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Feb 04 2022

STATE CLEARING HOUSE

Via Electronic Mail Only

February 4, 2021

Peter Carter
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
CarterP@metro.net

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Metro Sepulveda Transit Corridor Project, SCH #2021110432, Los Angeles County Metropolitan Transportation Authority, Los Angeles County

Dear Mr. Carter:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) from the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the Metro Sepulveda Transit Corridor Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq*.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The proposed Project would construct and provide a high-capacity fixed guideway public transportation line across the Santa Monica Mountains in the vicinity of the Sepulveda Pass to connect the San Fernando Valley and west side of Los Angeles. The Project proposes six build alternatives. All six alternatives would have a northern terminus with a connection to the Van Nuys Metrolink/Amtrak station and a southern terminus with a connection to the Metro E Line (Expo/Sepulveda). The DEIR will also include consideration of a "No Build" alternative that does not include the construction of a fixed guideway line.

- **Alternative 1: Monorail with aerial alignment in Interstate 405 (I-405) corridor and electric bus connection to University of California, Los Angeles (UCLA)** – Alternative 1 would utilize monorail technology with automated train operations and planned peak frequencies of 2 minutes. Trains would consist of two to eight cars and are expected to consist of six cars during peak periods. The length of the alignment between the terminus stations would be 15.3 miles. The monorail guideway would be entirely aerial and generally located within the Interstate I-405 right-of-way and then adjacent to the Metrolink Ventura County Line railroad tracks between I-405 and the Van Nuys Metrolink Station. In some areas, including all stations, the guideway and passenger platforms would be located on one side of the freeway. Alternative 1 would have eight aerial monorail stations at Exposition Boulevard (Metro E Line), Santa Monica Boulevard, Wilshire Boulevard (Metro D Line), the Getty Center, US-101, Metro G Line, Sherman Way and the Van Nuys Metrolink Station. At Wilshire Boulevard, an aerial station would be located on the west side of I-405 and an electric bus shuttle would provide service along a 1.4-mile route between the Metro D Line Westwood/VA Station and UCLA Gateway Plaza. A maintenance and storage facility for monorail vehicles would be located above the existing parking lot at the Metro G Line Sepulveda Station. Electric buses would be maintained within the existing UCLA BruinBus maintenance facility on Veteran Avenue north of Kinross Avenue.

- **Alternative 2: Monorail with aerial alignment in I-405 corridor and aerial automated people mover connection to UCLA** – Alternative 2 would utilize monorail technology along an alignment same as that of Alternative 1. Alternative 2 would have the same eight aerial monorail stations as Alternative 1. The length of the alignment between the terminus stations would be 15.8 miles. At Wilshire Boulevard, an aerial station would be located on the south side of the street along Veteran Ave. To provide a connection to the UCLA campus, a pedestrian bridge across Wilshire Boulevard would connect to an aerial Automated People Mover station on the north side of the street. From there, the Automated People Mover would travel on a 1-mile aerial guideway located primarily along Gayley Avenue to an aerial Automated People Mover station near the west end of Bruin Walk on the UCLA campus. Location of maintenance and storage facilities for monorail and Automated People Mover vehicles would be the same as that of Alternative 1.

- **Alternative 3: Monorail with aerial alignment in I-405 corridor and underground alignment between the Getty Center and Wilshire Boulevard** – Alternative 3 would utilize monorail technology along an alignment same as that of Alternative 1. The length of the alignment between the terminus stations would be 16.2 miles. The monorail guideway would be aerial for most of the alignment, with a 3.3-mile tunnel segment

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between the Getty Center and Wilshire Boulevard. South of Santa Monica Boulevard and north of the Getty Center, the alignment of Alternative 3 would be the same as that of Alternatives 1 and 2. Just south of Wilshire Boulevard, the alignment would diverge from the I-405 median, transition to below grade north of Wilshire Boulevard, and travel underneath Westwood Village and UCLA, before returning to the I-405 corridor just south of the proposed Getty Center Station. Alternative 3 would have one underground monorail station at UCLA Gateway Plaza and eight aerial monorail stations same as that of Alternative 1. Location of maintenance and storage facilities for monorail vehicles would be the same as that of Alternative 1.

