

3.3 BIOLOGICAL RESOURCES

This section evaluates existing biological resources at the project site and potential impacts associated with the implementation of the proposed project. The following analysis is based on the *Natural Environmental Study Report, Los Angeles State Historic Park*, prepared by CDPR in June 2011. This report is included as Appendix C of this EIR.

3.3.1 ENVIRONMENTAL SETTING

VEGETATION

The project site is surrounded by intensely developed and densely populated areas. Naturally occurring vegetation is sparse and limited to weedy growth dominated by plants that are able to exist in an urban environment. A small area of the project site has recently been landscaped with sycamore, poplar, willow, alder, cottonwood, other native trees, and a grassy turf area. Overall, the existing vegetation on-site can be classified as ruderal, which is generally defined as plants growing in waste places but that are not necessarily non-native species. Most species found on-site are windborne, while some are carried by animals and humans. Additionally, the close proximity to the vegetated portions of the Los Angeles River naturally increases native seed recruitment into the area. The 13-acre IPU park facilities are landscaped with small- to medium-sized trees and a large grassy lawn area. There are currently approximately 330 trees of various species on the project site, all of which are native. These tree species include California sycamore (*Platanus racemosa*), Fremont cottonwood (*Populus fremontii*), and willow (*Salix spp.*). In addition, various species of poplar and alder trees currently exist on the project site.

SENSITIVE BIOLOGICAL RESOURCES

Special status plant and wildlife species, commonly referred to as sensitive species, include species that are legally protected under the Federal Endangered Species Act, the California Endangered Species Act, the California Native Plant Protection Act, or local conservation ordinances. Included are plant species listed by the California Native Plant Society (CNPS), wildlife species that are of special concern to the California Department of Fish and Game (CDFG), and the California Fish and Game Code. Special status species can also be those species that are considered by CDFG to be sufficiently rare to qualify for such protection.

Sensitive Botanical Resources

Research was conducted prior to field surveys to determine the vegetation communities in the project area and associated specific plant species. This research involved querying the CDFG California Natural Diversity Database (CNDDDB) Rarefind database and CNPS database for sensitive plants and natural communities, reviewing published and unpublished material, and contacting knowledgeable individuals. Emphasis was placed on special status species that may occur in the project vicinity.

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Field surveys followed the floristic survey protocol recommended by CDFG to locate and identify plant species within the project site. Field surveys were accomplished by walking parallel transects within the project site. Some of the plants that were considered, though not formally listed as rare or endangered under the California Endangered Species Act, met the definitions of Section 1901, Chapter 10 (Native Plant Protection) of the California Fish and Game Code, and are eligible for State listing. These plant species were given equal consideration during the project assessment.

As listed in Table 3.3-1, there are ten special status plant species and one vegetation community known to occur within the U.S. Geographical Survey (USGS) Los Angeles 7.5-minute quadrangle. However, no special status plant species or vegetation communities were observed or identified during any survey or site visit.

**TABLE 3.3-1
SENSITIVE PLANT SPECIES AND VEGETATION COMMUNITIES
KNOWN TO OCCUR IN THE PROJECT VICINITY**

| Common Name <i>Scientific Name</i> | Sensitivity Status ^a | General Habitat Description | Probability of Occurrence |
|--|---|--|--|
| <i>Plant Species</i> | | | |
| Davidson's saltscale <i>Atriplex serenana</i> var. <i>Davidsonii</i> | USFWS: None CDFG: None CNPS: List 1B | Coastal bluff scrub, coastal scrub. Occurs in alkaline soils at elevations between 3 and 250 meters. | Not expected; not detected during field surveys. |
| round-leaved filaree <i>California marcophylla</i> | USFWS: None CDFG: None CNPS: List 1B | Cismontane woodland, valley and foothill grassland. Occurs in clay soils at elevations between 15 and 1,200 meters. | Not expected; not detected during field surveys. |
| Plummer's mariposa-lily <i>Calochortus plummerae</i> | USFWS: None CDFG: None CNPS: List 1B | Coastal scrub, chaparral, valley and foothill grassland, cismontane woodland, lower montane coniferous forest. Occurs on rocky and sandy sites, usually of granitic or alluvial material, and can be very common after a fire. Occurs at elevations between 90 and 1,610 meters. | Not expected; not detected during field surveys. |
| Los Angeles sunflower <i>Helianthus nuttallii</i> ssp. <i>Parishii</i> | USFWS: None CDFG: None CNPS: List 1A | Marshes and swamps (coastal and freshwater). Historical from southern California. Occurs at elevations between 5 and 1,675 meters. | Not expected; not detected during field surveys. |
| mesa horkelia <i>Horkelia cuneata</i> ssp. <i>Puberula</i> | USFWS: None CDFG: None CNPS: List 1B | Chaparral, cismontane woodland, coastal scrub. Occurs in sandy or gravelly site at elevations between 70 and 810 meters. | Not expected; not detected during field surveys. |
| Vernal barley <i>Hordeum intercedens</i> | USFWS: None CDFG: None CNPS: List 3.2 | Valley and foothill grassland, as well as vernal pools, dry, saline streambeds, and | Not expected; not detected during field surveys. |

