

July 30, 2010

Sandra Marquez  
United States Fish and Wildlife Service  
Carlsbad Field Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, CA 92011

Lyann Comrack  
Nongame Wildlife Program  
California Department of Fish and Game  
1812 Ninth Street  
Sacramento, CA 95811

Subject: Least Bell's Vireo Survey Results: Interstate 5 High-Occupancy Vehicle Lane  
Extension Project, April–July 2010

Dear Ms. Marquez and Ms. Comrack:

This letter report documents the results of protocol surveys for the least Bell's vireo (*Vireo bellii pusillus*) conducted by LSA Associates, Inc. (LSA). Surveys were conducted for the proposed Interstate 5 (I-5) High-Occupancy Vehicle (HOV) Lane Extension project in the Cities of San Clemente, Dana Point, and San Juan Capistrano, Orange County, California (see Figure 1; all figures are provided in Appendix A). The least Bell's vireo is a State and federally listed endangered species.

One male least Bell's vireo was found within the Biological Study Area. Additional birds were found nearby.

## STUDY AREA

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), proposes road improvements and the extension of HOV lanes on I-5 from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The linear project area begins in the north near San Juan Creek at approximately 33°29'39" N, 117°39'36" W, and terminates south of East Avenida Pico at approximately 33°25'57" N, 117°36'57" W, with a major curve at approximately 33°28'16" N, 117°40'27" W. The project ranges in elevation from approximately 70 to 225 feet (ft) above mean sea level (amsl). Vegetation within and adjacent to the State right-of-way for the project segment of I-5 is dominated by coastal sage scrub, saltbush (*Atriplex* sp.) scrub, willow riparian scrub, and ornamental plantings (e.g., hottentot fig [*Carpobrotus edulis*], eucalyptus [*Eucalyptus* sp.], pine [*Pinus* sp.], pepper tree [*Schinus* sp.]).

The habitat at three locations within or adjacent to the study area was considered suitable for the focused surveys. From north to south, these were: (1) the San Juan Creek crossing at the northern end of the project area; (2) the low-lying area along the east side of the freeway north of the Stonehill Drive interchange and west of the San Juan Capistrano School District offices at the end of Valle Road; and (3) the drainage along the south side of the freeway and northwest of San Clemente's Shorecliffs Country Club (Avenida Vaquero undercrossing).

## METHODS

LSA biologists Richard Erickson and Ingri Quon conducted eight protocol surveys from April 13, 2010, to July 8, 2010, in accordance with survey guidelines issued by the United States Fish and Wildlife Service in January 2001. During each survey, the biologist walked slowly through or adjacent to potentially suitable habitat, listening and looking for least Bell's vireos.

Although no permit is required to conduct surveys for the least Bell's vireo, Mr. Erickson and Ms. Quon are permitted to monitor nests of the species. These surveys were in essence conducted pursuant to LSA's Federal Fish and Wildlife Permit TE-777965-9 (April 8, 2008–April 7, 2012) and a letter permit from the California Department of Fish and Game (CDFG) attached to Scientific Collecting Permit SC-000777 covering conditions for research on listed birds (July 23, 2009–April 12, 2012). The survey schedule and conditions are shown in Table A below.

**Table A: Survey Schedule and Conditions**

Date 2010	Time	Weather	Surveyor
April 13	0730–0955	Mostly overcast; cool, light wind	RE
April 24	0640–0840	Mostly overcast; cool, light wind	RE
May 4	0805–1035	Clear, mild, calm	RE
May 13	0710–0915	Mostly clear, mild, calm	RE
May 24	0630–0950	Clear, cool, light wind	IQ
June 7	0755–1000	Complete marine layer, mild, calm	RE
June 16	0530–0735	Complete marine layer, mild, light wind	RE
July 8	0900–1100	Complete marine layer, mild, light wind	IQ

Surveyor: RE = Richard Erickson; IQ = Ingri Quon

## RESULTS

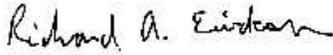
Least Bell's vireos were found at three locations during the surveys. Within the Biological Study Area, an unmated male was observed in the low-lying area between the freeway and the San Juan Capistrano School District offices north of the Stonehill Drive interchange (Figure 2). The dates that that bird was observed (May 24, June 7, and June 16) suggest that it may have been the same bird that was present earlier (May 4 and May 13) on the northeast side of the school district offices (Figure 2). The third location occupied by least Bell's vireos was in more typical willow riparian habitat along San Juan Creek just upstream of the I-5 crossing (Figure 2), where successful nesting was confirmed on May 24. None of the vireos seen was banded.

