

3.3 Biological Resources

As a result of the analysis undertaken in the Initial Study for the proposed 2009 Master Plan, the LACCD determined that the proposed project may result in environmental impacts to Biological Resources. Therefore, this issue is being carried forward for detailed analysis in this EIR. This analysis was undertaken to identify opportunities to avoid, reduce, or otherwise mitigate potential significant impacts to Biological Resources and to identify potential alternatives.

The analysis of Biological Resources consists of a summary of the regulatory framework that guides the decision-making process, the existing conditions at the proposed 2009 Master Plan area, thresholds for determining whether the proposed project would result in significant impacts, anticipated impacts (direct, indirect, and cumulative), mitigation measures, and level of significance after mitigation. The potential for impacts to Biological Resources¹ by the proposed 2009 Master Plan have been evaluated in accordance with Appendix G of the CEQA Guidelines.²

3.3.1 Setting

3.3.1.1 Regulatory Setting

This section of the EIR is intended to describe the natural resource laws and regulations that are applicable to the proposed 2009 Master Plan.

Federal

Clean Water Act

The purpose of the Clean Water Act (CWA) is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Section 404 of the CWA prohibits the discharge of dredged or fill material into “waters of the United States” without a permit from the ACOE. The definition of waters of the United States includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas “that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 Code of Federal Regulations [CFR] 328.3 7b).

The EPA also has authority over wetlands and may override an ACOE permit. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the Regional Water Quality Control Board (RWQCB).

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) protects plants and wildlife that are listed by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS)

¹ For the purposes of this analysis, biological resources include the plants, wildlife, and habitats that occur, or have the potential to occur, within the project’s study area.”

² California Code of Regulations, Title 24, Division 6, Chapter 3, Sections 15000-15387. Available at: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/

as endangered or threatened. Section 9 of FESA prohibits the “taking” of endangered wildlife, where “taking” is defined as any effort to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 United States Code [USC] § 1538).

Under Section 7 of FESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. FESA specifies that the USFWS designate habitat for a species at the time of its listing in which are found the physical or biological features “essential to the conservation of the species,” or which may require “special management consideration or protection...” (16 USC §1533(a)(3).2; 16 USC §1532(a)(5)). This designated Critical Habitat is then afforded the same protection under the FESA as individuals of the species itself, requiring issuance of an Incidental Take Permit prior to any activity that results in “the destruction or adverse modification of habitat ... determined ... to be critical” (16 USC §1536(a)(2)).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations created to protect migratory birds, any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit.

As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry; raptor propagation; scientific collecting; special purposes (rehabilitation, education; migratory game bird propagation and salvage); take of depredating birds taxidermy; and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code (CFGC).

Executive Orders

- Invasive Species—Executive Order (EO) 13112 (1999), issued on February 3, 1999, promotes the prevention and introduction of invasive species and provides for their control, and minimizes the economic, ecological, and human health impacts that invasive species cause through the creation of the Invasive Species Council and Invasive Species Management Plan.
- Protection of Wetlands—EO 11990 (1977), issued on May 24, 1977, helps avoid the long-term and short-term adverse impacts associated with destroying or modifying wetlands, and avoiding direct or indirect support of new construction in wetlands when there is a practicable alternative.

- Migratory Bird—EO 13186 (2001), issued on January 10, 2001, promotes the conservation of migratory birds and their habitats and directs federal agencies to implement the Migratory Bird Treaty Act.
- Protection and Enhancement of Environmental Quality—EO 11514 (1970), issued on March 5, 1970, supports the purpose and policies of NEPA and directs federal agencies to take measures to meet national environmental goals.

State

California Fish and Game Code (CFGC)

Sections 1600 through 1606 of the CFGC require that a Streambed Alteration Application be submitted to the CDFG for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The CDFG reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the department and the applicant is the Streambed Alteration Agreement. Often, projects that require a Streambed Alteration Agreement also require a permit from the ACOE under Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the Streambed Alteration Agreement may overlap.

