Section 3.3
Biological Resources

3.3.1 Introduction

This section identifies the existing conditions of biological resources within the Biological Survey Area (BSA), provides information on regulations applicable to sensitive resources, and analyzes potential impacts on these resources that could result from the proposed Project. Information in this section was gathered through literature review, examination of available databases, and field reconnaissance conducted on November 29, 2007, February 5, 2009 and March 11, 2009. This information is considered representative of the conditions at the time of the Notice of Preparation, as there is no indication that biological conditions in the area have changed materially since 2005. Based on these field visits, a vegetation map was created and a general reconnaissance of biological resources onsite was completed. The results of these efforts did not indicate the need to conduct focused surveys onsite.

3.3.2 Environmental Setting

The BSA (Figure 3.3-1) is surrounded by industrial properties to the north, west and south, and an electrical transmission corridor and the Terminal Island Freeway to the east. Further east, beyond the transmission corridor and the freeway is a residential area. The BSA boundaries were placed to include the proposed Project area, tenant relocation sites, and three bridges: the Dominguez Channel, Pacific Coast Highway (PCH), and Sepulveda bridges. The BSA is bound by Sepulveda Boulevard to the north, residential properties to the east, and Dominguez Channel to the west, with the exception of a 4-acre site west of Dominguez Channel, which is vacant and unvegetated. The stretch of Dominguez Channel that includes a proposed rail bridge expansion was included in the BSA. The southern BSA limit is the rail bridge railroad tracks north of I Street. Terminal Island Freeway transects the BSA on the east side.

3.3.2.1 Terrestrial Habitats

The majority of the BSA is developed or heavily disturbed land that provides limited habitat for wildlife and plants. No natural or sensitive plant vegetation communities, as classified in Holland (1986), are present. Most of the area has nighttime illumination in the form of work area lighting, security lighting, and roadway lighting. The four land cover types present within the BSA are summarized in Table 3.3-1, depicted in Figure 3.3-1, and described below.

3.3.2.1.1 Disturbed

Disturbed habitat is any land that has been permanently altered by previous human activity, including grading, repeated clearing, intensive agriculture, vehicular damage, or dirt roads. In addition, the previous disturbance is severe enough to eliminate future potential biological value of the land without active restoration. Disturbed land is typically characterized by more than 50 percent bare ground. Disturbed habitat in the BSA contains sparse amounts of native vegetation such as mule fat (*Baccharis salicifolia*), and is dominated by ruderal vegetation, much of it non-native, such as Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), fountain grass (*Pennisetum* sp.), castor bean (*Ricinus communis*), fan palm (*Washingtonia* sp.), horseweed (*Conyza* sp.), telegraph weed (*Heterotheca grandiflora*), and wild radish (*Raphanus sativus*). Approximately 51.0 acres of this habitat occur within the BSA (Figure 3.3-1).

3.3.2.1.2 Developed

Developed areas include roadways, industrial facilities, commercial development, and various forms of infrastructure. There are few or no native plant species in developed areas, and most of the areas are paved. The developed areas include extensive lighting for security, traffic, and work area illumination. Approximately 217.4 acres of this habitat occur within the BSA (Figure 3.3-1).

