

2.3.4 SPECIAL STATUS ANIMAL SPECIES OCCURRENCES

Based on known regional occurrences and the presence of suitable habitat within the project area, 15 special-status animal species have the potential to occur within the project area. Individual discussions of these species are presented below (there are only 10/15 discussions). These discussions present the extent of known and potential habitat within the project area, potential impacts to these species from the development of the proposed project, recommended measures to avoid, minimize, and mitigate for project related impacts, and a discussion of the cumulative effects the project would have on the continued existence of these species.

AFFECTED ENVIRONMENT: CALIFORNIA LINDERIELLA

Survey Results

California linderiella is recognized by the (USFWS) as a federal species of concern. This species of crustacean occurs in vernal pools and other seasonal wetlands. There are several records of this species occurring within 8.0 km (5.0 miles) of the project site. No surveys have been conducted for this species, although based on the suitability of the vernal pool habitat within the project area, its presence is inferred (see section 2.3.1 Natural Communities for an explanation of “inferred presence”).

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-1 Impacts to the California linderiella habitat identified within the project area are summarized in the table below. Impacts to vernal pool habitat would be the same for all of the alternatives and options identified. Both of the options identified for East Stockton Boulevard would result in impacts to the larger vernal pool and to the smaller and long, linear vernal pool. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

**TABLE 2.3.4-1
SUMMARY OF IMPACTS TO CALIFORNIA LINDERIELLA HABITAT**

Alternative	Option(s)	Impact Hectares (Acres)
2A	E. Stockton Blvd. Option 1	0.097 (0.24)
	E. Stockton Blvd. Option 2	0.097 (0.24)
3A	E. Stockton Blvd. Option 1 W. Stockton Blvd. Option 1	0.097 (0.24)
	E. Stockton Blvd. Option 1 W. Stockton Blvd. Option 2	0.097 (0.24)
	E. Stockton Blvd. Option 2 W. Stockton Blvd. Option 1	0.097 (0.24)
	E. Stockton Blvd. Option 2 W. Stockton Blvd. Option 2	0.097 (0.24)

MITIGATION MEASURES

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

AFFECTED ENVIRONMENT: MIDVALLEY FAIRY SHRIMP

Survey Results

The midvalley fairy shrimp is recognized by the USFWS as a federal species of concern. This species is found in shallow vernal pools and swales in the middle of California’s Central Valley. This species is known to occur within 8.0 km (5.0 miles) of the project area (CNDDDB 2004). No surveys have been conducted for this species, though based on the suitability of the vernal pool habitat within the project area its presence is inferred.

IMPACTS

No Build Alternative Impacts

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

2.3 BIOLOGICAL ENVIRONMENT

Permanent Impacts

Impact 2.3.4-2 Impacts to the midvalley fairy shrimp habitat identified within the project area are summarized in the table **Table 2.3.4-1**. (Because both midvalley fairy shrimp and California linderiella rely on vernal pools for their habitats, the impacts to the midvalley fairy shrimp and California linderiella would be the same.) Impacts to vernal pool habitat would be the same for all of the alternatives and options identified. Both of the options identified for East Stockton Boulevard would result in impacts to the larger vernal pool and to the smaller and long, linear vernal pool. Impacts to the vernal pools would likely result in the pools no longer being viable habitat for listed invertebrate species.

MITIGATION MEASURES

Compensatory mitigation recommended for impacts to wetlands and vernal pools, **MM 2.3.1-1** and **MM 2.3.2-1**, would preserve and create potential habitat for this species within the region.

AFFECTED ENVIRONMENT: CALIFORNIA TIGER SALAMANDER

Survey Results

The California tiger salamander is a state species of special concern and is a federally threatened species in Central California (USFWS 2004). This species requires burrows made by ground squirrels and other burrowing mammals for refuge during the dry months of the year. This species requires large vernal pools and playas for breeding. The nearest known occurrence to the project area is approximately 22.5 km (14 miles) to the south near Galt (CNDDDB 2004). Due to the lack of ground squirrel burrows and the a limited amount other burrows within the project area, the shallowness of the vernal pools, and the distance from the nearest known occurrence, it is unlikely that this species occurs within the project area.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

No impacts to California tiger salamander are anticipated with the implementation of any of the proposed project alternatives.

AFFECTED ENVIRONMENT: WESTERN SPADEFOOT TOAD

Survey Results

The western spadefoot toad is recognized as a species of concern by both the state and federal government. This species spends most of its life underground in burrows that it itself digs or occupies those of burrowing mammals. This species requires vernal pools for breeding. There are no reported occurrences for this species within 8.0 km (5.0 miles) of the project area (CNDDDB 2004). The vernal pool habitat does represent potential breeding habitat for this species, however due the lack of ground squirrel burrows and a limited amount of other observed burrows it is unlikely that this species occurs within the project area.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

No impacts to western spadefoot toad are anticipated with the implementation of any of the proposed project alternatives.

