

C. BIOLOGICAL RESOURCES

The analysis contained within this section describes the existing biological resources within the project site, potential environmental impacts, recommended mitigation measures to reduce or avoid impacts to biological resources and the level of significance after mitigation.

EXISTING CONDITIONS

SITE OVERVIEW

Project Site

The project site is located at 13005-13609 Victory Boulevard in the North Hollywood area in the City of Los Angeles. The completely paved 12.53-acre site is roughly trapezoidal-shaped and fairly level. In its current condition, the site is occupied by a shopping center consisting of commercial buildings and surface parking. It includes mostly surface parking uses in the central portion of the site and along most of its western boundary that is shares with the Tujunga Wash. Most of the buildings are located along the northern and eastern portions of the site. The site does include some frontage along Victory Boulevard. **Figures IV.C-1** through **IV.C-4** includes photographs of the site.

Add Area

The Add Area, as described in the Project Description, includes approximately 6.7 acres located directly east of the project site. This area is bounded by Victory Boulevard to the south, the project site to the west, Hamlin Street to the north and Coldwater Canyon Avenue to the east. In its current condition, this area is occupied with 18,414 square feet of self storage uses, Catholic Church and associated school, private school, fast food restaurant, and miscellaneous retail uses. For analysis purposes, the self storage uses would be removed and developed with 39 multi-family residential units. The private school would be removed and developed with retail office uses while the existing fast food and miscellaneous retail uses would be developed with housing and retail uses. The church and associated school would remain in their existing condition. **Figures IV.C-5** through **IV.C-7** show photographs of the Add Area.

Unless otherwise noted in the discussion below, existing conditions and impacts to the Add Area would be similar to those for the project site.

REGULATORY SETTING

Federal

Federal Endangered Species Act

Under the Federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 United States Code [USC] 1533[c]). Pursuant to the requirements of FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally listed, threatened, or endangered species, or species proposed for federal listing may be present in



Figure IV.C-1:
View East across Project Site from
Tujunga Wash Greenway & Stream Restoration



Figure IV.C-2:
View Northeast across Project Site from
Tujunga Wash Greenway & Stream Restoration



Figure IV.C-3:
View Northeast towards Project Site
across Victory Boulevard



Figure IV.C-4:
View Looking Northwest from Site
Across Tujunga Wash Greenway & Stream Restoration Area



Figure IV.C.5:
View of Add Area Looking Northwest from Coldwater Canyon Avenue



Figure IV.C.6:
View of Add Area Looking West from Hamlin Street
(visible street and landscape trees include magnolia, ficus, pines and other ornamental species)



Figure IV.C.7:
View of Add Area Looking South from Morse Avenue
(visible street and landscape trees include sycamore and magnolia species)

the project area and determine whether the proposed project would have a potentially significant impact on such species. In addition, the federal agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Adverse project impacts on these species or their habitats would be considered potentially significant.

Procedures for addressing federal-listed species follow two principal pathways, both of which require consultation with the United States Fish and Wildlife Service (USFWS), which administers the Act for all terrestrial species, and/or the National Marine Fisheries (NMFS), which has jurisdiction over anadromous salmonids. The first pathway (FESA, Section 10(a) Incidental Take Permit) is set up for circumstance where a non-federal government entity (or where no federal nexus exists) must resolve potential adverse impacts to species protected under the Act. The second pathway (FESA, Section 7 Consultation) involves projects with a federal connection or requirement; typically these are projects where a federal lead agency is sponsoring or permitting the proposed project. For example, a permit from the U.S. Army Corp of Engineers (ACOE;Corps) may be required if a project could result in wetland impacts. In these instances, the federal lead agency (e.g., the ACOE) initiates and coordinates the following steps: informal consultation with USFWS and/or NMFS to establish a list of target species; preparation of biological assessment assessing potential for the project to adversely affect listed species; coordination between state and federal biological resource agencies to assess impacts/proposed mitigation; and development of appropriate mitigation for all significant impacts on federally listed species.

The USFWS and/or NMFS ultimately issue a final Biological Opinion on whether the project will affect the federally listed species. A Section 10(a) Endangered Species Incidental Take Permit may be necessary when the “taking” or harming of a species is incidental to the lawful operation of a project.

The USFWS also publishes a list of candidate species. Species on this list receive “special attention” from federal agencies during environmental review, although they are not otherwise protected under FESA. The candidate species are taxa for which the USFWS has sufficient biological information to support a proposal to list as Endangered or Threatened.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code, Section 3503.5, 1992. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFG. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Project impacts to these species would not be considered significant unless they are known or have a high potential to nest in the project area or to rely on it for primary foraging.

State

California Endangered Species Act

Section 2080 of the California Fish and Game Code prohibits the taking of plants and animals listed under the authority of the California Endangered Species Act of 1984 (CESA). Under the California Endangered Species Act (CESA), CDFG maintains a list of threatened species and endangered species (Cal. Fish and Game Code 2070). The CDFG also maintains a list of candidate species that are species that the CDFG has formally noticed as being under review for addition to either the list of endangered species or the list of threatened species. The CDFG also maintains lists of “species of special concern” which serve as “watch lists.” Pursuant to the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the project area and determine whether the proposed project would have a potentially significant impact on such species.

Plants

The legal framework and authority for the state’s program to conserve plants are woven from various legislative sources, including CESA, the California Native Plant Protection Act (Fish and Game Code Section 1900 – 1913), CEQA *Guidelines*, and the Natural Communities Conservation Planning Act.

The Native Plant Protection Act of 1977 (Fish and Game Code Section 1900 et seq.) gives the CDFG authority to designate State Endangered, Threatened, and Rare plants and provides specific protection measures for identified populations. Sensitive plant and wildlife species that would qualify for listing but are not currently listed are afforded protection under CEQA. The CEQA Guidelines, Section 15065 (“Mandatory Findings of Significance”) requires that a reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (“Rare or endangered species”) provides for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing.

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

Wetlands, Streams and Riparian Habitat

Federal

U.S. Army Corps of Engineers

Wetlands and other waters, e.g., rivers, streams and natural ponds, are a subset of “waters of the U.S.” and receive protection under Section 404 of the federal Clean Water Act. The regulations and policies of various federal agencies (e.g., ACOE, United States Department of Agriculture [USDA], and Natural Resource Conservation Service [NRCS], U.S. Environmental Protection Agency [EPA]) mandate that the filling of wetlands be avoided to the extent possible. The Corps has primary federal responsibility for administering regulations that concern waters of the U.S. In this regard, the Corps acts under two statutory authorities, the Rivers and Harbors Act (Sections 9 and 10), which governs specified activities in “navigable waters,” and the Clean Water Act (Section 404), which governs specified activities in “waters of the United States,” including wetlands. Navigable waters of the United States are defined as those waters that are a subject to the ebb and flow of the tide or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. EPA has the ultimate authority for designating dredge and fill material disposal sites and can veto the Corp’s issuance of a permit to fill jurisdictional waters of the U.S.

The term “waters of the U.S. “ as defined in Code of Federal Regulations (33 CFR 328.3[a]; 40 CFR 230.3[s]) includes: (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters which are or could be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or which are used or could be used for industrial purposes by industries in interstate commerce; (4) All impoundments of waters otherwise defined as waters of the United States under the definition; (5) Tributaries of waters identified in paragraphs (1) through (4); (6) Territorial seas; and (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6). The Corps requires obtaining a permit if a project proposes placing structures within navigable waters and/or alteration of waters of the United States.¹

Nationwide Permits

Projects that meet certain conditions may be authorized by the Corps under the Nationwide General Permit Program (NWP), a permitting process for specific activities. Nationwide Permit (NWP) 39 authorizes discharges resulting for Residential, Commercial, and Institutional

¹ Based on the Supreme Court ruling (SWANCC) concerning the Clean Water Act jurisdiction over isolated waters (January 9, 2001), non-navigable, isolated, intrastate waters based solely on the use of such waters by migratory birds are no longer defined as waters of the United States. Jurisdiction of non-navigable, isolated, intrastate waters may be possible if their use, degradation, or destruction could affect other waters of the United States, or interstate or foreign commerce. Jurisdiction over such other waters are analyzed on a case-by-case basis. Impoundments of waters, tributaries of waters, and wetlands adjacent to waters should be analyzed on a case-by-case basis.

Developments, which applies to construction or expansion of building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures.

Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development). These types of projects can be authorized by NWP 39 if the discharge does not cause a loss of greater than ½-acre of non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters. NWP also authorizes discharge to less than 300 linear feet of an ephemeral or intermittent a stream bed, although this limit may be exceeded under certain conditions.

Individual Permit

An Individual Permit is required for any project that does not meet the NWP General Conditions. Additional regional requirements for maintaining upland buffer areas between authorized projects and open waters or streams may be conditions for granting any Corps permit. Activities authorized under an Individual Permit require compliance with Corps Section 404 regulations, EPA Section 404(b)(1) Guidelines, National Environmental Policy Act, the Federal Endangered Species Act (FESA), Section 106 of the National Historic Preservation Act, and Section 401 of the Clean Water Act (water quality certification).

State

Regional Water Quality Control Board

The Regional Water Quality Control Board (RWQCB) regulates waters of the state under the Porter-Cologne Act. Under Section 401 of the Clean Water Act, the RWQCB has review authority of Section 404 permits. The RWQCB has a policy of no-net-loss of wetlands in effect and typically requires mitigation for all impacts to wetlands before it will issue a water quality certification. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the RWQCB and comply with other requirements of Porter-Cologne.

California Department of Fish and Game

Under Sections 1600 - 1616 of the California Fish and Game Code, the California Department of Fish and Game (CDFG) regulates activities that would substantially divert, obstruct the natural flow, or substantially change of rivers, streams and lakes. The jurisdictional limits of CDFG are defined in Section 1602 of the California Fish and Game Code as, “bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake...” The CDFG requires a Streambed Alteration Agreement for activities within its jurisdictional area.

Local

City of Los Angeles Tree Ordinances

Native Tree Protection

The City of Los Angeles Municipal Code (Section 1., Subdivision 12 of Subsection (a) of Section 12.21; Ordinance 177,404 as amended) provides for the protection of native trees of four types: (1) oaks other than scrub oak (*Quercus dumosa*), (2) southern California black walnut (*Juglans californica* var. *californica*), (3) western sycamore (*Platanus racemosa*), and (4) California bay (*Umbellularia californica*). To qualify for protection, individual plants must also measure four inches or more in cumulative diameter, 4.5 ft above the ground level at the base of the tree.

The Municipal Code permits the City's Board of Public Works to grant permission to remove or relocate this species. Three options are available to the Board and include:

(1) replacement within the same property of the same species and in which case two replacement trees (15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base, and be not less than seven feet in height measured from the base) are required. The size and number of replacement trees shall approximate the value of the tree to be replaced;

(2) Permit protected trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees may be required; or

(3) Permit a protected tree to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

One western sycamore with a trunk diameter of 13 inches is present within the project site. This tree is not indigenous to this site as it was introduced as a part of the landscape development of the previous use.² It is unknown as to whether native tree species are present within the Add Area. This area is privately held and no tree survey has been performed to date.

To avoid potentially significant effects to natural resources in off-site areas, such as downstream portions of the Los Angeles River, replacement trees must not be from among the following list of trees or large shrubs considered to be nonnative, invasive species by the California Invasive Plant Council.³

- *Schinus molle*, Peruvian pepper-tree or California pepper-tree
- *Schinus terebinthifolius*, Brazilian pepper-tree
- *Elaeagnus angustifolia* (or *E. angustifolius*), oleaster (or Russian-olive)
- *Acacia melanoxylon*, blackwood acacia
- *Robinia pseudoacacia*, black locust

² Source: Tree Report Prepared for Dasher Lawless, Inc. (August 25, 2007). Author: James Dean, A.S.L.A., I.S.A., Landscape Architect, License No. 1146.

³ California Invasive Plant Council. 2006. California Invasive Plant Inventory. Berkeley, CA: California Invasive Plant Council. February. Available: <www.cal-ipc.org>.

- *Ficus carica*, edible fig (or common fig)
- *Myoporum laetum*, lollypop tree (or Ngaio tree)
- *Eucalyptus camaldulensis*, river red gum (or red gum)
- *Eucalyptus globulus*, Tasmanian blue gum (or blue gum)
- *Olea europaea*, European olive (or commercial olive)
- *Ailanthus altissima*, tree-of-heaven
- *Tamarix* species, tamarisk or salt-cedar (all species)

Landscape Ordinance

The Emergency Water Conservation Plan of the City of Los Angeles (Municipal Code, Chapter XII, Article 1, Section 121.08) provides for the reduction in the City's water use through the regulation of landscape watering practices throughout the City. The ordinance states that no lawn, landscape, or other turf areas shall be watered or irrigated between the hours of 10:00 AM and 5:00 PM from April 1 to September 30, or between the hours of 11:00 AM and 3:00 PM from October 1 to March 31. In addition, Article IV of Chapter XII presently requires a ten percent reduction in the amount of water used for landscape irrigation on large turf areas, and provides for surcharges for water used in violation of the requirements. Lastly, LAMC Section 124.03 requires certain water conservation requirements for large turf areas. These mandate that:

- (a) Owners of large turf areas in the City of Los Angeles shall reduce or caused to be reduced by ten percent the amount of water used for landscape irrigation purposes on large turf areas. The ten percent reduction shall be calculated based on the corresponding billing period in the base year.
- (b) Owners of large turf areas shall comply with the requirements of Subsection (a) of this section by October 13, 1988.
- (c) Owners of large turf areas who install water conservation devices that are specifically designed or manufactured, as determined by the Department of Water and Power, to reduce water consumption by at least ten percent shall be deemed to have complied with this section.
- (d) The provisions of this section shall not apply to those owners of large turf areas who are determined by the Department of Water and Power to use reclaimed water for landscape irrigation purposes.

Urban Forest

An urban forest is the sum total of all vegetation growing in urban areas. According to the National Urban Forest Council, an urban forestry is defined as:

The art, science, and technology of managing trees, forests, and natural systems in and around urban areas for the health and well being of communities.

Urban forests, and in particular trees, provide significant benefits to communities although the urban ecosystem presents a less than optimal environment for tree growth. Urban sprawl has contributed to the decline of urban forests and the development of additional problems associated with urban heat islands and storm water runoff. In an attempt to deal with these additional problems, communities have experienced increased costs associated with the installation and repair of their gray infrastructures (sewers, utilities, buildings, roads, etc.). As

such, more communities are recognizing that vegetation, especially trees, make up a green infrastructure that has the potential to improve the quality of life in a more cost effective manner than the gray infrastructure.⁴ The City of Los Angeles contains one of the largest urban forests in the United States.⁵

A tree survey performed for the project site noted a total of 56 trees ranging in diameter from three to 13 inches. The majority of these trees were pines (*Pinus* spp.), although additional species were observed (e.g., Japanese privet (*Ligustrum japonicum*), evergreen pear (*Pyrus kawakami*), lemon-scented gum (*Eucalyptus citriodora*), crape myrtle (*Lagerstroemia indica*), etc.).⁶ The number and type of tree species contained within the Add Area is not known since this site is in private holdings and no tree survey has been performed.

BIOLOGICAL RESOURCES

Regional

The project site is located within the southeastern portion of the San Fernando Valley and immediately adjacent to Tujunga Wash (Wash). Tujunga Wash drains a portion of the San Gabriel Mountains which are located approximately 7.5 miles to the northeast. Hansen Dam, located approximately six miles northeast of the project site, provides flood control protection for areas south, including the portion of the Wash located adjacent to the project site. Major topographical features within close proximity of the project site include the San Fernando Valley, San Gabriel Mountains, Santa Susana Mountains, Verdugo Mountains, Santa Monica Mountains and Simi Hills.

Local

Project Site

The project site is located within the central-eastern section (Range 15 West, Township 1 North) of the United States Geological Surveys' Van Nuys, California Topographical Quadrangle (7.5 Series, photo-revised, 1972).⁷ Tujunga Wash forms the western boundary of the project site. The right-of-way of this facility is approximately 200 feet in width and includes the floodway and associated eastern and western walking trail areas. These areas are located above (approximately 20 feet) from the main flow channel. With the exception of the Wash (located immediately west), land uses surrounding the project site are entirely urban. The project site itself is urbanized consisting of a large surface parking lot and associated businesses. The project site elevation is approximately 690 feet above mean sea level and is generally flat (four percent grade).

⁴ Source: National Urban Forest Council, 2008.

⁵ City of Los Angeles, Bureau of Street Services, Urban Forestry Division: http://www.lacity.org/boss/UrbanForestryDivision/index_managingUF.htm, accessed August 21, 2008.