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KNOWN TO OCCUR IN THE PROJECT VICINITY**

| Common Name Scientific Name | Sensitivity Status^a | General Habitat Description | Probability of Occurrence |
|---|--|--|--|
| | | alkaline flats. Occurs at elevation between 10 and 1,000 meters. | |
| Orcutt’s linanthus <i>Linanthus orcuttii</i> | USFWS: None CDFG: None CNPS: List 1B | Chaparral, lower montane coniferous forest. Sometimes occurs in disturbed areas; often in gravelly clearings. Occurs at elevations between 1,060 and 2,000 meters. | Not expected; not detected during field surveys. |
| prostrate vernal pool navarretia <i>Navarretia prostrata</i> | USFWS: None CDFG: None CNPS: List 1B | Coastal scrub and alkaline soils in valley and foothill grassland, and vernal pools. Occurs at elevations between 15 and 700 meters. | Not expected; not detected during field surveys. |
| Parish’s gooseberry <i>Ribes divaricatum</i> var. <i>Parishii</i> | USFWS: None CDFG: None CNPS: List 1A | Riparian woodland and salix swales in riparian habitats. Occurs at elevations between 65 and 100 meters. | Not expected; not detected during field surveys. |
| Greata’s aster <i>Symphotrichum greatae</i> | USFWS: None CDFG: None CNPS: List 1B | Chaparral, cismontane woodland, and mesic canyons. Occurs at elevations between 800 and 1,500 meters. | Not expected; not detected during field surveys. |
| Vegetation Community | | | |
| walnut forest | N/A | N/A | Not expected; not detected during field surveys. |

^a U.S. Fish and Wildlife Service (USFWS)
California Department of Fish and Game (CDFG)
California Native Plant Society (CNPS):
1A: Plants presumed extinct in California
1B: Plants rare, threatened, or endangered in California and elsewhere
3.2: Plants about which more information is needed (fairly threatened in California)
N/A: Not Applicable

Source: *Natural Environment Study Report, Los Angeles State Historic Park*, prepared by CDPR, June 15, 2011.

Sensitive Wildlife Resources

Research was conducted prior to field surveys to determine the vegetation communities in the project area and their potential as habitat for wildlife species. Emphasis was placed on special status species that may occur in the general vicinity. A California Wildlife Habitat Relationships query identified 275 species as potentially occurring in urban and barren habitats in Los Angeles County. This includes 206 avian species, 46 mammals, 19 reptiles, and 4 amphibians.

3.3 Biological Resources

The CNDDDB Version 3.1.0 was queried to compile a list of known special-status wildlife and invertebrate species present in the project vicinity. As shown in Table 3.3-2, seven special-status wildlife species were identified as occurring in the Los Angeles 7.5-minute quadrangle.

CDPR environmental scientists compared specific habitat requirements, life history notes, elevation, species distribution, and species lists to determine if any special-status species may be present in the project vicinity. It was determined that the project site may contain marginal suitable habitat for two special-status wildlife species, including the burrowing owl and the western mastiff bat. An expanded discussion of these two species is provided below and includes generalized habitat associations, food habits, cover and reproduction requirements, seasonal movements, and any known locations in the project area. All known occurrences for any special-status wildlife species were obtained from the CNDDDB Rarefind Database and CDPR personnel.

Though only three bat species are known to occur in the project vicinity, it is most likely that other bat species may potentially be present at the project site. Twenty-two bat species are known to occur in Los Angeles County; however, it is most likely that the project site is used primarily for foraging due to lack of suitable roosting (hibernation, night, maternity) sites.

