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August 26, 2025

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SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SEPULVEDA TRANSIT CORRIDOR PROJECT, SCH NO. 2021110432, LOS ANGELES COUNTY, CA

Dear Peter Carter:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the Los Angeles County Metropolitan Transportation Authority (Metro) for the Sepulveda Transit Corridor Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's 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 law² of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Metro

Objective: The Project proposes to construct and provide a high-capacity fixed guideway public transportation line across the Santa Monica Mountains. It would be aligned in the vicinity of the Sepulveda Pass to connect the San Fernando Valley and the west side of Los Angeles City. 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 at the Expo/Sepulveda station. Since the release of the Notice of Preparation (NOP), the Project has withdrawn Alternative 2 from consideration.

- **No Build Alternative** – There would be no construction of a fixed guideway line, and the Project area would remain in its current condition.
- **Alternative 1** – Alternative 1 would utilize monorail technology with automated train operations and would consist of up to eight cars. The length of the alignment between the terminus stations would be 15.1 miles. The monorail guideway would be entirely aerial and generally located within the Interstate I-405 right-of-way and then adjacent to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor tracks between I-405 and the Van Nuys Metrolink Station. Some freeway ramps and local roads would be realigned or relocated and widening of the freeway would be required at some locations in order to accommodate the monorail guideway within the I-405 corridor. Alternative 1 would have eight aerial monorail stations at Metro E Line, Santa Monica Boulevard, Wilshire Boulevard/Metro D Line, Getty Center, Ventura Boulevard/Sepulveda Boulevard, Metro G Line Sepulveda, Sherman Way, and the Van Nuys Metrolink Station. At Wilshire Boulevard, an aerial station would be located on the west side of the I-405 and an electric bus shuttle would provide service along a 1.5-mile route between the Metro D Line Westwood/VA Station and University of California, Los Angeles (UCLA) Gateway Plaza. A maintenance and storage facility for monorail vehicles would be located either west of Sepulveda Boulevard, south of the LOSSAN rail corridor tracks, or on property

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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owned by the City of Los Angeles Department of Water and Power east of the Van Nuys Metrolink Station. A total of 14 electric buses would be maintained on a 2-acre lot located at the northwest corner of Pico Boulevard and Cortner Avenue.

- **Alternative 3** – Alternative 3 would utilize monorail technology along the same alignment as Alternative 1. The length of the alignment between the terminus stations would be 16.1 miles. The monorail guideway would be aerial for most of the alignment, with a 3.6-mile tunnel segment 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 Alternative 1. Just south of Wilshire Boulevard, the alignment would diverge from the I-405 median, transition to below grade along the south edge of the Federal Building property. The alignment would turn north under Veterans Avenue and the proposed Wilshire Boulevard/Metro D Line Station and travel underneath Westwood Village and UCLA, before returning to the I-405 corridor just south of the proposed Getty Center Station. Some freeway ramps and local roads would be realigned or relocated and widening of the freeway would be required at some locations to accommodate the monorail guideway within the I-405 corridor. Alternative 3 would have two underground monorail stations at UCLA Gateway Plaza and Wilshire Boulevard/Metro D Line. Similar to Alternative 1, seven aerial monorail stations are proposed, except for the Wilshire Boulevard/Metro D Line. Location of maintenance and storage facilities for monorail vehicles would be the same as that of Alternative 1.
- **Alternative 4** – Alternative 4 would utilize heavy rail transit trains with automated train operations and would typically consist of three or 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 LOSSAN railroad corridor tracks. Alternative 4 would have four underground stations at Metro E Line, Santa Monica Boulevard, Wilshire Boulevard/Metro D Line, and UCLA Gateway Plaza, and four aerial stations at Ventura Boulevard/Sepulveda Boulevard, 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 and south of the LOSSAN railroad corridor tracks.
- **Alternative 5** – Alternative 5 would utilize 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 east of Sepulveda Boulevard and south of Raymer Street

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in the San Fernando Valley. Near the tunnel portal, the alignment would curve southeast and begin an aerial guideway along the south side of the LOSSAN rail corridor. Alternative 5 would have, in total, seven underground stations and one aerial station at the Van Nuys Metrolink Station. Four underground stations would be located at Metro E Line, Santa Monica Boulevard, Wilshire Boulevard/Metro D Line, UCLA Gateway Plaza and three underground stations would be located at Ventura Boulevard/Sepulveda Boulevard, Metro G Line and Sherman Way. The location of a maintenance and storage facility for heavy rail transit vehicles would be the same as that of Alternative 4.

- **Alternative 6 (Proposed Project)** – Alternative 6 would utilize the same driver-operated steel-wheel heavy rail transit trains as used on the Metro B and D lines. Trains would consist of two, four, or six cars and are expected to consist of six cars during peak periods. The length of the alignment between the terminus stations would be 12.9 miles. The alignment would be entirely underground through the Westside, the Santa Monica Mountains, and the San Fernando Valley. The southern terminus station would be adjacent to the existing Metro E Line Expo/Bundy Station, and the northern terminus station would be located south of the existing Van Nuys Metrolink/Amtrak Station. Alternative 6 would have seven underground stations at Metro E Line/Bundy Station, Santa Monica Boulevard, 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 the Van Nuys Metrolink Station and would encompass approximately 41 acres.

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 in Los Angeles County. The northern boundary of the Project area occurs in the City of Van Nuys and the southern boundary is in the City of Los Angeles and adjacent to the City of Santa Monica (Attachment B).

Biological Setting: The Project consists of the Project Study Area (PSA), which represents the area in which the transit components and ancillary facilities are proposed. Furthermore, within the PSA, a resource study area exists for each alternative. This includes the impact footprint, composed of all underground, surface, and aerial Project components, plus a 500-foot radius buffer around areas subject to temporary or permanent ground disturbance. Lastly, the Project includes the ground disturbance area, which comprises the above-ground Project components that would require surface-disturbance activities.