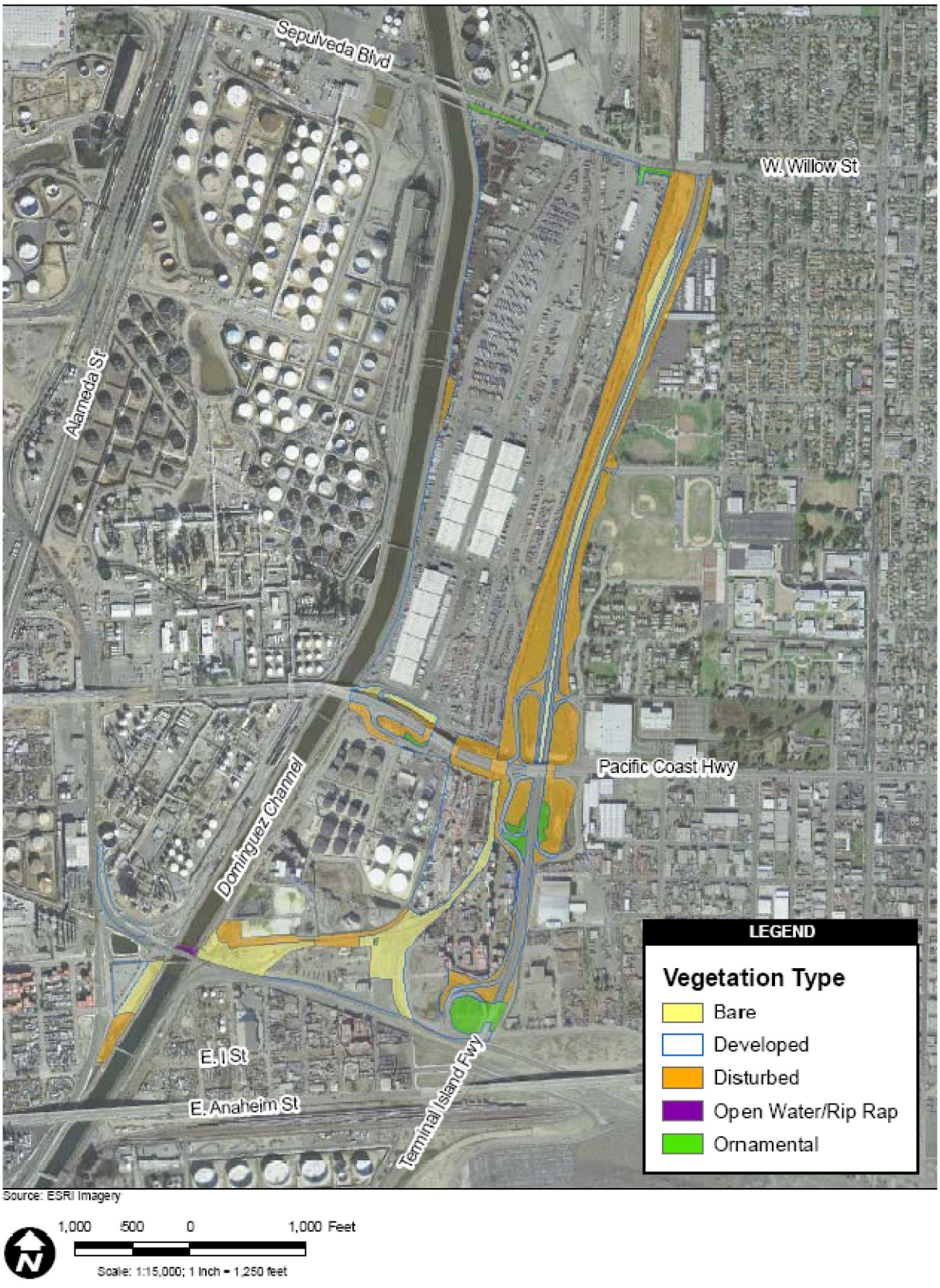
3.3.2.1.3 Ornamental Vegetation

Ornamental areas can be characterized as sites that are dominated by commercially available, exotic species, most of which were planted for aesthetic purposes. Ornamentals have been planted along the boundaries of the BSA (sidewalks, near parking lots), for aesthetic or landscaping purposes. Indian hawthorne (*Rhaphiolepis indica)*, Indian laurel fig (*Ficus microcarpa*) Chinese flame tree (*Koelreuteria bipinnata*), and oleander (*Nerium oleander*) are examples of common ornamental/exotic species within the ornamental areas. Invasive, exotic species such as iceplant (*Carpobrotus edulisi*) have been used as ornamentals and, in some instances, slope stabilization, particularly near freeway entrances and exits. Approximately 5.7 acres of this habitat occur within the BSA (Figure 3.3-1).

3.3.2.1.4 Bare

Bare areas are graded and actively maintained areas with few or no plant species. Examples of bare habitat onsite are stretches of packed, maintained dirt surrounding existing railroad tracks and pull-outs or areas utilized for parking throughout the BSA. Approximately 19.3 acres of this habitat occur within the BSA (Figure 3.3-1).

Figure 3.3-1. Vegetation Map.



3.3.2.2 Developed Channel

The Dominguez Channel, a predominately concrete-lined flood control channel, runs north to south immediately adjacent to and paralleling the west side of the BSA. The channel drains an urbanized area of approximately 110 square miles reaching up to LAX airport. The BSA encompasses a stretch of the Dominguez Channel measuring approximately 0.3 acres as summarized in Table 3.3-1 and shown on 3.3-1. The channel banks within the BSA are predominantly rock rip rap; a portion of the banks in the northern stretch of the BSA is compact bare dirt and gravel. The banks, and the bridges crossing the channel, provide roosting and perching habitat for birds.

According to the Dominguez Channel Master Plan (Los Angeles County Department of Public Works [LACDPW] 2004**)**, the lower 8.6 miles of the channel, which includes the portion of Dominguez Channel encompassed by the BSA, has a soft bottom (compacted clay) and is estuarine from tidal influence. Data in the Master Plan indicate that salinity in the reach next to the BSA fluctuates considerably from brackish to nearly seawater in response to the interaction of tidal flow and stream flow; such variable salinity represents a high-stress biological habitat. The banks are devoid of vegetation with the exception of isolated occurrences of pickleweed (*Salicornia virginica*), a species typical of saline coastal soils. Water quality in the portion of the Dominguez Channel encompassed by the BSA is described in Section 3.6, Groundwater and Surface Water Resources.

Table 3.3-1. Cover Types within the Project BSA.

Cover Type	Acres within BSA
Disturbed	51.0
Developed	217.4
Ornamental	5.7
Bare	19.3
Total Terrestrial Acreage	293.4
Channel	0.3
Total Channel Acreage	0.3
Total Acreage	294.0

3.3.2.3 Wildlife

Most of the BSA is developed, providing habitat for wildlife species typically associated with urban areas, high levels of disturbance, and human activity.

Eight species of bird were observed onsite and are relatively common associates with disturbed areas in the region: red-tailed hawk (*Buteo jamaicensis*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), house finch (*Carpodacus mexicanus)*, Anna's hummingbird (*Calypte anna*), and lesser goldfinch (*Carduelis psaltria*). Other upland bird species are known to occur along the lower reaches of the Dominguez Channel watershed (e.g., kestrels, swifts and swallows, blackbirds, starlings, and a variety of sparrows and warblers; LACDPW, 2004), and any of those species could occur in the BSA.

Although nesting activity for avian species was not observed during the biological reconnaissance survey, nests may be established within the BSA and within vegetation off-site in the future. Additionally, the observed red-tailed hawk pair was accompanied by a juvenile, suggesting that the raptors may have nested in the vicinity of the BSA.

Palm trees and utility towers are present in the BSA and provide potential raptor nesting habitat.

Grebes (*Aechmophorus* spp.), gulls (*Larus* spp.), and one state species of special concern, the double-crested cormorant (*Phalacrocorax auritus*), were observed within Dominguez Channel, adjacent to the western portion of the BSA. A number of other water-associated birds, such as herons, egrets, sandpipers, ducks, and coots, have been observed in the lower reaches of the Dominguez Channel watershed (LACDPW, 2004), and could occur in the BSA.

No mammals, reptiles or amphibians were observed during the biological reconnaissance survey. Common disturbed-habitat-associated species with the potential to occur onsite include opossums (*Didelphis virginica*), raccoons (*Procyon lotor*), feral cats, rats, and several species of mice. Native species likely to occur within the BSA include various frogs, toads, lizards, and snakes, black-tailed jackrabbit (*Lepus californicus*), skunk (*Mephitis mephitis*), and California ground squirrel (*Spermophilus beecheyi*), all of which have been observed in the lower reaches of the Dominguez Channel watershed (LACDPW, 2004).

No aquatic species were observed during the biological reconnaissance survey, and very little information on aquatic wildlife is available from the primary data source, the watershed master plan (LACDPW, 2004). Based upon the fluctuating salinity regime and the developed nature of the channel, wildlife is likely to be sparse. The banks and channel bottom are likely to support estuarine and pollution-tolerant invertebrates including polychaetes and oligochaetes worms, snails, barnacles, insect larvae, and crustaceans such as amphipods and isopods. LACDPW (2004) cites a sampling study conducted in 1975 by the Los Angeles Regional Water Quality Control Board (LARWQCB) that noted some species of marine invertebrates in the lower reaches of the Dominguez Channel watershed.

A few fish species adapted to estuarine conditions, such as gobies and killifish, may inhabit the channel, and some freshwater and marine species may visit the portion of the channel in the BSA during favorable salinity conditions. These could include minnows, mosquitofish, and carp from upstream areas, and gobies, anchovies, topsmelt, white croaker, queenfish, and surfperches from the harbor (these species are abundant in the nearby Consolidated Slip, into which the Dominguez Channel empties). It is unlikely that many fish from the harbor area would be resident in the reach adjacent to the BSA because the combination of variable salinity and sparse food resources would make the channel poor habitat, although the LARWQCB study cited by LACDPW (2004) did note a few marine species south of Alameda St.

