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STATE CLEARINGHOUSE

September 10, 2021

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Subject: Draft Environmental Impact Report for the Antelope Valley Line Capacity and Service Improvements Program, SCH #2020109001, Los Angeles County Metropolitan Transportation Authority, Los Angeles County

Dear Mr. Balderrama:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Environmental Impact Report (DEIR) from the Los Angeles County Metropolitan Transportation Authority (Metro; Lead Agency and Project Applicant) for the Antelope Valley Line Capacity and Service Improvements Program (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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Project Description and Summary

Objective: The Antelope Valley Line (AVL) is a 76.6-mile-long commuter rail line that serves Northern Los Angeles County as part of the Metrolink system. The AVL extends from the Los Angeles Union Station in the City of Los Angeles and terminates in the City of Lancaster. Stations along the AVL are in the cities and communities of Los Angeles, Glendale, Burbank, Sun Valley, Sylmar, San Fernando, Newhall, Santa Clarita, Acton, Palmdale, and Lancaster. To meet forecasted ridership demands of up to 17,500 daily riders by 2028, more capacity on the AVL corridor will be required to meet the forecasted ridership and to provide riders with more regular and frequent peak and off-peak services.

The proposed Project would expand commuter rail service along the entire AVL corridor and involve three capital improvements required to facilitate forecasted service increase. These improvements are:

- 1) **Balboa Double Track Extension:** extend the existing double track approximately 6,300 feet north from Balboa Boulevard to the Sierra Highway. The existing railroad right-of-way would accommodate most of the Balboa Double Track Extension. The improvement would require realignment of the existing AVL Main Track through portions of the site to accommodate the second track and the required clearance to existing structures. The proposed double track would be positioned to the east of the existing AVL Main Track and would tie-in at the existing Sylmar siding terminus on the south end of the site and reconnect with the existing AVL Main Track at the north end just south of the Sierra Highway Road bridge. Just north of the I-5 bridge, an approximately 475-foot long retaining wall would be constructed along the west side of the corridor.
- 2) **Canyon Siding Extension:** add approximately 8,400 feet of new double track between Soledad Canyon Road to Golden Oak Road. The improvements would provide a second station platform at the existing Santa Clarita Metrolink Station. Due to the topography of the surrounding area, substantial grading would be required to accommodate the double track construction. Hills on the south side of the corridor abut the rail bed along the length of most of the proposed Canyon Siding Extension within the construction zone. Generally, the areas requiring grading would be located within the existing right-of-way. It is anticipated that retaining walls would be used in some areas to avoid encroachments outside of the right-of-way.
- 3) **Lancaster Terminal Improvements:** expand existing train layover facilities by adding one new 1,000-foot-long and two 500-foot-long train storage tracks in the vicinity of the existing Lancaster Terminal Metrolink Station.

The Project would be constructed almost entirely within existing rail or street right-of-way. Minor acquisitions, easements, or temporary construction easements may be necessary at select locations, mainly to accommodate construction staging and laydown areas or the required grading activities associated with the proposed improvements. Generally, construction activities associated with the Project would include site clearing, grading, retaining wall installation, utility relocation and installation, track and systems installation, and station platform construction.

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Location: The Balboa Double Track Extension improvements are located within the City of Los Angeles and would extend an existing double track north from Balboa Boulevard to the Sierra Highway. The Balboa Double Track Extension improvements would be located between the Newhall Metrolink Station (24300 Railroad Avenue, Santa Clarita, CA) and Sylmar/San Fernando Metrolink Station (12219 Frank Modugno Dr., Los Angeles, CA). The Canyon Siding Extension improvements are located at the Santa Clarita Metrolink Station (22122 Soledad Canyon Road, Santa Clarita, CA). The Lancaster Terminal improvements are located at the Lancaster Metrolink Station (44812 N. Sierra Highway, Lancaster, CA).

Comments and Recommendations

CDFW visited the Balboa Double Track Extension and Canyon Siding Extension improvement sites with Metro September 8, 2021. Based on the documents for review and the site visit, CDFW offers the comments and recommendations below to assist Metro in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Insufficient Biological Resources Impact Assessment

Issue: The DEIR is missing information as to the Project's potentially significant impacts on the State's biological resources.

Specific impacts: The Project may impact biological resources not previously known to occur. Plants, wildlife, and plant communities could be impacted, either directly or through habitat modifications, during Project construction and activities. These impacts could result in injury or mortality (trampling, crushing) of plants and wildlife; reduced reproductive capacity; population declines; or local extirpation of rare, sensitive, or special status species. Also, loss of foraging, breeding, nesting, or nursery habitat supporting wildlife may occur.

Why impacts would occur: The Biological Resources Technical Report for the Project evaluated impacts on 18 species of threatened and endangered species and habitats based on the Information for Planning and Consultation report generated from the U.S. Fish and Wildlife Service (USFWS) online service. The report that was generate is not an exhaustive list of State rare, threatened, and endangered species, or species considered to be rare or sensitive by CDFW.

Based on a search of the [California Natural Diversity Database](#) (CNDDDB), CDFW found additional species that should have been evaluated in preparation of the DEIR (CDFW 2021a). These species include:

- Balboa Double Track Extension – Oat Mountain and San Fernando quadrangles
 - Amphibians: coast range newt (*Taricha torosa*); western spadefoot (*Spea*

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- hammondii*
 - Fish: arroyo chub (*Gila orcuttii*); Santa Ana specked dace (*Rhinichthys osculus* ssp. 8)
 - Insects: Crotch's bumble bee (*Bomus crotchii*)
 - Mammals: San Diego desert woodrat (*Neotoma lepida intermedia*); western mastiff bat (*Eumops perotis californicus*); California leaf-nosed bat (*Macrotus californicus*); hoary bat (*Lasiurus cinereus*); San Diego desert woodrat (*Neotoma lepida intermedia*); Townsend's big-eared bat (*Corynorhinus townsendii*)
 - Reptiles: California legless lizard (*Anniella* spp.); coast horned lizard (*Phrynosoma blainvillii*); coastal whiptail (*Aspidocelis tigris stejnegeri*); two-striped garter snake (*Thamnophis hammondii*)
 - Rare plants: Davidson's bush-mallow (*Malacothamnus davidsonii*); Greata's aster (*Symphyotrichum greatae*); Payne's bush lupine (*Lupinus paynei*); Santa Susana tarplant (*Deinandra minthornii*); mesa horkelia (*Horkelia cuneata* var. *puberula*); Palmer's grapplinghook (*Harpagonella palmeri*); Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*); San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*); Plummer's mariposa-lily (*Calochortus plummerae*); slender mariposa-lily (*Calochortus clavatus* var. *gracilis*)
 - Sensitive plant communities¹: Southern Mixed Riparian Forest, Southern Sycamore Alder Riparian Woodland, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Willow Scrub, Riversidian Alluvial Fan Sage Scrub, California Walnut Woodland, Valley Oak Woodland
- Canyon Siding Extension – Newhall and Mint Canyon quadrangles:
 - Amphibians: western spadefoot (*Spea hammondii*)
 - Fish: arroyo chub (*Gila orcuttii*)
 - Insects: Crotch's bumble bee (*Bomus crotchii*); quino checkerspot butterfly (*Euphydryas editha quino*);
 - Mammals: pallid bat (*Antrozous pallidus*); Townsend's big-eared bat (*Corynorhinus townsendii*); spotted bat (*Euderma maculatum*); San Diego black-tailed jackrabbit (*Lepus californicus bennettii*); southern grasshopper mouse (*Onychomys torridus ramona*); American badger (*Taxidea taxus*)
 - Reptiles: California legless lizard (*Anniella* spp.); California glossy snake (*Arizona elegans occidentalis*); coastal whiptail (*Aspidocelis tigris stejnegeri*); western pond turtle (*Emys marmorata*); coast horned lizard (*Phrynosoma blainvillii*); two-striped garter snake (*Thamnophis hammondii*)
 - Rare plants: Peirson's morning-glory (*Calystegia peirsonii*); San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*); slender-horned spineflower (*Dodecahema leptoceras*); Palmer's grapplinghook (*Harpagonella palmeri*); Newhall sunflower (*Helianthus inexpectatus*); Piute Mountains navarretia (*Navarretia setiloba*); white rabbit-tobacco (*Pseudognaphalium leucocephalum*);