⁶ Source: Tree Report Prepared for Dasher Lawless, Inc. (August 25, 2007). Author: James Dean, A.S.L.A., I.S.A., Landscape Architect, License No. 1146.

⁷ Note: No Section number for the project site is contained within the Van Nuys, CA Quadrangle.

Add Area

The Add Area is located immediately east of the project site. The southwest corner of the property is approximately 350 feet east of the Tujunga Wash. The Add Area is comprised of urban uses (see discussion above) and surrounded by similar such uses. The Add Area elevation is similar to the project site and is approximately 693 feet above mean sea level and is generally flat (four percent grade).

Plant Communities and Wildlife Habitats

Natural Plant Communities

Project Site

No natural plant communities are contained on-site, although the site does include ornamental vegetation as discussed below. Areas to the north, east and south are urban. Immediately west of the site is the Tujunga Wash, a concrete lined channel (no vegetation occurs in the channel itself in this reach). Along the Tujunga Wash immediately to the west of the site is located a recently planted strip of native vegetation, including coastal sage scrub and riparian plant communities. This area was recently restored as part of the Santa Mountains Conservancy's *Tujunga Wash Greenway & Stream Restoration Project (2007)*.⁸ The plant species comprising these communities are emergent and appear to be derived from container material. This area contains a linear trail and interpretive signs describing the history of the area and natural communities previously native to this area of the San Fernando Valley. This greenway is separated from the site with a chain link fence. **Figures IV.C-8 through IV.C-10** show representative site photos of the restoration area and Tujunga Wash. The applicant proposes to integrate the project with the greenway along the Tujunga Wash; the greenway would be opened to the site and access between the site and the pedestrian/bike path would be facilitated. The area between Ethel and Victory is currently open to the concrete-lined channel below and includes recently planted banks on either side of the wash. This area would be replaced by the transit plaza, reconfigured Ethel Avenue and facilities to serve the greenway (ranger station, bike racks and bathrooms). The proposed project would result in the Tujunga Wash being covered between Ethel Avenue and Victory Boulevard and the recent plantings in the vicinity of Ethel Avenue would be removed (see Figure IV.A-3 for an aerial photograph of the area to be covered by the transit plaza).

Add Area

No natural plant communities are contained on-site. However, the discussion above concerning Tujunga Wash is applicable. The Wash is located approximately 350 feet west of the Add Area.

Ornamental Landscaping

Project Site

Ornamental landscaping generally includes non-native species which are utilized for aesthetic purposes. The range of non-native species utilized in Southern California is extensive and

⁸ Note: The United States Army Corps of Engineers channelized the lower portions of the Tujunga Wash within the San Fernando Valley in the 1950's to reduce incidents of flooding. This activity resulted in the removal of native plant communities and associated habitats.



Figure IV.C.8:
View South along Tujunga Wash Greenway & Stream Restoration
(project site is located to the east – left, Tujunga Wash to the west -- right)



Figure IV.C.9:
View North along Tujunga Wash Greenway & Stream Restoration
(Tujunga Wash is located west – left, project site is located to the east -- right)



Figure IV.C.10:
View North along Tujunga Wash
(Tujunga Wash Greenway & Stream Restoration areas are located on both sides)

varies from area to area, although price availability of commercial nursery stock largely dictates the species utilized. In general, native species are in limited use although their popularity appears to be increasing. Several ornamental species⁹ were observed on-site and/or immediately adjacent to the Tujunga Wash.

Add Area

The Add Area also contains few landscaped areas although a number of mature shade trees were observed along Hamlin Street and Victory Boulevard. The interior portion of the site also contains various mature trees generally located along various on-site buildings.¹⁰

Sensitive Biological Resources

Several species known to occur in the project vicinity are protected pursuant by federal and/or State endangered species laws, or have been designated as Species of Concern by the USFWS or Species of Special Concern by the CDFG. In addition, Section 15380(b) of the California Environmental Quality Act (CEQA) Guidelines provides a definition of rare, endangered or threatened species that are not included in any listing⁴. Species recognized under these terms are collectively referred to as “special-status species.” For purposes of this analysis, special-status species include:

- Plant and wildlife species listed as rare, threatened or endangered under the federal or State endangered species acts;
- Species that are candidates for listing under either federal or State law;
- Species designated by the USFWS as Species of Concern or by CDFG as Species of Special Concern;
- Species protected by the federal Migratory Bird Treaty Act (16 U.S.C. 703-711);
- Bald and golden eagles protected by the federal Bald Eagle Protection Act (16 U.S.C. 668); and
- Species such as candidate species that may be considered rare or endangered pursuant to Section 15380(b) of the CEQA *Guidelines*.

According to the California Natural Diversity Data Base (CNDDDB 2008) there are a number of sensitive plant and animal species known to recently or historically have occurred within the topographical quadrangles queried. Many of these species are considered extant (present) (e.g., slender mariposa lily (*Calochortus clavatus* var. *gracilis*), etc.) or extirpated (removed/non-existent) (e.g., San Fernando Valley spineflower (*Chorizanthe parryi* var. *Fernandina*), Santa Ana sucker (*Catostomus santaanae*), etc.).

Sensitive Plant Species

Table IV.C-1 contains a list of special status plant species derived from the CNDDDB. The status of these plants, their habitat and distribution and potential to occur on-site (i.e., project site and Add Area) are noted.

⁹ Note: A tree species survey was undertaken in 2007. Only one native tree was found (western sycamore). The remainder of the species were non-native ornamental varieties.

¹⁰ Tree species observed within the Add Area include magnolia (*Magnolia* spp.), jacaranda (*Jacaranda mimosifolia*), ficus, Eucalyptus (*Eucalyptus* spp.), myrtle (*Myrtus communis*), cypress (*Cupressus* spp.) olive (*Olea* spp.)

TABLE IV.C-1
LISTED SPECIAL STATUS PLANT SPECIES

Scientific Name	Common Name	Status Designation	Potential for Occurrence	Habitat and Distribution
<i>Astragalus brauntonii</i>	Braunton's Milk-vetch	ESA: FE CESA: None CNPS: List 1B.1	None	Closed-cone coniferous forest, chaparral, coastal scrub, valley and foothill grassland, recent burns or disturbed areas, in stiff gravelly clay soils overlaying granite or limestone 13-2,099 ft above msl.
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	Ventura Marsh Milk-vetch	ESA: FE CESA: SE CNPS: List 1B.1	None	Coastal strand and beach areas
<i>Berberis nevinii</i>	Nevin's Barberry	ESA: FE CESA: SE CNPS: List 1B	None	Evergreen shrub occurring in chaparral, cismontane woodland, coastal scrub, and sandy or gravelly riparian scrub at elevations ranging from 950 to 2,700 ft above msl.
<i>Chorizanthe parryi</i> var. <i>fernandina</i>	San Fernando Valley Spineflower	ESA: Candidate CESA: SE CNPS: List 1B.1	None	Coastal scrub, sandy soils in elevations ranging from 9-3,395 ft above msl.
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	Salt Marsh Birds's-beak	ESA: FE CESA: SE CNPS: List 1B.2	None	Coastal salt marshes and dunes
<i>Dithyrea maritima</i>	Beach Spectaclepod	ESA: None CESA: ST CNPS: List 1B.1	None	Coastal dunes, sandy coastal scrub
<i>Dodecahema leptoceras</i>	Slender-horned spineflower	ESA: FE CESA: SE CNPS: List 1B.1	None	Silty areas of low disturbance within alluvial scrub communities
<i>Dudleya cymosa marcescens</i>	Marcrescent Dudleya	ESA: FT CESA: Rare CNPS: List 1B.2	None	On sheer rock surfaces and rocky volcanic cliffs, 590-1700 ft elevation
<i>Dudleya cymosa oviatifolia</i>	Santa Monica Mountains Dudleya	ESA: FT CESA: None CNPS: List 1B.2	None	In canyons on sedimentary conglomerates, primarily North-facing slopes, 690-1640 ft elevation
<i>Orcuttia californica</i>	California Orcutt Grass	ESA: FE CESA: SE CNPS: List 1B.1	None	Deeper portions of vernal pools
<i>Pentachaeta lyonii</i>	Lyon's Pentachaeta	ESA: FE CESA: SE CNPS: List 1B.1	None	Edges of clearings in chaparral, valley and foothill grassland
<i>Astragalus tener</i> var. <i>titi</i>	Coastal Dunes Milk-vetch	ESA: None CESA: None CNPS: List 1B.1	None	Moist, sandy depressions in coastal bluff scrub, coastal dunes
<i>Atriplex parishii</i>	Parish's Britblescale	ESA: None CESA: None CNPS: List 1B.1	None	Drying alkali flats with fine soils, below 460 ft elevation
<i>California macrophylla</i>	Round-leaved Filaree	ESA: None CESA: None CNPS: List 1B.1	None	Clay soils in cismontane woodland, valley and foothill grassland