Individuals of the brown-headed cowbird (*Molothrus ater*), a brood parasite of least Bell's vireo and other passerines, were seen on the first two surveys but not thereafter. A list of animal species from selected groups detected during the surveys is shown in Appendix B.

If you have any questions or comments, please call (949) 553-0666 or email Ms. Quon at [ingri.quon@lsa-assoc.com](mailto:ingri.quon@lsa-assoc.com) or Mr. Erickson at [richard.erickson@lsa-assoc.com](mailto:richard.erickson@lsa-assoc.com).

Sincerely,

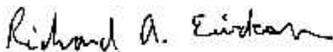
**LSA ASSOCIATES, INC.**



Richard Erickson  
Associate

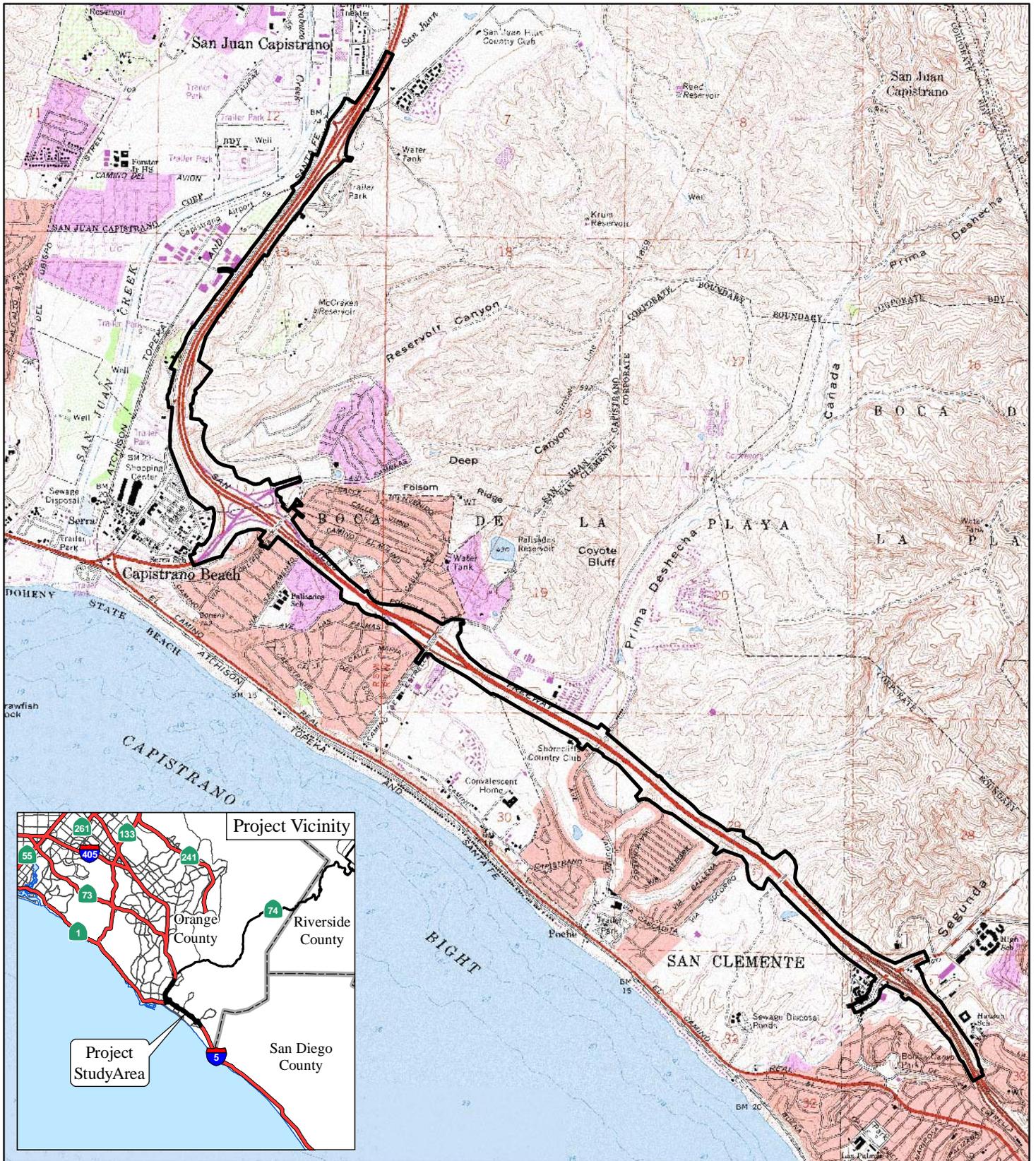
Attachments: Appendix A: Figures 1 and 2  
Appendix B: Animal Species Detected

