

3.20 Animal Species

The analysis of impacts of the proposed project on animal species is based on the *Natural Environment Study* (NES) (LSA Associates, Inc., 2008).

3.20.1 Regulatory Setting

Many laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration (NOAA Fisheries) and the California Department of Fish and Game (CDFG) are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with wildlife not listed or proposed for listing under the state or federal Endangered Species Act. Species listed or proposed for listing as threatened or endangered are discussed in Section 3.21 below. All other special-status animal species are discussed here, including CDFG fully protected species and species of special concern, and USFWS or NOAA Fisheries candidate species.

Federal laws and regulations pertaining to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act
- Marine Mammal Protection Act
- Bald [and Golden] Eagle Protection Act of 1940

State laws and regulations pertaining to wildlife include the following:

- California Environmental Quality Act
- Sections 1601 – 1603 of the Fish and Game Code
- Section 4150 and 4152 of the Fish and Game Code

3.20.2 Affected Environment

A literature review resulted in a list of 69 sensitive animal species that may occur in or within the vicinity of the Biological Study Area (BSA). Of these 69 sensitive wildlife species, 12 are listed as federal and/or State-endangered or threatened, or proposed endangered or threatened, and are discussed later in Section 3.21, Threatened and Endangered Species. Two of the remaining 57 sensitive wildlife

species, San Diego mountain king snake (*Lampropeltis zonata pulchra*) and San Diego cactus wren (*Campylorhynchus brunneicapillus sandiegensis*) are considered to be absent due to a lack of suitable habitat.

Focused surveys were conducted for burrowing owl and Los Angeles pocket mouse, pursuant to western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requirements. Survey results were as follows:

- **Burrowing Owl.** Burrowing owls were observed at three separate sites within the BSA and project footprint of Alternative 9 during the 2006 surveys. No burrowing owls, burrowing owl burrows, or other burrowing owl sign (e.g., tracks, feathers, or pellets) were observed within the BSA for Alternatives 4, 5, 6, and 7, and their design variations in 2005 or 2006. However, there is suitable habitat within the project footprint that the burrowing owl may subsequently occupy because it is a mobile species.
- **Los Angeles Pocket Mouse.** The Los Angeles pocket mouse was captured within Riversidean sage scrub and nonnative grasslands in the BSA at two locations: (1) southwest of the San Jacinto River and Lake Perris, and (2) northeast of the San Jacinto River and Sanderson Avenue. At the survey area south of Lake Perris, the nonnative grassland is not considered to be suitable for long-term conservation for the species; however, the Riversidean sage scrub is considered occupied by the Los Angeles pocket mouse. The survey area adjacent to the San Jacinto River, east of Sanderson Avenue, was determined to have long-term conservation value for the Los Angeles pocket mouse based on the trapping results conducted for an adjacent property owner west of Sanderson Avenue in areas contiguous with the MCP project; this off-site property is located outside the MSHCP designated survey area for Los Angeles pocket mouse.

During the 2005 and 2006 field surveys, the following other special status animal species were observed within the BSA: western spadefoot toad (*Spea hammondii*), Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), coast horned lizard (*Phrynosoma coronatum*), northern red-diamond rattlesnake (*Crotalus exsul*), Cooper's hawk (*Accipiter cooperi*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Bell's sage sparrow (*Amphispiza belli belli*), golden eagle (*Aquila chrysaetos*), short-eared owl (*Asio flammeus*), northern harrier (*Circus cyaneus*), California yellow warbler (*Dendroica petechia brewsteri*), white-tailed kite (*Elanus leucurus*), California horned lark (*Eremophilia alpestris actia*), prairie falcon (*Falco mexicanus*), yellow-breasted chat (*Icteria virens*), loggerhead shrike (*Lanius*

ludovicianus), white-faced ibis (*Pelagodis chihi*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and San Diego desert woodrat (*Neotoma lepida intermedia*).

The following species from the literature search were not found during the 2005 and 2006 field surveys; however, habitat that may be suitable is present within the BSA for these species: arroyo chub (*Gila orcutti*), silvery legless lizard (*Anniella pulchra pulchra*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), coast range newt (*Taricha torosa torosa*), two-striped garter snake (*Thamnophis hammondii*), southwestern pond turtle (*Emys marmorata pallida*), sharp-shinned hawk (nesting) (*Accipiter striatus*), tricolored blackbird (*Agelaius tricolor*), long-eared owl (*Asio otus*), ferruginous hawk (*Buteo regalis*), merlin (*Falco columbarius*), purple martin (*Progne subis*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), western mastiff bat (*Eumops perotis*), big free-tailed bat (*Nyctinomops macrotis*), pocketed free-tailed bat (*Nyctinomops femoratasacca*), southern grasshopper mouse (*Onychomys torridus ramona*), and American badger (*Taxidea taxus*).