- **Alternative 4: Heavy rail with underground alignment south of Ventura Boulevard and aerial alignment generally along Sepulveda Boulevard in the San Fernando Valley** – Alternative 4 would utilize steel-wheel heavy rail transit trains with automated train operations and planned peak frequencies of 2.5 minutes. Trains would typically consist of three cars, with each car having a capacity of 170 passengers, but could be increased to four cars. The length of the alignment between the terminus stations would be approximately 14 miles. The alignment would be underground between the southern terminus and a portal south of Ventura Boulevard in the San Fernando Valley. Between this portal and Ventura Boulevard, the guideway would be aerial on the east side of I-405. North of Ventura Boulevard, the guideway would generally be located above Sepulveda Boulevard until curving southeast to parallel the Metrolink Ventura County Line railroad tracks. Alternative 4 would have four underground stations at Exposition Boulevard (Metro E Line), Santa Monica Boulevard, Wilshire Boulevard (Metro D Line) and UCLA Gateway Plaza, and four aerial stations at Ventura Boulevard, the Metro G Line, Sherman Way and the Van Nuys Metrolink Station. A maintenance and storage facility for heavy rail transit vehicles would be located west of Woodman Avenue south of the Metrolink Ventura County Line railroad tracks.

- **Alternative 5: Heavy rail with underground alignment including along Sepulveda Boulevard in the San Fernando Valley** – Alternative 5 would utilize steel-wheel heavy rail transit trains along an alignment same as that of Alternative 4. The length of the alignment between the terminus stations would be approximately 14 miles. The alignment would be the same as that of Alternative 4 but it would be underground between the southern terminus and a portal south of the Metrolink Ventura County Line railroad tracks. Near the northern terminus, the alignment would be aerial parallel to the Metrolink Ventura County Line railroad tracks. Alternative 5 would have seven underground stations at Exposition Boulevard (Metro E Line), Santa Monica Boulevard, Wilshire Boulevard (Metro D Line), UCLA Gateway Plaza, Ventura Boulevard, the Metro G Line and Sherman Way, and one aerial station at the Van Nuys Metrolink Station. Location of a maintenance and storage facility for heavy rail transit vehicles would be the same as that of Alternative 4.

- **Alternative 6: Heavy rail with entirely underground alignment including along Van Nuys Boulevard in the San Fernando Valley and southern terminus station on Bundy Drive** – Alternative 6 would utilize the same driver-operated steel-wheel heavy rail transit trains as used on the Metro B and D lines with planned peak frequencies of 4 minutes. Trains would consist of two, four, or six cars and are expected to consist of six cars during peak periods, with each car having a capacity of 133 passengers. The length of the alignment between the terminus stations would be 12.6 miles. The alignment

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would be entirely underground, with the segment on the Westside running generally northeast between the Metro E Line Expo/Bundy Station and the UCLA campus, and the segment in the San Fernando Valley located along Van Nuys Boulevard. Alternative 6 would have seven underground stations at Olympic Boulevard (Metro E Line), Santa Monica Boulevard (West LA Civic Center), Wilshire Boulevard (Metro D Line), UCLA Gateway Plaza, Ventura Boulevard, the Metro G Line and the Van Nuys Metrolink Station. A maintenance and storage facility for heavy rail transit vehicles would be located east of Van Nuys Boulevard north of the Van Nuys Metrolink Station.

Location: The proposed Project would construct a public transportation line across the Santa Monica Mountains in the vicinity of the Sepulveda Pass/I-405 corridor.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist LACMTA in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

Specific Comments

1) Impacts on Mountain Lion (*Puma concolor*). The Sepulveda Pass/I-405 corridor has led to the following impacts on mountain lion: mortality due to vehicle strikes; extreme habitat fragmentation; and population isolation (Center for Biological Diversity 2019). Even though Sepulveda Pass/I-405 corridor is a barrier to mountain lion movement between the Santa Monica Mountains National Recreation Area/Eastern Santa Monica Mountains, mountain lion (most famously a male mountain lion P-22 tracked by the National Park Service) have successfully crossed this barrier. The Project (specifically Alternatives 1, 2, and 3) could introduce an additional barrier to mountain lion movement. The Project could therefore exacerbate the challenges faced by mountain lion in the Santa Monica Mountains.

