

Draft EIR Appendix D.2

Biological Resources Supplemental Analysis



Memo

Date: Monday, November 14, 2022

Project: Metro TCN

To: Ashley Wright

From: Rebecca Schartau

Subject: Metro TCN—Biological Resources Technical Analysis Report Clarifications

Dear Ashley Wright,

This memo transmits HDR's response to comments on the Draft EIR for the Metro TCN Project. These revisions have come about based on further clarification during public review of the DEIR.

This memo demonstrates all corrections and additions to the Biological Technical Report related to biological impacts from project activities, including lighting. Revised language reflects updated lighting and minimization and avoidance measures that were brought on as a result of the response to public comments on the DEIR and project clarifications. Correction of TCN Structure FF-24 proposed location within the biological resources report has been revised. Due to the corrected location, there is no longer potential impacts to coastal California gnatcatcher (CAGN), or potentially suitable habitat included California Buckwheat Scrub for CAGN. Further additional clarification and analysis has been provided in regard to lighting during project operations. The revisions to the DEIR do not alter the previous conclusion that no significant impacts to biological resources are expected with the incorporation of avoidance and minimizations measures. Additionally, all Site Locations would meet the LAMC threshold for lighting and the stricter CALGreen standards.

HDR has reviewed all comments related to biological resources and provided responses and updated applicable report language as needed to address commenter concerns regarding the Project's potential impacts on biological resources. Please let me know if you have any additional questions or comments, (951) 554—9202 or Rebecca.Schartau@hdrinc.com.

Sincerely,



Rebecca Schartau, Biologist II

LIGHTING

- **CALGreen Lighting Standards**

All Site Locations would meet CALGreen standards for the Project. Specifically, Project Design Feature PDF-AES-1 has been added to further reduce the less than significant impacts in sensitive biological areas as described below. CalGreen defers to the light levels and standards defined in the California Administrative Code. The California Administrative Code, Chapter 10, Section 114 Table 114-A, page 222, defines properties within Los Angeles as LZ3: “Urban Areas as defined by the US Census.” Table 114-A includes a definition in column 5, “Moving Down to Lower Zones” under row “LZ3” that states, “Special districts and government designated parks within a default LZ3 zone may be designated as LZ1 or LZ2 by the local jurisdiction, without any size limits.” LZ2 sets forth a recommended light trespass of 0.3 fc, and LZ1 sets for a more conservative recommended light trespass of 1 lux (0.09 fc).

With incorporation of PDF-AES-1, illuminance at the Ballona Wetlands and the mapped biological resource areas near Site Location FF-25 would be reduced to 0.02 fc, which would be well below the LAMC threshold of 3.0 fc, below the CALGreen recommendation of 0.74 for LZ3 and also below the more stringent CALGreen recommendation for Light Zone ZSI applicable to parks and biological resource areas of 0.09 fc. Further, FF-13 and FF-14 have been included in PDF-AES-1 to provide for a conservative analysis of future conditions at the proposed Bowtie State Park. It should be noted conditions at the FF-14 currently appear to consist of vacant land with very limited vegetation. However, as the park is proposed to have habitat restoration areas, this Site Location is considered to contain sensitive habitat to provide for a conservative analysis.

Project Design Feature PDF-AES-1: State of the art louvers or other equivalent design features shall be incorporated into the design of TCN Structures FF-13, FF-14, FF-25, FF-29 and FF-30 such that the light trespass illuminance at sensitive habitat at the proposed Bowtie State Park, at the mapped biological resources in the vicinity of FF-25, and at the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandle.

The addition of **Project Design Feature PDF-AES-1** does not change the previous less than significant impacts concluded in the Biological Resources Report for the Project.

- **San Francisco MND Support**

A biological impacts assessment report prepared by H.T. Harvey & Associates for a similar digital sign project concluded that the project would not have significant effects on biological resources, including migratory wildlife and sensitive habitats. (See H.T. Harvey & Associates, *345 Shaw Road/South San Francisco Highway 101 Clear Channel Billboard Project, SCH 2019119036—Biological Impacts Assessment* (August. 27, 2019).) That assessment considered several biological resources studies, including several

co-authored or edited by T. Longcore, who commented on the biological impacts of the TCN Project on behalf of the Audubon Society. (See *id.* at pp. 12, 23–24, citing *Effects of artificial night lighting on mammals* (2006), *Road lighting on grassland birds: Local influence of road lighting on a black-tailed godwit population* (2006); *Artificial night lighting and insects: Attraction of insects to streetlamps in a rural setting in Germany* (2006); *Effects of artificial night lighting on migrating birds* (2006); *Artificial Night Lighting and Protected Lands* (2016), *Ecological light pollution* (2004); *Influences of Artificial Light on Marine Birds* (2006).) It explained that the billboards angled to focus illuminance in a narrow cone directed at traffic such that illuminance of surrounding areas including sensitive habitats results in negligible illuminance to the surrounding areas. (*Id.* at pp. 13, 18.) This report used a threshold of 0.1 fc for evaluating potential impacts to wetland and aquatic habitats and the fish and wildlife communities they support.

