

### **3.3.4 Animal Species**

This section discusses animal species with the potential to occur within the BSA and summarizes the results of research and fieldwork conducted to date and the NES, which was completed in August 2011 and revised in March 2012.

#### **3.3.4.1 Regulatory Setting**

Many state and federal laws regulate impacts to wildlife. USFWS, National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service), and CDFW are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with animals not listed or proposed for listing under CESA or FESA. Species listed or proposed for listing as threatened or endangered are discussed in Section 3.3.5, Threatened and Endangered Species. All other special-status animal species are discussed here, including CDFW fully protected species and species of special concern, and USFWS or NOAA Fisheries Service candidate species.

Federal laws and regulations pertaining to wildlife include the following:

- NEPA
- Migratory Bird Treaty Act (MBTA)
- Fish and Wildlife Coordination Act

State laws and regulations pertaining to wildlife include the following:

- CEQA
- Sections 1600 – 1603 of the CFGC
- Section 4150 and 4152 of the CFGC

#### **3.3.4.2 Affected Environment**

Thirty-five (35) special-status wildlife species are reported to occur within the USGS quadrangles containing the proposed project. Ten (10) of these special-status wildlife species are federally and/or state-listed endangered, threatened, or candidate species and are discussed further in Section 3.3.5, Threatened and Endangered Species. Thirty-four (34) of these special-status wildlife species were determined to have an “*Absent*” potential for occurrence designation within the BSA.

Certain areas adjacent to the project area have a higher potential to provide less-disturbed habitat for migratory and non-migratory birds of concern. The Seal Beach Naval Weapons Station (NAVWPNSTA Seal Beach), which contains the Seal Beach National Wildlife Refuge, is approximately 920-acre salt marsh and upland habitat. Although not within the project area, indirect project impacts, such as noise and lighting will be addressed to minimize impacts to bird species utilizing the adjacent habitat. Although not federally or state-listed, these species are perceived as having declining populations or local populations that are sparse, rapidly dwindling, or otherwise unstable. In addition, native bird species and their nests are protected under the MBTA (16 U.S.C. 703–712). The MBTA states that all migratory birds and their parts, including eggs, nests, and feathers, are fully protected. The MBTA prohibits the take, possession, import, export, transport, sale, purchase, or barter, or offering for sale, purchase, or barter, any migratory bird and its eggs, parts, and nests, except as authorized under a valid permit. Table 3.3.4-1 includes a list of all remaining special-status wildlife species, their habitat descriptions, status, and potential for occurrence.

**Table 3.3.4-1: Special-Status Wildlife Species Potential for Occurrence within BSA**

Scientific Name Common Name	Status	General Habitat Description	Habitat Present (HP) or Absent (A)	Rationale
<b>REPTILES</b>				
<i>Actinemys marmorata pallida</i> Southwestern pond turtle	SSC	Occurs in a variety of habitats including woodland, grassland, and open forest. They are thoroughly aquatic, existing in good quality ponds, marshes, rivers, streams, and irrigation ditches that have rocky or muddy bottoms. They require basking sites such as partially submerged logs, vegetation mats, or open mud banks.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Aspidoscelis hyperythra</i> Orange-throated whiptail	SSC	Inhabits low-elevation coastal scrub, chaparral, and valley hardwood habitats. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food (i.e., termites).	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.

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<i>Phrynosoma coronatum blainvillii</i> San Diego horned lizard	SSC	Occurs in coastal sage scrub, open chaparral, riparian woodland, and annual grassland habitats that support adequate prey species.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<b>BIRDS</b>				
<i>Agelaius tricolor</i> Tri-colored blackbird	SSC	Highly colonial. Most numerous in Central Valley, largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few miles of the colony.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Athene cunicularia</i> Burrowing owl	SSC	Utilizes burrows in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.	HP	Suitable habitat for this species is present in the BSA. Not observed during owl surveys conducted in 2010.
<i>Buteo regalis</i> Ferruginous hawk	FP	Occurs in timber belts in barren, treeless plains, and grassy prairies; cliffs and rocky outcrops.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Pandion haliaetus</i> Osprey	WL	Inhabits ocean shores, bays, freshwater lakes, and larger streams. Builds large nests in tree-tops within 15 miles of abundant food sources.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Rynchops niger</i> Black skimmer	SSC	Nests on gravel bars, low islets, and sandy beaches in unvegetated sites. Nesting colonies usually consist of less than 200 pairs.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.