¹ In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance- and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

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- chaparral ragwort (*Senecio aphanactis*); Plummer's mariposa-lily (*Calochortus plummerae*); slender mariposa-lily (*Calochortus clavatus* var. *gracilis*); Palmer's mariposa-lily (*Calochortus palmeri* var. *palmeri*)
 - Sensitive plant communities: Southern Mixed Riparian Forest, Southern Sycamore Alder Riparian Woodland, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Willow Scrub, Riversidian Alluvial Fan Sage Scrub, California Walnut Woodland, Valley Oak Woodland
- Lancaster Terminal Improvements- Lancaster East and Lancaster West quadrangles:
 - Birds: burrowing owl (*Athene cunicularia*); ferruginous hawk (*Buteo regalis*); loggerhead shrike (*Lanius ludovicianus*); merlin (*Falco columbarius*); mountain plover (*Charadrius montanus*); Swainson's hawk (*Buteo swainsoni*); tricolored blackbird (*Agelaius tricolor*)
 - Insects: Crotch's bumble bee (*Bomus crotchii*)
 - Mammals: coast horned lizard (*Phrynosoma blainvillii*); northern California legless lizard (*Anniella pulchra*)
 - Rare plants: Lancaster milk-vetch (*Astragalus preussii* var. *laxiflorus*); Parry's spineflower (*Chorizanthe parryi* var. *parryi*); Rosamond eriastrum (*Eriastrum rosamondense*); sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*); white pygmy-poppy (*Canbya candida*); alkali mariposa-lily (*Calochortus striatus*)

The Biological Resources Technical Report did not include a search of the CNDDDB. As such, the DEIR does not evaluate the Project's potential impacts on those plants, wildlife, and plant communities listed above. These species include California Species of Special Concern (SSC); endangered, rare, or threatened species under CESA; or species per CEQA Guidelines section 15380. According to page 2-23 in the DEIR, "generally, construction activities associated with each Capital Improvement would include site clearing, grading and retaining wall installation, utility relocation and installation, and track and systems installation and station platform construction." Project construction and activities could impact plants, wildlife, and plant communities, either directly or through habitat modifications.

For example, the western spadefoot is known to occur in the hillslopes at the Canyon Siding Extension site (i.e., Whittaker Bermite area). Ground disturbing activities and vegetation removal could crush western spadefoot toads, which tends to be a cryptic species hidden under structures such as rocks, burrows, or logs. Moreover, substantial grading of the hillside to accommodate the double track could result in loss of western spadefoot habitat. The EIR has not proposed avoidance, minimization, or mitigation measures to address potential impacts on western spadefoot or SSC. As a result, the Project has significant impacts on SSC.

Evidence impact would be significant: One of the purposes of CEQA is to inform governmental decision makers and the public about the potentially significant environmental effects of proposed activities (CEQA Guidelines, § 15002). CEQA requires an adequate and complete effort of full disclosure of significant environmental impacts (CEQA Guidelines, § 15003). An EIR should demonstrate that the lead agency has in fact analyzed and considered the ecological implications of its actions (CEQA Guidelines, § 15003).

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The DEIR is missing information as to the Project's effects on the State's biological resources. As a result of this missing information, the DEIR may not have completely analyzed and considered the Project's effects on biological resources. These biological resources include, but are not limited to, the following:

- Rare, sensitive, and special status plants, wildlife, plant communities;
- California Species of Special Concern;
- California Terrestrial and Vernal Pool Invertebrates of Conservation Priority;
- Endangered, threatened, or candidate species protected under CESA; and,
- California Fully Protected Species.

As a result of the DEIR's shortcomings, the DEIR does not yet provide sufficient information that would allow the public and public agencies to review and comment on the Project's potential impacts on biological resources.

Additionally, impacts on those biological resources listed above may require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance, minimization, and mitigation measures for impacts on the State's biological resources will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a plant or wildlife species, or plant community, identified as a candidate, rare, sensitive, or special status by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends Metro provide a biological assessment analyzing and discussing the Project's potential impacts on the State's biological resources. CDFW recommends the assessment provide the following information supported by a thorough literature review:

- 1) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the three capital improvements should also be addressed. CDFW's [California Natural Diversity Database](#) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021a). At a minimum, CDFW recommends searching the following quadrangles: Balboa Double Track Extension (Oak Mountain and San Fernando quadrangles); Canyon Siding Extension (Newhall and Mint Canyon quadrangles); Lancaster Terminal Improvements (Lancaster East and Lancaster West quadrangles).
- 2) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site.
- 3) Floristic, alliance- and/or association-based mapping and vegetation impact

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assessments conducted at the Project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should be used to inform this mapping and assessment (Sawyer et al. 2009). CDFW tracks plant communities and rare plant communities using the Manual of California Vegetation classification system only.

- 4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2021) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2021a).
- 5) A complete assessment of potential impacts on [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) that may occur on site and within the area of potential effect (CDFW 2017).

Recommendation #2: CDFW recommends Metro recirculate the Project's CEQA document to provide more information as to the Project's impacts on the State's biological resources. CDFW recommends Metro provide measures to avoid, minimize, and/or mitigate for potentially significant effects on biological resources that were not previously identified. Pursuant under CEQA Guidelines section 15088.5, "a lead agency is required to recirculate an EIR when significant new information is added." Also, an EIR should be recirculated when a new significant environmental impact would result from the Project. A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record (CEQA Guidelines, § 15088.5).

Comment #2: Impacts on Least Bell's Vireo

Issue: Project construction and activities at the Balboa Double Track Extension site could impact least Bell's vireo (*Vireo bellii pusillus*). The least Bell's vireo is a CESA and federal Endangered Species Act (ESA) -listed species.

