

Section 4.3:
BIOLOGICAL RESOURCES

**EARVIN “MAGIC” JOHNSON RECREATION AREA MASTER PLAN
DRAFT ENVIRONMENTAL IMPACT REPORT**

4.3 BIOLOGICAL RESOURCES

This section describes the environmental and regulatory settings of biological resources, as they pertain to implementation of the proposed Project. Information given in this section is based on biological information obtained from available public resources including, but not limited to, the *Habitat Assessment* prepared by Michael Baker International, 2014 (Appendix B), the *County of Los Angeles General Plan (1980)*, multiple site visits, and available Geographical Information Systems (GIS) data and maps.

ENVIRONMENTAL SETTING

ONSITE CONDITIONS

The Project site is predominantly used as a recreational park in an urban setting. Within the existing EMJ Park are two artificially created lakes joined by a small concrete lined drainage with walking paths surrounding both lakes that connect into adjacent parking lots. Each lake has a small island in it, inaccessible to humans but used by wildlife, particularly waterfowl. The former Ujima Village Apartment Complex (UVA) site is located on the east side of the Project site. At the time the *Habitat Assessment* was prepared, the UVA site had been demolished, with only the concrete foundations, fencing, and trees remaining. Additionally, the Ujima Housing Corporation (UHC) site is located south of the UVA site. The UHC site includes a series of abandoned trailers that are no longer in use. A utility right-of-way easement (APN 6086031273), owned by the County Department of Water and Power (LACDWP), is also located on the Project site. It presently serves as a utility corridor for overhead electrical transmission lines.

OFFSITE CONDITIONS

The area surrounding the Project site is highly urbanized and entirely developed with transportation, residential, commercial, religious, and educational land uses. Residential communities are present in all directions, with shopping centers located to the west, south, and east. Several churches are located to the west and southwest, as well as Animo

Watts Charter High School, and the Los Angeles Adventist Academy and Centennial High School are located to the south and southeast, respectively. There are no open spaces or undeveloped, natural areas immediately surrounding the Project site or in the immediate vicinity of the Project site.

VEGETATION

The proposed Project site is characterized by three distinct communities: landscaped, artificial lake, and developed; refer to Exhibit 4.3-1, *Vegetation Map*.

LANDSCAPED

Most of the Project site consists of landscaped areas dominated by landscaped grass and ornamental/planted vegetation. Ground cover primarily consists of landscaped grass, with some disturbed areas consisting of ruderal/weedy plant species such as cheeseweed (*Malva parviflora*), pineapple weed (*Matricaria discoidea*), and stork's-bill (*Erodium* sp.) have established. A high number of trees has been planted throughout the site, with some of the more common species being eucalyptus (*Eucalyptus* sp.), Peruvian pepper (*Schinus molle*), pine (*Pinus* sp.), tipuf tree (*Tipuana tipu*), and sweetgum (*Liquidambar styraciflua*). Additionally, the island in the northern lake has a concentration of Mexican fan palm (*Washingtonia robusta*).

