall be required to establish the need for monitoring.

HIS6. Projects requiring grading plans that are located in areas of known fossil occurrences on the overlay, or demonstrated in a field survey to have fossils present, shall have all rough grading (cuts greater than 0.9-m [3-ft]) monitored by trained paleontologic crews working under the direction of a qualified professional so that fossils exposed during grading can be recovered and preserved. Fossils include large and small vertebrate fossils, the latter recovered by screen washing of bulk samples.

HZ1. Areas of exposed soils 4.5-m (15-ft) from the edge of existing pavement which will be disturbed during excavation activities should be sampled and tested for lead prior to construction. These samples should be collected prior to the issuance of Plans, Specifications, and Estimates (PS&E) for the project, so that any special handling, treatment, or disposal provisions associated with aerially-deposited lead may be included.

HZ2. Should construction activities result in the removal of yellow paint or thermoplastic traffic stripes, the generated wastes must be disposed of to an appropriate permitted disposal facility.

HZ3. Any demolition of existing buildings must comply with State law, which requires a contractor, where there is asbestos-related work involving 30.3-square m (100-square ft) or more of asbestos containing materials (ACMs), to be certified and that certain procedures regarding the removal of asbestos be followed.

HZ4. It is recommended that the landfill operator be contacted in advance to determine any specific requirements of the landfill regarding the disposal of lead-based paint materials.

HZ5. If unknown wastes or materials are discovered during construction or demolition by the project contractor which he/she believes may involve hazardous waste or materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Project Engineer of the implementing agency;
- Secure the area as directed by the Project Engineer; and
- Notify the implementing agency's Hazardous Waste and Materials Coordination entity.

AQ1. The construction contractor shall adhere to the requirements of the South Coast Air Quality Management District (SCAQMD) rules and regulations on cutback and emulsified asphalt paving materials.

AQ2. The construction contractor shall adhere to the requirements of SCAQMD Rule 403 to reduce fugitive dust emissions. The Best Available Control Measures (BACMs) and Reasonably Available Control Measures (RACMs) specified in the SCAQMD's Rule 403 Implementation Handbook shall be incorporated into project construction.

AQ3. City's Standard Construction Specifications shall be adhered to in order to reduce emissions.

AQ4. Construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The contractor shall ensure that construction grading plans include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.

AQ5. The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline powered engines where feasible.

AQ6. The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when it is not in use.

AQ7. The construction contractor shall time the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

AQ8. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

N1. The City of Chino Hills limits the hours of construction adjacent to residential or sensitive land uses to the hours between 7:00 a.m. and 7:00 p.m. from Monday through Friday and the hours between 8:00 a.m. and 7:00 p.m. on Saturday. Construction activities are prohibited on Sundays and Federally recognized holidays. Furthermore, construction noise is regulated by Department Standard Specifications, Section 5-1 "Sound Control Requirements," in the Standard Special Provisions. The project will comply with applicable provisions.

WL1. Due to impacts to the English Canyon Channel, the project will require a 404 permit from the U.S. Army Corps of Engineers (ACOE), a 1602 Streambed Alteration Agreement (SAA) from the California Department of Fish and Game (CDFG), and a Section 401 Water Quality Certification from the California Regional Water Quality Control Board (RWQCB). For impacts on non-wetland waters, typical mitigation measures required by the regulatory agencies (ACOE, CDFG, and RWQCB) include the following:

- On-site preservation enhancement.
- Off-site preservation through the purchase of suitable habitat or participation in an existing mitigation bank.
- On-site treatment of flows from developed surfaces prior to such flows entering waters of the U.S. (e.g., mechanical filters, bio-swales, or other similar post-construction BMPs).

- No work will be performed within the English Canyon Channel during periods of excessive water flow.

TE1. Riparian vegetation shall be removed outside the vireo and flycatcher breeding season (March 15 to September 15). To the extent practicable, construction within 91.4-m (300-ft) of riparian habitat shall also be done outside the breeding season. If construction must be completed during this period, then weekly surveys for vireo and flycatcher shall be conducted prior to and during construction activity. If vireo or flycatcher are found, the Carlsbad Fish and Wildlife Office (CFWO) and FHWA shall be contacted and measures shall be taken to reduce sound levels reaching areas used by vireo to less than 60 dBA or the background noise level, whichever is higher.

TE2. The limits of grading shall be clearly marked, and temporary fencing or other appropriate markers shall be placed around any sensitive habitat adjacent to work are as prior to the commencement of any ground-disturbing activity or native vegetation removal. No construction access, parking, or storage of equipment or materials shall be permitted within the marked areas.

TE3. A biological monitor shall be present during all activities involving removal of vegetation to ensure that impacts to wetland and riparian habitat do not exceed the limits of grading and to minimize the likelihood of inadvertent impacts to vireo, flycatcher, and other wildlife species.

