

IV.D BIOLOGICAL RESOURCES

INTRODUCTION

This section describes existing vegetation, landscaping, and biological resources within the Specific Plan area and evaluates potential project-related impacts to those resources. The analysis includes an assessment of potential impacts to sensitive species (as defined by Appendix G of the CEQA Guidelines, as amended), including migratory bird species, sensitive natural communities; and federally protected wetlands. This section relies upon information published in federal, State, and local documents and includes information on critical habitat and wetlands.

ENVIRONMENTAL SETTING

Wildlife Species and Habitats

A sensitive habitat is one that is considered rare within the region, supports sensitive plants or animals, or provides connectivity between sensitive habitats. Plant and animal species are considered sensitive if they have been listed as such by federal, State, or local agencies, or by one or more advocacy groups, such as the California Native Plant Society (CNPS). The Specific Plan area is located within the Hollywood and Inglewood 7.5 minute quadrangles and consists of approximately 118.5 acres. While the majority of the Specific Plan area is within the Southeast Los Angeles Community Plan Area of the City of Los Angeles, approximately 41.74 acres of the Specific Plan area are currently within unincorporated Los Angeles County. The majority of the Specific Plan area has been developed, paved, or landscaped, which typically supports non-native plant species, as shown in the photographs provided in **Figure IV.D-1**. As shown in **Figure IV.D-1**, the residential uses on the Specific Plan area (the Jordan Downs housing complex) include landscaping such as trees and shrubs; however, these uses are generally not suitable habitat for sensitive mammal, reptile, amphibian, or fish species. **Table IV.D-1** lists the types of perennial plant species which can be found in the Specific Plan area, although none of the plants on the site would be expected to support any sensitive biological resources. Other uses on the site such as the industrial lands do not include any landscaped areas and are also not suitable for habitat.

The Specific Plan area also contains recreational areas such as the Jordan Downs Recreation Center and David Starr Jordan High School, all of which include open space in the form of sport facilities such as baseball diamonds, playgrounds and other similar uses. Mudtown Farms, an approximately 2.5-acre community garden, is also located at the southeast corner of the Specific Plan area. Wildlife species that use these areas and the landscaped areas around Jordan Downs are mostly those adapted to living in an urban environment, such as birds, insects, and squirrels. Suitable habitat for sensitive mammal, reptile, amphibian, or fish species does not exist within the Specific Plan area or adjacent area, and there are no known wildlife migration corridors. No riparian habitat, blue-line streams, or sensitive natural communities are located in the Specific Plan area.

The California Department of Fish and Game (CDFG) and the California Natural Diversity Database (CNDDDB) were consulted to determine if any sensitive species were within the project area. The CNDDDB is a computerized database that identifies historical occurrences of plants and animals listed by the CDFG and U.S. Fish and Wildlife Service (USFWS) as rare, threatened, endangered (i.e., "listed species"), or otherwise considered species of special concern. **Table IV.D-2** presents the wildlife and plant species and ecosystems (plant communities) listed on the CNDDDB as being historically identified to occur within the South Gate quadrangle, which contains the Specific Plan area.



Typical trees and landscaping within the Specific Plan area.



View of the Freedom Tree.

SOURCE: TAHA, 2010.