Specific impacts: Project-construction and activities occurring during the nesting season for least Bell's vireo may result in nest abandonment or reproductive suppression. Injury and/or mortality of least Bell's vireo nestlings could lead to a population decline of the least Bell's vireo in Los Angeles County. Additionally, the Project could result in loss of occupied habitat supporting least Bell's vireo.

Why impacts would occur: The Balboa Double Track Extension site is less than one mile north of the Van Norman Complex. The Van Norman Complex supports one of three remaining populations of least Bell's vireo in Los Angeles County. Least Bell's vireo could occur at the Balboa Double Track Extension site because the Balboa Double Track Extension site 1) is less than one mile from a known population (i.e., source population) and 2) supports suitable riparian habitat. The least Bell's vireo is an obligate riparian breeder. Least Bell's vireo habitat requirements include thickets of willow, low shrubs, and water, including dry, intermittent streams. The Balboa Double Track Extension site has suitable riparian habitat and water sources for least Bell's vireo. The riparian habitat and water sources is found in the features mapped as *Riverine-2* and *Waters of the State-1 (Weldon Canyon)* (see exhibit 30 in Appendix C: Technical Memorandum – Jurisdictional Delineation). Within those areas, there is species and structurally diverse riparian habitat, consisting of mulefat (*Baccharis glutinosa*) and willow (*Salix* genus). Also, within those areas, there is a perennial or intermittent water source.

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Evidence impact would be significant: There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings, or riparian habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; or substantially reduce the number of restrict the range of an endangered, rare or threatened species (CEQA Guidelines, § 15065). Accordingly, impacts on least Bell's vireo may require a mandatory finding of significance (CEQA Guidelines, § 15065).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the least Bell's vireo will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS.

As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Prior to Project construction and activities at the Balboa Double Track Extension site, CDFW recommends Metro retain a qualified biologist to conduct protocol surveys for least Bell's vireo. Surveys should follow [USFWS Least Bell's Vireo Survey Guidelines](#) (USFWS 2001). All riparian areas and any other potential least Bell's vireo habitat should be surveyed at least eight times during the period from April 10 to July 31. Survey results, including negative findings, should be submitted to CDFW and USFWS within 45 calendar days following the completion of protocol-level surveys.

Mitigation Measure #2: If least Bell's vireo is detected, CDFW recommends Metro fully avoid impacts on least Bell's vireo. No work should occur during the least Bell's vireo nesting season (April 10 to July 31). This includes staging, mobilization, and site preparation.

Mitigation Measure #3: If least Bell's vireo is detected and Metro must work during the least Bell's vireo nesting season for the duration of the Project, and/or if habitat supporting least Bell's vireo needs to be removed, CDFW recommends Metro seek appropriate take authorization under CESA before starting any construction and activities where impacts to least Bell's vireo will occur. Metro should have a permit from CDFW prior to starting any Project construction and activities.

Recommendation #1: If the Project would impact least Bell's vireo, early consultation with CDFW is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)].

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Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Incidental Take Permit.

Recommendation #2: If the Project cannot avoid impacts on an ESA-listed species, CDFW recommends Metro consult with USFWS to comply with ESA well in advance of any construction and activities where impacts to an ESA-listed species occur.

Comment #3: Impacts on Western Joshua Tree

Issue: The Project could impact a western Joshua tree (*Yucca brevifolia*) during the improvements at the Lancaster Terminal site. The western Joshua tree is a candidate species granted protection under CESA.

Specific impacts: Project construction and activities such as access, staging, and refueling could occur adjacent to a western Joshua tree. These activities could impact the western Joshua tree's root zone and seedbank. Additionally, the Project could remove the western Joshua tree.

Why impacts would occur: According to the *Tree Survey/Impacts Assessment Technical Memo* provided in the Biological Resources Technical Report, Project construction or access could occur where a western Joshua tree is located at Yucca Avenue and West Milling Street. Additionally, equipment, materials, and chemical storage could occur adjacent to the western Joshua tree. Disturbing the root zone and soils around the western Joshua tree could impact the tree's health and seedbank. Lastly, to avoid impacts on the western Joshua tree, the *Tree Survey/Impacts Assessment Technical Memo* recommends moving the western Joshua tree to a "state-approved Joshua tree mitigation site." Digging up and relocating the western Joshua tree could cause stress, injury, or mortality of the tree.

Evidence impact would be significant: On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened under CESA may be warranted (CDFW 2020). As a CESA candidate species, western Joshua tree is granted full protection of a threatened species under CESA. Take of western Joshua tree is defined as any activity that results in the removal of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western Joshua trees (CDFW 2021b). CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends Metro avoid impacts on western Joshua trees and seedbank. CDFW recommends Metro avoid accessing the Lancaster Terminal Improvements site from Yucca Ave/West Milling Street. CDFW recommends no activities occur within a 290-

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foot radius of the western Joshua tree to avoid impacts to the tree and potential seedbank. This should include site access, vehicle parking, staging areas, refueling, and any activities that may result in ground disturbance.

Mitigation Measure #2: If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of the western Joshua tree, CDFW recommends Metro seek appropriate take authorization under CESA before starting any construction and activities where impacts to western Joshua tree will occur. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit (See Comment #2, Recommendation #1).

Comment #4: Lake and Streambed Alteration (LSA)

Issue: The Project could impact streams subject to LSA Notification under Fish and Game Code section 1602 et seq.

Specific impacts: The Project could impact streams and riparian habitat. Page 3.4-14 in the DEIR states, “construction of the Proposed Project could temporarily impact riparian vegetation in both the Balboa Double Track Extension site and Canyon Siding Extension site.” The Project could channelize streams or restrict and redirect flow as a result of new rail tracks, fill, and retaining walls placed adjacent to streams. Also, the Project could result in temporary or permanent loss of riparian habitat.

Why impacts would occur:

Balboa Double Track Extension site: According to page 29 in the Biological Resources Technical Report, “all waters in the site are non-jurisdictional wetlands and are considered waters of the state of California. These include two open channels Waters of the State-1 [Weldon Canyon], and Waters of the State-2 [Sunshine Canyon].” Exhibit 12 in the Biological Resources Technical Report shows two additional riverine features. These features are Riverine 1 and Riverine 2 along the existing AVL Main Track. These streams could be impacted during Project construction and activities. For example, page 45 in the Biological Resources Technical Report states, “the placement of fill (approximately 0.2 acres) is proposed for the slopes lining the southern open channel [...] Construction activities related to this fill placement may impact this channel and a permit may be needed [...]”

Canyon Siding Extension site: According to page 29 in the Biological Resources Technical Report, “for the Canyon Siding Extension site, the only WOTUS [Waters of the United States] nearby is Castaic Creek. All other waters in the site are non-jurisdictional wetlands and are considered waters of the state.” These streams could be impacted during Project construction and activities. Generally, according to page 45 in the Biological Resources Technical Report, “the proposed Project could temporarily impact riparian vegetation in both the Balboa Double Track Extension and Canyon Siding Extension sites in the event that appropriate mitigation as detailed herein is not adhered to, although there are no permanent impacts to riparian habitat at a level of significance since the Proposed Project in these areas is limited to double tracking existing railroad lines.”