TE4. No material (e.g., litter, debris, trash, etc.) shall be deposited within sensitive habitat areas designated by the project biologist, temporary fencing, or other appropriate markers.

TE5. Appropriate erosion and siltation controls shall be used and maintained during construction and maintenance activities.

TE6. Best Management Practices shall be employed to ensure that toxic materials, silt, debris, or excessive erosion do not enter jurisdictional waters or leave the construction or maintenance areas.

TE7. All vehicle maintenance, staging, storage, and dispensing of fuel shall occur in designated upland areas and in such a manner as to prevent any runoff from entering waters of the U.S.

TE8. Raw cement/concrete or washing thereof, asphalt, paint or other coating material, oil or other petroleum products or any other substances which could be hazardous to wildlife resulting from project-related activities shall be prevented from contaminating the soil and/or entering any jurisdictional waters.

TE9. Construction crews shall be briefed on the presence of vireos and measures to be taken to minimize impacts to the vireo and its habitat before activities are conducted.

TE10. 0.58-hectares (ha) (1.45-acres [ac]) of mixed willow woodland and mulefat scrub shall be restored in English Channel following project completion, consistent with a future habitat restoration plan. The restoration plan shall be completed and submitted to FHWA and CFWO for review and approval prior to initiating impacts to riparian habitat. Site preparation and restoration shall be implemented immediately following project completion.

TE11. As part of the restoration plan, invasive non-native species, including castor bean, pampas grass, and fan palm shall be removed from the riparian vegetation in English Channel, from the boundary with the McCoy Equestrian Center (approximately 457.2-m [1,500-ft] upstream of the culvert under Peyton Drive) to approximately 152.4-m (500-ft) downstream of the culvert.

TE12. A conservation easement or deed restriction shall be placed over 1.37-ha (3.40-ac) of English Channel between McCoy Equestrian Center at the upstream end and the proposed "Armorflex mat" at the downstream end. Following proposed restoration, the entire conserved area shall contain riparian habitat consisting of mixed willow woodland and mulefat scrub, with small patches of emergent wetland. The easement or deed restriction shall accommodate educational field trips in the channel and a potential pedestrian bridge over the creek. The City of Chino Hills shall enforce the easement or deed restriction and maintain the habitat (e.g., remove trash and non-native invasive weed species) in perpetuity. A draft easement or deed restriction

shall be submitted to the CFWO for review and approval, and the easement or deed restriction shall be adopted prior to impacting riparian habitat.

TE13. Two cowbird traps shall be placed at the equestrian center or other mutually agreed upon location in close proximity to the proposed project and operated for a period of two years.

TE14. Signs shall be placed on either side of the riparian habitat identifying it as a sensitive habitat type that supports federally endangered species and requesting that park patrons use identified trails to minimize impacts to the habitat and wildlife.

IS1. Landscape designs shall be submitted for review and approval by a qualified biologist. The review shall determine that no invasive, exotic plant species will be used in any proposed landscaping, and that suitable substitutes are proposed.

Appendix E List of Acronyms

AB	Assembly Bill
ac	Acre(s)
ACMs	Asbestos Containing Materials
ACOE	U.S. Army Corps of Engineers
ADA	Americans with Disabilities Act
ADL	Aerially Deposited Lead
ADT	Average Daily Traffic
APE	Area of Potential Effect
APEFZ	Alquist-Priolo Earthquake Fault Zone
AQMP	Air Quality Management Plan
ASR	Archaeological Survey Report
BA	Biological Assessment
BACMs	Best Available Control Measures
BARCT	Best Available Retrofit Control Technology
BGS	Below Ground Surface
BMP	Best Management Practice
BO	Biological Opinion
C	Federal Candidate Species for Listing
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CALVENO	California Vehicle Noise Reference Energy Mean Emission Level
CARB	California Air Resources Control Board
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDMA	California Department of Mines and Geology
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980
CFR	Code of Federal Regulations
CFWO	Carlsbad Fish and Wildlife Office
CHMIRS	California Hazardous Material Incident Report System
CHP	California Highway Patrol
CIA	Community Impact Assessment
cm	Centimeter(s)
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CPSC	United States Consumer Product Safety Commission
CSC	California Species of Special Concern
CWA	Clean Water Act
dB	Decibels
DOF	Department of Finance
DOT	Department of Transportation
DU	Dwelling Units
EA/IS	Environmental Assessment/Initial Study
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
F	Fahrenheit
FAR	Floor Area Ratio
FCAA	Federal Clean Air Act