**I CERTIFY THAT THE INFORMATION IN THIS SURVEY REPORT AND ATTACHED EXHIBITS FULLY AND ACCURATELY REPRESENT MY WORK:**

<b>SURVEYOR:</b>	<b>PERMIT NUMBER:</b>	<b>DATE:</b>
 Richard Erickson	TE-777965-8	July 30, 2010
 Ingri Quon	TE-777965-8	July 30, 2010

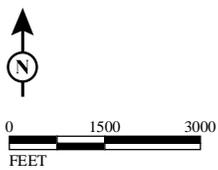
# APPENDIX A

## FIGURES



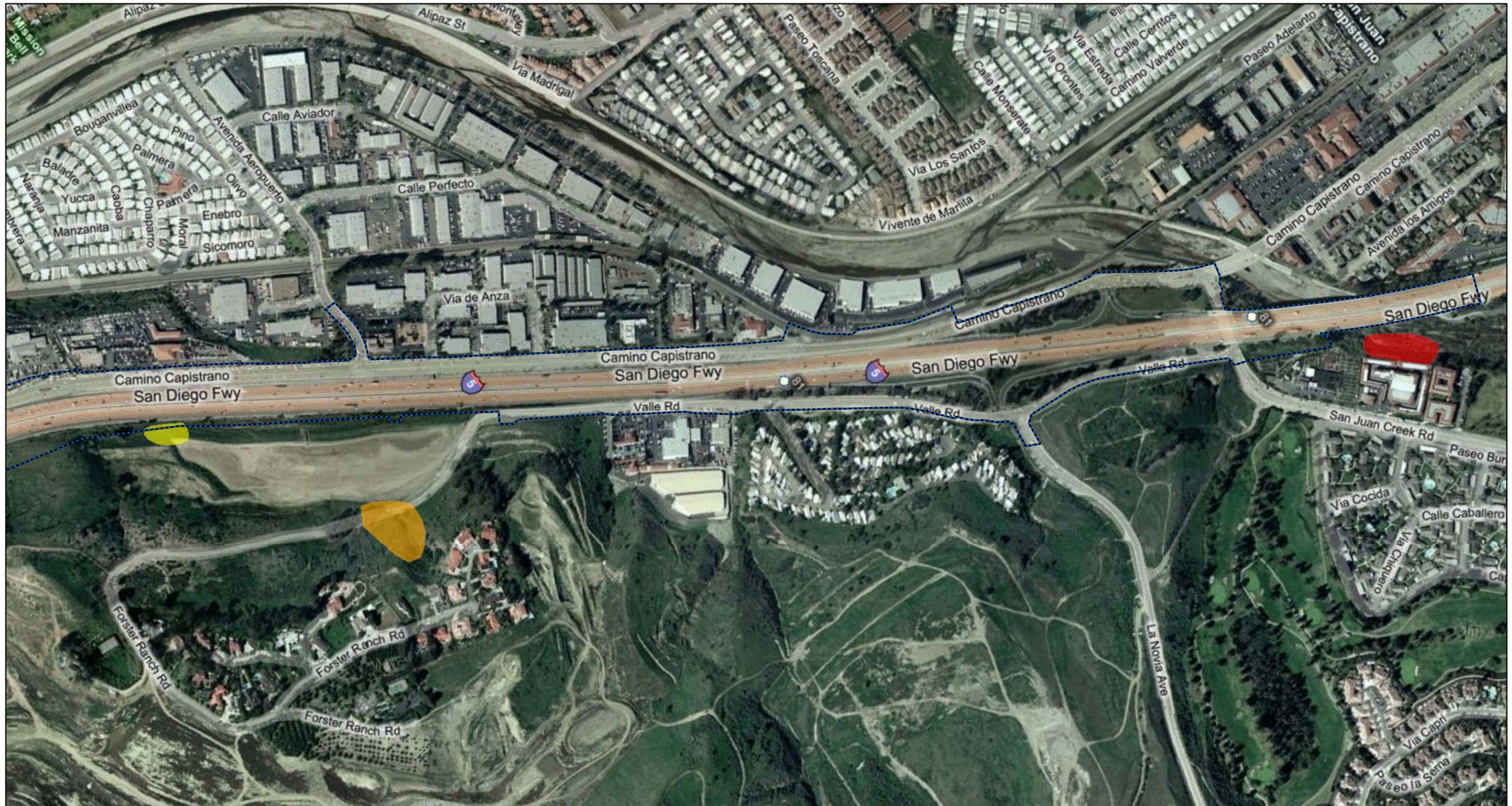
LEGEND  
 Project Location and Study Area