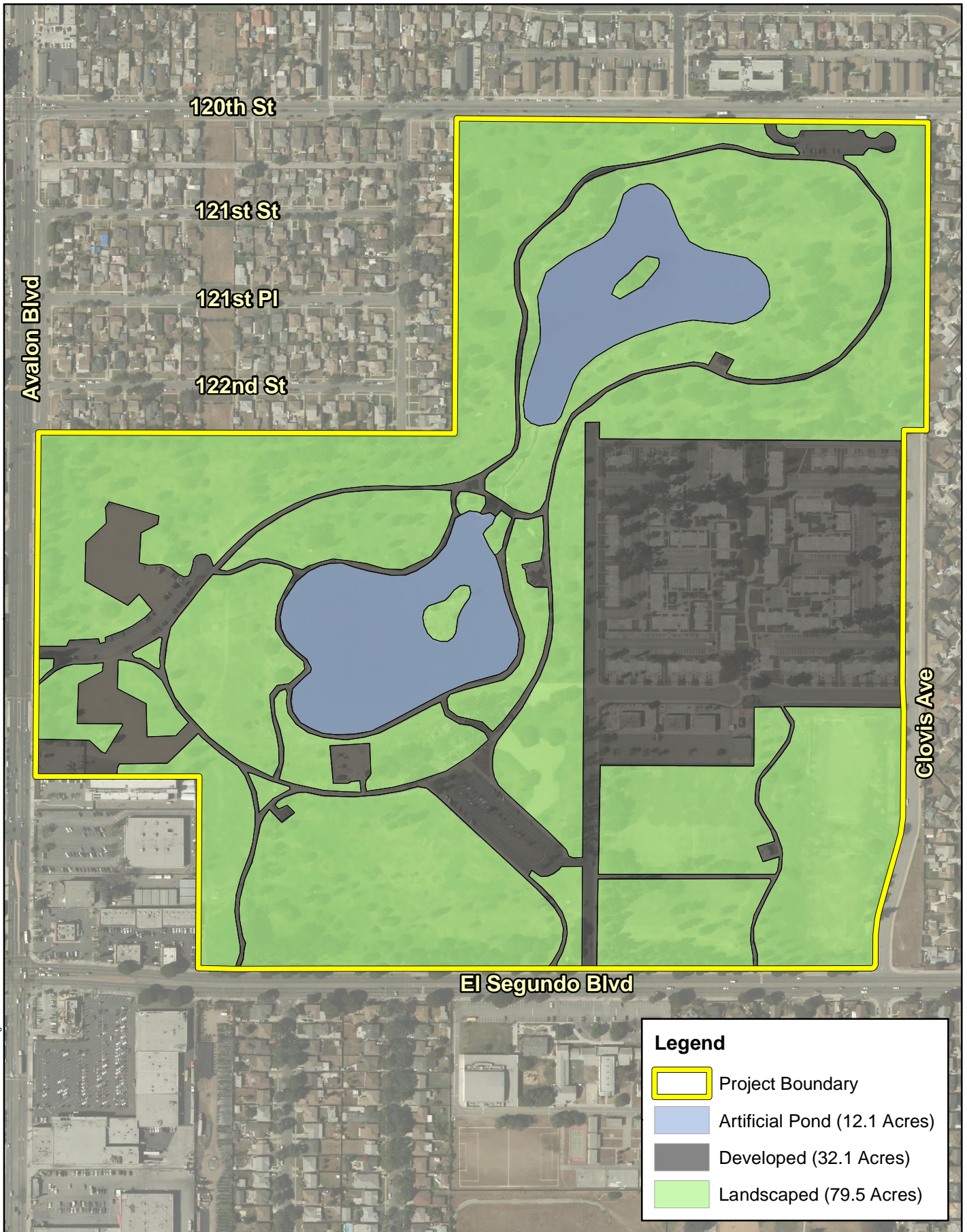
ARTIFICIAL LAKE

Two artificially created lakes are located within the existing EMJ Park. These are connected by a small concrete lined drainage. There are small islands that are impassible to pedestrians in the middle of each lake that are used by waterfowl.





DEVELOPED

The developed portions of the Project site consist of the concrete paths (walking trails) throughout EMJ Park, parking lots, paved roads (i.e. Wadsworth Avenue and East 126th Street), and the former UVA site.

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Legend

-  Project Boundary
-  Artificial Pond (12.1 Acres)
-  Developed (32.1 Acres)
-  Landscaped (79.5 Acres)

EARVIN "MAGIC" JOHNSON PARK MASTER PLAN
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Vegetation Map