FE	**Federal Endangered Species**
FESA	**Federal Endangered Species Act**
FEMA	**Federal Emergency Management Agency**
FHWA	**Federal Highway Administration**
FIP	**Federal Implementation Plan**
FIRM	**Flood Insurance Rate Map**
FPE	**Federal Proposed Endangered Species**
FPPA	**Farm Protection Policy Act**
FPT	**Federal Proposed Threatened Species**
ft	**foot/feet**
FT	**Federal Threatened Species**
FTA	**Federal Transit Administration**
GPA	**General Plan Amendment**
ha	**Hectare(s)**
HCP	**Habitat Conservation Plan**
HDM	**Highway Design Manual**
HOV	**High Occupancy Vehicle**
HPSR	**Historic Property Survey Report**
IID	**Imperial Irrigation District**
IS	**Initial Study**
ISA	**Initial Site Assessment**
km	**Kilometer(s)**
km/h	**Kilometers per hour**
LBP	**Lead based paints**
LEDPA	**Least Environmentally Damaging Practicable Alternative**
LOS	**level of service**
m	**meter(s)**
MEA	**Master Environmental Assessment**
ml	**Mile(s)**
MND	**Mitigated Negative Declaration**
Mph	**Miles per hour**
MSHCP	**Multi Species Habitat Conservation Plan**
MSL	**Mean Sea Level**
N/M	**Not measured**
NAAQS	**National Ambient Air Quality Standards**
NAC	**Noise Abatement Criteria**
ND	**Negative Declaration**
NEPA	**National Environmental Policy Act**
NES	**Natural Environment Study**
NFIP	**National Flood Insurance Program**
NHS	**National Highway System**
NOI	**Notice of Intent**
NO_2	**Nitrogen dioxide**
NOx	**Nitrogen oxides**
NPDES	**National Pollutant Discharge Elimination System**
NRCS	**Natural Resources Conservation Service**
NRHP	**National Register of Historical Places**
NWP	**Nationwide Permit**
O_3	**Ozone**
OHWM	**Ordinary High Water Mark**
Pb	**Lead**
PDT	**Project Development Team**
PM	**post mile**
PM_{10}	**particular matter larger than 10 microns in diameter**
Ppm	**Parts per million**
PR	**Project Report**

PRC	**Public Resources Code**
PS&E	**Plans, Specifications, and Entitlements**
PSR	**Project Study Report**
RACMs	**Reasonably Available Control Measures**
RACT	**Reasonably Available Control Technology**
RCP	**reinforced concrete pipe**
RCRA	**Resource Conservation and Recovery Act of 1976**
ROC	**Reactive Organic Compound**
ROG	**Reactive Organic Gas**
ROW	**right-of-way**
RTIP	**Regional Transportation Improvement Program**
RTP	**Regional Transportation Plan**
RWQCB	**California Regional Water Quality Control Board**
SA	**California Special Animal**
SAA	**Streambed Alteration Agreement**
SANBAG	**San Bernardino Association of Governments**
SBBM	**San Bernardino Base Meridian**
SBCFCD	**San Bernardino County Flood Control District**
SCAB	**South Coast Air Basin**
SCAG	**Southern California Association of Governments**
SCAQMD	**South Coast Air Quality Management District**
SCG	**Southern California Gas Company**
SCS	**Soil Conservation Service**
SE	**California Endangered Species**
SHPO	**State Historic Preservation Officer**
SIP	**State Implementation Plan**
SOC	**Species of Concern**
SoCAB	**South Coast Air Basin**
SO_2	**Sulfur dioxide**
SO_X	**Sulfur oxides**
SP	**California Special Plant**
SPF	**Standard Project Flood**
Sq.	**Square feet/mile**
SR	**State Route**
SRA	**Source Receptor Area**
SSC	**Federal Species of Special Concern**
ST	**California Threatened Species**
STIP	**State Transportation Improvement Program**
STLC	**Soluble Threshold Limit Concentration**
SWMP	**Storm Water Management Plan**
SWPPP	**Storm Water Pollution Prevention Plan**
SWRCB	**California State Water Resources Control Board**
TAC	**Toxic Air Contaminants**
TDM	**Transportation Demand Management**
TMDL	**Total Maximum Daily Loads**
TMP	**Traffic Management Plan**
TNAP	**Traffic Noise Analysis Protocol**
TSM	**Transportation System Management**
TTLC	**Total Threshold Limit Concentration**
UBC	**Uniform Building Code**
UCD	**University of California, Davis**
ug/m^3	**Micrograms per cubic meter**
UPRR	**Union Pacific Rail Road**
US	**United States**
use	**United States Code**
USDA	**United States Department of Agriculture**

USFWS	**United States Fish and Wildlife Service**
USGS	**United States Geological Survey**
V/C	**Volume-to-Capacity ratio**
VMT	**Vehicle miles traveled**
VOC	**Volatile Organic Compound**
VPD	**Vehicles per day**
WPCP	**Water Pollution Control Plan**

Appendix F List of Studies and References

California Department of Fish and Game, 2003. Natural Diversity Data Base, *Devore, Prado Dam, Ontario, Yorba Linda, San Dimas, Corona North, Corona South, Black Star Canyon,* and *Guasti* USGS 7.5-minute quadrangles maps.