Land cover types that occur north and south of the PSA include various developments such as residential and industrial. On the west and east bounds of the PSA include open space and residential development. According to Appendix I. Ecosystems and Biological Resources Technical Report Appendix A with Attachments 1& 2, several aquatic resources occur within the PSA. Aquatic features include the Los Angeles River,

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Pacoima Wash, Encino Creek, Ballona Creek, Centinela Creek Channel, and the Sepulveda Channel. Additionally, several underground, ephemeral and unnamed drainages occur within the PSA.

General field surveys were conducted in April, May, and July 2023, and March 2024. However, focused botanical or wildlife surveys were not conducted but will be completed once a preferred alternative is identified. Surveys consisted of a combination of meandering transects, pedestrian, windshield, and binocular surveys. Inaccessible portions of the survey area that were not visible from the public right-of-way were assessed through desktop with aerial imagery. Additionally, field surveys were conducted to evaluate the presence of waters associated with the United States Army Corp of Engineers, Regional Water Quality Control Board, and CDFW jurisdiction. Each alternative contains various vegetation communities, but the communities that occur within the proposed Project include, but are not limited to, California walnut woodland, California annual grassland, black sage scrubland, Ceanothus chaparral, California sagebrush-California buckwheat shrubland, coast live oak woodland, coyote brush shrubland, chamise-black sage shrubland, sugar bush shrubland, and California encelia shrubland. No wetland or riparian vegetation communities were observed in the ground disturbance areas.

Species that are of potential concern for the Project include, but are not limited to, mountain lion (*Puma concolor browni*; CESA candidate endangered), Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), Braunton's milk-vetch (*Astragalus brauntonii*; Endangered Species Act (ESA)-listed endangered; CESA-listed endangered; California Rare Plant Rank (CRPR) 1B.1), Nevin's barberry (*Berberis nevinii*; ESA-listed endangered; CESA-listed endangered; CRPR 1B.1), Davidson's bushmallow (*Malacothamnus davidsonii*; CRPR 1B.2), and nesting birds and raptors.

The DEIR includes a variety of mitigation measures (MM); some would only be implemented in specific alternatives. MM may consist of avoidance and minimization actions specific to nesting birds, special-status bat species, protected trees and shrubs, mountain lion, Crotch's bumble bee, least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered; CESA-listed endangered), special-status plants, and other special-status species. Additionally, the DEIR includes general construction MM.

Project History: CDFW previously reviewed the NOP in 2021 and submitted comments on February 4, 2021. Comments in the NOP addressed mountain lions, open space and natural habitats, jurisdictional waters, hydroacoustic effects on fish, rare plants, California walnut groves, and bird species. CDFW was not involved in any other scoping related to the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Metro in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and

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indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Inadequate Analysis

Issue: CDFW is concerned that the DEIR did not provide adequate analysis while claiming that it relies on the selection of a preferred alternative to disclose subsequent information. Without sufficient information regarding existing and known biological resources specific to a preferred alternative the Project will not benefit from further public review and CEQA analysis.

Specific impact: For all Project alternatives, direct impacts on biological resources from Project activities may involve vegetation crushing, trimming or removal, burial, human intrusion, and soil erosion, crushing and compaction or excavation of soil. Indirect effects may include the spread of invasive, non-native weeds, which impact adjacent habitat as well as vibration and construction noise and lighting.

Why impact would occur: The MMs in the DEIR are based on speculation and lack rigorous scientific information on potential impacts to special-status species. The DEIR states, “resource-specific focused botanical or wildlife surveys were not conducted for the Project at this time and will be completed once a preferred alternative is identified” (pg. 3.3-20). Specific impact acreage, mitigation and/or restoration acreage have not been included. The DEIR is based on a reconnaissance biological assessment, which do not equate to actual surveys for the presence or absence of any species. Therefore, the MMs in the DEIR do not provide a full analysis of mitigation for specific special-status species. While CDFW appreciates the analysis of impacts for each alternative, we are not fully able to provide meaningful feedback without focused surveys.

Moreover, according to the DEIR, the selection of an alternative would be made after the finalization of the FEIR. CDFW is concerned that there will not be an opportunity to review and provide comments on the selected alternative after the FEIR is certified and the Project is approved. As currently written, the analysis of Project impacts for each alternative in the DEIR is not at a scope or depth required for CDFW to provide comment on the full breadth of environmental concerns and potential avoidance, minimization, or MM. While we appreciate additional public involvement through future coordination, the Project approval process does not benefit from CEQA-level public review and analysis.

Evidence impact would be significant: CEQA Guidelines §15070 and §15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will ‘avoid the effect or mitigate to a point where clearly no significant effects would occur’. Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits from CDFW, are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint need to be disclosed during the public

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comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure # 1: Focused Surveys

The Project proponent shall obtain a qualified biologist to conduct focused botanical and animal surveys. Focused protocol-level surveys shall be conducted at the appropriate time of year for maximum documentation of special-status species prior to finalizing the FEIR. Based on the survey results, the final CEQA document should propose specific avoidance, minimization, and mitigation for Project impacts to special-status species. For established survey protocols, see CDFW's [Survey and Monitoring Protocols and Guidelines](https://wildlife.ca.gov/conservation/survey-protocols)³.

Recommendation # 1: Recirculated CEQA Document

CDFW recommends that the DEIR be recirculated after a preferred alternative is selected and focused surveys (see MM #1) have been completed to fully disclose the potential impacts to special-status species.

COMMENT # 2: Impacts on Mountain Lion

Issue: The Project could impact mountain lion through habitat loss and increasing human presence.

Specific impact: MM BIO-14 and MM BIO-28 may be improved to reduce impacts to mountain lions. Project implementation may directly impact mountain lion habitat through vegetation removal, grading, and extension of the disturbance area. Indirect impacts include increased levels of noise, vibration, sound, and human activity in the area.

