

2.4.5 Threatened and Endangered Species

2.4.5.1 Regulatory Setting

The primary federal law protecting threatened and endangered species is the federal Endangered Species Act. This act and later amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of this act, federal agencies are required to consult with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, National Marine Fisheries Service, to ensure that they are not undertaking, funding, permitting, or authorizing actions that are likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species.

California has enacted a law at the state level similar to the federal law, the California Endangered Species Act (California Fish and Game Code Section 2050, et seq.). The California Endangered Species Act emphasizes early consultation to avoid potential impacts on rare, endangered, and threatened species and develop appropriate planning to offset project-caused losses of listed species populations and their essential habitats.

The Magnuson-Stevens Fishery Conservation and Management Act of 1976, another federal law, was established to conserve and manage fishery resources found off the coast, as well as anadromous species and Continental Shelf fishery resources of the United States.

2.4.5.2 Affected Environment

This section is based on the Natural Environment Study (Minimal Impacts) prepared for the Project (Caltrans 2025).

The Biological Study Area (BSA) contains potential habitat for three federally listed species (Figure 2.4.1-3), all within the 500-foot buffer and outside the Project's construction footprint, as listed below and shown in Table 2.4.4-1.

- **Southwestern Willow Flycatcher (*Empidonax traillii extimus*) – Federally Listed as Endangered:** Potential foraging habitat occurs in the willow riparian area associated with Aliso Creek. This species was not observed during biological surveys, and previous construction monitoring reported no observations of the species.
- **Least Bell's Vireo (*Vireo bellii pusillus*) – Federally Listed as Endangered, State-listed as Endangered:** Potential foraging and nesting habitat occurs in the willow riparian area associated with Aliso Creek. This species was not observed during biological surveys, but previous construction monitoring reported observations of the species west of previous work areas for the Interstate (I-) 5 bridge over Aliso Creek.

- **Coastal California Gnatcatcher (*Poliophtila californica californica*) – Federally Listed as Threatened, State Species of Special Concern:** Potential foraging or nesting habitat occurs in the coastal sage scrub habitat associated with Aliso Creek. This species was not observed during biological surveys, and previous construction monitoring reported no observations of the species.

No critical habitat for any listed species occurs within the BSA or surrounding area.

An official U.S. Fish and Wildlife Service (USFWS) Species List was obtained on December 27, 2024, and an official National Marine Fisheries Service (NMFS) Species List was obtained on December 28, 2024. Updated species information, including a USFWS Information for Planning and Consultation Resource List, California Natural Diversity Database query results, and NMFS species screening results, was obtained on June 1, 2026. Updated USFWS, NMFS, and California Natural Diversity Database species information is provided in Appendix G.

2.4.5.3 Environmental Consequences

Temporary Impacts

Build Alternatives

Build Alternative 1

The Project would not result in direct or indirect temporary impacts on federally or state-listed species. Potential habitat for listed species is limited to Aliso Creek and adjacent habitats, which are within the 500-foot buffer of the BSA but outside the Project's construction footprint.

Based on the analysis in the Natural Environment Study (Minimal Impacts), a “no effect” determination has been made for all listed species and their habitats.

Although no temporary impacts on special-status animal species are anticipated, Project Feature **PF-BIO-2**, as described in Section 2.4.4, *Animal Species*, would be implemented to avoid impacts on nesting birds. Project Feature **PF-BIO-3**, as described in Section 2.4.4, *Animal Species*, would require a biological monitor to be present during construction for the protection of special-status animal species.

Design Variation: Build Alternative 1a

The design variation considered under Build Alternative 1a is substantively similar to Build Alternative 1 and would not result in additional impacts on federally or state-listed species. Direct and indirect temporary impacts on federally or state-listed species under Build Alternative 1a would be the same as described for Build Alternative 1.

Build Alternative 3

Build Alternative 3 would not result in any ground disturbance or other activities that would affect federally or state-listed species. As such, there would be no Project-related temporary impacts on federally or state-listed species.

No-Build Alternative

Under the No-Build Alternative, I-5 would remain in its current condition and no improvements would be implemented. Therefore, there would be no Project-related temporary impacts on federally or state-listed species.

Permanent Impacts

Build Alternatives

Build Alternative 1

The Project would not result in direct or indirect permanent impacts on federally or state-listed species. Potential habitat for listed species is limited to Aliso Creek and adjacent habitats, which are within the 500-foot buffer of the BSA but outside the Project's construction footprint.

Based on the analysis in the Natural Environment Study (Minimal Impacts), a "no effect" determination has been made for all listed species and their habitats.

Design Variation: Build Alternative 1a

The design variation considered under Build Alternative 1a is substantively similar to Build Alternative 1 and would not result in additional impacts on federally or state-listed species. Direct and indirect permanent impacts on federally or state-listed species under Build Alternative 1a would be the same as described for Build Alternative 1.

Build Alternative 3

Build Alternative 3 would not result in any ground disturbance or other activities that would affect federally or state-listed species. As such, there would be no Project-related permanent impacts on federally or state-listed species.

No-Build Alternative

Under the No-Build Alternative, I-5 would remain in its current condition and no improvements would be implemented. Therefore, there would be no Project-related permanent impacts on federally or state-listed species.

2.4.5.4 Avoidance, Minimization, and/or Mitigation Measures

Although no impacts on listed species are anticipated, the following avoidance and minimization measures would be implemented:

- BIO-1 Delineation of Environmentally Sensitive Areas (ESAs):** As described in Section 2.4.1, *Natural Communities*, this measure would protect potential habitat for listed species from construction activities.
- BIO-2 On-site Training:** As described in Section 2.4.1, *Natural Communities*, this measure would include training regarding listed species.

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