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Carlsbad HA and Wildlife Office
6010 Hidden Valley Road
Carfsbad, California 920114213

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TO:	FAX NUMBER:
FHWA - Sacramento - Larry Vlnzant	916-498-5008
Caltrans District 8 - Aaron Borlon	909-385-6494
LS A Associates - Wendy Walters	951-781-4277

FAXED BY: Damn Milligan **Fax No:** (760)918-0638
Phone No: (760)431-9440

FOR: Karen Goebel and Jonathan Snydcr

SUBJECT:

BO - Peyton Drive Improvement Project
City of Chino Hills, San Bernardino County

COMMENTS:

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6010 Hidden Valley Road
Carlsbad, CaKfomia 920U

InRcplylteferTo:
FWS-SB-4033.4

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MttR

GeneFong
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Aim: Lany Vinzant

Subj: Formal Section 7 Consultation for the Peyton Drive Improvement Project in the City of Cbino Hills, San Bernardino County, California

DearMr.Fong:

This document transmits our biological opinion based on our review of the proposed Peyton Drive improvement project, including widening and addition of a sidewalk along Peyton Drive, completing Eucalyptus Avenue, and improving flood control in the English Channel in the City of Chino Hills, San Bernardino County, California. The biological opinion analyzes the project's effects on the federally endangered least Bell' $ vireo *{Vireo teWipusfllus*, "vireo[11]) in accordance with section 7 of the Endangered Species Ad (Act) of 1973, as amended (16 U.S.C. 1531 *et seq$* While critical habitat for the vireo has been designated, it does not occur in the project area. The proposed project involves impacts to riparian habitat associated with the above activities. The project will be conducted by the City of Chino Hills and funded, in pan, by the Federal Highway Administration (FHWA). Formal consultation was initiated on September 23, 2005.

FHWA'a Initiation request also requested consultation regarding project-associated adverse effects to the federally endangered southwestern willow flycatcher *(Empidonax traillU extimus*, "flycatcher"). However, protocol surveys in 2003 documented a male flycatcher on only two occasions (June 21 and 23) at the ed(ge of the project boundary. Even though the flycatcher exhibited territorial behavior, it was present for only a short period of time, and the limited amount of habitat at this location and the habitat characteristics (<?.#, lack of open water) make it unlikely that flycatcher will breed at this location. Because there will be sufficient habitat available to support foraging by migratory fiycatchere during project implementation and because the cowervation/miiiimization measures committed to be the project proponent (and described in "Ctonseivation/Miniimization Measures" below) will protect and restore potential flycatcher habitat and minimize potential disturbance of flycatcher* during project implementation, we conclude that the proposed project may affect, but is not Likely to adversely affect the flycatcher.

TAKE PRIDE"J
^AMERICA'

This biological opinion is based on information provided in the Biological Assessment for Peyton Drive Public Improvements (FHWA 2005), correspondences, electronic mail, telephone conversations, and other sources of information. A complete project file addressing this consultation is maintained at the Carlsbad Fish and Wildlife Office (GFWO)

CONSULTATION HISTORY

On May 18,2004, we met with representatives from Caftans and the City of Chino Hills to discuss potential project-related impacts to threatened and endangered species and potential conservation measures.

One June 16,2005, we provided LSA Associates a list of federally threatened and endangered species that may be in the vicinity of the proposed project

On September 23,2005, we received the Biological Assessment for the proposed project and a request to initiate formal consultation. On October 31,2005, we responded, initiating fonnal consultation.

On November 19,2005, we met at the project site and discussed how proposed conservation measures would be clarified to provide sufficient information for analysis in the biological opinion.

On February 3,2006, the CFWO received the revised project description, including updated conservation measures.

BIOLOGICAL OPINION

DESCRIPTION OF TBE PROPOSED ACHON

The proposed action involves the widening of Peyton Drive between Grand Avenue and Chino Hills Parkway (about 1.5 miles), construction of a 530-foot connection of Eucalyptus Avenue between Peyton Drive and Galloping Hills Parkway, and the reconstruction of flood control structures along English Channel at the Eucalyptus Avenue/Peyton Drive intersection. The Peyton Drive widening would widen Peyton Drive between Grand Avenue and Eucalyptus Avenue to a six-lane roadway and widen Peyton Drive to a four-lane highway between Eucalyptus Avenue and Chino Hills Parkway. The project will permanently impact about 0.42 acre and temporarily impact 0.39 acre of willow woodland and mulefat scrub. Construction is anticipated to begin in fall of 2006 and to last about 18 months.

GeneFong (FWS-SB-4033.4) 3

Conservation/Minimization Measures

1, Riparian vegetation will be removed outside the vireo and flycatcher breeding season (March IS to September IS). To the extent practicable, construction within 300 feet of riparian habitat will also be done outside the breeding season. If construction must be completed during this period, then weekly surveys for vireo and flycatcher -will be conducted prior to and during construction activity. If vireo or flycatcher are found, the CFWO and FHWA will be contacted and measures will be taken to reduce sound levels reaching areas used by vireo to less than 60dBA or the background noise level, whichever is higher.

