

**Amargosa Road & Palmetto Way Spec. Industrial Project
City of Hesperia, San Bernardino County, California**

APN #: 0405-072-[52, 53, 55]

BIOLOGICAL RESOURCES ASSESSMENT REPORT

Prepared For:

Rachamim 5, LLC
Attention: Mr. Ramin Namvar
6001 E. Slauson Avenue
Commerce, CA 90040
Phone: 213.769.4222
ramin@titaniumfabrics.com

Prepared By:



CASC Engineering and Consulting, Inc.
27710 Jefferson Avenue, Suite 105
Temecula, California 92590
Contact: Kimberly Boydston, Senior Biologist/Project Manager
Phone: 951.216.9933
kboydstun@cascinc.com

October 2022

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City of Hesperia, San Bernardino County, California**

BIOLOGICAL RESOURCES ASSESSMENT REPORT

The undersigned certifies that this Report is a complete and accurate account of the findings and conclusions of a biological resources assessment for the above-referenced project.



Kimberly Boydstun
Senior Biologist/Project Manager

October 2022

Executive Summary

On behalf of Rachamim 5, LLC, CASC Engineering and Consulting (CASC) has prepared this Biological Resources Assessment Report for development of an industrial warehouse on vacant 30.52-acres in the City of Hesperia, San Bernardino County, California. The total Survey Area consisted of 45.61-acres in total [Project Site (30.52-acres) and a 500-foot buffer area]. The Project Site is undeveloped land. Project Impacts will occur on the entire 30.52-acre Project Site. One (1) natural vegetation community, *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance, was observed and mapped within the boundaries of the Survey Area.

Based on the results of focused surveys and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Project Site has a low probability to support ayenia (*Ayenia compacta*) (CRPR 2B.3), Lincoln rockcress (*Boechera lincolnensis*) (CRPR 2B.3), Latimer's woodland-gilia (*Saltugilia latimeri*) (CRPR 1B.2), alkali mariposa-lily (*Calchortus striatus*) (CRPR 1B.2), pygmy poppy (*Canbya candida*) (CRPR 4.2), white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*) (CRPR 1B.2), Booth's evening primrose (*Eremothera boothii* ssp. *boothii*) (CRPR 2B.3), short-joint beavertail (*Opuntia basilaris* var. *brachyclada*) (CRPR 1B.2), and Parish's brittlescale (*Atriplex parishii*) (CRPR 1B.1). Focused surveys were conducted during the appropriate blooming season for each of these species (April – July). None of these special-status species were observed during the focused surveys. These species were absent during the spring/summer focused surveys and are therefore not expected to occur on the Project Site.

Western Joshua tree (State Listed-Candidate Species) was present on the Project Site. The location of fifty-two (52) live trees and seven (7) dead trees were recorded and are presented in this report. Relocation criteria (defined by CDFW) determined that thirty-one (31) of the Western Joshua trees meet the criteria for relocation. If Western Joshua tree can be incorporated into the Project Site landscape or avoided this would help to reduce the mitigation obligation. If avoidance of the Western Joshua Trees cannot be accomplished, then an Incidental Take Permit from CDFW must be acquired for Project development. CDFW will impose appropriate mitigation for “take” or disturbance of these trees.

Western burrowing owl (*Athene cunicularia*, SSC) is a locally significant species within San Bernardino County. Habitat conditions on the Project Site are suitable for burrowing owl. During the habitat assessment several burrows were noted of appropriate size to support this species at the Project Site. Focused surveys were conducted during the breeding season for this species (April, June, July and August 2022). Burrowing owl was absent from the Survey Area at the time of the surveys. No additional scat, pellets, or other sign was observed near the burrows or anywhere within the Survey Area to indicate occupation. As suitable habitat does exist at the Project Site a 14-30 day preconstruction survey for this species is recommended. This will ensure

that burrowing owl have not occupied the site since the focused surveys were conducted during the 2022 breeding season.

The Project Site is within the southern margin of the historical range of the Mohave ground squirrel (*Xerospermophilus mohavensis*, ST). Habitat conditions on the Project Site are suitable for Mohave ground squirrel and it was determined that this species has moderate potential of occurrence. Focused surveys were conducted for this species with a total of three trapping sessions which occurred during April, May, and June 2022. Mohave ground squirrel was not captured during the protocol level sessions and is not expected to occur at the Project Site. Implementation of the Project will not result in the loss of individual Mohave ground squirrel, nor will Project development adversely affect local or regional populations of these species.