Jordan Downs Specific Plan
Environmental Impact Report

taha 2008-079

CITY OF LOS ANGELES DEPARTMENT OF CITY PLANNING

FIGURE IV.D-1

EXISTING TREES AND LANDSCAPING

TABLE IV.D-1: PLANT LIFE IN THE SPECIFIC PLAN AREA	
Common Name	Latin Name
Southern Coastal Bluff Scrub	
Salt Bush	<i>Atriplex</i> spp.
Morning Glory	<i>Calystegia cyclostegia</i> , <i>Calystegia macrostegia</i>
Sea Fig	<i>Carpobrotus sequilateralis</i>
Indian Paintbrush	<i>Castilleja affinis</i>
Chorizanthe	<i>Chorizanthe affinis</i> , <i>Chorizanthe orcuttiana</i>
Giant Coreopsis	<i>Coreopsis gigantea</i>
Coreopsis	<i>Coreopsis maritima</i>
Live-forever	<i>Dudleys</i> spp.
Bush-sunflower	<i>Encelia californica</i>
Seaside Daisy	<i>Erigeron glaucus</i>
Eriophyllum	<i>Eriophyllum staechadifolium</i>
Ice Plant	<i>Gasoul crystallinum</i>
Haplopappus	<i>Haplopappus</i> spp.
Malacothrix	<i>Malacothrix saxatilis</i>
Wild Cucumber	<i>Marah marocarpus</i>
Ice Plant	<i>Mesembryanthemum</i> spp.
Prickly Pear Cactus	<i>Opuntia littoralis</i>
Lemonadeberry	<i>Rhus integrifolia</i>
Venturan Coastal Sage Scrub	
Coastal Sagebrush	<i>Artemisia californica</i>
Giant Coreopsis	<i>Coreopsis gigantea</i>
California Buckwheat	<i>Eriogonum fasciculatum</i>
Buckwheat	<i>Eriogonum cinereum</i> , <i>Eriogonum parvifolium</i> , <i>Eriogonum confertiflorum</i>
Helianthemum	<i>Helianthemum scoparium</i>
Lemonadeberry	<i>Rhus integrifolia</i>
White Sage	<i>Salvia apiana</i>
Sage	<i>Salvia leucophylla</i>
Black Sage	<i>Salvia mellifera</i>
Mojave Yucca	<i>Yucca schdigeri</i>
Our Lord's Candle	<i>Yucca whipplei</i>
SOURCE: Master Environmental Assessment for Southeast Los Angeles Subregion, 1990.	

Due to the dense urban development that has occurred within the Specific Plan area, there is no longer sufficient undisturbed open space for habitats which could support the designated sensitive species of plant and animals listed in **Table IV.D-2**. While sensitive species have been identified on the Specific Plan area in the past, there are no active, rare endangered or threatened habitats listed by the EPA, United States Fish and Wildlife, or California Department of Fish and Game currently on the Specific Plan area.

The City and County of Los Angeles planning departments have identified Significant Ecological Areas (SEAs) within Los Angeles County that contain critical habitats for sensitive species. The nearest SEA having the potential to support any of the listed species is Baldwin Hills,¹ located approximately 4.25 miles to the west.

¹City of Los Angeles Department of Public Works. Navigate LA web based Mapping, available at <http://navigate.lacity.org>, accessed July 2, 2010.

TABLE IV.D-2: CNDDDB QUAD VIEWER LISTING FOR THE SOUTHGATE QUADRANGLE					
Common Name (Scientific Name)	Habitat	Listing Designation			
		Fed /a/	CA /b/	CDFG /c/	CNPS /d/
ANIMALS					
Burrowing Owl (<i>Athene cunicularia</i>)	Open, dry grasslands, desert, and scrublands with low-growing vegetation	N	N	SSC	
Southwestern Willow Flycatcher (<i>Empidonax traillii extimus</i>)	Dense riparian vegetation associated with streams, rivers and other wetlands	FE	SE		
American Badger (<i>Taxidea taxus</i>)	Common in large grass and sagebrush meadows and valleys with ample soil	N	N	SSC	
Coast Horned Lizard (<i>Phrynosoma coronatum blainvillii</i>)	Coastal sage scrub and chaparral in arid and semi arid climate conditions	N	N	SSC	
PLANTS					
Brand's Star Phacelia (<i>Phacelia Stellaris</i>)	Coastal sage scrub and beach dunes	C	N		1B
Southern Tarplant (<i>Centromadia parryi ssp. australis</i>)	Margins of marshes and swamps, vernally mesic grassland area and near vernal pools below 1,300 feet	N	N		1B
Prostrate Navarretia (<i>Navarretia prostrate</i>)	Coastal scrub, valley and foothill grassland, vernal pools	N	N		1B
California Orcutt Grass (<i>Orcuttia californica</i>)	Vernal pools	FE	SE		1B
/a/ United States legal status under the Federal Endangered Species Act, FE =endangered, FT = threatened, N = no special designation, C= Candidate. /b/ State of California legal status, SE = endangered, ST = threatened, N = no special designation. /c/ California Department of Fish and Game designation and applies to animals only. SSC = species of special concern. /d/ California Native Plant Society. 1A = presumed extinct in California, 1B = rare, threatened or endangered in California, 2 = rare, threatened or endangered in California but common elsewhere. SOURCE: CDFG, 2010					

Wetlands

The nearest body of water to the Specific Plan area is Compton Creek, which originates at Main Street between 107th and 108th Streets, approximately 2.1 miles west of the project site. Compton Creek passes within about 1.1 miles west-southwest of the project site at its nearest point. Compton Creek was channelized in 1954 and currently exists as a 42.1-square-mile drainage channel extending from Watts to the northwest edge of Long Beach. The surrounding watershed is entirely urbanized and drains into 250 linear miles of storm drains. The Los Angeles Regional Water Quality Control Board (LARWQCB) has listed Compton Creek as having existing beneficial uses including: Ground Water Recharge, Water Contact Recreation, Non-Contact Recreation, Warm, Freshwater Habitat, Wildlife Habitat, and Wetlands Habitat.

