5.3 BIOLOGICAL RESOURCES

This section evaluates the potential for the project to impact sensitive biological resources. The analysis in this section is based on the biological resources characteristics and species potential for the project site included a review of published literature and an online database review, as well as a reconnaissance-level flora and fauna survey of the project site, conducted on March 18, 2022, and again on November 3, 2022.

5.3.1 Existing Conditions

The project site includes 13 acres of the eastern and northwestern portions of Hancock Park and broadly encompasses what is known as La Brea Tar Pits, which includes the George C. Page Museum (see Figure 3-2 in Chapter 3, Project Description). Located in a highly urbanized area, the project site is surrounded by a variety of development including commercial uses, museums, residential buildings, and schools.

The project topography is primarily level, with sloped areas adjacent to the existing museum. The current landscape is dominated by a large lawn surrounding the museum and extending to the west. Paved walkways meander through the project site, with mature trees and shrubs, primarily non-native. Oil Creek is an ephemeral or intermittent creek that flows from the northeast by the parking area off South Curson Avenue to the southwest, where it appears to dissipate on-site with no downstream connectivity. It supports a community of hydrophytic and riparian vegetation near the parking lot. Because entrance to the park grounds is free, it is well used by the public.

5.3.1.1 Vegetation

Three natural vegetation communities including California sycamore–coast live oak riparian woodlands, hardstem and California bulrush marshes (California Native Plant Society [CNPS] 2023), and oak woodlands (County of Los Angeles 2011) along with four habitat types including urban-ornamental, urban-grass lawns, barren-developed, and lacustrine (California Wildlife Habitat Relationships System 2023) were identified within the project site (Figure 5.3-1).

The California sycamore–coast live oak riparian woodlands community is associated with Oil Creek and is restricted to the northwestern portion of the project site. This community constitutes approximately 0.28 acre of coverage. Hardstem and California bulrush marshes are restricted to the margins of the Lake Pit and constitute approximately 0.18 acre of the project site. While various forms of oak woodlands are recognized by the *Manual of California Vegetation* (CNPS 2023), oak woodlands were assessed based on the Los Angeles County Oak Woodland Conservation Management Plan guidance (County of Los Angeles 2014:3), as this guidance observes a more conservative approach defining an oak woodland as consisting of "…two or more oak trees of at least five inches in diameter measured at 4.5 feet above mean natural grade, with greater than 10 percent canopy cover". The oak woodlands are restricted to the northern portion of the project site and constitute approximately 1.51 acres of coverage within the project site. California sycamore–coast live oak riparian woodlands and hardstem and California bulrush marshes are CNPS California sensitive communities with an S3 (vulnerable statewide) and S3/S4 (denoting uncertainty in the rarity of the community with an accurate vulnerability assessment ranging from vulnerable statewide to apparently secure statewide) rarity rank, respectively. The CNPS (2023) ranks coast live oak woodlands and forests as S4, apparently secure statewide.

Figure 5.3-1. Vegetation communities on the project site.

While the CNPS (2023) recognizes some semi-natural communities, those recognized semi-natural communities were not present on the project site. However, these developed areas are included in the California Department of Fish and Wildlife (CDFW) California Wildlife Habitat Relationships System as urban and barren. The two forms of urban habitat are the most ubiquitous communities in the project site, and they include urban-ornamental trees and urban-grass lawns. Urban-ornamental trees encompasses approximately 5.01 acres of the project site, and urban-grass lawns covers approximately 2.16 acres of the project site. Lacustrine, covering approximately 0.98 acre, is restricted to the Lake Pit, and barren-developed, consisting of the hardscape throughout the project site, covers approximately 4.35 acres of the project site.

Project site vegetation consists of large expanses of lawn with primarily non-native planted trees and shrubs, including pines (*Pinus* spp.), gum trees (*Eucalyptus* spp.), Brazilian peppertree (*Schinus terebinthifolius*), various species of palm tree (e.g., fan, queen), London planetrees (*Platanus x hispanica*), and other trees. Native trees are present, including coast live oak (*Quercus agrifolia*), California [western] sycamore (*Platanus racemosa*), buckeye (*Aesculus californica*), and coast redwood (*Sequoia sempervirens*). Table 5.3-1 lists plants identified within the project site during reconnaissance field survey conducted by SWCA on March 18, 2022.

Table 5.3-1. Plant Species Observed at the La Brea Project Site

Scientific Name and Taxonomic Reference	Common Name
Acacia sp.*	acacia
Acer negundo L.	boxelder
Aesculus californica (Spach) Nutt.	California buckeye
Agave americana L.*	century plant
Anemopsis californica (Nutt.) Hook. & Arn.	yerba mansa
Apiastrum angustifolium Nutt.	wild celery
Artemisia californica Less.	California sagebrush
Ceratonia siliqua L.*	carob, St. John's beard
Chorisia [*Ceiba*] *speciosa* St.-Hil.*	floss silk tree
*Cycas revoluta**	sago palm
Cyperus sp.*	flatsedge
Distichlis spicata	saltgrass
Eleocharis sp.	spikerush
Eriogonum fasciculatum (Benth.) Torr. & A. Gray	interior buckwheat
Erythrina sp.*	coral tree
Eucalyptus spp.*	gum trees
Festuca arundinacea Schreb.*	reed fescue
Frangula californica (Eschsch.) A. Gray	coffeeberry
Fraxinus sp. Marsh.	ash
Heteromeles arbutifolia (Lindl.) M. Roem.	toyon
Juglans californica S. Watson	Southern California black walnut†
Muhlenbergia rigens (Benth.) Hitchc.	deergrass
Pinus sp.*	ornamental (non-native) pines

Scientific Name and Taxonomic Reference	Common Name
Platanus x *hispanica* Mill. Ex Muenchh.	London planetree
Platanus racemosa Nutt.	California (western) sycamore
Polypogon interruptus Kunth*	ditch rabbitsfoot grass
Quercus agrifolia Nee	coast live oak
Salix lasiolepis Nutt.	arroyo willow
Salvia leucantha Cav.*	Mexican bush sage
Salvia mellifera E. Greene	black sage
Salvia spathacea Greene	hummingbird sage
Salvia cultivars*	sages
Sambucus nigra L. subsp. *caerulea* (Raf.) Bolli	blue elderberry
Schinus molle L.*	Peruvian peppertree
Scirpus sp.	bulrush
Sequoia sempervirens (D. Don) Endl.	coast redwood
Syagrus romanzoffiana (Cham.) Glassman*	queen palm
Tipuana tipu (Benth.) Kuntze*	tipa, rosewood
Washingtonia robusta H. Wendl.*	Mexican fan palm
Yucca spp.*	ornamental yucca

* Non-native species and/or cultivars

† California Native Plant Society (CNPS 2022) Rare Plant Rank 4.2 = Plants of limited distribution; fairly threatened in California. Walnut groves are of concern to CDFW/CNPS, not individual or planted (landscape) trees.

Oil Creek supports a community of hydrophytic and riparian vegetation. It is dominated by mowed grasses and non-native plants, with scattered native species. Non-native plants present include reed fescue (*Festuca arundinacea*), Mexican fan palm (*Washingtonia robusta*), wild celery (*Apium graveolens*), and nutgrass (*Cyperus* sp.). Native plants found included yerba mansa (*Anemopsis californica*), spikerush (*Eleocharis* sp.), rush (*Scirpus* sp.), and saltgrass (*Distichlis spicata*). Non-native London planetrees form the overstory in the southwestern portion. The northeastern extent is planted with California native plants between the southwest corner of the parking area and the footbridge over Oil Creek, signed as the Richard Simun Pleistocene Garden. A tree overstory primarily composed of arroyo willows (*Salix lasiolepis*) with California [western] sycamore is present with little understory. Along the border and in openings, scattered native trees and perennials include walnut (*Juglans* sp.), hummingbird sage (*Salvia spathacea*), toyon (*Heteromeles arbutifolia*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), coffeeberry (*Frangula californica*), box elder (*Acer negundo*), and sage species (*Salvia* spp.).

The Lake Pit supports sparse emergent herbaceous vegetation, as well as a narrow band of riparian vegetation along the margins. The emergent vegetation likely consists of bulrush (*Schoenoplectus* sp.). The bulrush can also be observed along the edges of the Lake Pit along with what appears to be cattails (*Typha* sp.). Exclusionary fencing and a lack of identifiable diagnostic reproductive parts made identification to species unfeasible during the reconnaissance survey.

Approximately 24 trees are located around Hancock Park to honor those killed during the September 11, 2001, terrorist attacks. There is a commemorative plaque near the northwest end of the parking lot, although the individual trees do not appear to be labeled. Depending on the final project design, the trees and plaques may be relocated and/or reconfigured within the park's 13 acres, while still maintaining recognition of the memorial.

5.3.1.2 Wildlife

The project site provides limited wildlife habitat due to the combination of high levels of human activity and the lack of surface water.