TABLE IV.C-1
LISTED SPECIAL STATUS PLANT SPECIES

Scientific Name	Common Name	Status Designation	Potential for Occurrence	Habitat and Distribution
<i>Calochortus clavatus</i> var. <i>gracilis</i>	Slender Mariposa Lily	ESA: None CESA: None CNPS: List 1B.2	None	Shaded foothill canyons, often on grassy slopes within coastal scrub or chaparral
<i>Calochortus plummerae</i>	Plummer's mariposa lily	ESA: None CESA: None CNPS: List 1B.2	None	Bulbiferous herb occurring on rocky and sandy sites, usually alluvial or granitic material, in coastal scrub, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grasslands at elevations ranging from 325 to 5,500 ft msl
<i>Deinandra minthornii</i>	Santa Susana Tarplant	ESA: None CESA: SR CNPS: List 1B.2	None	Sandstone outcrops and crevices, in natural shrublands
<i>Centromadia parryi</i> ssp. <i>australis</i>	Southern Tarplant	ESA: None CESA: None CNPS: List 1B.1	None	Variably disturbed sites near the coast at marsh edges, also in alkaline soils sometimes with saltgrass
<i>Dudleya blochmaniae</i> <i>blochmaniae</i>	Blockman's Dudleya	ESA: None CESA: None CNPS: List 1B.1	None	Open, rocky slopes, often in shallow clays over serpentine or rocky areas with little soil, in natural scrub and grasslands
<i>Dudleya multicaulis</i>	Many-stemmed Dudleya	ESA: None CESA: None CNPS: List 1B.2	None	Heavy soils, natural grassy slopes in scrub or native grasslands
<i>Horkelia cuneata</i> ssp. <i>puberula</i>	Mesa Horkelia	ESA: None CESA: None CNPS: List 1B.1	None	Perennial herb occurring in coastal scrub, chaparral and cismontane woodland on sandy or gravelly soils at elevations ranging from 230 to 2,660 ft msl.
<i>Malacothamnus davidsonii</i>	Davidson's Bush Mallow	ESA: None CESA: None CNPS: List 1B.2	None	Deciduous shrub occurring in coastal scrub, cismontane woodland, riparian woodland, and chaparral, often-in sandy washes at elevations ranging from 610 to 2,805 meters
<i>Nama stenocarpum</i>	Mud Nama	ESA: None CESA: None CNPS: List 2.2	None	Drying lake or river margins with fine soils
<i>Pseudognaphalium leucocephalum</i>	White Rabbit-tobacco	ESA: None CESA: None CNPS: List 2.2	None	Sandy riverbeds in natural areas

TABLE IV.C-1
LISTED SPECIAL STATUS PLANT SPECIES

Scientific Name	Common Name	Status Designation	Potential for Occurrence	Habitat and Distribution
<i>Symphyotrichum defoliatum</i>	San Bernardino aster	ESA: None CESA: None CNPS: List 1B	None	Rhizomatous herb. This species occurs in cismontane woodland and is also known to occur within, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic)/near ditches, streams, springs. It booms between July and November and occurs between sea level and 6,700 feet.
<i>Navarretia prostrata</i>	Prostrate navarretia	ESA: None CESA: None CNPS: List 1B	None	Annual herb. This species occurs in coastal scrub and is also found in meadows and seeps, valley and foothill grassland (alkaline) and vernal pools (mesic). It blooms from April through July. It is found between elevations of 100 to 2,300 feet.
<i>Calystegia sepium</i> spp. <i>binghamiae</i>	Santa Barbara morning-glory	ESA: None CESA: None CNPS: List 1A	None	Rhizomatous herb. This species is known to occur in marshes and swamps. Its blooming period is April through May. It is found in elevations ranging from sea level to 65 feet.
<i>Helianthus nuttallii</i> ssp. <i>parishii</i>	Los Angeles sunflower	ESA: None CESA: None CNPS: List 1A	None	Rhizomatous herb. This species is known to occur in marshes and swamps (coastal salt and freshwater). It blooms between August and October. It ranges in elevation from 30 to 5,500 feet above sea level.
<i>Sidalcea neomexicana</i>	Salt Spring Checkerbloom	ESA: None CESA: None CNPS: List 2.2	None	Perennial herb occurring in coastal scrub, chaparral, lower montane coniferous forest, brackish marshes, mohavean desert scrub, and playas on alkaline, mesic soils at elevations ranging from 0 to 5,020 ft msl.
<i>Symphyotrichum greatae</i>	Greata's Aster	ESA: None CESA: None CNPS: List 1B.3	None	Mesic canyons in chaparral, cismontane woodland

TABLE IV.C-1 LISTED SPECIAL STATUS PLANT SPECIES				
Scientific Name	Common Name	Status Designation	Potential for Occurrence	Habitat and Distribution
Federal (Fed)				
Endangered Species Act (ESA) Listing Codes:				
FE	Federally-listed as Endangered			
FT	Federally-listed as Threatened			
FPE	Federally-proposed for listing as Endangered			
FPT	Federally-proposed for listing as Threatened			
FPD	Federally-proposed for delisting			
FC	Federal candidate species (former Category 1 candidates)			
(FSC)	Federal Species of Concern (Not an active term, and is provided for informational purposes only)			
State (CA)				
California Endangered Species Act (CESA) Listing Codes:				
SE	State-listed as Endangered			
ST	State-listed as Threatened			
SR	State-listed as Rare (Listed "Rare" animals have been re-designated as Threatened, but Rare plants have retained the Rare designation.)			
SCE	State candidate for listing as Endangered			
SCT	State candidate for listing as Threatened			
California Native Plant Society (CNPS) Listing Code:				
List 1A:	Plants presumed extinct in California.			
List 1B:	Plants rare and endangered in California and throughout their range.			
List 2:	Plants rare, threatened or endangered in California but more common elsewhere in their range.			
List 3:	Plants about which we need more information; a review list.			
List 4:	Plants of limited distribution; a watch list.			

Sensitive Animal Species

Table IV.C-2 contains a list of special status animal species derived from the CNDDDB. The status of these animals, their habitat and distribution and potential to occur on-site (i.e., project site and Add Area) are noted.

TABLE IV.C-2 LISTED SPECIAL-STATUS WILDLIFE SPECIES				
Scientific Name	Common Name	Status	Probability of Occurrence	Habitat
FISHES				
<i>Catostomus santaanae</i>	Santa Ana Sucker	ESA: FT CESA: SC	None	Endemic to Los Angeles Basin south coastal streams. Habitat generalists but prefer sand-rubble-boulder bottoms, clear water, & algae.
<i>Gila orcutti</i>	Arroyo Chub	ESA: None CESA: None CDFG: SC	None	Occurs in slow water stream sections with mud or sand bottoms. Often found in intermittent streams.
<i>Eucuclogobius newberryi</i>	Tidewater Goby	ESA: FE CESA: None CDFG: SC	None	Estuarine wetlands

TABLE IV.C-2 LISTED SPECIAL-STATUS WILDLIFE SPECIES				
Scientific Name	Common Name	Status	Probability of Occurrence	Habitat
<i>Oncorhynchus mykiss irideus</i>	Southern Steelhead	ESA: FE CESA: None CDFG: SC	None	Natural streams with low disturbance.
AMPHIBIANS				
<i>Bufo californicus</i>	Arroyo Toad	ESA: FE CESA: None CDFG: SC	None	Sandy, low gradient open wash habitat with slow moving or pooling water.
<i>Rana aurora draytonii</i>	California Red-legged Frog	ESA: FT CESA: None CDFG: SC	None	Natural streams with low levels of disturbance and without nonnative predators such as Bullfrog.
<i>Rana muscosa</i>	Mountain Yellow-legged Frog	ESA: FE CESA: None CDFG: SC	None	Disjunct So. Cal. population persists as remnants in small streams in the San Gabriel, San Bernardino, and San Jacinto mountains; historical elevation range was about 370 to over 2290 m (1200-7500 ft), with remaining populations only toward the upper end of that range; inhabit varied lakes and streams, but avoid the smallest streams; show a tendency toward open stream and lakeshores that slope gently for the first 2 to 3 inches (5 - 8 cm) of depth; apparently rarely found far from water, though data on movements and ability to recolonize sites are lacking.
<i>Scaphiopus hammondii</i>	Western Spadefoot	ESA: None CESA: None CDFG: SC	None	Range from near Redding, Shasta County, in north central California south into nw Baja California, and entirely west of the Sierra Nevada and deserts; known elevational range is from sea level to about 1363 m (4472 ft); require temporary rain pools with water temperatures between 48° and 86° f. (9° and 30° C) lasting upwards of 3 weeks; disturbance tolerance can be high.

