

IV. Environmental Impact Analysis

C. Biological Resources

1. Introduction

This section of the Draft EIR addresses the potential impacts of the Project on biological resources. Specifically, this section identifies sensitive biological resources that are known to occur or have the potential to occur on or near the Site Locations, assesses the potential significant impacts to these biological resources from the Project, and recommends mitigation measures to avoid, minimize, or reduce the significance of any potential impacts. In addition, this section analyzes the Project's incremental contribution to cumulative biological resources impacts from past, present, and reasonably foreseeable future projects. The biological resources analysis included in this section is based in part, on the *Biological Resources Technical Report* prepared for the project by HDR in August 2022 and included in its entirety in Appendix D of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

There are several plans, policies, and programs regarding biological resources at the federal, State, and local levels. Described below, these include:

- Federal Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act Sections 404 and 401
- California Coastal Act
- California Endangered Species Act
- California Migratory Bird Protection Act
- California Fish and Game Code, Fully Protected Species and Species of Special Concern
- California Fish and Game Code Sections 3503 & 3513

- California Native Plant Society
- Porter-Cologne Water Quality Control Act
- California Fish and Game Code Section 1600
- Sensitive Vegetation Communities
- City of Los Angeles General Plan
 - Framework Element
 - Conservation Element
 - Open Space Element
- City of Los Angeles Municipal Code—Protected Trees and Shrubs

(1) Federal

(a) Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended (16 United States Code [USC] Sections 1531 et seq.), provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under the FESA. The FESA has four major components: (1) provisions for listing species; (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS); (3) prohibitions against “taking” of listed species; and (4) provisions for permits that allow an incidental “take.” The FESA also discusses recovery plans and the designation of critical habitat for listed species. Both the USFWS and the NMFS share the responsibility for administration of the FESA. During the CEQA review process, each agency is given the opportunity to comment on the potential of a project to affect listed plants and animals.

FESA is implemented by USFWS through a program that identifies and provides for protection of various species of fish, wildlife, and plants deemed to be in danger of or threatened with extinction. As part of this regulatory act, FESA provides for designation of critical habitat, defined in FESA Section 3(5)(A) as specific areas within the geographical range occupied by a species where physical or biological features “essential to the conservation of the species” are found and that “may require special management considerations or protection.” Critical habitat may also include areas outside the current geographical area occupied by the species that are nonetheless “essential for the conservation of the species.”

(b) Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA). The federal MBTA prohibits any person unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention... for the protection of migratory birds... or any part, nest, or egg of any such bird” (16 USC Section 703).¹

The list of migratory birds protected by the MBTA includes nearly all bird species native to the United States. The statute was extended in 1974 to include eggs and nests. Thus, it is illegal under the MBTA to take, including killing, capturing, selling, trading, and transport, protected migratory bird species without prior authorization by the USFWS.² Activities that result in removal or destruction of an active nest (a nest with eggs or young being attended by one or more adults) would violate the MBTA. While destruction of a nest by itself is not prohibited under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs is illegal and fully prosecutable under the MBTA.

(c) Clean Water Act Section 404 and 401

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (ACOE) and the United States Environmental Protection Agency (USEPA) regulate the discharge of dredged and/or fill material into “waters of the U.S.”³ Navigable waters means waters of the U.S., including the territorial seas. For purposes of the Clean Water Act, 33 USC Sections 1251 et seq. and its implementing regulations, subject to the exclusions set forth in Section 404 of the Clean Water Act, the term “waters of the U.S.” means: (i) the territorial seas and waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; (ii) tributaries; (iii) lakes and ponds, and impoundments of jurisdictional waters; and (iv) adjacent wetlands.⁴ The term “wetlands” (a subset of waters of the U.S.) is defined in 33 CFR Part 328.3(b) as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and

¹ 16 USC Sections 703 et seq.; title 50 CFR Part 10.

² USFWS, *Migratory Bird Treaty Act of 1918*, <https://www.fws.gov/law/migratory-bird-treaty-act-1918>, accessed May 26, 2022.

³ 33 USC Section 1341.

⁴ *Federal Register*, Volume 85, Number 77, Tuesday April 21, 2020—Rules and Regulations.

that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a certification that the discharge will comply with applicable effluent limitations and water quality standards. The certification must be obtained from the state in which the discharge originates or would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the affected waters at the point where the discharge originates or would originate. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. Responsibility for the protection of water quality in California rests with the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs). The agency with jurisdiction over projects in the City of Los Angeles (City) is the Los Angeles Regional Water Quality Control Board (LARWQCB).

(2) State

(a) California Department of Fish and Wildlife

With respect to nesting birds, although the MBTA does not itself provide specific take avoidance measures, the USFWS and California Department of Fish and Wildlife (CDFW), over time, have developed a set of measures sufficient to demonstrate take avoidance, including during construction activities, which include conducting brush removal, tree trimming, building demolition and/or construction, or grading activities outside of the nesting season. CDFW biologists have defined the nesting season as February 15 through August 31 (January 15 to August 31 for raptors). If other timing restrictions make it impossible to avoid the nesting season, prior to issuance of a grading, construction or building permit including demolition permit, the following measures are required by the CDFW as described below:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. This includes vegetation removal associated with on-going fuel modification activities.

Any construction activities or fuel modification activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence or absence of nesting birds by a qualified biologist monitor (i.e., a professional biologist with a minimum of two years of avian survey experience or equivalent) before the commencement of clearing.

If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the qualified biologist monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist monitor.

(b) California Coastal Act

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. In partnership with coastal cities and counties, the California Coastal Commission plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the California Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the California Coastal Commission or the local government.

The California Coastal Act includes specific policies (see PRC Division 20) that address issues, such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works.⁵ Section 30233 of the California Coastal Act identifies situations where coastal zone wetlands may be disturbed and recommends that development of a proposed project be the least environmentally damaging feasible alternative and that feasible and appropriate mitigation measures be imposed.

Local Coastal Programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the California Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in California's 76 coastal cities and counties. The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and Statewide interests and concerns must also be addressed in conformity with California Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an

⁵ *California Coastal Commission (CCC), Laws & Regulations, 2022.*

LCP is submitted to the California Coastal Commission for review for consistency with California Coastal Act requirements.⁶

For purposes of the California Coastal Act, an environmentally sensitive area (ESA) as defined by Section 30107.5 of the California Coastal Act “means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”⁷ Section 30240 of the California Coastal Act requires environmentally sensitive habitat areas to be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. It further requires that development in areas adjacent to environmentally sensitive habitat areas (ESHA) and parks and recreation areas shall be sited and designed to prevent impacts, which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. The protection of ESHA/ESAs are generally identified and regulated within specific adopted LCPs within each local jurisdiction’s land use plan(s).

(c) California Endangered Species Act

Under the California Endangered Species Act (CESA), the CDFW is responsible for maintaining a list of threatened and endangered species.⁸ The CDFW also maintains a list of candidate species, which are species formally under review for addition to either the list of endangered species or the list of threatened species.

The CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened, rare, or endangered in California. “Take” in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species.⁹ The take prohibitions also apply to candidates for listing under the CESA. However, CESA Section 2081 allows the CDFW to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the CESA.

⁶ *California Coastal Commission (CCC), Laws & Regulations, 2022.*

⁷ *CCC, Public Resources Code, Division 20, California Coastal Act, 2022.*

⁸ *Pursuant to California Fish and Game Code Section 2070, the California Fish and Game Commission shall establish a list of endangered species and a list of threatened species and shall add or remove species from either list if it finds, upon the receipt of sufficient scientific information pursuant to this article, and based solely upon the best available scientific information, that the action is warranted.*

⁹ *California Fish and Game Code Sections 86 and 2080.*

In accordance with the requirements of the CESA, an agency reviewing a project within its jurisdiction must determine if any State-listed endangered, rare, threatened, or candidate species could be present in the project area. The agency also must determine if the project could have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any project that could affect any State-listed endangered, rare, threatened, or candidate species.

(d) California Migratory Bird Protection Act

Assembly Bill 454 (AB 454), the California Migratory Bird Protection Act, which expires on January 20, 2025, makes unlawful the taking or possession of any migratory non-game bird designated by the MBTA, except as provided by the rules and regulations adopted by the U.S. Secretary of the Interior or rules or regulations that are inconsistent with the California Fish and Game Code, or subsequent rules or regulations adopted pursuant to the MBTA, unless those rules or regulations are inconsistent with the California Fish and Game Code.

AB 454, which also expires on January 20, 2025, reenacted the existing provisions of law regarding the taking or possession of any migratory non-game bird as designated in the MBTA, or any part of such migratory non-game bird, except as specified.