% The limits of grading will be clearly marked, and temporary fencing or other appropriate markers shall be placed around any sensitive habitat adjacent to work areas prior to the commencement of any ground-disturbing activity or native vegetation removal. No construction access, parking, or storage of equipment or materials will be permitted within the marked areas.

3. A biological monitor will be present during all activities involving removal of vegetation to ensure that impacts to wetland and riparian habitat do not exceed the limits of grading and to minimize the likelihood of inadvertent impacts to vireo, flycatcher, and other wildlife species.

4. No material *(eg.,* litter, debris, trash, etc.) mil be deposited within sensitive habitat areas designated by the project biologist, temporary fencing, or other appropriate markers.

5. Appropriate erosion and siltation controls will be used and maintained during construction and maintenance activities.

6. Best Management Practices (BMPs) will be employed to ensure that toxic materials, silt, debris, or excessive erosion do not enter jurisdiction^ waters or leave the construction or maintenance areas.

7. All vehicle maintenance, staging, storage; and dispensing of fuel will occur in designated upland areas and in such a manner as to prevent any runoff from entering waters of the US.

8. Raw cement/concrete or washing thereof, asphalt, paint or other coating material, oil or other petroleum products or any other substances which could be hazardous to wildlife resulting from project-related activities will be prevented from contaminating the soil and/or entering any jurisdictional waters.

9. Construction crews will be briefed on the presence of vireos and measures to be taken to minimize impacts to the vireo and its habitat before activities are conducted.

10.1.45 acres of mixed willow woodland and inulefat scrub will be restored in English Channel Mowing project completion, consistent with a future habitat restoration plan. The restoration plan will be completed and submitted to EHWA and CFWO for review and approval prior to initiating impacts to riparian habitat. Site preparation and restoration will be implemented immediately following project completion.

1]. As part of the restoration plan, invasive non-native species, including castor bean, pampas gross, and fan palm mil be removed from the riparian vegetation in English Channel, from the boundary with the McCoy Equestrian Center (about 1500 feet upstream of tho culvert under Peyton Drive) to about 500 feet downstream of the culvert

12. A conservation easement or deed restriction will be placed over 3.40 acres of English Channel between McCoy Equestrian Center at the upstream end and the proposed "Annoiflex mat" at the downstream end. Following proposed restoration, the entire conserved axe* will contain riparian habitat consisting of mixed willow woodland and mule&t scrub, with small patches of emergent wedand. The easement or deed restriction will accommodate educational field trips in the channel and a potential pedestrian bridge over the creek (although the pedestrian bridge is not part of the proposed project addressed by this biological opinion). The City of Chino Hills will enforce the easement ordeed.restrictioo and maintain the habitat (eg,, remove trash and non-native invasive weed species) in perpetuity. A draft easement or deed restriction will be submitted to the CFWO for review and approval, and the easement or deed restriction will be adopted prior to impacting riparian habitat

13. Two cowbird traps will be placed at the equestrian center or other mutually agreed upon location in close proximity to the proposed project and operated for a period of two years.

14. Signs mil be placed on either side of the riparian habitat identifying it as a sensitive habitat type that supports federally endangered species and requesting that park patrons use identified trails to minimize impacts to the habitat and wildlife.

STATUS OF THE SPECIES

The least Bell's vireo is a small, olive-gray migratory songbird that nests and forages almost exclusively in riparian woodland habitats (Garrett and Dunn 1981; Gray and Greaves 1981; Miner 1989). Bell's vireos as a group are highly territorial (Barlow 1962; Fitch 1958; Salala 1983a) and are almost exclusively insectivorous (Chapin 1925; Miner 1989).

Vireo nesting habitat typically consists of well-developed overstories, undertories, and low densities of aquatic and heitaceous cover (Zembal 1984; Zembal *eiaL* 1985; Hays 1986a, 1986b; Hays 1989; Salata 1983a; RECON1989). The underctory frequently contains dense subshmb or shrub thickets. These thickets are often dominated by sandbar willow *{Salix*

hindskma\ mule fat *(Baccharis saHcifolla*\ youngindividuals of other willow species such as arroyo willow *(Salix lasiotepts)* or black billow (£, *goodingii)* and one or more herbaceous species (Salata 1983a, 1983b; Zembal 1984; ZerobaUra/. 198S). Significant over story species include mature arroyo willows and black willows. Occasioaal cottonwoodfi *(Populus* sp.) and western sycamore *(pfotanus racemasa)* occur in some vireo habitats, and coast live oak *{Quercusagrifotia)* may provide locally important overstoiy. Sites supporting vireos are on average wider and have a higher degree of vertical stratification, with large amounts of tree and shrub cover, and comparatively little herbaceous cover or open area (RECGN1989).