TABLE IV.C-2 LISTED SPECIAL-STATUS WILDLIFE SPECIES				
Scientific Name	Common Name	Status	Probability of Occurrence	Habitat
REPTILES				
<i>Clemmys marmorata pallida</i>	Southwestern Pond Turtle	ESA: None CESA: None CDFG: SC	None	Inhabits permanent or nearly permanent bodies of water in many habitat types including ponds, marshes, rivers, and streams with suitable basking sites.
<i>Lampropeltis zonata (pulchra)</i>	San Diego California Mountain Kingsnake	ESA: None CESA: None CDFG: SC	None	Elevational range extends from near sea level up to about 5900 ft. In coniferous or mixed coniferous-hardwood forests with considerable to abundant downed logs and/or slash. At lower elevations it is generally associated with various riparian woodlands connective to higher elevation forest.
<i>Phrynosoma coronatum blainvillei</i>	San Diego Coast Horned Lizard	ESA: None CESA: None CDFG: SC	None	Occurs in coastal sage scrub, open chaparral, riparian woodland, annual grassland habitats that support adequate prey species.
<i>Thamnophis hammondi</i>	Two-striped Garter Snake	ESA: None CESA: None CDFG: SC	None	Found in or near fresh water, often along streams with rocky beds and riparian growth. Absent from concrete channels.
BIRDS				
<i>Athene cunicularia</i>	Burrowing Owl	ESA: None CESA: None CDFG: SC	None	Prefers open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Dependent on small mammal burrows (particularly ground squirrels) for its subterranean nesting.
<i>Agelaius tricolor</i>	Tricolored Blackbird	ESA: None CESA: None CDFG: SC	None	Intensively gregarious, males and females remaining in large flocks together year round. Elevational range is from near sea level to at least 4400 ft (1341 m). Nests in dense colonies in marshes and occasionally in moist thickets, agricultural fields, or sewage treatment plants. They will readily use restored or created wetlands. Species often commute in flocks for some distance between nesting areas and feeding areas, and the latter can be in varied wetlands, including sewage treatment plants, or in open areas such as agricultural fields and even stock yards or short grasslands.
<i>Aimophila ruficeps canescens</i>	Ashy (=Southern California) Rufous-crowned Sparrow	ESA: None CESA: None CDFG: SC	None	Fairly common, widespread and generally fairly conspicuous resident of rocky grassland and patchy shrub habitats, often including areas with disturbance from fire, trash, soil compaction and nonnative vegetation. There is no regular migration, and dispersal is typically limited. Elevation range extends from near sea level to at least 2500 ft, and probably somewhat higher.

TABLE IV.C-2 LISTED SPECIAL-STATUS WILDLIFE SPECIES				
Scientific Name	Common Name	Status	Probability of Occurrence	Habitat
<i>Aquila chrysaetos</i>	Golden Eagle	ESA: EPA CESA: CFP CDFG: SFP	None	Occurs widely in Ca., and forages in grassland and open savannah of many types. It tolerates considerable variation in topography and elevation. It is very sensitive to human disturbance
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	ESA: FC CESA: SE CDFG: None	None	Inhabitant of extensive riparian forests; it has declined from a fairly common, local breeder in much of California sixty years ago, to virtual extirpation, with only a handful of tiny populations remaining in all of California today. Losses are tied to obvious loss of nearly all suitable habitat, but other factors may also be involved. Relatively broad, well-shaded riparian forests are utilized, although it tolerates some disturbance. A specialist to some degree on tent caterpillars, with a remarkably fast development of young covering only 18 - 21 days from incubation to fledging.
<i>Polioptila californica californica</i>	Coastal California Gnatcatcher	ESA: FT CESA: None CDFG: SC	None	Occurs in coastal sage scrub vegetation on mesas, arid hillsides, and in washes and nests almost exclusively in California sagebrush.
<i>Vireo bellii pusillus</i>	Least Bell's vireo	ESA: FE CESA: SE	None	Occurs in moist thickets and riparian areas that are predominately comprised of willow and mule fat.
MAMMALS				
<i>Antrozous pallidus</i>	Pallid Bat	ESA: None CESA: None CDFG: None	None	Throughout So. Cal. from coast to mixed conifer forest; grasslands, shrublands, woodlands, & forest; most common in open, dry habitats w/ rocky areas for roosting; yearlong resident in most of range; Roosts – caves, crevices, mines, hollow trees, buildings.
<i>Euderma maculatum</i>	Spotted Bat	ESA: None CESA: None CDFG: SC	None	Habitats occupied range from arid deserts and grasslands through mixed conifer forests. It apparently occurs from sea level to 10,600 ft (3230 meters) elevation.
<i>Eumops perotis californicus</i>	Western Mastiff Bat	ESA: None CESA: None CDFG: SC	None	For roosting, appear to favor rocky, rugged areas in lowlands where abundant suitable crevices are available for day roosts. There appears to be little use of night roosts. Roost sites may be in natural rock or in tall buildings away from or at the edge of urban areas, large trees or elsewhere, but must be at least 2 inches (5 centimeters) wide and 12 inches (30 centimeters) deep, and narrow to at most 1 inch (2.5 cm) at their upper end.

TABLE IV.C-2 LISTED SPECIAL-STATUS WILDLIFE SPECIES				
Scientific Name	Common Name	Status	Probability of Occurrence	Habitat
<i>Macrotus californicus</i>	California Leaf-nosed Bat	ESA: None CESA: None CDFG: SC	None	Roosts are in deep tunnels or caves, occasionally in buildings or bridges. It was formerly found throughout southern California, but is apparently now restricted to the deserts. Historical habitats utilized in coastal areas appear to be poorly known. The species is sensitive to disturbance at roosts, and the extensive human development of coastal Southern California may be the cause of extirpation. Note: On-site observations of the bridge crossing Tujunga Wash were limited due to access. No bat roosting or evidence of droppings or odors were observed.
<i>Microtus californicus stephensi</i>	South Coast Marsh Vole	ESA: None CESA: None CDFG: SC	None	Tidal marshes in Los Angeles, Orange, and southern Ventura counties.
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	ESA: None CESA: None CDFG: SC	None	Occurs in moderate to dense canopies, especially in rock outcrops, rocky cliffs, and slopes. Occurs in Southern California from San Diego County to San Luis Obispo County.
Federal (Fed) Endangered Species Act (ESA) Listing Codes: FE Federally-listed as Endangered FT Federally-listed as Threatened FPE Federally-proposed for listing as Endangered FPT Federally-proposed for listing as Threatened FPD FC Federally-proposed for delisting Federal candidate species (former Category 1 candidates) (FSC) Federal Species of Concern (Not an active term, and is provided for informational purposes only) State (CA) California Endangered Species Act (CESA) Listing Codes: SE State-listed as Endangered ST State-listed as Threatened SCE State candidate for listing as Endangered SCT State candidate for listing as Threatened SFP State Fully Protected				

Sensitive Plant Communities

TUJUNGA WASH

In addition to stream and wetlands, habitats may be considered sensitive if they exhibit a limited distribution, have high wildlife value, contain sensitive species or are particularly susceptible to disturbance. The area to the west of the project site, along Tujunga Wash (*Tujunga Wash Greenway & Stream Restoration Project area*) consists of newly planted emergent sage scrub and riparian plant communities. The sage scrub community is best described as a mixed sage series, although a considerable amount of on-site plants observed were comprised of white

sage (*Salvia apiana*). The CDFG's *List of California Terrestrial Natural Communities Recognized by the CNDDDB* (2003) does not list the mixed sage scrub series as rare or worthy of consideration. However, it does note that the California buckwheat (*Eriogonium fasciculatum*) - white sage scrub as rare and worthy of consideration.