FIGURE 1



SOURCE: USGS 7.5' QUAD - Dana Point (75); San Clemente (75)  
 I:\RMN0901\GIS\ProjLoc\_StudyArea.mxd (7/23/2010)

*I-5 HOV Lane Extension Project*  
 Regional Location and Project Vicinity  
 12-ORA-5 PM 3.0/8.7  
 EA# 0F9600



LSA

LEGEND

Biological Study Area

Least Bell's Vireo Locations

Site #1 - Pair with young May 13-24.

Site #2 - Single male May 4-13.

Site #3 - Single male May 24-June 16. (Bird from #2 possibly moved here.)



SOURCE: Bing (2008)

I:\RMN0901\GIS\LeastBellsVireoLoc.mxd (7/27/2010)



FIGURE 2

*I-5 HOV Lane Extension Project*  
Least Bell's Vireo Location Map, 2010

12-ORA-5 PM 3.0/8.7  
EA# 0F9600

**APPENDIX B**  
**ANIMAL SPECIES DETECTED**

## APPENDIX B ANIMAL SPECIES DETECTED

This is a list of the butterflies, amphibians, reptiles, birds, and mammals noted in or flying over the study area by LSA Associates, Inc. biologists during surveys conducted from April through July 2010. Presence may be noted if a species is seen or heard, or identified by the presence of tracks, scat, or other signs.

\* Species not native to the study area

### LEPIDOPTERA

#### Papilionidae

*Papilio rutulus*

#### Pieridae

\* *Pieris rapae*

*Anthocharis sara*

### AVES

#### Anatidae

*Anas platyrhynchos*

#### Ardeidae

*Ardea alba*

*Butorides striatus*

*Nycticorax nycticorax*

#### Cathartidae

*Cathartes aura*

#### Accipitridae

*Accipiter cooperii*

*Buteo lineatus*

*Buteo jamaicensis*

#### Falconidae

*Falco sparverius*

#### Charadriidae

*Charadrius vociferus*

### BUTTERFLIES

#### Swallowtails

Western tiger swallowtail

#### Whites and Sulphurs

Cabbage white

Sara orangetip

### BIRDS

#### Ducks, Geese, and Swans

Mallard

#### Herons, Bitterns, and Allies

Great egret

Green heron

Black-crowned night-heron

#### New World Vultures

Turkey vulture

#### Hawks, Kites, Eagles, and Allies

Cooper's hawk

Red-shouldered hawk

Red-tailed hawk

#### Caracaras and Falcons

American kestrel

#### Plovers and Lapwings

Killdeer

**Recurvirostridae**

*Himantopus mexicanus*

**Laridae**

*Larus occidentalis*

*Larus californicus*

**Columbidae**

\* *Columba livia*

*Zenaida macroura*

**Psittacidae**

\* *Amazona* sp.