(e) California Fish and Game Code—Fully Protected Species and Species of Special Concern

The classification of “fully protected species” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The California Fish and Game Code Sections (fish in Section 5515, amphibians and reptiles in Section 5050, birds in Section 3511(b), and mammals in Section 4700) dealing with “fully protected” species state that these species “may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the California Fish and Game Code sections dealing with fully protected species were amended to allow the CDFW to authorize takings resulting from recovery activities for State-listed species.

Species of “special concern” are broadly defined as animals not listed under the FESA or CESA but that are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low

numbers and known threats to their persistence currently exist.¹⁰ This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for listing under FESA and CESA, and recovery efforts that might ultimately be required. This designation is also intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they may require consideration under CEQA during project review if they meet the definition of endangered, rare or threatened species in CEQA Guidelines Section 15380 which is not limited to listed species.

(f) *California Fish and Game Code Sections 3503 and 3513*

According to Section 3503 of the California Fish and Game Code it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except English sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*)). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the MBTA, prohibiting the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “take” by the CDFW. The same procedures identified above to avoid a violation of the MBTA are recognized by the CDFW to avoid a take in violation of these provisions.

(g) *California Native Plant Society*

The California Native Plant Society (CNPS) maintains a list of special status plant species based on collected scientific information. Designation of these species by CNPS has no legal status or protection under federal or State endangered species legislation. CNPS designations are defined as List 1A (plants presumed extinct); List 1B (plants rare, threatened, or endangered in California and elsewhere); List 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere); List 3 (plants about which more information is needed—a review list); and List 4 (plants of limited distribution—a watch list). In general, plants appearing on CNPS List 1A, 1B, or 2 meet the criteria of Section 15380 of the CEQA Guidelines; thus, substantial adverse effects to these species would be considered significant. Additionally, plants constituting CNPS List 1A, 1B, or 2 meet the definitions of California Department Fish and Game Code Section 1901 (Native Plant Protection Act) or Sections 2062 and 2067 (CESA).

¹⁰ *California Department of Fish and Wildlife (CDFW), Species of Special Concern, <https://wildlife.ca.gov/Conservation/SSC>, accessed May 26, 2022.*

(h) Porter-Cologne Water Quality Control Act

Waters of the State are defined by the Porter-Cologne Water Quality Control Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB protects all waters in its regulatory scope but has special responsibility for isolated wetlands and headwaters. These water bodies tend to have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the Clean Water Act. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Projects that require an ACOE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the State Water Quality Certification Program. If a proposed project does not require a federal license or permit but does involve activities that may result in a discharge of harmful substances to waters of the State, the RWQCB has the option to regulate such activities under its State authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements.

(i) California Fish and Game Code Section 1600

Under California Fish and Game Code Sections 1600 et. seq., CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife and requires a Streambed Alteration Agreement for such activities. The CDFW issues a Streambed Alteration Agreement with any necessary mitigation to ensure protection of the State’s fish and wildlife resources. The CDFW has jurisdiction over riparian habitats associated with watercourses.

(j) Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, State, and local conservation plans, policies, or regulations. The CDFW ranks such vegetation communities as “threatened” or “very threatened” and keeps records of their occurrences in the California Natural Diversity Database (CNDDDB). Sensitive vegetation communities are also identified by the CDFW on its List of California Natural Communities Recognized by the CNDDDB. Impacts to these vegetation communities and habitats identified in local or regional plans, policies,

regulations, or by federal or State agencies must be considered and evaluated under CEQA.¹¹

(3) Local

(a) City of Los Angeles General Plan Framework Element

The Citywide General Plan Framework Element (Framework Element) establishes the conceptual basis for the City's General Plan.¹² The Framework Element sets forth a comprehensive Citywide long-range growth strategy and defines Citywide policies regarding land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, infrastructure and public services. Chapter 6, Open Space and Conservation, of the Framework Element identifies goals, objectives, and policies for the City relative to biological resources. Objective 6.1 of the Open Space and Conservation Chapter of the Framework Element specifies the protection of "the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region." Policy 6.1.2 requires the coordination of "City operations and development policies for the protection and conservation of open space resources, by... preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges."

(b) City of Los Angeles General Plan Conservation Element

The City of Los Angeles General Plan Conservation Element (Conservation Element) adopted in 2001, contains policies related to the identification and protection of sensitive plant, animal species, significant ecological areas (SEAs), and other resources. State law recognized that State requirements regarding the content of one element may overlap with the requirements of another. As allowed by State law, Los Angeles has opted to incorporate natural open space agricultural and other open space features of the State's open space requirements into the Conservation Element, which primarily addresses preservation, conservation, protection, and enhancement of the City's natural resources.

State law intends that conservation elements address "conservation, development, and utilization of natural resources including water and hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources." State general plan legislation was amended in 1995 to require that preparation of the water

¹¹ California Department of Fish and Wildlife, *Natural Communities*, <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>, accessed May 26, 2022.

¹² City of Los Angeles, Department of City Planning, *The Citywide General Plan Framework, An Element of the Los Angeles General Plan*, July 27, 1995.

portion of the general plan address water and land reclamation, water (including ocean) pollution, regulation and use of land in stream beds, erosion, watershed protection, flood control and rock, sand and gravel resources. Open space, as defined by the California Government Code Section 65560, is “any parcel or area of land or water that essentially is unimproved and devoted to an open-space use,” including:

1. Preservation of natural resources (e.g., preservation of flora and fauna [animal habitats], bird flyways, ecologic and other scientific study areas, watershed);
2. Managed production of resources (e.g., recharge of ground water basins or containing mineral deposits that are in short supply);
3. Outdoor recreation (e.g., beaches, waterways, utility easements, trails, scenic highway corridors); and/or
4. Public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement.¹³

(c) City of Los Angeles General Plan Open Space Element

The City of Los Angeles General Plan Open Space Element (Open Space Element) includes goals, objectives, policies, and programs directed towards the regulation of publicly- and privately owned lands both for the benefit of the public as a whole and for the protection of individuals from the misuse of these lands. The Open Space Element provides guidance and general policies for the conservation and preservation of open space areas containing the City’s environmental resources including air and water.¹⁴

(d) City of Los Angeles Municipal Code—Protected Trees and Shrubs

Native species of oak (*Quercus* sp., except scrub oak [*Q. dumosa*]), Southern California black walnut (*Juglans californica*), California bay laurel (*Umbellularia californica*) and western sycamore (*Platanus racemosa*) trees at least 4 inches in diameter (cumulative for multi-trunked trees) at 4.5 feet above the ground level at the base of the tree or diameter-at-breast height (DBH) are protected in the City under Ordinance No. 177,404, which became effective April 23, 2006. On December 11, 2020, the City adopted Ordinance No. 186,873, extending protection status to include two native shrub species, the Mexican Elderberry (*Sambucus mexicana*) and toyon (*Heteromeles arbutifolia*) shrubs

¹³ *City of Los Angeles Department of City Planning, Conservation Element of the City of Los Angeles General Plan, September 2001, p. 1-2.*

¹⁴ *City of Los Angeles, Department of City Planning, Open Space Plan, June 1973, p. 1.*

and amending provisions of Los Angeles Municipal Code (LAMC) Sections 12.21, 17.02, 17.05, 17.06, 17.51, 46.00, 46.01, 46.02, 46.03, 46.04, and 46.06.

LAMC Section 17.05 prohibits, without a permit, the removal of any regulated protected tree, including “acts which inflict damage upon root systems or other parts of the tree...” and requires replacement of all regulated protected trees that are removed on at least a four-to-one basis with trees that are of a protected variety. Replacement trees must be at least 15 gallons or larger, measure 1 inch or more in diameter at 1 foot above the base, and measure at least 7 feet in height from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. Similarly, a protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees, to the extent feasible as determined by the Advisory Agency, Board of Public Works, or certified arborist. Further, when replacing more than two protected trees or shrubs, the permit at issue must be considered at a full public hearing of the Board of Public Works. The City also requires preparation of a report by a tree expert identifying protected on-site trees, impacts to trees related to grading and construction, and mitigation measures for impacts to protected trees. However, native trees that have been planted as part of a tree planting program are exempt from these ordinances and are not considered protected.

b. Existing Conditions

(1) Watersheds and Special Biological Resource Areas

Elevations at the various site locations of the proposed TCN Structures (Site Locations) range from approximately 15 feet at the southern Site Locations to 1,900 feet at the northern Site Locations. The Biological Study Area (BSA) is within the Ballona Creek Watershed, the Santa Monica Bay Watershed, and the Los Angeles River (LA River) Watershed and includes the proposed footprint of the 56 Site Locations, as well as a 300-foot radius buffer. While most of the BSA is developed or disturbed, special biological resource areas within the BSA that were considered due to their biological significance include the Ballona Wetlands, the LA River, the Sepulveda Basin Wildlife Reserve, and Balboa Road. These areas are further discussed below.