The riparian plant community is comprised of immature California sycamore (*Platanus racemosa*) and coast-live oak (*Quercus agrifolia*). This plant community also consists of newly planted shrubs (e.g., wild rose (*Rosa californica*), etc.) which are typical of southern California riparian areas.

PROJECT SITE

There are no habitat types considered sensitive by the CDFG that occur on the project site.

ADD AREA

There are no sensitive plant communities contained on site within the Add Area.

Wildlife Usage and Dispersal

PROJECT SITE

The project site is urbanized. The lower portions of Tujunga Wash (south of Hansen Dam) are channelized. As noted above, a restoration project involving habitat creation was implemented by the Santa Monica Mountains Conservancy. This project roughly involves one mile (between Van Owen Street and Oxnard Avenue)¹¹ of native habitat restoration along Tujunga Wash within the Valley Glen neighborhood of the City of Los Angeles. With the exception of the newly emergent sage scrub and riparian habitat, both the upper (below Hansen Dam) and lower reaches of the Wash provide extremely limited habitat value. Although the emergent plant communities do provide some forage resources, cover and travel corridors are limited at this point in time. The site's use as a wildlife corridor is limited due to lack of cover and presence of humans.

Most of the species expected to utilize the main channel of the wash or adjacent right-of-way include those accustomed to the presence of humans. Typical bird species expected may include Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), killdeer (*Charadrius vociferus*), greater yellowlegs (*Tringa melanoleuca*), western gull (*Larus occidentalis*), rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), common raven (*Corvus corax*), northern rough-winged swallow (*Stelgidopteryx serripennis*), barn swallow (*Hirundo rustica*), bushtit (*Psaltirparus minimus*), northern mockingbird (*Mimus polyglottos*), European starling (*Sturnus vulgaris*), yellow-rumped warbler (*Dendroica coronata*), Brewer's blackbird (*Euphagus cyanocephalus*), house finch (*Carpodacus mexicanus*), purple finch (*Carpodacus purpureus*), lesser goldfinch (*Carduelis psaltria*) and house sparrow (*Passer domesticus*).

¹¹ Source: Press release of November 7, 2007 from the office of Los Angeles County Board of Supervisor Zev Yaroslavsky.

Reptile and amphibian use of the site and adjacent areas would be anticipated to be extremely limited. Species potentially present may include western toad (*Bufo boreas*), side-blotched lizard (*Uta stansburiana*) and western fence lizard (*Sceloporus occidentalis*).

Mammal use of the site and adjacent areas would be expected to be minimal and may include species such as striped skunk (*Mephitis mephitis*), northern raccoon (*Procyon lotor*), coyote (*Canis latrans*), red fox (*Vulpes vulpes*), deer mouse (*Peromyscus maniculatus*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), western gray squirrel (*Sciurus griseus*), California bat (*Myotis californicus*), western pipistrelle (*Pipistrellus hesperus*), big brown bat (*Eptesicus fuscus*) and Virginia opossum (*Didelphis virginiana*).

ADD AREA

The discussion above for the project site is applicable, but markedly reduced bird, reptile, amphibian and mammal use expected due to a general lack of resources, as compared to project site.

Wetlands and Waters of the United States and California

The Tujunga Wash is maintained and operated by the County of Los Angeles Department of Public Works. In general, many drainage (e.g., streams, rivers, washes, etc.) wetlands and waters of the United States and California are governed by a variety of federal and state regulations. These resources were previously described in the *Wetlands, Streams and Riparian Habitat* section above. The analysis and determination of jurisdiction noted below is based upon guidance criteria provided by the ACOE and CDFG.

JURISDICTIONAL DETERMINATIONS

- ACOE “Waters of the U.S.”

There are no ACOE “waters of the U.S.” contained within the project site or Add Area.

- ACOE Wetlands

There are no areas located within the project site or Add Area which meet the definition of wetlands, per ACOE criteria.

- CDFG Jurisdictional Riparian Areas

There are no areas located within the project site or Add Area which meet the definition of riparian areas, per CDFG criteria.

Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP)

Neither the project site nor Add Area is located within an NCCP or HCP. However, the project site is adjacent to a long-term program associated with the Santa Monica Mountains Conservancy’s *Tujunga Wash Greenway & Stream Restoration Project*. This and other projects within the San Fernando Valley and City of Los Angeles are planned as demonstration projects aimed at restoring portions of drainages such as the Los Angeles River which were channelized in the 1950s (or earlier) by the ACOE.

METHODOLOGY

In general, the principal reason an individual taxon (species, subspecies or variety) is considered sensitive is the documented or perceived decline or limitation of its population size or geographical extent and/or distribution resulting in most cases from habitat loss.

A federally or state endangered species is defined as a species facing extinction throughout all or a significant part of its geographic range. A federally or state threatened species is defined as a species that is likely to become endangered within the foreseeable future throughout all or a significant part of its range.

Sensitive plant communities are vegetation assemblages, associations or sub-associations that support concentrations of sensitive plant or wildlife species, are of relatively limited distribution or are of particular value to wildlife. Although sensitive habitats are not afforded specific legal protection unless they support protected species, potential impacts to them are important as they provide diversity and must be considered in the context of the California Environmental Quality Act (CEQA).

The California Species of Special Concern (CSC or SSC) is an informal designation used by the CDFG for some declining wildlife species that are not considered threatened or endangered. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by the CDFG.

The CNPS is a state-wide resource conservation organization that has developed an inventory of California's sensitive plant species. This inventory is the summary of information on the distribution, rarity and endangerment of California's vascular plants. This rare plant inventory is comprised of a series of list that rank rarity of plant species found in California. List 1B plants are considered rare, threatened or endangered throughout their ranges.

A number of databases and literature resources were used to evaluate whether or not sensitive species were previously known to occur on-site (i.e., project site and Add Area) or within the area and if suitable habitat and/or resources exist to support these species. Database queries included the use of the CDFG's California Natural Resources Database (CNDDDB), and CNPS Electronic Inventory of Rare Plant. In addition, field guides and other literature resources containing information on the life history and habitat requirements of these species were also used to determine their likelihood of occurrence on-site or within the immediate area. The following USGS topographical quadrangles were queried and include:

- Van Nuys
- San Fernando
- Sunland
- Burbank
- Hollywood
- Beverly Hills
- Topanga
- Canoga Park
- Oat Mountain

Based on the evaluation of these resources and on-site habitat conditions of the project site, a determination as to whether or not a species was likely absent or present was made. These determinations were presented in **Tables IV.C-1** and **Table IV.C-2**.

As such, the analysis is based upon predictive and actual presence information for a particular sensitive species.

The biological resources present, or likely present, on the site were determined from biological reconnaissance surveys conducted on April 13, 2008.

Based upon habitat conditions (i.e., lack thereof), no sensitive species surveys were conducted on-site or within areas immediately adjacent.

Descriptions of plant communities on the project site are based on site conditions and generally follow *List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database* system. This classification system is similar in structure to previous CDFG classification systems but is based on the Sawyer and Keeler-Wolf plant classification system. This classification system is a hierarchical treatment of vegetation communities/wildlife habitats that describes natural communities, naturalized communities, invasive plant associations, and human-influenced and urban landscapes. The vegetation communities generally correlate with wildlife habitat types.

An inventory of tree species within the project site was conducted by a certified landscape architect. No survey was conducted for the Add Area since this site is in private holding and the potential future use of the site is unknown at this time.

ENVIRONMENTAL IMPACT

THRESHOLD OF SIGNIFICANCE

Appendix G of the CEQA Guidelines, as amended through January 1, 2008, provides criteria under which a project could have a significant impact. Specifically, the project is considered to have a significant impact if it meets any of the following criteria and cannot be adequately mitigated:

- The project has 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 CDFG or the USFWS.
- The project has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the CDFG or the USFWS.
- The project has a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Federal Clean Water Act (CWA), CDFG or California Coastal Commission, including but not limited to marsh, coastal, etc. through direct removal, filling, hydrological interruption or other means.
- The project interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.
- The project conflicts with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance.

- The project conflicts with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP) or other approved local, regional or state HCP.