Furthermore, Section 3500 (*et seq.*) of the CFGC prohibits destruction of the nests or eggs of most native resident and migratory bird species. § 3503.5 of the CFGC specifically prohibits the taking of raptors or destruction of their nests or eggs. Additionally, the State of California first began to designate species as “Fully Protected” prior to the creation of the California Endangered Species Act (CESA) and FESA. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, mammals, amphibians and, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CFGC Section 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, CDFG prohibits any state agency from issuing incidental take permits for fully protected species, except for necessary scientific research.

California Endangered Species Act

The CESA generally parallels the main provisions of the federal ESA, but unlike its federal counterpart, CESA applies the take prohibitions to species proposed for listing (called “candidates” by the state) and has a much narrower definition of “take.” Section 2080 of the CFGC prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations.

“Take” is defined in Section 86 of the CFGC as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with CDFG to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered or threatened species.

Native Plant Protection Act

The NPPA of 1977 (CFGC §§ 1900-1913) was created with the intent to “preserve, protect and enhance rare and endangered plants in this State.” The NPPA is administered by CDFG. The Fish and Game Commission has the authority to designate native plants as “endangered” or “rare,” and to protect endangered and rare plants from take. The California Endangered Species Act of 1984 (CFGC §§ 2050-2116) provided further protection for rare and endangered plant species, but the NPPA remains part of the Fish and Game Code.

Local and Regional Considerations

County of Los Angeles Significant Ecological Areas (SEA)

The County of Los Angeles has designated specific natural areas throughout the county that are ecologically fragile or important land and water areas supporting valuable plant or animal communities. These areas are known as Significant Ecological Areas (SEA) and are deserving of preservation and protection for the maintenance of biodiversity. Any development within a SEA would be subject to a Biological Constraints Analysis and review by the Los Angeles County Department of Regional Planning. When a project affects a SEA, the department’s Significant Ecological Area Technical Advisory Committee (SEATAC) reviews the proposed project and its potential impacts on SEA. Approval, mitigation, project alternations, or a combination of the thereof, would be recommended by SEATAC. Application of a conditional use permit may be required if any construction activities are proposed within the SEA boundary.

Los Angeles County Oak Tree Ordinance

Activities pertaining to the removal of oak trees within County of Los Angeles jurisdiction would be subject to permitting ordinances codified by the County of Los Angeles and would be reviewed by the County Planning Director. Application of a conditional use permit would be required for any activity involving removing or relocating heritage oak trees, as defined in Section 22.56.2060 of the county ordinance. An oak resource report would then be reviewed by the county-approved professional and fire warden for accuracy, with the oak resource value calculated according to the International Society of Arboriculture’s *Guide to Establishing Values for Trees and Shrubs*.

City of Los Angeles General Plan

The City of Los Angeles General Plan Conservation Element discusses protection of endangered species and habitats that support wildlife (City of Los Angeles, 2001). Endangered species objectives, policies, and programs outlined in the City of Los Angeles General Plan seek to protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats. Policies include continuing to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities. Habitat policies discussed in the City of Los Angeles General Plan seek to preserve, protect, restore, and enhance natural plant and wildlife diversity, habitats, corridors, and linkages so as to enable the survival of native species. Policies include continuing to identify significant habitat areas, corridors, and buffers and taking measures to protect, enhance, and/or restore them.

City of Los Angeles Municipal Code

The City of Los Angeles Municipal Code (LAMC SECTION 46.00 through 46.06 and LAMC SECTION 12.21 A 12, 17.02, 17.05, 17.06, 17.51, 17.52) protects any of the following southern California native tree species which measure four inches or more in cumulative diameter, four-and-one-half feet above ground level at the base of the tree: all native oak tree species (*Quercus* sp.); California Sycamore (*Platanus racemosa*); California Bay (*Umbellularia californica*); and California Black Walnut (*Juglans californica*). Removal of protected trees requires a removal permit from the Board of Public Works. Any act that may cause the failure or death of a protected tree requires inspection by the Urban Forestry Department (UFD).