Downstream impacts: Impacts on streams within the Project site could result in downstream impacts where there is hydrologic connectivity. According to page 39 in the Biological

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Resources Technical Report, “there are, however, discharge points identified at both the Balboa Double Track Extension and Canyon Siding Extension sites that ultimately flow to other water bodies.” Modification to streams within the Project site could result in increased erosion. Excess sediment could be transported downstream and impair waters and habitat outside of the Project site.

Inadequate mitigation: Impacts on streams and riparian habitat could be significant absent appropriate avoidance, minimization, or mitigation measures. Mitigation measures BIO-8, BIO-9, and BIO-10 may be insufficient to reduce impacts to streams and riparian habitat. Furthermore, those measures could result in unintended environmental consequences that could result in additional impacts on biological resources.

BIO-8: BIO-8 proposes to protect riparian zones by controlling invasive plant and animal species. It is unclear what species would be controlled, what methods would be used, frequency of control, performance criteria, and success criteria. Additionally, efforts to control invasive species could have unintended consequences on the environment. For example, herbicide application could impact non-targeted plant species and controlling animal species using poisons could injure or kill native species. If a mitigation measure would cause one or more significant effects, the effects of the mitigation measure shall be discussed [in the EIR] but in less detail than the significant effects of the project as proposed (CEQA Guidelines, § 15126.4).

BIO-9: BIO-9 proposes to enlist a qualified biologist to determine if disturbance in upland areas would create runoff that could affect riparian areas below upland features. Pursuant to CEQA Guidelines section 15126.4, mitigation measures “shall not be deferred until some future time” and “adopts specific performance standards the mitigation will achieve and identifies type(s) of potential action(s) that can feasibly achieve that performance standard that will be considered, analyzed, and potentially incorporated in the mitigation measure.” Potential impacts should be disclosed in the DEIR to provide the public and public agencies an opportunity to understand what those impacts could be, recommend measures to avoid or minimize those impacts, and comment on the adequacy of mitigation measures to reduce impacts on riparian areas. Also, BIO-9 does not identify specific actions Metro would take if a qualified biologist determined that impacts would occur.

BIO-10: BIO-10 proposes to reintroduce native biota into riparian areas impacted by Project construction or operations. The impacts that BIO-10 seeks to mitigate for are not disclosed in the DEIR. Also, BIO-10 does not include information as to what Metro considers to be native biota, what plants and/or wildlife species would be introduced, where plants would be sourced, where native biota would be introduced, performance criteria, and success criteria. Introducing any biota into an environment could result in unintended consequences on the environment. For example, introducing biota could introduce pests, pathogens and diseases to a system not previously exposed to those stressors. Pests, pathogens, and diseases could result in injury or mortality of plants and wildlife. Furthermore, introduced biota could compete against existing biota for resources such as habitat and food. Interspecific and intraspecific competition could result in injury or mortality of wildlife and could result in wildlife displacement or exclusion from previously occupied habitat.

Lastly, it is unclear if any of the mitigation measures, BIO-8, BIO-9, or BIO-10 would mitigate for loss of sensitive natural communities. Without sufficient mitigation, the Project could result in net loss of a sensitive natural community.

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Evidence impacts would be significant: The Project could impact streams. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated plant communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake²;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

Although the DEIR acknowledges that impacts on streams and riparian habitat could occur, the DEIR is unclear as to what the impacts would be. For instance, it is unclear as to where specifically impacts would occur; linear feet of streams that would be impacted; what types of plant communities would be impacted; and for each plant community, the total area that would be impacted. The Project could impact a sensitive natural community. Many riparian plant communities in the State have a State Rarity rank of S1, S2, or S3. This is a result of the significant reduction in quantity and quality of riparian and wetland habitat remaining in the State. CDFW considers plant communities with ranks of S1, S2, or S3 to be sensitive natural communities (CDFW 2021c). Impacts to sensitive natural communities should be addressed in CEQA (CDFW 2021c). Sensitive natural communities with an additional ranking of 0.1 or 0.2 is a natural community that is very threatened or threatened, respectively, within the State.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with the Project's proposed Mitigation Measure BIO-12 which would require Metro to notify CDFW pursuant to Fish and Game Code section 1600 et seq. Based on this notification and other information, CDFW determines whether an LSA Agreement with Metro is required prior to conducting Project activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021d).

Mitigation Measure #2: CDFW recommends the LSA Notification include the following information and analyses:

- 1) Quantification of the linear feet of streams and area of associated riparian vegetation that would be impacted. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#), second edition (Sawyer et al. 2009);
- 2) An analysis providing information on whether impacts to streams within the immediate project area could cause impacts downstream where there is hydrologic connectivity;
- 3) A hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to provide information on how water and sediment is conveyed through the Project site;
- 4) A scour analysis demonstrating that stream banks, bed, and channel would not erode

² "Any river, stream, or lake" includes those that are dry for periods of time as well as those that flow year-round.

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- and be impaired (e.g., aggrade, incised) as a result of Project activities;
- 5) An analysis demonstrating that the Project would not impact stream underflow supporting riparian vegetation;
 - 6) Identification, analysis, and discussion of potential impacts on streams and associated vegetation as a result of upland Project construction and activities (as alluded to in the Project's BIO-9 proposed in the DEIR);
 - 7) Specific activities and actions Metro proposes to take to mitigate for impacts on streams and riparian vegetation, specifically, actions to control invasive plants and animals (as alluded to in BIO-8 in the DEIR) and reintroducing native biota (as alluded to in BIO-10 in the DEIR); and,
 - 8) A complete description of routine maintenance activities that may be required for the life of the Project. If applicable, the LSA Notification include measures to avoid impacts on streams and riparian vegetation during routine maintenance activities occurring for the life of the Project.

Mitigation Measure #3: CDFW recommends Metro mitigate for impacts on streams and associated riparian plant community at no less than 2:1. Metro should provide additional mitigation for impacts on riparian plant communities that have a State Rarity Ranking of S1 and S2, and an additional ranking of 0.1 and 0.2.

Mitigation Measure #4: Prior to LSA Notification, CDFW recommends Metro retain a qualified biologist(s) to perform species specific surveys (see Comment #2, Mitigation Measure #1 and Comment #5, Mitigation Measure #1 and #2) and provide survey results, including negative findings, as part of the LSA Notification. Survey reports should also include information on habitat within the Project site and whether the Project would impact habitat supporting those species.

Recommendation #1: CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from Metro for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends Metro consider CDFW's comments and revise the DEIR by incorporating the mitigation measures and revisions recommended in this letter into the Project's final environmental document.

To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #2: If the Project would require routine maintenance of the new rail line adjacent to streams and riparian vegetation at the Balboa Double Track Extension and Canyon Siding Extension sites, CDFW recommends Metro revise the DEIR to provide details of those routine maintenance activities. The DEIR should discuss potential impacts on biological resources during those routine maintenance activities and provide measures to mitigate those impacts.