Additionally, the Draft City of Los Angeles CEQA Thresholds Guide provides thresholds not encompassed by the CEQA Guidelines. These thresholds state that a significant impact would result if:

- The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;
- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community;
- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;
- The alteration of an existing wetland habitat;
- Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species; or
- Cause flooding during the projected 50-year developed storm, which would have the potential to harm people or damage property or sensitive biological resources;

Although not required by CEQA or the City of Los Angeles, the following additional threshold of significance would apply:

- Removal of a non-native tree which is either: (1) one inch in diameter at breast height (i.e., 4.5 feet above surrounding grade).

For purposes of this Draft EIR, the project is considered to have a significant impact if it exceeds any of the above thresholds as stated by Appendix G of the CEQA Guidelines, Draft City of Los Angeles CEQA Thresholds Guide, or the additional threshold noted above.

PROJECT AND ADD AREA IMPACTS

Direct biological impacts involve the temporary or permanent physical loss of plant communities, wildlife habitat, and/or special interest plant and wildlife species resulting from site preparation activities such as clearing and grading. Direct impacts may also include habitat degradation, fragmentation or modification. Direct impacts would occur on plant communities, wildlife habitat, special interest species and special interest habitats as a result of implementation of the proposed project.

Indirect impacts on plant communities include the potential for increased susceptibility of adjacent native habitats to invasion by non-native plant species. The establishment of non-native plants lead to increased competition between native and non-native plants for available resources and decreased native species diversity in adjacent, native habitats. Fugitive dust

created during project-related construction activities may settle on plants adjacent to the construction zone. This dust can at least temporarily result in reductions in plant photosynthesis, growth and reproduction.

Indirect impacts on wildlife species also include the potential for noise, human intrusion into sensitive habitats and night-lighting, as well as potential disruptions in local movement patterns for wildlife.

Short-term impacts are those that would result in the temporary removal of a biological resource.

Long-term impacts are those that would result in permanent changes to biological resources.

The potential direct and indirect, short and long term impacts of the proposed project on biological resources are discussed below. In addition, unless otherwise noted, impacts associated with the project site are applicable to the Add Area.

Short-Term Direct Impacts

Short-term direct impacts would not occur as a result of the removal of on-site landscaping or trees for construction of the proposed project. As described earlier, the proposed project would result in the Tujunga Wash being covered between Ethel Avenue and Victory Boulevard. In this location, Tujunga Wash is a concrete-lined channel with recent plantings located along the banks of the Wash. The area between Ethel and Victory would be replaced by the transit plaza, a reconfigured Ethel Avenue and facilities to support the greenway (ranger station, bike racks and bathrooms). North of the transit plaza the Tujunga Wash greenway (pedestrian/bike path and recent native plantings) would be integrated in to the project. As such, limited less than significant impacts could occur (during construction and operation) to recent plantings and could result in minor temporary loss of habitat used by animal species for foraging, nesting or cover. Moreover, limited temporary loss of native plant communities during construction activities may occur or create temporary conditions that are unsuitable to wildlife species.

Construction activities associated with the proposed project, including removal of and disturbance to existing landscape trees do not have the potential to result in direct mortality of special-status bat species. However, human disturbances and construction noise along the adjacent vehicle bridge (which crosses the Tujunga Wash and provides access to Victory Boulevard) could disturb special status bats (California leaf-nosed bat) and as such, could cause roost abandonment and death of young or loss of reproductive potential. Therefore, a short-term potentially significant impact to special status bats could occur without mitigation.

Construction activities associated with the proposed project and adjacent restoration area (along Tujunga Wash) during the breeding season, including removal of landscaping trees have the potential to result in direct mortality of species protected by the Migratory Bird Treaty Act. In addition, human disturbances and construction noise have the potential to cause nest abandonment and death of young or loss of reproductive potential at active nests located near project activities. Therefore, a short-term potentially significant impact to migratory birds could occur without mitigation.

No special status mammals (excepting possibly California leaf-nosed bat), reptiles or amphibians are anticipated to be affected by implementation of the proposed project. As noted previously, habitats and other resources associated with these species are absent on-site and

within the adjacent areas. Therefore, impacts associated with special status mammals, reptiles and amphibians would be less than significant.

Implementation of the proposed project would not affect wildlife dispersal. As noted previously, the project site and surrounding areas are urban with the exception of the recently restored mile-long portion of the Tujunga Wash. This restored area is emergent and is comprised of plant communities which due to their immature status do not provide adequate cover or resources for most wildlife. In addition, the species utilizing this area and adjacent areas both immediately up and downstream of the project site are limited to common wildlife and those which have a high tolerance for human environments and activities. Therefore, impacts associated with wildlife dispersal would be less than significant.

As noted in Section IV.G (Hydrology and Water Quality) of this EIR, the proposed project would be subject to stormwater quantity and quality compliance measures, as contained within the County-wide General Permit and which the City of Los Angeles is a co-permittee. These requirements include preparation of a Stormwater Pollution and Prevention Plan (SWPPP) and associated Best Management Practices (BMPs) to address impacts during both construction and operation of the proposed project. As described in Section IV.G, the proposed project would construct drainage swales (stormwater conveyance) and retention box (stormwater quality via filtration) to address potential impacts that may result due to on-site land uses. Based upon the analysis provided in Section IV.G, the implementation of these devices would ensure that runoff and water quality to receiving waters (i.e., Tujunga Wash) would be less than significant. The same impact conclusions (for construction and operation) would apply to biological resources based upon the following: (1) construction activities would be required to comply with General Permit requirements; (2) storm flows originating on-site would be reduced (compared to existing conditions) and would be directed to on-site conveyance facilities which currently drain to Tujunga Wash (located within the existing concrete channel walls). These facilities have been sized properly to ensure that storm flows would not cause erosion or localized/downstream flooding of receiving waters or adjacent land uses. As such, the potential to affect biological resources including plant communities and adjacent habitats would be less than significant; and (3) the construction of the on-site retention boxes would provide water quality treatment that would ensure that adjacent or downstream biological resources, including plant communities and associated habitats are not adversely affected by on-site land uses and pollutants originating from these sources.

Short-Term Indirect Impacts

During construction of the proposed project, temporary indirect impacts to sensitive plant communities and wildlife habitat could occur as a result of fugitive dust. This dust can at least temporarily result in reductions in plant photosynthesis, growth and reproduction. Because there are sensitive plant communities (located along Tujunga Wash) that may be affected by dust, a short-term potentially significant indirect impact could occur to nearby sensitive plant communities and wildlife habitat without mitigation.

Short-term indirect impacts to sensitive animal species could occur as a result of any night-lighting, and startle from noise and motion due to construction-related activities. The site is currently lit at night and activity does occur on the site during evening hours. Sensitive species are not present on-site or within areas immediately adjacent, therefore no indirect impacts to sensitive animal species would occur.

Temporary indirect impacts on wildlife movement as a result of the proposed project can result from the generation of dust, noise and light emissions that could potentially disturb or alter animal behavior. The project would not block terrestrial animals from migrating through the area because the area is already urbanized and suitable alternative routes for any migration are available. As noted previously, species anticipated to occur on-site or within areas immediately adjacent include those species that are tolerant of urban environments or the presence of humans. Therefore, the indirect impacts to terrestrial animals would be less than significant.

Construction activities would result in the disturbance of on-site soils which may contain non-native invasive weedy species. The presence of these species could affect the adjacent *Tujunga Wash Greenway & Stream Restoration Project*. The inadvertent displacement of this seed bank into the adjacent area could affect the success and viability of the restoration area. Many non-native species are able to out compete and dominant native plant species and communities. Additional monitoring, weeding and maintenance efforts not previously anticipated may be required in order to maintain the site and associated performance standards if any). Therefore, impacts associated with the proposed project are considered potentially significant without mitigation.

No short-term indirect impacts related to hydrology or water quality on biological resources would result, based upon the analysis provided previously and in Section IV.G of this EIR.

Long-Term Direct Impacts

The proposed project would not result in the substantial conversion of plant communities or wildlife habitats. The proposed project would result in the Tujunga Wash being covered between Ethel Avenue and Victory Boulevard, in this area the Wash is a concrete lined channel with recent plantings on the channel banks (inaccessible to the public); these plantings would be removed by the project which proposes to place a deck over the wash and the recently-planted area. The Wash and adjacent plantings between Ethel and Victory would be replaced by the transit plaza, reconfigured Ethel Avenue and facilities to support the greenway (ranger station, bathrooms and bike racks).