Vireos generally begin to arrive from their wintering range in southern Baja California and establish breeding territories by mid-March to late March (Garrett and Dunn 1981; Salata 1983a, 1983b; Hays 1989; Pike and Hays 1992). Vireos typically return to established breeding territories year after year (Greaves and Labinger 1997; Salata **1983b).** In a study on the San Diego River (Beck 1996), a banded population of vireos generally returned year after year with only minor adjustments in territory location, *k* large majority of the breeding vireos in the Piado Basin typically depart their breeding grounds by the third week of September and only a few Bell's vireos are found wintering in California or the United States as a whole (Barlow 1962; Nolan 1960; Ehdich *et al.* 1988; Gannett and Dunn 1981; Salala 1983a, 1983b; Pike and Hays 1992).

Hie least Bell's vireo occupies home ranges that typically range in size from 0,5 to 4.5 acres (RECON1989). In general, areas that contain relatively high proportions of degraded habitat likely have lower productivity (hatching success) than areas that contain high quality riparian woodland (Tones 198S; RECON 1989; Pike and Hays 1992). In some areas, vireos will also use adjacent upland habitats for foraging (Salata 1983a; Kus and Miner 1988). Females select the nest sites (Pitclka and Koestner 1942; Barlow 1962) and loth sexes participate in nest construction. Nests am typically constructed in the fork of a tree or shrub branch within 1 meter (3 feet) of the ground. Average clutch sizes range from 3.1 to 3.9 eggs. Both parents share in incubation and feeding, and continue to care for the young for at least two weeks after fledging. Territorial boundaries may be relaxed after the chicks fledge; however, fledglings generally remain in the territory or its vicinity for most of the season.

Long-term averages of productivity based on fledglings per pair range between 1,8 and 3.2. However, productivity is much lower when calculated as the number of fledglings per egg laid, which ranged from 0.37 to 0.75, reflecting the differential intensity of pressures such as egg predation, nestling predation, cowbird parasitism and other sources of nest failure (Service 1998).

Historically described by multiple observers as common to abundant in the appropriate riparian habitats from as far north as Tdiama County, California, to northern Baja California, Mexico (Grinndl and Storer 1924; Willett 1933; Grinnell and Miller 1944; Wilbur 1980), the vireo now occupies a small fraction of its fonner range (Goldwaaser *etaL* 1980; Service 1998) and remains a rare and local species in most of its existing range. Widespread habitat losses have fragmented

most remaining populations into small, disjunct, widely dispersed subpopulations. The remaining birds are concentrated in San Diego and Riverside counties with vireo numbers increasing in Change County. The entire known United States population in 1996 consisted of approximately 1,500 breeding pairs.

The decline of this California species (Salata 1986; Service 1998) has been attributed, in part, to the combined, perhaps synei^istic, effects of the widespread destruction of riparian habitats and brood-parasitism by the cowbird (Garrett and Dunn 1981). Because of this documented, drastic decline, the least Bell's vireo was listed as an endangered species by the State of California. Subsequently, the vireo was listed as endangered by the Fish and Wildlife Service on May 2, 1986 (51FR16474); Ongoing threats to the vireo include loss of habitat and brood parasitism by cowbink. Loss of habitat has occun-ed as a result of development in the floodplain and flood control projects and as a result of invasion by anindo, a non-native invasive species in riparian habitats that has eliminated and degraded large areas of potential vireo habitat Hie Fish and Wildlife Service designated critical habitat for this species on February 3V1994 (59 FR 4845). However, the proposed project is not located in an area designated as critical habitat for the viroa

As a result cf focused recovery efforts over the past five to tea years, i deluding cowbird trapping and habitat restoration, the vireo has begun to recover at selected locales within its range *(e.g.* Prado Basin. Marine Coips Base Camp Pendleton, central and coastal Orange County). Approximately 2,000 vireo territories were detected within California during 2003 (Service, unpublished data), and the available data from the 2004 breeding season suggest an increase to approximately 2,400 territories (Sendee and U. S. Geological Service, unpublished data).

ENVIRQfNMENTAL B ASELINE

Regulations implementing the Act (50 CFR § 402.02) define the environmental baseline as the past and present impacts of all Federal, State, or private actions and other human activities in the action area. Also included in the environmental baseline are die anticipated impacts of all proposed Federal project? in the action area {hat have undergone section 7 consultation, and the impacts of State and private actions that are contemporaneous with the consultation in progress. Accordiog to SO CFR § 402.02 pursuant to section 7 of the Act, the "action area*" means all areas to be affected directly or indirectly by the Federal action. Subsequent analyses of the environmental baseline* effects of the action, and levels of incidental take are based upon the action area. For this project, we define the action area to be the area affected by the proposed project, including access roads, drill sites, revegetation/enhancement sites, and the habitat within about 500 feet of the proposed activities, which could bo affected by noise, human activity, etc.