3.3.2.4 Special-Status Species

Sensitive biological resources include plant and animal species present in the BSA that are considered sensitive by federal, state, or local conservation agencies and organizations, including species which meet the CEQA definition of endangered, rare or threatened under CEQA Guidelines section 15380(b), or unique habitat areas that are of relatively limited distribution. Information compiled from literature review and field study observations, augmented by the professional judgment of qualified biologists and staff, was used to identify special status species evaluated in this Draft EIR.

Formal determinations of sensitive wildlife are made by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The California Natural Diversity Database (CNDDB) RareFind 3 program (2007) and the California

Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (2007) were reviewed for any information on known occurrences of sensitive species and communities within the Long Beach USGS topographic quadrangle in which the project is located, and the seven surrounding quadrangles. Based on literature review, a total of 24 plant species, four sensitive plant communities, and 35 sensitive animal species are known to occur in this eight-quad search. Few of those species would be expected to occur at any given site, as they include a wide range of habitat requirements.

No sensitive plants were detected in the BSA during general biological surveys, nor were any recorded from the lower reaches of the Dominguez Channel watershed during surveys in support of the master plan (LACDPW, 2004). Given the highly disturbed and developed nature of the site, no sensitive plant species are expected to occur in the BSA because no suitable habitat exists onsite.

No sensitive mammals were observed in the BSA, nor were any recorded from the lower reaches of the Dominguez Channel watershed in the master plan (LACDPW, 2004). Marine mammals such as sea lions and harbor seals, although abundant in the harbor area, would not occur in the Dominguez Channel except as very rare strays because the water is shallow and there is little food. However, there is potential for sensitive bats to roost in the Pacific Coast Highway Bridge, the Dominguez Channel Bridge, and within palm trees in the BSA, and to forage over the BSA. The Sepulveda Bridge was deemed unsuitable for roosting bats because it is primarily an open-work metal truss and wood structure, whereas suitable roosting habitat includes cracks or crevices and roughened concrete, which are not common features of the Sepulveda Bridge. The status, habitat requirements, and potential for these species to occur are included in Table 3.3-2.

One California wildlife species of special concern is known to occur in the BSA (Table 3.3-2). A double-crested cormorant was observed perched on a pipeline over the Dominguez Channel, immediately adjacent to the BSA. Two other species, the California brown pelican (*Pelecanus occidentalis californicus*) and the California gull (*Larus californicus*), have a high potential to occur onsite. The brown pelican is very abundant in the harbor area and often forages along watercourses up to a mile or two inland. The California gull is a known winter visitor to the Los Angeles-Long Beach Harbor area and the BSA contains suitable perching habitat. Gulls were perched on the same pipeline as the cormorant and were observed flying over the BSA, but were not identified to species as gull hybridization is common and further complicates species identification. No other sensitive species or the habitats that support them are known from or have the potential to occur within the BSA.

1 **Table 3.3-2. Sensitive Wildlife Species within the Project BSA.**

Common Name Scientific Name	Sensitivity Status[1]	Habitat Requirements	Probability of Occurrence
Birds			
double-crested cormorant *Phalacrocorax auritus*	CDFG: Species of Special Concern (rookery sites)	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state; nests along coast on sequestered islets or in tall trees along lake margins; rests on open waters and breakwaters; often perches in sun with wings spread.	High: One individual was observed perched on a pipeline over Dominguez Channel, adjacent to BSA; a limited amount of habitat for perching is present within the BSA; no suitable nesting habitat for this species occurs within the BSA.
California brown pelican *Pelecanus occidentalis californicus*	CDFG: Species of Special Concern (nesting sites)	Colonial nester on offshore islands. Forages and roosts along the coast of Southern California and Baja Mexico. Feeds on small to moderate-sized fish. Acclimated to human presence.	High: Brown pelicans are widely distributed and very abundant in the harbor area, and are often seen foraging and resting along water bodies in the area, including Machado Lake and the Los Angeles River. No suitable nesting habitat occurs in or near the BSA.
California gull *Larus californicus*	CDFG: Species of Special Concern (nesting sites)	Open areas such as littoral waters, sandy beaches, waters and shorelines of bays, tidal mud-flats, marshes, lakes, etc; colonial nester on islets in large interior lakes, either fresh or strongly alkaline; attracted to dumps, dams, and man-made structures.	Moderate to High: California gulls are known winter visitors to Harbor; suitable habitat for perching is present within the BSA; no suitable nesting habitat for this species occurs within the BSA.
Mammals			
western mastiff bat *Eumops perotis californicus*	CDFG: Species of Special Concern IUCN: LC WBWG: H	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral etc; roosts in crevices in cliff faces, high buildings, trees and tunnels	Low: Bridges and trees within the BSA provide potential roosting locations; this species is known from a 1990 occurrence in Buena Park, approximately 16 miles from the BSA.
silver-haired bat *Lasionycteris noctivagans*	IUCN: LC WBWG: M	Primarily a coastal and montane forest dweller feeding over streams, ponds and open brushy areas; roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes and rarely under rocks; needs drinking water.	Low: The BSA does not contain suitable roosting habitat for this species. The Dominguez Channel provides potential feeding habitat. This species is known from a 1986 sighting in a residential area in Long Beach just under 1.5 miles away.

Common Name Scientific Name	Sensitivity Status[1]	Habitat Requirements	Probability of Occurrence
western yellow bat *Lasiurus xanthinus*	IUCN: LC WBWG: H	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats; roosts in trees, particularly palms; forages over water and among trees.	Low: California fan palms within the BSA provide suitable roosting habitat; this species is known from Garden Grove, approximately 9 miles east of the BSA, in 1990.

Notes:
1 State California Department of Fish and Game (CDFG):
State Species of Special Concern (CSC)
Western Bat Working Group (WBWG)
-H: High Priority
-M: Medium Priority
-MH: Medium-High Priority
The World Conservation Union (IUCN)
-DD: Data Deficient
-LC: Least Concern
-NT: Near Threatened
Sources:
California Department of Fish and Game. 2007. RareFind: California Department of Fish and Game Natural Diversity Database. California Department of Fish and Game, Biogeographic Data Branch.
- Sibley, D.A. 2001. The Sibley Guide to Bird Life and Behavior. Alfred A. Knopf, New York.

3.3.2.5 Wildlife Migration Corridors

The Conservation Element of the City of Los Angeles General Plan addresses wildlife corridors. In an urban context, a wildlife migration corridor can be defined as a linear landscape feature of sufficient width and buffer to allow animal movement between two patches of comparatively undisturbed habitat, or between a patch of habitat and some vital resources. Regional corridors are defined as those linking two or more large areas of natural open space; local corridors are defined as those allowing resident animals to access critical resources (food, cover, and water) in a smaller area that might otherwise be isolated by urban development. Wildlife migration corridors are essential in geographically diverse settings, and especially in urban settings, for the sustenance of healthy and genetically diverse animal communities.