   a) Protection Status: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list the Southern California/Central Coast Evolutionary Significant Unit of mountain lion as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. With respect to the Santa Monica Mountains subpopulation of mountain lion, with continued isolation, inbreeding, and loss of genetic diversity, there is increasing risk of inbreeding depression and extinction. With inbreeding depression, the probability of extinction for the Santa Monica Mountains subpopulation within 50 years is predicted to be 99.7 percent, with a median time to extinction of 15.1 years (Center for Biological Diversity 2019).

   b) Analysis and Disclosure: The DEIR should analyze and discuss the Project's potential impact and cumulative impact on mountain lion during both Project construction and for the Project's lifetime. Impacts on mountain lion behavior, reproductive viability, and overall survival success should be analyzed discussed for Alternatives 1 through 6. In

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addition, the DEIR should analyze from the standpoint of the following impacts: 1) strikes from train cars; 2) introducing new/additional barriers to dispersal; 3) constraining wildlife corridors and pinch points leading to severed migration; 4) habitat loss, fragmentation, and encroachment; 5) increased human presence, noise, and lighting from train stations and along the proposed alignments; and 6) and use of herbicides, pesticides, and rodenticides. Such analysis should be informed by a study to assess mountain lion movement, territory size, and habitat use within and surrounding the Project vicinity. CDFW recommends using wildlife cameras to aid in identification of areas that may be important to wildlife movement between the Santa Monica Mountains National Recreation Area/Eastern Santa Monica Mountains.

In addition, the DEIR should discuss the Project's potential impacts on habitat blocks and wildlife corridors identified in the Eastern Santa Monica Mountains Habitat Linkage Planning Map (Santa Monica Mountains Conservancy 2020). "The habitat blocks designated on the Eastern Santa Monica Mountains Habitat Linkage Planning Map are critical, precisely-mapped environmental resources within the Santa Monica Mountains Zone (established in Section 33105, California Public Resources Code), and are therefore environmental resources of critical concern pursuant to CEQA Guidelines Section 15300.2(a)" (Santa Monica Mountains Conservancy 2021). Finally, the DEIR should discuss the Project's potential effect on any on-going or planned habitat recovery and restoration efforts for mountain lion.

c) Avoidance: CDFW recommends LACMTA consider a Project alternative that would fully avoid the Project's potentially significant impact on mountain lion. In addition, CDFW recommends the Project fully avoid impacts on habitat blocks and wildlife corridors designated on the Eastern Santa Monica Mountains Habitat Linkage Planning Map.

d) Compensatory Mitigation: CDFW recommends LACMTA minimize the Project's potential impacts on mountain lion through creation of wildlife crossings that would facilitate mountain lion movement and dispersal. If avoiding and minimizing impacts is not feasible, CDFW recommends the DEIR provide measures to mitigate for the Project's potentially significant impact on mountain lion. LACMTA should provide compensatory mitigation for loss of mountain lion habitat, corridors, and linkages. The DEIR should justify how the proposed compensatory mitigation would reduce impacts on mountain lion to less than significant. Appropriate mitigation may include obtaining appropriate take authorization under CESA (pursuant to Fish & Game Code, § 2080 et seq.).

e) CESA: Appropriate take authorization under CESA may include an Incidental Take Permit (ITP) among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. To obtain appropriate take authorization under CESA, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all Project impacts on CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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2) Open Space and Natural Habitats. According to the California Protected Areas Database Holdings (CPAD) dataset available in the California Natural Diversity Database in BIOS (CNDDB), the following protected areas are located adjacent to Sepulveda Pass/I-405 corridor: Getty View Park and Trailhead; Sepulveda Pass Open Space; and Mission Canyon Open Space. The Project may require encroachment or easements onto lands adjacent to the Sepulveda Pass/I-405 corridor (CDFW 2021a).