Source: Eagle Aerial 2013

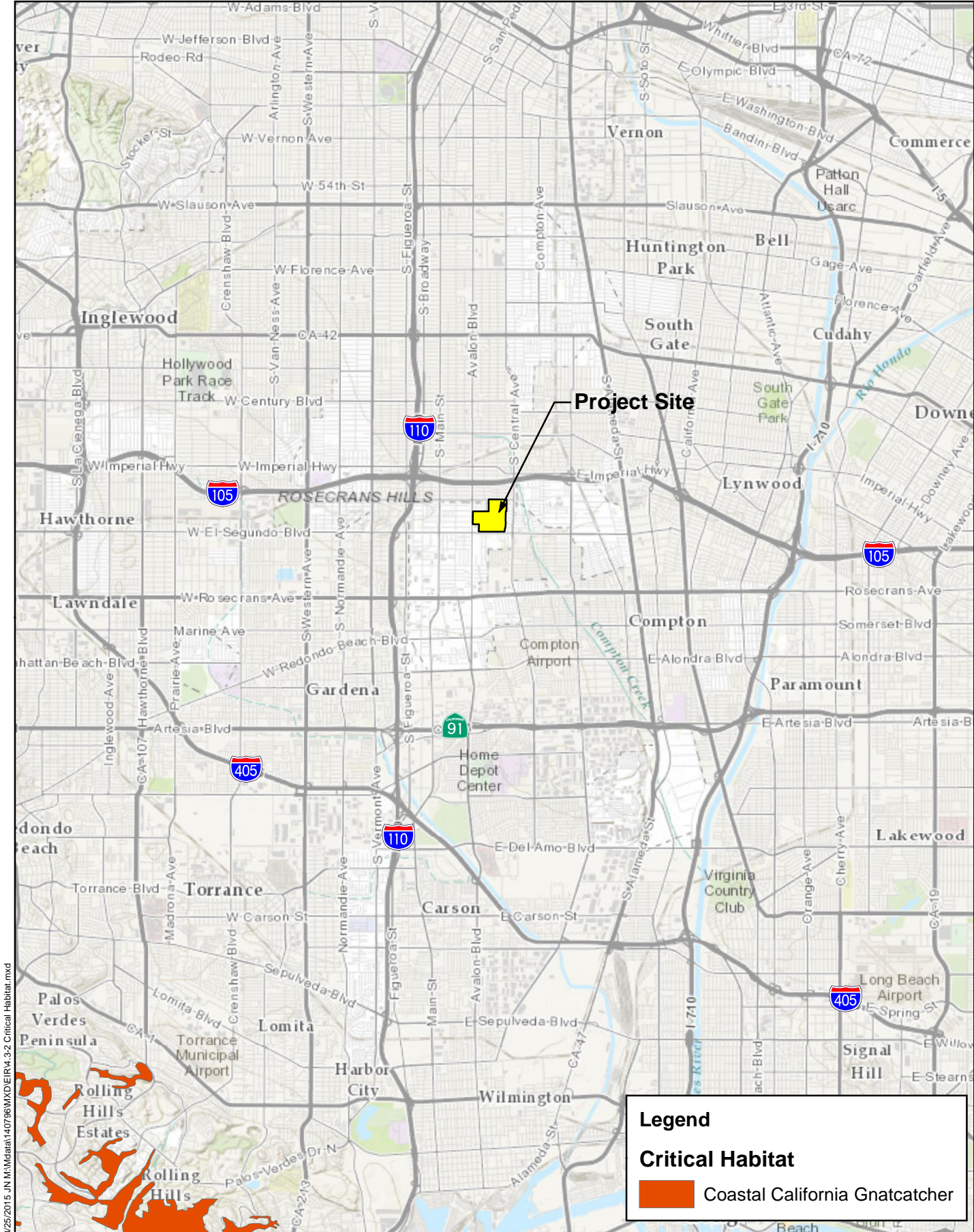
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SENSITIVE BIOLOGICAL RESOURCES

The biological resource analysis for the proposed Project area includes an evaluation of both onsite and offsite sensitive biological resources. The California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) identifies plants and habitats considered to be sensitive, due to their scarcity or their potential to support State and/or Federal listed endangered or threatened plants. The records of special-status species were reviewed that occur within the Inglewood 7.5-minute quadrangle. A search of published records of these species was conducted within this quadrangle using the CNDDDB Rarefind 5 online software. The CNPS Electronic Inventory of Rare, Threatened, and Endangered Plants of California supplied information regarding the distribution and habitats of vascular plants in the vicinity. The *Habitat Assessment* was used to assess the ability of the onsite plant communities to provide suitable habitat for relevant special-status plant and wildlife species.

The literature search identified seven sensitive plant species, eight sensitive wildlife species, and no sensitive habitats as having the potential to occur within the Inglewood quadrangle. Sensitive plant and wildlife species were evaluated for their potential to occur within the Project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions; refer to Exhibit 4.3-2, *Critical Habitat Map*.

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Legend

Critical Habitat

Coastal California Gnatcatcher

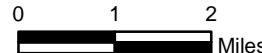
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Critical Habitat Map



Michael Baker
INTERNATIONAL



Source: ESRI World Topographic Map, USFWS Critical Habitat Portal

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SENSITIVE PLANTS

Seven special-status plant species have been recorded in the Inglewood quadrangle. Based on habitat requirements for specific species, availability and quality of habitats needed by each sensitive plant species, and *Habitat Assessment* results it was determined that the Project site does not contain suitable habitat to support any of the sensitive plant species since the Project site has been landscaped/developed and does not have any connection to undisturbed native habitats.