The primarily developed BSA is located within a largely industrial area and does not serve as a migration corridor. The Dominguez Channel is not characterized by the LACDPW (2004) as a wildlife migration corridor, and the General Plan does not designate any part of the BSA as a migration corridor.

3.3.2.6 Significant Ecological Areas

The County of Los Angeles has established Significant Ecological Areas (SEAs) to preserve a variety of biological communities for public education, research, and other non-disruptive outdoor uses. The BSA is not within any SEA, although the County is in the process of revising its SEA designations. The closest currently designated SEAs are Harbor Lake Regional Park and Terminal Island, Pier 400; they are located approximately 3 miles west and 5 miles south of the BSA, respectively.

3.3.2.7 Wetlands and Other Special Habitats

Jurisdictional "waters of the United States" include all surface waters, such as navigable or interstate waters and their tributaries, wetlands adjacent to these waters, and all impoundments of these waters (33CFR328.3). The Dominguez Channel is considered jurisdictional waters of the United States. A formal jurisdictional delineation within the BSA would be undertaken during the permitting process prior to construction in order to determine type, extent, and boundaries of jurisdictional waters of the U.S. and State. Wetlands are regulated under the Clean Water Act (CWA). The definition of wetlands varies among state and federal agencies, but the U.S. Army Corps of Engineers (USACE) uses a three-parameter method that includes assessing vegetation, hydrology, and soils. Under the USACE definition, wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The California Department of Fish and Game (CDFG) has adopted the USFWS definition, which considers wetlands as areas with one or more of three attributes: (1) at least periodically, the land supports predominantly hydrophytes (plant species tolerant of or dependent on being immersed in water); (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

The channel does not contain wetland or riparian habitat, as only a few, isolated occurrences of pickleweed, a wetland indicator, or mulefat, common in riparian habitats, were observed along the banks of Dominguez Channel. The Dominguez Channel is not considered a wetland: according to the US Fish and Wildlife Service's National Wetlands Inventory (USFWS, 2011), the Dominguez Channel south of Sepulveda Boulevard is designated as "Estuarine and Marine Deepwater," and characterized as "excavated, subtidal." Accordingly, it would not be considered vegetated wetland. The closest coastal wetland is at Cabrillo Beach in the Outer Harbor, over four miles from the proposed Project, and the closest freshwater wetlands are at Harbor Regional Park (Machado Lake) and near Carriage Crest Park, both over three miles west of the Project site (LACDPW, 2004).

Eelgrass is not expected within the BSA since the waters in that stretch of the Dominguez Channel would not be saline enough to support eelgrass (Bryant Chesney, NOAA Fisheries, pers. comm.) and the compacted clay bottom would not be suitable for eelgrass, which prefers sandy substrata (SAIC, 2010).

Essential Fish Habitat (EFH, see section 3.3.3.8, below) for Pacific Groundfish has been identified by the NMFS as having potential to occur within Dominguez Channel. However, consultation with NMFS (B. Chesney, pers. comm.) indicates that the portion of the Dominguez Channel in the BSA does not constitute EFH.

3.3.3 Applicable Regulations

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

3.3.3.1 Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C §1251 *et seq*.) are commonly referred to as the Clean Water Act (CWA). This Act provides for the restoration and maintenance of the physical, chemical, and biological integrity of the nation's waters. Discharges of pollutants must be authorized through National Pollutant Discharge Elimination System (NPDES) permits (CWA Section 301). Under CWA Section 404, the U.S. Army Corps of Engineers (USACE) issues permits for discharge of dredge or fill materials into waters of the U.S. including wetlands and other special aquatic sites. Through the authority of the State Water Resources Control Board (SWRCB), the state administers requirements and permitting under Sections 401 and 402 of the CWA through agreement with the U.S. Environmental Protection Agency (EPA). If any activity may result in the discharge of dredge or fill material into a waterbody, a Section 401 water quality certification or waiver from the RWQCB is also necessary for issuance of a Section 404 permit. Additional water quality permitting requirements may include compliance with the Section 402 NPDES General Construction Permit for Storm Water Discharges Associated with Construction Activity (including the development of a Storm Water Pollution Prevention Plan [SWPPP]) issued by the State Water Resources Control Board (SWRCB) for projects that will disturb one or more acres (0.4 ha).

3.3.3.2 Rivers and Harbors Appropriations Act

Sections 9 and 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. §401 *et seq*.) regulate development in navigable water, including dredging, filling, and bridges. Section 9 relates to bridges and causeways and is administered by the U.S. Coast Guard. Under Section 10, the USACE issues permits for construction, dumping, and dredging in navigable waters as well as construction of piers, wharves, jetties, outfalls, aids to navigation, docks, and other structures. In coastal areas, it is typical for permits issued by the USACE to reference their Section 10 and Section 404 authorities.

3.3.3.3 Federal Endangered Species Act

The Federal Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq*.) protects threatened and endangered species, and their designated critical habitat from unauthorized take. Section 3 of the Act prohibits such take, and defines take as to harm, harass, pursuer, hunt, shoot, wound, kill, trap, capture, or collect or to attempt engage in any such conduct (16 U.S.C. 1532 (19).) Take incidental to otherwise lawful activities can be authorized under Section 7 when there is federal involvement and under Section 10 when there is no federal involvement. The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries (also known as the National Marine Fisheries Service [NMFS]) share responsibilities for administering the ESA. NMFS jurisdiction is restricted to marine species. Whenever actions authorized, funded, or carried out by federal agencies could affect listed species, the lead agency must conduct formal consultation under Section 7. The Biological Opinion issued at the conclusion of that consultation, depending on the outcome of the consultation, will include a statement authorizing any take that may occur incidental to an otherwise legal activity. Federal action agencies make a determination as to whether the action will have "no effect" or "may affect" a listed species or designated critical habitat. If a "may affect" determination is made, the action agency consults informally with the Services to determine if the effect will be adverse or not, and the Services provide a concurrence letter to the action agency.

3.3.3.4 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S.C. §703 *et seq.*), as amended, provides for the protection of migratory birds by making it illegal to possess, pursue, hunt take, or kill any migratory bird species, unless specifically authorized by a regulation implemented by the Secretary of the Interior, such as designated seasonal hunting. The Act also applies to removal of nests occupied by migratory birds during the breeding season. Under certain circumstances, a depredation permit can be issued to allow limited and specified take of migratory birds.