The Survey Area has a low potential to support desert tortoise (*Gopherus agassizii*, FE/SE). While suitable habitat is present in the Survey Area, it is outside of the current known range for this species. Further, desert tortoise has not been recorded near the Project Site for many years. The local desert tortoise population has undergone severe declines over time. Focused surveys for desert tortoise were performed during April 2022. During the focused surveys no sign (scat, burrows, etc.) of this species was noted and this species is not expected to occur at the Project Site. Implementation of the Project will not result in the loss of individual desert tortoise, nor will Project development adversely affect local or regional populations of these species.

Finally, there is no U.S. Fish and Wildlife Service-designated critical habitat within the Survey Area, and there are no wetland or non-wetland jurisdictional features on the Project Site.

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LIST OF ACRONYMS AND ABBREVIATIONS

amsl	Above Mean Sea Level
CASC	CASC Engineering and Consulting, Inc.
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CDNPA	California Desert Native Plants Act
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGF	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
°F	Fahrenheit
FESA	Federal Endangered Species Act
ft	Feet
IPaC	Information for Planning and Consultation online system
MCV	Manual of California Vegetation
MBTA	Migratory Bird Treaty Act
NWI	National Wetlands Inventory
Project	Amargosa Road and Palmetto Way Spec. Industrial Project
SSC	Species of Special Concern
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WL	California Department of Fish and Wildlife Watch List Species

Section 1 Introduction

On behalf of Rachamim 5, LLC, CASC Engineering and Consulting (CASC) has prepared this Biological Resources Assessment Report for development of an industrial warehouse on vacant parcels in Hesperia, California. This Report describes the biological resources, record searches and literature review, survey methodology, and results of the biological resources survey and review conducted for the Project.

1.1 PROJECT LOCATION

The Project is located on Palmetto Way, in Hesperia, San Bernardino County, California (Figure 1, Regional Vicinity). The property consists of three parcels, Accessor's Parcel Number: 0405-075-[52, 53,55] US Geological Society (USGS) 7.5-minute *Baldy Mesa SE* Quadrangle (Figure 2, USGS Quadrangle Map), Township 4 north, range 5 west, (latitude *117.3777327°W*, longitude *34.4366696°N*).

1.2 PROJECT BACKGROUND AND DESCRIPTION

Rachamim 5, LLC proposes to construction of a 498,500 square foot Industrial Warehouse Building (Project) with up to 25,000 square feet of office space. The proposed Project will include 76 loading dock doors, 182 truck/trailer parking spaces and 281 auto parking spaces on three (3) parcels consisting of approximately 30.52 undeveloped acres within the City of Hesperia in the Regional Commercial Zone. The parcels are bounded on the north by Avenal Street, south by Palmetto Way, Amargosa Road and Interstate-15 to the east, and open space to the west. Three (3) entrances to the site are provided, one (1) on the east side from Palmetto Way, one (1) from Palmetto Way on the south side of the site, and a proposed third entrance/exit onto Palmetto Way from the truck/trailer parking area at the southwest corner of the site. The facility will be built on spec and will be designed to accommodate 500 to 600 employees; there is no tenant currently attached to the project. Project Site plans are provided in Appendix A, Conceptual Plans.

1.3 PURPOSE OF DOCUMENT

This Report documents all biological resources identified within the Survey Area during general biological resource survey conducted by CASC Biologists. The Survey Area included the Project Site plus a 500-foot buffer. The Survey Area was surveyed to determine the likelihood of State-listed and/or federally-listed rare, threatened, or endangered species, and other special-status¹ plants, animals, and natural communities (Figure 3, Photo Point Location Map). This Report includes an analysis of the potential for the Survey Area to support special-status plant and wildlife

¹ As used in this Report, "special-status" refers to plant and wildlife species that are federally-/State-listed, proposed, or candidates; plant species that have been designated a California Rare Plant Rank species by the California Native Plant Society; wildlife species that are designated by the California Department of Fish and Wildlife as Fully Protected, Species of Special Concern, or Watch List species; and State/locally rare vegetation communities.

species and special-status vegetation communities that have been previously recorded, or are known to occur within the vicinity, and that are subject to provisions of the Federal Endangered Species Act (FESA) of 1973, Migratory Bird Treaty Act (MBTA), California Endangered Species Act (CESA), California Environmental Quality Act (CEQA), California Fish and Game Code (CFGF), California Native Plant Protection Act, California Desert Native Plants Act (CDNPA), Bald and Golden Eagle Protection Act, and other local policies and ordinances protecting biological resources.