Birds were the only wildlife encountered (seen, heard, and/or flying over the site) during the field survey conducted on March 18, 2022, and all were species typical of urban areas: Anna's hummingbird (*Calypte anna*); American crow (*Corvus brachyrhynchos*); house finch (*Haemorhous mexicanus*); dark-eyed junco (*Junco hyemalis*); bushtit (*Psaltriparus minimus*); black phoebe (*Sayornis nigricans*); and yellow-rumped warbler (*Setophaga coronata*). No records of birds in or immediately adjacent to the park are recorded in the California Natural Diversity Database (CNDDB). Over the last 10 years, citizen scientists and professional scientists on staff at the Natural History Museum have reported over 90 native bird species (and several non-native species) flying over, foraging, or otherwise detected in and around Hancock Park.

No amphibians, reptiles, mammals, or indication of site use by wildlife (burrows, tracks, scat, etc.) were found during the March 18 field survey. Common urban wildlife expected to occur includes eastern fox squirrel (*Sciurus niger*), desert cottontail rabbit (*Sylvilagus audobonii*), mice, rats, and lizards. It is assumed that the hydrocarbon content in Oil Creek is too high for wildlife use; no wildlife was seen in or near this drainage. Table 5.3-2 lists the bird species observed by SWCA at the project site (2022).

Table 5.3-2. Bird Species Observed at the La Brea Project Site

Scientific Name	Common Name
Aphelocoma californica	California scrub-jay
Buteo jamaicensis	red-tailed hawk
Calypte anna	Anna's hummingbird
*Columba livia**	rock dove
Haemorhous mexicanus	house finch
Corvus brachyrhynchos	American crow
Junco hyemalis	dark-eyed junco
Psaltriparus minimus	bushtit
*Passer domesticus**	European house sparrow
Mimus polyglottos	northern mockingbird
Sayornis nigricans	black phoebe
Setophaga coronata	yellow-rumped warbler
*Sturnus vulgaris**	European starling
Zenaida macroura	mourning dove

* Non-native species

NESTING BIRD HABITAT

Suitable habitat for nesting birds is present in many of the mature trees on the project site and in the native plant area of Oil Creek. The highest nesting potential is in areas away from human activity, in trees that have not been thinned or heavily pruned. No incidental sightings of nesting activity were noted during the reconnaissance-level survey conducted by SWCA on March 18, 2022, although a nesting bird survey was not completed at this stage of the project. The reconnaissance survey was conducted within

the relatively early portion of the nesting bird season (February 1 through September 15); however, absence of nesting activity observations does not preclude future nest development within the project site.

SPECIAL-STATUS SPECIES

A query of the ~~California Natural Diversity Database (~~CNDDB~~)~~ for a 1-mile radius of the project site yielded three recent records (within 20 years) of special-status species: Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*); coastal California gnatcatcher (*Polioptila californica ssp. californica*); and Nevin's barberry (*Berberis nevinii*) (CDFW 2022a). The online community science database iNaturalist (2022) reports observations of adult monarch butterflies. No birds listed as sensitive by the Los Angeles Audubon Society (2009) or other sensitive wildlife or plants were observed during the field survey conducted for the project. Table 5.3-3 and Table 5.3-4 summarize these results. The sections following the table provide an assessment of the potential for the six ~~three~~ species that were identified in the records search within the 1-mile radius of the site.

Table 5.3-3. Special-Status Plants Reported in Vicinity of the La Brea Tar Pits Project Site

Common Name *Scientific Name*	Status	Lifeform	Blooming Period	Habitat	Elevation (feet)	Potential to Occur
Nevin's barberry *Berberis nevinii*	CRPR 1B.1, CE, FE	Perennial evergreen shrub	(February) March–June	Chaparral, Cismontane woodland, Coastal scrub, Riparian scrub; sandy or gravelly.	225–2,705	**Absent.** Evergreen shrub discernible year-round deemed absent during March 2022 survey. Calflora report from 2022 and CNDDB records from 2010 are in Griffith Park (over 4 miles northeast of the project site) and noted as probably planted. This species is widely available in the landscape trade and frequently planted.

Note: Records within 1-mile radius of project site (all within U.S. Geological Survey 7.5-minute Hollywood quadrangle) and within previous 20 years (CNDDB [CDFW 2022a]; iNaturalist 2022).

Status Definitions: CRPR 1B = California Rare Plant Rank. Plants rare, threatened, or endangered in California and elsewhere; Rarity Rank 0.1 = Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat); CE = State of California listed as Endangered; FE = Federally listed as Endangered (CDFW 2022b).

Table 5.3-4. Special-Status Fauna Reported in Vicinity of the La Brea Tar Pits Project Site

Common Name *Scientific Name*	Status	Habitat	Potential to Occur
Southern California rufous-crowned sparrow *Aimophila ruficeps canescens*	WL	Resident in Southern California; confined to moderate to steep rocky slopes with a mix of low shrubs, grasses, forbs, and open ground. Highly correlated with coastal sage scrub and dry chaparral.	**Unlikely.** Potentially suitable coastal sage scrub and rocky habitat is not present. No eBird reports are in the project vicinity (all are from the Hollywood Hills north of the site). CNDDB report is from 2014, about 0.25 mile northwest of Mulholland Dam near Pilgrimage Bridge, approximately 4 miles east-northeast of project site.
Coastal California gnatcatcher *Polioptila californica* ssp. *californica*	FT, SSC	Obligate, permanent resident of coastal sage scrub below 2,500 feet in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	**Unlikely.** Suitable coastal sage scrub nesting habitat is not present on-site. Current (2022) eBird and CNDDB reports are from 2014 in Kenneth Hahn State Recreation Area (KHSRA), north end of Baldwin Hills about 3.5 miles southwest of the project site. KHSRA supports suitable coastal sage habitat dominated by California coastal sagebrush (*Artemisia californica*; Google Earth street view March, 2022, 34.012722°, −118.367963°). eBird does not track the subspecies; however, given geographic distributions, species observed at KHSRA can be assumed to be coastal California gnatcatcher.

Common Name ***Scientific Name***	**Status**	**Habitat**	**Potential to Occur**
Monarch butterfly *Danaus plexippus*	FC – Wherever found	Overwintering roost sites are typically located in wind-protected tree groves of gum trees (*Eucalyptus* spp.), Monterey pine (*Pinus radiata*), and/or cypress trees (*Hesperocyparis* spp.) where nectar and water sources are nearby and within about 1.5 miles of the ocean. Egg laying is known to occur on obligate milkweed host plant (primarily *Asclepias* spp.).	**Absent (overwintering) – Low (foraging and egg laying).** No overwintering habitat is present on-site and site is too far inland (Western Monarch Count 2022); however, individual monarchs have been seen in the area. iNaturalist (2022) reports 31 observations of adult monarch butterflies in Hancock Park, inclusive of the project area, between 2014 and 2019, including results of the 2017 La Brea Wildlife Survey (iNaturalist 2017). iNaturalist reports seven observations of *Asclepias curassavica* (tropical milkweed) within Hancock Park including observations from 2022, which is known to host monarch larvae and provide nectar for adults.
Yuma myotis *Myotis yumanensis*	G5 S4 ICUN:LC BLM:S	Common and widespread across California, generally below 8,000 feet. Preferred habitats include open forests and woodlands with sources of water providing foraging habitat. Known to roost in warm and dark sites in buildings, mines, caves, or natural crevices. Generalist invertebrate forager including moths, midges, flies, termites, ants, homopterans and caddisflies.	**Absent (roosting) – Low (foraging)** No roosting habitat is present on-site and site presents limited opportunities for foraging. The only known occurrence is documented from Natural History Museum of Los Angeles article published October 9, 2014 (Foundation 2014).
Hoary bat *Lasiurus cinereus*	G3G4 S4 ICUN:LC	Common and widespread across North America, generally below 13,200 feet. Preferred habitats for bearing young include forests and woodlands with medium to large-sized trees. Primarily feeds on moths, although various flying insects are taken.	**Absent (roosting) – Low (foraging)** No roosting habitat is present on-site and site presents limited opportunities for foraging. The only known occurrence is documented from Miguel Ordeñana, Natural History Museum of Los Angeles staff biologist, dated February 3, 2024 (Foundation 2024).

Note: Records within 1-mile radius of project site (all within U.S. Geological Survey 7.5-minute Hollywood quadrangle) and within previous 20 years (CNDDB [CDFW 2022a]; iNaturalist 2022).

Status Definitions: FC = Federal candidate; FT = Federally listed as Threatened; SSC = Species of Special Concern (CDFW); WL = Watch List (North American Bird Conservation Initiative); IUCN:LC = International Union for Conservation of Nature: Least Concern; BLM:S = Bureau of Land Management: Sensitive; S4 = State Ranking - Vulnerable (CDFW); G3 = Global Ranking – Vulnerable (CDFW); G4 = Global Ranking - Apparently Secure (CDFW); G5 = Global Ranking - Secure (CDFW) (CDFW 2022c).

SOUTHERN CALIFORNIA RUFOUS-CROWNED SPARROW

Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) is a CDFW Species of Special Concern. It frequents relatively steep, often rocky hillsides with grass and forb patches and is resident in Southern California coastal sage scrub and mixed chaparral. It is unlikely to occur on the project site due to lack of suitable habitat.