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Recommendation #3: CDFW recommends Metro revise BIO-8, BIO-9, and BIO-10 to provide more clarification on specific actions and success criteria that each measure would implement and seek to achieve. As to BIO-8, at a minimum, Metro should state what invasive plant and animal species would be controlled, using what means, and where those species would be controlled. As to BIO-9, at a minimum, Metro should state what specific actions would occur if a qualified biologist determined that disturbance in upland areas would impact riparian areas and wetlands. Finally, as to BIO-10, Metro should state what native biota would be reintroduced, using what means, where plants would be sourced, and where those species would be reintroduced. Following recommended revisions to those measures, CDFW recommends Metro recirculate the CEQA document for public review and commenting (see Comment #1, Recommendation #2).

Comment #5: Impacts on Fish – Santa Ana Sucker and Unarmored Threespine Stickleback

Issue: The Project could impact fish, including Santa Ana sucker (*Catostomus santaanae*) and unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). Unarmored threespine stickleback is listed under both CESA and ESA. Also, the unarmored threespine stickleback is a California Fully Protected Species. The Santa Ana sucker is listed under ESA.

Specific impacts: Project construction and activities cause fish injury or mortality. Also, the Project could temporary or permanently impact habitat necessary to fish for spawning, breeding, feeding, or growth to maturity. This can lead to reduced reproductive capacity or population declines of fish species. Furthermore, Project construction and activities could impact fish and habitat supporting fish downstream of the Project site.

Why impacts would occur: Project construction and activities could impact fish and habitat supporting fish. According to page 18 in the Biological Resources Technical Report, Santa Ana sucker could occur at the Balboa Double Track Extension site and unarmored threespine stickleback could occur at the Canyon Siding Extension site. According to page 33 in the Biological Resources Technical Report, “restrictions and ROW [right-of-way] constraints made it difficult for our field biologists to gather all the information required, so they only did visual studies to determine if there was fish present. At the time of the site reconnaissance, March 9, 2021, no fish were located, but some habitats looked to be prime locations for fish [...] A few of the T&E [threatened and endangered] species habitats are only located downstream of this project, and any disturbance to their habitats need to be documented.”

Additionally, the mainstem, including Soledad Canyon of the Santa Clara River is occupied by unarmored threespine stickleback. Tributaries hydrologically connected to mainstem of the Santa Clara River could support also unarmored threespine stickleback. This may include tributaries located in the canyons and drainages on the hillside the Project proposes to cut into for the Canyon Siding Extension portion of the Project.

Work occurring in or adjacent to waterbodies supporting fish could impact fish. For example, crews working in streams may cause stream bank erosion, potentially resulting in crushing, burying, smothering, or displacing fish, fish fry, nesting burrows, and eggs, or microscopic flora and fauna food sources for fish and fry. Additionally, excessive sedimentation may degrade substrate and water conditions needed for reproduction, potentially causing reduced reproductive capacity and success. The Project may require vegetation removal within or

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adjacent to waterbodies. This can potentially result in additional stream bank erosion. Flow regime changes or changes to streambed composition may affect the viability and reproductive capacity of fish.

Evidence impacts would be significant: The DEIR states that the Project could impact fish and fish habitat both within the Project site and downstream of the Project site. The DEIR, however, does not provide specific mitigation measures to address potential impacts on fish. The Project could impact fish that are listed under CESA and ESA. The Project may impact a California Fully Protected species. Finally, the Project could impact fish that are Species of Special Concern that have yet to be evaluated (see Comment #1).

Species of Special Concern: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2021e).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

CESA-listed Species and ESA-listed Species: CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

California Fully Protected Species: Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take, except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511).

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Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or USFWS. Take under ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: At least one year prior to starting any Project construction and activities, CDFW recommends Metro retain a qualified biologist to conduct season appropriate pre-Project presence/absence fish surveys and habitat at the Balboa Double Track Extension site. The survey should include areas downstream of the project site that could be impacted. Surveys should be performed by a qualified biologist with appropriate Scientific Collecting Permit. Also, surveys should be performed in consultation and coordination with CDFW.

Mitigation Measure #2: At least one year prior to starting any Project construction and activities, CDFW recommends Metro retain a CDFW-approved biologist to conduct focused surveys for unarmored threespine stickleback where there is potential habitat at the Canyon Siding Extension site and any locations within the Canyon Siding Extension site that is hydrologically connected to the Santa Clara River. Surveys should be performed by a qualified biologist with appropriate Scientific Collecting Permit. Also, surveys should be performed in consultation and coordination with CDFW. Survey results, including negative findings, should be provided to CDFW.

Mitigation Measure #3: CDFW recommends Metro coordinate with CDFW if unarmored threespine stickleback is found. If unarmored threespine stickleback is found, Metro should fully avoid all impacts to unarmored threespine stickleback and habitat supporting this California Fully Protected species. No work should be performed when water is present in tributaries supporting unarmored threespine stickleback. Also, no dewatering of tributaries should be performed at any time as draining water and reducing water levels could strand, injure, or cause mortality of unarmored threespine stickleback.

Mitigation Measure #4: If a CESA and/or ESA-listed fish species is detected and impacts on those fish and habitat cannot be avoided, Metro should consult with CDFW and/or USFWS to obtain necessary permits for take of CESA and/or ESA-listed fish species. Metro should have a permit from CDFW prior to starting any Project construction and activities (See Comment #2, Recommendation #1 and #2).

Mitigation Measure #5: If a Species of Special Concern is detected and impacts on those fish and habitat cannot be avoided, Project construction and activities may only occur after fish are relocated in accordance with a CDFW-approved Fish Species Relocation Plan. Metro, in consultation with a qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat

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adjacent to the Project site (either way, at least 200 feet from the work area). Special status wildlife should be captured only by a qualified biologist with proper handling permits (see Additional Comments: Scientific Collection Permit).

Recommendation: If the Project cannot avoid impacts on ESA-listed fish species, CDFW recommends Metro consult with USFWS to comply with ESA well in advance of any construction and activities where impacts to an ESA-listed species occur.

Comment #6: Impacts on Coastal California Gnatcatcher

Impacts: The Project could impact habitat supporting the California coastal gnatcatcher (*Polioptila californica californica*), which is an ESA-listed species and a California Species of Special Concern.

Specific impacts: The Project could result in the clearing of habitat supporting California coastal gnatcatcher.

Why impacts would occur: According to page 3.4-4 in the DEIR, critical habitat for the coastal California gnatcatcher is located adjacent to the Balboa Double Track Extension site and Canyon Siding Extension site. Coastal sage scrub may be cleared to accommodate the Project at the Balboa Double Track Extension site and Canyon Siding Extension site.

Metro has proposed mitigation measure BIO-7 to address impacts on California coastal gnatcatcher. BIO-7 states, "All native vegetation in California gnatcatcher habitat (coastal sage scrub) that must be cleared for project construction must be cleared outside of breeding season (February 15 to August 31). If construction activities must take place in gnatcatcher breeding season, a pre-construction survey will be conducted for active nests within 500 feet of the construction footprint. Surveys will continue weekly throughout the breeding season. If a nest is found within 250 feet of ongoing project activities, Proposed Project work will cease within those 250 feet until the nest has failed or fledged."