   a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's potential impact on open space/natural habitats resulting from Project-related construction and activities, ground-disturbance activities (e.g., mobilization, parking, staging, and access), vegetation removal, fuel modification, herbicide application, spread of invasive species, altered hydrology, and altered habitat conditions (e.g., microclimate, soils, and slope). The DEIR should disclose the amount of open space/natural habitats impacted as a result of the proposed Project for Alternatives 1 through 6.

   b) Avoidance and Setback. CDFW recommends the Project fully avoid developing and encroaching onto open space/natural habitats. Encroachment onto open space/natural habitats creates an abrupt transition between two different land uses. Encroachment onto open space/natural habitats could affect environmental and biological conditions and increase the magnitude of edge effects on biological resources. CDFW recommends the DEIR consider a Project alternative that would not result in developing, encroaching onto, or converting open space/natural habitats. Where the Project may occur near but avoid impacts on open space/natural habitats, CDFW recommends the DEIR include effective unobstructed vegetated buffers and setbacks adjoining open space/natural habitats. The DEIR should provide justifications for the effectiveness of chosen buffer and setback distances to avoid impacts on open space/natural habitats.

3) Jurisdictional Waters. According to the U.S. Fish and Wildlife Service's (USFWS) National Wetland Inventory, watercourses occur on both the west and east side of Sepulveda Pass/I-405 corridor (USFWS 2021). Project construction and activities occurring adjacent to streams could impact the stream and associated vegetation. Streams could be channelized or diverted underground. The watercourse could become impaired because of streambank erosion due to Project-related activities. Vegetation along a stream could be removed or degraded through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants). In addition, tunneling through the Eastern Santa Monica Mountains could result in land subsidence or other physical changes, as well as potentially altering geology, leading to adverse impacts on streams and waterbodies.

   a) Stream Delineation and Impact Assessment. CDFW recommends the DEIR provide a stream delineation and analysis of impacts on any river, stream, or lake[1]. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of

[1] "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. The DEIR should disclose the linear feet and acres of streams and associated plant communities impacted by the Project for Alternatives 1 through 6. In addition, the DEIR should discuss whether the Project would require water diversion or dewatering during Project construction and for the Project's lifetime.

b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts on streams and associated vegetation. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Where the Project may occur near a stream but avoids the watercourse and vegetation, CDFW recommends DEIR provide effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation. The DEIR should provide justification for the effectiveness of chosen buffer and setback distances to avoid impacts on the stream and associated vegetation.

c) Compensatory Mitigation. If avoidance is not feasible, the DEIR should provide compensatory mitigation for impacts on streams and associated vegetation at no less than 2:1. LACMTA should provide higher mitigation for impacts on sensitive natural communities (see Comment #6) and presence of rare, sensitive, or special status flora and fauna.

d) Lake and Streambed Alteration (LSA) Agreement. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW[2]. Accordingly, the DEIR should include a measure whereby the LACMTA would notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2021b).

4) Hydroacoustic Effects on Fish. Alternatives 4, 5 and 6 of the Project proposes an underground transit corridor through the Eastern Santa Monica Mountains. Accordingly, the Project may require substantial ground disturbance in the Eastern Santa Monica Mountains. Streams and waterbodies in the Eastern Santa Monica Mountains may support fish. Fish are susceptible to pressure-mediated (sound pressure and barotrauma) injury to the ears and general body tissues. Sound pressure caused by blasting, construction equipment, tunneling, and pile driving could result in altered behavior, tissue damage, injury, or mortality of fish; fish could be impacted both physiologically and physically (Popper et al. 2015; Popper et al. 2019). In addition to impacts on individual fish, the Project could adversely