COASTAL CALIFORNIA GNATCATCHER

Coastal California gnatcatcher (*Polioptila californica* ssp. *californica*) is a federally threatened species and is a CDFW Species of Special Concern. It is a resident of scrub-dominated plant communities where it is strongly associated with sage scrub in its various successional stages. Suitable habitat is not present on the project site for this bird.

NEVIN'S BARBERRY

Nevin's barberry (*Berberis nevinii*) is a plant that is both state- and federally listed as endangered. Wild plants occur on steep north-facing slopes and low-grade sandy washes in chaparral, cismontane woodland, and coastal and riparian scrub communities. ~~Because this plant is available at plant nurseries and widely planted, it can be difficult to distinguish natural from introduced plants. This species would have been observable and was not found on the project site during the site visit of March 18, 2022.~~ This plant is available at plant nurseries and widely planted. Planted specimens are included in the landscape, but no natural occurrences of Nevin's barberry were found at the project site during the site visit of March 18, 2022, and are not expected to occur.

MONARCH BUTTERFLY

The monarch butterfly is a candidate species for listing under the federal Endangered Species Act (ESA), which extends to cover the species "wherever found", including overwintering congregations and individuals documented foraging for nectar and eggs and larvae documented on host plants. The CDFW lists the monarch as a Species of Greatest Conservation Need in the State Wildlife Action Plan (CDFW 2015). Of highest conservation concern are monarch overwintering aggregations, which are documented, mapped, and monitored annually.

Adult monarch females lay eggs on their obligate milkweed host plant (primarily *Asclepias* spp.), which developing monarch larvae use as a primary food source and to sequester cardenolides as defense from predators. In California, as noted by CDFW, there are two distinct groups of monarch butterflies: those engaging in long-distance migration which use the California coastal groves as overwintering habitat, and resident monarchs that breed year-round and do not engage in migration. Resident monarchs are thought to use the abundance of non-native tropical milkweed (*Asclepias curassavica*) as an inducement for winter breeding where historically they only engaged in breeding activity in selective season conditions. Unlike native milkweed hosts plants, tropical milkweed is an evergreen species that does not die back in winter months and can provide a refuge for *Ophyrocystis elektroscirra* (Oe), a protozoan parasite with known detrimental effects on monarch vitality and reproduction (CDFW 2021).

Adult migratory monarchs form overwintering aggregations in large mature tree groves, often non-native gum (*Eucalyptus* spp.) trees as well as native Monterey and Sargent cypress (*Hesperocyparis* [*Cupressus*] *macrocarpa*; *H. sargentii*), Monterey pine (*Pinus radiata*), and, less commonly, other native trees including California [western] sycamore and coast redwood.

Suitable overwintering sites must contain several specific elements which together form the correct microclimate conditions. According to the Xerces Society for Invertebrate Conservation (2022), the majority of overwintering sites are at low elevations (less than 200–300 feet), within about 1.5 miles of the ocean, and contain specific microclimate elements such as moderate temperatures, wind protection, dappled shade, high humidity, available fresh water, and fall–winter blooming nectar sources, surrounded or partially enclosed by large tree groves or windrows.

iNaturalist records indicate that non-native tropical milkweed is likely present within the project site; however, this species was not observed during the reconnaissance-level survey. Habitats suitable for supporting foraging and breeding of resident monarchs are possibly present in low density at the project site, but habitats suitable for supporting overwintering monarchs are absent from the project site. Additionally, overwintering aggregations characteristically occur within about 1.5 miles of the coast. The project site is approximately 9 miles northeast of the coast. No monarchs were observed during the site survey.

BAT SPECIES

Initial background database reviews did not indicate known bat presence at, or within the vicinity of the project site and no CNDDB records less than 30 years old were found within 5-miles of the site. Additionally, during the initial reconnaissance survey on March 18, 2022, no species of bats nor obvious signs indicating potential bat roosts, were detected within the project area. The project site includes open water features which may present suitable foraging habitat and nearby trees which may provide suitable roosting habitat for some bat species.

Between 2014 and 2024, Natural History Museum staff biologists have documented the presence of five bat species in the park, but their abundance and persistence are unknown. The following five species of bats have been identified: big brown bat (*Eptesicus fuscus*), canyon bat (*Parastrellus hesperus*), Mexican free-tailed bat (*Tadarida brasiliensis*), Yuma myotis (*Myotis yumanensis*), and hoary bat (*Lasiurus cinereus*) (Foundation 2014; Foundation 2024). Based on the habitat requirements and habits of these species, it is likely that these bats are transient foragers of the project area.

None of these species are listed under the CESA or the ESA and of the five species discussed, only the Yuma myotis and the hoary bat occur on the CDFW Special Animals List. Yuma myotis has a NatureServe Global rank of G5 (Secure; at very low risk of extinction due extensive range, abundant populations or occurrences, and little to no concern from declines or threats) and State Rank of S4 (Apparently secure; uncommon but not rare; no immediate conservation concern). The hoary bat has a NatureServe Global rank of between G3 (Vulnerable; At moderate risk of extinction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors) and G4 (Apparently secure; at fairly low risk of extinction due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors) and State Rank of S4 (Apparently secure; uncommon but not rare; no immediate conservation concern).

5.3.1.3 Aquatic Resources

Two aquatic features were identified within the project site: Oil Creek and the Lake Pit (Figure 5.3-2). Oil Creek is a historic feature which, as early as 1941 (based on historical aerial imagery), conveyed flow from approximately the intersection of 6th Street and South Curson Avenue southwest to the intersection of Wilshire Boulevard and South Ogden Drive. Historical imagery shows a well-defined channel supporting possible riparian vegetation based on distribution patterns suggesting an intermittent or wetter hydrologic regime. In its current state, Oil Creek appears to receive its primary hydrologic input source from groundwater; it also receives hydrologic inputs from precipitation and irrigation system runoff. Oil Creek appears to dissipate on-site. Dense vegetation and heavy leaf litter exist in the northeastern portion of the creek; Oil Creek supports a robust community of hydrophytic vegetation. The density of hydrophytic vegetation, and hydrology indicators such as water-stained leaves, suggest that Oil Creek may support wetlands.

The Lake Pit has existed in its current or similar state since the late 1800s, following the abandonment of asphalt mining operations and the subsequent accumulation of groundwater and rainwater above asphalt. The Lake Pit supports aquatic vegetation along its margins; however, vegetation management in the form of weeding can be observed from the edge of the aquatic vegetation to the exclusionary fencing. Any potential wetlands supported by the Lake Pit would likely coincide with the limits of the aquatic vegetation.

Figure 5.3-2. Aquatic resources on the project site.

The reconnaissance surveys suggest there may be approximately 1.5 acres of regulated aquatic resources within the project site, of which 0.3 acre is associated with Oil Creek, and 1.2 acres are associated with the Lake Pit. However, a formal aquatic resources delineation was not conducted. Potential jurisdictional limits were assessed based on vegetation composition and surface hydrology only. Based on vegetation compositions, both features may support marginal wetlands, however soils were not evaluated for hydric indicators to make this determination. Oil Creek has been disturbed and manipulated over time. It is partially paved where the parking lot is located and is channelized with pavers near its terminus. It is dominated by non-native grasses in parts and planted with native riparian vegetation in other parts. The drainage is a relic of a natural stream which, in its previous, natural state, would be considered a regulated aquatic resource. However, the current regulatory status of the drainage cannot accurately be determined without a jurisdictional analysis including a determination of hydric soils. Based on the site surveys conducted to support the preparation of this analysis, it is anticipated that Oil Creek and the Lake Pit may be subject to the jurisdiction of the California Regional Water Quality Control Board, and CDFW jurisdictional limits such as the streambed of Oil Creek, the ordinary high-water mark of the Lake Pit, and their associated riparian habitat. Oil Creek may also be regulated by the U.S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA).

5.3.2 Regulatory Setting

The following section provides the federal, state, and local regulations pertaining to the project as they relate to biological resources. It is noted here that there are no federal, state, or local designated conservation areas on or directly adjacent to the project site. The project site is not within an identified wildlife corridor, there are no U.S. Fish and Wildlife Service (USFWS)-designated critical habitats within a 10-mile radius, no Habitat Conservation Plans, and no CDFW Natural Community Conservation Plans in the project vicinity. Beyond the project site itself, there are no large open-space areas or parks contiguous or adjacent to the project site. The Kenneth Hahn State Recreation Area is located approximately 5 miles south of the site and Griffith Park, a City of Los Angeles park, is about 5.5 miles to the northeast. Griffith Park is the nearest area to La Brea Tar Pits that is broadly considered a conservation area, as it is designated as a County of Los Angeles Significant Ecological Area (SEA).

5.3.2.1 Federal

ENDANGERED SPECIES ACT

The U.S. Congress passed the ESA in 1973 to protect endangered species and species threatened with extinction (federally listed species). The ESA operates in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

Section 9 of the ESA prohibits the "take" of endangered or threatened wildlife species. The legal definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 United States Code 1532 [19]). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] 17.3). "Harassment" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR 17.3). Actions that result in take can result in civil or criminal penalties.