3.20.3 Environmental Consequences

3.20.3.1 Permanent Impacts

Build Alternatives

Burrowing Owl

Habitat that may be suitable for burrowing owl covers large areas in the project vicinity. However, burrowing owls were not determined to be present within the impact area for Alternatives 4, 5, 6, 7, nor within three of the four design variations of Alternative 9. Burrowing owls were only determined to be present within the Rider Street Design Variation of Alternative 9. The Alternative 9 Rider Street Design Variation would result in 1.6 hectares (ha) (3.9 acres [ac]) of direct impacts to burrowing owl foraging habitat and burrows occupied by two pairs and six juveniles. Additionally, there would be direct impacts to the foraging habitat of a single unpaired female, located immediately outside of the project footprint. The foraging habitat of the two pairs observed within the footprint overlaps with the foraging habitat of the single unpaired resident female that was observed just outside the project footprint. There are no other impacts to occupied burrowing owl habitat for any other design variation along Alternative 9.

Indirect impacts to burrowing owls and suitable habitat on adjacent lands may result from edge effects such as future development, plant and animal infestations, litter, fire, unauthorized recreational use, increase in lighting at night, headlamp glare, noise, and pollutants associated with vehicle use of the parkway. Indirect impacts of exotic plant and animal infestations, litter, and fire would be reduced by regular roadside maintenance to remove litter and weeds from the right of way. Indirect effects resulting from an increase in light, glare, and noise associated with vehicles and daytime and nighttime construction activities would be reduced by incorporating shielded lighting and sound walls near environmentally sensitive areas.

Burrowing owls were not observed within Alternatives 4, 5, 6, and 7; therefore, direct and indirect impacts to burrowing owls along these alternatives are not anticipated.

Los Angeles Pocket Mouse

All of the MCP Build Alternatives and Design Variations would directly impact approximately 16.2 ha (40.0 ac) of Los Angeles pocket mouse occupied habitat suitable for long-term conservation in the vicinity of the San Jacinto River just east of Lake Perris and the San Jacinto River area near the MCP/State Route 79 (SR-79) interchange.

Indirect effects of the project on Los Angeles pocket mouse occupied areas may result from edge effects such as exotic plant and animal infestations and unauthorized recreational use. Additional indirect effects may result from an increase in light, glare, and noise associated with vehicles and daytime and nighttime construction activities.

Animal Species Not Requiring Surveys

Impacts to other nonlisted special status species could occur in the form of direct mortality, habitat loss, and habitat fragmentation.

The white-tailed kite and golden eagle are fully protected by the state and are covered by the MSHCP; however, take of these species is not authorized under the MSHCP permits and is prohibited by the Fish and Game Code.

Impacts to all other special status animal species are covered by the MSHCP, except for the silvery legless lizard, coast patch-nosed snake, two-striped garter snake, short-eared owl, long-eared owl, pallid bat, Townsend's big-eared bat, spotted bat, western mastiff bat, free-tailed bat, southern grasshopper mouse, and American badger. These species have a low to moderate occurrence probability and were not observed during

field studies within the BSA. These species are widespread in distribution and are not state or federally listed as threatened or endangered. Because habitat that may be suitable for these species covers large areas of the BSA, impacts to these species could not be entirely avoided. However, wherever feasible, the project footprint was aligned with existing roadways, where native habitats have already been removed or disturbed by development or other land use.

Indirect impacts of the project on animal species within areas adjacent to the project footprint may result from edge effects such as exotic plant and animal infestations, litter, fire, unauthorized recreational use, and increases in light, noise, and pollutants associated with vehicle use of the parkway.

No Build Alternatives

Under Alternative 1A, the planned street network would be constructed, except for improvements to Cajalco Road and Ramona Expressway. Because Cajalco Road and Ramona Expressway would remain as they are today, there would be no permanent impacts to special-status animal species along these roadways under Alternative 1A. Therefore, impacts to special-status animal species in the vicinity of Cajalco Road and Ramona Expressway would be less for Alternative 1A than for that under the MCP Build Alternatives.

Under Alternative 1B, the planned street network would be developed according to the Circulation Element of the Riverside County General Plan, including the improvements to Cajalco Road and Ramona Expressway. Under Alternative 1B, permanent impacts to special-status animal species would be expected to be less than that for the MCP Build Alternatives since it would widen Cajalco Road and Ramona Expressway. Between Interstate 15 (I-15) and El Sobrante Road, the impacts of Alternative 1B would be the same as Build Alternatives 6 and 7 since these alternatives follow the General Plan roadway alignments in this area.

Discussions of Impacts Relative to MSHCP Amendment

The EIR/EIS for the MSHCP found that direct and indirect impacts on sensitive vegetation communities and covered species, including animal species, are reduced through implementation of the MSHCP, which includes assembly of an approximately 202,340 ha (500,000 ac) reserve system, adaptive management and monitoring, as well as other protection measures.

The MSHCP includes coverage of a regional transportation corridor upon which the project alternatives for the MCP have been developed. An amendment to the MSHCP

would be required to provide coverage to a modified alignment for the transportation corridor. This discussion is provided as a supplemental environmental analysis to provide supporting documentation under CEQA and NEPA for such an amendment to the MSHCP. It should be noted that this discussion pertains specifically to the analysis of consistency for Alternative 9 Temescal Wash Area Design Variation (TWS DV), which has been identified as the Locally Preferred Alternative. If a different alternative were to be pursued for coverage, additional CEQA/NEPA analysis may be needed.