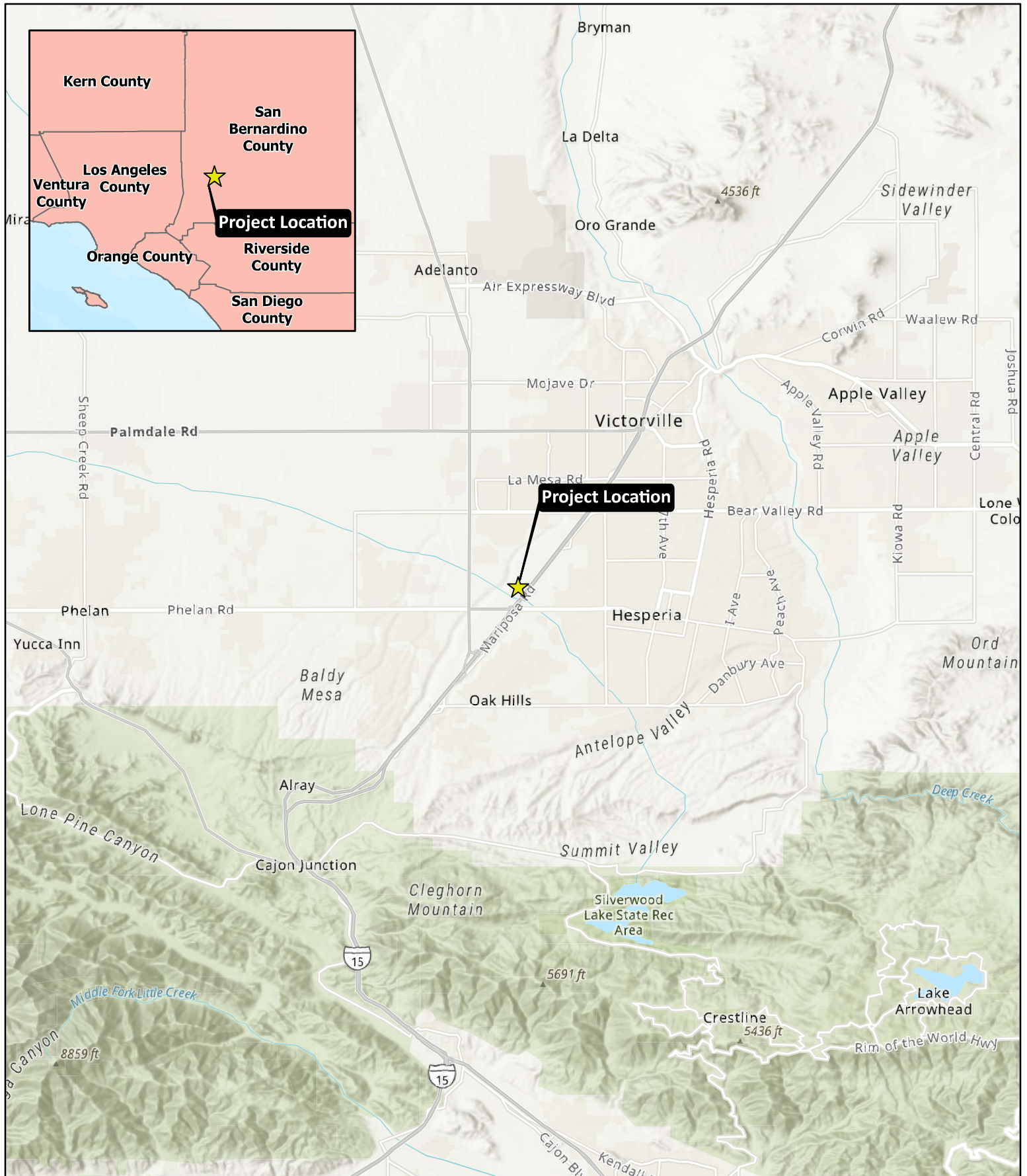