(a) Watersheds

(i) Ballona Creek Watershed

The Ballona Creek Watershed is comprised of Ballona Creek, which is a nine-mile long flood protection channel that drains the Los Angeles Basin. The watershed is approximately 130 square miles, with the Santa Monica Mountains to the north, the Harbor Freeway to the east, and the Baldwin Hills to the south. Major tributaries to the watershed

include Centinela Creek, Sepulveda Canyon Channel, Benedict Canyon Channel, and various storm drains. The Ballona Creek Watershed traverses across Beverly Hills, Culver City, Inglewood, Los Angeles, Santa Monica, West Hollywood, and unincorporated Los Angeles County.

(ii) Santa Monica Bay Watershed

The Santa Monica Bay Watershed covers approximately 414 square miles, with its northern boundary extending along the Santa Monica Mountains, the Ventura/Los Angeles County line to the west, and the Ballona Creek Watershed to the east. The watershed has approximately 200 storm drain outlets conveying over 30 billion gallons of runoff to the Santa Monica Bay annually. Twenty-seven subwatersheds are contained in Santa Monica Bay Watershed, with the two largest water bodies in the area being those belonging to Topanga Creek and Malibu Creek. Approximately 27,500 acres of the Santa Monica Bay Watershed are located within the City and consist of urban/residential land uses.

(iii) LA River Watershed

The LA River Watershed is 55 miles long and covers approximately 824 square miles in area, with headwaters originating in the Santa Monica, Santa Susana, and San Gabriel Mountains. Due to historic flooding, the majority of the river is concrete-lined, with the only soft-bottomed location being the Sepulveda Flood Control Basin, located in the San Fernando Valley. The LA River flows through a combination of natural areas and urban environments, with approximately 324 square miles of the watershed consisting of forest or open space land.

(b) Special Biological Resource Areas

As shown in Figure IV.C-1 on page IV.C-14, the Site Locations are located in the vicinity of the Ballona Wetlands, LA River, Sepulveda Basin Wildlife Reserve, and Balboa Road. These special biological resource areas are discussed below.

(i) Ballona Wetlands

The Ballona Wetlands are an ecological reserve located in the City and partially within unincorporated Los Angeles County. The wetlands are bisected by Ballona Creek, and are comprised of marshes, mud flats, salt pans, and sand dunes, creating about 153 acres of wetland habitat and 83 acres of non-wetland waters. The wetlands provide important habitat for many special-status species, including federally and/or state endangered species. The wetlands are considered an Environmentally Sensitive Habitat Area (ESHA). TCN Structures FF-29 and FF-30 occur approximately 150 feet from the northeastern edge of the wetlands, within an area mapped as non-wetland habitat, and the TCN Structures would be outside of the ESHA boundary.

(1) Ballona Wetlands Restoration Project Environmental Impact Statement/Environmental Impact Report

The Ballona Wetlands Restoration Project Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) was drafted in September 2017 by Environmental Science Associates for the United States Army Corps of Engineers, Los Angeles District, and CDFW. The Ballona Wetlands Ecological Reserve used to be comprised of over 2,100 acres of marshes, mud flats, salt pans, and sand dunes, providing valuable habitat for many sensitive species of plants and wildlife. Currently, the wetlands provide about 153 acres of wetland habitat and 83 acres of non-wetland waters of the United States (U.S.) and is transected by Ballona Creek. Since the aquatic resources within the reserve are so degraded, CDFW proposed a restoration project that would involve enhancing and establishing native coastal aquatic and upland habitats within the reserve.

(ii) LA River

The LA River flows within 300 feet of six TCN Structures within the BSA: FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2. In these locations, the LA River is concrete-lined and is not anticipated to support riparian vegetation.

(iii) Sepulveda Basin Wildlife Reserve

The Sepulveda Basin Wildlife Reserve was created by the City Department of Recreation and Parks and consists of two sections located at the southeast end of the Sepulveda Flood Control Basin. The South Reserve, located south of Burbank Boulevard, was created in 1979 by the Army Corps of Engineers as a revegetation experiment. The South Reserve features a man-made pond and the southern reach of Haskell Creek, which flows into the LA River. The North Reserve was created in 1988 and includes an 11-acre lake east of Haskell Creek. The eastern and northern portions of the North Reserve are highly managed and developed, with public restrooms, paved roads, and an archery range. TCN Structure FF-25 would be located within 300-feet of the northeastern portion of the Sepulveda Basin Wildlife Reserve.

(iv) Balboa Road

TCN Structure FF-24 is located northeast of Balboa Road, and within 300-feet of vegetation mapped by the USGS Gap Analysis Project (GAP) as California Buckwheat Scrub. This California Buckwheat Scrub could potentially provide suitable habitat for special status species, including the Coastal California Gnatcatcher.

(2) Soils

Soils within the BSA were identified using United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil mapping data. The BSA is primarily mapped as urban land, which indicates that the on-site soils were likely altered during construction by grading and excavation and are generally covered by development. Soils mapped at Site Locations located near the Ballona Wetlands (Structure FF-29 and FF-30) and LA River (Structure FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2) have 0 to 5 percent slopes and are subject to frequent flooding. Soils mapped at Site Locations located near the Sepulveda Basin Wildlife Reserve (FF-25) and Balboa Road (FF-24) are primarily urban, with 0 to 50 percent slopes. Figure 2 of the Biological Resources Technical Report included as Appendix D of this Draft EIR shows the soils mapped for Site Locations located within 300 feet of the potentially sensitive biological resources referenced above.

(3) Vegetation Communities and Land Cover Types

Vegetation communities and other land cover types in the BSA are shown in Figure 3, Sheets 1 through 10 of the Biological Resources Technical Report for Site Locations located within 300 feet of potentially sensitive biological resources, including the Ballona Wetlands, LA River, Sepulveda Basin Wildlife Reserve, and Balboa Road. Additionally, acreages of vegetation communities and other land cover types in the BSA are provided in Table IV.C-1 on page IV.C-17.

A description of these vegetation communities and other land cover types is as follows:

- California Buckwheat Scrub (*Eriogonum fasciculatum* Shrubland Alliance)—California buckwheat scrub is dominated by California buckwheat (*Eriogonum fasciculatum*), which accounts for at least 50 percent relative cover in the shrub layer. This alliance usually occurs on upland slopes, intermittently flooded arroyos, channels, and washes. Shrubs are typically less than 2 meters in height, with an intermittent-to-continuous canopy and a variable, grassy herbaceous layer (Sawyer et al. 2009). Within the BSA, California buckwheat scrub (*Eriogonum fasciculatum*), potentially covers 0.137 acre, located at TCN Structure FF-24.
- *Salix gooddingii* Forest and Woodland Alliance—*Salix gooddingii* Forest and Woodland Alliance includes a combination of areas dominated by various species of willow (*Salix* spp.), cattails (*Typha* spp.), and cottonwood (*Populus* spp.). This alliance can occur along rivers, canyons, floodplains, intermittent streams, seeps, drainages, and springs. Within the BSA, *Salix gooddingii* Forest and Woodland Alliance potentially covers 0.585 acre of TCN structures FF-24 and FF-25.

**Table IV.C-1
Vegetation Communities and Land Cover Types Mapped in the Biological Study Area**

Vegetation Community of Land Cover Type	Acreage
California Buckwheat Scrub	0.137
<i>Salix gooddingii</i> Forest and Woodland Alliance	0.585
<i>Brassica nigra</i> - <i>Centaurea</i> (spp.) Herbaceous Semi-Natural Alliance	0.196
Modified Channel	5.596
Disturbed/Ruderal	3.744
Urban/Developed	352.716
Total	362.975
<i>Source: HDR, July 2022.</i>	

- *Brassica nigra-Centaurea* (spp.) Herbaceous Semi-Natural Alliance—This alliance is defined by monocultures or co-dominant mixes of invasive herbs, such as black mustard (*Brassica nigra*), crown daisy (*Glebionis coronaria*), jointed charlock (*Raphanus sativus*), and star-thistle (*Centaurea diluta*). Also included are castor bean (*Ricinus communis*) monocultures since they exhibit similar habitat functions. These areas are typically located on well-draining soils with higher elevations than the surrounding landscape such as berms and raised upland areas. *Within the BSA, Brassica nigra-Centaurea (ssp.) Herbaceous Semi-Natural Alliance is found at TCN Structure FF-29 and covers 0.196 acre.*
- Modified Channel—Modified channel habitats are characterized by aquatic habitats within a channel that can be either natural/earthen bottomed, or concrete-lined. Three aquatic resources within the BSA are mapped as modified channel based on review of aerial imagery. Modified channel habitat is mapped within the BSA of nine Site Locations, including FF-3, FF-6, FF-7, FF-10, FF-11, FF-17, FF-24, FF-25, and NFF-2. The LA River is the primary modified channel located within the BSA, flowing through the Site Locations of FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2. Haskell Creek flows through the BSA of Site Location FF-25, while an unnamed channel flows through the BSA of Site Location FF-24. Modified channel covers 5.596 acres within the BSA.
- Disturbed/Ruderal—Disturbed/ruderal habitat is primarily used to identify areas where natural communities are impacted to such a severe extent that they are no longer sustaining or functioning naturally. These areas have been previously disturbed physically but continue to retain a soil substrate. Disturbed/ruderal areas consist of predominantly non-native weedy and ruderal exotic species. Such areas are not natural communities and generally do not provide habitat for wildlife or special-status species. Examples of disturbed/ruderal habitat include areas that have been graded, cleared areas for fuel management, staging areas, off-road vehicle trails, and abandoned home sites. Within the BSA, disturbed/

ruderal habitat occurs as dirt trails, slopes, vacant lots, and off-road recreation areas, covering 3.744 acres.