AFFECTED ENVIRONMENT: FERRUGINOUS HAWK

Survey Results

Ferruginous hawks are recognized as a species of concern by the state and federal government. This species migrates to California for the winter in September and returns to its breeding grounds that extend from Oregon into southern Canada, by mid-April (Zeiner et. al 1990a). Rabbits (*Lepus* sp.), ground squirrels (*Spermophilus beecheyi*), and mice are the primary prey consumed by ferruginous hawks. There are no CNDDDB records of Ferruginous hawks occurring within 8.0 km (5.0 miles) of the site (CNDDDB 2004). Additionally, this species was not observed during field reconnaissance. Though the agricultural areas within the project area represent potential though marginal winter foraging habitat for this species, the project area lacks the large, open grassland habitat that this species typically utilizes.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

2.3 BIOLOGICAL ENVIRONMENT

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-3 Though not ideal wintering habitat for Ferruginous hawks, the agricultural/non-native grassland areas do provide some marginal foraging habitat, due to the presence of jackrabbits and field mice. A summary of the potential impacts (i.e. removal of potential foraging habitat) to Ferruginous hawk foraging habitat for each alternative is summarized in the table below.

**TABLE 2.3.4-7
SUMMARY OF IMPACTS TO POTENTIAL FORAGING HABITAT FOR FERRUGINOUS HAWKS**

Alternative	Option(s)	Impact Hectares (Acres)
2A	E. Stockton Blvd. Option 1	4.43 (10.94)
	E. Stockton Blvd. Option 2	5.04 (12.45)
3A	E. Stockton Blvd. Option 1	5.67
	W. Stockton Blvd. Option 1	(14.01)
	E. Stockton Blvd. Option 1	5.34
	W. Stockton Blvd. Option 2	(13.19)
	E. Stockton Blvd. Option 2	6.28
	W. Stockton Blvd. Option 1	(15.52)
	E. Stockton Blvd. Option 2	5.95
	W. Stockton Blvd. Option 2	(14.70)

MITIGATION MEASURES

Compensatory Mitigation

Because this species utilizes similar habitat as the Swainson's hawk for foraging, the mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** recommended for Swainson's hawk in Section 2.3.5 Threatened and Endangered Species would preserve potential winter foraging habitat for this species, as well.

AFFECTED ENVIRONMENT: LOGGERHEAD SHRIKE

Survey Results

Loggerhead shrikes are recognized as species of concern by the state and federal government. This species utilizes open habitats with scattered shrubs and trees, posts, fences, utility lines, and occurs often in open cropland (Zeiner, et al 1990). This species nests from March into May,

building twig nests within the dense foliage of shrubs or trees that conceal the nest. There are no records of loggerhead shrike occurring within 8.0 km (5.0 miles) of the project area (CNDDDB 2003). Additionally, this species was not observed during field reconnaissance. Based on field observations and a review of literature on this species, there is potential foraging habitat for loggerhead shrike in the agricultural/non-native grassland portion of the project area, however the site does not provide suitable nesting habitat.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-4 Though no breeding habitat was identified within the project area for loggerhead shrike, the agricultural/non-native grassland areas do provide some foraging habitat. A summary of the potential impacts to loggerhead shrike foraging habitat for each alternative, which are the same as for the ferruginous hawk, are summarized in **Table 2.3.4-7** above.

MITIGATION MEASURES

Compensatory Mitigation

Because this species utilizes similar habitat as the Swainson's hawk, the mitigation measures **MM 2.3.5-7a** and **MM 2.3.5-7b** recommended for Swainson's hawk in Section 2.3.5, Threatened and Endangered Species, would preserve potential winter foraging habitat for this species, as well.

AFFECTED ENVIRONMENT: MOUNTAIN PLOVER

Survey Results

Mountain plovers are recognized as species of concern by the state and federal governments. This species migrates to California for the winter in September and departs for its breeding grounds in March (Zeiner et. al 1990a). Wintering habitat in the Central Valley includes short grasslands and plowed fields. There are no CNDDDB records of mountain plover within 8.0 km (5.0 miles) of the project area (CNDDDB 2004). The agricultural portions of the project area do not represent ideal wintering habitat for this species. The tall grasses within the agricultural/non-native grasslands and the level of disturbance within and in the vicinity of the project area would preclude the extended usage of this area by flocks of mountain plovers. The project area is not a known wintering site.

2.3 BIOLOGICAL ENVIRONMENT

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

No impacts to the wintering populations of mountain plovers are anticipated as a result of the implementation of any of the proposed project alternatives.

AFFECTED ENVIRONMENT: WESTERN BURROWING OWL

Survey Results

Burrowing owls are recognized as species of concern by the state and federal government. This species is found in short grassland habitats that support suitable burrows used for refuge and nesting. This species is known to occur within 8.0 km (5.0 miles) of the project area (CNDDDB 2004). Because the project area lacks large enough mammal burrows sites and no burrowing owls were observed during the field surveys, it is believed that burrowing owls do not occur within the project area. Nonetheless, burrowing owls are known to occur in the vicinity and thus could potentially move into the project area to nest prior to construction.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-5 While no impacts to this species are anticipated due to the lack of existing suitable habitat within the project area, burrowing owls are known to occur in the vicinity of the project area, and the potential exists for them to move into the project area and nest prior to construction.