The recently-planted restoration area adjacent to the site north of the transit plaza may also be disturbed in a less than significant minor amount by project construction. In conjunction with the Santa Monica Mountains Conservancy, the applicant proposes to enhance the greenway adjacent to the site and north of the transit plaza, potentially with additional plantings and access points that would lead in to the project.

The proposed project would include reuse of the site for existing urban uses. Species utilizing this area although temporarily displaced would reutilize the site once construction activities cease. Moreover, any project displacement of common wildlife would be considered less than significant because of the commonness of the species. In addition, project impacts to common wildlife habitats, populations and communities are not expected to be substantial and would be considered less than significant.

Project displacement of special-status species would not occur due to lack of suitable habitats and resources available to these species on-site or in areas immediately adjacent. As noted in **Tables IV.C-1** and **Table IV.C-2**, these species are absent from the project site or immediate areas. Therefore, impacts to special status species would be less than significant.

Implementation of the proposed project would not result in impacts to wildlife dispersal. The species anticipated to occur on-site and within areas immediately adjacent are comprised of common wildlife which is accustomed and/or highly tolerant of humans and urban environments. Therefore, impacts associated with wildlife dispersal would be less than significant.

As noted previously, the City of Los Angeles' native tree protection ordinance requires mitigating impacts to native tree species. Adherence with the ordinance would mitigate impacts resulting from removal of the western sycamore located within the project site. Therefore, implementation of the proposed project would result in less than significant impacts.

No long-term direct impacts related to hydrology or water quality on biological resources would result, based upon the analysis provided previously and in Section IV.G of this EIR.

Long-Term Indirect Impacts

There would be potential long term indirect impacts to the plant communities and wildlife habitat associated with the Santa Mountains Conservancy's *Tujunga Wash Greenway & Stream Restoration Project*. Indirect impacts would include degradation of habitat values due to the potential for weedy invasive plant species from the disturbance limits to this area. Newly disturbed soil is highly suitable to fast growing weedy species. Many native plant species are unable to compete with these weedy species, which could jeopardize the sustainability of native plant and animal populations which occur along this portion of the Tujunga Wash. This potential long-term impact is considered potentially significant without mitigation.

The proposed project would result in the reuse of the project site for urban uses. It is anticipated that species utilization of the Restoration Area located immediately adjacent to the site will increase over time. Although the species composition would largely be dependent on the overall quality of the plant communities and associated habitats, it is anticipated that species occupying these areas would be tolerant of human presence and urban environments. As such, the continued human presence on-site is not expected result in disruption to adjacent wildlife due to lighting, noise and other human disturbance. Therefore, the potential long term impact of the proposed project would be less than significant.

No long-term indirect impacts related to hydrology or water quality on biological resources would result, based upon the analysis provided previously and in Section IV.G of this EIR.

Jurisdictional Areas

There are no ACOE or CDFG jurisdictional areas located on-site (i.e., project site or Add Area) and therefore, no impacts would result with project implementation.

City of Los Angeles Tree Ordinances

As noted previously, the City of Los Angeles' native tree protection ordinance requires mitigating impacts to native tree species. Adherence with the ordinance would mitigate impacts resulting from removal of the western sycamore located within the project site. Therefore, implementation of the proposed project would result in less than significant impacts related to native tree removal. The Add Area is in private holding and it is not known whether or not native tree species protected by ordinance are present. The presence of protected native tree species within the Add Area would require adherence to the ordinance. Therefore, impacts would also be less than significant.

Urban Forest

The urban forest is an important community resource and assists in reducing the impacts of urban heat islands. It can also serve as habitat for urban and local wildlife by providing refugia, nest, and food resources. A total of 56 trees are contained within the project site. Implementation of proposed project would require removal of these trees on the project site. The total number of trees potentially removed from the Add Area is unknown at this time since this property is in private holdings. The removal of trees contained within the project site or Add Area would therefore, result in a potentially significant impact.

MITIGATION MEASURES

Unless otherwise noted, the mitigation measures noted below apply to both the project site and Add Area.

IV.C-1 Avoid disturbance of any nests protected by the Migratory Bird Treaty Act. If construction activities (i.e., removal of trees or shrubs) are scheduled to occur during the non-breeding season (September 1 through January 31), no mitigation is required.

If construction activities are scheduled to occur during the breeding season (February 1 through August 31), the project proponent will implement the following measures to avoid potential adverse effects on birds covered by the Migratory Bird Treaty Act:

- No more than two weeks prior to construction, a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat within 500 feet of construction activities where access is available.
- If active nests are found during preconstruction surveys, the project proponent will create a no-disturbance buffer (acceptable in size to the CDFG) around active raptor nests and nests of other special-status birds during the breeding season, or until it is determined that all young have fledged. Typical buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified during coordination and in consultation with the CDFG and will be based on existing noise and human disturbance levels at the project site. Nests initiated during construction are presumed to be unaffected, and no buffer would be necessary. However, the "take" (mortality, severe disturbance to, etc.) of any individual birds will be prohibited.

If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by birds covered by the Migratory Bird Treaty Act or that are located outside the no-disturbance buffer for active nests may be removed.

IV.C-2 Replace any protected trees (one western sycamore) in accordance with the Los Angeles Protected Tree Ordinance. Replace all on-site trees to ensure continuation of the urban forest. Replace all nonnative trees greater than 10 centimeters (4 inches) in diameter at breast height (4.5 feet above surrounding grade) with native or non-native (non-invasive) trees of appropriate local climate tolerance at a 2:1 ratio. For native

species, source materials should be from seeds or cuttings gathered within coastal southern California to ensure local provenance.

Project Site

IV.C-3 Avoid disturbance of the roosts of any special-status bats. Prior to construction activities, a qualified bat biologist shall survey for special-status bats within 200 feet of the bridge crossing over the Tujunga Wash. If no evidence of bats (i.e., direct observation, guano, staining, strong odors is present, no further mitigation is required.

If evidence of bats is observed, the following measures are required to avoid potential adverse effects special-status bats:

- A no-disturbance buffer acceptable in size to CDFG shall be created around active bat roosts during the breeding season (April 15 through August 15). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, the take of individuals will be prohibited.
- Removal of habitat showing evidence of bat activity shall occur during the period least likely to impact the bats, as determined by a qualified bat biologist, generally between February 15 and October 15 for winter hibernacula and between August 15 and April 15 for maternity roosts. If exclusion is necessary to prevent indirect impacts to bats from construction noise and human activity adjacent to areas showing evidence of bat activity, these activities shall be conducted during these periods as well.

IV.C-4 Reduce impacts associated with dust accumulation. The dust accumulation on the foliage of tree and shrubs from nearby construction shall be washed off during construction under the direction of a qualified arborist/biologist.

IV.C-5 The project applicant shall coordinate proposed enhancements to the Greenway (connections in to the project, additional plantings) with the Santa Monica Mountains Conservancy; minimize impacts to the Tujunga Wash Greenway & Stream Restoration Project, both direct impacts and indirect impacts from weedy species. The project applicant or its contractor will mitigate any direct impacts as well as impacts of weedy species on restored or re-vegetated native plant communities by replacing disturbed restoration areas as appropriate and initiating a landscaping management program, which would include appropriate weed abatement. Coordination of this program will be undertaken with the Santa Monica Mountains Conservancy during construction activities and the first five years of project operation.

IV.C-6 Minimize disturbance to adjacent wildlife from any night lighting. The potentially-adverse effect of night lighting on the *Tujunga Wash Greenway & Stream Restoration Project* will be mitigated by the use of the following measures: 1) low intensity street lamps; 2) low elevation lighting poles; and 3) internal silvering of the globe or external opaque reflectors which direct light away from the restoration area. The degree to which these measures are utilized shall be dependent upon the distance of the light source from the urban edge.

CUMULATIVE IMPACTS

Los Angeles County is biologically diverse and contains both common and sensitive plant and animal species. However, as noted previously the project site has very limited resources to support biological resources due to its current urban use. In addition, The majority of projects occurring within this portion of the Los Angeles region are largely infill projects (similar to the proposed project) and have limited impacts on common or sensitive plant or wildlife species since most species would avoid these areas or are considered habitat generalist and highly tolerate of urban uses. As such, cumulative impacts on biological resources (including sensitive species and communities) or jurisdictional areas are less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Through the implementation of the mitigation measures described above, all the significant adverse impacts of the project and Add Area on biological resources will be avoided or substantially reduced. Therefore, no additional mitigation measures beyond those noted above are proposed or required.