[2] CDFW's issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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impact a population of fish if exposure to sound pressure has an impact on breeding or feeding success or alters migratory patterns. Widespread impaired hearing or sub-lethal injuries may result in impacts on populations. Effects could last from the immediate period of sound exposure to several weeks if fish are displaced from their preferred areas (Popper et al. 2015). In order for CDFW to comment on the Project's impact on fish, CDFW recommends the DEIR evaluate and discuss the following:

a) Species of native and non-native fish that are present or could be present in the Eastern Santa Monica Mountains, and for native fish species, whether the species is sensitive, special status under CESA and/or the Endangered Species Act, or may meet the CEQA definition of endangered, rare, or threatened (CEQA Guidelines, § 15380);
b) Project construction and activities that would result in sound pressure and ground vibrations such as blasting, tunneling, and pile driving;
c) Sound pressure sources and sound pressure levels (decibels) associated with each source, including peak sound pressure (Peak) and accumulative sound elevation level (SEL);
d) Frequency and duration of each sound pressure source;
e) Potential impacts on fish resulting from each sound pressure source; and,
f) Methods to attenuate sound pressure to avoid/minimize impacts on fish.

5) Rare Plants. Rare plant species may occur in open space/natural areas adjacent to the Sepulveda Pass/I-405 corridor. These include, but not limited to, species listed in Table 1.

Table 1. Rare plant species that may occur in the Project area.

Species	CRPR	Bloom Period
Mesa horkelia (*Horkelia cuneata* var. *puberula*)	1B.1	Feb - Jul
Southern tarplant (*Centromadia parryi* ssp. *australis*)	1B.1	May - Nov
Scrub oak (*Quercus dumosa*)	1B.1	Feb - Mar
Catalina mariposa lily (*Calochortus catalinae*)	4.2	Mar - Jun
Plummer's mariposa lily (*Calochortus plummerae*)	4.2	May - Jul
Hubby's phacelia (*Phacelia hubbyi*)	4.2	Apr - Jun
Southern California black walnut (*Juglans californica*)	4.2	Mar - Jun
Santa Barbara bedstraw (*Galium cliftonsmithii*)	4.3	May - Jul
Stiff lomatium (*Lomatium rigidum*)	4.3	Apr - May

California Rare Plant Rank (CRPR) and bloom period information from Calflora (2021)

a) Protection Status: Plants with a CRPR of 1B are rare throughout their range with most of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century (CNPS 2021). Plants with a CRPR of 1B meet the definition of endangered, rare, or threatened species pursuant to CEQA Guidelines section 15380. Plants with a CRPR of 4 may meet the definition of endangered, rare, or threatened species.

b) Analysis of Impacts and Disclosure: LACMTA should retain a qualified biologist to conduct focused rare plant surveys in order to analyze the Project's impacts on rare

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plants for Alternatives 1 through 6. The survey area should include all areas subject to Project-related ground-disturbance activities (e.g., mobilization, parking, staging, and access) and vegetation removal during Project construction and over the Project's lifetime. The survey area should also include areas subject to Project-related fuel modification, herbicide application, spread of invasive species, altered hydrology, and altered habitat conditions (e.g., microclimate, soils, slope, and pollinators) supporting rare plants which are habitat specialists. Per established protocol, botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable (see General Comment #3). Botanical field surveys should be spaced throughout the growing season (e.g., early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present (CDFW 2018).

c) Avoidance: CDFW recommends LACMTA avoid impacts on rare plants and habitat. CDFW recommends the LACMTA consider a Project alternative that may avoid or substantially lessen any of the Project's significant effects on rare plants and habitat. In addition, CDFW recommends DEIR provide appropriate species-specific buffer/setback from rare plants and habitat. An appropriate buffer/setback should avoid direct and indirect impacts on rare plants and habitat, allow for population connectivity and expansion, and protect processes supporting rare plants such as plant-pollinator relationship and hydrology. The DEIR should provide justification for the effectiveness of chosen buffer and setback distances to protect rare plants and habitat during Project construction and over the Project's lifetime.

d) Compensatory Mitigation: If avoidance is not feasible, CDFW recommends the DEIR provide compensatory mitigation for both the Project's direct and indirect impacts on rare plants and habitat. Mitigation should be higher for the Project's impacts on rare plant species with a CRPR of 1B.