Section 3.17 contains a detailed analysis of the effects of providing coverage of Alternative 9 TWS DV under the MSHCP, pursuant to the specific criteria identified in the MSHCP to demonstrate consistency. As noted in Section 3.17, a consistency determination is not being made at this time. However, the analysis contained in Section 3.17 provides a framework for consistency and identifies the environmental effects of MSHCP coverage for Alternative 9 TWS DV. The criteria addressed in that analysis includes consideration of impacts on animal species. The finding of the analysis in Section 3.17 is that Alternative 9 TWS DV, including the mitigation lands that are available to demonstrate consistency with the MSHCP, provides an equivalent or superior level of conservation compared with what was anticipated and analyzed in the MSHCP EIR/EIS. Therefore, an amendment to the MSHCP to provide coverage for Alternative 9 TWS DV would not result in impacts on animal species beyond that previously analyzed.

3.20.3.2 Temporary Impacts

Temporary impacts to animal species may occur during construction where habitats are temporarily disturbed during grading or other activities. For the purposes of this impact analysis, a conservative right-of-way footprint was established for each alternative that includes areas of cut and fill, staging areas for construction vehicles, equipment and materials, haul routes, and water quality treatment features. While some portions of this right-of-way footprint will only be temporarily disturbed during construction and would be revegetated with native plant species, it is not expected that this revegetation would fully restore the functions and values of the impacted wildlife habitat. Therefore, the analysis of impacts conservatively estimates a worst-case impact scenario wherein all areas within the right-of-way footprint are calculated as permanent impacts, with the exception of areas spanned by bridges. Impacts to riparian habitats and jurisdictional areas at the bridged areas have been identified as temporary and permanent impacts.

3.20.4 Avoidance, Minimization, and/or Mitigation Measures

Habitat that may be suitable for burrowing owl covers large areas affected by all MCP Build Alternatives in the project area. By minimizing the project footprint, impacts (loss of suitable burrowing owl habitat) were greatly minimized. Impacts to occupied burrowing owl burrows from Alternative 9 (the only MCP Build Alternative with occupied burrows), including the Locally Preferred Alternative (Alternative 9 TWS DV), were avoided by minimization of the project footprint.

The project was redesigned to avoid impacts to the Stephens' Kangaroo Rat Reserve, which include reducing the impacts to Los Angeles pocket mouse in the vicinity of Lake Perris, east of the existing Bernasconi Road, by aligning the MCP Build Alternatives as much as possible to the south of habitat suitable for Los Angeles pocket mouse. Also, the realignment of Bernasconi Road near Lake Perris, which is required for the MCP project, was designed in order to avoid a majority of habitat suitable for the Los Angeles pocket mouse. In the vicinity of the MCP/SR-79 interchange, the project was also redesigned to widen Lamb Canyon Road on the west side in order to avoid all impacts to Los Angeles pocket mouse occupied habitat that exists east of the road.

The following measures applicable to all MCP Build Alternatives will be implemented in order to avoid and minimize impacts to sensitive animal species during construction of the MCP project:

- AS-1** Within 30 days prior to ground disturbance, the Riverside County Transportation Commission (RCTC) will conduct focused burrowing owl surveys in accordance with the *Riverside County Environmental Programs Department Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan* (dated Oct 24, 2005), where suitable habitat occurs within the Multiple Species Habitat Conservation Plan (MSHCP) Conservation Area.
- AS-2** Prior to and during construction, the Riverside County Transportation Commission (RCTC) will ensure that take of active burrowing owl nests is avoided. If focused burrowing owl surveys determine that the project site supports burrowing owls, the burrowing owls will be passively relocated. Passive relocation (use of one-way doors and

collapse of burrows) will take place when owls are present outside of the nesting season.

AS-3 Prior to construction, the Riverside County Transportation Commission (RCTC) will obtain a Determination of Biologically Equivalent or Superior Preservation (DBESP) for impacts to Los Angeles pocket mouse near Lake Perris, where 90 percent or more of those portions of the site that provide for the long-term conservation value of Los Angeles pocket mouse cannot be avoided. As part of the DBESP, the RCTC will determine appropriate mitigation that will consist of acquisition of occupied or other suitable habitat off site or participation in an approved habitat mitigation bank. Land to be acquired could be either habitat that is occupied by the Los Angeles pocket mouse and/or could be habitat that is restored or enhanced in order to provide suitable habitat for the Los Angeles pocket mouse.

AS-4 During construction, the Riverside County Transportation Commission (RCTC) will ensure that vegetation clearing is conducted outside nesting season (March 1–September 15). If suitable habitat is present for species protected by the Migratory Bird Treaty Act (MBTA), clearing within nesting season shall be preceded by surveys to ensure that non-listed nesting birds are not taken.