As it is currently proposed, BIO-7 does not propose to replace habitat that may be cleared. Habitat loss and fragmentation driven by development and agriculture continues to be a significant threat to the species. The temporary exclusion of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. California coastal gnatcatchers are residents in coastal sage scrub habitat. Therefore, removal of habitat would result in loss of nesting, breeding, and foraging habitat as well as cover for California coastal gnatcatchers.

Evidence impacts would be significant:

A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition

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- of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2021e).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Additionally, CDFW considers adverse impacts to a species protected by ESA to be significant without mitigation under CEQA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends Metro retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist should survey the Project site and adjacent areas to determine presence/absence of gnatcatcher. The qualified biologist should conduct surveys according to USFWS Coastal California Gnatcatcher (*Poliophtila californica californica*) Presence/Absence Survey Guidelines (USFWS 1997). The survey protocol requires a minimum of six surveys conducted at least one week apart from March 15 through June 30 and a minimum of nine surveys at least two weeks apart from July 1 through March 14. The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to starting any Project construction and activities within and adjacent to California coastal gnatcatcher habitat.

Mitigation Measure #2: Where Project construction and activities would occur within and/or adjacent California coastal gnatcatcher habitat, CDFW recommends Metro avoid work from February 15 through August 31.

Mitigation Measure #3: CDFW recommends Metro avoid clearing, removing, or cutting any California coastal gnatcatcher habitat.

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Mitigation Measure #4: If Metro removes California coastal gnatcatcher habitat, CDFW recommends Metro mitigate for impacts at no less than 2:1 so that there is no net loss of habitat supporting an SSC and ESA-listed species. Mitigation lands should occur within the same watershed, and support California coastal gnatcatcher habitat of similar vegetation composition, density, coverage, and species richness and abundance.

Recommendation: If the Project cannot avoid impacts on ESA-listed species per Mitigation Measures #2 and #3, CDFW recommends Metro consult with USFWS to comply with ESA well in advance of any construction and activities where impacts to an ESA-listed species occur.

Comment #7: Impacts on Sensitive Plant Communities

Issue: The Project could impact sensitive plant communities.

Specific impacts: The Project could remove Southern California black walnut trees (*Juglans californica*) and California walnut groves (*Juglans californica* Forest and Woodland Alliance). The Project could also remove coast live oak trees (*Quercus agrifolia*) and coast live oak woodlands (*Quercus agrifolia* Woodland Alliance) (Sawyer et al. 2009).

Why impacts would occur: The Balboa Double Track Extension site has southern California black walnut trees and coast live oak trees. The Canyon Siding Extension site has coast live oak trees. Project construction and activities such as tree removal, grading; digging and trenching to install underground infrastructure (e.g., fiber optic cables); and construction of retaining walls could result in injury, mortality, and loss of individual trees as well as result in the loss of acres of a sensitive plant community. According to the *Tree Survey/Impacts Assessment Technical Memo*, “the improvements at the Balboa Double Track Extension and the Canyon Siding Extension sites include steep and undulating terrain within chaparral ecosystems. This could result in impacts to protected trees including Coast Live Oak and California Black Walnut.” Also, these trees [at the Balboa Double Track Extension site] in particular (Coast Live Oaks and Southern California Black Walnut) exist on steep slopes that may be subject to grading in proposed construction activities.” Lastly, “the greatest number of trees that could be impacted by the proposed railway improvements, are at the Canyon Siding Extension site (Appendix C), including Coast Live Oak saplings that were observed east of the Santa Clarita station platform.”

The Project has provided mitigation measure BIO-13 to address impacts on native trees. BIO-13, as it is currently proposed, does not provide mitigation for impacts on sensitive plant communities. Furthermore, through the Project’s BIO-16, native trees, which may include southern California black walnut trees and coast live oak trees, could be replaced with “native drought tolerant trees of comparable size to the impact trees.” The Project could result in net loss of native trees and sensitive plant communities by not mitigating for impacts on sensitive plant communities and potentially replacing southern California black walnut trees and coast live oak trees with a different species of tree.

Evidence impacts would be significant: The southern California black walnut has a California Rare Plant Rank (CRPR) of 4.2 (Calflora 2021b). The southern California black walnut is a species of local significance; a species of limited distribution; and a species that is moderately threatened in California (CNPS 2021). CDFW considers California walnut groves to be a Sensitive Natural Communities with a State Rarity Ranking of S3 (CDFW 2021c; Sawyer et al. 2009). Southern California black walnut and California walnut groves meet the definition of endangered, rare, or threatened Species under CEQA (CEQA Guidelines, § 15380).

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Accordingly, impacts on southern California black walnut trees and California walnut groves could be significant under CEQA [CEQA Guidelines, §§ 15002(g), 15065, 153820]. CDFW considers coast live oak woodlands to be a sensitive plant community. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). For these reasons, CDFW recommends that impacts on oak woodlands be mitigated. Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources.

Inadequate avoidance, minimization, and mitigation measures for impacts on southern California black walnut, California walnut groves, and coast live oak woodlands may result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends Metro replace no less than three trees for every one southern California black walnut and coast live oak tree that is removed. Mitigation at 3:1 would account for loss of large, heritage-sized trees, rare and sensitive tree species, and trees that are known to provide habitat value for wildlife.

Mitigation Measure #2: CDFW recommends Metro create or restore no less than one acre for every one acre of impact on a sensitive plant community. Metro should create or restore no less than two acres for impacts on a sensitive plant community that consists of heritage-sized trees, vigorous trees, or seedlings/saplings, the latter indicating a healthy, self-recruiting population/plant community. Mitigation should be provided on lands within the same watershed as the area impacted. The density of trees at the mitigation site should be at least the same as the density of trees in the habitat that was impacted. The mitigation site should also provide the same understory species as found in the impacted area.

Mitigation Measure #3: CDFW recommends Metro modify BIO-16 by including the underlined language and removing the language with strikethrough: “Replace impacted trees that cannot be saved with trees of ~~native drought tolerant trees of comparable size to the impacted trees~~ the same genus, species, and variety (if applicable) as the tree that is removed. Replacement trees shall be locally sourced from within the same watershed and not from a supplier. Replacement trees shall come from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols.”

Mitigation Measure #4: CDFW recommends that all tree material, especially tree material infected with pests, pathogens, and diseases, is left on site, chipping the material for use as ground cover or mulch.