TABLE 3.3-2
SENSITIVE WILDLIFE SPECIES KNOWN TO OCCUR IN THE PROJECT VICINITY

| Common Name <i>Scientific Name</i> | Sensitivity Status ^a | General Habitat Description | Probability of Occurrence |
|--|--|---|--|
| burrowing owl <i>Athene cunicularia</i> | Federal: None State: None CDFG: SC | Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. This species is a subterranean nester dependent upon burrowing mammals, most notably, the California ground squirrel. | Low: There are no documented occurrences of burrowing owl within the project site but low quality breeding, foraging, and overwintering habitat may exist on-site. |
| southwestern willow flycatcher <i>Empidonax trailii extimus</i> | Federal: FE State: SE CDFG: None | Riparian woodlands in southern California. | Not expected; no suitable habitat exists on-site. |
| western mastiff bat <i>Eumops perotis californicus</i> | Federal: None State: None CDFG: SC | Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. This species roosts in crevices in cliff faces, high buildings, trees, and tunnels. | Low: There are no documented occurrences within the project site but low quality breeding, foraging, and overwintering habitat may exist on-site. |
| Hoary bat <i>Lasiurus cinereus</i> | Federal: None State: None CDFG: None | Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. This species roosts in dense foliage of medium to large trees and feeds primarily on moths. This species' habitat also requires water. | Not expected; no suitable habitat exists on-site. |

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| Common Name Scientific Name | Sensitivity Status^a | General Habitat Description | Probability of Occurrence |
|--|--|---|---|
| big free-tailed bat <i>Nyctinomops macrotis</i> | Federal: None State: None CDFG: SC | Low-lying arid areas in southern California. This species needs high cliffs or rocky outcrops for roosting sites and feeds primarily on large moths. | Not expected; no suitable habitat exists on-site. |
| coast horned lizard <i>Phrynosoma coronatum</i> (<i>blainvillii</i> population) | Federal: None State: None CDFG: SC | Inhabits coastal sage scrub and chaparral in arid and semi-arid climate conditions. This species prefers friable, rocky, or shallow sandy soils. | Not expected; no suitable habitat exists on-site. |
| American badger <i>Taxidea taxus</i> | Federal: None State: None CDFG: SC | Most abundant in drier open stages of most shrub, forest, and herbaceous habitats with friable soils. This species needs sufficient food, friable soils, and open, uncultivated ground. The American badger also digs burrows and preys on burrowing rodents. | Not expected; no suitable habitat exists on-site. |

^a FE: Listed as endangered under the Federal Endangered Species Act
SE: Listed as endangered under the California Endangered Species Act
SC: CDFG Species of Special Concern

Source: *Natural Environment Study Report, Los Angeles State Historic Park*, prepared by CDP, June 15, 2011.

Burrowing Owl

The burrowing owl (*Athene cunicularia*) is a CDFG Species of Special Concern. It is a year-round resident in southern California and can be found from sea level up to 1,600 meters (5,300 feet) in open dry grasslands, deserts, open stages of pinyon-juniper, and ponderosa pine vegetation communities. It is associated with open grasslands and shrublands with perches and burrows.

The diet of the burrowing owl consists primarily of insects, but also includes small mammals, reptiles, birds, and carrion. The species uses rodent and other burrows for roosting and nesting. Breeding occurs from March to August, peaking in April and May. Clutch size is two to ten eggs with an average size of five to six eggs. Conversion of grassland to agriculture, urbanization, and poisoning of ground squirrels has reduced burrowing owl numbers in recent decades.

There are no documented occurrences of the burrowing owl within the project site, but low quality breeding, foraging, and overwintering habitat may exist on-site. There is one known occurrence outside the project site boundaries, but the precise location is unknown. One individual was observed in spring 2007 by CDP, Environmental Scientists at Rio de Los Angeles (Taylor Yard) State Park, approximately 2.5 miles north of the project site. This individual was observed near a culvert under a walkway by a soccer field. This owl remained in the area for approximately two weeks and was assumed to be a transient.

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Western Mastiff Bat

The western mastiff bat (*Eumops perotis*) is a CDFG Species of Special Concern. It is an uncommon year-round resident in southeastern San Joaquin Valley and coastal ranges into southern California, and can be found in open semi-arid to arid habitats, including urban, desert scrub, palm oasis, conifer and deciduous woodlands, coastal scrub, and grasslands. The species is associated with open areas with abundant roosts.