MITIGATION MEASURES

Avoidance and Minimization Efforts

Complete avoidance of impacts to burrowing owls would require no disturbance within 49 meters (160 feet) of occupied burrows, no destruction of natural and artificial burrows, and no destruction and/or degradation of foraging habitat within 100 meters (330 feet) of occupied burrows.

MM 2.3.4-5 Though the site is currently not occupied by burrowing owls, preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed.

If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species:

- A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing.
- If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat.
- No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.

AFFECTED ENVIRONMENT: OTHER RAPTORS/MIGRATORY BIRDS

Survey Results

A red-tailed hawk was observed in the southeastern portion of the project area during the December 2000 survey, but not during subsequent surveys, other common raptor species (kites and owls) are known to occur on or in the vicinity of the project. Although the project area is highly disturbed, common raptors likely forage here. Additionally, although no raptor nests were observed during the surveys, the mature eucalyptus trees located between West Stockton and East Stockton Boulevards provide potential nesting habitat for raptor species.

No nesting birds that would be protected by the Migratory Bird Treaty Act (MBTA) were observed within the project area. However, MBTA protected nesting birds may occupy the project area prior to construction.

2.3 BIOLOGICAL ENVIRONMENT

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-6 While no impacts to raptors or other migratory bird species are anticipated due to the lack of existing suitable nesting habitat within the project area, raptors and migratory birds are known to occur in the vicinity of the project area, and the potential exists for raptors and nesting birds to enter the project site and nest before construction begins.

MITIGATION MEASURES

Avoidance and Minimization Efforts

MM 2.3.4-6 If construction is proposed during the bird breeding season (February–August), a focused survey for raptors and other nesting birds shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests or roosts onsite. If active nests or roosts are found, no construction activities shall take place within 152 meters (500 feet) of the nest until the young have fledged. Trees containing nests, or burrows that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to March). If no active nests are found during the focused survey, no further mitigation will be required.

AFFECTED ENVIRONMENT: BAT SPECIES

Bats, including Pacific western big-eared bat, small-footed myotis, and Yuma myotis, are known to occur in the vicinity of the project area. These species are of concern to the California Department of Fish & Game (CDFG). Habitat for bat species consists of foraging habitat, night roosting cover, maternity roost sites, and winter hibernacula. These species forage over open water or land and could use portions of Whitehouse Creek to feed. In general, the CDFG is most concerned about the loss of maternity roosting sites. Although the project area has low potential for this species occurring here, potential habitat for maternity roosts occurs in the abandoned outbuildings throughout the project area and Whitehouse Creek could be utilized for foraging. Thus, these bat species may exist onsite. Surveys for special status bat species have not yet been conducted for the project area.

IMPACTS

No Build Alternative

Under the No Build alternative, special status animal species would not be impacted by implementation of the project because the project would not take place.

Build Alternatives (2A and 3A)

Permanent Impacts

Impact 2.3.4-7 While no impacts to bats are anticipated, the project area has a low potential for bats to occur in the abandoned outbuildings throughout the project area. Implementation of the project has the potential to disturb undiscovered maternity roost sites of special status bats located within abandoned outbuildings within the project area. Bat maternity season is usually from the beginning of April through the end of August.

MITIGATION MEASURES

Avoidance and Minimization Efforts

MM 2.3.4-7 A qualified biologist shall conduct a preconstruction survey for roosting bats within the abandoned outbuildings within the project area. If the survey shows evidence of the presence of bats in the structures, appropriate exclusionary measures shall be implemented to prevent the bats from establishing maternity roosts. If the survey shows evidence of active roosts, then development activities shall not occur within 152 meters (500 feet) of the nests until the young have fledged (usually after the end of August).

CEQA FINDINGS

Impacts to special status animal species may be considered significant if the project would:

- Directly impact a candidate, sensitive, or special status species identified by local or regional plans, policies, or regulations, or by CDFG or USFWS.
- Modify a natural community in such a way that it would result in a substantial adverse effect on candidate, sensitive, or special status species identified by local or regional plans, policies, or regulations, or by CDFG or USFWS.

Project impacts to vernal pools could impact animal species that rely on this type of habitat for survival. The project would also impact grassy areas that could be used by bird and raptor species, either for nesting or foraging. Construction activities could also impact roosting bats that may roost in nearby abandoned buildings. Impacts to special status animal species would be a **potentially significant impact** unless mitigated.

2.3 BIOLOGICAL ENVIRONMENT

MM 2.3.1-1 and **MM 2.3.2-1**, recommended for impacts to vernal pools, would preserve and create habitat for vernal pool species. **MM 2.3.4-5**, **MM 2.3.4-6** **MM 2.3.5-7a**, and **MM 2.3.5-7b**, would mitigate for potential impacts to raptor species. **MM 2.3.4-7** would ensure that bats would not be disturbed by construction activities. With implementation of the proposed mitigation measures the potential harm to special status animal species would be reduced to a **less than significant impact**.