

## 3.4. BIOLOGICAL RESOURCES

The following summarizes the applicable regulations and the existing setting and provides a detailed impact assessment related to Biological Resources. Refer to the Biological Resources Technical Report (Appendix G) for additional details related to applicable regulations and the existing setting.

### 3.4.1 Regulatory Framework

#### 3.4.1.1 Federal Regulations

**Federal Endangered Species Act (FESA).** The FESA provides a framework to conserve and protect endangered and threatened species and their habitat. Section 10 of the FESA allows for the “incidental take” of endangered and threatened wildlife species by non-federal entities. Section 10(a)(1)(B) of the FESA authorizes the taking of federally listed wildlife or fish through an incidental take permit. Section 10(a)(2)(A) of the FESA requires an applicant for an incidental take permit to submit a habitat conservation plan that specifies, among other things, the impacts likely to result from the taking of the species, and the measures the permit applicant will take to minimize and mitigate impacts on the species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.<sup>1</sup>

**Migratory Bird Treaty Act (MBTA).** The MBTA protects migratory birds, their occupied nests, and their eggs from disturbance and/or destruction, including all species native to the United States (U.S.) (or U.S. territories) that are known to be present as a result of natural biological or ecological processes. In addition, the U.S. Fish and Wildlife Service (USFWS) provided clarification that the MBTA does not apply to any nonnative species whose presence in the United States are solely the result of intentional or unintentional human-assisted introduction.<sup>2</sup> Nonnative bird species not protected by the MBTA include, but are not limited to, the house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and rock pigeon (*Columba livia*).

#### 3.4.1.2 State Regulations

**California Fish and Game Code.** Section 2126 states that it is unlawful for any person to take any mammals that are identified within Section 2118, including all species of bats; Sections 3503, 3513, and 3800 prohibit the take of birds, including any birds in the order Falconiformes or Strigiformes (birds-of-prey) protected under the MBTA, and protect their occupied nests. Section 3801 and 3800 state that the house sparrow and European starling are the only species authorized for take without prior authorization from the California Department of Fish and Wildlife (CDFW). Section 2080.1 states that, if a project would result in take of a species that is both federally and State listed, a consistency determination may be completed in lieu of undergoing a separate California Endangered Species Act (CESA) consultation. Under

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<sup>1</sup> USFWS, *Endangered Species Act*, 1973.

<sup>2</sup> USFWS, *Migratory Bird Treaty Act – Bird Protection*, 2013.

Section 2081, if a project would result in take of a species that is State-only listed as threatened or endangered, then an incidental take permit from the CDFW is required. Sections 3511, 4700, 5050, and 5515 prohibit the take or possession of 37 fully protected bird, mammal, reptile, amphibian, and fish species. The CDFW will not authorize the incidental take of fully protected species when activities are proposed in areas inhabited by those species.<sup>3</sup>

**California Environmental Quality Act (CEQA).** Section 15380 of the CEQA Guidelines requires that species of special concern be included in an analysis of project impacts. California Species of Special Concern include species that are native to California and are experiencing population declines but are not currently listed as threatened or endangered, all State and federally protected and candidate species, and Bureau of Land Management and United States Forest Service sensitive species. Species considered declining or rare by the California Native Plant Society (CNPS) or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing, are also included under species of special concern.<sup>4</sup>

### 3.4.1.3 Local Regulations

#### City of Los Angeles

**The Framework and Conservation Elements of the General Plan.** The City of Los Angeles' General Plan is a comprehensive, long range declaration of purposes, policies and programs for the development of the City. The Framework Element contains objectives and policies for the provision, management, and conservation of Los Angeles' biological resources.<sup>5</sup> In addition to the Framework Element, the Conservation Element includes relevant objectives and policies to biological resources.<sup>6</sup>

**Protected Tree Relocation and Replacement Ordinance.** The ordinance protects the following native tree species: California black walnut (*Juglans californica*), California bay (*Umbellularia californica*), western sycamore (*Platanus racemosa*), and all oak tree species (*Quercus sp.*). This ordinance applies to trees that have a diameter of four inches or greater at 4.5 feet above the ground level. Removal of protected trees requires a permit by the City of Los Angeles Department of Public Works.<sup>7</sup>

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3 California State Legislature, *California Fish and Game Code*, 2020.

