

The Urban Wildlands Group, Inc.

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June 11, 2001

Board of Public Works
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Robert Janovici, Chief Zoning Administrator
Department of City Planning
City of Los Angeles
221 North Figueroa Street
Los Angeles, CA 90012

Re: Proposed MND-2000-9943-YV

Dear Members of the Board of Public Works and Zoning Administrator Janovici:

The Urban Wildlands Group is dedicated to the conservation and enhancement of natural habitats in urban and urbanizing areas, seeking to protect and restore biodiversity through restoration, research, and education. We are concerned about the incremental loss of natural habitats in urban areas, which occurs for a number of reasons. The proposed Broidy Single-Family Residence is an insensitive development proposal that attempts to remake the landscape rather than build within it. We offer comments on several documents that will come before the City: 1) the Oak Tree Permit, 2) the Initial Study, 3) the Response to Comments on Draft Mitigated Negative Declaration for the Proposed Broidy Single-Family Residence Project ("Response to Comments"), and 4) the proposed Mitigated Negative Declaration ("PMND"). These comments also represent the expert scientific opinion of Dr. Travis Longcore, whose qualifications are attached.

The California Environmental Quality Act ("CEQA") review for the proposed project should be completed before the City takes any discretionary action on the proposed Oak Tree Permit or zoning variances. These comments pertain therefore primarily to the adequacy of the CEQA review, but also include a review of the proposed Oak Tree Permit. The PMND concludes that the project would have a less than significant effect on biological resources if mitigation measures are incorporated. A careful review of the documentation presented by the applicant reveals that this conclusion is unfounded. As discussed below, the project will have significant adverse effects on biological resources.

Sections of the Initial Study checklist pertaining to biological resources are treated in order here, with reference to other applicable documents as they arise.

Would the project: a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in

local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The Initial Study, Response to Comments, and PMND conclude that this would be a “Less Than Significant Impact” because of the “small size, and isolation of the site from natural areas.” The Response to Comments further claims that the habitat needs of sensitive species would not be met at the project site and that the site is mainly inhabited by urban associated species such as crow, mockingbird, raccoon, opossum, skunk, and fox squirrel.

This conclusion is not based in reality. In fact, the Response to Comments documents the presence of a sensitive bird species and a list of native southern California birds in surveys by the applicant’s expert, then claims that sensitive species are absent (p. 66). Two days of bird surveys revealed the presence of a hunting juvenile Cooper’s hawk (sensitive species), Anna’s hummingbird, northern flicker, downy woodpecker, bushtit, Bewick’s wren, ruby-crowned kinglet, hermit thrush, yellow-rumped warbler, spotted towhee, mourning dove, western scrub-jay, and American crow. This result is consistent with the diversity of birds documented in the project area. Participants in the Los Angeles Audubon Society Breeding Bird Atlas project have surveyed breeding birds in the area of the project site (within same 1/4 of a USGS topographic map quadrangle), confirmed that Cooper’s hawk is a local breeding species, and documented breeding of many of the species observed on site (see Appendix). The assertion in the Response to Comments that no sensitive species could be found on the site because of its “urban” setting ignores the lush and wooded character of the surrounding region of Bel Air and the observations of the applicant’s ornithological consultant. Intact and contiguous chaparral is found less than a mile distant from the site. In addition, the site is the southern terminus of a canyon that extends at least 0.75 miles up into the foothills of the Santa Monica Mountains. This canyon is connected by a large underpass under Nimes Road. The site is therefore not an isolated island of oak woodland, but part of an extensive forested habitat and connected with adjacent oak woodlands upstream.

In addition to the birds found by the applicant’s ornithological consultant in March 2001, when we visited the perimeter of the property in May 2001, we detected the calls of song sparrow, wren, and spotted towhee in approximately fifteen minutes. The birds observed and heard on the property are characteristic of native southern California habitats, and are not “urban associated” as asserted in the Response to Comments.¹ Furthermore, the oak woodland on the project site could function as roosting or foraging habitat for sensitive bat species. Loss of oak woodland and other riparian habitats are major threats to bats in the south coast bioregion, which includes Los Angeles and the project site.² Without a proper survey for all sensitive species, no conclusion can be made about whether the project has significant impacts on those species.