6) Sensitive Natural Communities: California walnut groves (*Juglans californica* Woodland Alliance) and Oak woodland (*Quercus* genus Woodland Alliance). California walnut groves and oak woodland may occur on open space/natural areas around the Sepulveda Pass/I-405 corridor.

a) Protection Status:

i. California walnut groves is a sensitive natural community with a rarity ranking of S3.2 (CDFW 2021c; Sawyer et al. 2009). California walnut groves are only found in southern California where this natural community has been significantly reduced due to urban development, type conversion, and agriculture.
ii. Some oak woodland alliances have a rarity ranking of S1, S2, or S3. While the coast live oak (*Quercus agrifolia* Woodland Alliance) has a rarity ranking of S4, some associations are rare (S1, S2, or S3) (Sawyer et al. 2009). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Moreover, oak woodlands are protected by the Oak Woodlands

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Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources. The percentage of oak woodlands that are developed in southern California is higher than in any other part of the State (Gaman and Firman 2006).

b) Analysis of Impacts and Disclosure: Natural communities with ranks of S1, S2, and S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA (CDFW 2021c). Accordingly, the DEIR should analyze and disclose the Project's impacts on natural communities for Alternatives 1 through 6, with a specific emphasis on sensitive natural communities including but not limited to California walnut groves and oak woodlands. To analyze the Project's impacts on natural communities, LACMTA should retain a qualified biologist identify and map natural communities in the Project. The qualified biologist should adhere to established protocols for mapping natural communities (see General Comment #3). Association-level mapping is recommended for California walnut groves and oak woodland alliances for CDFW to adequately comment on the Project's impact on these sensitive natural communities and mitigation measures for those impacts. Finally, southern California black walnuts can resprout after fire. Therefore, a California walnut grove should be mapped as such even if there are dead, drying, or disturbed trees.

c) Avoidance: CDFW recommends LACMTA avoid impacts on sensitive natural communities. CDFW recommends the LACMTA consider a Project alternative that may avoid or substantially lessen any of the Project's significant impacts on sensitive natural communities. In addition, CDFW recommends DEIR provide appropriate buffer/setback from sensitive natural communities. An appropriate buffer/setback should avoid direct and indirect impacts on sensitive natural communities, allow for population connectivity and expansion, and protect processes supporting sensitive natural communities such as hydrological processes in the case of California walnut groves. The DEIR should provide justification for the effectiveness of chosen buffer and setback distances to protect sensitive natural communities during Project construction and over the Project's lifetime.

d) Compensatory Mitigation: If avoidance is not feasible, CDFW recommends the DEIR provide compensatory mitigation for impacts on sensitive natural communities. Higher mitigation should be provided for impacts on S1 and S2 ranked sensitive natural communities. Impacts due to fuel modification or trimming should also be mitigated as these impacts would result in permanent loss and perpetual impacts on habitat function and quality. There should be no-net loss of individual trees and habitat acres for California walnut groves and oak woodland. Mitigation should be provided for both individual trees and habitat acres. The replacement of individual trees is inadequate to mitigate for the loss of habitat. LACMTA should provide higher mitigation for impacts on California walnut groves and oak woodland depending on factors such as extent of impacts, size of trees impacted, and presence of rare, sensitive, or special status flora and fauna.

7) Nesting Birds. There are multiple birding hotspots on both the west and east side of Sepulveda Pass/I-405 corridor (eBird 2021). Ground-disturbing activities and vegetation removal occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

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a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

b) Avoidance. CDFW recommends that measures be taken to avoid impacts on nesting birds and raptors. CDFW recommends the DEIR include a measure the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.

c) Minimizing Potential Impacts. If impacts on nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, CDFW recommends a qualified biologist conduct breeding bird and raptor surveys to identify nests occurring in the disturbance area and 100 feet from the disturbance area to the extent allowable and accessible. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no-disturbance buffer around active bird nests. For raptors, the no-disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on nesting birds, sensitivity of the area, and adherence to the no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

8) Loss of Bird and Raptor Nesting and Breeding Habitat. The Project may require easements onto or acquisition of land that provide habitat for nesting birds.

a) Analysis and Disclosure. CDFW recommends the DEIR analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat for Alternatives 1 through 6. Edge effects should also be analyzed and discussed. The DEIR should disclose the acreage of bird and raptor nesting and breeding habitat that could be impacted and lost as a result of the proposed Project.

b) Avoidance and Compensatory Mitigation. CDFW recommends the Project avoid and minimize development and encroachment onto habitat for nesting birds. If avoidance is not feasible, CDFW recommends the DEIR provide compensatory mitigation for the loss of nesting bird habitat. Depending on the status of the bird or raptor species using the habitat that is impacted, compensatory mitigation should increase with the occurrence of a California Species of Special Concern (SSC). Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.