4 California State Legislature, *The California Environmental Quality Act (CEQA)*, 1970.

5 City of Los Angeles Department of City Planning, *Los Angeles General Plan – Framework Element*, 1974.

6 City of Los Angeles Department of City Planning, *Los Angeles General Plan – Conservation Element*, 2001.

7 City of Los Angeles Department of City Planning, *Protected Tree Relocation and Replacement Ordinance #177404*, 2006.

### City of Burbank

**The Open Space and Conservation Element of the Burbank 2035 General Plan.** The Burbank 2035 General Plan is a comprehensive, long range declaration of purposes, policies and programs for the development of the City. It addresses biological resources in the Open Space and Conservation Element.<sup>8</sup>

**Burbank Municipal Code.** The Burbank Municipal Code 7-4-111 discusses the procedure for removal of trees during construction.<sup>9</sup>

### City of Glendale

**The Open Space and Conservation Element of the Glendale General Plan.** The City of Glendale's General Plan is a comprehensive, long range declaration of purposes, policies and programs for the development of the City. The Open Space and Conservation Element of the General Plan outlines policies, goals, and objectives that are applicable to biological resources.<sup>10</sup>

**Glendale Municipal Code.** The City of Glendale Indigenous Tree Ordinance protects indigenous trees by requiring a permit for work performed on a protected tree or a review of project plans when construction is proposed near a protected tree. An Indigenous Tree Report is required for projects that will result in encroachment of protected trees.<sup>11</sup> The City Street Tree Ordinance established standards and regulations to promote the benefits of a healthy urban forest and preserve and protect street trees.<sup>12</sup>

### City of Pasadena

**The Open Space and Conservation Element of the Pasadena General Plan.** The City of Pasadena's General Plan is a comprehensive, long range declaration of purposes, policies and programs for the development of the City. The Open Space and Conservation Element include relevant objectives and policies to biological resources.<sup>13</sup>

**Pasadena Municipal Code.** The City Trees and Tree Protection Ordinance was established to preserve and grow canopy cover by protecting native trees, street trees, and trees on public property and to protect and maintain healthy trees in the land use planning processes.<sup>14</sup> Protection is given to all public trees and to all native and specimen trees, landmark trees and trees that meet the criteria for landmark tree, public trees, and mature trees in all zoning districts except for properties subject to RS and RM-12 (multi-family two units on a lot) development standards.

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<sup>8</sup> City of Burbank, *Burbank 2035 General Plan*, 2013.

<sup>9</sup> City of Burbank, *Burbank Municipal Code*, April 18, 2014.

<sup>10</sup> City of Glendale, *City of Glendale General Plan: Open Space and Conservation Element*, 1993.

<sup>11</sup> City of Glendale, *Glendale Municipal Code 12.44 Indigenous Trees*, 2010.

<sup>12</sup> City of Glendale, *Glendale Municipal Code - Chapter 12.40 City Street Trees*, 2004.

<sup>13</sup> City of Pasadena, *General Plan Update: Draft Open Space and Conservation Element*, 2012.

<sup>14</sup> City of Pasadena, *Code of Ordinances: City Trees and Tree Protection Ordinance*, 2002.

### 3.4.2. Existing Setting

The Biological Study Area (BSA) is approximately 18 miles long and includes areas that would be directly or indirectly impacted by the Proposed Project, either temporarily or permanently, including an approximate 300-foot buffer to account for indirect impacts. The limits of the BSA were determined by reviewing project plans, aerial photography, and evaluating potential construction limits. See Section 4 of the Biological Resources Technical Report (Appendix G) for a complete discussion of the existing conditions within the BSA, including maps and figures of the BSA and biological resources.

#### 3.4.2.1 Vegetation Communities and Cover Classes

Vegetation within the BSA consists of ornamental trees, grasses, and shrubs.<sup>15</sup> **Table 3.4-1** shows the vegetation communities and cover classes observed in the BSA.

**Table 3.4-1 - Vegetation Communities and Cover Classes**

Vegetation Community / Cover Class	Description	Location
Coastal Sage Scrub	Coastal Sage Scrub communities are dominated or co-dominated by California sagebrush ( <i>Artemisia californica</i> ), California buckwheat ( <i>Eriogonum fasciculatum</i> ), and coyote bush ( <i>Baccharis pilularis</i> ).	North of the SR-134 option through Eagle Rock
Ornamental	Ornamental communities predominantly consist of non-native horticultural plants, including introduced trees, shrubs, flowering plants, and turf grass	Along the shoulders and within the medians of affected roadways.
Developed	Developed areas are where human disturbance has resulted in permanent impacts on natural communities. These include paved areas, buildings, bridges, and other structures.	North Hollywood to Pasadena BRT Corridor's streets and each bus stop location along the North Hollywood to Pasadena BRT Corridor.