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1. Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pages 125–136 in J.E. Keeley, M. Baer-Keeley and C.J. Fotheringham (eds.) *2nd Interface Between Ecology and Land Development in California*. U.S. Geological Survey, Sacramento, CA.
 2. Miner, K.L. and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for Biodiversity: Bringing Research and Management Together* at California State University, Pomona, February 29, 2000.

The Initial Study, Response to Comments and PMND fail to recognize that southern California black walnut (*Juglans californica*) is a rare species. This is surprising, since this species is identified by the California Native Plant Society as a List 4 plant,³ is listed as a sensitive species in the City of Los Angeles' own guidelines for CEQA implementation,⁴ and is on the California Department of Fish and Game's list of special plants.⁵ Southern California black walnut may occur in pure stands, or with coast live oak (*Quercus agrifolia*) as is the instance on the project site. California walnut woodland is identified as a sensitive habitat type by the California Department of Fish and Game with only about 5800 ha remaining in existence.⁶ The distribution of southern California black walnut is not completely described on the project site but it is codominant with coast live oak at the upper portions of the canyon. Staff from the California Department of Fish and Game evidently missed the presence of southern California black walnut in a survey of the property;⁷ this should not excuse the City from considering impacts to the species.

Agencies within the City of Los Angeles routinely recognize both coast live oak and southern California black walnut as sensitive plants and woodlands composed of these species as sensitive habitats. For example, the final biological report for the Mulholland Water Pipeline prepared by the consulting firm URS for the Los Angeles Department of Water and Power contains description of the following habitats:

COAST LIVE OAK WOODLAND: Oak woodlands in southern California have been substantially reduced and are considered important habitat for a diverse list of plant and wildlife species. Oaks have a sensitive root system that may extend 25 feet beyond the canopy dripline of the tree. Soil disturbance with this root zone can reduce substantially the viability of the affected tree. Similarly, excessive summer-time irrigation can cause root rot and kill the tree.

CALIFORNIA WALNUT WOODLANDS: California Walnut Woodland habitat are [*sic*] considered significant due to its relative rarity. This habitat is categorized as "endangered" by the CNDDB. Threats to this community include urbanization and too frequent wildland fires.

3.2.2 Sensitive Plants

Two sensitive plant species, coast live oak and California walnut, were observed adjacent to Mulholland Drive. These species are considered sensitive by URS and

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3. Sawyer, J.O., and T. Keeler-Wolf. 1995. *A manual of California vegetation*. California Native Plant Society, Sacramento, CA, 471 pp.
 4. City of Los Angeles. 1998. Draft L.A. CEQA Thresholds Guide. City of Los Angeles, May 14, 1998, at G-38.
 5. California Department of Fish and Game, Natural Diversity Database. January, 2001. Special vascular plants, bryophytes, and lichens list. Biannual publication, mimeo, at page 86.
 6. Tenbrink, V.L., R.D. Quinn, and G.C. Carlton. 1999. Understory vegetation of a southern California black walnut (*Juglans californica*) woodland. *Crossosoma* 25(1):1-8
 7. California Department of Fish and Game. 2000. Letter from Natasha Lohmus (Environmental Specialist III) to Hadar Plafkin, December 15, 2000.

other jurisdictions due to their high wildlife value and contribution to habitat value and contribution to habitat diversity within the local landscape.⁸

The Los Angeles Department of Water and Power furthermore identifies as potential adverse impacts any construction within 25 feet of either coast live oak or southern California black walnut trees with a diameter breast height of 4 inches.⁹

The Initial Study, Response to Comments, and PMND fail to identify coast live oak and southern California black walnut as sensitive species. It would be capricious for one City department to have different standards for CEQA analysis than another. The habitat value of both of these species and the woodlands that they create is well established.¹⁰ The proposed project will have a significant impact on coast live oak and southern California black walnut trees, and a coast live oak woodland. As discussed below, the proposed mitigation is insufficient to offset the impacts of the proposed project.