The Creek is also acknowledged as having a potential beneficial use for municipal and domestic water supply. An impaired water body, the creek is burdened by excess levels of copper, lead, and coliform bacteria. Trash and pH imbalance also affect the creek's health.² Vegetation within the channel is severely limited. Flood control management strategies require regular maintenance to clear vegetation that could potentially constrain flood capacity. Through Watts, the creek is underground and channelized.

²Mia Lehrer + Associates, *Compton Creek Earthen Bottom Enhancement Feasibility Study*, December 2008.

Tree Preservation

As stated above, unpaved areas in the vicinity consist of landscape trees along roadways and landscaping of commercial properties and the maintained railroad right-of-way. There are currently 325 Heritage trees that are within the Southeast Los Angeles CPA.³ Of these, 43 are protected by the City of Los Angeles Tree Preservation Ordinance. However, none of these trees are located on the Specific Plan area.⁴ Although there are no protected trees on the site, one tree, the Freedom Tree, provides an important gathering place for the community and, as such, is considered a locally important tree.

Regulatory Framework

Wildlife Species and Habitats

Federal Endangered Species Act. The Endangered Species Act and subsequent amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Section 7 of the Endangered Species Act requires federal agencies to aid in the conservation of listed species, and to ensure that the activities of federal agencies will not jeopardize the continued existence of listed species or adversely modify designated critical habitat. At the federal level, the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) are responsible for administration of the Endangered Species Act.

California Endangered Species Act. The California Department of Fish and Game is responsible for the administration of the California Endangered Species Act. Unlike the federal Endangered Species Act, there are no State agency consultation procedures under the California Endangered Species Act. For projects that affect both a State and federal listed species, compliance with the federal Endangered Species Act will satisfy the California Endangered Species Act if the California Department of Fish and Game determines that the federal incidental take authorization is "consistent" with the California Endangered Species Act. Projects that result in a take of a State-only listed species require a take permit under the California Endangered Species Act. The federal and/or State acts also lend protection to species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or den locations, communal roosts, and other essential habitat.

California Fish and Game Code Sections 3500 - 3705, Migratory Bird Protection. Sections 3500 through 3705 of the California Fish and Game Code regulate the taking of migratory birds and their nests. These codes prohibit the taking of nesting birds, their nests, eggs, or any portion thereof during the nesting season. Typically, the breeding/nesting season is from March 1st through August 30th. Depending on each year's seasonal factors, the breeding season can start earlier and/or end later.

The Migratory Bird Treaty Act decrees that all migratory birds and their parts (including eggs, nests and feathers) are fully protected. Under the act, taking, killing, or possessing migratory birds is unlawful. Projects that are likely to result in the taking of birds protected under the Migratory Bird Treaty Act will require the issuance of take permits from the USFWS. Activities that would require such a permit would include, but not be limited to, the destruction of migratory bird nesting habitat during the nesting season when eggs or young are likely to be present. Under the act, surveys are required to determine if nests will be disturbed and, if so, a buffer area with a specified radius around the nest would be established so that no disturbance or intrusion would be allowed until the young had fledged and left the nest. If not otherwise specified in the permit, the size of the buffer area would vary with species and local

³City of Los Angeles Department of Public Works. Navigate LA web based Mapping, available at <http://navigate.lacity.org>, accessed July 2, 2010.

⁴*Ibid.*

circumstances (e.g. presence of busy roads), and would be based on the professional judgment of the monitoring biologist.

Wetlands

Clean Water Act. At the federal level, the Clean Water Act (CWA) (33 U.S.C. 1344) is the primary law regulating wetlands and waters. CWA regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA.

Section 404 of the CWA establishes a regulatory program that provides that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (ACOE) with oversight by the Environmental Protection Agency (EPA).

Executive Order for Wetland Protection. The Executive Order for the Protection of Wetlands (E.O. 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this executive order states that a federal agency, such as the Federal Highway Administration, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

State Agency Wetland Regulation. At the state level, wetlands and waters are regulated primarily by the Department of Fish and Game (CDFG) and the Regional Water Quality Control Boards (RWQCBs). The RWQCBs were established under the Porter-Cologne Water Quality Control Act to oversee water quality. The RWQCB also issues water quality certifications in compliance with Section 401 of CWA. In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission) may also be involved. Sections 1600-1607 of the Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify CDFG before beginning construction. If DFG determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. CDFG jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the ACOE may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the CDFG.