3.3.1.2 Environmental Setting

This section describes and evaluates on-site habitat conditions and determines the potential for occurrence of biological resources, common and special-status species³, their habitats, and other special aquatic resources areas⁴ within study area limits. For the purposes of this section, the term “study area” is defined as the proposed 2009 Master Plan’s physical ground-disturbance footprint (footprint), plus a 500-foot buffer to account for potential field implementation changes, where practical.⁵ The study area is predominately located at 13356 Eldridge Avenue, within the City of Los Angeles, in the community of Sylmar, California. The study area includes the Main Campus, East Campus, and the proposed Athletic Fields. Both the Nursery Property and Eldridge Avenue Streetscape Improvements are located within the Main Campus study area.

Regional

The LAMC Main Campus, East Campus, Nursery Property, and Athletic Fields are situated in the foothills of the San Gabriel Mountains and are located on the edge of a highly urbanized area (e.g., the San Fernando Valley). As such, they provide limited native scrub and open space. However, the Athletic Fields portion of the study area does extend into the Pacoima Wash. The Pacoima Wash is unique because it connects natural open space and undeveloped locales essential for the regional long-term viability of plants and wildlife. Additionally, Pacoima Wash has the ability to function as a local wildlife movement corridor within Los Angeles County and enhance the value of open space and undisturbed habitats within the region. In this context, Pacoima Wash actually complements the long-term preservation of the ecological processes within the area and is important to the cohesiveness and quality of the surrounding land for ecological purposes. Nonetheless, the preliminary literature review did not indicate that the study area is within any identified potential linkage areas (Penrod et al., 2004).

³ For the purposes of this analysis, “special-status species” include any species that has been afforded special recognition by federal, state, or local resources agencies (e.g., U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Game (CDFG), etc.), and/or resource conservation organizations (e.g., California Native Plant Society [CNPS]). The term “special-status species” excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection.

⁴ For the purposes of this analysis, special aquatic resource areas are defined as **potential**: ACOE jurisdiction pursuant to Section 404 of the Clean Water Act (CWA); RWQCB legal authority in accordance with Section 401 of the CWA; and CDFG jurisdiction pursuant to Section 1600 (et seq.) of the CFG Code.

⁵ Where access to the entire study area was not possible as a result of private property, topographic relief, or physical barriers, observations were made from nearest appropriate vantage points with binoculars or via aerial photographic interpretation.

Los Angeles Mission College Campuses and Athletic Fields

Nine special-status plant species are reported to occur within the San Fernando USGS quadrangle surrounding the study area. Four of these species are protected by the federal and/or state Endangered Species Act (ESA). Of the nine special-status plant species identified, five were determined to have a *Moderate* potential for occurrence designation within the study area, as detailed in Section 3.3.3.1 below. Accordingly, further studies have been completed to determine the likely presence/absence, and project-related effects on these species—which may, in certain circumstances, obligate implementation of specific programs to avoid, minimize, or compensate for adverse impacts.

Furthermore, eight special-status wildlife species are reported to occur within the San Fernando USGS quadrangle surrounding the study area. Five of these species are protected by the federal and/or state ESA. Of the eight special-status wildlife species identified, three were determined to have either a *Moderate* or *High* potential for occurrence designation within the study area, as detailed in Appendix D-3 and Section 3.3.3.1 below. As such, further studies have been completed to determine the likely presence/absence, and project-related effects on these species—which may, in certain circumstances, obligate implementation of specific programs to avoid, minimize, or compensate for adverse impacts.

In summation, historical records of special-status species that have occurred within the study area (CNDDDB, 2009) and preliminary field survey data from Spring 2009 surveys identified native coastal sage scrub, alluvial fan sage scrub and willow riparian habitats within the study area. Only the Athletic Fields included native coastal sage scrub, alluvial fan sage scrub and willow riparian habitats (Figures 3.3-1, 3.3-2, and 3.3-3). The 2009 field surveys of suitable habitat suggest that the Athletic Fields located with the study area support special-status species (e.g., least Bell's vireo and special status plants). Consequently, within the LAMC Main Campus, East Campus, and Nursery Property there was no suitable habitat present for any special-status species, or only negligible suitable habitat was present. Accordingly, special status species are considered to be *Absent* or have a *Low* potential for occurrence designation within the LAMC Main Campus, East Campus, and Nursery Property portions of the study area, as detailed in Appendix D-3 and Section 3.3.3.1 below.