**SOURCE:** GPA Consulting, *Biological Resources Technical Report*, 2020.

#### 3.4.2.1 Observed Wildlife

The habitat in the BSA is developed and disturbed; however, there are buildings and mature landscaped trees adjacent to the paved areas that could provide suitable habitat for birds and bats. Wildlife species observed during surveys were mostly urban species including rock pigeon and mourning dove (*Zenaida macroura*).

<sup>15</sup> CDFW, *Metadata Descriptions of CNDDDB Fields*, 2020.

### 3.4.2.3 Special Status Species

Special Status Species are those that are threatened to varying degrees. The discussion of the special-status plant and wildlife species with potential to be in the BSA is based on (1) a record reported in the California Natural Diversity Database (CNDDDB), National Marine Fisheries Service (NMFS) or USFWS species lists, (2) the presence of suitable habitat, and (3) survey results.<sup>16,17</sup> **Table 3.4-2** discusses the various special status species in the Project Area, including the Special Status Natural Communities, Plant Species, and Wildlife Species.

**Table 3.4-2 - Special Status Species**

Description	Special Status Species
<b>NATURAL COMMUNITIES</b>	
<p>According to the CNDDDB search, nine special-status natural communities have potential to be in the BSA. Based on survey results, there is no potential for special-status natural communities to be in the BSA.</p>	<ul style="list-style-type: none"> <li>• California Walnut Woodland</li> <li>• Open Engelmann Oak Woodland</li> <li>• Riversidean Alluvial Fan Sage Scrub</li> <li>• Southern California Arroyo Chub/Santa Ana Sucker Stream</li> <li>• Southern Coast Live Oak Riparian Forest</li> <li>• Southern Cottonwood Willow Riparian Forest</li> <li>• Southern Mixed Riparian Forest</li> <li>• Southern Sycamore Alder Riparian Woodland</li> <li>• Walnut Forest</li> </ul>
<b>PLANT SPECIES</b>	
<p>According to the CNDDDB and USFWS searches, 93 special-status plant species have potential to be in the BSA. Based on research and survey results, there is potential for 18 special-status plant species to be in the BSA.</p>	<ul style="list-style-type: none"> <li>• Western Spleenwort (<i>Asplenium vespertinum</i>)</li> <li>• Braunton’s Milk-Vetch (<i>Astragalus brauntonii</i>)</li> <li>• Davidson’s Saltscale (<i>Atriplex serenana</i> var. <i> davidsonii</i>)</li> <li>• Catalina Mariposa-Lily (<i>Calochortus catalinae</i>)</li> <li>• Plummer’s Mariposa-Lily (<i>Calochortus plummerae</i>)</li> <li>• Parry’s Spineflower (<i>Chorizanthe parryi</i> var. <i> parryi</i>)</li> <li>• Small-Flowered Morning-Glory (<i>Convolvulus simulans</i>)</li> <li>• Many-Stemmed Dudleya (<i>Dudleya multicaulis</i>)</li> <li>• Mesa Horkelia (<i>Horkelia cuneata</i> var. <i> puberula</i>)</li> <li>• Southern California Black Walnut (<i>Juglans californica</i>)</li> <li>• Robinson’s Peppergrass (<i>Lepidium virginicum</i> var. <i> robinsonii</i>)</li> <li>• Ocellated Humboldt Lily (<i>Lilium humboldtii</i> ssp. <i> ocellatum</i>)</li> <li>• Davidson’s Bush-Mallow (<i>Malacothamnus davidsonii</i>)</li> <li>• California Spineflower (<i>Mucronea californica</i>)</li> <li>• Hubby’s Phacelia (<i>Phacelia hubbyi</i>)</li> <li>• White Rabbit-Tobacco (<i>Pseudognaphalium leucocephalum</i>)</li> <li>• Nuttall’s Scrub Oak (<i>Quercus dumosa</i>)</li> <li>• Coulter’s Matilija Poppy (<i>Romneya coulteri</i>)</li> </ul>

<sup>16</sup> CDFW, *CNDDDB RareFind 5*, 2020.

<sup>17</sup> CDFW, *CDFW QuickView Tool for the San Fernando, Sunland, Condor Peak, Chilao Flat, Mt. Wilson, EL Monte, Van Nuys, Burbank, Pasadena, Beverly Hills, Hollywood, and Los Angeles 7.5-foot topographic quadrangles for Unprocessed Data*, 2020.