Why impact would occur: According to the DEIR, mountain lions are considered present throughout the Project area, specifically in the Santa Monica Mountains (pg. 3.3-4.1). Mountain lions are exceptionally vulnerable to human disturbance and as the human population density increases, the probability of mountain lion persistence decreases (Lucas 2020; Woodroffe 2000). The Project will increase human presence (e.g., new development, construction staging, traffic, noise, and artificial lighting) during Project construction and over the life of the Project. Further, Project implementation will

³ <https://wildlife.ca.gov/conservation/survey-protocols>

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include the development of new roads and higher vehicle usage. Mountain lions tend to avoid roads and trails regardless of how much they are used (Lucas 2020). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019).

Therefore, the development, depending on the alternative, would decrease habitat for mountain lion either temporarily and/or permanently. A discussion of replacement habitat for mountain lions was not discussed within the DEIR. Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts on mountain lions. This is especially critical in the face of climate change, driven habitat loss and increased frequency of fires (Yap 2019).

Evidence impact may be significant: Mountain lion is a specially protected mammal in the State (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure # 2: Avoid and Minimize Construction-Related Impacts to Mountain Lion and Vertebrate Movement Corridors – Metro should revise MM BIO-14 to incorporate the underlined language and omit language in strikethrough:

Impacts to mountain lion and other vertebrate movement corridors shall be avoided, minimized, and/or mitigated as follows:

- Prior to any ground-disturbing activity, a Qualified Biologist shall conduct a detailed analysis of wildlife movement and corridors within the Santa Monica Mountains as they relate to ground disturbance activities for the Project. Analysis shall include desktop review of publicly available documentation — including research publications, project reports, environmental analyses, and high-quality aerial imagery — to anticipate wildlife movement patterns within the project vicinity. Field surveys shall also be conducted to identify and document wildlife crossings.
- Prior to construction, Metro shall coordinate with the California Department of Fish and Wildlife, California Department of Transportation, the Santa Monica Mountains Conservancy/Santa Monica Mountains National Recreation Area, and species experts (as appropriate) to identify and implement appropriate minimization and avoidance measures to facilitate mountain lion and other vertebrate movement and connectivity across the Santa Monica Mountains. Performance standards for wildlife connectivity shall require that postconstruction conditions maintain or improve wildlife movement.

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Specifically, the Project shall achieve a 0 percent increase in road mortality for mountain lions and other sensitive species in the Project Study Area, as measured through tracking and monitoring for at least five years post-construction.

- Prior to any ground-disturbing activities, field surveys shall be conducted by a Qualified Biologist to (1) confirm mountain lion presence or absence (2) identify known or potential mountain lion natal dens within suitable habitat with 600 feet of ground-disturbing activities during the breeding season (April through September), and (3) identify and document wildlife crossings in the Project vicinity. Surveys shall be conducted at dawn and dusk to increase probability of detection.
 - If a mountain lion natal den is identified during the survey, the Qualified Biologist shall immediately leave the area and relocate to a safe location. Following coordination with species experts and California Department of Fish and Wildlife, the Qualified Biologist shall establish a clearly demarcated (via flagging, fencing and/or signage) no-disturbance buffer where work shall cease until the den is no longer occupied or the cubs have successfully reared. The size of the buffer shall be determined based on characteristics of the den (i.e., distance, direction facing, observed behavior).~~and through consultation with species experts and California Department of Fish and Wildlife to ensure the buffer is of appropriate size to not adversely affect rearing of cubs.~~
 - Vegetation removal shall be limited wherever possible, particularly within the Santa Monica Mountains. If impacts cannot be avoided, habitat should be replaced to compensate for the temporal or permanent loss of habitat. There shall be no net loss of suitable habitat for mountain lions.
 - Vegetation restoration within temporarily disturbed areas adjacent to wildlife crossings shall be designed to facilitate wildlife movement. Installed vegetation patches shall be designed to act as "stepping stones" to provide cover for wildlife approaching crossings. All vegetation provided shall be consistent with any Habitat Restoration Plan required pursuant to MM BIO-9.
- A summary of survey results from presence/absence and den surveys shall include maps of the survey area and possible denning locations and shall be submitted to Metro and California Department of Fish and Wildlife. If a natal den or presence is confirmed, California Department of Fish and Wildlife shall be immediately informed, and additional coordination shall occur, as needed.
- Metro shall also develop a 5-year monitoring plan, in coordination with California Department of Fish and Wildlife and species experts, to track wildlife movement across corridors during and after construction. Monitoring shall use camera traps, satellite GPS~~radio~~ collars, or other wildlife tracking technologies. If the data indicate that mountain lion or other vertebrate movement is negatively impacted, additional mitigation measures, such as enhanced crossing infrastructure or more extensive wildlife funneling fencing, shall be implemented within six months. To prevent harm on wildlife, fencing shall be wrought iron fencing with 8-9" gaps between bars rather than chain-link

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fencing. The fencing shall be of appropriate height and has an appropriately orientated overhang. Additionally, permeable fencing shall separate adjacent habitat from crossing structures. Overall, fencing may be discussed in further coordination with the California Department of Fish and Wildlife. During the 5-year monitoring phase, annual reports summarizing the effectiveness of the mitigation measures, any observed impacts on wildlife movement, and the results of the monitoring program shall be submitted to California Department of Fish and Wildlife, Caltrans, and the Santa Monica Mountains Conservancy. These reports shall also include recommendations for adjustments to ensure compliance with wildlife connectivity standards.