3.3.3.5 California Fish and Game Code, Section 1600

Section 1600 *et seq.* of the Fish and Game Code requires notification of the California Department of Fish and Game (CDFG) before activities that would substantially alter the bed, bank, or channel of a stream, river, or lake, including obstructing or diverting the natural flow. This regulation applies to all perennial, intermittent, and ephemeral water bodies as well as the associated riparian vegetation that are used by fish and wildlife resources. Activities that have the potential to affect jurisdictional areas can be authorized through issuance of a Lake and Streambed Alteration Agreement (SAA). The SAA specifies conditions and mitigation measures that will minimize impacts to riparian or aquatic resources from proposed actions.

3.3.3.6 California Endangered Species Act

The California Endangered Species Act (California Fish and Game Code Section 2050 *et seq.*) provides for the protection of rare, threatened, and endangered plants and animals, as recognized by the CDFG, and prohibits the taking of such species without authorization by CDFG under Section 2081 of the Fish and Game Code. State lead agencies must consult with CDFG during the CEQA process if state-listed threatened or endangered species are present and could be affected by the proposed Project. For projects that could affect species that are both state and federally listed, compliance with the federal ESA will satisfy the state Act if CDFG determines that the federal incidental take authorization is consistent with the state Act under Fish and Game Code Section 2080.

3.3.3.7 Natural Community Conservation Act

The Natural Community Conservation Act of 1991 (Fish and Game Code Chapter 10, Division 3, Sections 2800 *et seq.*) is administered by CDFG. CDFG identifies and secures habitat areas for protection of biodiversity. The pilot program for southern California is the coastal sage scrub habitat area which is home to approximately 100 potentially threatened or endangered species, such as the California gnatcatcher. When a development project is proposed, the potential impacts of the project on biodiversity and the best means of avoiding or mitigating such impacts are determined. Local, state or federal agencies can enter into agreements with public and private entities to implement a Natural Community Conservation Plan (NCCP), e.g., habitat and species protection within a specific geographic area. Participation in an NCCP does not exempt a development project from CEQA. Involvement in an NCCP may, however, reduce the burden for onsite mitigation.

3.3.3.8 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA; 16 U.S.C. §1801 *et seq*.) of 1976 applies to fisheries resources and fishing activities in federal waters within the 200 nautical miles offshore exclusive economic zone. The MSFCMA includes the concept of "essential fish habitat" (EFH), broadly defined by as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."

3.3.4 Environmental Impacts

3.3.4.1 Methodology

Direct and indirect impacts to biological resources that would result from implementation of the proposed Project are discussed in this section. Direct impacts are quantified by comparing changes caused by the proposed Project with the baseline biological resources within the BSA.

Indirect impacts are not easily quantifiable; they include short-term indirect impacts related to construction or long-term indirect impacts associated with the location of development in proximity to biological resources. The assessment of impacts is based on the assumption that the proposed Project will include the following:

- An individual NPDES permit and SWPPP for construction stormwater discharges.
- A Section 401 (of the CWA) Certification from the RWQCB for construction dredging and filling activities that contains conditions including standard Waste Discharge Requirements (WDRs).
- A Section 404 (of the CWA) permit from the USACE for activities in "waters of the US" that contains best management practices (BMPs) and other permit requirements.
- A Lake or Streambed Alteration Agreement from the CDFG for construction activities that contains BMPs and other permit requirements.

3.3.4.2 Thresholds of Significance

The significance criteria have been developed using the using the *Los Angeles CEQA Thresholds Guide* (City of Los Angeles, 2006). The proposed Project would have a significant effect on biological resources if it would result in one or more of the following:

BIO-1 Result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on any federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;

BIO-2 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 CDFG or USFWS;

BIO-3 Alter or have a substantial adverse effect on any federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh,

vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

BIO-4 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.

The *Supplemental Environmental Checklist and Impact Analysis* prepared as part of the Notice of Preparation, (Appendix A) stated that the proposed project would have no impact with regard to the following threshold criteria: (1) would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy, and (2) 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. Based on this information and in accordance with *CEQA Guidelines Section 15128*, these issues are not further analyzed in this EIR.

3.3.4.3 Impacts and Mitigations

3.3.4.3.1 Construction Impacts

BIO-1a: Construction activities associated with the proposed Project would potentially result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.

Land clearing and excavation would occur within the BSA during construction of the proposed Project. Construction would take approximately 24 months. These activities would result in the removal of vegetation, including trees, and shallow soil, which would likely result in the destruction and dislocation of terrestrial organisms such as amphibians, reptiles, birds, and mammals. Reconstruction of the Dominguez Channel rail bridge would involve alterations to the abutments and piers, and placing new bridge elements within the Dominguez Channel. These activities could result in an increase in suspended sediment loads and an increase in water turbidity, both of which could adversely affect fish and other aquatic wildlife. Resuspension of bottom sediments also has a potential to release sediment-bound contaminants back into the water column. Nighttime construction is not planned except during short periods and in a small area at the PCH Grade Separation, undertaken in order to minimize disruptions to traffic.

Construction of new bridges and other structures would likely include pile driving both on land and in the Dominguez Channel, which could cause noise impacts, especially in the water. In the water, pile driving produces noise levels of 177 to 220 dB (re 1 µPa [a measure of underwater sound pressure]) at a distance of 33 feet from the source, depending on the size and material of the piling (POLA, 2008). Fish have been shown to be adversely affected by the higher noise levels, and marine mammals can have their hearing adversely affected at sound levels as low as 180 dB (re 1 µPa), which is designated as the Level A harassment level (NMFS, 2003). On land, pile driving noise propagates less than in the water, but can nevertheless cause avoidance behavior in birds and mammals.

No designated critical habitat occurs in the BSA. No sensitive plants were detected in the BSA and none are expected to occur given the lack of suitable habitat. Three California wildlife species of special concern (double-crested cormorant, California brown pelican,

and California gull) are known or likely to occur on the BSA during general wildlife surveys. These species could perch and may forage onsite, but the BSA does not contain suitable nesting habitat any for the sensitive species. Accordingly, clearing, grading, and construction would not result in loss of habitat for those species. There is a potential for sensitive bat species to utilize the Dominguez Channel within the BSA as feeding habitat and to roost in palms west of the Terminal Island Freeway or in the Pacific Coast Highway Bridge and Dominguez Channel Bridge. Loss of trees and modifications to bridges could remove potential bat roosting habitat.

No sensitive aquatic wildlife species are known or likely to occur in the portion of the Dominguez Channel in the BSA, nor are marine mammals expected in the area. Any fish or mammals that did come into the area would be expected to swim away from the immediate vicinity of construction activities, including pile-driving, before sustaining injury.