COASTAL DUNES MILK-VETCH

Coastal Dunes Milk-Vetch (*Astragalus tener* var. *titi*) occurs in coastal bluff scrub and on coastal dunes in moist, sandy depressions along and near the Pacific Ocean from 3 to 164 feet in elevation. It is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

LEWIS' EVENING-PRIMROSE

Lewis' evening-primrose (*Camissoniopsis lewisii*) occurs in sandy or clay soils within coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland from 0 to 984 feet in elevation. It is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

SOUTHERN TARPLANT

Southern Tarplant (*Centromadia parryi* ssp. *australis*) is found along the margins of marshes and swamps or in valley and foothill grassland, usually in alkaline soils sometimes with saltgrass, often near the coast, and is found from 0 to 1,575 feet in elevation. Although southern tarplant has the potential to occur in heavily disturbed areas, the majority of the project site has been landscaped with ornamental vegetation, routinely maintained, and is subject to a high level of human activity which has precluded this plant species from occurring on-site. In addition, there are no disturbed areas on-site that have pooling of water that would support this species. The closest documented occurrence of southern tarplant is located approximately 1.15 miles southwest of the project site in an undeveloped disturbed field in 2011. As a result, of

development of the site as a community park, this species is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

COULTER'S GOLDFIELDS

Coulter's Goldfields (*Lasthenia glabrata* ssp. *coulteri*) is usually found on alkaline soils in coastal salt marshes, playas, valley and foothills grassland, and vernal pools. It is often surrounded by other habitat types and found from 3 to 4,593 feet in elevation. Although Coulter's goldfields has the potential to occur in heavily disturbed areas, the majority of the project site has been landscaped with ornamental vegetation, routinely maintained, and is subject to a high level of human activity which has precluded this plant species from occurring on-site. In addition, there are no disturbed areas on-site that have pooling of water that would support this species. The closest documented occurrence of Coulter's goldfields is located approximately 6 miles northwest of the project site in 1901. As a result, of development of the site as a community park, this species is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

SPREADING NAVARRETIA

Spreading navarretia (*Navarretia fossalis*) occurs in vernal pools, chenopod scrub, marshes and swamps, and playas, particularly in swales and vernal pools. It is often surrounded by other habitat types from 98 to 2,182 feet in elevation. It is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

PROSTRATE VERNAL POOL NAVARRETIA

Prostrate Vernal Pool Navarretia (*Navarretia prostrate*) is found in alkaline soils or mesic areas within coastal scrub, valley and foothill grassland, and vernal pools from 49 to 2,297 feet in elevation. It is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

CALIFORNIA ORCUTT GRASS

California Orcutt grass (*Orcuttia californica*) occurs in vernal pools from 49 to 2,165 feet in elevation. It is presumed absent from the Project area as there is no suitable habitat for this vegetation onsite.

Table 4.3.1
Potentially Occurring Sensitive Plant Species

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur	
Plant Species					
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	Fed: CA: CNPS:	END END 1B.1	Occurs in coastal bluff scrub and on coastal dunes in moist, sandy depressions along and near the Pacific Ocean. From 3 to 164 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.
<i>Camissoniopsis lewisii</i> Lewis' evening-primrose	Fed: CA: CNPS:	None None 3	Occurs in sandy or clay soils within coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland. From 0 to 984 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.
<i>Centromadia parryi</i> ssp. <i>australis</i> southern tarplant	Fed: CA: CNPS:	None None 1B.1	Found along the margins of marshes and swamps or in valley and foothill grassland, usually in alkaline soils sometimes with saltgrass. Often near the coast. From 0 to 1,575 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.

Scientific Name Common Name	Status		Habitat	Observed Onsite	Potential to Occur
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	Fed: CA: CNPS:	None None 1B.1	Usually found on alkaline soils in coastal salt marshes, playas, valley and foothills grassland, and vernal pools. From 3 to 4,593 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.
<i>Navarretia fossalis</i> spreading navarretia	Fed: CA: CNPS:	THR None 1B.1	Occurs in vernal pools, chenopod scrub, marshes and swamps, and playas, particularly in swales and vernal pools. It is often surrounded by other habitat types. From 98 to 2,182 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.
<i>Navarretia prostrate</i> prostrate vernal pool navarretia	Fed: CA: CNPS:	None None 1B.1	Found in alkaline soils or mesic areas within coastal scrub, valley and foothill grassland, and vernal pools. From 49 to 2,297 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.
<i>Orcuttia californica</i> California Orcutt grass	Fed: CA: CNPS:	END END 1B.1	Occurs in vernal pools. From 49 to 2,165 feet in elevation.	No	Presumed absent. There is no suitable habitat onsite.