Description	Special Status Species
<b>WILDLIFE SPECIES</b>	
<p>According to the CNDDDB, USFWS, and NMFS searches, 108 special-status wildlife species have potential to be in the BSA. Based on research and survey results, there is potential for 13 special-status wildlife species to be in the BSA.</p>	<ul style="list-style-type: none"> <li>• Cooper’s Hawk (<i>Accipiter cooperii</i>)</li> <li>• Sharp-Shinned Hawk (<i>Accipiter striatus</i>)</li> <li>• Southern California Rufous-Crowned Sparrow (<i>Aimophila ruficeps canescens</i>)</li> <li>• Pallid Bat (<i>Antrozous pallidus</i>)</li> <li>• Orange-Throated Whiptail (<i>Aspidoscelis hyperythra</i>)</li> <li>• Busck’s Gallmoth (<i>Carolella busckana</i>)</li> <li>• Western Mastiff Bat (<i>Eumops perotis californicus</i>)</li> <li>• California Gull (<i>Larus californicus</i>)</li> <li>• Silver-Haired Bat (<i>Lasionycteris noctivagans</i>)</li> <li>• Western Red Bat (<i>Lasiurus blossevillii</i>)</li> <li>• Hoary Bat (<i>Lasiurus cinereus</i>)</li> <li>• Western Yellow Bat (<i>Lasiurus xanthinus</i>)</li> <li>• Oregon Vesper Sparrow (<i>Pooecetes gramineus affinis</i>)</li> </ul>

**SOURCE:** CNDDDB, NMFS, and USFWS Species Lists, 2020.

#### 3.4.2.4 Habitat Connectivity/Wildlife Movement Corridor Assessment

The land surrounding the BSA consists of commercial, residential, industrial, and governmental properties. There are no essential wildlife connectivity areas or natural landscape blocks in the BSA. The closest natural landscape block is approximately 0.3 mile south of the BSA within Griffith Park.<sup>18</sup> The Proposed Project is not located within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. However, the BSA may be used for local foraging and movement by local wildlife species from the surrounding areas.

### 3.4.3 Significance Thresholds and Methodology

#### 3.4.3.1 Significance Thresholds

In accordance with Appendix G of the State CEQA Guidelines, the Proposed Project would have a significant impact related to biological resources if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- b) 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 California Department of Fish and Game or U.S. Fish and Wildlife Service;
- c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

<sup>18</sup>CDFW, BIOS Habitat Connectivity Viewer, 2019.

- d) 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;
- e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance; and/or
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

#### 3.4.3.2 Methodology

USFWS, CNDDDB, and NMFS species lists were generated on July 3, 2019, and updated on January 16, 2020, to identify special-status species previously recorded in the vicinity of the BSA. To determine whether the Proposed Project would result in a significant impact on biological resources, a windshield survey was conducted on July 9, 2019, to document the existing conditions in the BSA and determine the potential for sensitive species or habitats to be in the BSA. Based on observations during the windshield survey, the BSA is a fully developed transit corridor. Vegetation is limited to common ornamental trees, grasses, and shrubs.

#### 3.4.4 Impact Analysis

The following section includes the impact analysis, mitigation measures (if necessary), and significance after mitigation measures (if applicable). The following impact conclusions are valid for the Proposed Project and all route variations, treatments, and configurations that are on surface streets. There would no potential for a biological resources impact on SR-134 segments, which includes B, E3, G1, and the portions of F1, F2, and F3 on the SR-134 in the City of Los Angeles.

**Impact 3.4-1)** Would the Proposed 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 Game or U.S. Fish and Wildlife Service?

#### Construction

The analysis below addresses potential impacts on biological resources, including FESA and CESA species, anticipated during construction activities.

#### Special-Status Plant Species

**No Impact.** There is potential for 18 special-status plant species to be in the BSA. However, all of these species only have potential to be in the Coastal Sage Scrub community located north of the SR-134 near Eagle Rock, and there would be no construction activities within or adjacent to this community. Therefore, the Proposed Project would not result in a significant impact related to construction activities.

### Special-Status Wildlife Species

**Less-than-Significant Impact with Mitigation.** Based on habitat requirements and survey results, 13 special-status wildlife species have potential to be in the BSA, including the Cooper's hawk, sharp-shinned hawk, southern California rufous-crowned sparrow, pallid bat, orange-throated whiptail, Busck's gallmoth, western mastiff bat, California gull, silver-haired bat, western red bat, hoary bat, western yellow bat, and Oregon vesper sparrow. None of these species are federally or State threatened or endangered species. The southern California rufous-crowned sparrow, orange-throated whiptail, and Busck's gallmoth have potential to be in the Coastal Sage Scrub community located north of the SR-134 near Eagle Rock. However, there would be no construction activities within or adjacent to the Coastal Sage Scrub.