The western mastiff bat diet consists of insects caught in flight, primarily night-flying hymenopterous insects. Roosting sites include cliff faces, high buildings, trees, and tunnels. Copulation occurs in early spring with subsequent gestation believed to be 80 to 90 days. The parturition extends from April to August or September with one young produced per pregnancy.

There are no documented occurrences of the western mastiff bat within the project site, but low quality breeding, foraging, and overwintering habitat may exist on-site.

WILDLIFE CORRIDORS AND HABITAT LINKAGES

Wildlife corridors or linkages are interconnected tracts of land through which native species can disperse. Corridors are characterized by significant natural resource value and provide pathways for gene flow, seed dispersal, daily movement between habitats (home range movements), migration (seasonal or altitudinal), and dispersal habitat for juveniles. Corridors can function at various temporal and spatial scales. Temporally, they allow for both daily and seasonal movements, as well as movements over many generations. Spatially, corridors function on a landscape/ecosystem scale (with there being no absolute size for a landscape) or at smaller spatial scales, such as home range.

Though natural landscapes have an inherent degree of connectivity, over the past 50 years habitat alteration has greatly reduced this connectivity. Establishing connections between isolated or fragmented habitat patches is essential for sustaining natural ecological processes, population viability, and biological diversity. According to the Science and Collaboration for Connected Wildlands, the project site is juxtaposed to the Griffith Park-Verdugo Hills linkage. This linkage is rated as a low conservation priority; however, the opportunity to protect and/or restore connectivity exists with restoration activities along the Los Angeles River.

3.3.2 REGULATORY SETTING

The following provides a general description of the regulations applicable to biological resources. Permits or other authorizations expected to be required for the proposed project under these regulations are also noted as applicable.

FEDERAL

Federal Endangered Species Act

Pursuant to the Federal Endangered Species Act (ESA), the United States Fish and Wildlife Service (USFWS) has regulatory authority over projects that may affect the continued existence of a federally-listed terrestrial species. Under the ESA, a permit to “take” a listed species is required for any project that may harm or harass an individual of that species. Section 10 of the ESA governs the process for take permits with strictly non-Federal projects.

Take is defined under Section 9 of the ESA as killing, harming, or harassment. Under Federal regulation, take is further defined to include habitat modification or degradation where it would be expected to result in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Section 4(a)(3)(A) of the ESA requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species as endangered or threatened. Section 3(5) of the ESA defines critical habitat, in part, as areas within the geographical area occupied by a the species “on which are found those physical and biological features (I) essential to the conservation of the species (II) which may require special management considerations and protection; and (III) specific areas outside the geographical area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species.” The USFWS is required to designate critical habitat pursuant to the ESA. Therefore, critical habitat is the geographic area and habitat functions necessary for the recovery of the species.

Migratory Bird Treaty Act

Congress passed the Migratory Bird Treaty Act (MBTA) in 1918 to prohibit the kill or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA. The prohibition applies to birds included in the respective international conventions between the United States and Great Britain, Mexico, Japan, and Russia. Although no permit is issued under the MBTA, if vegetation removal or other construction activities occur during the breeding season for raptors and other native birds, USFWS and CDFG require that surveys be conducted to locate active nests within the construction area. If active raptor or other native bird nests are detected, proposed project activities may be temporarily curtailed or halted within an established buffer zone.

STATE

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA), a permit from CDFG is required for projects that could result in the take of a State-listed threatened or endangered species. A take of a species, under the CESA, is defined as an activity that would directly or indirectly kill an individual of a species, but

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does not include “harming” or “harassment” as included in the federal ESA. As a result, the threshold for take under CESA is higher than under the ESA (i.e., habitat modification is not necessarily considered take under CESA). The State has the authority to issue an incidental take permit under Section 2081 of the California Fish and Game Code.

For species that are listed under both the federal ESA and CESA, a Federal Section 7 “take” authorization can potentially also suffice for a CESA incidental take permit, if CDFG finds that the Section 7 consultation is consistent with the requirements of CESA. If CDFG determines that additional protective measures are needed, those conditions would be specified under a separate State take permit. CDFG is also concerned with the protection of species listed as California Species of Special Concern and plants considered rare, threatened, or endangered by the California Native Plant Society (CNPS). Though these species are not legally protected under CESA, impacts to them are generally considered significant under CEQA.