9) Bats. Bats may forage and roost in open space/natural areas in the vicinity of the Project area. Ground-disturbing activities and vegetation removal could impact bats and roosts.

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Extra noise, human activity, dust, ground vibrations, or the reconfiguration of large objects can disturb roosting bats which may have a negative impact on the animals.

a) Protection Status: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). In addition, some bats are considered SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

b) Analysis and Disclosure: In preparation of the DEIR, CDFW recommends LACMTA retain a qualified bat specialist identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats.

c) Avoidance and Minimization. If the Project would impact bats, CDFW recommends the DEIR provide measures to avoid/minimize impacts on bats, roosts, and maternity roosts. The DEIR should incorporate mitigation measures in accordance with California Bat Mitigation Measures (Johnston et al. 2004).

General Comments

1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."

a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). CDFW recommends LACMTA provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to an SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage (CDFW 2021c);

b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas should be included where the Project's construction and activities could lead to direct or indirect impacts off site;

c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The Manual of California Vegetation (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;

d) A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. CDFW's California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021a). An assessment should include a nine-quadrangle search of the CNDDB to determine a list of species potentially present in the Project area. A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification

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for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];

e) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines for established survey protocol for select species (CDFW 2021d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,

f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

4) Biological Direct, Indirect, and Cumulative Impacts. The DEIR should provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:

a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;

b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];

c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;

d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included;

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e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,

f) A cumulative effects analysis as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and natural communities. If LACMTA determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. LACMTA's determination should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:

a) A complete discussion of the purpose and need for, and description of the proposed Project;

b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and,

c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends LACMTA select an alternative that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends LACMTA consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR "shall" include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

d) Where the Project may impact aquatic and riparian resources, CDFW recommends the LACMTA select an alternative that would fully avoid impacts to such resources. CDFW

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also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.

6) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting CNDDB Field Survey Forms (CDFW 2021e). To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2021f). LACMTA should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out. The data entry should also list development as a threat to those sensitive and special status species and natural communities identified.

7) Use of Native Plants and Trees. CDFW strongly recommends avoiding non-native, invasive plants for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2021). CDFW supports the use of native species found in naturally occurring vegetation communities within or adjacent to the Project area. Where the Project may need to replant trees, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds.

8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

9) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

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10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

11) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The Wetlands Resources policy the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California" (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

    b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

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Conclusion

CDFW requests consultation with LACMTA before and during preparation of the DEIR to resolve potential concerns regarding impacts on biological resources [CEQA Guidelines, §§ 15006(g), 15083]. The consultation will assist in the preparation of a CEQA document that will meet CDFW's needs when we potentially need to exercise our regulatory authority as a Responsible Agency under lake and streambed alteration regulatory authority and/or authority under the California Endangered Species Act [Fish & G. Code, §§ 1600 et seq.; 2080.1; 2081 subds. (b) and (c)].

We appreciate the opportunity to comment on the NOP for the Metro Sepulveda Transit Corridor Project to assist the Los Angeles County Metropolitan Transportation Authority in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

Sincerely,

DocuSigned by:
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Victoria Tang signing for

Erinn Wilson-Olgin
Environmental Program Manager I
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Alternative 1 (Monorail)



Alternative 2 (Monorail)



Alternative 3 (Monorail)



Alternative 4 (Heavy Rail)



Alternative 5 (Heavy Rail)



Alternative 6 (Heavy Rail)



Metro Rail Lines & Stations (B) (E)

Metro Busway & Stations (G)

Metro Purple (D Line) Extension Transit Project (Under Construction) (D)

East San Fernando Valley Light Rail Transit Line (Pre-construction)

Amtrak/Metrolink Line & Stations

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Figure 2: General Alignments of Proposed Alternatives