3.3.2 Significance Thresholds

As noted in the Initial Study, for the purposes of this EIR, and in accordance with Appendix G of the CEQA Guidelines, an impact to Biological Resources is considered significant if the proposed 2009 Master Plan would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG 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, regulations or by the CDFG or US Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

Figure 3.3-1 Vegetation Communities – Athletic Fields

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Figure 3.3-2 Vegetation Communities – Main Campus and Nursery Property

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Figure 3.3-3 Vegetation Communities – East Campus

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- 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; and/or
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The following threshold question was found not to be applicable to this project in the Initial Study:

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.3.3 Environmental Impact Analysis

3.3.3.1 Methodology

Prior to beginning a field survey, available information was reviewed from resource management plans and other relevant documents to determine the locations and types of biological resources that have the potential to exist within and adjacent to the study area. The March 2009 California Natural Diversity Database (CNDDDB) maintained by the CDFG (CDFG, 2009), and California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (CNPS, 2009) were also queried for records of occurrence of special-status species and habitats within the San Fernando USGS 7.5-minute quadrangle. Additional available information was reviewed from resource management plans and other documents containing information on resources within the vicinity: Burt & Grossenheider, 1980; CDFG & Western Field Ornithologists, 2008; Evans & Hogue, 2006; Garrett & Dunn, 1981; Hall, 1981; Hickman, 1993; Holland, 1986; Jennings & Hayes., 1994; Kirkpatrick & Hutchinson, 1977; Sawyer & Keeler-Wolf, 1995; Sherbrooke, 2003; Sibley, 2000; Soil Survey Staff, 2008; Stebbins, 2003; Stuart & Sawyer, 2001. Furthermore, the South Coast Missing Linkages reports (Penrod et al., 2004) and USFWS Critical Habitat Mapper (USFWS 2008) were utilized to complete a preliminary review of existing wildlife corridors and linkage within the region.

A field survey was also performed to assess general and dominant vegetation types, community sizes, habitat types, and species present within communities. Community types were based on observed dominant vegetation composition and density. Vegetation classifications of plant communities in the study area were derived from the criteria and definitions of Holland (1986) and Sawyer and Keeler-Wolf (1995). Plants of uncertain identity were collected and subsequently identified from taxonomic keys (Hickman, 1993) and field guides (Stuart & Sawyer, 2001). Scientific and common species names were recorded according to The Jepson Manual: Higher Plants of California. A list of observed plant species is provided in Appendix D-1.

The presence of a wildlife species was based on direct observation, wildlife sign (e.g., tracks, burrows, nests, scat), or vocalization. Field data compiled for wildlife included the species' scientific name, common name, habitat, and evidence of sign when no direct observations were made. Wildlife of uncertain identity were identified and named based on field guides, web sites, and other related literature (Burt & Grossenheider, 1980; Elbroch, 2003; Sibley, 2000 and Stebbins, 2003). A list of observed animal species is presented in Appendix D-2.

Furthermore, the potential for occurrence of common and special-status species was determined for the study area (Appendix D-3); these results are also summarized above in Section 3.3.1.5. The study area was assessed in the field for its potential to support both common and special-status plant and animal species based on habitat suitability comparisons with reported occupied habitats. The following definitions of potential for occurrence were utilized to determine the need for subsequent focused surveys within the study area, and assess project-related effects:

- **Absent:** Species distribution is restricted by substantive habitat requirements, which do not occur within the study area, and no further survey or study is obligatory to determine likely presence or absence of this species.
- **Low:** Species distribution is restricted by substantive habitat requirements, which are negligible within the study area, and no further survey or study is obligatory to determine likely presence or absence of this species.
- **Moderate:** Species distribution is restricted by substantive habitat requirements, which marginally or mostly occur within the study area, and further survey or study is necessary to determine likely presence or absence of species and assess project-related effects.
- **High:** Species distribution is restricted by substantive habitat requirements, which occur within the study area, and further survey or study is necessary to determine likely presence or absence of species and assess project-related effects.
- **Present:** Species or species sign were observed to be present in the study area.