Construction activities would include vegetation removal, pedestrian and vehicle movement, staging, and paving within the BSA, which could result in direct and indirect impacts on special-status wildlife species if these activities were to be conducted while wildlife species are within or adjacent to the affected areas. Special-status birds and mammals are known to use the trees and open area in the BSA for foraging and roosting. Removal of trees and habitat and increased noise, vibration, carbon dioxide, and human activity could result in direct and indirect impacts to special-status wildlife species. Without mitigation, the Proposed Project would result in a potentially significant impact to special-status species as a result of construction activities. Therefore, Mitigation Measure **BIO-1** is recommended to reduce the construction related impact to special-status species to less than significant.

### Operations

**No Impact.** The Proposed Project would not affect the Coastal Sage Scrub community along SR-134. In addition, there is already a high level of human activity, night lighting, and noise in the BSA and the Proposed Project would not increase levels of human activity, night lighting, or noise in the BSA. Therefore, operation of the Proposed Project would not result in impacts on any species identified as a candidate, sensitive, or special-status. Therefore, the Proposed Project would not result in a significant impact related to operational activities.

### Mitigation Measures

**BIO-1:** To mitigate for construction impacts on special-status bird species, the construction contractor shall implement the following measures:

- Construction during bird nesting season (typically February 1 to September 1) would be avoided to the extent feasible. Feasible means capable of being accomplished in a successful manner taking into consideration costs and schedule.
- If construction is required during the nesting season, vegetation removal would be conducted outside of the nesting season (typically February 1 to September 1), wherever feasible. Feasible means capable of being accomplished in a successful manner taking into consideration costs and schedule.



- If construction, trimming, or removal of vegetation and trees are scheduled to begin during nesting bird season, nesting bird surveys would be completed by a qualified biologist no more than 72 hours prior to construction, or as determined by the qualified biologist, to determine if nesting birds or active nests are present within the construction area. Surveys would be conducted within 150 feet for songbirds and 500 feet for raptors, or as otherwise determined by the qualified biologist. Surveys would be repeated if construction, trimming, or removal of vegetation and trees are suspended for five days or more.
- If nesting birds/raptors are found within 500 feet of the construction area, appropriate buffers consisting of orange flagging/fencing or similar (typically 150 feet for songbirds, and 500 feet for raptors, or as directed by a qualified biologist) would be installed and maintained until nesting activity has ended, as determined in coordination with the qualified biologist and regulatory agencies, as appropriate.

To mitigate construction impacts on special-status bat species, the construction contractor shall implement the following measures:

- Where feasible, tree removal would be conducted in October, which is outside of the maternal and non-active seasons for bats.
- During the summer months (June to August) in the year prior to construction, a thorough bat roosting habitat assessment would be conducted of all trees and structures within 100 feet of the construction area. Visual and acoustic surveys would be conducted for at least two nights during appropriate weather conditions to assess the presence of roosting bats. If presence is detected, a count and species analysis would be completed to help assess the type of colony and usage.
- No fewer than 30 days prior to construction, and during the non-breeding and active season (typically October), bats would be safely evicted from any roosts to be directly impacted by the Project under the direction of a qualified biologist. Once bats have been safely evicted, exclusionary devices designed by the qualified biologist would be installed to prevent bats from returning and roosting in these areas prior to removal. Roosts not directly impacted by the Project would be left undisturbed.
- No fewer than two weeks prior to construction, all excluded areas would be surveyed to determine whether exclusion measures were successful and to identify any outstanding concerns. Exclusionary measures would be monitored throughout construction to ensure they are functioning correctly and would be removed following construction.
- If the presence or absence of bats cannot be confirmed in potential roosting habitat, a qualified biologist would be onsite during removal or disturbance of this area. If the biologist determines that bats are being disturbed during this work, work would be suspended until bats have left the vicinity on their own or can be safely excluded under direction of the biologist. Work would resume only once all bats have left the site and/or approval is given by a qualified biologist.