No sensitive terrestrial mammal species are known or likely to occur in the BSA, but three sensitive species of birds could be affected by noise from pile driving. Cormorants, gulls, and pelicans are habituated to human activity, so that general construction noise, which would be added to the ambient industrial and traffic background, would not have a substantial adverse effect on those species.

Construction could also affect wildlife species not considered candidate, sensitive, or special status, through loss of habitat and behavioral modifications in response to noise, physical disruption, and turbidity. Marine organisms living on the rip-rap and on the channel bottom in the immediate vicinity of construction in the Dominguez Channel would experience mortality and impaired function during construction, and mobile organisms such as fish and birds would be displaced by the effects of construction such as noise and turbidity. These effects would be temporary, lasting only during the few months of bridge construction. The restoration of pre-construction conditions would allow the recovery of the biological community through recolonization of the attached organisms and return of mobile organisms. Recolonization would begin immediately after construction is completed and could take one to five years for full recolonization.

Terrestrial wildlife within the BSA is sparse and accustomed to human activities, including noise, and as a result, the effects would not be substantial. Pile-driving noise would be temporary, and wildlife would be expected to move away from the area in which pile driving occurred. Loss of nesting habitat for local birds would be offset by the creation of new habitat in the form of the urban forest feature along the eastern side of the Project site.

Impact Determination

No sensitive species of fish or other aquatic organisms are present in the BSA. Accordingly, sediment resuspension, turbidity, and noise resulting from construction of the proposed Project would have no impact on sensitive aquatic species. Effects on non-sensitive species would be less than significant because the Dominguez Channel does not represent a rich habitat and the effects would be temporary.

No sensitive plant species are expected to occur in the BSA; accordingly, construction would have no impact on sensitive or listed plant species. No suitable nesting habitat is present on the BSA for any of the bird species of special concern. Accordingly, no sensitive bird species would be adversely affected by project construction, and construction impacts on sensitive bird species would be less than significant. The

potential for tree removal and bridge replacement to disturb roosting habitat for sensitive bat species represents a significant impact requiring mitigation.

Vegetation and tree removal would significantly affect other species of nesting birds, if present. Although in the long term the loss of nesting habitat would be more than offset by the creation of the urban forest feature, disturbance of active nests would violate the MBTA and result in a significant impact requiring mitigation.

Habitat loss, noise, and physical disruption resulting from Project construction would have less than significant impacts on terrestrial animals other than migratory birds because the poor habitat represented by the project site means that there are likely to be few native organisms present that would be disturbed. Impacts of construction on aquatic wildlife would be temporary and less than significant.

Mitigation Measures

MM-BIO-1a: Should tree or vegetation removal, or bridge replacement and renovation, within the BSA occur during the breeding season for migratory non-game native bird species (generally March 1 – September 1, but as early as February 15 and as late as September 15 for raptors), weekly bird surveys shall be conducted to detect any protected native birds in the vegetation to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the Operator shall delay all clearance/construction disturbance activities within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) will be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area. The results of this measure shall be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

MM-BIO-1b: The following activities shall be required with regard to bat roosting habitat:

a. Prior to construction, a qualified biologist shall conduct three focused bat surveys between March and November to conclude presence/absence of roosting bats within Pacific Coast Highway Bridge and Dominguez Channel Bridge. A pre-construction survey for roosting bats shall be performed within 30 days prior to removal of palms within the BSA. If no active roosts are found, then no further action will be warranted. If either a maternity roost or hibernaculum (structures used by bats for hibernation) is present, the measures below will be implemented to avoid and reduce impacts to roosting bats;
b. Prior to the anticipated bat roosting season (March to November) exclusionary devices will be installed. Installation of these devices will be completed prior to February 1 (beginning of bird breeding season) and will remain until construction is completed. A pre-clearance survey will be conducted at least one day prior to installing exclusionary devices to determine if bats are present. Exclusionary devices installed will include plastic sheeting, plastic or wire mesh, expanding

foam, or plywood sheets. A pre-construction survey will also be completed at least one week prior to construction to verify exclusionary devices are successful and no bats are present. If bats are detected, an agency-approved bat biologist will be consulted to discuss additional measures to exclude bats.

c. If active maternity roosts or hibernacula are found in trees or structures to be removed or renovated as part of project construction, the project should be redesigned to avoid the loss of the occupied roost if it is possible to do so. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied palm or structure, demolition should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in consultation with CDFG should be observed during the maternity roost season (March 1 – July 31).

d. If a non-breeding bat hibernaculum is found in a structure scheduled for removal, the individuals should be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding that would be negotiated with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition will take place at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

e. During the duration of bridge construction, alternative bat habitat (e.g., large bat houses) suitable for these species will be provided and installed prior to the roosting season (March to November), in coordination with a qualified biologist, CDFG, and the Port. The design of the alternative bat habitat will be approved by a wildlife biologist familiar with bat roosting requirements. The acceptance of artificial roosts appears to have a higher success rate if the artificial habitat is treated with guano. Guano shall be collected immediately after the bats have vacated the roost in order to maximize the collection of guano. Upon construction of artificial habitat features or artificial structures, they will be treated with an application of guano slurry to maximize their potential for use by bats returning to roost in the bridge.

f. Use of the bat alternative habitat will be monitored by a bat specialist every 2 weeks. During the known annual monitoring period (approximately March to November) a determination will be made on the bats' use of the alternative habitat, which species are present, and the duration of use. If no bats are found to use the alternative habitat by April 30, surveys in the vicinity of the previously occupied bridge will be conducted to determine if bats have relocated to establish another roosting location. A bat specialist will be consulted to determine the limits of this survey area. If no bats are found within the area, it will be assumed they have relocated to an area outside of the vicinity of the bridge or palms, and no additional mitigation shall be required.

g. Bridge design will incorporate suitable bat habitat. The bridge design will include roughened concrete and will incorporate appropriately sized (0.75 to 1.25 inches wide, at least 12 inches deep) longitudinal crevices.

h. A post-construction survey conducted during the bat roosting season (March to November) will be required to ensure success of the new bat habitat within the restored bridge.

Residual Impacts

With implementation of the above mitigation measures, impacts to nesting birds and roosting bats would be less than significant.

BIO-2a. Construction of the proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.

The BSA does not contain any sensitive vegetation communities or riparian habitat. There are no designated SEAs within the BSA. The majority of the BSA is developed or heavily disturbed land that provides limited habitat for wildlife and plants. The Palos Verdes Peninsula, over five miles away, is the only site designated under the Natural Community Conservation Act that is near the City of Los Angeles. No regional habitat conservation plans would affect, or be affected by the proposed Project's effects on biological resources. Consultation with the local NMFS staff (B. Chesney, pers. comm.) indicates that the portion of the Dominguez Channel in the BSA does not constitute EFH pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

Impact Determination

Construction of the proposed Project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS because no such resources are present in the BSA.