In summation, where no specific species was identified by survey, there was no suitable habitat present for a particular special-status species within the study area, or only negligible suitable habitat was present, the species was considered to be *Absent* or to have a *Low* probability to occur. The *Moderate* and *High* categories correspond to a recommendation of conducting a focused survey within the study area to determine if the species is present or absent in order to assess project-related effects. Accordingly, the *Absent*, *Low*, and *Present* categories correspond to a recommendation of not conducting a focused survey to assess project-related effects.

Additionally, the topographic San Fernando USGS 7.5-minute quadrangle map and aerial photography (Digital Globe, 2008) were examined to determine the locations of likely special aquatic resource areas within the study area. Those portions of the study area suspected of containing special aquatic resources (e.g., Waters of the United States, wetlands, Waters of the State, or sensitive riparian areas) were also assessed by visual observation in the field. Potential special aquatic resource areas were evaluated by determining the presence of definable channels and/or hydrophytic vegetation, riparian habitat, and hydrologic regime⁶ within and adjacent to the study area. The FEMA flood-data maps (FEMA, Q3 Flood Data, 1995) and National Wetland Inventory (USFWS,

⁶ This evaluation was not intended to fulfill the substantive provisions set forth in the 1987 ACOE Wetland Delineation Manual; Lichvar and Wakeley's (2006) Interim regional supplement to the ACOE Wetland Delineation Manual: Arid West Region direction on delineating arid streams; the ACOE and Environmental Protection Agency's (EPA) June 2007 issued Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* guidance document; or those analysis tools detailed in *A Field Guide to Lake and Streambed Alteration Agreements*, Sections 1600-1607. A formal Preliminary Jurisdictional Determination that fulfills the provisions noted above is anticipated to be finalized at the end of June 2009.

2009) were also evaluated to determine the locations and types of potential special aquatic resource areas that may occur within the study area.

3.3.3.2 Campus Impacts

Construction and Operational Impacts

The LAMC Main Campus, East Campus, and Nursery Property have the potential to support raptors, migratory birds and their nests due to the large number of trees and shrubs within this portion of the study area. The campuses' dominant-crown class trees and their associated vegetation may support common species which have the potential to forage and nest in the study area. Adverse impacts to locally protected trees, shrubs, and associated vegetation would occur during construction. Therefore, the removal of locally protected trees and shrubs needs to be consistent with city and county requirements (Mitigation measure BIO-4). With mitigation, impact to locally protected trees, shrubs, and plants would be less than significant.

The LAMC Main Campus, East Campus, and Nursery Property are generally limited to disturbed and developed land use areas/habitats that are not likely to support special status plants or wildlife species as a result of its anthropogenic disturbance regime and limited native plant communities. Furthermore, no special-status animal or plant species have been detected within this portion of the study area; accordingly, no impacts to these species would be expected to occur.

Nonetheless, temporary construction and operational activities may include potential displacement of common animals in the immediate vicinity of the LAMC Main Campus, East Campus, and Nursery Property due to project activities (e.g., noise, dust, and vibration resulting from construction and maintenance-related activities). These impacts would not be considered substantial because of the relatively small amount of native functional habitat being affected by the project within this residential/urban setting. Furthermore, project activities may temporarily deter individual animals from utilizing a relatively small portion of the project area for foraging; this impact would be limited to the period of active construction and maintenance and would not be expected to result in any long-term or substantial changes in migration or foraging patterns. Less-than-significant impacts to native habitats and migratory species are anticipated due to the limited amount of displacement or interference that would impede the movement of the common wildlife species.

Additionally, project activities would not destroy individual animals, nests, or cause mortality of nestlings or adults, nor would they affect annual production if construction or maintenance occurs outside the typical animal and avian nesting season (February 15 to August 31). Vegetation clearing prior to construction or maintenance activities would deter the majority of individuals from selecting nesting or breeding substrates within the proposed project areas. Vegetation clearing activities during the nesting season have the potential to result in direct take of species protected under Section 10 of the MBTA and CFGC section 3500 (*et seq.*) (Impact BIO-2). Since the majority of common plant and wildlife species that are likely to occur within the LAMC Main Campus, East Campus, and Nursery Property also occur in large numbers throughout the region, the proposed project would not be anticipated to adversely impact, through apparent modifications in habitat or loss of viability, plant and wildlife species that are identified as candidate, sensitive, or special-status species in the state or federal listing. With mitigation, impacts to MBTA and CFGC section 3500 (*et seq.*) protected species would therefore be less than significant.