- Urban/Developed—Urban/developed land refers to areas that have been manipulated by planting ornamental vegetation, grading and compacting soils to build infrastructure, such as roads, buildings, parks, fields, etc. These areas have no biological function or value except that they may provide habitat for nesting birds and bats. Within the Project footprint, paved roads, associated landscaping, and portions of the railroad Right of Way (ROW) were mapped as urban/developed. Urban/developed land occupies approximately 352.716 acres of the BSA.

(4) Riparian Habitat and Special-Status Vegetation Communities

A special-status vegetation community is one that has a state rarity rank of S1, S2, or S3, as determined by the NatureServe Heritage Program Status Ranking system or is identified as subject to local, state, or federal regulations (e.g., vegetation communities meeting the United States Army Corp of Engineers' (USACE) three-parameter wetland criteria). There are no vegetation communities within the BSA designated as S1, S2, or S3 state rarity rank. Riparian vegetation, which includes communities that are associated with streambeds, wetlands, and adjacent riparian areas, are also considered special status by CDFW regardless of their state rarity ranking and are regulated pursuant to Section 1600, et seq. of the California Fish and Game Code. There are potential riparian communities mapped within the BSA, which could include various species of willow (*Salix spp.*), cattails (*Typha spp.*), and cottonwood (*Populus spp.*). Based on review of aerial imagery, riparian habitat is potentially located within the BSA at Site Locations FF-24 and FF-25.

(5) Plant Species

(a) Federally and/or State-Listed Plant Species

Based on the results of the literature review, there is no potential for federally- or state-listed plant species to occur within the BSA. The full list of special-status species analyzed for the potential to occur in the vicinity of the BSA is provided in the Biological Resources Technical Report included as Appendix D of this Draft EIR.

(b) Other Special-Status Plant Species

Since most of the BSA is highly disturbed and surrounded by development, most of the special-status plant species identified in Appendix B of the Biological Resources Technical Report are not expected to occur in the BSA. However, potentially suitable habitat for five plant species that are identified under the California Rare Plant Rank (CRPR) ranking system occurs within the Ballona Wetlands, adjacent to the BSA at Site Locations FF-29 and FF-30 as shown in Table IV.C-2 on page IV.C-19.

**Table IV.C-2
Other Special—Status Plant Species**

Special-Status Plant Species	CRPR Ranking
Lewis' evening primrose (<i>Camissoniopsis lewisii</i>)	CRPR ranking of 3
Southern tarplant (<i>Centromadia parryi ssp. australis</i>)	CRPR ranking of 1B.1
Orcutt's pincushion (<i>Chaenactis glabriuscula var. orcuttiana</i>)	CRPR ranking of 1B.1
Suffrutescent wallflower (<i>Erysimum suffrutescens</i>)	CRPR ranking of 4.2
South coast branching phacelia (<i>Phacelia ramosissima var. austrolitoralis</i>)	CRPR ranking of 3.2
<hr/> <i>Source: HDR, 2022</i>	

(6) Wildlife

All listed and other special-status wildlife species that were evaluated for their potential to occur in the BSA based on the results of the USFWS Information Planning and Conservation (IpaC) System, CNDDDB, and CNPS electronic inventory searches are included in Appendix B of the Biological Resources Technical Report.

(a) Federally and/or State-Listed Wildlife Species

The BSA for Site Locations FF-29 and FF-30 is within 300 feet of the Ballona Wetlands and Site Location FF-24 is within 300 feet of Balboa Road, which supports habitat that is potentially suitable for six federally and/or state-listed wildlife species as shown in Table IV.C-3 on page IV.C-20 and described below.

A description of these potential species is as follows:

(i) Monarch Butterfly and El Segundo Blue

The Ballona Wetlands provide suitable habitat for both Monarch Butterflies and El Segundo Blues and are located adjacent to Site Location FF-29 and FF-30. The BSA at each Site Location does not contain suitable habitat for either species, although they could potentially move through the BSA due to the proximity to the wetlands.

(ii) Belding's Savannah Sparrow and Least Bell's Vireo

Belding's Savannah Sparrow and Least Bell's Vireo have been confirmed as breeding and foraging within the Ballona Wetlands, which occur adjacent to Site Location FF-29 and FF-30. However, neither suitable breeding nor foraging habitat for either species occurs within the BSA.

**Table IV.C-3
Federally and/or State-Listed Wildlife Species**

Federally and/or State-Listed Wildlife Species	Status
Monarch Butterfly (<i>Danaus plexippus</i> pop. 1)	Federal Candidate
El Segundo Blue (<i>Euphilotes battoides allyni</i>)	Federally Endangered
Belding's Savannah Sparrow (<i>Passerculus sandwichensis beldingi</i>)	State Endangered
Coastal California Gnatcatcher (<i>Polioptila californica californica</i>)	Federally Threatened, Species of Special Concern
California Least Tern (<i>Sternula antillarum browni</i>)	Federally Endangered, State Endangered, Federally Protected
Least Bell's Vireo (<i>Vireo bellii pusillus</i>)	Federally Endangered, State Endangered
<hr/> <i>Source: HDR, 2022</i>	

(iii) Coastal California Gnatcatcher

As discussed in the analysis below, a small amount of potentially suitable habitat, California Buckwheat Scrub, occurs within the BSA of TCN Structure FF-24.

(iv) California Least Tern

Foraging habitat for California Least Tern occurs in the Ballona Wetlands, which are adjacent to the BSA for Site Locations FF-29 and FF-30. However, suitable foraging habitat does not occur within the BSA.

(b) Other Special-Status Wildlife Species

The BSA supports potentially suitable habitat for the following ten CDFW species of special concern:

- Arroyo chub (*Gila orcutti*)
- Southern California legless lizard (*Anniella stebbinsi*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Pallid bat (*Antrozous pallidus*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- Spotted bat (*Euderma maculatum*)

- Western mastiff bat (*Eumops perotis californicus*)
- Western yellow bat (*Lasiurus xanthinus*)
- California leaf-nosed bat (*Macrotus californicus*)
- Pocket free-tailed bat (*Nyctinomops femorosaccus*)

A summary of the potential for these species to occur within and adjacent to the Site Locations is provided below.

(i) *Arroyo chub (Gila orcutti)*

Arroyo chub are a species of fish known to historically occur in the LA River. However, they have been extirpated from much of their native range. The arroyo chub has potential to occur within the BSA of Site Locations FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2; however, the Site Locations are located on upland areas and do not contain suitable habitat.

(ii) *Southern California Legless Lizard (Anniella stebbinsi)*

Southern California Legless Lizard is known to occur in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodland, desert scrub, sandy washes, and stream terraces. While suitable habitat for this species does not occur within the BSA, potentially suitable habitat occurs adjacent to the BSA of Site Locations FF-29 and FF-30.

(iii) *Loggerhead shrike (Lanius ludovicianus)*

Loggerhead Shrike are found in shrublands and open woodlands, in areas of high grass cover and areas of bare ground. Within the BSA, there is potential foraging habitat for Loggerhead Shrike at Site Locations FF-2, FF-3, FF-6, FF-7, FF-10, FF-11, FF-22, FF-24, FF-25, FF-29, FF-30, and NFF-2. While there is little potential of breeding Loggerhead Shrike within the BSA, nesting birds are afforded extra protections under the MBTA.

(iv) *Pallid bat (Antrozous pallidus), Townsend's big-eared bat (Corynorhinus townsendii), Spotted bat (Euderma maculatum), Western mastiff bat (Eumops perotis californicus), Western yellow bat (Lasiurus xanthinus), California leaf-nosed bat (Macrotus californicus), and Pocket free-tailed bat (Nyctinomops femorosaccus)*

Seven special-status bat species were found to potentially occur within and/or adjacent to the BSA: pallid bat, Townsend's big-eared bat, spotted bat, western mastiff bat, western yellow bat, California leaf-nosed bat, and pocket free-tailed bat. All seven

species can utilize buildings as roosting habitat, and several species will also use railroad underpasses, culverts, and/or trees. Due to the urbanized nature of the BSA, potentially suitable habitat for these seven special-status bat species can be found within or adjacent to every Site Location considered as part of the Project.