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Scientific Name Common Name	Status	General Habitat Description	Habitat Present (HP) or Absent (A)	Rationale
<b>MAMMALS</b>				
<i>Eumops perotis californicus</i> Western mastiff bat	SSC H	Inhabits semiarid habitats, including coastal sage scrub, grassland, and chaparral communities with rocky crevices and hollow trees.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Lasionycteris noctivagans</i> Silver-haired bat	M	Inhabits primarily coastal and montane forest, feeding over streams, ponds, and open brush areas. Roosts in hollow trees, loose bark, and occasionally under rocks. Requires water.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Lasiurus cinereus</i> Hoary bat	M	Found in open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Lasiurus xanthinus</i> Western yellow bat	SSC H	Associated with dry, thorny vegetation and found in desert regions of the southwestern United States. They show a particular association with palms and are known to occur in many palm oases but are also believed to be expanding their range with the increased usage of ornamental palms in landscaping	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Microtus californicus stephensi</i> South coast marsh vole	SSC	Inhabits tidal marshes of Los Angeles, Orange, and southern Ventura counties.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Nyctinomops macrotis</i> Big free-tailed bat	SSC H	Inhabitant of rugged, rocky habitats in arid landscapes. It has been found in a variety of plant associations, including desert shrub, woodlands, and evergreen forests.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.

**Table 3.3.4-1: Special-Status Wildlife Species Potential for Occurrence within BSA**

Scientific Name Common Name	Status	General Habitat Description	Habitat Present (HP) or Absent (A)	Rationale
<i>Sorex ornatus salicornicus</i> Southern California saltmarsh shrew	SSC	Inhabits coastal marshes in Los Angeles, Orange, and Ventura counties. Requires dense vegetation and woody debris for cover.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
<i>Taxidea taxus</i> American badger	SSC	Occurs most often in the drier, open stages of most herbaceous, shrub, and forest habitats, with uncultivated, friable soils for excavating burrows. Requires a sufficient food base, often rodents.	A	Species distribution is restricted by substantive habitat requirements, which do not occur or are negligible within the BSA, and no further survey or study is obligatory to determine likely presence or absence of this species.
STATUS CODES				
CDFW-SSC	Species of Special Concern			
CDFW-FP	Fully Protected			
CDFW-WL	Watch List			
WBWG-H	Western Bat Working Group - High Priority			
WBWG-M	Western Bat Working Group - Medium Priority			

Source: URS 2012.

Habitat for one (1) wildlife species was identified within the BSA:

- Burrowing owl (*Athene cunicularia*)

The burrowing owl utilizes burrows in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation, and it is a subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel. The burrowing owl is listed as a State species of special concern.

Although potential habitat for this species occurs within limited portions of the BSA, general surveys conducted within the BSA in 2009 and focused surveys conducted in 2010 concluded that this species was absent from the BSA. Two reported occurrences of burrowing owl have been documented within the quadrangles containing the BSA (CDFW 2010). No occurrences are reported within the BSA. One 1993 report occurs within Bolsa Chica State Park, which is approximately 4 miles from the BSA, and another report from 2006 occurs in Fairview Park located in Costa Mesa, which is 2 miles from the BSA.

Although no bats were observed within the BSA during pedestrian surveys, there is a potential for bats to occur within suitable vegetation, bridges, culverts, and other structures that could support roosting. Large trees, bridges, and other structures offer natural roosts that include thermal buffering, which bats require (Perlmeter 1996, 2004; Pierson *et al.* 1996). Bridges also frequently serve to replace natural roosts in altered landscapes. No historic records of bats roosting or breeding colonies occur within the BSA. However, pre-construction surveys for bat habitat suitability will be performed by a qualified biologist.

### **3.3.4.3 Environmental Consequences**

#### ***Permanent Impacts***

##### **No Build Alternative**

The No Build Alternative proposes no construction or other disturbance in the BSA; therefore, the No Build Alternative would result in no permanent adverse impacts to special-status animal species.

##### **Build Alternatives**

There are no special-status animal species on the project site; therefore, the build alternatives would not result in permanent adverse impacts to special-status animal species.

Raptors and other birds protected by the MBTA may nest in existing trees and shrubs within and adjacent to the BSA. Direct permanent impacts, such as the direct removal of nests, may occur (e.g., during vegetation clearing). Indirect permanent impacts, such as nest failure, may also occur as a result of excessive disturbance of the nesting birds (e.g., from excessive noise and disruption from increased human activities).