Cumulative Impacts

The proposed 2009 Master Plan would contribute to the ongoing loss of plant communities and animal species within the urbanized region which surrounds the LAMC Main Campus, East Campus and Nursery Property. This loss is considered adverse, but less than significant on either a site-specific or cumulative level because of the existing disturbance and associated infrastructure in the project vicinity. Cumulative impacts from this project in combination with others would be minimal due to the non-native origin and current disturbance of the majority of the affected communities within the campus.

When measured against the CEQA thresholds, the small loss of biological resources would not drop any particular resource below self-perpetuating levels in the region. Due to the small amount being affected within the region, and the disturbed and fragmented nature of the habitats within the LAMC Main Campus, East Campus, and Nursery Property and in the region, cumulative impacts to biological resources would be considered less than significant.

3.3.3.3 Athletic Fields Impacts

Construction and Operational Impacts

The proposed LAMC Athletic Fields are situated in the foothills of the San Gabriel Mountains and are located on the edge of a highly urbanized area (e.g., the San Fernando Valley). As such, they provide more native scrub and open space than the Main Campus. The Athletic Fields portion of the study area is unique because it extends into the Pacoima Wash and supports the following special-status species; least Bell's vireo (*Vireo bellii pusillus*) and Davidson's bush-mallow (*Malacothamnus davidsonii*). The Pacoima Wash connects natural open space and undeveloped locales essential for the regional long-term viability of plants and wildlife. Additionally, the Pacoima Wash has the ability to function as a local wildlife movement corridor within Los Angeles County and enhance the value of open space and undisturbed habitats within the region. In this context, Pacoima Wash complements the long-term preservation of the ecological processes within the area and is important to the cohesiveness and quality of the surrounding land for ecological purposes.

Construction at the Athletic Fields would occur throughout the year, provided that the needed discretionary approvals, including Incidental Take Permit, Streambed Alteration Agreement, and CWA Permits are acquired. Construction of the LAMC Athletic Fields could have an adverse impact on special-status species, their habitats (Impact BIO-1), and special aquatic resource areas (Impact BIO-3). Furthermore, vegetation clearing activities have the potential to result in direct take of species protected under Section 10 of the MBTA and CDFG section 3500 (*et seq.*) (Impact BIO-2). Furthermore, the removal of locally protected trees and shrubs needs to be consistent with city and county requirements (Impact BIO-4).

Operation of the Athletic Fields has the potential to result in the loss of special-status species habitat and special aquatic resource areas. In addition to direct take of occupied least Bell's vireo habitat, project-operational impacts include intermittent noise, light, and vibration from project activities.

Furthermore, construction and operational impacts to the Pacoima Wash include riparian habitat modification along its defined bed and bank. This portion of the study area is within the 1995 Q3 FEMA floodplain and has been illuminated on the National Wetland Inventory (USFWS, 2009). As such, the proposed Athletic Fields may have a substantial adverse effect on federal- or state-

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protected waters as defined by the Clean Water Act (CWA) and CFGC sections through direct removal, filling, or hydrological interruption (BIO-3). As such, impacts to the Pacoima Wash would likely require LAMC to obtain CWA, RWCQB and CDFG permits. These agencies can only authorize actions if their approval would not result in a net loss of special aquatic resource areas. Mitigation measures would be required, as listed in Section 3.3.4 below. Compliance with the CWA, RWQCB and CDFC sections would ensure that impacts to special aquatic resource areas would be less than significant with mitigation, and compliance with those requirements would be sufficient mitigation under CEQA.

The project would result in the permanent removal of native habitats. The historic and current occurrence of special-status species such as least Bell's vireo and Davidson's bush-mallow in the area is well documented. Based on the information collected in 2009,, special-status species occur within the proposed LAMC Athletic Fields. Mitigation measures listed in Section 3.3.4 below would make these impacts less than significant. Consequently, project implementation will require LAMC to obtain an Incidental Take Permit from the CDFG and/or USFWS as well to work within the proposed LAMC Athletic Fields. These agencies can only grant an incidental take permit if the project would not jeopardize the continued existence of the aforementioned species. Compliance with CESA and FESA would ensure that impacts to special-status species would be less than significant, and compliance with those requirements would be sufficient mitigation under CEQA.