SENSITIVE WILDLIFE SPECIES

Eight special-status wildlife species have been recorded in the Inglewood quadrangle. Based on habitat requirements for specific species, availability and quality of habitats needed by each sensitive wildlife species, and *Habitat Assessment* results, it was

determined that the Project site has a low potential to support western mastiff bat (*Eumops perotis californicus*) and pocketed free-tailed bat (*Nyctinomops femorosaccus*). All other special-status species are presumed absent due to lack of suitable habitat.

BURROWING OWL

The burrowing owl (*Athene cunicularia*) occurs in dry, open areas such as grasslands, prairies, savannas, deserts, farmlands, golf courses and other urban areas. Despite a systematic search of potentially suitable burrows and open habitat throughout the project site, no burrowing owl or sign (pellets, feathers, castings, or white wash) was observed during the habitat assessment. The heavy disturbances associated with development of the park and routine human activities the disking activities have likely precluded burrowing owls from inhabiting the project site. Due to the lack of burrowing owl sign and suitable burrows, burrowing owl are presumed not to occupy the project site and have a low potential to occur on site.

SOUTHWESTERN WILLOW FLYCATCHER

The southwestern willow flycatcher (*Empidonax traillii extimus*) occurs in riparian woodlands in southern California, and typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist. The southwestern willow flycatcher is presumed absent from the Project area as the site does not contain large areas of riparian forest that this species requires.

WESTERN MASTIFF BAT

The western mastiff bat (*Eumops perotis californicus*) is primarily a cliff-dwelling species that roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.

There is marginal habitat for the western mastiff bat on the Project site. This species could potentially roost in the tall trees and forage onsite.

SOUTH COAST MARSH VOLE

The south coast marsh vole (*Microtus californicus stephensi*) occurs in tidal marshes in Los Angeles, Orange, and Ventura Counties. There is no suitable habitat for the south coast marsh vole as the Project site does not include any marshes.

POCKETED FREE-TAILED BAT

The pocketed free-tailed bat (*Nyctinomops femorosaccus*) roosts primarily in crevices of rugged cliffs, high rocky outcrops and slopes. It has been found in a variety of plant associations, including desert shrub and pine-oak forests. The species may also roost in buildings, caves, and under roof tiles.

There is marginal habitat for the pocketed free-tailed bat on the Project site. This species could roost in some of the buildings onsite.

COAST HORNED LIZARD

The coast horned lizard (*Phrynosoma blainvillii*) is found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge. There is no suitable habitat for the coast horned lizard as the Project site does not contain the basic habitat elements that this species requires.

COASTAL CALIFORNIA GNATCATCHER

The coastal California gnatcatcher (*Polioptila californica gnatcatcher*) is an obligate resident of sage scrub habitats that are dominated by California sagebrush (*Artemisia californica*). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation. There is no suitable habitat for the coastal California gnatcatcher as this species is found in sage scrub.

AMERICAN BADGER

The American Badger (*Taxidea taxus*) primarily occupies grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. It is occasionally found in open chaparral with less than 50 percent plant cover and riparian zones. There is no suitable habitat on the Project site as there are no suitable burrows onsite and the extensive urbanization around the site combined with the site's high usage precludes this species from occurring.

**Table 4.3.2
Potentially Occurring Sensitive Wildlife Species**

Scientific Name Common Name	Status		Habitat	Observed Onsite	Potential to Occur
Wildlife Species					
<i>Athene cunicularia</i> burrowing owl	Fed: CA:	None CSC	Occurs in dry, open areas such as grasslands, prairies, savannas, deserts, farmlands, golf courses and other urban areas	No	Presumed absent. There is no suitable habitat. The site lacks suitable burrows and other necessary elements for this species to occur.
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	Fed: CA:	END END	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	Presumed absent. There is no suitable habitat. The site does not contain the large areas of riparian forest that this species requires.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: CA:	None CSC	Primarily a cliff-dwelling species, roost generally under	No	Low. There is marginal habitat. This species could

Scientific Name Common Name	Status		Habitat	Observed Onsite	Potential to Occur
			exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.		potentially roost in the tall trees and forage onsite.
<i>Microtus californicus stephensi</i> south coast marsh vole	Fed: CA:	None CSC	Occurs in tidal marshes in Los Angeles, Orange, and Ventura Counties.	No	Presumed absent. There is no suitable habitat. The site does not contain any tidal marshes.
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	Fed: CA:	None CSC	Roosts primarily in crevices of rugged cliffs, high rocky outcrops and slopes. It has been found in a variety of plant associations, including desert shrub and pine-oak forests. The species may also roost in buildings, caves, and under roof tiles.	No	Low. There is marginal habitat. This species could roost in some of the buildings onsite.