- In the event that a maternal colony of bats is found, no work would be conducted within 100 feet of the maternal roosting site until the maternal season is finished or the bats have left the site, or as otherwise directed by a qualified biologist. The site would be designated as a sensitive area and protected as such until the bats have left the site. No activities would be authorized adjacent to the roosting site. Combustion equipment, such as generators, pumps, and vehicles, would not be parked nor operated under or adjacent to the roosting site. Construction personnel would not be authorized to enter areas beneath the colony, especially during the evening exodus (typically between 15 minutes prior to sunset and one hour following sunset).

### Significance of Impacts after Mitigation

Mitigation Measure **BIO-1** would mitigate inadvertent impacts to biological resources during construction activities by ensuring compliance with the MBTA and California Fish and Game Code (Sections 2126, 3503, 3513, and 3800). Therefore, with mitigation, the Proposed Project would result in a less-than-significant impact.

**Impact 3.4-2)** Would the Proposed Project 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

### Construction and Operations

**No Impact.** There are three concrete lined riverine features within the BSA; however, these riverine features do not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW and the USFWS.<sup>19</sup> In addition, the proposed bus stations are located away from the riverine features and no construction work or bus operations are anticipated within these features. Therefore, the Proposed Project would not result in a significant impact related to construction or operational activities.

### Mitigation Measures

No mitigation measures are required.

### Significance of Impacts after Mitigation

No impact.

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<sup>19</sup> USFWS, *Information for Planning and Consultation*, 2020.

**Impact 3.4-3)** Would the Proposed Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

#### Construction and Operations

**No Impact.** There are three concrete lined riverine features within the BSA; however, these riverine features do not contain State or federally protected wetlands.<sup>20</sup> In addition, the proposed bus stations are located away from the riverine features and no construction work or bus operations are anticipated within these features. Therefore, the Proposed Project would not result in a significant impact related to construction or operational activities.

#### Mitigation Measures

No mitigation measures are required.

#### Significance of Impacts after Mitigation

No impact.

**Impact 3.4-4)** Would the Proposed 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?

#### Construction

**Less-Than-Significant Impact with Mitigation.** Native migratory birds and native bats may use the trees in this area as a nursery site (nesting). Tree removal during construction activities, including staging, could interfere with bird nesting and bat roosting. Therefore, without mitigation, the Proposed Project would result in a potentially significant impact related to construction activities. Implementation of Mitigation Measure **BIO-1** would reduce this impact to less than significant by ensuring that tree removal during construction does not interfere with bird nesting and bat roosting.

#### Operations

**No Impact.** Once construction is complete, no additional removal of trees would be required; therefore, project operation would not interfere 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. Therefore, the Proposed Project would not result in a significant impact related to operational activities.

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<sup>20</sup> USFWS, *Wetlands Mapper*, 2019.

### Mitigation Measures

Refer to Mitigation Measure **BIO-1**.

### Significance of Impacts after Mitigation

Mitigation Measure **BIO-1** would mitigate inadvertent impacts to biological resources during construction activities by ensuring compliance with the MBTA and California Fish and Game Code (Sections 2126, 3503, 3513, and 3800). Therefore, with mitigation, the Proposed Project would result in a less-than-significant impact related to construction activities.

**Impact 3.4-5)** Would the Proposed Project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

### Construction

**Less-Than-Significant Impact.** There is potential for tree and vegetation removal within the City of Los Angeles, City of Burbank, City of Glendale, and City of Pasadena. Each City has ordinances protecting native and/or street trees. Trees that could be removed within the City of Los Angeles are non-native and are not protected under the City of Los Angeles Protected Tree Relocation and Replacement Ordinance. Trees that could be removed within the City of Pasadena are non-native and are not protected under the City Trees and Tree Protection Ordinance. The City of Burbank Municipal Code 7-4-111 requires a tree removal permit for any street tree removed within the City, and replacement plantings. City of Glendale Municipal Code Chapter 12.40 requires a tree removal permit for any street tree removed, and replacement plantings may be required. Therefore, Project construction would result in a less than significant impact related to any local policy or ordinance. Therefore, the Proposed Project would result in a less-than-significant impact related to construction activities.

### Operations

**No Impact.** Once construction is complete, no additional removal of trees would be required. Therefore, the Proposed Project would not result in a significant impact related to operational activities.

### Mitigation Measures

No mitigation measures are required.

### Significance of Impacts after Mitigation

No impact.

**Impact 3.4-6)** Would the Proposed 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?

#### Construction and Operations

**No Impact.** The BSA is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the Proposed Project would not result in a significant impact related to construction or operational activities.

#### Mitigation Measures

No mitigation measures are required.

#### Significance of Impacts after Mitigation

No impact.