3.3.3 ENVIRONMENTAL IMPACTS

THRESHOLDS OF SIGNIFICANCE

As part of the Initial Study (refer to Appendix A to this EIR), it was determined that the proposed project would not result in impacts on riparian habitat or other sensitive natural communities, nor would it result in adverse effects on federally protected wetlands. Although the Los Angeles River forms the eastern boundary of the project site, this portion of the river is channelized and the proposed project would not physically connect to the river. The Initial Study also found that the proposed project would not conflict with local policies protecting biological resources, including a tree preservation policy. Accordingly, these issues are not further analyzed in the EIR.

In accordance with the CEQA Guidelines, the proposed project would have a significant impact related to biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- 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;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

IMPACT ANALYSIS

BIO-1 *The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Impacts would be less than significant.*

As discussed, the project site may contain marginal suitable habitat for two special status wildlife species, including the burrowing owl and the western mastiff bat. Short-term construction impacts could disturb any suitable habitat that may be present, while long-term operation of the proposed project would increase lighting, which could impact nocturnal species. However, it has been determined that there would be no take of any federally-listed species (threatened or endangered) and that the proposed project would not negatively affect the continued existence of any federally-listed species.¹ Neither of these species has been observed at the project site and impacts related to special status wildlife species would be less than significant. Furthermore, no special status plant species or vegetation communities are known to exist on-site, thus, no impacts to such plant species would occur.

BIO-2 *The proposed project would not 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 a native wildlife nursery site. Impacts to wildlife corridors would be less than significant, while mitigation measures are required to ensure less than significant impacts to migratory birds.*

As previously discussed, the project site is rated as a low conservation priority as a habitat linkage. However, as noted, there is an opportunity to protect and/or restore connectivity with restoration activities along the Los Angeles River, which is adjacent to and east of the project site. The project site is located in a developed urban area and is not currently used as a migratory wildlife corridor. Following implementation of the proposed project, the project site would remain primarily covered with grass, landscaped areas, and other permeable surfaces. Additionally, landscaped areas would be planted with native species appropriate for the area. Thus, the project site would remain in a mostly natural state with few on-site structures. Furthermore, the proposed project does not include any development of the adjacent channelized Los Angeles River. As such, development of the project site would not preclude use of the site in the future as a wildlife corridor, nor would it preclude restoration activities along the Los Angeles River. Impacts related to wildlife corridors would be less than significant.

Native migratory birds are protected under the MBTA regardless of their sensitivity status. Removal of vegetation during construction, if vegetation removal were to occur during the nesting/breeding season (generally defined as February 15 to September 15) may disturb species protected by the MBTA, as well as any nesting native birds. This would result in a significant impact to nesting birds under the protection

¹ C DPR, *Natural Environment Study Report, Los Angeles State Historic Park*, June 15, 2011.

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of the MBTA and native birds. Implementation of mitigation measures BIO-A through BIO-C would reduce potential impacts to migratory and nesting native birds to a less than significant level.

BIO-3 *The project site is not included in any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. No impacts would occur.*

The project site is located in a developed urban area, and is not part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. No impacts related to Habitat or Natural Community Conservation Plans would occur.

3.3.4 MITIGATION MEASURES

BIO-A: Construction activities associated with the proposed project (including disturbances to native and non-native vegetation, structures, and substrates) shall take place outside of the breeding bird season, which generally runs from March 1 through August 31 (as early as February 1 for raptors and as early as November 1 for great blue herons).

BIO-B: Bird species protected by the MBTA, as well as nesting native birds, have the potential to nest/breed within the project site and vicinity in the breeding bird season. If construction activities cannot be avoided during the breeding bird season a qualified biologist shall perform a bird survey no sooner than three days prior to the start of construction activities. If nesting birds or an active nest is present on the project site, CDPR environmental scientists shall be notified prior to the start of any construction activity. Appropriate actions may include, but are not limited to, monitoring nest sites to ensure no impacts to nesting avian species, designation of the location as an environmentally sensitive area, and delaying or restricting construction activities until nesting is complete so that nesting activities are not interrupted.

BIO-C: CDPR shall record the results of the described protective measures to document compliance with applicable state and federal laws pertaining to the protection of migratory and native birds.

3.3.5 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of mitigation measures BIO-A through BIO-C would ensure that project impacts related to migratory and nesting native birds species are reduced a less than significant level. Impacts to sensitive plant and wildlife species, wildlife migration, and habitat conservation plans or natural community conservation plans would be less than significant without mitigation.