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Additional Recommendations

Scientific Collecting Permit. The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14, section 650](#). Accordingly, Metro/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collecting Permit](#) webpage for information (CDFW 2021f). An LSA Agreement may provide similar take or possession of species as described in the conditions of the Agreement (see Comment #4: Lake or Streambed Alteration).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021g). Metro should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. Metro should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends Metro update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist Metro in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Metro is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided Metro with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

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

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Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Metropolitan Transportation Authority in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Metropolitan Transportation Authority has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1 Impacts on Least Bell's Vireo-Surveys	Prior to Project construction and activities at the Balboa Double Track Extension site, a qualified biologist shall conduct protocol surveys for least Bell's vireo. All riparian areas and any other potential least Bell's vireo habitat shall be surveyed at least eight times during the period from April 10 to July 31. Survey results, including negative findings, shall be submitted to CDFW and USFWS within 45 calendar days following the completion of protocol-level surveys.	Prior to Project construction and activities at the Balboa Double Track Extension site	Los Angeles County Metropolitan Transportation Authority (Metro)
MM-BIO-2 Impacts on Least Bell's Vireo- Avoidance	If least Bell's vireo is detected no work shall occur during the least Bell's vireo nesting season (April 10 to July 31). This shall include staging, mobilization, and site preparation.	Before/ During construction and activities	Metro
MM-BIO-3 Impacts on Least Bell's Vireo- Avoidance	No habitat supporting least Bell's vireo shall be removed.	Before/ During construction and activities	Metro
MM-BIO-4 Impacts on Least Bell's Vireo-Incidental Take Permit	If least Bell's vireo is detected and work must occur during the least Bell's vireo nesting season for the duration of the Project, and/or if habitat supporting least Bell's vireo needs to be removed, Metro shall seek appropriate take authorization under CESA. Metro shall have a permit from CDFW prior to starting any Project construction and activities.	Prior to starting any Project construction and activities.	Metro

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MM-BIO-5- Impacts on Western Joshua Tree-Avoidance	There shall be no impacts on western Joshua trees and seedbank. No access will be allowed from Yucca Ave/West Milling Street. No activities shall occur within a 290-foot radius of the western Joshua tree to avoid impacts to the tree and potential seedbank. This shall include no site access, vehicle parking, staging areas, refueling, and any activities that may result in ground disturbance.	Before/ During construction and activities	Metro
MM-BIO-6- Impacts on Western Joshua Tree-CESA Incidental Take Permit	If necessary, Metro shall seek appropriate take authorization under CESA before starting any construction and activities where impacts to the western Joshua tree and seedbank will occur.	Before starting any construction and activities where impacts to western Joshua tree will occur	Metro
MM-BIO-7- Impacts on Streams and Riparian habitat-LSA Notification	Metro shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. Metro shall obtain an LSA Agreement before starting any Project construction and activities where impacts on streams may occur.	Prior to starting any Project construction and activities where impacts on streams may occur	Metro
MM-BIO-8- Impacts on Streams and Riparian habitat-LSA Notification	The LSA Notification shall include the following information and analyses: <ol style="list-style-type: none"> 1) Quantification of the linear feet of streams and area of associated riparian vegetation that would be impacted. P 2) An analysis providing information on whether impacts to streams within the immediate project area could cause impacts downstream where there is hydrologic connectivity; 3) A hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to provide information on how water and sediment is conveyed 	Prior to starting any Project construction and activities where impacts on streams may occur	Metro

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	<p>through the Project site;</p> <p>4) A scour analysis demonstrating that stream banks, bed, and channel would not erode and be impaired (e.g., aggrade, incised) as a result of Project activities;</p> <p>5) An analysis demonstrating that the Project would not impact stream underflow supporting riparian vegetation;</p> <p>6) Identification, analysis, and discussion of potential impacts on streams and associated vegetation as a result of upland Project construction and activities;</p> <p>7) Specific activities and actions Metro proposes to take to mitigate for impacts on streams and riparian vegetation, specifically, actions to control invasive plants and animals and reintroducing native biota; and,</p> <p>8) A complete description of routine maintenance activities that may be required for the life of the Project including measures to avoid impacts on streams and riparian vegetation during routine maintenance activities occurring for the life of the Project.</p>		
MM-BIO-9- Impacts on Streams and Riparian habitat- Compensatory mitigation	Metro shall provide no less than 2:1 for impacts on streams and associated riparian plant community. Metro shall provide additional mitigation for impacts on riparian plant communities that have a State Rarity Ranking of S1 and S2 and an additional ranking of 0.1 and 0.2.	During Project construction and activities	Metro
MM-BIO-10- Impacts on Streams and Riparian habitat-Species surveys	Metro shall retain a qualified biologist(s) to perform species specific surveys as described under Mitigation Measure #1 , Mitigation Measure #11 and Mitigation Measure #12 and provide survey results, including negative findings, as part of the LSA Notification. Survey reports shall include information on habitat within the Project site and whether the Project would impact habitat supporting those species.	<p>Prior to LSA Notification</p> <p>Prior to starting any Project construction and activities where</p>	Metro

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		impacts on streams may occur	
MM-BIO-11- Impacts on Fish-Surveys	At least one year prior to starting any Project construction and activities, qualified biologist shall conduct season appropriate pre-Project presence/absence fish surveys and habitat at the Balboa Double Track Extension site. Surveys shall be performed by a qualified biologists with appropriate Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW.	Prior to LSA Notification At least one year prior to starting any Project construction and activities	Metro
MM-BIO-12- Impacts on Fish-Surveys- unarmored threespine stickleback	At least one year prior to starting any Project construction and activities, a CDFW-approved biologist shall conduct focused surveys for unarmored threespine stickleback where there is potential habitat at the Canyon Siding Extension site and any locations within the Canyon Siding Extension site that is hydrologically connected to the Santa Clara River. Surveys shall be performed by a qualified biologists with appropriate Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW. Survey results, including negative findings, shall be provided to CDFW.	Prior to LSA Notification At least one year prior to starting any Project construction and activities	Metro
MM-BIO-13- Impacts on Fish- unarmored threespine stickleback	Metro shall coordinate with CDFW if unarmored threespine stickleback is found. If unarmored threespine stickleback is found, Metro shall fully avoid all impacts to unarmored threespine stickleback and habitat supporting this California Fully Protected species. No work shall be performed when water is present in tributaries supporting unarmored threespine stickleback. Also, no dewatering of tributaries shall be performed at any time as draining water and reducing water levels could strand, injure, or cause mortality of unarmored threespine stickleback.	Prior to/During Project construction and activities	Metro
MM-BIO-14- Impacts on Fish-CESA and	If a CESA and/or ESA-listed fish species is detected and impacts on those fish and habitat cannot be avoided, Metro shall consult with CDFW and/or USFWS to obtain necessary permits for take of	Prior to starting any Project	Metro

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ESA-listed species	CESA and/or ESA-listed fish species. Metro shall have a permit from CDFW and/or USFWS prior to starting any Project construction and activities.	construction and activities if a permit from CDFW and/or USFWS is needed	
MM-BIO-15- Impacts on Fish-Species of Special Concern	If a Species of Special Concern is detected and impacts on those fish and habitat cannot be avoided, Project construction and activities shall only occur after fish are relocated in accordance with a CDFW-approved Fish Species Relocation Plan. Metro, in consultation with a qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project site (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits.	Prior to starting any Project construction and activities After CDFW approval of a Fish Species Relocation Plan	Metro
MM-BIO-16- Impacts on California coastal gnatcatcher- Protocol Surveys	Metro shall retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist shall survey the Project site and adjacent areas to determine presence/absence of gnatcatcher. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines. The protocol shall be followed for all surveys unless otherwise authorized by the USFWS in writing. Gnatcatcher surveys shall be conducted and USFWS notified (per protocol guidance) prior to starting any Project construction and activities within and adjacent to California coastal gnatcatcher habitat.	Prior to starting any Project construction and activities within and adjacent to California coastal gnatcatcher habitat.	Metro