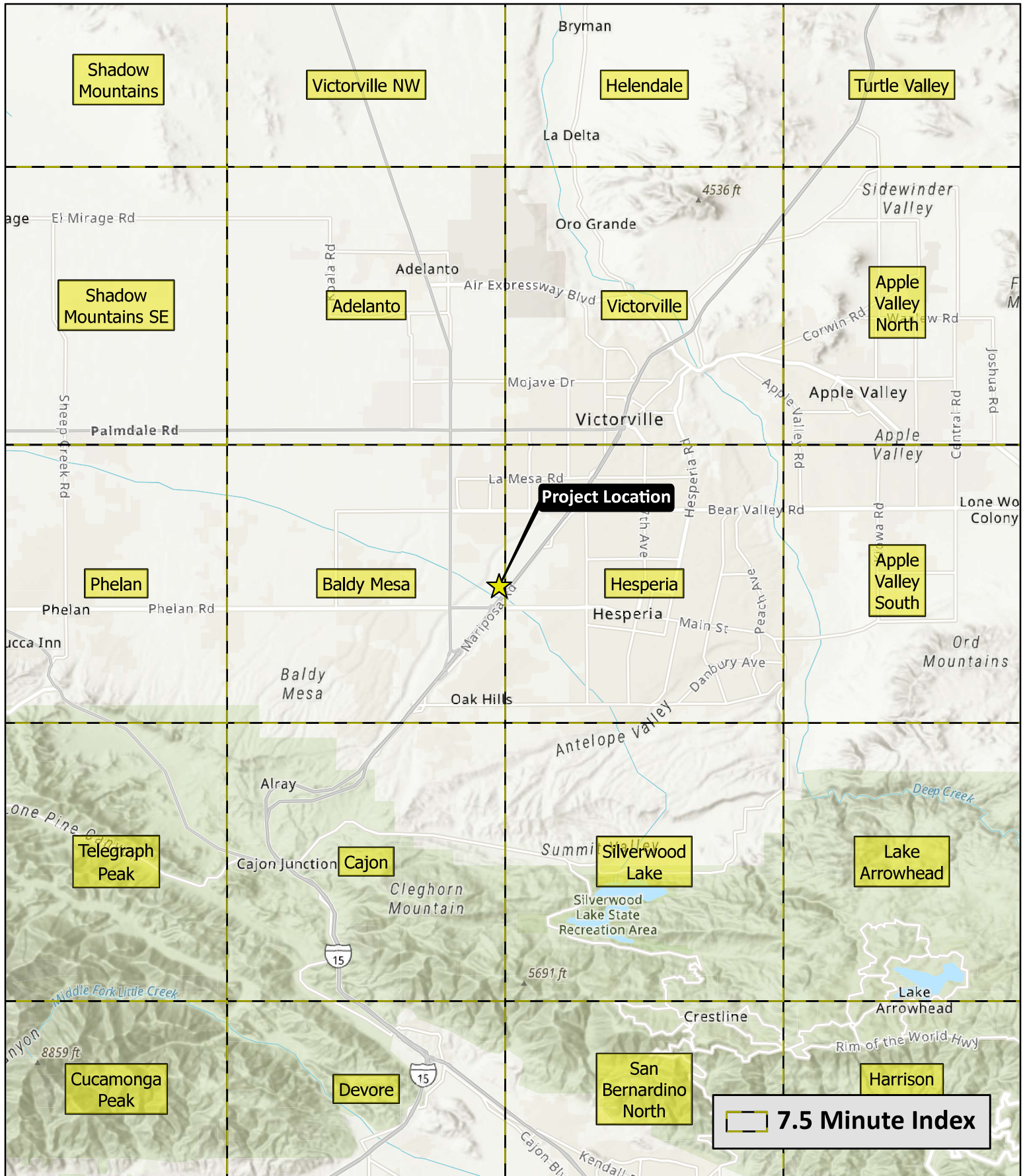