(7) Potential Jurisdictional Aquatic Resources

The only type of aquatic resource the National Wetlands Inventory (NWI) mapped within the BSA was riverine. This system is characterized by wetlands and deep water habitats within a channel, with the exception of wetlands dominated by trees, shrubs, persistent emergent, emergent mosses or lichens, and habitats with water containing greater than 0.5 percent ocean derived salts.

As shown in Figure 2, Sheets 1 through 10 of the Biological Resources Technical Report include as Appendix D to this Draft EIR, three features potentially subject to USACE, RWQCB, and/or CDFW jurisdiction were mapped within the BSA. These three features are described below.

- The LA River is within the BSA at six Site Locations: FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2. Within the BSA, the LA River is a concrete-lined flood control channel. However, although features with potential jurisdiction status were located within the BSA, these do not occur within Site Locations FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2.
- Haskell Creek, a modified channel that appears to support potential riparian vegetation and wetland waters of the U.S. occurs within the BSA at Site Location FF-25. The bottom of Haskell Creek is not visible in aerial imagery, but it may support wetland Waters of the U.S. However, although features with potential jurisdiction status were located within the BSA, these do not occur within Site Location FF-25.
- One unnamed concrete-lined channel occurs within the BSA at TCN Structure FF-24. This feature appears to support potential non-wetland Waters of the U.S. and unvegetated streambed. However, although features with potential jurisdiction status were located within the BSA, these do not occur within Site Location FF-24.

(8) Nesting Birds

Suitable habitat to support nesting birds protected under the MBTA and California Fish and Game Code Section 3500 et seq. occurs within the BSA and includes mature trees and shrubs located within, and adjacent to, the BSA. Bridge- and crevice-nesting birds could nest on any of the overpasses and/or structures adjacent to the BSA. There is low potential for ground-nesting birds, such as killdeer (*Charadrius vociferus*), to nest within

portions of the BSA, although the high level of disturbance and lack of nearby foraging habitat reduces the potential for nests to occur.

(9) Wildlife Corridors and Habitat Linkages

Wildlife movement corridors, also called dispersal corridors or landscape linkages, are linear features whose primary wildlife function is to connect at least two significant habitat areas. Other definitions of corridors and linkages are as follows:

- A corridor is a specific route used for movement and migration of species. A corridor may be different from a linkage because it represents a smaller or narrower avenue for movement. Linkage means an area of land which supports or contributes to the long-term movement of wildlife and genetic material.
- A linkage is a habitat area that provides connectivity between habitat patches, as well as year-round foraging, reproduction, and dispersal habitat for resident plants and animals.

The LA River could function as a wildlife corridor for multiple species, such as mule deer (*Odocoileus hemionus*), coyote (*Canis latrans*), and the seven bat species listed above, including the pallid bat, Townsend's big-eared bat, spotted bat, western mastiff bat, western yellow bat, California leaf-nosed bat, and pocket free-tailed bat.

3. Project Impacts

a. Thresholds of Significance

(1) State CEQA Guidelines Appendix G

A project would have a significant impact related to biological resources if it would result in any of the following impacts to future residents or users on the project site:

Threshold (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 Wildlife or U.S. Fish and Wildlife Service?

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

Threshold (c): *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Threshold (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?*

Threshold (e): *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Threshold (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?*

For this analysis, the Appendix G Thresholds listed above are relied upon.

b. Methodology

(1) Biological Study Area

The BSA was defined to include the proposed footprint of all 56 TCN Structures as well as a 300-foot radius buffer. The 300-foot buffer was used to identify adjacent biological resources that could potentially be affected by the Project and to allow for minor project modifications in the future without requiring additional biological resources analysis. A larger buffer was not warranted as all Site Locations are located in disturbed areas that support minimal biological resources and are surrounded by existing urbanized development.

(2) Literature Review

As described in the Biological Technical Report included as Appendix D to this Draft EIR, a literature review was performed to determine the potential for federally and/or State listed and other special-status plant and animal species to occur in the BSA, as well as to identify the potential for the presence of designated critical habitat for federally listed species. The following databases and resources were consulted during the desktop review of federal, State, and local documents:

- USFWS IPaC System
- CDFW CNDDDB

- CNPS Inventory of Rare and Endangered Plants
- Online Manual of California Vegetation
- Ballona Wetlands Restoration Project Draft EIR/EIS

The CNDDDB and CNPS database searches included the 18 USGS 7.5-minute series quadrangles centered on the Site Locations (San Fernando, Burbank, Pasadena, Van Nuys, Los Angeles, Hollywood, Beverly Hills, Venice, Inglewood, Oat Mountain, Canoga Park, Topanga, Sunland, El Monte, South Gate, Torrance, Mint Canyon, and Newhall) and were refined based on the elevation range of the BSA. Further, the location of potential waters of the U.S. were mapped based upon the USFWS NWI combined with USDA NRCS soil mapping and review of aerial imagery.

(3) Vegetation Community and Land Cover Mapping

General vegetation mapping was conducted using Google Earth and the USGS GAP vegetation data. GAP data uses the National Vegetation Classification system. Vegetation communities within the Biological Resources Technical Report were mapped and defined using the classification system methodology and associations described in *A Manual of California Vegetation*. This classification system was used to provide consistency with the National Vegetation Classification System and is currently the statewide standard for vegetation mapping, per Section 1900 of the California Fish and Game Code.

(4) Potential Jurisdictional Aquatic Resources

Potential aquatic resources within the BSA were identified by reviewing USFWS' NWI and Google Earth imagery. Areas where NWI mapping indicated presence of wetland or riverine areas were reviewed in detail on aerial photographs to determine if NWI mapping was accurate for each location.

c. Project Design Features

No Project Design Features are proposed with regard to biological resources.

d. Analysis of Project Impacts

Threshold (a): Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

(1) Impact Analysis

(a) Plant Species

(i) Federally and/or State Listed Plant Species

As discussed above, based on the Biological Resources Technical Report, no federally and/or state listed plant species have potential to occur within or immediately adjacent to the BSA, and more specifically the Site Locations. **Therefore, as concluded in the Biological Resources Technical Report, the Project would not result in impacts on these species, and impacts with regard to federally and/or State listed plant species would be less than significant.**

(ii) Other Special-Status Plant Species

As discussed in the Biological Resources Technical Report, no other special-status plant species are expected to occur within the BSA, and more specifically the Site Locations. However, as previously discussed, potentially suitable habitat for the five special-status plant species occurs adjacent to the BSA for Site Locations FF-29 and FF-30. These include Lewis' evening primrose (*Camissoniopsis lewisii*) Southern tarplant (*Centromadia parryi* ssp. *australis*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), Suffrutescent wallflower (*Erysimum suffrutescens*), and South coast branching phacelia (*Phacelia ramosissima* var. *australitoralis*). **Therefore, impacts with regard to special-status plant species would be potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-1, which includes provisions for preconstruction surveys and placement of exclusion fencing to avoid special-status plant species if present.**

(b) Wildlife Species

(i) Federally and/or State Listed Wildlife Species

As summarized above and discussed in the Biological Resources Technical Report, potentially suitable habitat for six federally and/or state-listed wildlife species including the Monarch Butterfly, El Segundo Blue, Belding's Savannah Sparrow, California Least Tern, and Least Bell's Vireo occur within or adjacent to the BSA for Site Locations FF-29 and FF-30 and that for the Coastal California Gnatcatcher occurs within the BSA for Site Location FF-24. Site Locations FF-29, and FF-30 do not contain suitable habitat for the five federally and/or State-listed wildlife species, but suitable habitat may however occur on Site Location FF-24. Additionally, potential suitable habitat for these species occurs adjacent to these Site Locations and such species could potentially move through the BSA due to the proximity of existing habitat. **Therefore, impacts on the six federally and/or state-listed wildlife species would be potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-1, which includes provisions for**

preconstruction surveys, worker awareness training, and monitoring of construction activities by a qualified biologist, Mitigation Measure BIO-MM-2 which includes provisions for preconstruction nesting bird surveys if construction activities occur within the nesting season, and Mitigation Measure BIO-MM-3 to avoid impacts specific to the Coastal California Gnatcatcher and Least Bell's Vireo.