Cumulative Impacts

Cumulative effects include the effects of future state, tribal, local, or private actions that are reasonably certain to occur within the study area. As described, the project would continue to provide for the types of activities that are currently carried out within the study area. When measured against the CEQA thresholds, the loss of biological resources in combination with the loss of native habitats from other projects would not drop the amount of biological resources below self-perpetuating levels in the region. Future activities that are anticipated to impact the LAMC Athletic Fields or any other native habitats would require consultation with the appropriate regulatory agencies to ensure that loss of biological resources from other projects would not drop the amount of these resources below self-perpetuating levels in the region. Furthermore, project implementation will require LAMC to obtain an Incidental Take Permit from the CDFG and/or USFWS as well to work within the proposed LAMC Athletic Fields. These agencies can only grant an incidental take permit if the project would not jeopardize the continued existence of the aforementioned species. Compliance with CESA and FESA would ensure that cumulative impacts to special-status species would be less than significant. Therefore, cumulative impacts on biological resources are considered less than significant, with mitigation.

3.3.4 Mitigation Measures for Significant Impacts

The following implementation recommendations are provided as a means of avoiding, minimizing, and compensating for potential adverse impacts to biological resources within the study area.

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Impact Number	Impact	Mitigation Measure (MM) Number	Mitigation Measure
Construction and Operation			
Impact BIO-1	Impacts to special-status species - construction and operation of the LAMC Athletic Fields	MM BIO-1	Prior to initiating ground disturbing activities within the study area, obtain an Incidental Take Permit from the CDFG and/or USFWS for least Bell's vireo. Accordingly, Section 2085 of the California Fish and Game Code directs that in those instances where there exists a Federal Biological Opinion (BO), the CDFG shall, to the extent that it is consistent with CESA, use this BO in lieu of preparing separate findings. To that end, this consultation with CDFG and USFWS is assumed to authorize "take" pursuant to Section § 2080.1 for least Bell's vireo and Davidson's bush-mallow.
Impact BIO-2	Impacts to MBTA and CFGC section 3500 (<i>et seq.</i>) protected species - construction and operation of the LAMC Main Campus, East Campus, Nursery Property, and LAMC Athletic Fields	MM BIO-2	In order to comply with Section 10 of the MBTA and relevant sections of the CFGC (e.g., 3503, 3503.4, 3504, 3505, etc.), any vegetation clearing within the study area should take place outside of the typical avian nesting season (i.e., February 15 to August 31), to the maximum extent practical. Prior to ground-disturbing activities, a qualified biologist shall conduct and submit a nesting bird and raptor survey report. The survey shall occur prior to initiation of project activities and any occupied passerines and/or raptor nests occurring within or adjacent to the study area shall be delineated. To the maximum extent practicable, a minimum buffer zone from occupied nests shall be maintained during physical ground-disturbing activities. Once nesting has been determined to cease, the buffer may be removed.
Impact BIO-3	Impacts to special aquatic resource areas - construction and operation of the LAMC Athletic Fields	MM BIO-3	Prior to undertaking ground-disturbing activities, LAMC will submit a Preliminary Jurisdictional Determination Report and consult with the appropriate responsible resource agency (i.e., ACOE, CDFG and/or RWQCB) to determine the limits of their jurisdiction and secure all necessary discretionary permits/ authorizations.
Impact BIO-4	Impacts to locally protected trees, shrubs and plants - construction and operation of the LAMC Main Campus, East Campus, Nursery Property and LAMC Athletic Fields	MM BIO-4	Prior to undertaking ground-disturbing activities within the study area, LAMC shall comply with all applicable city and county tree, shrub, and plant protection ordinances, policies and guidelines.

3.3.5 Level of Significance after Mitigation

With the implementation of measures detailed in Section 3.3.4, the impacts would be less than significant, after mitigation.