Migratory Bird Treaty Act. The Migratory Bird Treaty Act (MBTA) (16 USC Sections 703–711) includes provisions for the protection of migratory birds, including the non-permitted take of migratory birds, under the authority of the USFWS and the CDFG. The MBTA protects over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many common species.

Tree Preservation

Tree Preservation Ordinance. In response to the declining oak population in the City of Los Angeles, the City enacted an oak tree protection ordinance in 1982. Although the ordinance slowed the oak tree decline, the oak population and other native tree species continued to decline. In an effort to further slow the decline of native tree habitat, the City amended the Los Angeles Municipal Code in April 2006. The amended Native Tree Protection Ordinance became law on April 23, 2006. The new law includes protection of all native oak tree species (*Quercus* spp), Western sycamore (*Platanus racemosa*), California bay (*Umbellularia californica*), and California black walnut (*Juglans californica*).⁵ Protected tree removal requires a removal permit by the Board of Public Works. Any act that may cause the failure or death of a protected tree requires inspection by the City's Urban Forest Division. However, there are no City-protected trees within the Specific Plan area that require removal.

Heritage Trees. The City of Los Angeles has identified a collection of trees with historical, commemorative, or horticultural significance. The list of designated Heritage trees remains open for new designations and the Department of Parks and Recreation is responsible for the maintenance and protection of these trees. Heritage trees must be located within a City park; therefore, the Freedom Tree would be eligible for designation as a Heritage Tree if the open space on-site was officially designated as a City Park.

ENVIRONMENTAL IMPACTS

Significance Thresholds

In accordance with Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact on biological resources if the proposed project were to:

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

Project Design Features

The proposed project does not include any design elements specific to biological resources as the Specific Plan area does not provide suitable habitat. However, the proposed project would incorporate open space and parks into the overall design of the project. A new central park would be the center of a network of

⁵ City of Los Angeles, Urban Forestry Division. <http://www.ci.la.ca.us/boss/UrbanForestryDivision/index.htm>. Accessed July 1, 2010.

parks, greenways, and other open spaces for use by the residents and the Watts community. The central park would cover more than six acres, and would include a variety of passive and active recreational areas.

The Freedom Tree would be protected as an important cultural feature. Freedom Tree Park would provide areas for passive recreation and would reflect the cultural heritage of the community. The park would be designed to support passive activities such as walking, picnicking, barbecuing, reading, etc. Plazas, which would be primarily comprised of hardscape surfaces, would be incorporated to provide areas for civic engagement and commercial activity.

Landscape design guidelines included in the Specific Plan define the overall look and feel of open space on the site. In general, the guidelines call for informal landscaping, the inclusion of community gardens, and sustainable landscape strategies such as biofiltration swales and cisterns which could be incorporated. Landscaping would include drought-tolerant natives and trees to be used to reinforce views and shade buildings and pathways. The landscaping plan also calls for development of an urban forest to help achieve the sustainability objectives of the site, such as improvements in air and water quality, creation of shade to reduce heat produced by paved surfaces, and the provision of habitat for urban wildlife. In addition, fruit-bearing trees may contribute to the community as a semi-natural habitat (when mature) that will offer respite and breeding sites for local and migratory bird species as well as native reptilian (lizards) and insect species.

Analysis of the Proposed Project Impacts

Special Status Species

Due to the urban development that has occurred both on and around the Specific Plan area, sufficient undisturbed open space for habitat that could support the designated sensitive species of plant and animals no longer exists on the site. While sensitive species had been identified on the Specific Plan area in the past, there are no active rare, endangered, or threatened habitats listed by the EPA, United States Fish and Wildlife Service, or California Department of Fish and Game for the Specific Plan area. Implementation of the Specific Plan would not have a substantially adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. Therefore, impacts related to candidate, sensitive, or special status species would be less than significant.

Wildlife Species and Habitats

As discussed above, no undisturbed natural open space/ecological areas or wildlife corridors exist on the Specific Plan area. Landscaped areas, recreational fields and the Mudtown Farms community garden comprise the majority of open space on the site. Wildlife species within the Specific Plan area are mostly those adapted to living in an urban environment, such as birds, insects, and squirrels. Implementation of the proposed project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species nor with established native resident or migratory wildlife corridors as the project does not currently function as a wildlife corridor. Therefore, impacts related to Wildlife Species and Habitats would be less than significant.