The discussion of coast live oak woodland and walnut woodland is also relevant to the second question about biological resources in the Initial Study:

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

The proposed project would destroy a coast live oak woodland. Of 34 trees, only 10 will not be affected by the project. Twelve trees will be killed directly, 5 will be “relocated,” and 12 will suffer detrimental encroachments. In addition, an unspecified number of southern California black walnut trees will be killed or suffer encroachment. This, in combination with a major reconfiguration of the topography of the ravine, the introduction of additional human disturbance, installation of artificial night lighting, and permanent irrigation will indeed constitute a significant adverse impact on the sensitive coast live oak natural community.

First, transplantation of oak trees as mitigation has been shown to be ineffective. A study of 593 coast live oak trees transplanted to make way for residential development in Orange County showed that 71% of the trees died within seven years.¹¹ The trees experienced a stable death rate of 18%

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8. URS. 2001. Final Biological Resources Report: Mulholland Water Pipeline. Prepared for City of Los Angeles Department of Water and Power. URS Job No. 57-00170019.02.
 9. Los Angeles Department of Water and Power. 2001. Mullholland Water Pipeline Project EIR.
 10. Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72–76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos pp. 184. Quinn, R.D. 1989. The status of walnut forests and woodlands (*Juglans californica*) in southern California. Pages 42–54 in A.A. Schoenherr (ed.) *Endangered plant communities of southern California*. Southern California Botanists, Claremont, CA.
 11. Scott, T.A., and N.L. Pratini. 1993. An evaluation of the effectiveness of creating woodland habitat by transplanting oak trees. Paper read at Society for Ecological Restoration Annual Conference, at Irvine, CA. Integrated Hardwood Range Management Program. 1998. 7th Progress Report. University of California Division of Agriculture and Natural Resources, Oakland, CA.

per year. The trees that survived best were those less than 6 inches in diameter. (None of the trees proposed for transplantation by the applicant are less than 6 inches in diameter). Another study of 25 coast live oak trees relocated for development in Calabasas showed that after five years, 32% were dead or dying, 44% were in decline, 24% were stable, and none were thriving.¹² A major explanation for this is the root system loss that inevitably accompanies transplantation. At a statewide conference in 1993, assembled oak experts from the California Oak Foundation and the University of California Integrated Hardwood Range Management Program agreed that “***oak transplantation should not be considered a form of mitigation for land development impacts on woodlands.***”¹³ This view is supported by the best available science, and establishes that no mitigation value should be assigned to the five trees to be “relocated” by the current project.

The current project also fails to mitigate for the loss of the woodland as a habitat. The Response to Comments requires that the landscaping for the project contain an area of native plants as mitigation for the loss of coast live oak woodland. However, once the topography of the site has been altered through the construction process, this “mitigation” will be of little value. A natural community is more than its constituent plant species. The current topography of the ravine provides a particular microclimate that is an important characteristic of the habitat itself. The cool, moist conditions will be lost through fill proposed by the project, and species that depended on that microclimate (e.g., salamanders) would suffer a reduction in habitat area. Furthermore, the mitigation measure proposes installation of plant species that are not native to the project site. The Response to Comments lists ash and Fremont cottonwood as species for the mitigation plantings requested by the California Department of Fish and Game (“CDFG”). In fact, these species were not suggested by CDFG, but rather the applicant. Their use at the project site would be inappropriate. The measure also requires “monitoring” of the constructed woodland, but offers no guidelines as to what will be monitored, the reference conditions, or triggers to ensure compliance. In sum, the coast live oak woodland cannot be mitigated on site following the massive topographic changes proposed by the project.

Removal of two diseased oak trees constitutes a special class of impact to the oak woodland. Dead and dying trees are especially valuable to wildlife. Tree cavities are necessary as nesting sites for many bird species; salamanders aestivate in crevices under dead bark. The insects that attack and decompose dead and dying oaks provide food for songbirds.

The proposed on-site mitigation is further compromised by the potential installation of artificial night lighting as part of the landscaping. Part of the value of the current ravine is that it is not lit at night. The ecological impacts of artificial night lighting include changes in bird communities, including by promoting increases in American crows.¹⁴ It is hypothesized that artificial lighting allows crows to reduce predation from owls.¹⁵ While crows are a native species, they are also nest

12. Dagit, R. 2000. Survival of transplanted coast live oaks (*Quercus agrifolia*) in southern California. In *2nd Interface Between Ecology and Land Development in California*, edited by J.E. Keeley, M. Baer-Keeley and C.J. Fotheringham. U.S. Geological Survey, Sacramento, CA.