Mitigation Measure # 3: Avoid and Minimize Operations-Related Impacts to Mountain Lion and Vertebrate Movement Corridors – Metro should revise MM BIO-28 to incorporate the underlined language and omit language in strikethrough:

Impacts to mountain lion and other vertebrate movement corridors during operations shall be avoided, minimized, and/or mitigated as follows:

- Metro shall develop, in coordination with the California Department of Fish and Wildlife and relevant species experts, and implement a 5-year monitoring plan to track wildlife movement across corridors during operations of the Project. This shall include a survey of the Project area prior to construction to establish baseline conditions, as well as monitoring the Project area during operations. Monitoring shall use camera traps, satellite GPS ~~radio~~ collars, or other wildlife tracking technologies. If the data indicate that mountain lion or other vertebrate movement is adversely impacted by the presence of the Project (e.g., injury or mortality due to collisions and other effects, reduced habitat patch connectivity, disruptions in corridor usage or avoidance of pre-existing travel corridors), additional mitigation measures, such as enhanced crossing infrastructure or more extensive wildlife funneling fencing, shall be implemented within six months. During the 5-year monitoring phase, annual reports summarizing the effectiveness of the mitigation measures, any observed impacts on wildlife movement, and the results of the monitoring program shall be submitted to California Department of Fish and Wildlife, Caltrans, and the Santa Monica Mountains Conservancy. These reports shall also include recommendations for adjustments to ensure compliance with wildlife connectivity standards.

Mitigation Measure # 4: Compensatory Mitigation for Mountain Lion Habitat

The Project proponent shall restore all habitat to pre-construction conditions following buildout, focusing restoration efforts on habitat that facilitates connectivity between habitat patches. In addition to the mitigation measures proposed in MM BIO-28, Metro shall consult and collaborate with CDFW to conserve areas beneficial to the mountain lion population if adverse impacts are observed by the presence of the Project. The implementation of compensatory mitigation due to permanent or temporary impacts may improve chances of survival and reproduction of mountain lions in the Santa Monica Mountains. The mitigation lands shall be protected in perpetuity under a conservation

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easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). An appropriate endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the issuance of grading permits.

Mitigation Measure # 5: Rodenticides

To eliminate potential mortality, the Project proponent shall prohibit the use of any and all rodenticides within the Project area in perpetuity⁴.

COMMENT # 3: Impacts to Crotch's Bumble Bee Habitat

Issue: The Project will impact suitable nesting and foraging habitat for Crotch's bumble bee. MM-BIO 6 may be improved to ensure impacts to the species are appropriately mitigated.

Specific impact: The Project may result in temporary impacts and permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee.

Why impact would occur: According to the DEIR, Crotch's bumble bee is present throughout the Project area. CDFW appreciates that Metro has incorporated MM BIO-6, which outlines avoidance and minimization measures from construction-related impacts to Crotch's bumble bee. However, compensatory mitigation for impacts to suitable habitat for Crotch's bumble bee was not included in the DEIR. The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. CDFW remains concerned that the species population will continue to be adversely impacted if the confirmed habitat is not adequately restored.

Additionally, the habitat restoration or enhancement sites that would be proposed as compensatory mitigation should be surveyed to confirm presence of Crotch's bumble bee. Having mitigation sites with vegetation communities that support suitable habitat for the species without confirmed presence does not constitute effective mitigation. Impacts due to Project activities have not been fully mitigated if the targeted species is not present and thriving successfully in the proposed mitigation sites.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate

⁴ [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides.

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species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may 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 CDFW or the United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure # 6: Incidental Take Permit

In the event that an Incidental Take Permit (ITP) is obtained by the Project proponent, mitigation for direct impacts to Crotch's bumble bee shall meet CDFW's fully mitigated standard for habitat replacement of equal or better functions and values to those impacted by the Project. Mitigation shall be accomplished through on-site preservation of suitable habitat and/or in accordance with CDFW guidance for off-site locations. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Government Code § 65967(c). Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

Recommendation # 2: CEQA

CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

COMMENT # 4: Impacts on Rare Plants

Issue: MM BIO-9 may be improved to reduce impacts to rare plant species.

Specific impact: Project ground-disturbing activities (i.e., grading, vegetation removal) may result in loss of suitable habitat, loss of population, and direct mortality of rare plant species such as Braunton's milk-vetch, Nevin's barberry, and Davidson's bushmallow.

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Why impact would occur: The DEIR states that multiple special-status rare plant species are present within the Project area. While CDFW appreciates the implementation of MM BIO-9, there are concerns due to transplantation of rare plant species. CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to species, as studies have shown that these efforts are experimental in nature and largely unsuccessful. Should Metro pursue these methods as mitigation for sensitive plant species, the FEIR should provide strong evidence to demonstrate the feasibility of the proposed mitigation.

Transplantation has been shown to have limited success in establishing rare plants at new locations. A study by CDFW (Fiedler, 1991) found that, even under optimal conditions, transplantation was effective in only 15% of cases studied. Other reviews (e.g. Allen, 1994; Howald, 1996) identified similar issues: digging up, transporting, and replanting plants, bulbs, rhizomes, or seeds imposes stress on plants, which can lead to mortality; scientifically tested, reliable methods for salvage, propagation, translocation, or transplantation are not available for many rare species; areas where the impacted taxon is already present are often at the carrying capacity for the habitat, and introduction of transplanted individuals will disrupt the equilibrium of the population and will not increase the vitality of the taxon. Translocation plans should be provided to CDFW for review, and for concurrence on the success criteria and remedial measures in the event the restoration is not successful.

Additionally, as currently written, MM BIO-9 does not commit to mitigation that would adequately offset the direct loss of impacted rare plant species, nor does it adopt specific performance standards and actions pertaining to management of mitigation actions. Moreover, the MM does not provide success criteria for the restoration to ensure successful mitigation is achieved. In addition to no success criteria, long-term management actions for the restoration are not outlined in the MM. MM BIO-9 points to consult with the appropriate agency for additional avoidance, minimization, or MM, but does not include language that specifies actions that would be taken at the Project-level in the event a special-status plant is observed. In conclusion, due to the lack of focused surveys and variety of alternatives, CDFW cannot provide meaningful comments on the MM if the specific impacts on special-status plant species are not clearly identified. With limited information and no enforceable actions regarding the impacts, the proposed mitigation would be considered deferred.