The USFWS is authorized to issue permits under Sections 7 and 10 of the ESA. Section 7 mandates that all federal agencies consult with the USFWS for terrestrial species and/or National Marine Fisheries Service for marine species to ensure that federal agency actions do not jeopardize the continued existence of a listed species or adversely modify critical habitat for listed species. Any anticipated adverse effects

require preparation of a biological assessment to determine potential effects of the project on listed species and critical habitat. If the project adversely affects a listed species or its habitat, the USFWS or National Marine Fisheries Service prepares a Biological Opinion. The Biological Opinion may recommend "reasonable and prudent alternatives" to the project to avoid jeopardizing or adversely modifying habitat, including "take" limits.

The ESA defines critical habitat as habitat deemed essential to the survival of a federally listed species. The ESA requires the federal government to designate "critical habitat" for any species it lists under the ESA. Under Section 7, all federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat. These complementary requirements apply only to federal agency actions, and the latter only to specifically designated habitat. A critical habitat designation does not set up a preserve or refuge, and applies only when federal funding, permits, or projects are involved (i.e., when there is a federal nexus). Critical habitat requirements do not apply to activities on private land that do not involve a federal nexus.

Section 10 of the ESA includes provisions to authorize take that is incidental to, but not the purpose of, activities that are otherwise lawful. Under Section 10(a)(1)(B), the USFWS may issue permits (incidental take permits) for take of ESA-listed species if the take is incidental and does not jeopardize the survival and recovery of the species. To obtain an incidental take permit, an applicant must submit a habitat conservation plan outlining steps to minimize and mitigate permitted take impacts to listed species.

MIGRATORY BIRD TREATY ACT

The federal Migratory Bird Treaty Act (MBTA) prohibits any person, unless permitted by regulations, to:

> …pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatsoever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention … for the protection of migratory birds ... or any part, nest, or egg of any such bird. (16 United States Code 703)

The list of migratory birds includes nearly all bird species native to the United States. The statute was extended in 1974 to include parts of birds, as well as eggs and nests. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the MBTA and excluded all non-native species. Thus, it is illegal under the MBTA to directly kill or destroy a nest of nearly any native bird species.

CLEAN WATER ACT

The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972, when the Act with amendments became known as the "Clean Water Act".

Section 404 of the CWA requires authorization from the Secretary of the Army, acting through the USACE, for the discharge of dredged or fill material into all waters of the United States, including wetlands. Discharges of fill material generally include: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for intake and

outfall pipes and subaqueous utility lines; fill associated with the creation of ponds; and any other work involving the discharge of fill or dredged material. A USACE permit is required whether the work is permanent or temporary. Examples of temporary discharges include dewatering of dredged material prior to final disposal, and temporary fills for access roadways, cofferdams, and storage and work areas.

Section 401 of the CWA requires every applicant for a federal permit or license for any activity which may result in a discharge to a water body to obtain State Water Quality Certification that the proposed activity would comply with state water quality standards.

Requirements of the CWA are reflected in the environmental impact analysis contained in this section, specifically in response to threshold questions b) and c).

5.3.2.2 State

CALIFORNIA ENDANGERED SPECIES ACT

The CDFW administers the California Endangered Species Act (CESA), which prohibits the "taking" of listed species except as otherwise provided in state law. Section 86 of the California Fish and Game Code (CFGC) defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Under certain circumstances, the CESA applies these take prohibitions to species petitioned for listing (state candidates). Pursuant to the requirements of the CESA, state lead agencies (as defined under CEQA Public Resources Code Section 21067) are required to consult with the CDFW to ensure that any action or project is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat. Additionally, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.
The CESA requires the CDFW to maintain a list of threatened and endangered species. The CDFW also maintains a list of candidates for listing under the CESA, and of species of special concern (or watch list species).

CALIFORNIA FISH AND ~~F~~ GAME CODE

The CFGC is written in 13 Divisions, which establish the basis of fish, wildlife, and native plant protections and management in the state. Section 3511 includes provisions to protect Fully Protected species, such as: 1) prohibiting take or possession "at any time" of the species listed in the statute, with few exceptions; 2) stating that "no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to "take" the species; and 3) stating that no previously issued permits or licenses for take of the species "shall have any force or effect" for authorizing take or possession.
The CDFW is unable to authorize incidental take of "fully protected" species when activities are proposed in areas inhabited by those species. CFGC Sections 3503 and 3503.5 state that it is unlawful to take, possess, or destroy the nest or eggs of any bird, with occasional exceptions. In addition, Section 3513 states that it is unlawful to take or possess any migratory bird as designated in the MBTA or any part of such migratory birds except as provided by rules and regulations under provisions of the MBTA.
The CDFW also manages the California Native Plant Protection Act of 1977 (CFGC Section 1900, et seq.), which was enacted to identify, designate, and protect rare plants. In accordance with CDFW guidelines, CNPS 1B list plants are considered "rare" under the CESA and are evaluated in CEQA documents.

OTHER SECTIONS OF THE CALIFORNIA FISH AND GAME CODE

Fully Protected species may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. Section 5050 lists protected amphibians and reptiles, and Section 3515

prohibits take of fully protected fish species. Eggs and nests of Fully Protected birds are under Section 3511; migratory nongame birds are protected under Section 3800; and mammals are protected under Section 4700. Except for take related to scientific research, all take of Fully Protected species is prohibited.

CALIFORNIA FISH AND GAME CODE SECTION 1602

CFGC Section 1602 requires any person, state or local government agency, or public utility proposing a project that may affect a river, stream, or lake to notify the CDFW before beginning the project. If activities would result in the diversion or obstruction of the natural flow of a stream, substantially alter its bed, channel, or bank, impact riparian vegetation, or adversely affect existing fish and wildlife resources, a Streambed Alteration Agreement is required. A Streambed Alteration Agreement lists the CDFW conditions of approval relative to the proposed project and serves as an agreement between an applicant and the CDFW for a term of not more than 5 years (for standard agreements) for the performance of activities subject to this section. Implementation of the proposed project may require a Section 1602 Streambed Alteration Agreement for any impacts within the banks of drainages and extending to the outer edge of riparian vegetation (whichever is greater) if these areas are determined to be jurisdictional by CDFW.

PORTER-COLOGNE WATER QUALITY CONTROL ACT

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) states that the California State Water Quality Control Board has the authority over State water rights and water quality policy and procedures. The Porter-Cologne Act establishes nine Regional Waters Quality Control Boards which regulate all discharge of waste to land through the Waste Discharge Requirement (WDR) Program. Waste discharge requirements adopted under the WDR Program protect surface water by either prohibiting discharge of a pollutant to waters of the U.S. or prescribing requirements for discharge to surface waters that are not waters of the U.S., and they protect groundwater by prescribing waste containment, treatment, and control requirements. The WDR Program is a mandated program that regulates the discharge of municipal, industrial, commercial, and other wastes to land that would affect or would have the potential to affect groundwater.

Requirements of the Porter-Cologne Act are reflected in the environmental impact analysis contained in this section, specifically in response to threshold questions b) and c).

5.3.2.3 County of Los Angeles

COUNTY OF LOS ANGELES 2035 GENERAL PLAN CONSERVATION AND NATURAL RESOURCES ELEMENT

The County's 2035 General Plan Conservation and Natural Resources Element guides the long-term conservation of natural resources and preservation of available open space areas. The Conservation and Natural Resources Element addresses the following conservation areas: open space resources; biological resources; local water resources; agricultural resources; mineral and energy resources; scenic resources; and historic, cultural, and paleontological resources. Applicable goals and policies pertaining to open space resources and biological resources are included below.

Goal C/NR 1: Open space areas that meet the diverse needs of Los Angeles County.

> ***Policy C/NR 1.1***: Implement programs and policies that enforce the responsible stewardship and preservation of dedicated open space areas.

Policy C/NR 1.2: Protect and conserve natural resources, natural areas, and available open spaces

Policy C/NR 1.5: Provide and improve access to dedicated open space and natural areas for all users that considers sensitive biological resources.

Goal C/NR 3: Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands, alpine habitat, chaparral, shrublands, and SEAs.

Policy C/NR 3.1: Conserve and enhance the ecological function of diverse natural habitats and biological resources.

Policy C/NR 3.10: Require environmentally superior mitigation for unavoidable impacts on biologically sensitive areas, and permanently preserve mitigation sites.

Goal C/NR 4: Conserved and sustainably managed woodlands.

Policy C/NR 4.1: Preserve and restore oak woodlands and other native woodlands that are conserved in perpetuity with a goal of no net loss of existing woodlands.

COUNTY OF LOS ANGELES OAK TREE ORDINANCE

The County of Los Angeles Oak Tree Ordinance protects all oak trees, whether native (indigenous) or not (Title 22 Division 8 Chapter 22.174). Under this ordinance, oak trees 8 inches or more in diameter measured at 4.5 feet above mean natural grade (i.e., diameter at breast height [dbh]), or in the case of oaks with multiple trunks, a combined diameter of 12 inches dbh or more of the two largest trunks, are protected. A permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone. The protected zone is 15 feet from the trunk or 5 feet beyond the dripline, whichever distance is greater (Los Angeles County Planning and Zoning Code [Title 22]). Exemptions to the ordinance include cases of emergency caused by an oak tree being in a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, or lightning, as determined after visual inspection by a licensed forester with the County.