Wetlands

Compton Creek is the nearest body of water to the Specific Plan area. Although once an active part of the Los Angeles and San Gabriel River systems, the Creek begins less than one mile south of the Specific Plan area and underground tributaries and stormdrains that feed into the Creek run under the project area. These tributaries are underground and channelized and are not considered a wetland, nor do they support

any riparian habitat.⁶ Currently HACLA is exploring the feasibility of “daylighting” stormdrains that run through the project site and ultimately drain to the Compton Creek as part of the proposed project. If these changes were to occur, the Creek could be incorporated into the overall design of the proposed project and would likely be part of the planned open space. However, HACLA has not made any determination on the feasibility of such a proposal at this time. Nonetheless, impacts related to wetlands would be less than significant.

Migratory Fish or Wildlife

During project construction, there is the potential for violation of the federal Migratory Bird Treaty Act and other similar laws in the California Fish and Game Code protecting native birds, if any tree removal or other construction-related activities were to occur during the nesting season. Several ornamental trees would be removed from the Specific Plan area. Some of the trees that would be removed could serve as habitat for migratory birds. This may result in conflict with State and federal laws protecting native birds and active nests.

Tree Preservation

As discussed above, the majority of land within the Specific Plan area has been developed, paved, or landscaped. Trees within the Specific Plan area consist of landscape trees along roadways and landscaping of residential. Some trees currently on the site would be removed as part of the proposed project. Removal of any trees protected by the City of Los Angeles would occur in compliance with the City’s Tree Protection Ordinance which requires a permit for removal of protected trees. However, none of the trees located on the Specific Plan area are currently protected by the City’s Tree Preservation Ordinance.

One locally important tree exists on the site, the Freedom Tree. The Freedom Tree is located near the center of the site and would remain as a part of the proposed project. With the proposed improvements, the area around the Freedom Tree would be enhanced as open space and the tree would be an important feature of the proposed central park. Therefore, impacts related to the removal of protected trees would be less than significant.

CUMULATIVE IMPACTS

Due to the site-specific nature of biological impacts (i.e., tree removal, wetlands, etc.) biological impacts are typically assessed on a site-specific basis, rather than a cumulative basis. Nonetheless, cumulative growth (inclusive of the nine related projects identified in Section III Environmental Setting of this Draft EIR) could result in impacts to biological resources including impacts to wetlands, locally protected trees, or violation of the migratory bird act. However, as with the proposed project, related projects and other future development projects would be subject to the same local, regional, State and federal regulations pertaining to biological resources, including the migratory bird act and the City of Los Angeles Tree Protection Ordinance. Therefore, with adherence to such regulations, impacts on biological resources would not be cumulatively considerable.

MITIGATION MEASURES

The following mitigation measure would reduce potential impacts related to nesting birds.

⁶U.S. Fish and Wildlife Service National Wetlands Inventory Wetland Mapping
<http://137.227.242.85/wetland/wetland.html>, accessed July 1, 2010.

BR1 Ground-disturbing and vegetation removal activities associated with construction of the project shall be performed outside of the breeding season for birds, or between September 1 and January 31. If these project activities cannot be implemented during this time period, the City should retain a qualified biologist to perform preconstruction nest surveys to identify active nests within and adjacent to (up to 500 feet) the project area. If the preconstruction survey is conducted early in the nesting season (February 1–March 15) and nests are discovered, a qualified biologist may remove the nests only after it has been determined that the nest is not active (i.e., the nest does not contain eggs, nor is an adult actively brooding on the nest). Any active non-raptor nests identified within the project area or within 300 feet of the project area should be marked with a 300-foot buffer, and the buffer area would need to be avoided by construction activities until a qualified biologist determines that the chicks have fledged. Active raptor nests within the project area or within 500 feet of the project area should be marked with a 500-foot buffer and the buffer avoided until a qualified biologist determines that the chicks have fledged. If the 300-foot buffer for non-raptor nests or 500-foot buffer for raptor nests cannot be avoided during construction of the project, the City should retain a qualified biologist to monitor the nests on a daily basis during construction to ensure that the nests do not fail as the result of noise generated by the construction. The biological monitor shall be authorized to halt construction if the construction activities cause negative effects, such as the adults abandoning the nest or chicks falling from the nest.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts related to biological resources would be reduced to a less-than-significant level with implementation of Mitigation Measure **BR1**.