Evidence impact would be significant: Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The California Endangered Species Act (CESA) and Native Plant Protection Act (NPPA) provide additional protections for such species, including take prohibitions (Fish & G. Code, § 2050 et seq.; Fish & G. Code, § 1908). As a responsible agency, CDFW has the authority to issue permits for the take of species listed under CESA and NPPA if the take is incidental to an otherwise lawful activity; CDFW has determined that the impacts of the take have been minimized and fully mitigated; and the take would not

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jeopardize the continued existence of the species (Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14 § 786.9, subd. (b)). Botanical field surveys are one of the preliminary steps to detect special status plant species and sensitive natural communities that may be impacted by a project.

Additionally, MM BIO-9 is considered deferred mitigation [CEQA Guidelines, § 15126.4(a)(1)(B)]. Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species. Subsequently, the Project would continue to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure # 7: Habitat Restoration Plan

To reduce impacts, the FEIR shall provide evidence (e.g. scientific literature, monitoring reports documenting species-specific transplantation success) that the proposed mitigation will be feasible. The Habitat Restoration Plan shall be prepared by a biologist with expertise in southern California ecosystems and native plant restoration techniques and submitted to the Wildlife Agencies for review prior to implementation. The Plan shall discuss the following, at a minimum: 1) species-specific planting (i.e. container or seed) methods; 2) species-specific measurable goals and success criteria (e.g. number of individuals, percent survival rate, absolute cover) for establishing self-sustaining populations; 3) long-term monitoring; 4) location of transplantation/restoration sites; 5) a description of the irrigation methodology; 6) measures to control exotic vegetation; 7) contingency measures, should the success criteria not be met; and 8) conservation of the mitigation site in perpetuity. The Plan shall specify how it will be implemented, who the responsible party for overseeing the implementation is, and when it will be approved. Further coordination with USFWS may be necessary to ensure that proposed mitigation for the ESA-listed special-status plants are adequate.

Mitigation Measure # 8: Compensatory Mitigation

If plants with a CRPR of 1B or 2B are observed in the impact area and cannot be avoided, no Project activities shall commence, and Metro shall coordinate with CDFW to discuss avoidance of the rare plants on site. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum 100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance. The Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants observed on site at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of impacted

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rare plant species that are located in the same watershed as the Project area. The mitigation land shall also provide equivalent or greater habitat value than that of the Project area. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

ADDITIONAL COMMENTS

Fully Protected Species. The DEIR notes that bald eagle (*Haliaeetus leucocephalus*) is present within the Project site. Fully Protected Species may not be taken or possessed at any time according to the Fish and Game Code § 3511. CDFW cannot authorize take for bald eagle and Metro must completely avoid impacts to these species during Project's construction and operational activities. While the DEIR claims there is no suitable habitat for bald eagle, CDFW recommends that the FEIR contain a discussion of full avoidance of impacts to bald eagle and include a mitigation measure, if appropriate.

Avoid and Minimize Construction-Related Impacts to Nesting Birds – Metro should revise MM BIO-4 to incorporate the underlined language and omit language in strikethrough:

Vegetation clearance for construction of the Project shall occur outside of the nesting bird season (generally February 15 through September 15) to the extent feasible. If vegetation removal outside this time period is not feasible, the following additional measures shall be employed to avoid and minimize impacts to special-status bird species and nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code:

- A preconstruction nesting bird survey of the work area (as defined by the Ground Disturbance Area, including staging and laydown yards) plus a 300-foot buffer shall be conducted by a Qualified Biologist within three days prior to the start of ground disturbing activities (including vegetation removal activities) to determine whether active nests (defined as nests with eggs or young) are present within or adjacent to (i.e., within 100 feet for non-special-status songbirds, 300 feet for ~~raptors and special-status species~~, and 500 feet for raptors) the work zone. Any active nests found shall be recorded and a nest avoidance zone shall be established where no work shall occur. If project activities are delayed beyond 72 hours, a new nesting bird survey shall be completed within 72 hours prior to the resumption of ground disturbing activities.
- Active bird nests for species protected by the Migratory Bird Treaty Act shall have a clearly demarcated (via flagging, fencing and/or signage) no-disturbance

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buffer established as follows: ~~500~~³⁰⁰-foot radius buffer for raptors and 300-foot radius buffer for special-status birds (refer to MM BIO-7 for additional least Bell's vireo measures) and 100-foot-radius buffer for non-raptor and non-special-status avian nests. The Qualified Biologist can adjust buffer distances to increase or decrease the radius contingent on topography, existing noise levels, planned operational activities, species specific tolerances to disturbances such as noise and vibration from construction activities, and observations specific nesting pair tolerance to disturbances. Nest monitoring by the Qualified Biologist shall be required following buffer modifications to ensure new buffer is appropriate; adjustments can be made only following monitoring of nesting pair to determine if the buffer is adequate to protect the nest from construction impacts, including from noise and vibrations. Installation of temporary noise barriers between the work area and nest can also be evaluated, if installation can occur in a manner to not disturb the nesting pair based on the Qualified Biologist's recommendation. If a Qualified Biologist determines work activities may result in nest failure, project work shall cease within the recommended no-disturbance buffer until a Qualified Biologist determines nest status. Additional follow-up surveys shall be conducted as necessary to determine nest status. Once the nest is determined to be fledged or no longer active, the buffer shall be removed.