The proposed project is in a stretch of riparian habitat associated with English Channel, which is a tributary of Carbon Creek. Carbon Creek is a tributary of San Antonio Channel, which feeds into the Prado Basin in the Santa Ana River. The Prado Basin supports the second largest population of vireo throughout its raige, and there are also a large number of vireo in the Santa

Ana River channel where there is sufficient vegetation. However, the landscape surrounding the channel is mostly urbanized, and ia general, as one moves fàrther from the river, (he habitat patches become smaller and more isolated and support fewer vireo. The remaining patch of habitat in English Channel is several miles from Prado Basin and ia relatively isolated from other riparian vegetation.

The riparian habitat patch in the action area is divided by the Eucalyptus Avenue and Peyton Drive intersection. North of Peyton Drive, the riparian habitat is mostly surrounded by undeveloped former agriculture] lend that is disked annually. The area north of the channel is being developed as a community park. When completed, the park will be separated from the riparian habitat by a wall, ball containment fencing/netting, bioswales to control runoff, and a native habitat buffer, which will vary between in width fium about 10 to 100 feet The area south of the channel is currently bare graded dirt and will be developed either as a park or as a small housing development (see Cumulative Effects analysis). There is an equestrian facility (McCoy Equestrian Center) to the east. South of Peyton Drive, the riparian habitat is surrounded by a combination of urban development and a small area of unvegetated privately owned open space. The surrounding community ia mostly residential development, with small areas of agriculture remaining.

In 2003, protocol surveys for vireo were conducted in the viciniity of the proposed project. These surveys documented a family of vireo, including a male, a female^ and fledglings. The vireo were observed only in the habitat north of Peyton Drive. Surveys were not conducted i n 2004 or 2005, so it is possible that the number and distribution of vireo in the project area has changed since 2003. Cowbiids were also observed in the riparian habitat during 2003 surveys.

EFFECTS OF THE ACTTON

Effects of the action refer to the direct and indirect effects of an action on the aperies, together with the effects of other activities that are interrelated and interdependent with that action, which will be added to the environmental baseline. Interrelated actions are those that are part of a 1 arger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect èffects arc those that are caused by the proposed action are later in time; and still reasonably certain to occur

Direct Effects

The proposed project will result in permanent impacts to 0.42 acre of native vegetation and temporary impacts to 0.39 acre of native vegetation, constating of a combination of willow woodland, mulefal, and a small amount of emergent wetland habitat, The area of impact to riparian habitat is small, but there is a limited amount of riparian habitat available at this location. In addition, because surveys have not been conducted since 2003, the number and distribution of vireo using this riparian habitat may have changed slightly. During construction,

project impacts will reduce the amount of foraging and nesting habitat for returning or new vireos establishing territories. Thus, vireos at this location will likely experience a slight increase in competition during the breeding season and be forced to adjust their territory boundaries, particularly in the first year or two following project implementation, before temporarily impacted vegetation has recovered and restored areas have become established.

Indirect Effects

As described in the Biological Assessment, the proposed project could result in an incremental increase in noise levels on either side of the road. The project mil increase the area with a noise level above 60dB A Leq in about 0.59 acre of riparian habitat occupied by the vireo. ID addition, project construction could result in increased noise and activity levels in and near riparian habitat during the vireo breeding season. These increased noise levels could interfere with territorial and mating vocalizations and reduce the quality of riparian habitat for vireo in close proximity to the road. Hie 300-foot buffer between construction activities and occupied riparian habitat (see Conservation Measures above) will help reduce the potential for indirect effects during construction, but there is still the possibility for limited interference as a result of the proposed activities because of the close proximity of occupied habitat and anticipated construction.

The project also has the potential to result in degradation of riparian habitat as a result of construction activities; which can lead to increased pollution, sedimentation, trash, etc. in the riparian habitat

Conservation Measures

With the creation of and restoration of 1.45 acres of riparian habitat and restoration of the temporarily impacted area (Measure 10) and removal of non-native invasive plant species (Measure 11), the proposed project will result improve babii&t quality and result in a net increase of 0.64 acre of vireo habitat. The cowbint trapping program (Measure 13) will further increase the quality of the habitat for vireo over the next two years by reducing the likelihood that vireo nests mil be parasitized by cowbirds.

The conservation and ongoing management of the city-owned riparian habitat north of Peyton Drive (Measure 12) and installation of appropriate signage (Measure 14) will ensure that this area continues to provide potential vireo habitat in perpetuity by minimizing potential future disturbances and controlling invasion by non-native species.

Marking the limits of grading and monitoring project implementation (Measures 2 and 3) will ensure that project-associated impacts to habitat and to vireo are minimized and that unanticipated impacts do not occur.

The limitations on timing of construction activities in close proximity to vireo habitat (Measure 1) should help minimize potential construction-related disturbance to vireo as a result of noise and activity.

TheBMPs and conservation measures related to pollution and sedimentation (Measures 4 through 9) are anticipated to effectively minimize potential degradation of habitat as a result of pollution, sedimentation, and trash accumulation.