Specifically, Mitigation Measure BIO-MM-1, which pertains to construction of all Site Locations and specifies general biological resource protection measures during construction, requires the designation of a project biologist prior to the commencement of construction who will review final plans, designate areas that need temporary fencing, monitor construction barriers or exclusion fencing, halt work as necessary to protect biological resources, and notify Metro of the sighting of a federally or State-listed species. Mitigation Measure BIO-MM-1 also requires preconstruction training for all Project personnel and surveys for special-status species and invasive weeds. Lastly, Mitigation Measure BIO-MM-1 requires vehicle refueling and maintenance to occur in upland areas, regular leak inspections, and prompt cleanup of fuel leaks in accordance with applicable local, State, and federal requirements.

Mitigation Measure BIO-MM-2, which pertains to all Site Locations and aims to avoid impacts on migratory and nesting birds, requires preconstruction surveys for nesting birds, should construction activities occur between January 15 and September 15.

Mitigation Measure BIO-MM-3, which pertains to Site Locations FF-24, FF-29 and FF-30 and aims to avoid impacts on Coastal California Gnatcatcher and Least Bell's Vireo, requires suitable habitat for Coastal California Gnatcatcher and Least Bell's Vireo to be removed outside of specified nesting seasons for each species; three separate preconstruction surveys no more than seven days prior to vegetation removal, should construction activities occur during each respective nesting season; and the halting of all construction activities should these species be detected within 500 feet of the Site Location.

(ii) Other Special-Status Wildlife Species

As summarized above and discussed in detail in the Biological Resources Technical Report, potentially suitable habitat for ten other special-status wildlife species occurs within or adjacent to the BSA. Potential impacts on each species due to the Project are discussed below.

(1) Arroyo chub

Arroyo chub are a species of fish known to historically occur in the LA River. However, they have been extirpated from much of their native range. Arroyo chub has

potential to occur within or adjacent to the BSA for Site Locations of FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2.

Although suitable habitat for arroyo chub could occur within the LA River channel, which occurs within the BSA for these Site Locations, suitable habitat for arroyo chub does not occur within any Site Location footprint. Notwithstanding, unanticipated indirect impacts on arroyo chub habitat adjacent to the Site Location footprint(s) could occur. **Therefore, impacts on arroyo chub would be potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-1, which includes provisions for placement of exclusion fencing to avoid sensitive vegetation that that could indirectly impact arroyo chub habitat.**

(2) Southern California Legless Lizard

While suitable habitat for this species does not occur within the BSA, potentially suitable habitat occurs adjacent to the BSA at Site Locations FF-29 and FF-30. The Southern California Legless Lizard would likely be unaffected by the Project since the BSA occurs in urban and highly developed areas that are subject to daily disturbances, and this species can move away from the BSA if disturbances are significant. **Therefore, impacts on Southern California Legless Lizard would be less than significant.**

(3) Loggerhead Shrike

Within the BSA, there is potential foraging habitat for loggerhead shrike at Site Locations FF-2, FF-3, FF-6, FF-7, FF-10, FF-11, FF-22, FF-24, FF-25, FF-29, FF-30, and NFF-2. Loggerhead Shrike are both a highly mobile species and they are likely acclimated to significant levels disturbance since the BSA is located in a highly developed and urban area. Nesting Loggerhead Shrike are not likely to occur within the BSA since suitable habitat is absent, however, potential suitable habitat occurs adjacent to the BSA, as previously stated. **Therefore, impacts on the Loggerhead Shrike would be potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-2 which includes provisions for preconstruction nesting bird surveys if construction activities occur within the nesting season. Specifically, Mitigation Measure BIO-MM-2, which pertains to all Site Locations and aims to avoid impacts on migratory and nesting birds, requires preconstruction surveys for nesting birds, should construction activities occur between January 15 and September 15.**

(4) Pallid bat, Townsend's big-eared bat, Spotted bat, Western mastiff bat, Western yellow bat, California leaf-nosed bat, and Pocket free-tailed bat

Seven special-status bat species may roost in railroad underpasses, culverts, trees, or bridges adjacent to the BSA for all Site Locations. These include the Pallid bat,

Townsend's big-eared bat, Spotted bat, Western mastiff bat, Western yellow bat, California leaf-nosed bat, and Pocket free-tailed bat. Maternal colonies may be present adjacent to or within the BSA. Take-down of existing static displays could directly impact special-status bat species using the structure as a roost, if present. Further, construction activities or lighting from digital displays can adversely impact bat species by delaying emergence for foraging or causing roost abandonment due to increased exposure upon emerging from and returning to the roost. Additionally, construction noise may interfere with echolocation.

Therefore, impacts to bats during construction re potentially significant. As such, take down of the existing static displays and construction the proposed TCN Structures would implement Mitigation Measure BIO-MM-1, which includes provisions for preconstruction surveys, worker awareness training, and monitoring of construction activities by a qualified biologist; and Mitigation Measure BIO-MM-4, which includes provisions for preconstruction bat surveys during the bat maternity season and implementation of a bat management plan if roosting bats are found to be present adjacent to construction activities.

Specifically, Mitigation Measure BIO-MM-1, which pertains to take down of the existing static displays and construction of all Site Locations and specifies general biological resource protection measures during construction, requires the designation of a project biologist prior to the commencement of construction who will review final plans, designate areas that need temporary fencing, monitor construction barriers or exclusion fencing, halt work as necessary to protect biological resources, and notify Metro of the sighting of a federally or State-listed species. Mitigation Measure BIO-MM-1 also requires preconstruction training for all Project personnel and surveys for special-status species and invasive weeds. Lastly, Mitigation Measure BIO-MM-1 requires vehicle refueling and maintenance to occur in upland areas, regular leak inspections, and prompt cleanup of fuel leaks in accordance with applicable local, State, and federal requirements.

Mitigation Measure BIO-MM-4, which pertains to take down of the existing static displays and construction of all Site Locations, aims to avoid impacts on special-status bats, requires preconstruction surveys for potential bat habitat. If suitable habitat is determined to be present, additional surveys would occur during bat maternity season (May 1st through October 1st), prior to construction, to assess the potential for bat roosting and bat maternity roosting. If a roost is detected and it is determined that Project construction would result in direct impacts on roosting bats, a bat management plan would be prepared. Temporary eviction and exclusion devices would be installed under the supervision of a qualified and permitted bat biologist, if recommended. If a roost is detected but would only be subject to indirect impacts, all work conducted under the occupied roost would only take place during the day, if feasible. If this is not feasible, lighting and noise would be directed away from night roosting and foraging areas. In addition, once operational Freeway Facing TCN Structures would include signage that can be viewed from the highway, while Non-

Freeway Facing TCN Structures would be viewed from major arterial streets. Each TCN Structure would have one or two digital display faces depending on the location and line of sight visibility. The digital display faces would be designed to provide efficient and effective illumination while minimizing light spill-over, reducing sky-glow, and improving nighttime visibility through glare reduction. The digital display faces of the TCN Structures would use light-emitting diodes (LED) lighting with a daytime maximum up to 6,000 maximum candelas and 300 maximum candelas at nighttime, depending on the site location. Louvers would be installed to shade the LED lights from creating unintentional light spillage, assist in reducing reflection, and create a sharper image. Further, the proposed TCN Structures would be located in urban areas with existing light sources used primarily for Metro operations which include rail corridors, stations, parking, bus depots, and equipment lots and therefore would not substantially modify any existing habitat. Therefore, impacts to bats during operations of the TCN Structures would be less than significant.

(2) Mitigation Measures

The following mitigation measures are proposed with regard to candidate, sensitive, or special status species:

Mitigation Measure BIO-MM-1 Implement Biological Resource Protection Measures during Construction (All Site Locations and takedown locations of existing static displays). The following BMPs shall be implemented during construction to minimize direct and indirect impacts on biological resources and special-status species:

- Prior to the commencement of construction, a Project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or a related environmental science; greater than five years of experience and knowledge of natural history, habitat affinities, and id of flora and fauna species; and knowledge of all relevant federal, state, and local laws governing biological resources, including CDFW qualifications for field surveyors)) shall be designated to be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The Project biologist will be familiar with the local habitats, plants, and wildlife and maintain communications with the contractor on issues relating to biological resources and compliance with applicable environmental requirements. The Project biologist may designate other qualified biologists or biological monitors to help oversee Project compliance or conduct preconstruction surveys for special-status species. These biologists will have familiarity with the species for which they would be conducting preconstruction surveys or monitoring construction activities.