- A Qualified Biologist shall inform maintenance personnel of any active nests, facilitate avoidance measures, and verify operational activities do not cause disturbance. Maintenance personnel shall be updated on nest status and when avoidance buffers are no longer necessary.
- A Qualified Biologist shall monitor each nest on a biweekly basis and project activities shall not occur within the buffer until a Qualified Biologist determines the nest is no longer active (either by fledging or failing naturally). If a nest is adjacent to an access road where no project activities are being conducted, vehicles can drive past the nest without stopping or parking. Signage stating no stopping or idling vehicles shall be posted (facing outwards from the buffer) at the start and end of the nest buffer where it crosses the road. A Qualified Biologist can determine a nest is inactive (defined as eggs and young no longer present or reliant on the nest site, including fledged young that still depend upon the nest) following no observations of activity at the nest location for 1 hour for non-raptor avian nests and 4 hours for raptors.
- A summary of nesting bird surveys, monitoring efforts, and any no-disturbance buffers that were installed shall be documented by the biologist at the conclusion of each nesting season and submitted to Metro. In the event that an active bird nest is identified as belonging to a special-status species afforded protection under the California Endangered Species Act or the federal Endangered Species Act, then the appropriate agency shall be immediately informed, and additional coordination shall occur, as needed.

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Lake and Streambed Alteration Agreement Acknowledgement. CDFW concurs with MM BIO-2 to coordinate with CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project proponent should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether an LSA with the Project proponent is required prior to conducting the proposed activities. Please visit the [Lake and Streambed Alteration](#) Program webpage to obtain a notification package for an LSA. We look forward to further coordination with the Metro, and receipt of the streambed notification package for the Project.

Lighting. Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al. 2023). CDFW also recommends Metro prepare a lighting plan that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken by the Metro to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include the MMs recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable MMs (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Metro is welcome to coordinate with CDFW to further review and refine the Project's MMs. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested MMs and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)⁵ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

⁵ <https://wildlife.ca.gov/Data/CNDDDB>

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In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁶.

Metro should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

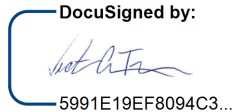
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Metro and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist Metro in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that Metro has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Joleena De La Fe⁷, Environmental Scientist.

Sincerely,

DocuSigned by:

5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Attachment B: General Alignments of Proposed Alternatives

⁶ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

⁷ Phone: (858) 354-3527; Email: joleena.delafe@wildlife.ca.gov

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cc: California Department of Fish and Wildlife
Victoria Tang, CDFW Environmental Program Manager
Steve Gibson, Senior Environmental Scientist Supervisor
Frederic (Fritz) Rieman, Senior Environmental Scientist Supervisor
Jason Lombardi, Statewide Large Carnivore Research Coordinator
Skylar Feltman, Senior Environmental Scientist (Specialist)
Julisa Portugal, Senior Environmental Scientist (Specialist)
Joleena De La Fe, Environmental Scientist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure # 1: Focused Surveys The Project proponent shall obtain a qualified biologist to conduct focused botanical and animal surveys. Focused protocol-level surveys shall be conducted at the appropriate time of year for maximum documentation of special-status species prior to finalizing the FEIR. Based on the survey results, the final CEQA document should propose specific avoidance, minimization, and mitigation for Project impacts to special-status species. For established survey protocols, see CDFW's Survey and Monitoring Protocols and Guidelines⁸.	Prior to Project Initiation	Lead Agency/Qualified Biologist
Recommendation # 1: Recirculated CEQA Document CDFW recommends that the DEIR be recirculated after a preferred alternative is selected and focused surveys (see MM #1) have been completed to fully disclose the potential impacts to special-status species.	Prior to Project Initiation	Lead Agency
Mitigation Measure # 2: Avoid and Minimize Construction-Related Impacts to Mountain Lion and Vertebrate Movement Corridors – Metro should revise MM BIO-14 to incorporate the <u>underlined</u> language and omit language in strikethrough:	Prior to Project Initiation	Lead Agency

⁸ <https://wildlife.ca.gov/conservation/survey-protocols>

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Mitigation Measure	Timing	Responsible Party
Impacts to mountain lion and other vertebrate movement corridors shall be avoided, minimized, and/or mitigated as follows: • Prior to any ground-disturbing activity, a Qualified Biologist shall conduct a detailed analysis of wildlife movement and corridors within the Santa Monica Mountains as they relate to ground disturbance activities for the Project. Analysis shall include desktop review of publicly available documentation — including research publications, project reports, environmental analyses, and high-quality aerial imagery — to anticipate wildlife movement patterns within the project vicinity. Field surveys shall also be conducted to identify and document wildlife crossings. • Prior to construction, Metro shall coordinate with the California Department of Fish and Wildlife, California Department of Transportation, the Santa Monica Mountains Conservancy/Santa Monica Mountains National Recreation Area, and species experts (as appropriate) to identify and implement appropriate minimization and avoidance measures to facilitate mountain lion and other vertebrate movement and connectivity across the Santa Monica Mountains. Performance standards for wildlife connectivity shall require that postconstruction conditions maintain or improve wildlife movement. Specifically, the Project shall achieve a 0 percent increase in road mortality for mountain lions and other sensitive species in the Project Study Area, as measured through tracking and monitoring for at least five years post-construction. • Prior to any ground-disturbing activities, field surveys shall be conducted by a Qualified Biologist to (1) confirm mountain lion presence or absence (2) identify known or potential mountain lion natal dens within suitable habitat with 600 feet of ground-disturbing activities during the breeding season (April through September),		

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Mitigation Measure	Timing	Responsible Party
and (3) identify and document wildlife crossings in the Project vicinity. Surveys shall be conducted at dawn and dusk to increase probability of detection. • If a mountain lion natal den is identified during the survey, the Qualified Biologist <u>shall immediately leave the area and relocate to a safe location. Following coordination with species experts and California Department of Fish and Wildlife, the Qualified Biologist shall establish a clearly demarcated (via flagging, fencing and/or signage) no-disturbance buffer where work shall cease until the den is no longer occupied or the cubs have successfully reared. The size of the buffer shall be determined based on characteristics of the den (i.e., distance, direction facing, observed behavior).</u>~~and through consultation with species experts and California Department of Fish and Wildlife to ensure the buffer is of appropriate size to not adversely affect rearing of cubs.~~ • Vegetation removal shall be limited wherever possible, particularly within the Santa Monica Mountains. <u>If impacts cannot be avoided, habitat should be replaced to compensate for the temporal or permanent loss of habitat. There shall be no net loss of suitable habitat for mountain lions.</u> • Vegetation restoration within temporarily disturbed areas adjacent to wildlife crossings shall be designed to facilitate wildlife movement. Installed vegetation patches shall be designed to act as "stepping stones" to provide cover for wildlife approaching crossings. All vegetation provided shall be consistent with any Habitat Restoration Plan required pursuant to MM BIO-9. A summary of survey results from presence/absence and den surveys shall include maps of the survey area and possible denning locations and shall be submitted to Metro and California Department of Fish and Wildlife. If a natal den or presence is		