13. Integrated Hardwood Range Management Program. 1998. 7th Progress Report. University of California Division of Agriculture and Natural Resources, Oakland, CA.

14. W.P. Gorenzel and T.P. Salmon. 1995. Characteristics of American Crow urban roosts in California. *Journal of Wildlife Management* 59(4):638–645.

15. Brody, J.E. The too-common crow is getting too close for comfort. *New York Times*, May 27, 1997.

predators of native bird species.¹⁶ Night lighting also affects behavior of amphibians,¹⁷ insects,¹⁸ and bats,¹⁹ and virtually every other class of higher organism.²⁰

The proposed mitigation does nothing to offset the loss of individuals of the rare southern California black walnut, leaving the loss of these individuals an unmitigated significant impact.

Installation of permanent irrigation as part of the landscaping plan will degrade the ravine area and will counteract mitigation efforts. Oaks are adapted to a Mediterranean climate of cool, wet winters and hot dry summers. Water during the summer can promote pathogens of oak trees, in particular the oak root fungus, *Amarillaria mellea*.²¹ The irrigation necessary to sustain the landscaping proposed for the project will result in decreased health and vigor of the oaks and eliminate the value of the mitigation measure.

Finally, the attempt to establish oak trees, both relocated and planted for mitigation, on the compacted soil filled into the ravine will likely fail for reasons of water relations. The oaks as currently established are able to tap into groundwater to sustain them through the summer months, as they are specially adapted to do. The project would change the hydrology of the site by removing the seasonal flow of water through the ravine by diverting it to the storm drain system and compacting fill on top of the existing soil profile. This will result in less water percolating into the soil of the canyon, and less water available for trees both on the subject property and on adjacent properties. This soil water deficit cannot be mitigated through irrigation, because such action should be precluded by concern for the health of the remaining, relocated, and newly-planted oak trees.

CDFG suggests off-site mitigation (actually payment to a non-profit that purchases property in the Santa Monica Mountains) for the loss of wildlife habitat. Off-site mitigation should be the last choice for complying with CEQA regulations and the proposed payment suggested by CDFG does not provide any assurance that the impacts to sensitive species and wildlife habitat will be mitigated. As stated in the CDFG letter, the payment provides no assurance that coast live oak and southern California black walnut resources will be conserved, only that the Mountains Restoration Trust will receive money. Furthermore, the impacts to sensitive habitats and species could be avoided, eliminating the need for distant off-site mitigation.

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16. Hogrefe, T.C., R.H. Yahner, and N.H. Piergallini. 1998. Depredation of artificial ground nests in a suburban versus a rural landscape. *Journal of the Pennsylvania Academy of Science* 72(1):3-6. Kilham, L. 1989. *The American crow and the common raven*. Texas A&M University Press, College Station.
 17. Buchanan, B.W. 1993. Effects of enhanced lighting on the behaviour of nocturnal frogs. *Animal Behaviour* 45(5):893-899.
 18. Frank, K.D. 1988. Impact of outdoor lighting on moths: An assessment. *Journal of the Lepidopterists' Society* 42(2):63-93.
 19. Rydell, J. 1991. Seasonal use of illuminated areas by foraging northern bats *Eptesicus nilssoni*. *Holarctic Ecology* 14(3):203-207. Rydell, J., and H.J. Baagoe. 1996. Street lamps increase bat predation on moths. *Entomologisk Tidskrift* 117(4):129-135. Svensson, A.M., and J. Rydell. 1998. Mercury vapour lamps interfere with the bat defence of tympanate moths (*Operophtera* spp.; Geometridae). *Animal Behaviour* 55(1):223-226.
 20. Outen, A. 1998. *The possible ecological implication of artificial lighting*. Hertfordshire, UK: Hertfordshire Biological Records Centre. Lamiot, F. 1998. Impacts écologiques de l'éclairage nocturne. Premier Congrès européen sur la protection du ciel nocturne, June 30-May 1, Paris.
 21. Raabe, R.D. 1990. Diseases of native oaks in California. *Fremontia* 18(3):64-67.