- The Project biologist or designated qualified biologist shall review final plans; designate areas that need temporary fencing (e.g., ESA fencing); and monitor construction activities within and adjacent to areas with native vegetation communities, regulated aquatic features, or special-status plant and wildlife species. The qualified biologist shall monitor compliance with applicable environmental requirements during construction activities within designated areas during critical times, such as initial ground-disturbing activities (fencing to protect native species). The qualified biologist shall check construction barriers or exclusion fencing and provide corrective measures to the contractor to ensure the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a federally or state-listed species is encountered within the Project footprint during construction. Construction activities shall cease until the Project biologist or qualified biologist determines that the animal will not be harmed or that it has left the construction area on its own. The Project biologist shall notify Metro, and Metro shall notify the appropriate regulatory agency within 24 hours of sighting of a federally or State-listed species.
- Prior to the start of construction, all Project personnel and contractors who will be on the Site Locations during construction shall complete mandatory training conducted by the Project biologist or a designated qualified biologist. Any new Project personnel or contractors that start after the initiation of construction shall also be required to complete the mandatory Worker Environmental Awareness Program training before they commence with work. The training shall advise workers of potential impacts on special-status vegetation communities and special-status species and the potential penalties for impacts on such vegetation communities and species. At a minimum, the training shall include the following topics: (1) occurrences of special-status species and special-status vegetation communities within the Site Location footprints (including vegetation communities subject to USACE, CDFW, and RWQCB jurisdiction); (2) the purpose for resource protection; (3) sensitivity of special-status species to human activities; (4) protective measures to be implemented in the field, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced areas to avoid special-status resource areas in the field (i.e., avoided areas delineated on maps or in the BSA by fencing); (5) environmentally responsible construction practices; (6) the protocol to resolve conflicts that may arise at any time during the construction process; (7) reporting requirements and procedures to follow should a special-status species be encountered during construction; and (8) Avoidance

Measures designed to reduce the impacts on special-status species.

- The training program will include color photos of special-status species and special-status vegetation communities. Following the education program, the photos will be made available to the contractor. Photos of the habitat in which special-status species are found will be posted on site. The contractor shall provide Metro with evidence of the employee training (e.g., a sign-in sheet) on request. Project personnel and contractors shall be instructed to immediately notify the Project biologist or designated biologist of any incidents that could affect special-status vegetation communities or special-status species. Incidents could include fuel leaks or injury to any wildlife. The Project biologist shall notify Metro of any incident, and Metro shall notify the appropriate regulatory agency.
- The Project biologist shall conduct a preconstruction survey for special-status species within the Project footprint prior to vegetation clearing, and/or ground disturbance. Any wildlife encountered will be encouraged to leave the Site Location footprint or relocated outside of the Site Location footprint if feasible.
- The Project biologist shall request that the contractor halt work, if necessary, and confer with Metro prior to contacting the appropriate regulatory agencies to ensure the proper implementation of species and habitat protection measures. The Project biologist shall report any noncompliance issue to Metro, and Metro will notify the appropriate regulatory agencies.
- The Project biologist shall inspect the Site Location footprint immediately prior to, and during, construction to identify the presence of invasive weeds and recommend measures to avoid their inadvertent spread in association with the Project. Such measures may include inspection and cleaning of construction equipment and use of eradication strategies.
- ESA fencing shall be placed along the perimeter of the Site Location footprint, where necessary, to prevent inadvertent intrusions into habitat identified as ESA. Work areas will be clearly marked in the field and confirmed by the Project biologist or designated biologist prior to any clearing, and the marked boundaries will be maintained throughout the duration of the work. Staging areas, including lay down areas and equipment storage areas, will be flagged and fenced with ESA fencing (e.g., orange plastic snow fence, orange silt fencing). Fences and flagging will be installed by the contractor in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot and operating heavy equipment. If work occurs beyond the

fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of Metro.

- No work activities, materials or equipment storage, or access shall be permitted outside the Site Location footprint without permission from Metro. All parking and equipment storage used by the contractor related to the Project shall be confined to the Site Location footprint and established paved areas. Undisturbed areas and special-status vegetation communities outside and adjacent to the Site Location footprint shall not be used for parking or equipment storage. Project-related vehicle traffic shall be restricted to the Site Location footprint and established roads and construction access points.
- The contractor shall be required to conduct vehicle refueling and maintenance in upland areas where fuel cannot enter waters of the U.S. or WOS waters of the State and areas that do not have suitable habitat to support federally and/or state-listed species. Equipment and containers shall be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces shall be cleaned up and disposed of in accordance with applicable local, State, and federal requirements.

Mitigation Measure BIO-MM-2: Avoid Impacts on Migratory and Nesting Birds (All Site Locations and takedown locations of existing static displays). If construction activities occur between January 15 and September 15, a preconstruction nesting bird survey (within seven days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within the area proposed for disturbance in order to avoid the nesting activities of breeding birds by establishing a buffer until the fledglings have left the nest. The size of the buffer area varies with species and local circumstances (e.g., presence of busy roads) and is based on the professional judgement of the monitoring biologist, in coordination with the CDFW. The results of the surveys shall be submitted to Metro (and made available to the wildlife agencies [USFWS/CDFW], upon request) prior to initiation of any construction activities.

Mitigation Measure BIO-MM-3: Avoid impacts on Coastal California Gnatcatcher, and Least Bell's Vireo, if present (Applicable to Site Locations FF-24, FF-29 and FF-30). Suitable habitat for Coastal California Gnatcatcher and Least Bell's Vireo shall be removed outside of the nesting season (February 15 through September 30), between September 1 and February 14 for Coastal California Gnatcatcher and October 1 and March 14 for Least Bell's Vireo. Should habitat for Coastal California Gnatcatcher and Least Bell's Vireo require removal between February 15 and August 30 for Coastal California Gnatcatcher or between March 15 and September 30 for Least Bell's Vireo, or construction activities are initiated during this time,

preconstruction surveys consisting of three separate surveys no more than seven days prior to vegetation removal shall be conducted by a qualified biologist. Should Coastal California Gnatcatcher and Least Bell's Vireo be detected within 500 feet of the Site Location, construction activities shall be halted unless authorization has been obtained from USFWS.

Mitigation Measure BIO-MM-4: Avoid Potential Impacts on Special-Status Bats (All Site Locations and take down locations of static displays). A qualified bat biologist shall conduct a preconstruction survey for potential bat habitat within the take down area of the static display or Site Location footprint prior to vegetation clearing, and/or ground disturbance for take down locations and all Site Locations. If suitable habitat is not found, then no further action is required.

If suitable habitat is determined to be present:

- A qualified bat biologist shall survey potentially suitable structures and vegetation during bat maternity season (May 1st through October 1st), prior to construction, to assess the potential for the structures' and vegetation's use for bat roosting and bat maternity roosting, as maternity roosts are generally formed in spring. The qualified bat biologist shall also perform preconstruction surveys or temporary exclusion within 2 weeks prior to construction during the maternity season, as bat roosts can change seasonally. These surveys will include a combination of structure inspections, exit counts, and acoustic surveys.
- If a roost is detected, a bat management plan shall be prepared if it is determined that Project construction would result in direct impacts on roosting bats. The bat management plan shall be submitted to CDFW for review and approval prior to implementation and include appropriate avoidance and minimization efforts such as:
- Temporary Exclusion. If recommended by the qualified bat biologist, to avoid indirect disturbance of bats while roosting in areas that would be adjacent to construction activities, any portion of a structure deemed by a qualified bat biologist to have potential bat roosting habitat and may be affected by the Project shall have temporary eviction and exclusion devices installed under the supervision of a qualified and permitted bat biologist prior to the initiation of construction activities. Eviction and subsequent exclusion shall be conducted during the fall (September or October) to avoid trapping flightless young bats inside during the summer months or hibernating/overwintering individuals during the winter. Such exclusion efforts are dependent on weather conditions, take a minimum of two weeks to implement, and must be continued to keep the structures free of bats until the completion of construction.

All eviction and/or exclusion techniques shall be coordinated between the qualified bat biologist and the appropriate resource agencies (e.g., CDFW) if the structure is occupied by bats. If deemed appropriate, the biologist may recommend installation of temporary bat panels during construction.

If a roost is detected but would only be subject to indirect impacts:

- **Daytime Work Hours.** All work conducted under the occupied roost shall take place during the day. If this is not feasible, lighting and noise will be directed away from night roosting and foraging areas.

(3) Level of Significance After Mitigation

With the implementation of Mitigation Measures BIO-MM-1 through BIO-MM-4, impacts to candidate, sensitive, or special status species would be reduced to a less than significant level.

Threshold (b): Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

(1) Impact Analysis

As summarized above and discussed in detail in the Biological Resources Technical Report, based on the vegetation communities and landcover types mapped within the BSA, *Salix gooddingii* Forest and Woodland Alliance were identified as a sensitive vegetation community within the BSA, covering 0.585 acre. These areas are considered sensitive and subject to potential impacts upon construction of Site Locations FF-24 and FF-25. **Therefore, impacts to a sensitive natural community from the construction of the TCN Structures are potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-1, which includes provisions for placement of exclusion fencing to avoid sensitive vegetation if present.**

Specifically, Mitigation Measure BIO-MM-1, which pertains to construction of all Site Locations and specifies general biological resource protection measures during construction, requires the designation of a project biologist prior to the commencement of construction who will review final plans, designate areas that need temporary fencing, monitor construction barriers or exclusion fencing, halt work as necessary to protect biological resources, and notify Metro of the sighting of a federally or State-listed species. Mitigation Measure BIO-MM-1 also requires preconstruction training for all Project personnel and surveys for special-status species and invasive weeds. Lastly, Mitigation Measure BIO-MM-1 requires vehicle refueling and maintenance to occur in upland areas,

regular leak inspections, and prompt cleanup of fuel leaks in accordance with applicable local, State, and federal requirements.