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Mitigation Measure	Timing	Responsible Party
confirmed, California Department of Fish and Wildlife shall be immediately informed, and additional coordination shall occur, as needed. • Metro shall also develop a 5-year monitoring plan, in coordination with California Department of Fish and Wildlife and species experts, to track wildlife movement across corridors during and after construction. Monitoring shall use camera traps, <u>satellite GPS radio collars</u>, or other wildlife tracking technologies. If the data indicate that mountain lion or other vertebrate movement is negatively impacted, additional mitigation measures, such as enhanced crossing infrastructure or more extensive wildlife funneling fencing, shall be implemented within six months. <u>To prevent harm on wildlife, fencing shall be wrought iron fencing with 8-9" gaps between bars rather than chain-link fencing. The fencing shall be of appropriate height and has an appropriately orientated overhang. Additionally, permeable fencing shall separate adjacent habitat from crossing structures. Overall, fencing may be discussed in further coordination with the California Department of Fish and Wildlife.</u> During the 5-year monitoring phase, annual reports summarizing the effectiveness of the mitigation measures, any observed impacts on wildlife movement, and the results of the monitoring program shall be submitted to California Department of Fish and Wildlife, Caltrans, and the Santa Monica Mountains Conservancy. These reports shall also include recommendations for adjustments to ensure compliance with wildlife connectivity standards.		
Mitigation Measure # 3: Avoid and Minimize Operations-Related Impacts to Mountain Lion and Vertebrate Movement Corridors – Metro should revise MM BIO-28 to incorporate the <u>underlined</u> language and omit language in strikethrough:	Prior to Project Initiation	Lead Agency

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Mitigation Measure	Timing	Responsible Party
Impacts to mountain lion and other vertebrate movement corridors during operations shall be avoided, minimized, and/or mitigated as follows: • Metro shall develop, in coordination with the California Department of Fish and Wildlife and relevant species experts, and implement a 5-year monitoring plan to track wildlife movement across corridors during operations of the Project. This shall include a survey of the Project area prior to construction to establish baseline conditions, as well as monitoring the Project area during operations. Monitoring shall use camera traps, <u>satellite GPS</u> radio collars, or other wildlife tracking technologies. If the data indicate that mountain lion or other vertebrate movement is adversely impacted by the presence of the Project (e.g., injury or mortality due to collisions and other effects, reduced habitat patch connectivity, disruptions in corridor usage or avoidance of pre-existing travel corridors), additional mitigation measures, such as enhanced crossing infrastructure or more extensive wildlife funneling fencing, shall be implemented within six months. During the 5-year monitoring phase, annual reports summarizing the effectiveness of the mitigation measures, any observed impacts on wildlife movement, and the results of the monitoring program shall be submitted to California Department of Fish and Wildlife, Caltrans, and the Santa Monica Mountains Conservancy. These reports shall also include recommendations for adjustments to ensure compliance with wildlife connectivity standards.		
Mitigation Measure # 4: Compensatory Mitigation for Mountain Lion Habitat The Project proponent shall restore all habitat to pre-construction conditions following buildout, focusing restoration efforts on habitat that facilitates connectivity between habitat patches. In addition to the mitigation measures proposed in MM BIO-28, Metro shall consult and collaborate with CDFW to conserve areas beneficial	Prior to Project Initiation	Project Proponent/Lead Agency

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Mitigation Measure	Timing	Responsible Party
to the mountain lion population if adverse impacts are observed by the presence of the Project. The implementation of compensatory mitigation due to permanent or temporary impacts may improve chances of survival and reproduction of mountain lions in the Santa Monica Mountains. The mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). An appropriate endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the issuance of grading permits.		
Mitigation Measure # 5: Rodenticides To eliminate potential mortality, the Project proponent shall prohibit the use of any and all rodenticides within the Project area in perpetuity ⁹ .	All Stages of Project Timing	Project Proponent/Lead Agency
Mitigation Measure # 6: Incidental Take Permit In the event that an Incidental Take Permit (ITP) is obtained by the Project proponent, mitigation for direct impacts to Crotch's bumble bee shall meet CDFW's fully mitigated standard for habitat replacement of equal or better functions and values to those impacted by the Project. Mitigation shall be accomplished through on-site preservation of suitable habitat and/or in accordance with CDFW guidance for off-site locations. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or	Prior to Project Initiation	Project Proponent/Lead Agency

⁹ [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides.