Figure 1
Regional Vicinity

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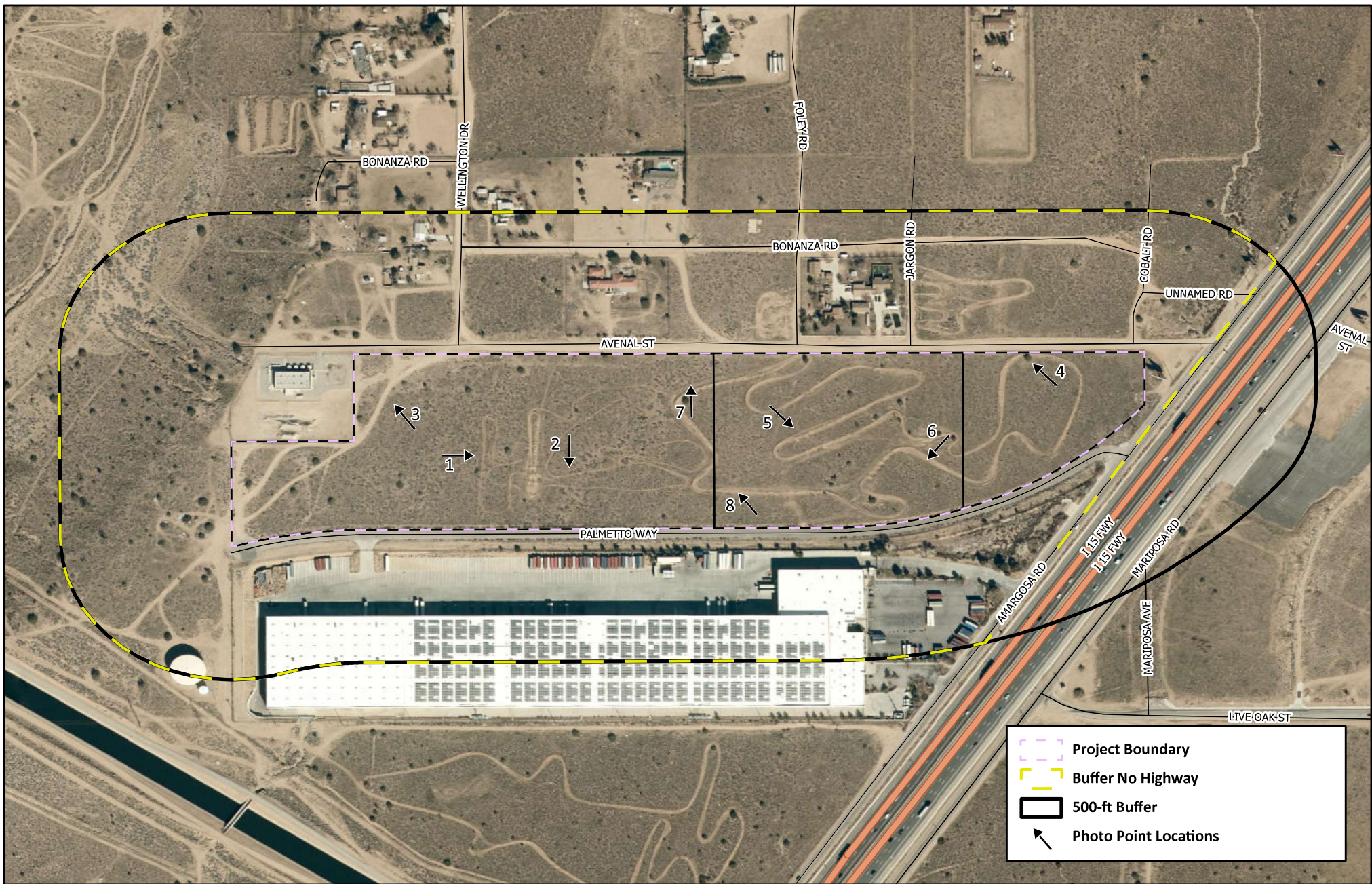


Figure 3
Photo Point Location Map

Section 2 Methodology

2.1 LITERATURE REVIEW AND DATABASE SEARCHES

Prior to conducting the field surveys, CASC conducted a thorough literature review and records search of the Survey Area encompassing a nine (9) quad search of the U.S. Geological Survey (USGS). The Survey Area is located between *Baldy Mesa* quadrangle and *Hesperia* quadrangle (north of the California Aqueduct). A search of the adjacent quadrangles was conducted: *Shadow Mountain SE*, *Adelanto*, *Victorville*, *Phelan*, *Telegraph Peak*, *Cajon*, and *Silverlake Lake*, California. The nine (9) quad search was used for the CDFW Biogeographic Information and Observation System (CDFW 2022a), CDFW California Natural Diversity Database (CNDDb) RareFind 5 (CDFW 2022b), and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants (CNPS 2022). In addition, the Survey Area was used to generate a Species and Resources List from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation online system (IPaC; USFWS 2022a). This helped to identify special-status plant and wildlife species, vegetation communities, and other biological resources that have been previously documented within, near, and/or that have the potential to occur within the Survey Area. The *Special Animals List* (CDFW 2022c), *Special Vascular Plants*, *Bryophytes*, and *Lichens List* (CDFW 2022d), and CNPS California Rare Plant Ranking System (CRPR) were reviewed for the current status of rare and endangered plant and wildlife species. Other resources reviewed include the USFWS Critical Habitat for Threatened & Endangered Species Mapper (USFWS [ArcGIS Online] 2022); recent and historical aerial photography (Google Earth Pro 2022); the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA) Web Soil Survey (USDA 2022a); and USFWS National Wetland Inventory (NWI) Mapper (USFWS 2022b).

