

Jamie Lai, P.E.
Project Manager
Department of Public Works
Transit Planning Division
200 South Anaheim Boulevard, Suite 276
Anaheim, California 92805

July 19, 2010

Re: Biological Letter Report for the Anaheim Regional Transportation Intermodal Center (ARTIC).

Dear Ms. Lai,

This letter report includes a summary of the Draft Biological Resources Technical Report (November, 2009) prepared by ICF. This draft Biological Resources Technical Report (BRTR) was prepared for the Orange County Transportation Authority (OCTA) and provided to Kleinfelder for review.

The BRTR identifies an irregularly shaped approximate 13.5 acre project site within the City of Anaheim near the intersection of SR-57, Douglass Road and the LOSSAN. The project site is bounded on the east by the Santa Ana River. The study area for BRTR includes the project site and a 500 foot buffer.

A traditional evaluation designed to determine the potential value of the study area to biological and habitat resources was conducted using a combination of records review, database review, and site reconnaissance conducted by a biologist on two occasions in September and October 2009. The BRTR contains a description of the methods utilized, existing conditions encountered (as they relate to biological resources), findings with respect to the potential for biological resources to be present that may constrain the ARTIC project, conclusions and recommendations. The report findings provide a discussion regarding special status plants and animals, raptor habitat, native nesting birds, naturally occurring vegetative communities, wildlife corridors, jurisdictional waters and wetlands, federal critical habitat and any draft or final conservation plans that may be affected by the proposed project.

The BRTR finds:

- The project is located within an entirely developed urban landscape void of natural vegetative communities or ecosystems;
- The Santa Ana River lies within the study area but outside the project site. Within the study area, the River is mechanically altered and managed for groundwater recharge;
- There are no federal waters, wetlands or California Department of Fish and Game streambeds within the project area;
- Special status plants were not detected or expected within the project area;
- Three special status animals including the white-tailed kite, northern harrier and the western mastiff bat may use the project site to forage, but not for nesting

- habitat. Potential forage by these species does not constitute a project constraint as these animals forage over large areas with an abundant food source.
- The Santa Ana River provides low wildlife corridor value for urban predators and other small mammals, but does not pose a constraint to the project because the River is adjacent to but not inside the project area;
 - No federally proposed or designated critical habitat was identified within the study area;
 - There are no draft or final conservation plans within the study area; and
 - There is a recognizable potential for disruption of nesting native birds that are afforded protection under the Migratory Bird Treaty Act and the state equivalent. Disruption during the nesting season between January 15 and September 1 may jeopardize individuals or more broadly, nesting success, resulting in a project constraint. The constraint may be mitigated to an acceptable level by avoiding construction during the nesting season, or by performing one or more nesting bird surveys within the study area immediately (within 14 days) prior to commencement of construction. In the event active nests are located, they can be flagged for protection until the nesting attempt has been completed as determined by a qualified biologist.

Based upon the methodologies employed, the sources evaluated and the report provided by ICF, it appears the ARTIC project presents a single constraint to the biological resources identified to be present or likely present within the study area. This constraint, being the possible adverse impact of construction on nesting native birds, may be mitigated using techniques commonly employed by qualified biologist to protect active nest sites. Kleinfelder recommends implementation of this mitigation measure during the construction period to protect nesting individuals and improve nesting success during the time period of January 15 to September 1. By doing so, potential adverse affects will be mitigated to an acceptable level.

Please let me know if you have additional questions.

Sincerely,

Robert Motschall, Ph. D.