There are 13 native oak trees on-site, all over 8 inches dbh, which meets the size criteria for protection under the County ordinance. Because the project is a County-led project, it is exempt from obtaining a permit under the ordinance; nevertheless, the project must be consistent with County policies and ordinances despite this exemption. If development of the project would result in encroachment or removal of oak trees, coordination with the County's Department of Regional Planning would be required prior to commencement of any work on-site. Any encroachment or removal requests must be reviewed by the County's Department of Regional Planning for consistency with County policies and ordinances relating to oak tree protection prior to commencement of any work on-site.

COUNTY OF LOS ANGELES SIGNIFICANT ECOLOGICAL AREAS

The County's SEA Program began in 1980 with the adoption of SEAs as Special Management Areas in the Los Angeles County General Plan. The objective of the SEA Program is to preserve the genetic and physical ecological diversity of Los Angeles County by designing biological resource areas capable of sustaining themselves into the future. The SEA designation is given to land that contains irreplaceable biological resources and includes undisturbed or lightly disturbed habitats that support valuable and threatened species and linkages and corridors to promote species movement.

The project site not within a County SEA. Griffith Park is the closest SEA, located approximately 5.5 miles to the northeast of the subject property.

5.3.2.4 City of Los Angeles

While the project site is located within the city of Los Angeles, it is owned by the County. Accordingly, the project is subject to the regulatory controls of the County of Los Angeles and not the City of Los Angeles. Nonetheless, the biological resource policy and regulatory documents of the City of Los Angeles that are most relevant to the project are provided herein for informational purposes.

CITY OF LOS ANGELES GENERAL PLAN CONSERVATION ELEMENT

The Conservation Element of the 2001 City of Los Angeles General Plan includes two objectives related to biological resources, below.

Section 6: Endangered Species. Objective: protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.

> ***Policy 1:*** continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.
>
> ***Policy 2:*** continue to administer City-owned and managed properties so as to protect and/or enhance the survival of sensitive plant and animal species to the greatest practical extent.
>
> ***Policy 3***: continue to support legislation that encourages and facilitates protection of endangered, threatened, sensitive, and rare species and their habitats and habitat corridors.

Section 12: Habitats. Objective: preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.

> ***Policy 1***: continue to identify significant habitat areas, corridors, and buffers and to take measures to protect, enhance, and/or restore them.
>
> ***Policy 2***: continue to protect, restore, and/or enhance habitat areas, linkages, and corridor segments, to the greatest extent practical, within City-owned or -managed sites.
>
> ***Policy 3***: continue to work cooperatively with other agencies and entities in protecting local habitats and endangered, threatened, sensitive, and rare species.
>
> ***Policy 4:*** continue to support legislation that encourages and facilitates protection of local native plant and animal habitats.

WILSHIRE COMMUNITY PLAN

The project site is located within the Wilshire Community Plan area, which was approved by the City Council on September 19, 2001. The majority of the Wilshire Community Plan area consists of gently sloping plains and includes about 8,954 acres (about 14 square miles). The Wilshire Community Plan includes policies to protect the existing open spaces areas within the planning area. This plan does not include other specific policies related to biological resources or tree-removal activities. The plan includes community design and landscaping guidelines which provide guidance for the selection of street trees for new placement as well as requirements for planting and replacing trees in proximity to streetlights.

5.3.3 Thresholds of Significance

The following thresholds of significance are based on the Environmental Checklist contained in Appendix G of the State CEQA Guidelines. A project would result in significant adverse impacts related to biological resources if it would:

a) have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;

b) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS;

c) have a substantial adverse effect on state or 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;

d) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

e) conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

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

5.3.4 Impact Assessment Methodology

The methodology used to determine the biological resources characteristics and species potential for the project site included a review of published literature and an online database review, as well as a reconnaissance-level flora and fauna survey of the project site, conducted on March 18, 2022, and again on November 3, 2022. The impact assessment below is based on the results of the literature review and site-specific surveys.

5.3.5 Environmental Impact Analysis

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

One candidate species for listing under the ESA ~~federal Endangered Species Act~~ —monarch butterfly— has been recorded on the project site in iNaturalist between 2014 and 2023 ~~2019~~, including results as part of the 2017 La Brea Wildlife Survey (iNaturalist 2017). ~~No~~ The potential for other candidate, sensitive, or special-status species of flora or fauna ~~are expected~~ to occur at the project site is low or unlikely. As such, direct and indirect impacts to other sensitive wildlife species during construction (from temporary noise, dust, construction personnel, and equipment) and project operation are not anticipated because no other special-status species are present or expected to occur at the project site.

Monarch butterflies are present in Southern California year-round and may be seen in a variety of habitats where nectar plants are present, in both urban and rural areas. The project site does not offer the required elements for overwintering of migratory western monarchs, such as preferred roost trees, wind protection, or proximity to the ocean (the site is approximately 9 miles from the ocean) and as such, the project site

does not support overwintering aggregations of monarch butterflies. Therefore, no direct adverse impacts to overwintering monarch butterflies during project construction or operation are anticipated.

While not recorded during field surveys in March and November 2022, presence of non-native tropical milkweed (*A. curassavica*), a known nectar source and host plant and potentially harmful ecological trap for both resident and migratory monarchs, is documented as likely to occur on-site.

Bats potentially use the project area for foraging but are not known to roost in the project area and current proposed construction activities would have little to no direct impact on bat species. Potential indirect impacts to existing bat populations may be sustained from changes to the existing habitat including those related to the removal of vegetation and changes to lighting. However, no significant change in the amount of lighting from within buildings is proposed. The new museum building would close at 5 pm, as the Page Museum closes now. Thus, no change in the timing of building illuminations would occur. In addition, only warm-white toned LEDs would be incorporated into lighting regimes during the nighttime (between dawn and dusk). Light shields that limit the light flux only to required areas and thereby avoiding as much light trespass into potential transitory pathways of the bats may be used. Lighting in areas of highest sensitivity where bats are most likely to occur (i.e., any ponding or surface water and areas of dense canopy) would be limited. For these reasons, impacts created by the proposed project would not result in a demonstrable change from existing conditions and would not be significant.

CONSTRUCTION

The monarch butterfly is a federal candidate species and is not listed or proposed for listing at this time. Consultation with USFWS is not required for candidate species such as the monarch, but implementation of conservation efforts for these species is encouraged. If monarch butterfly eggs and larvae are present on existing milkweed and the milkweed is removed during construction, direct impacts to those individual eggs and larvae of the species could occur. Removal of milkweed would also remove habitat for the species. Therefore, project construction could result in adverse effects, either directly or through habitat modifications, on the federal candidate monarch butterfly. Impacts during project construction could be *significant.*

OPERATION

Given the project site does not support overwintering aggregations of monarch butterflies and ~~no~~ the potential for other candidate, sensitive, or special-status species of flora or fauna is low or unlikely ~~are expected~~ to occur at the project site, operation of the project would not result in impacts, 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 USFWS. Impacts during project operation would be *less than significant*.

BIO Impact 1	
The project could result in in significant effects during the construction process on one species, the federal candidate monarch butterfly, either directly or through habitat modifications. Impacts during project construction could be significant. During project operation, the project would not result in significant effects, either directly or through habitat modifications, on any identified candidate, sensitive, or special-status species. Impacts during project operation would be less than significant. (CEQA Checklist Appendix G Threshold IV. a)	
Mitigation Measures	
BIO/mm-1.1	*To protect the federal candidate monarch butterfly, which is a candidate species for listing under the federal Endangered Species Act, the following measures (BIO/mm-1.1a or BIO/mm-1.1b) shall be implemented:* *a. Full avoidance of impacting any milkweed populations on-site with observable monarch eggs and larvae. After obtaining permits and prior to construction, all individual milkweed plants will be surveyed. All individual plants found with eggs or larvae will be flagged for re-survey and avoidance. Individual plants without eggs and larvae will be removed. Flagged plants will be re-surveyed and removed when no eggs or larvae are present. All tropical milkweed will be replaced with native narrowleaf milkweed (*Asclepias fascicularis*) following construction.* *OR* *b. If monarch eggs and larvae are not present, any tropical milkweed populations in the project area should be replanted with native narrowleaf milkweed and other nectar-providing plants following construction activities. All tropical milkweed on the property will be assessed for the absence of monarch eggs and larvae and replaced with narrowleaf milkweed after construction.*
Impacts Following Mitigation	
Implementation of BIO/mm-1.1 would reduce construction impacts to any candidate, sensitive, or special-status species to less than significant.	