Mitigation Measures

No mitigation is required.

Residual Impacts

No impact.

BIO-3a: Construction activities associated with the proposed Project would not have a substantial adverse effect on any federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The BSA does not contain any federally protected wetlands, although the surface waters of the Dominquez Channel are considered jurisdictional waters of the United States. Construction of the proposed Project would affect waters of the U.S. and would alter the bed and banks of the channel. Accordingly, permits would be required under Sections 401 and 404 of the Clean Water Act and Section 1600 of the California Fish and Game Code. This issue is considered in Section 3.12, Water Resources.

Impact Determination

As there are no wetlands in or near the Project area and relocation sites, construction of the proposed Project would have no impact on any federally protected wetlands.

Mitigation Measures

No mitigation is required.

Residual Impacts

No residual impact would occur.

BIO-4a: Construction activities associated with 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 native wildlife nursery sites.

The Project site and relocation sites are primarily developed and are located in an industrial area surrounded by developed properties. The Project site and relocation sites do not contain any wildlife migration corridors. Native wildlife nursery sites do not occur within or near the BSA, with the exception of possible bat roosting areas, which are considered in BIO-1. Although migratory bird species have the potential to perch onsite, the BSA does not contain suitable nesting habitat, and construction activities would not impede the movement of these species because the work would be temporary and limited to areas that the birds could easily fly around or over, as they do currently. Potential impacts of Project construction on bat nursery and migratory bird nesting habitat are addressed by MM BIO-1a&b.

Impact Determination

Construction of the proposed Project would have less than significant impacts on the movement of native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors.

Mitigation Measures

No mitigation is required.

Residual Impacts

No residual impact would occur.

3.3.4.3.2 Operational Impacts

The BSA is primarily developed, and wildlife species currently associated with the BSA are typically acclimated to urban areas, high levels of disturbance, and human activity. Current disturbances include vehicular and train traffic, equipment operation, and maintenance activities, all of which generate a substantial amount of light and noise (see sections 3.1 and 3.9) 24 hours per day. Under the proposed Project, similar activities would take place, the principle difference being that there would be more train and truck activity, and nighttime activity would be increased. These activities would result in more noise than at present but the nature of the noise and other disturbances would be essentially unchanged (i.e., industrial). In addition, there are limited wildlife resources present on and near the site that could be affected. Accordingly, long-term operation would have no impact on critical habitat or protected species, riparian habitat, or federally protected wetlands, for BIO-1b through BIO-3b.

BIO-4b: Operation of the proposed Project would not interfere substantially with the movement of 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.

Bright night lighting on tall structures has been shown to disorient migrating birds (e.g., Malakoff, 2001) in some instances. As the proposed railyard would operate 24 hours per day, night lighting at the facility would represent a new source of glare that could affect the migration of some bird species. The proposed facility would include high-mast area lighting, crane lighting, perimeter security lighting, and roadway lighting. The lighting would include automation and efficient directional and shielding features in accordance with LAHD lighting policy/practice in order to minimize light spillover into adjacent facilities and residences and to minimize energy use. Furthermore, the BSA and environs have existing nighttime illumination from surrounding industrial land uses, including a highly illuminated intermodal facility that has high-mast and crane lighting immediately to the north of the proposed Project (Section 3.1). Accordingly, the proposed Project's contribution to light sources that could disorient night-flying birds would be minimal.

Native wildlife nursery sites do not occur within or upstream of the BSA, with the potential exception of bat roosting habitat. The Dominguez Channel bridge potential bat roosting habitat is located approximately one mile away from the area that would be brightly lighted and generate noise (the railyard). The PCH Bridge site is located adjacent to the railyard site, but as it is currently characterized by bright roadway lighting, light from industrial facilities immediately to the south, and roadway noise, the addition of the railyard night lighting and activity would not represent a substantial change in the environment.

The Project site does not contain any wildlife migration corridors. Although migratory bird species have the potential to perch onsite, the BSA does not contain suitable nesting habitat. In addition, birds and bats could easily fly around or over the operational areas where there may be increased noise or light.

Impact Determination

The proposed Project would not add a significant source of night lighting that would disorient night-flying birds, and there are no wildlife nursery areas or migration corridors on or near the BSA that would be adversely affected by the additional illumination or noise. Accordingly, operation of the proposed Project would have less than significant impacts on the movement of native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors.

Mitigation Measures

No mitigation is required.

Residual Impacts

No residual impact would occur.

3.3.5 Significant Unavoidable Impacts

After mitigation, no significant unavoidable adverse impacts to biological resources would occur as a result of the proposed Project.

1 **Table 3.3-3. Summary of Impacts and Mitigation Measures for Biological Resources Associated with the Proposed Project.**

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
BIO-1: Construction/demolition activities and operation of the proposed Project would not result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on any federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.	**Significant impact**	**MM BIO-1a**: Should tree or vegetation removal, or bridge replacement and renovation, occur within the BSA during the breeding season for migratory non-game native bird species (generally March 1 – September 1 but as early as February 15 and as late as September 15 for raptors), weekly bird surveys shall be conducted to detect any protected native birds in the vegetation to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the Operator shall delay all clearance/ construction activities within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) will be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area. The results of this measure shall be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds. **MM BIO-1b:** The following activities shall be required with regard to bat roosting habitat: a. Prior to construction, a qualified biologist shall	Less than significant

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
		conduct three focused bat surveys between March and November to conclude presence/absence of roosting bats within Pacific Coast Highway Bridge and Dominguez Channel Bridge. A pre-construction survey for roosting bats shall be performed within 30 days prior to removal of palms within the BSA. If no active roosts are found, then no further action will be needed. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the measures below will be implemented to avoid and reduce impacts to roosting bats; b. Prior to the anticipated bat roosting season (March to November) exclusionary devices will be installed. Installation of these devices will be completed prior to February 1 (beginning of bird breeding season) and will remain until construction is completed. A pre-clearance survey will be conducted at least one day prior to installing exclusionary devices to determine if bats are present. Exclusionary devices installed will include plastic sheeting, plastic or wire mesh, expanding foam, or plywood sheets. A pre-construction survey will also be completed at least one week prior to construction to verify exclusionary devices are successful and no bats are present. If bats are detected, an agency-approved bat biologist will be consulted to discuss additional measures to exclude bats. c. If active maternity roosts or hibernacula are found in trees or structures to be removed or renovated as part of project construction, the project should be redesigned to avoid the loss of the occupied roost if it is possible to do so. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied palm or structure, demolition should commence before maternity colonies form (i.e.,	