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

The Initial Study accompanying the PMND checks two boxes for this question: “Potentially Significant Unless Mitigation Incorporated” and “No Impact.” Evidently the intention was to select Potentially Significant, because mitigation measures are proposed in the PMND. However, these mitigation measures are vague and ill-formulated. The measures require unspecified “monitoring of animal use” of corridors, “provision of escape routes,” “mapping of these escape routes with regards to their location, topography, and vegetation,” “consultation with the Department of Animal Regulation,” “post-construction landscape treatment to insure preservation of habitat for wildlife,” and “use of native plant materials” where habitat is preserved. While preserving wildlife habitat should be the goal of these measures, most of these tasks should have been completed as part of the environmental review process. Far more specific description of the existing conditions, potential impacts, and mitigation measures is necessary. As currently formulated, the mitigation measures offer no enforceable standards and reflect an inadequate description of both impacts and mitigation.

Would the project: e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?

The PMND proposes that a mitigation measure for the proposed project shall be to secure a permit for removal of oak trees under City Ordinance No. 153,478, and that oak trees shall be mitigated at a 2:1 ratio. This mitigation measure does not assess whether the project would conflict with this local ordinance. By proposing replacement as mitigation, the PMND prejudices whether oak tree removal is permitted by the ordinance for the proposed project.

Ordinance No. 153,478 of the City of Los Angeles was established to “regulate and encourage preservation of oak trees within the City of Los Angeles.” The preamble to the Ordinance establishes the ecological, historical, and aesthetic value of oak trees to the City and declares that “proper and necessary steps must be taken in order to curb the destruction of oak trees.” The author of the ordinance, Councilmember Hal Bernson, on his website, lists the law as his first accomplishment, describing himself as “Author of the City’s Oak Tree Preservation ordinance which forbids the destruction of oak trees.”²² The Ordinance establishes specific conditions under which oak trees may be removed or relocated. These conditions fall into two categories. The first is an exception for previous government action, which is not relevant to the current project. The second condition allows removal or relocation if the following is true:

(b) The removal of the oak tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the City, and the physical condition or location of the tree is such that:

22. <http://www.ci.la.ca.us/COUNCIL/cd12/bernson.htm> (accessed March 22, 2001).

- (i) Its continued presence in its existing location prevents the reasonable development of the property; or
- (ii) According to a report, required pursuant to Section 17.06-C, acceptable to the Advisory Agency, and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or
- (iii) It is in danger of falling due to an existing and irreversible condition; or
- (iv) Its continued presence at its existing location interferes with proposed utilities services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of said tree; or
- (v) It has no apparent aesthetic value which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at said location.²³

The project proposes removal or relocation of 17 oak trees and proposes various mitigation measures for their loss. The justification for removal and relocation does not appear to meet any of the criteria set forth in the Oak Tree Ordinance Section R.1.(b).

Ten trees are proposed to be removed under subsection (i), which allows removal if the tree prevents the “reasonable development of the property.” The subject property is currently developed with a large single-family home with a pool and a garage. It is therefore difficult to believe that the oak trees inhibit reasonable development. In addition, the proposed development would require two variances from the City of Los Angeles to allow for an oversize residence and encroachment of a tennis court close to the property line. This development, which would be facilitated by filling a canyon with close to 7,000 cubic yards of fill, seems distinctly unreasonable. The City of Los Angeles has no established standards to implement the test of “reasonableness” under the Oak Tree Ordinance.²⁴ However, the City must determine if development is reasonable even when that development conforms to building and zoning requirements, so it would seem that a development that does not conform might not be considered reasonable development for the purpose of oak tree removal. However, the Bureau of Street Services has indicated that it does not consider whether variances are required when deciding the reasonableness of a development. Rather, the Bureau exercises absolute discretion with no standards or guidelines, written or otherwise.²⁵

Two trees are proposed to be removed because they are diseased. The section of the Ordinance allowing such removal requires that “there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable.” The Response to Comments does not provide sufficient information to determine if this condition has been met, especially whether treatment of the disease would be advisable. When a copy of the Oak Tree Report for the property,

23. City of Los Angeles Ordinance 153,478. Section R.1.(b).

24. Personal communication, Ronald D. Lorenzen, Tree Surgeon Superintendent I, Street Tree Division, Bureau of Street Services, Department of Public Works, City of Los Angeles with Dr. Travis Longcore, May 24, 2001.