2.2 GENERAL BIOLOGICAL RESOURCES SURVEY

Following the literature review, CASC's Biologists Kimberly Boydstun and Cory Peterson, conducted a general biological resources assessment of the entire Survey Area. The Survey Area is defined as the Project Site plus a 500-foot buffer where accessible and shown on Figure 3. Undeveloped property to the west of the Project Site was also inventoried. Properties to the east is Amargosa Road and Interstate 15, to the south is a Palmetto Way and an existing warehouse, to the north is private residences which were fenced. These areas to the north, south, and east were not inventoried. The first site assessment was performed on April 27, 2022, between the hours of 0815 and 1500, with weather conditions consisting of temperatures ranging from 47 to 75 degrees Fahrenheit (°F), winds approximately 2 to 3 miles per hour, and clear skies. The second site assessment was performed on May 2, 2022, between the hours of 1000 to 1330, with weather conditions consisting of temperatures ranging from 68 to 76°F, winds approximately 2-3 miles per hour, and clear skies. The surveys were conducted to document existing site conditions, obtain an inventory of plant and wildlife species, map vegetation communities/land uses, determine the potential for special-status plant and wildlife resources to occur within the

Survey Area, perform a Joshua tree (*Yucca brevifolia*) inventory, and to identify any jurisdictional aquatic features. Representative photographs of the Project Site are provided at the end of this Report in Appendix B, Project Site Photographs. Figure 3, Photo Point Location Map, shows the location and direction each photo was taken.

2.2.1 Vegetation/Land Use Mapping and Plant Species Inventory

Classification of the vegetation communities and other land uses within the Survey Area is based on the descriptions of terrestrial vegetation classification systems described in *A Manual of California Vegetation* (MCV Sawyer et al. 2009) and cross referenced with the *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986). The vegetation on site was classified as *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance. Plant species nomenclature and taxonomy follow *The Jepson Manual: Vascular Plants of California, second edition* (Baldwin et al. 2012). Refer to Appendix C, Plant Compendia for a complete list of plant species observed within the Survey Area.

2.2.2 General Wildlife Observations

Field guides used to assist with identification of species during the habitat assessment included *The Sibley Guide to Birds* (Sibley 2014) for birds, *A Field Guide to Western Reptiles and Amphibians* (Stebbins 2003) for herpetofauna and *A Field Guide to Mammals of North America* (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names of wildlife species in this Report (first reference only). To the extent possible, nomenclature of birds follows the most recent annual supplement of the American Ornithological Union's *Checklist of North American Birds* (Chesser et al. 2020), nomenclature of amphibians and reptiles follows *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding* (Crother 2012), and nomenclature for mammals follows the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014). All wildlife species observed and/or otherwise detected through sign (e.g., tracks, scat) were recorded. Other wildlife species may occupy the Survey Area but, in some cases, may be nocturnal and not easily detectable during the day without extensive survey efforts during the appropriate season. Some species are transients or migrants and may occupy the Survey Area other times of the year outside of the time that the field survey was conducted. Refer to Appendix D, Wildlife Compendia for a complete list of wildlife species observed or otherwise detected within the Survey Area.

2.3 OTHER FIELD STUDIES

A database search of the CDFW's CNDDDB was used to identify and map all known (federally and State Threatened species) locations within one (1) to five (5) miles of the Project Site as well as a comprehensive literature review of available previous biological studies and environmental documents completed for the Project and its vicinity. CASC's Biologists also reviewed USFWS

Critical Habitat documentation to determine the Project's location in relation to Critical Habitat (Figure 4, Critical Habitat) (USFWS [ArcGIS Online] 2022). There is no critical habitat on or within close proximity to the Project Site. CASC's Biologists conducted 100-percent visual coverage of the Survey Area and performed a habitat assessment and burrow search of the Project Site specifically for Western burrowing owl and desert tortoise.

2.3.1 Special-Status Plants

A database search of the CDFW's CNDDDB and the CNPS Online Inventory of Rare and Endangered Plants was used to identify and map rare plant records from a 9-quad search within a five (5) mile radius of the Project Site. Based on the database search and literature review, it was determined that a total of nine (9) special-status plant species have the probability of occurrence in the general range of the Survey Area. Appendix E, CNDDDB Summary Table from California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB) search conducted for the Project.