CUMUtATIVEEFFECTS

Cumulative effects include the effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. The future community park under construction to the west of English Channel is addressed in the "Environmeatal Baseline[71] section of this document. The property to the east will be developed as either a community park or as a small residential development If the area is developed as homes, the city will require a cat-proof fence between the homes and riparian habitat. In addition, an earthen benn will be installed just east of the riparian habitat; and the habitat will be signed explaining the riparian vegetation supports endangered species. If the property to the east of English Channel is developed as a park, a footbridge may be placed through the riparian vegetation to facilitate movement across the creek and minimize foot traffic through the bottom of the creek. The city has agreed to coordinate with the CFWO on the future project at this location to ensure that there are no unanticipated impacts to the conserved and restored habitat and vireo or flycatcher at this location.

CONCLUSION

After reviewing the current status of the vireo, environmental baseline for the action area, effects of the proposed action, and cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of this species or result in adverse modification of critical habitat Our conclusion is based on the following reasons:

1. The proposed project will impact only a small amount (0.81 acre) of riparian habitat and one pair of vireo.
2. After restoration, the proposed project will result in a net increase in potential habitat for viroo at (his location.
3. The project will permanently conserve and provide for ongoing maintenance of vireo habitat at this location.

Gene Fong (FWS-SB-4033.4) 10

INCIDENTAL TAKE STATEMENT

Section 9 of the Act prohibits the take of endangered and threatened species, respectively, without special exemption. Take is defined as to" harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Harm is further defined by us to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. We defined harass as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not die purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(bX4) and 7(o)(2) of the Act, taking that is incidental to and not intended as part of the agency action is not considered a prohibited taking provided that such taking is in compliance with the terms and conditions of this incidental take statement

The measures described below ate non-discretionary, and must be undertaken by the FHWA so that they become binding conditions of any grant or permit issued to the permittee, as appropriate, for the exemption in section 7(oX2) to apply. The FHWA has a continuing duly to regulate die activity covered by this incidental take statement. If the FHWA (1) fails to assume and implement the terms and conditions or (2) fails to require the permittee to adhere to the terms and conditions of the incidental take statement through enforceable terms that ace added to the permit or grant document, the protective coverage of section 7(oX2) may lapse. In order to monitor the impact of the incidental take, the FHWA must report the progress of the action and. its impact on the species to the CFWO as specified in the incidental take statement [50 CFR §402J4<iX3>].

AMOUNT OREXIENT OF TAKE

The proposed project will result in die removal of a relatively small amount of vireo breeding and foraging habitat, but because the riparian stretch where the proposed project will occur is email and isolated, project-associated impacts will result in the temporary loss of a substantial fraction of the remaining habitat at this location. Therefore, if a breeding pair of vireo returns to this location, they will have less .foraging, sheltering, and breeding habitat during project implementation, resulting in harm due to reduced reproductive output by up to one pair of vireos in the first year following project implementation.

EFFECT OF THE TAKE

In the accompanying biological opinion, the CFWO determined that this level of anticipated take is not likely to result in jeopardy to the species'or destruction or adverse modification of critical habitat

SEASONABLE AND PRUDENT MEASURE '

We have not Identified any additional reasonable and prudent meaiurei beyond the mhdmliid measures, committed to by the City of Chino Hills and described in the project description of thh biological opinion, that are necessary or appropriate to further minimize potential impacts associated with project implementation.

TERMS AND CONDITIONS

To be exempt from theprohibitloDB offectioa 9 of the Art, the H W A muit comply with termi and conditions which implement the reasonable and prudent measure desclD6daBQV6k S&0OI1O fertlwraasondrieudpnuientmeaiumareidcified, no terms and conditions are necessary.

DISPOSITION [OF8ICX;iNJC0EtII^ORDXAD'SEICIMinB

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BJUN1T1ATION NOTICE

This concludes formal consultation ation regarding the Peyton Drive improvement project, as outlined in materials subm to us. provided In 30-CFRJ402.I6 reinitiation of formal consultation is required where discretional ^F e d ^ agency involvement or control over the action baa Bean rrtrined (or ia mthorixed by law) and (1) the amount or extent of the incidental taJ»liexoeeW;(2)oewloibma1hareveaUeflbctiofihaaa^ action that may affect listed •peaeaorcritiod habitat In a mamexcf t o w extent not wojltlend in thii opinion; and (3) the agency action U nbieqocntly modififd in a manner thttoautosaneffeottothelUtedspeoleaor critical habitat not conildered lo thla opinion: or(4) t new ipeoieiii lilted or crit'cil habitat

designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. Any questions or comments should be directed to Jonathan Snyder of my staff at (760) 431-9440 extension 307.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:
Aaron Burton, Caltrans District 8, San Bernardino, CA
Jeff Brandt, CDFG, Region 6, Ontario, CA
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