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
		prior to March 1) or after young are flying, i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in consultation with CDFG should be observed during the maternity roost season (March 1 – July 31). d. If a non-breeding bat hibernacula is found in a structure scheduled for removal, the individuals should be safely evicted, under the direction of a qualified biologist (as determined by a MOU to be negotiated with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition will take place at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. e. During bridge construction, alternative bat habitat (e.g., large bat houses) suitable for these species will be provided and installed prior to the roosting season (March to November), in coordination with a qualified biologist, CDFG, and the City of Los Angeles. The design of the alternative bat habitat will be approved by a wildlife biologist familiar with bat roosting requirements. The acceptance of artificial roosts appears to have a higher success rate if the artificial habitat is treated with guano. Guano shall be collected immediately after the bats have vacated the roost in order to maximize the collection of guano. Upon construction of artificial habitat features or artificial structures, they will be treated with an application of guano slurry to maximize their potential for use by bats	

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
		returning to roost in the bridge. f. Use of the bat alternative habitat will be monitored by a bat specialist every 2 weeks. During the known annual monitoring period (March to November) a determination will be made on the bats' use of the alternative habitat, which species are present, and the duration of use. If no bats are found to use the alternative habitat by April 31, surveys in the vicinity of the previously occupied bridge will be conducted to determine if bats have relocated to establish another roosting location. A bat specialist will be consulted to determine the limits of this survey area. If no bats are found within the area, it will be assumed they have relocated to an area outside of the vicinity of the bridge or palms, and no additional mitigation shall be required. g. Bridge design will incorporate suitable bat habitat. The bridge design will include roughened concrete and incorporate appropriately sized (0.75 to 1.25 inches wide, at least 12 inches deep) longitudinal crevices. h. A post-construction survey conducted during the bat roosting season (March to November) will be required to ensure success of the new bat habitat within the restored bridge.	
BIO-2: Construction/demolition activities and operation of the proposed Project would not 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 CDFG or USFWS.	No impact	Mitigation not required	No impact
BIO-3: Construction/demolition activities and operation of the	No impact	Mitigation not required	No impact

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
proposed Project would not alter or have a substantial adverse effect on any federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.			
BIO-4: Construction/demolition activities and operation of 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 native wildlife nursery sites.	Less than significant	Mitigation not required	Less than significant

1
2

Table 3.3-4. Mitigation Monitoring for Biological Resources.

BIO-1: Construction/demolition activities and operation of the proposed Project would not result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on any federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.	
Mitigation Measures	**MM BIO-1a**: Should tree or vegetation removal, or bridge replacement and renovation, occur within the BSA during the breeding season for migratory non-game native bird species (generally March 1 – September 1 but as early as February 15 and as late as September 15 for raptors), weekly bird surveys shall be conducted to detect any protected native birds in the vegetation to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the Operator shall delay all clearance/ construction activities within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) will be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area. The results of this measure shall be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds. **MM BIO-1b:** The following activities shall be required with regard to bat roosting habitat: a. Prior to construction, a qualified biologist shall conduct three focused bat surveys between March and November to conclude presence/absence of roosting bats within Pacific Coast Highway Bridge and Dominguez Channel Bridge. A pre-construction survey for roosting bats shall be performed within 30 days prior to removal of palms within the BSA. If no active roosts are found, then no further action will be needed. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the measures below will be implemented to avoid and reduce impacts to roosting bats; b. Prior to the anticipated bat roosting season (March to November) exclusionary devices will be installed. Installation of these devices will be completed prior to February 1 (beginning of bird breeding season) and will remain until construction is completed. A pre-clearance survey will be conducted at least one day prior to installing exclusionary devices to determine if bats are present. Exclusionary devices installed will include plastic sheeting, plastic or wire mesh, expanding foam, or plywood sheets. A pre-construction survey will also be completed at least one week prior to construction to verify exclusionary devices are successful and no bats are present. If bats are detected, an agency-approved bat biologist will be consulted to discuss additional measures to exclude bats. c. If active maternity roosts or hibernacula are found in trees or structures to be removed or renovated as part of project construction, the project should be redesigned to avoid the loss of the occupied roost if it is possible to do so. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied palm or structure, demolition should commence before maternity colonies form (i.e., prior to March 1) or after young are flying, i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in consultation with CDFG should be observed

	during the maternity roost season (March 1 – July 31). d. If a non-breeding bat hibernacula is found in a structure scheduled for removal, the individuals should be safely evicted, under the direction of a qualified biologist (as determined by a MOU to be negotiated with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition will take place at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. e. During bridge construction, alternative bat habitat (e.g., large bat houses) suitable for these species will be provided and installed prior to the roosting season (March to November), in coordination with a qualified biologist, CDFG, and the City of Los Angeles. The design of the alternative bat habitat will be approved by a wildlife biologist familiar with bat roosting requirements. The acceptance of artificial roosts appears to have a higher success rate if the artificial habitat is treated with guano. Guano shall be collected immediately after the bats have vacated the roost in order to maximize the collection of guano. Upon construction of artificial habitat features or artificial structures, they will be treated with an application of guano slurry to maximize their potential for use by bats returning to roost in the bridge. f. Use of the bat alternative habitat will be monitored by a bat specialist every 2 weeks. During the known annual monitoring period (March to November) a determination will be made on the bats' use of the alternative habitat, which species are present, and the duration of use. If no bats are found to use the alternative habitat by April 31, surveys in the vicinity of the previously occupied bridge will be conducted to determine if bats have relocated to establish another roosting location. A bat specialist will be consulted to determine the limits of this survey area. If no bats are found within the area, it will be assumed they have relocated to an area outside of the vicinity of the bridge or palms, and no additional mitigation shall be required. g. Bridge design will incorporate suitable bat habitat. The bridge design will include roughened concrete and incorporate appropriately sized (0.75 to 1.25 inches wide, at least 12 inches deep) longitudinal crevices. A post-construction survey conducted during the bat roosting season (March to November) will be required to ensure success of the new bat habitat within the restored bridge.
Timing	Prior to Project construction (focused biological surveys of bats), during the Project Construction period (2013-2015), and after Project Construction (post-construction survey of bats)
Methodology	MM BIO-1a and MM BIO-1b will be required in the contract specifications for construction. LAHD will monitor implementation of mitigation measures during construction.
Responsible Parties	BNSF construction contractor(s) for SCIG and construction contractor(s) for Relocated Tenants will be responsible for implementing the mitigation measures in the contract specifications reviewed and approved by LAHD Environmental Management Division.
Residual Impacts	Less than significant

1