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Riparian habitat that may be considered under the jurisdiction of the CDFW is present in and along Oil Creek and the Lake Pit. Riparian vegetation supported by Oil Creek can be described as California sycamore-coast live oak riparian woodlands (S3), and riparian vegetation supported by the Lake Pit can be characterized as hardstem and California bulrush marshes (S3/S4). As previously described, historical imagery shows a well-defined channel supporting possible riparian vegetation based on distribution patterns suggesting an intermittent or wetter hydrologic regime at the Oil Creek location. In its current state, Oil Creek appears to receive its primary hydrologic input source from groundwater. Oil Creek also receives hydrologic inputs from precipitation and irrigation system runoff. Dense vegetation and heavy leaf litter exist in the northeastern portion of the creek; Oil Creek supports a robust community of hydrophytic vegetation. The density of hydrophytic vegetation, and hydrology indicators such as water-stained leaves, suggest that Oil Creek may support wetlands. A determination of hydric soils would need to be made to confirm wetlands. With the information available and gathered during the site visits, it is anticipated that Oil Creek and the Lake Pit may be subject to the jurisdiction of the California Regional

Water Quality Control Board and CDFW. Oil Creek may also be regulated by the USACE under the CWA. The Lake Pit supports riparian vegetation along its margins. Based on Google Earth aerial imagery (2023), these stands of riparian vegetation seem to fluctuate in size. Google Earth street view suggests that some of this vegetation around the Lake Pit may be subject to routine mowing. Fluctuation in stand size may also be subject to variation of water levels at the Lake Pit.

No other sensitive natural communities were found on the project site during the field survey or have been reported in readily available literature.

Project construction activities have the potential to disturb the riparian habitat present in and along Oil Creek and the Lake Pit through ground-disturbing activities associated with construction and renovation of the proposed pathways in and around these areas and through the implementation of the proposed features, bioswales, and other modifications proposed by the project.

During project operation, indirect impacts to riparian habitat may result from increased visitation and necessary maintenance to sustain the proposed bioswale. Increased visitation may require additional changes to the project's proposed infrastructure. Future implementation of these changes may result in impacts to riparian habitat. Maintenance of the bioswale and the associated riparian habitat may change over time depending on groundwater availability. It is assumed that the primary hydrologic input supporting the riparian habitat is groundwater, with supplemental precipitation and landscape irrigation. A decrease in groundwater availability may result in a decline of the existing riparian habitat if no additional external sources of input are incorporated. External sources of hydrologic input such as irrigation systems may be necessary and have a potential to alter the quality of the water supporting the riparian habitat.

Therefore, the project could result in direct and indirect impacts during project construction and operation associated with the riparian wetland habitat present in and along Oil Creek and in or along the Lake Pit. Feasibility of aquatic resources avoidance will be subject to final design, including exact facility locations and construction efforts to be determined in the future. Impacts could be *significant*.

BIO Impact 2	
The project could directly and indirectly impact the riparian wetland habitat associated with Oil Creek during both construction and operation as a reconnaissance survey suggests there may be approximately 0.3 acre of regulated aquatic resources associated with Oil Creek. Impacts during construction and operation could be significant. (CEQA Checklist Appendix G Threshold IV. b)	
Mitigation Measures	
BIO/mm-2.1	*Impacts to Oil Creek may be avoidable but are subject to final project design. To protect sensitive and regulated aquatic resources associated with Oil Creek, one of the following measures (BIO/mm-2.1a or BIO/mm-2.1b) shall be implemented:* *a. Full avoidance of Oil Creek, including riparian habitats. To attain full avoidance of Oil Creek, construction and ground disturbance shall not occur within 125 feet of the centerline of Oil Creek. The limits of riparian habitat shall be flagged and construction fencing erected to clearly denote the limits of construction. No overnight staging of equipment or materials shall occur within the protected "no work" zone as delineated by the fencing. Storing, fueling, and equipment maintenance shall not occur in locations where spilled materials could potentially enter Oil Creek and its associated riparian habitat. Spill kits/absorbent clean-up materials shall be available on-site. All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for*

BIO Impact 2	
	vehicle/equipment parking and storage of fuel, lubricants, and solvents a minimum of 100 feet outside of the protected zone. All fueling and maintenance activities shall take place in the designated staging area. *OR* *b. If full avoidance of Oil Creek and a designated "no work" buffer is not possible after determination of final design, the following measures shall be required:* *i. A formal aquatic resources delineation shall be implemented to determine the jurisdictional boundaries of the Oil Creek feature. The delineation shall determine the limits of potentially regulated aquatic resources, the riparian features, and an appropriate buffer for protection (the "protected zone"). The aquatic resources delineation shall identify all appropriate jurisdictional agencies and be used in securing all applicable permits prior to construction and after a project final design has been determined. At the discretion of the regulatory agencies, the requirements of the permits may supplement or exceed the requirements of this measure. If permits are required, all environmental requirements of the regulatory permits shall be implemented, and the executed permits shall be kept on-site.* *ii. Within the riparian habitat and buffer, vegetation removal shall be kept to the minimum necessary to removed diseased and/or non-native vegetation and to implement the features of the Master Plan. Initial removal of vegetation within the riparian habitat shall be monitored full-time by a qualified biologist, and weekly spot-check monitoring shall continue throughout the construction of the project. Work within riparian habitat shall not be conducted during or immediately after a rain event.* *iii. A restoration plan, prepared by a qualified restoration ecologist, shall be prepared and implemented. The restoration plan will include detailed success criteria, typically associated with 80% relative cover to pre-project baseline conditions with less than 10% invasive cover, to provide replacement habitat at an equal or better value than the existing Oil Creek riparian corridor, within 5 years of planting. The final plan shall be approved by the County of Los Angeles Museum of Natural History, the County Department of Regional Planning, and the permitting agencies (if any). At a minimum, restoration requirements included in the plan and implemented shall include the following:* • *Native tree replacement requirements consistent with the requirements of the Plant Pest and Disease Management Plan (BIO/mm-6.2).* • *A detailed planting scheme identifying the location and sizes of all container stock.* • *Details on planned irrigation which shall provide for successful plant establishment; survival should occur without supplemental irrigation for at least 2 years.* • *Annual monitoring, maintenance, and adaptive management measures and annual reporting requirements.* *iv. The riparian habitat and buffer specified in the aquatic resources delineation shall be flagged and construction fencing erected to clearly denote the limits of the protected zone. No overnight staging of equipment or materials shall occur within the protected zone. Storing, fueling, and equipment maintenance shall not occur in locations where spilled materials could potentially enter Oil Creek and its associated riparian habitat. Spill kits/absorbent clean-up materials shall be available on-site. All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents a minimum of 100 feet outside of the protected zone. All fueling and maintenance activities shall take place in*

BIO Impact 2	
	the designated staging area. *v. Mitigation requirements and permit conditions shall be conveyed to construction crews prior to construction.*
Impacts Following Mitigation	
Implementation of BIO/mm-2.1 would reduce construction and operation impacts to riparian and wetlands associated with Oil Creek to less than significant.	

BIO Impact 3	
The project could directly and indirectly impact the Lake Pit lakebed and its associated riparian habitat during both construction and operation as a reconnaissance survey suggests there may be approximately 1.2 acres of regulated aquatic resources associated with the Lake Pit. Impacts during construction and operation could be significant. (CEQA Checklist Appendix G Threshold IV. b)	
Mitigation Measures	
BIO/mm-3.1	*This mitigation measure only applies to project features implemented in and around the Lake Pit, including the pedestrian path and bridge. The following measures shall be implemented prior to the implementation of these features:* *a. A formal aquatic resources delineation shall be implemented to determine the jurisdictional boundaries of the Lake Pit features. The delineation shall determine the limits of potentially regulated aquatic resources, the riparian features, and an appropriate buffer for protection (the "protected zone"). The aquatic resources delineation shall identify all appropriate jurisdictional agencies and be used in securing all applicable permits prior to construction and after a project final design has been determined. At the discretion of the regulatory agencies, the requirements of the permits may supplement or exceed the requirements of this measure. If permits are required, all environmental requirements of the regulatory permits shall be implemented, and the executed permits shall be kept on-site.* *b. Within the riparian habitat and buffer, vegetation removal shall be kept to the minimum necessary to remove diseased and/or non-native vegetation and to implement the features of the Master Plan. Initial removal of vegetation within the riparian habitat shall be monitored full-time by a qualified biologist, and weekly spot-check monitoring shall continue throughout the construction of the project. Work within riparian habitat shall not be conducted during or immediately after a rain event.* *c. A restoration plan, prepared by a qualified restoration ecologist, shall be prepared and implemented. The restoration plan will include detailed success criteria, typically associated with 80% relative cover to pre-project baseline conditions with less than 10% invasive cover, to provide replacement habitat at an equal or better value than the existing riparian vegetation within and along the margins of the Lake Pit, within 5 years of planting. The final plan shall be approved by the County of Los Angeles Museum of Natural History, the County Department of Regional Planning, and the permitting agencies (if any). At a minimum, restoration requirements included in the plan and implemented shall include the following:* • *A detailed planting scheme identifying the location and sizes of all container stock.* • *Details on planned Irrigation which shall provide for successful plant establishment; survival should occur without supplemental irrigation for at least 2 years.*

BIO Impact 3	
	• *Five years of annual monitoring, maintenance, and adaptive management measures and annual reporting requirements.* *d. The riparian habitat and buffer specified in the aquatic resources delineation shall be flagged and construction fencing erected to clearly denote the limits of the protected zone. No overnight staging of equipment or materials shall occur within the protected zone. Storing, fueling, and equipment maintenance shall not occur in locations where spilled materials could potentially enter the Lake Pit and its associated riparian habitat. Spill kits/absorbent clean-up materials shall be available on-site. All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents a minimum of 100 feet outside of the protected zone. All fueling and maintenance activities shall take place in the designated staging area.* *e. Mitigation requirements and permit conditions shall be conveyed to construction crews prior to construction.*
Impacts Following Mitigation	
Implementation of BIO/mm-3.1 would reduce construction and operation impacts to riparian and wetlands associated with the Lake Pit to less than significant.	