The report also found that the billboards' peak nighttime luminance during operation (approximately 46 candelas/ft²—or 495.14 candelas/m²) was only a fraction of that of a full moon at its brightest point (232 candelas/ft²—or 2497.23 candelas/m²), and that they would have an 8 second refresh rate, which would cause birds to not perceive the billboards as fixed light sources. (*Id.* at pp. 20, 22.) Consequently, the billboards would not attract birds or interfere with their migratory or other flight patterns. (*Ibid.*) Lastly, the project also employed louvers for any sites that may cause increased illuminance on sensitive habitats located near proposed billboards. (*Id.* at pp. 20, 21.) Therefore, the report concluded that the project would not result in significant impacts on wildlife as a result of increased lighting. (*Id.* at pp. 21–22.)

The TCN Project is comparable to the project analyzed in the H.T. Harvey & Associates biological impacts assessment. The TCN Structures would be similarly designed to be viewed from highway and road traffic, thus limiting illuminance of surrounding areas, and include louvers to prevent unintentional light spillage near sensitive sites. (Draft EIR, pp. IV.A-31–IV.A-32.) As discussed above, with implementation of Project Design Feature AES-PDF-1, illuminance at the Ballona Wildlife Reserve (due to FF-29 and FF-30), at the mapped biological resources in the vicinity of FF-25, and at FF-14 located in the vicinity of the proposed Bowtie State Park would be reduced to 0.02 or less, which would be well below the 0.1 fc threshold used in the Harvey & Associates report. Moreover, the TCN Structures would have the same 8 second refresh rate as the project studied in the H.T. Harvey & Associates biological impacts assessment, and thus will not appear as fixed light sources like the moon and attract migrating species or affect the foraging, breeding, or other behavior of wildlife species. (*Ibid.*; Lighting Research Center, *Illumination fundamentals* (2006) Pasadena, CA: Optical Research Associates 48; Jones, J. and C.M. Francis, *The effects of light characteristics on avian mortality at lighthouses* (2003) *J. Avian Biol.* 34(4), pp. 328–333; Gehring, J., P. Kerlinger, and A. Manville II, *Communication towers, lights, and birds: Successful methods of reducing the frequency of avian collisions* (2009) *Ecological Applications* 19(2), pp. 505–514; see also T. Harvey & Associates, *Biological Impacts Assessment, supra*, at pp. 20–21.) Lastly, the TCN Structures' maximum nighttime luminance during operation (300 candelas/m²) would be even *less* than that of the billboards analyzed in the H.T. Harvey & Associates assessment (495.14 candelas/m²) in comparison to that of the moon during peak brightness

(2497.23 candelas/m²), and therefore would also not have a significant impact from lighting on biological resources such as migratory species. (*Ibid.*)

BIOLOGICAL RESOURCES MEASURES

- Due to the corrected location, there is no longer potential impacts to coastal California gnatcatcher (CAGN), or potentially suitable habitat included California Buckwheat Scrub for CAGN. The revisions to the DEIR do not alter the previous conclusion that no significant impacts to biological resources are expected with the incorporation of avoidance and minimizations measures. The corrected location for FF-24 is located in an urban and developed area that does not contain vegetation that would support sensitive wildlife species.

Revised Avoidance and Minimization Measure BR-3: Avoid impacts on Least Bell's Vireo, if present (Applicable to Site Locations FF-29 and FF-30). Suitable habitat for Least Bell's Vireo shall be removed outside of the nesting season (March 15 through September 30), between October 1 and March 14. Should habitat for Least Bell's Vireo require removal between March 15 and September 30, or construction activities are initiated during this time, preconstruction surveys consisting of three separate surveys no more than seven days prior to vegetation removal shall be conducted by a qualified biologist. Should Least Bell's Vireo be detected within 500 feet of the Site Location, construction activities shall be halted unless authorization has been obtained from USFWS.