In addition, removal of existing static displays would involve minimal ground disturbance. Therefore, impacts to a sensitive natural community as a result of the take down of static displays would be less than significant.

(2) Mitigation Measures

Please refer to Mitigation Measures BIO-MM-1 provided above under Threshold (a).

(3) Level of Significance After Mitigation

With the implementation of Mitigation Measure BIO-MM-1, which includes provisions for placement of exclusion fencing to avoid sensitive vegetation if present, potential impacts to sensitive natural communities would be reduced to a less than significant level.

Threshold (c): Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

(1) Impact Analysis

As discussed in the Biological Resources Technical Report, three features potentially subject to USACE, RWQCB, and/or CDFW jurisdiction were mapped within the BSA. The LA River is within the BSA at six Site Locations: FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2. Within the BSA, the LA River is a concrete-lined flood control channel. Additionally, Haskell Creek is a modified channel that appears to support potential riparian vegetation and waters of the U.S. occurs within the BSA at Site Location FF-25. Lastly, one unnamed concrete-lined channel occurs within the BSA at TCN Structure FF-24. This feature appears to support potential non-wetland waters of the U.S. and unvegetated streambed.

Potential short-term indirect impacts to downstream aquatic resources could occur if fill or hazardous material were to spill into the drainages. **Therefore, impacts to wetlands from construction of the TCN Structures are potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-1, which includes provisions for preconstruction surveys, worker awareness training, placement of exclusion fencing to avoid aquatic features, and monitoring of construction activities by a qualified biologist.**

Specifically, Mitigation Measure BIO-MM-1, which pertains to construction of all Site Locations and specifies general biological resource protection measures during construction, requires the designation of a project biologist prior to the commencement of construction who will review final plans, designate areas that need temporary fencing, monitor construction barriers or exclusion fencing, halt work as necessary to protect biological resources, and notify Metro of the sighting of a federally or State-listed species. Mitigation Measure BIO-MM-1 also requires preconstruction training for all Project personnel and surveys for special-status species and invasive weeds. Lastly, Mitigation Measure BIO-MM-1 requires vehicle refueling and maintenance to occur in upland areas, regular leak inspections, and prompt cleanup of fuel leaks in accordance with applicable local, State, and federal requirements.

In addition, removal of existing static displays would involve minimal ground disturbance. Therefore, impacts to a wetlands as a result of the take down of static displays would be less than significant.

(2) Mitigation Measures

Please refer to Mitigation Measure BIO-MM-1 provided above under Threshold (a).

(3) Level of Significance After Mitigation

With the implementation of Mitigation Measure BIO-MM-1, which includes provisions for preconstruction surveys, worker awareness training, placement of exclusion fencing to avoid aquatic features, and monitoring of construction activities by a qualified biologist, impacts to wetlands during the construction of the TCN Structures would be reduced to a less than significant level.

Threshold (d): Would the project 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?

(1) Impact Analysis

As discussed in the Biological Resources Technical Report, suitable nesting and foraging habitat for birds occurs within and adjacent to the Site Location, and may occur at the take-down locations for the static displays . **Therefore, impacts on nesting birds are potentially significant. As such, the Project would implement Mitigation Measure BIO-MM-2, which includes provisions for preconstruction nesting bird surveys.**

Impacts to animals utilizing wildlife corridors and habitat linkages could occur from construction during improvements associated with the Project. Noise, nighttime lighting, increased human activity, fugitive dust, and other impacts associated with Project construction and operations could deter animals from moving between patches of suitable habitat. However, the majority of TCN Structures would be located in highly developed and disturbed environments, surrounded by commercial and industrial uses including surface streets and highways, and any wildlife moving through the BSA would have already been exposed to substantial disturbance. For these Site Locations, an increase in disturbance resulting from Project construction and operations would be negligible in an already highly developed and disturbed environment.

The LA River could potentially be utilized as a corridor or habitat linkage by wildlife. A portion of the BSA includes six Site Locations in the vicinity of the LA River: FF-3, FF-6, FF-7, FF-10, FF-11, and NFF-2 which are further located in an area with commercial and industrial uses. It is highly unlikely that Project construction and operations would have any impact on wildlife in the LA River. However, wildlife may stray outside of the LA River and closer to Project construction or operations. **Therefore, impacts on wildfire corridors and habitat linkages would be potentially significant. As such, the Project would implement Mitigation Measures BIO-MM-1, BIO-MM-2, and BIO-MM-4, which include numerous provisions that would reduce potential impacts on wildlife migrating through the LA River. .**

Specifically, Mitigation Measure BIO-MM-1, which pertains to all Site Locations and specifies general biological resource protection measures during construction, requires the designation of a project biologist prior to the commencement of construction who will review final plans, designate areas that need temporary fencing, monitor construction barriers or exclusion fencing, halt work as necessary to protect biological resources, and notify Metro of the sighting of a federally or State-listed species. Mitigation Measure BIO-MM-1 also requires preconstruction training for all Project personnel and surveys for special-status species and invasive weeds. Lastly, Mitigation Measure BIO-MM-1 requires vehicle refueling and maintenance to occur in upland areas, regular leak inspections, and prompt cleanup of fuel leaks in accordance with applicable local, State, and federal requirements.

Mitigation Measure BIO-MM-2, which pertains to all Site Locations and take-down locations for the static displays aims to avoid impacts on migratory and nesting birds, requires preconstruction surveys for nesting birds, should construction activities occur between January 15 and September 15. Lastly, Mitigation Measure BIO-MM-4, pertains to all Site Locations and take-down locations for the static displays and aims to avoid impacts on special-status bats, requires preconstruction surveys for potential bat habitat. If suitable habitat is determined to be present, additional surveys would occur during bat maternity season (May 1st through October 1st), prior to construction, to assess the potential for bat

roosting and bat maternity roosting. If a roost is detected and it is determined that Project construction would result in direct impacts on roosting bats, a bat management plan would be prepared. Temporary eviction and exclusion devices would be installed under the supervision of a qualified and permitted bat biologist, if recommended. If a roost is detected but would only be subject to indirect impacts, all work conducted under the occupied roost would only take place during the day, if feasible. If this is not feasible, lighting and noise will be directed away from night roosting and foraging areas.

Lastly, the disturbance involved with removal of static displays would be completed in less than half a day per location. Therefore, impacts to wildlife corridors associated with the removal of static displays would be less than significant.

(2) Mitigation Measures

Please refer to Mitigation Measures BIO-MM-1, BIO-MM-2, and BIO-MM-4 provided above under Threshold (a).

(3) Level of Significance After Mitigation

Implementation of Mitigation Measure BIO-MM-1, BIO-MM-2, and BIO-MM-4 during construction of the TCN Structures, include numerous provisions that would reduce potential indirect impacts on wildlife migrating through the LA River should they stray outside of that habitat and closer to Project construction or operations would reduce potential impacts to wildlife corridors and habitat linkages to a less than significant level.

Threshold (e): Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the proposed Site Locations do not include any protected trees or shrubs and no trees would be removed. Any trees in the vicinity of the Site Locations would be avoided and preserved in place. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources. Any trees in the vicinity of the Site Locations would be avoided and preserved in place. **As such, as determined in the Initial Study, the Project would not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts related to a conflict with any local policies or ordinances protecting biological resources would be less than significant. No further analysis is required.**

Threshold (f): Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the Site Locations for the TCN Structures are used primarily for Metro operations which include rail corridors, stations, parking, bus depots, and equipment lots. Further, no Habitat Conservation Plans or Natural Community Conservation Plans apply to the City. **As such, as determined in the Initial Study, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impacts relative to Threshold (f) would occur. No further analysis is required.**

e. Cumulative Impacts

(1) Impact Analysis

Due to the site-specific nature, impacts to biological resources would be specifically assessed on a project-by-project basis or for a particular localized area. Therefore, as with the Project, related projects would address potential site-specific impacts to biological resources through the implementation of site-specific recommendations and/or mitigation measures. **Therefore, the Project and related projects would not result in significant cumulative impacts to biological resources. The Project's contribution would not be cumulatively considerable, and cumulative impacts would be less than significant.**

(2) Mitigation Measures

Cumulative impacts related to biological resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts related to biological resources were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.