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrologic interruption, or other means?

As noted above, potential jurisdictional wetland/aquatic resources may be present in and along Oil Creek and the Lake Pit. A determination of hydric soils would need to be made to confirm wetlands. With the information available and gathered during the site visits, it is anticipated that Oil Creek and the Lake Pit may be subject to the jurisdiction of the California Regional Water Quality Control Board and CDFW. Oil Creek may also be regulated by the USACE under the CWA. Indirect impacts could result from increased visitation to the park and required maintenance to the proposed bioswale. Increased visitation may require additional changes to the project's proposed infrastructure. Project construction and operation may result in impacts to wetland habitat. Therefore, impacts could be *significant*.

BIO Impact 4
The project site may contain potential jurisdictional wetland/aquatic resources in and along Oil Creek and the Lake Pit. Project construction and operation may result in impacts to wetland habitat. Impacts during construction and operation of the project could be significant. (CEQA Checklist Appendix G Threshold IV. c)
Mitigation Measures
Implement BIO/mm-2.1 and BIO/mm-3.1.
Impacts Following Mitigation
Implementation BIO/mm-2.1 and BIO/mm-3.1 would reduce construction and operation impacts associated with riparian and wetlands to less than significant.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife corridors serve as essential links between separate patches of suitable habitat, bridging the gaps created by harsh landscapes, shifts in plant life, or human disruptions. As urban expansion fractures open spaces, it transforms them into isolated habitat "islands" for wildlife. Without these crucial connections facilitating access to adjacent open areas, research indicates that certain wildlife species, particularly larger and more mobile mammals, may not survive over the long term. Wildlife movements typically categorize into three types: (1) dispersal, such as young animals leaving their birthplaces or individuals expanding their territories; (2) seasonal migrations; and (3) routine activities within their home territory, including searching for food or water, territory defense, mate finding, breeding, or seeking shelter. While these movement behaviors vary by species, expansive open areas tend to support a wide range of wildlife, encompassing all movement types. Furthermore, these movements can occur on different scales, from localized non-migratory travels to the extensive regional journeys of large mammals.

The project site is not within an identified regional or wildlife corridor habitat linkage (South Coast Wildlands 2008); and, like most of urban Los Angeles, is identified as a Limited Connectivity Opportunity area in the CDFW Areas of Conservation Emphasis Terrestrial Connectivity Factsheet (CDFW 2024). The project area is located 8.5 miles west of Large Natural Habitat and 12 miles east of Irreplaceable and Essential Corridors in the Santa Monica Mountains. Since the project site is not identified as a linkage by the South Coast Wildlands and does not support habitat that connects two or more habitat patches that would otherwise be fragmented or isolated from one another, the project site is not considered a wildlife corridor. The project site supports limited potential live-in habitat and provides an ecological oasis or stop over site for local resident and migrating birds, within a heavily developed urban center.

The potential for terrestrial wildlife to move locally is constrained by the limited availability of resources, as well as physical barriers such as roads, buildings, and other human activity. The project site is bounded on all sides by urban development; 6th Street to the north, Curson Avenue to the east, Wilshire Boulevard to the south, and the Los Angeles County Museum of Art to the west. Wilshire Boulevard is particularly likely to limit wildlife movement as it is 76-feet wide and supports four lanes of traffic (City of Los Angeles 2016). Beyond the boundary, the project site is surrounded almost entirely by residential and commercial developments. However, the neighborhood directly to the north (Park La Brea), nearby parks and golf courses, and many of the surrounding streets have a relatively large density of landscape and street trees that can and would continue to support foraging and nesting birds.

The project site does not support the movement of wildlife on a regional level, nor is it recognized as a vital corridor for dispersal or seasonal migration. However, the site may provide refuge for transitory and migrating bird species, and the large network of street trees in the nearby area may enhance migration to open space areas in the surrounding regional hills and mountains. The site does not contain on-site drainage courses that would provide migratory fish movement since Oil Creek is not connected to other surface drainages. No impact would result to such resources during project construction or operation.

Movement across the site occurs on a local scale for species that have adapted to urban settings, such as bats, birds, and rodents. Species that fly, including bats and birds, possess the capability to navigate over or bypass potential barriers to movement. In and around the project site, a variety of trees, shrubs, and vegetation offer suitable environments for these aerial species to roost, nest, and forage.

There is potentially suitable nesting bird habitat present on-site and within 500 feet of the project site boundaries in street trees and landscape vegetation. The nesting season is generally defined as January 1

to September 15. Construction conducted during this period could result in adverse impacts to nesting birds. Temporary impacts to nesting birds would result from the removal of existing mature trees and shrubs during project construction. Although many more trees would be added than are proposed for removal, it would take many years for newly installed trees to reach the size and structural complexity of existing trees.

During project operation, indirect impacts could result from increased visitation use to the park and required maintenance of updated park facilities during nesting bird breeding season. Indirect impacts may also include beneficial impacts from an overall increase in native trees and associated improvement of native habitat for local bird species. Additional and higher-quality habitat for wildlife would be incorporated into site design.

In conclusion, due to the presence of potentially suitable nesting bird habitat, the project could directly impact nesting birds during project construction and temporally impact nesting bird habitat during project operation. Impacts could be *significant*.

While project construction may initially decrease the number of birds on-site due to the proposed tree removals, bird occurrence is expected to increase over the long-term due to the proposed increase in native plant species on-site, which generally provide better quality resources (i.e., food, nesting sites, roosting sites, cover from predators) for native birds.

The birds present on-site are susceptible to collisions with the existing buildings within the project site and surrounding area. The proposed project would pose similar risks, as the exterior of the new museum building could largely consist of glass windows. Birds do not necessarily perceive glass as an obstacle due to its transparency and thus, are subject to collide with windows or other structures that reflect the sky, trees, or other habitat. Migratory birds are particularly susceptible to glass collisions because they are less familiar with their surroundings and are less likely to be aware of risks while being fatigued from migration. The extent of glazing on a building and the presence of vegetation opposite the glazing are two of the strongest factors in bird collision risk. The greatest risk of avian collisions with glazed facades is within 60 feet of the ground because this is the area in which most bird activity occurs (San Francisco Planning Department, 2011). As the maximum building height of the new museum is 60 feet, the entirety of the building is assumed to pose some risk for avian collisions. This risk would be greater along the building's west façade and the westernmost portions of the north and south facades as these areas are closest to Oil Creek and the proposed Pleistocene bioswale. This area currently supports a community of hydrophytic and riparian vegetation with native plant species most likely to support native birds.

To reduce the risk of birds striking or colliding with the building, new construction would include deterrent features on glass barriers, windows, and building elements likely to present imperceptible barriers for avian species. These features would include ceramic frit patterns and/or other features that meet the criteria from the American Bird Conservancy for bird friendly glazing. Additionally, the façade of the new museum building and the renovated Page Museum would be constructed using nonreflective materials, consistent with the exterior materials of nearby buildings, as required by AES/mm-4.2. With adoption, these measures would reduce the potential for bird collisions with the new museum building and the renovated Page Museum.

With these considerations in mind, while some bird collisions may still occur, bird collisions are an unfortunate reality for virtually all buildings, the project design features described above would reduce the potential for bird collisions to the extent feasible. While this impact would be less than significant without mitigation, the County is incorporating a mitigation measure to ensure that the above design feature would be adopted through the project's mitigation monitoring and reporting program.