**Cuculidae**

*Geococcyx californianus*

**Apodidae**

*Aeronautes saxatilis*

**Trochilidae**

*Calypte anna*

*Selasphorus sasin*

**Picidae**

*Picoides nuttallii*

**Tyrannidae**

*Sayornis nigricans*

*Myiarchus cinerascens*

*Tyrannus vociferans*

**Vireonidae**

*Vireo bellii pusillus*

**Corvidae**

*Aphelocoma californica*

*Corvus brachyrhynchos*

*Corvus corax*

**Hirundinidae**

*Stelgidopteryx serripennis*

*Petrochelidon pyrrhonota*

**Aegithalidae**

*Psaltriparus minimus*

**Stilts and Avocets**

Black-necked stilt

**Gulls, Terns, and Skimmers**

Western gull

California gull

**Pigeons and Doves**

Rock pigeon

Mourning dove

**Lories, Parakeets, Macaws, and Parrots**

Amazon parrot

**Cuckoos, Roadrunners, and Anis**

Greater roadrunner

**Swifts**

White-throated swift

**Hummingbirds**

Anna's hummingbird

Allen's hummingbird

**Woodpeckers and Allies**

Nuttall's woodpecker

**Tyrant Flycatchers**

Black phoebe

Ash-throated flycatcher

Cassin's kingbird

**Vireos**

Least Bell's vireo

**Crows and Jays**

Western scrub-jay

American crow

Common raven

**Swallows**

Northern rough-winged swallow

Cliff swallow

**Long-Tailed Tits and Bushtits**

Bushtit

**Troglodytidae**

*Thryomanes bewickii*  
*Troglodytes aedon*

**Poliopitilidae**

*Poliopitila californica californica*

**Sylviidae**

*Chamaea fasciata*

**Turdidae**

*Sialia mexicana*

**Mimidae**

*Mimus polyglottos*

**Sturnidae**

\* *Sturnus vulgaris*

**Parulidae**

*Oreothlypis celata*  
*Dendroica petechia*  
*Dendroica coronata*  
*Geothlypis trichas*  
*Wilsonia pusilla*

**Emberizidae**

*Pipilo maculatus*  
*Melospiza crissalis*  
*Melospiza melodia*  
*Zonotrichia leucophrys*

**Cardinalidae**

*Pheucticus melanocephalus*

**Icteridae**

*Molothrus ater*  
*Icterus cucullatus*  
*Icterus bullockii*

**Fringillidae**

*Carpodacus mexicanus*  
*Spinus psaltria*

**Wrens**

Bewick's wren  
House wren

**Gnatcatchers and Gnatwrens**

Coastal California gnatcatcher

**Sylviid Warblers**

Wrentit

**Thrushes**

Western bluebird

**Mockingbirds and Thrashers**

Northern mockingbird

**Starlings**

European starling

**Wood Warblers**

Orange-crowned warbler  
Yellow warbler  
Yellow-rumped warbler  
Common yellowthroat  
Wilson's warbler

**Emberizids**

Spotted towhee  
California towhee  
Song sparrow  
White-crowned sparrow

**Cardinals, Saltators, and Allies**

Black-headed grosbeak

**Blackbirds**

Brown-headed cowbird  
Hooded oriole  
Bullock's oriole

**Fringilline and Cardueline Finches and Allies**

House finch  
Lesser goldfinch

## MAMMALIA

### Sciuridae

*Spermophilus beecheyi*

### Geomyidae

*Thomomys bottae*

### Cricetidae

*Microtus californicus*

### Muridae

\* *Rattus rattus*

### Leporidae

*Sylvilagus audubonii*

### Canidae

*Canis latrans*

### Cervidae

*Odocoileus hemionus*

## MAMMALS

### Squirrels, Chipmunks, and Marmots

California ground squirrel

### Pocket Gophers

Botta's pocket gopher

### Hamsters, Voles, Lemmings, and New World Rats and Mice

California vole

### Old World Rats and Mice, Gerbils, and Relatives

Black rat

### Rabbits and Hares

Audubon's cottontail

### Foxes, Wolves, and Allies

Coyote

### Deer, Elk, and Allies

Mule deer

### Taxonomy and nomenclature are based on the following.

Butterflies: North American Butterfly Association (2001, NABA checklist and English Names of North American Butterflies, Second Edition, North American Butterfly Association, Morristown, New Jersey; see <http://www.naba.org/pubs/checklst.html>).

Birds: American Ornithologists' Union (1998, The A.O.U. Checklist of North American Birds, Seventh Edition, American Ornithologists' Union, Washington D.C.; and supplements; see <http://www.aou.org/checklist/north/index.php>).

Mammals: Wilson, D.E., and D.M. Reeder, eds. (2005, Mammal Species of the World, 3rd ed., Johns Hopkins University Press, Baltimore, Maryland; see <http://vertebrates.si.edu/mammals/msw/>).