Scientific Name Common Name	Status		Habitat	Observed Onsite	Potential to Occur
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: CA:	None CSC	Coast	No	Presumed absent. There is no suitable habitat. The site does not contain the basic habitat elements that this species requires.
<i>Polioptila californica</i> coastal California gnatcatcher	Fed: CA:	THR CSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (<i>Artemisia californica</i>). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	Presumed absent. There is no suitable habitat. This species is found in sage scrub.
<i>Taxidea taxus</i> American badger	Fed: CA:	None CSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed absent. There is no suitable habitat. There are no suitable burrows onsite and the extensive urbanization around the site combined with the site's high usage precludes this species from occurring.

SENSITIVE PLANT COMMUNITIES

The CNDDDB does not show any sensitive vegetation communities occurring within the Inglewood quadrangle.

JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The U.S. Army Corps of Engineers (Corps) Regulatory Division regulates discharge of dredge or fill materials into "waters of the United States" pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Water Quality Control Board (RWQCB) regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The site does not contain any naturally occurring streambeds, lakes or wetlands and associated habitats that are typically regulated by the Corps, RWQCB, or CDFW under the CWA, the California Porter-Cologne Water Quality Control Act and Fish and Game Code, respectively.

MIGRATORY CORRIDORS AND LINKAGES

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species but inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The Project site is surrounded on all sides by urban development and does not provide a corridor between undisturbed areas. The two lakes within EMJ Park may provide valuable stopover resting habitat for migrating waterfowl and the numerous trees and lawn throughout the site may provide foraging habitat for migrating passerines (e.g. warblers and sparrows, respectively), but otherwise the site does not serve as a migratory corridor or linkage.

REGULATORY FRAMEWORK

FEDERAL

FEDERAL ENDANGERED SPECIES ACT

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA) of 1973. "Take" under the ESA is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." "Harm" has been defined by the regulations of the United States Fish and Wildlife Service (USFWS) to include types of "significant habitat modification or degradation." The U.S. Supreme Court, in *Babbitt v. Sweet Home*, 515 U.S. 687, ruled that "harm" may include habitat modification "...where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." Activities that may result in "take" of individuals are regulated by USFWS.

USFWS produced an updated list of candidate species for listing in June 2002 (Federal Register: Volume 67, Number 114, 50 CFR Part 17). Candidate species are regarded by USFWS as candidates for addition to the "List of Endangered and Threatened Wildlife and Plants." Although candidate species are not afforded legal protection under the ESA, they typically receive special attention from Federal and State agencies during the environmental review process.

The Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species, or destroy or adversely modify its critical habitat, if any is designated. Activities requiring Federal

involvement (e.g., a Section 404 permit under the Clean Water Act) that may affect an endangered species on Federal or private land must be reviewed by the USFWS who would determine whether or not the continued existence of the listed species is jeopardized.

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union, and authorizes the protection of nesting birds that are both residents and migrants, whether or not they are considered sensitive by resource agencies. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21). The USFWS in coordination with the CDFW administers the MBTA.

CLEAN WATER ACT SECTION 404

Areas meeting the regulatory definition of "Waters of the United States" are subject to the regulatory jurisdiction of the U. S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) (1972). The USACE, under provisions of Section 404 of the CWA, has jurisdiction over "Waters of the United States" (jurisdictional waters). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U. S., the territorial seas, and wetlands adjacent to Waters of the U.S. (33 CFR, Part 328, Section 328.3).

Areas generally not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and, under certain circumstances, water-filled depressions created in dry land incidental to construction activity (51 Federal Register 41217, November 13, 1986).

STATE

CALIFORNIA ENVIRONMENTAL POLICY ACT

CEQA requires that biological resources be considered when assessing the environmental impacts resulting from proposed actions. Lead agencies are charged with evaluating available data and determining what specifically should be considered an adverse effect.

CALIFORNIA FISH AND GAME (CDFW) CODE

CDFW regulates not only the discharge of dredged or fill material, but all activities that alter streams and lakes and their associated habitat. The CDFW, through provisions of the California Fish and Game Code (Sections 1601-1603), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. The CDFW typically extends the limits of their jurisdiction laterally beyond the channel banks for streams that support riparian vegetation. In these situations, the outer edge of the riparian vegetation is generally used as the lateral extent of the stream and CDFW jurisdiction. CDFW regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFW. While seasonal ponds are within the CDFW definition of wetlands, they are not part of a river, stream, or lake, and may, or may not, be subject to the jurisdiction of CDFW under Sections 1601-1603 of the Fish and Game Code.