2.3.2 Special-Status Wildlife

A database search of the CDFW's CNDDDB and RareFind/Bios Online Inventory was used to identify and map wildlife records from a 9-quad search within a five (5) mile radius of the Project Site. Based on the database search and literature review, it was determined that a total of forty-six (46) special-status wildlife species have the probability of occurrence within the general range of the Survey Area. Specific habitat requirements and a records search for each species were considered and it was determined that three (3) species had a high probability of occurrence within the local vicinity of the Project Site. Appendix E, CNDDDB Summary Table search conducted for the Project.

2.3.3 Jurisdictional Features Analysis

CASC conducted a thorough literature review of relevant resources to obtain an initial understanding of the environmental setting and to preliminarily identify features that could be regulated by the jurisdictional agencies. CASC reviewed the USFWS NWI Mapper (USFWS 2022b). Appendix F shows the results of the NWI Mapper search. There are no jurisdictional features on the Project Site.

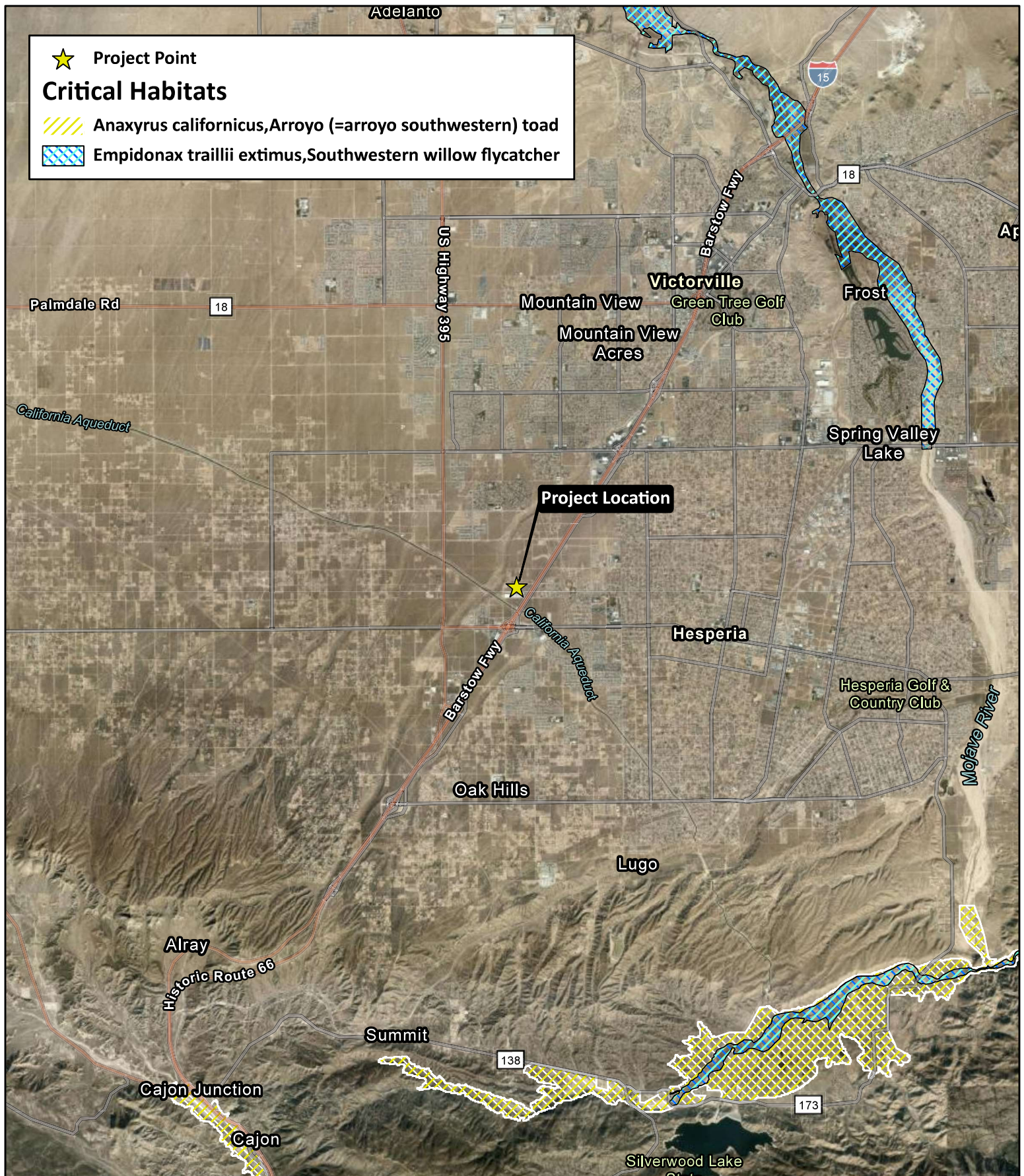


Figure 4
Critical Habitat

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Section 3 Existing Conditions

The following is a summarization of the results of the database review and general biological resources survey performed by CASC. Discussions regarding the general environmental setting, vegetation communities and other land uses present, and plant and wildlife species observed are presented below. Representative photographs of the Project Site are provided in Appendix B, and a complete list of all the plant and wildlife species observed within the Survey Area during the field survey is provided in Appendix C and D, respectively.

3.1 ENVIRONMENTAL SETTING

The Project Site consists of 30.52-undeveloped acres and is located north of Palmetto Way, south of unimproved Avenal Street, and east of Amargosa Road in Hesperia, California. Access to the entire site was unobstructed and the biologists were able to perform a one hundred percent visualization of the Project Site. A large industrial building resides south of the Project Site, to the north along Avenal Street are homes with fenced yards, to the east is Amargosa Road and I-15, and to the west is a fenced utilities yard and open space.

3.1.1 Climate

The Survey Area, located in the high desert, has an arid climate characterized by cool winters and hot summers. With an average annual high temperature typically of approximately 79°F, highs in the summer average approximately 100°F and lows in the winter averaging approximately 4 °F, and low humidity throughout the year. Average annual precipitation for the Hesperia, California, area is approximately 5.06 inches (U.S. Climate Data 2021).