#### ***Temporary Impacts***

##### **No Build Alternative**

The No Build Alternative does not propose any construction or other disturbance in the BSA; therefore, the No Build Alternative would result in no temporary adverse impacts related to special-status animal species.

##### **Build Alternatives**

There are no special-status animal species on the project site; therefore, the build alternatives would not result in temporary adverse impacts to special-status animal species.

Raptors and other birds protected by the MBTA may nest in existing trees and shrubs within and adjacent to the BSA. Direct temporary impacts to birds nesting within or adjacent to the BSA

may occur if construction, particularly vegetation clearing, occurs during the nesting season. Indirect temporary impacts to nesting birds would include temporary indirect disturbance (e.g., noise, dust, night lighting, and human encroachment) from construction activities. The measures outlined in Section 3.3.4.4, Avoidance, Minimization, and/or Mitigation Measures, would ensure that the build alternatives avoid impacts to nesting raptors and other birds protected by the MBTA during construction activities.

Although no bats were observed within the BSA, there remains a potential for bats to occur within bridges, culverts, and other structures that could support roosting. Temporary impacts during construction (e.g., noise, dust, night lighting, and human encroachment) may occur. Construction could also temporarily impede access to roost sites (i.e., existing and future) in the crevices of bridges, culverts, and overhead structures. Measure BIO-9, outlined in Section 3.3.4.4, Avoidance, Minimization, and/or Mitigation Measures, would ensure that the build alternatives avoid impacts to bats during construction activities.

#### **3.3.4.4 Avoidance, Minimization, and/or Mitigation Measures**

The following measures will avoid, minimize, or mitigate potential temporary and permanent impacts related to special-status animal species:

- BIO-5** To avoid impacts to nesting birds, any native vegetation removal or tree (i.e., native or exotic) trimming activities will occur outside of the nesting bird season (February 15 through August 31). If vegetation clearing is necessary during the nesting season, a qualified biologist will conduct a preconstruction survey to identify the locations of nests. Should nesting birds be found, an exclusionary buffer will be established by the biologist. This buffer shall be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.
- BIO-6** To ensure that any owls that may occupy the site are not affected by construction activities, preconstruction burrowing owl surveys and potential owl relocation will be required prior to any phase of construction. These preconstruction surveys are also required to comply with the MBTA and the California Fish and Game Code. If any of the preconstruction surveys determine that the species is present, one or more of the following measures may be required: (1) avoidance of active nests and surrounding buffer area during construction activities; (2) passive relocation of individual owls; (3)

active relocation of individual owls; and (4) preservation of onsite habitat with long-term conservation value for the owl.

**BIO-7** To avoid impacts to raptors, all new highway lighting adjacent to NAVWPNSTA Seal Beach shall not contain features that allow for raptor perches, as feasible.

**BIO-8** To avoid impacts to migratory birds at the Seal Beach National Wildlife Refuge, all new highway lighting adjacent to NAVWPNSTA Seal Beach shall be directed down towards the highway itself.

**BIO-9** A qualified bat biologist shall conduct a preconstruction bat habitat suitability assessment to determine if the construction area contains potential bat habitat within the project footprint or immediate surroundings, including roosting sites, foraging sites, and/or maternity colonies. The surveys shall include a combination of inspection, sampling, exit counts, and acoustic surveys. The survey shall be completed in June or at a time determined appropriate by a qualified bat biologist prior to construction, because maternity roosts are generally formed in late spring.

If occupied or historic roosting sites, foraging sites, and/or maternity colonies are identified during the preconstruction bat habitat suitability assessment, construction activities shall not be initiated at the location until the bats have been excluded from the location, using CDFW-approved exclusion devices, and the qualified bat biologist certifies the location bat free. All exclusion activities will be coordinated with CDFW and completed under the supervision of a qualified bat biologist. Once installed, exclusion devices will be maintained throughout the duration of the construction activities or until construction at the location is deemed complete and bat use is again acceptable.

If maternity sites are identified during the preconstruction bat habitat suitability assessment, no construction activities at the location containing the maternity roost will be allowed during the maternity season (April 1 through July 30), unless a qualified bat biologist has determined that young have been weaned. If present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then bat exclusion at maternity roost sites shall be completed either as soon as allowed by the qualified bat biologist after the young have been weaned or outside of the maternity season, prior to initiating construction activities or as otherwise approved by the qualified bat biologist in coordination with CDFW.