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MM-BIO-17- Impacts on California coastal gnatcatcher- Avoidance	Where Project construction and activities would occur within and/or adjacent California coastal gnatcatcher habitat, no work shall occur from February 15 through August 31.	During Project construction and activities	Metro
MM-BIO-18- Impacts on California coastal gnatcatcher- Habitat	There shall be no clearing, removing, or cutting any California coastal gnatcatcher habitat.	During Project construction and activities	Metro
MM-BIO-19- Impacts on California coastal gnatcatcher- Compensatory mitigation	Metro shall mitigate for loss of any California coastal gnatcatcher habitat. at no less than 2:1 so that there is no net loss of habitat supporting an SSC and ESA-listed species. Mitigation lands shall occur within the same watershed, and support California coastal gnatcatcher habitat of similar vegetation composition, density, coverage, and species richness and abundance.	Before/ During Project construction and activities	Metro
MM-BIO-20- Impacts on Sensitive Plant Communities- Tree replacement	Metro shall replace no less than three trees for every one southern California black walnut and coast live oak tree that is removed.	During Project construction and activities	Metro
MM-BIO-21- Impacts on Sensitive Plant Communities	Metro shall create or restore no less than one acre for every one acre of impact on a sensitive plant community. Metro shall create or restore no less than two acres for impacts on a sensitive plant community that consists of that consists of heritage-sized trees, vigorous trees, or seedlings/saplings. Mitigation shall be provided on lands within the same watershed as the area impacted. The density of trees at the mitigation site shall be at least the same as the density of trees in the habitat that was impacted. The mitigation	During Project construction and activities	Metro

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	site shall also provide the same understory species as found in the impacted area.		
MM-BIO-22- Impacts on Sensitive Plant Communities	Replace impacted trees that cannot be saved with trees of the same genus, species, and variety (if applicable) as the tree that is removed. Replacement trees shall be locally sourced from within the same watershed and not from a supplier. Replacement trees shall come from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols.	During Project construction and activities	Metro
MM-BIO-23- Impacts on Sensitive Plant Communities	All tree material, especially tree material infected with pests, pathogens, and diseases, shall be left on site, chipping the material for use as ground cover or mulch.	During Project construction and activities	Metro
REC-1- Biological Assessment	<p>Metro should provide a biological assessment analyzing and discussing the Project's potential impacts on the State's biological resources. The assessment should provide the following information supported by a thorough literature review:</p> <ol style="list-style-type: none"> 1) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species. Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species. Seasonal variations in use of land around the three capital improvements should also be addressed. CDFW's California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. At a minimum, CDFW recommends searching the following quadrangles: Balboa Double Track Extension (Oak Mountain and San Fernando quadrangles); Canyon Siding Extension (Newhall and Mint Canyon quadrangles); 	Prior to finalizing CEQA document	Metro

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	<p>Lancaster Terminal Improvements (Lancaster East and Lancaster West quadrangles).</p> <p>2) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site.</p> <p>3) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment. CDFW tracks plant communities and rare plant communities using the Manual of California Vegetation classification system only. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite.</p> <p>4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society Online Inventory of Rare and Endangered Plants of California as well as the Calflora's Information on Wild California Plants database.</p> <p>5) A complete assessment of potential impacts on California Terrestrial and Vernal Pool Invertebrates of Conservation Priority that may occur on site and within the area of potential effect.</p>		
<p>REC-2- Recirculate CEQA document</p>	<p>Metro should recirculate the Project's CEQA document after revising the CEQA document to provide more information as to the Project's impacts on the State's biological resources. Metro should provide measures to avoid, minimize, and/or mitigate for potentially significant effects on biological resources that were not previously identified.</p>	<p>Prior to finalizing CEQA document</p>	<p>Metro</p>

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<p>REC-3-Impacts on Least Bell's Vireo</p>	<p>If the Project would impact least Bell's vireo, early consultation with CDFW is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)].</p> <p>Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Incidental Take Permit.</p>	<p>Prior to finalizing CEQA document</p> <p>Prior to Project construction and activities where impacts on least Bell's vireo may occur</p>	<p>Metro</p>
<p>REC-4-LSA Notification-Revise CEQA document</p>	<p>CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from Metro for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, Metro should consider CDFW's comments and revise the DEIR by incorporating the mitigation measures recommended in this letter into the Project's final environmental document.</p>	<p>Prior to finalizing CEQA document</p>	<p>Metro</p>
<p>REC-5-Routine maintenance-Revise CEQA document</p>	<p>If the Project would require routine maintenance of the new rail line adjacent to streams and riparian vegetation at the Balboa Double Track Extension and Canyon Siding Extension sites, Metro should revise the DEIR to provide details of those routine maintenance</p>	<p>Prior to finalizing CEQA document</p>	<p>Metro</p>

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	activities. The DEIR should discuss potential impacts on biological resources during those routine maintenance activities and provide measures to mitigate those impacts.		
REC-6-Revise CEQA document	Metro should revise BIO-8, BIO-9, and BIO-10 to provide more clarification on specific actions and success criteria that each measure would implement and seek to achieve. As to BIO-8, at a minimum, Metro should state what invasive plant and animal species would be controlled, using what means, and where those species would be controlled. As to BIO-9, at a minimum, Metro should state what specific actions would occur if a qualified biologist determined that disturbance in upland areas would impact riparian areas and wetlands. Finally, as to BIO-10, Metro should state what native biota would be reintroduced, using what means, where plants would be sourced, and where those species would be reintroduced. Following recommended revisions to BIO-8, BIO-9, and BIO-10, CDFW recommends Metro recirculate the CEQA document for public review and commenting.	Prior to finalizing CEQA document	Metro
REC-7-Impacts on Endangered Species Act-listed species-fish	If the Project cannot avoid impacts on ESA-listed fish species, Metro should consult with USFWS to comply with ESA well in advance of any construction and activities where impacts to an ESA-listed species occur.	Before starting any construction and activities where impacts to an ESA-listed species occur	Metro
REC-8-Impacts on Endangered Species Act-listed species-California coastal gnatcatcher	If the Project cannot avoid impacts on California coastal gnatcatcher, Metro should consult with USFWS to comply with ESA well in advance of any construction and activities where impacts to an ESA-listed species occur.	Before starting any construction and activities where impacts to an ESA-listed	Metro

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		species occur	
REC-9-Scientific Collecting Permit	Metro shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Before starting any construction and activities During construction and activities	Metro
REC-10-Data	Metro should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Metro should provide CDFW with confirmation of data submittal.	Prior to/after Notification pursuant to Fish and Game Code section 1600 et seq.	Metro
REC-11-Mitigation and Monitoring Reporting Plan	Metro should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter.	Prior to finalizing CEQA document	Metro