BIO Impact 5	
The project could directly impact nesting birds during project construction and temporally impact nesting bird habitat during project operation. Impacts during construction and operation of the project could be significant. The project would not create a significant impact related to bird collisions. While this impact would be less than significant prior to mitigation, the County recommends a mitigation measure to provide assurances that appropriate features would be integrated into new construction to reduce bird collision incidents. (CEQA Checklist Appendix G Threshold IV. d)	
Mitigation Measures	
BIO/mm-5.1	*To avoid impacts to nesting birds, one of the following measures (BIO/mm-5.1a or BIO/mm-5.1b) shall be implemented:* a. *If possible, no vegetation trimming, pruning, removal, construction, or grading shall occur during the nesting and breeding season (January 1 through September 15).* *OR* b. *If activities associated with vegetation trimming, pruning, removal, construction, or grading are necessary during the bird nesting and breeding season (January 1 through September 15), the following measures shall be implemented:* • *A qualified biologist shall conduct surveys for active nests weekly, beginning 14 days prior to initiation of any new construction activities, with the last survey conducted no more than 3 days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional pre-construction surveys should be conducted so that no more than 3 days have elapsed between the survey and ground-disturbing activities.* • *Active nests found within 100 feet of the construction zone shall be delineated with highly visible construction fencing or other exclusionary material that would inhibit entry by personnel or equipment into the buffer zone. The size of the buffer zone shall be at the discretion of the qualified biologist and shall be no less than 25 feet. Raptors may require a larger buffer zone, up to 300 feet. Installation of the exclusionary material shall be completed by construction personnel under the supervision of a qualified biologist prior to initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by at least one adult bird) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist. The barrier shall be removed by construction personnel only at the direction of the biologist.*
BIO/mm-5.2	*New and replacement trees shall be 24-inch box specimen trees or larger to reduce temporary impacts to nesting birds.*
BIO/mm-5.3	*To reduce the risk of birds striking or colliding with the building, new construction would include deterrent features on glass barriers, windows, and building elements likely to present imperceptible barriers for avian species. These features would include ceramic frit patterns and/or other features that meet the criteria from the American Bird Conservancy for bird friendly glazing.*
Impacts Following Mitigation	
Implementation of BIO/mm-5.1 and BIO/mm-5.2 would reduce construction and operation impacts to nesting birds to less than significant. Beneficial impacts would result from the addition of ground cover, shrubs, and trees native to California. While the project would not create a significant impact related to bird collisions, BIO/mm-5.3 would provide for assurances that appropriate features would be integrated into new construction to reduce bird collision incidents.	

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The County of Los Angeles Oak Tree Ordinance protects all oak trees, whether native (indigenous) or not (Title 22 Division 8 Chapter 22.174). There are 13 native oak trees on-site, and all meet the size criteria for protection under the ordinance (i.e., all 13 oak trees on-site are 8-inch dbh or larger).

During both project construction and operation, it is possible that removal, relocation, trimming, or replacement of protected oak trees may be required. However, because the project is a County-led project, it is exempt from obtaining a permit under the ordinance. If oak tree removal is required during construction or operation of the project, coordination with the County's Department of Regional Planning would be required prior to commencement of any work on-site. Any encroachment or removal requests shall be reviewed by the County's Department of Regional Planning for consistency with County policies and ordinances relating to oak tree protection prior to commencement of any work on-site. Impacts related to potential conflicts with the County of Los Angeles Oak Tree Ordinance during project construction and operation could be *significant.*

BIO Impact 6	
Removal, relocation, trimming, or replacement of the 13 protected oak trees on the project site during project construction and operation could potentially conflict with the County of Los Angeles Oak Tree Ordinance. Impacts during construction and operation of the project could be significant. (CEQA Checklist Appendix G Threshold IV. e)	
Mitigation Measures	
BIO/mm-6.1	*For oak trees within the project site that are to be retained in their current location, prior to construction, chain-link fencing shall be installed around the protected zone of the trees (5 feet beyond the dripline, the outermost extent of the tree's branches, or 15 feet from the trunk, whichever is greater). The fencing shall remain in place throughout the entire period of construction. Any excavation or grading allowed within the protected zone shall be limited to hand tools or small hand-powered equipment. <u>This measure shall only apply to existing trees where the limits of construction work are within 20 feet of the protected zone.</u>* *In addition, one of the following measures (BIO/mm-6.1a or BIO/mm-6.1b) shall be implemented:* a. *If possible, removal, relocation, trimming, or replacement of the oak trees at the Tar Pits site shall be avoided.* b. *If modification (removal, relocation, trimming, or replacement) of protected oaks is required, coordination with the County of Los Angeles Department of Regional Planning shall occur prior to commencement of any work on-site. Any encroachment or removal requests must be reviewed by the County of Los Angeles Department of Regional Planning for consistency with County policies and ordinances relating to oak tree protection prior to commencement of any work on-site. Although an oak tree permit is not required, measures to mitigate for impacts to oak trees shall include the following:* • *Removed oak trees shall be mitigated by planting coast live oaks at a 2:1 ratio on the project site. Each replacement tree shall be at least a 15-gallon specimen.* • *The replacement oaks shall be monitored for a period of 5 years, with any failures resulting in a new oak being planted and initiation of a new 5-year monitoring period for the replanted tree.*
BIO/mm-6.2	*A Plant Pest and Disease Management Plan shall be prepared prior to initiation of landscape planting and developed in consultation with an International Society of Arboriculture Certified Arborist. The Plant Pest and Disease Management Plan shall define methods to ensure new*

BIO Impact 6	
	plant materials (container stock) are free of insect pests and diseases prior to delivery to the project site. Implementation of the Plant Pest and Disease Management Plan shall occur through the life of the project; modification and adaptation may occur to ensure applicability and viability of the plan.
Impacts Following Mitigation	
Implementation of BIO/mm-6.1 and BIO/mm-6.2 would reduce construction and operation impacts related to conflicts with the County of Los Angeles Oak Tree Ordinance to less than significant.	

f) Would the project conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved Local, Regional, or State Habitat Conservation Plan?

There are no federal, state, or local designated conservation areas on or directly adjacent to the project site. The project site is not within an identified wildlife corridor, there are no USFWS-designated critical habitats within a 10-mile radius, no Habitat Conservation Plans, and no CDFW Natural Community Conservation Plans in the project vicinity. Therefore, project construction and operation would not conflict with any approved state, regional, or local habitat conservation plans, and *no impact* would occur.

BIO Impact 7
Construction and operation of the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur. (CEQA Checklist Appendix G Threshold IV. f)
Mitigation Measures
No mitigation required.
Impacts Following Mitigation
Not applicable. No impact would occur.

5.3.6 Cumulative Impact Analysis

A cumulative impact to biological resources may occur if a project has the potential to collectively degrade the quality of the environment, substantially reduce wildlife species habitat, cause a population to drop below self-sustaining levels, thereby threatening to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal species. To consider the cumulative environment, SWCA's biological resources team examined the CEQA environmental analyses for other projects in the vicinity of the project, including those for the three geographically closest projects:

- **Los Angeles County Museum of Art Renovation:** Located directly adjacent to the project site (on parcels directly west and south across Wilshire Boulevard) at 5906 West Wilshire Boulevard. The project includes museum renovation and is under construction.

- **Wilshire Curson Project:** Located approximately 0.03 mile southeast of the project site at 5700-5780 Wilshire Boulevard, 712-752 South Curson Avenue, 5721-5773 West 8th Street, and 715-761 South Masselin Avenue. The project includes office and commercial uses and would involve both the renovation of existing buildings as well as the demolition and construction of new buildings. The project is currently under environmental review.
- **Fairfax Avenue Apartments and Restaurant:** Located approximately 0.50 mile southeast of the project site at 800-840 South Fairfax Drive. The project includes residential and restaurant uses and is currently under environmental review.

It is noted here that in the independent CEQA analyses for each of these projects, impacts to biological resources were all found to be less than significant.

The project site is not within an identified wildlife corridor, and there are no USFWS-designated critical habitats within a 10-mile radius, no Habitat Conservation Plans, and no CDFW Natural Community Conservation Plans in the project vicinity (threshold f). Therefore, the project would not result in impacts related to conflict with any approved state, regional, or local habitat conservation plans. Accordingly, the project could not contribute to cumulative impacts related to this topic and it would not be cumulatively considerable when viewed in conjunction with related development projects.

The project could result in significant construction and operation impacts to biological resource as identified in Section 5.3.5. The project could result in significant effects during the construction process on one species, the federal candidate monarch butterfly, either directly or indirectly through habitat modifications (threshold a). The project also has the potential to adversely impact riparian habitat and/or aquatic resources in and along Oil Creek and at the Lake Pit and impact potentially designated jurisdictional wetland/aquatic resources during both construction and operation (thresholds b and c). In addition, the project site does support trees which could potentially provide suitable nesting bird habitat (threshold d). The removal and/or disturbance of trees during project construction could directly impact nesting birds during project construction and temporally impact nesting bird habitat through project operation. Lastly, the project may potentially conflict with the County's oak tree removal permit during both construction and operation due to the removal and/or relocation of 13 protected oak trees on-site (threshold e).

For each identified impact, related project mitigation measure(s) have been developed to address the project's construction and operation impacts to biological resources (i.e., BIO/mm-1.1 through BIO/mm-6.2). These mitigation measures have been developed to address both impacts from temporary construction and long-term impacts from project operation. Although the CEQA analyses for the other development projects in close proximity to the project site noted above found that biological resource impacts would be less than significant, if the project were to be implemented without mitigation it may still contribute to a broader cumulative impact to the resources that the project could impact. Therefore, without mitigation, the project could contribute significantly to cumulative biological resources impacts; these contributions could be considerable and, thus, *significant*.

BIO Impact 8 (Cumulative Impacts)
During construction and operation, the project has the potential to contribute considerably to cumulative impacts to biological resources.
Mitigation Measures
The project would be required to implement Mitigation Measures BIO/mm-1.1, BIO/mm-2.1, BIO/mm-3.1, BIO/mm-5.1, BIO/mm-5.2, BIO/mm-6.1, and BIO/mm-6.2.

BIO Impact 8 (Cumulative Impacts)
Impacts Following Mitigation
With implementation of the identified mitigation measures, the project's contribution to potential cumulative impacts related to biological resources would be less than significant.