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Mitigation Measure	Timing	Responsible Party
other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Government Code § 65967(c). Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.		
Recommendation # 2: CEQA CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to Project Initiation	Project Proponent/Lead Agency
Mitigation Measure # 7: Habitat Restoration Plan To reduce impacts, the FEIR shall provide evidence (e.g. scientific literature, monitoring reports documenting species-specific transplantation success) that the proposed mitigation will be feasible. The Habitat Restoration Plan shall be prepared by a biologist with expertise in southern California ecosystems and native plant restoration techniques and submitted to the Wildlife Agencies for review prior to implementation. The Plan shall discuss the following, at a minimum: 1) species-specific planting (i.e. container or seed) methods; 2) species-specific measurable	Prior to Project Initiation	Lead Agency

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Mitigation Measure	Timing	Responsible Party
goals and success criteria (e.g. number of individuals, percent survival rate, absolute cover) for establishing self-sustaining populations; 3) long-term monitoring; 4) location of transplantation/restoration sites; 5) a description of the irrigation methodology; 6) measures to control exotic vegetation; 7) contingency measures, should the success criteria not be met; and 8) conservation of the mitigation site in perpetuity. The Plan shall specify how it will be implemented, who the responsible party for overseeing the implementation is, and when it will be approved. Further coordination with USFWS may be necessary to ensure that proposed mitigation for the ESA-listed special-status plants are adequate.		
Mitigation Measure # 8: Compensatory Mitigation If plants with a CRPR of 1B or 2B are observed in the impact area and cannot be avoided, no Project activities shall commence, and Metro shall coordinate with CDFW to discuss avoidance of the rare plants on site. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum 100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance. The Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants observed on site at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of impacted rare plant species that are located in the same watershed as the Project area. The mitigation land shall also provide equivalent or greater habitat value than that of the Project area. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of	Prior to Project Initiation	Lead Agency/Project Proponent

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Mitigation Measure	Timing	Responsible Party
the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.		
Fully Protected Species. The DEIR notes that bald eagle (<i>Haliaeetus leucocephalus</i>) is present within the Project site. Fully Protected Species may not be taken or possessed at any time according to the Fish and Game Code § 3511. CDFW cannot authorize take for bald eagle and Metro must completely avoid impacts to these species during Project's construction and operational activities. While the DEIR claims there is no suitable habitat for bald eagle, CDFW recommends that the FEIR contain a discussion of full avoidance of impacts to bald eagle and include a mitigation measure, if appropriate.	Prior to Project Initiation	Lead Agency
Avoid and Minimize Construction-Related Impacts to Nesting Birds – Metro should revise MM BIO-4 to incorporate the <u>underlined</u> language and omit language in strikethrough: Vegetation clearance for construction of the Project shall occur outside of the nesting bird season (generally February 15 through September 15) to the extent feasible. If vegetation removal outside this time period is not feasible, the following additional measures shall be employed to avoid and minimize impacts to special-status bird species and nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code: • A preconstruction nesting bird survey of the work area (as defined by the Ground Disturbance Area, including staging and laydown yards) plus a 300-foot buffer shall be conducted by a Qualified Biologist within three days prior	Prior to Project Initiation	Lead Agency

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Mitigation Measure	Timing	Responsible Party
to the start of ground disturbing activities (including vegetation removal activities) to determine whether active nests (defined as nests with eggs or young) are present within or adjacent to (i.e., within 100 feet for non-special-status songbirds, 300 feet for ~~raptors~~ and special-status species, <u>and 500 feet for raptors</u>) the work zone. Any active nests found shall be recorded and a nest avoidance zone shall be established where no work shall occur. If project activities are delayed beyond 72 hours, a new nesting bird survey shall be completed within 72 hours prior to the resumption of ground disturbing activities. Active bird nests for species protected by the Migratory Bird Treaty Act shall have a clearly demarcated (via flagging, fencing and/or signage) no-disturbance buffer established as follows: <u>500</u>~~300~~-foot radius buffer for raptors and <u>300-foot radius buffer</u> for special-status birds (refer to MM BIO-7 for additional least Bell's vireo measures) and 100-foot-radius buffer for non-raptor and non-special-status avian nests. The Qualified Biologist can adjust buffer distances to increase or decrease the radius contingent on topography, existing noise levels, planned operational activities, species specific tolerances to disturbances such as noise and vibration from construction activities, and observations specific nesting pair tolerance to disturbances. Nest monitoring by the Qualified Biologist shall be required following buffer modifications to ensure new buffer is appropriate; adjustments can be made only following monitoring of nesting pair to determine if the buffer is adequate to protect the nest from construction impacts, including from noise and vibrations. Installation of temporary noise barriers between the work area and nest can also be evaluated, if installation can occur in a manner to not disturb the nesting pair based on the Qualified Biologist's recommendation. If a Qualified Biologist determines work activities may result in nest failure, project		

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Mitigation Measure	Timing	Responsible Party
work shall cease within the recommended no-disturbance buffer until a Qualified Biologist determines nest status. Additional follow-up surveys shall be conducted as necessary to determine nest status. Once the nest is determined to be fledged or no longer active, the buffer shall be removed. • A Qualified Biologist shall inform maintenance personnel of any active nests, facilitate avoidance measures, and verify operational activities do not cause disturbance. Maintenance personnel shall be updated on nest status and when avoidance buffers are no longer necessary. • A Qualified Biologist shall monitor each nest on a biweekly basis and project activities shall not occur within the buffer until a Qualified Biologist determines the nest is no longer active (either by fledging or failing naturally). If a nest is adjacent to an access road where no project activities are being conducted, vehicles can drive past the nest without stopping or parking. Signage stating no stopping or idling vehicles shall be posted (facing outwards from the buffer) at the start and end of the nest buffer where it crosses the road. A Qualified Biologist can determine a nest is inactive (defined as eggs and young no longer present or reliant on the nest site, including fledged young that still depend upon the nest) following no observations of activity at the nest location for 1 hour for non-raptor avian nests and 4 hours for raptors. • A summary of nesting bird surveys, monitoring efforts, and any no-disturbance buffers that were installed shall be documented by the biologist at the conclusion of each nesting season and submitted to Metro. In the event that an active bird nest is identified as belonging to a special-status species afforded protection under the California Endangered Species Act or the		

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federal Endangered Species Act, then the appropriate agency shall be immediately informed, and additional coordination shall occur, as needed.		
Lighting. Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al. 2023). CDFW also recommends Metro prepare a lighting plan that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken by the Metro to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.	Prior to Project Initiation	Project Proponent/Lead Agency

ATTACHMENT B: GENERAL ALIGNMENTS OF PROPOSED ALTERNATIVES

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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)