25. Id.

which presumably would contain this information, was requested from the Bureau of Street Services, the request was denied.²⁶ The public should have a right to inspect the Oak Tree Report because it is required by statute to be part of the basis for a decision to remove the trees. Barring the public from inspection denies the public's right to complete information when commenting on the proposed project and the Oak Tree Permit. Without the information in the Oak Tree Report, or a complete report from the Bureau of Street Services, the Response to Comments does not contain sufficient information to support the determination that the project would not conflict with local ordinances protecting biological resources if mitigation is implemented. As discussed above, the proposed on-site mitigation would be doomed to failure.

From a CEQA standpoint, the proposed project can be shown to conflict with the language and intent of the Los Angeles Oak Tree Ordinance, and therefore a finding of no impact after mitigation is not justified. The Ordinance allows mitigation only if the conditions for removal have been met, which does not seem to have been demonstrated. The report of the Bureau of Street Services to the Board of Public Works, dated June 11, 2001, recommending issuance of a permit to remove oak trees on the property, does not even discuss whether conditions to allow oak tree removal exist. This "Board Report" does not address whether the trees would impede the "reasonable" development of the subject property. Without a finding that the development is "reasonable," the Board of Public Works will not have met the conditions of the Oak Tree Ordinance. Furthermore, the CEQA documentation for the project must be completed prior to issuance of the Oak Tree Permit and consideration of the matter by the Board of Public Works.

The intent of the Oak Tree Ordinance, as described by the author himself, is to prohibit the destruction of oak trees. Narrow exceptions are made for certain specific conditions, but it is difficult to construe the language of the Ordinance to allow oak tree removal to construct a 20,386 square foot residence, 11 car garage, and tennis court on a property that is already developed.

The proposed project also conflicts with the resource protection policies of the federal Migratory Bird Treaty Act²⁷ ("MBTA"). The MBTA prohibits any person to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention ... for the protection of migratory birds ... or any part, nest, or egg of any such bird." The list of migratory birds includes almost every native bird in the United States. This law also extends to parts of birds, nests, and eggs. It is therefore a violation of the MBTA to directly kill or destroy an active nest of any bird species. As documented in the appendix, many bird species breed in the vicinity of the project and almost certainly on the project site. The project provides no

26. Id.

27. Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956.

provision for compliance with this law and therefore would have a potentially significant impact on biological resources through violation of the MBTA.

The Urban Wildlands Group requests that this project be denied, and that any development approved for the site avoid significant impacts to coast live oak woodland, southern California black walnut, and the wildlife species and habitats on the site.

Sincerely,

Travis Longcore, Ph.D.
Science Director

Catherine Rich, J.D., M.A.
Executive Officer

Appendix. Breeding birds from atlas block (one quarter of USGS quadrangle) containing project site for Los Angeles County Breeding Bird Atlas. Observations collected over four years.

Confirmed
(direct nesting evidence)

Cooper's Hawk
Red-tailed Hawk
California Quail
Killdeer
Mourning Dove
Great Horned Owl
White-throated Swift
Black-chinned Hummingbird
Anna's Hummingbird
Nuttall's Woodpecker
Pacific-slope Flycatcher
Black Phoebe
Northern Rough-winged Swallow
Western Scrub-Jay
Oak Titmouse
Bushtit
Bewick's Wren
House Wren
Hutton's Vireo
Blue-gray Gnatcatcher
American Robin
Wrentit
Phainopepla
European Starling
Orange-crowned Warbler
Black-headed Grosbeak
Spotted Towhee
California Towhee
Song Sparrow
Hooded Oriole
House Finch

Probable
(breeding behavior)

Mallard
Northern Flicker
Northern Mockingbird
California Thrasher
Rufous-crowned Sparrow
Lesser Goldfinch

Possible
**(present during breeding season,
singing males)**

Band-tailed Pigeon
Barn Owl
Western Screech-Owl
Allen's Hummingbird
Acorn Woodpecker
Western Wood-Pewee
Ash-throated Flycatcher
Cliff Swallow
American Crow
Common Raven
Brown-headed Cowbird
House Sparrow