The CDFW administers the State Endangered Species Act. The State of California considers an endangered species one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management and a rare species is present in such small numbers throughout its range that it may become endangered if its present environment worsens. Rare species applies to California native plants.

As with the MBTA, similar provisions within the California Fish and Game Code protect all native birds of prey and their nests (FGC §3503.5), and all non-game birds (other than those not listed as Fully Protected) that occur naturally in the State (§3800). Species that

are California fully protected include those protected by special legislation for various reasons, such as the California condor. Species of Special Concern is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered, such as the burrowing owl. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW.

CALIFORNIA NATIVE PLANT SOCIETY (CNPS) RARE OR ENDANGERED PLANT SPECIES

Vascular plants listed as rare or endangered by the CNPS (2001), but which have no designated status under State or Federal endangered species legislation, are defined as follows:

- 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).
- List 4. Plants of limited distribution (a watch list).

LOCAL

LOS ANGELES COUNTY GENERAL PLAN

Conservation and Open Space Element

Objective To preserve and protect prime agricultural lands, forests, fisheries, significant ecological areas and other biotic resources.

Conserve natural areas

The variety and stability of plant and animal communities requires the preservation of important natural habitat areas. These are threatened by land development and the resultant extension of roads through environmentally sensitive areas.

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| Policy 7 | Preserve significant ecological areas and habitat management areas by appropriate measures, including preservation, mitigation, and enhancement. |
| Policy 12 | Protect watershed, streams, and riparian vegetation to minimize water pollution, soil erosion and sedimentation, maintain natural habitats, and aid in groundwater recharge. |
| Policy 13 | Encourage open space easements and dedications as a means of meeting scenic, recreational, and conservation needs. |

IMPACT ANALYSIS AND MITIGATION MEASURES

METHODOLOGY

An evaluation of the significance of potential impacts on biological resources must consider both direct effects to the resource as well as indirect effects in a local or regional context. Potentially significant impacts would generally result in the loss of a biological resource or obviously conflict with local, state, or federal agency conservation plans, goals, policies, or regulations. Actions that would potentially result in a significant impact locally may not be considered significant under CEQA if the action would not substantially affect the resource on a population-wide or region wide basis.

THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, implementation of the proposed plan may have a significant adverse impact on biological resources if it would do any of the following:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

- Have 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

PROJECT IMPACTS AND MITIGATION

<i>Threshold:</i>	<i>Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i>
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Impact 4.3-1 **Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact would be *less than significant with mitigation incorporated.***

A *Habitat Assessment* was conducted by Michael Baker International for the proposed Project site. Two sensitive species have been recorded as having potential to occur in the Project site, neither of which were observed:

- Western mastiff bat (*Eumops perotis californicus*)
- Pocketed free-tailed bat (*Nyctinomops femorosaccus*)

These species were determined to potentially roost in trees and/or buildings onsite. Project implementation would only temporarily remove these potential roosting areas. As the proposed Project includes landscaping and additional buildings, potential roosting sites would continue to be provided. Because of this potential, vegetation removal activities associated with construction should be conducted outside of the bat maternity season to avoid impacts to bats. Mitigation Measure BIO-1 identifies that if construction grubbing will occur during the bat maternity season, a pre-construction clearance survey shall be conducted to ensure no bats are roosting on or within 300 feet of the Project site.

The *Habitat Assessment* determined that the plant communities onsite do not have the potential to provide suitable habitat for any of the sensitive plant and wildlife species known to occur in the general area. However, vegetation within the Project site has the potential to provide suitable nesting opportunities for avian species. Because of this potential, vegetation removal activities associated with construction should be conducted outside of the avian breeding season to avoid impacts to nesting birds. Mitigation Measure BIO-1 identifies that if construction grubbing will occur during the avian breeding season, a pre-construction nesting bird clearance survey shall be conducted to ensure no birds are nesting on or within 300 feet of the Project site.

As previously stated, there is only low potential for two sensitive species, primarily due to a lack of available habitat and the low quality of that potential habitat, in addition to the fact that these species were not observed and are the only special-status species associated with the proposed Project site, impacts are less than significant.

MM BIO-1

If ground-disturbing activities are scheduled within the maternity season (breeding season), April 1 – September 30, avoidance measures must be implemented, and a pre-construction clearance survey should be conducted no more than 3 days prior to any maintenance activities to ensure that a bat nursery is not present and disturbances to roosting bats will be avoided. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to bat nurseries will occur. If an active bat nursery is discovered during the pre-construction clearance survey, maintenance activities will not be allowed to begin until breeding is complete and young are reared.

If maintenance activities are scheduled outside of the breeding season, October 1 to March 31, bats can be flushed from roosting locations, if present. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away.

Bats should be determined to be absent or flushed from roost locations prior to the commencement of ground disturbing activities.

MM BIO-2

If construction related clearing of vegetation (grubbing) will occur during the avian breeding season, a pre-construction nesting bird clearance survey shall be conducted to ensure no birds are nesting on or within 300 feet of the affected area.

If an active avian nest is discovered during the pre-construction clearance survey, construction activities will rerouted, a no-work buffer will be established around the nest, or construction will be delayed until the nest is inactive. It is recommended that a biological monitor be present to delineate the boundaries of the buffer area if an active nest is observed and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the qualified biologist has determined that young birds have successfully fledged or the nest has otherwise become inactive, a monitoring report shall be prepared and submitted for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until written authorization is received by the applicant from CDFW.

<i>Threshold:</i>	<i>Would the Project have 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i>
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Impact 4.3-2 **Implementation of the Project would not have 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact would be *less than significant with mitigation incorporated.***

As described in the *Habitat Assessment*, the only bodies of water on the Project site are two artificial lakes connected by a concrete channel. The vicinity of the Project consists entirely of a heavily urbanized area that contains no wetlands of any kind. Therefore, with implementation of Mitigation Measure BIO-1 and Mitigation Measure BIO-2, there would be no impacts to any riparian habitat or other sensitive natural community. Although implementation of the Project would not adversely affect any riparian habitat or other sensitive natural community, permits from the Corps, LARWQCB, and/or CDFW may be required for modifications to the artificial lakes and connecting concrete channel. The County will consult with these regulatory agencies to determine if permits are required and if so, obtain applicable permits.

<i>Threshold:</i>	<i>Would the Project have a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>
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Impact 4.3-3 **Implementation of the Project would not have a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. There would be *no impact*.**

As described in the *Habitat Assessment* and response to Impact 4.3-2, above, the only bodies of water on the Project site are two artificial lakes connected by a concrete channel. During the *Habitat Assessment*, no drainage features or isolated wetland features were observed within the Project site that would typically be considered jurisdictional by the Corps, RWQCB, or CDFW. Although implementation of the Project would not adversely affect any federally protected wetlands, permits from the Corps, LARWQCB, and/or CDFW may be required for modifications to the artificial lakes and connecting concrete channel. The County will consult with these regulatory agencies to determine if permits are required and if so, obtain applicable permits.

<i>Threshold:</i>	<i>Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i>
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Impact 4.3-4 **Implementation of the 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. There would be *no impact*.**

The Project site is surrounded on all sides by urban development and does not provide a corridor between undisturbed areas. Although the two artificial lakes within EMJ Park may provide valuable stopover resting habitat for migrating waterfowl and the numerous trees and lawn throughout the site may provide foraging habitat for migrating passerines (warblers, sparrows, etc.), the site does not serve as a migratory corridor or linkage. Although the existing lakes and connecting channel would be modified as part of the proposed Project, EMJ Park would continue to have a lake and linear water feature that would continue to provide stopover resting habitat for migrating water fowl. The proposed improvements would be phased throughout the site so the entire site would not be affected by construction activities and would continue to provide foraging habitat for migrating passerines. Therefore, no impacts would occur.

<i>Threshold:</i>	<i>Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>
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Impact 4.3-5 **Implementation of the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be *no impact*.**

The proposed Project is an expansion and renovation of an existing public park. Any local policies and ordinances that currently apply to the Project site would not change. Therefore, no impacts would occur.

<i>Threshold:</i>	<i>Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>
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Impact 4.3-6 **Implementation of the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be *no impact*.**

The County has adopted the Significant Ecological Area (SEA) program for land that contains irreplaceable biological resources. The proposed Project site is not located in a SEA, nor in any other habitat conservation plan at the regional or state level. Therefore, no impacts would occur.

CUMULATIVE IMPACTS

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that substantially diminish or result in the loss of an important biological resource, or those that would conflict with Federal, State, and/or local resource conservation plans, goals, or regulations. Impacts can be locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

There are no significant biological resources on the proposed Project site. Therefore, impacts would be less than significant.

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