3.2 TOPOGRAPHY AND SOILS

The Survey Area is in a region of San Bernardino County known as the “High Desert” due to its approximate elevation of 3,600 feet above mean sea level (amsl). Much of the Survey Area is relatively flat, with surface elevations varying between approximately 3,468 feet amsl in the southwestern corner to approximately 3,443 feet amsl in the northeastern corner.

Soils within the Survey Area and in adjoining areas were reviewed prior to the field survey using the Web Soil Survey (USDA 2021a) (Figure 5, USDA Soils Map). Mapped soils within the Survey Area include the following:

- Cajon Sand, 0 to 2 Percent Slopes
- Cajon Sand, 2 to 9 Percent Slopes
- Cajon Sand, 9 to 15 Percent Slopes
- Hesperia Loamy Fine Sand, 2 to 5 Percent Slopes

3.3 VEGETATION COMMUNITIES AND OTHER LAND USES

The Project Site is undeveloped and has been disturbed by grading which appears to have been from some time ago as the vegetation is growing back but is of small stature. Impacts will encompass the entire 30.52-acres of the Project Site. The vegetation community within the Survey Area was identified as *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance with dominant species being white bursage (*Ambrosia dumosa*), creosote bush (*Larrea tridentata*) and Mexican tea (*Ephedra trifurca*). Joshua tree (*Yucca brevifolia*) (CDFW Candidate Listed species) is present on the Project Site. A complete list of all species recorded within the Survey Area can be found in Appendices C and D.

CASC's biologists recorded a total of fifty-two (52) live Western Joshua tree within the Project boundary. Seven (7) dead Joshua trees were recorded as it is required by CDFW to record the location of dead trees. Western Joshua tree were also recorded within the Project buffer. GPS was used to record the location of all dead and viable Western Joshua trees on the Project Site (Figure 6, Joshua Tree and Potential Burrow Locations). The Project Site was visited multiple times to perform focused plant and wildlife surveys. During each visit the biologists completed a compendia of plants and wildlife observed. Appendix C and D lists all species observed during the field surveys. Field surveys occurred from April through July of 2022.

3.4 GENERAL WILDLIFE OBSERVATIONS

The Survey Area is dominated by disturbed native vegetation, ruderal species, and friable soils. Wildlife diversity during the field survey was generally low, likely due to the low diversity of the plant assemblage. The commonly observed species within the Survey Area was mourning dove (*Zenaida macroura*) and common raven (*Corvus corax*). Refer to Appendix C for a complete list of wildlife species observed during the field surveys.

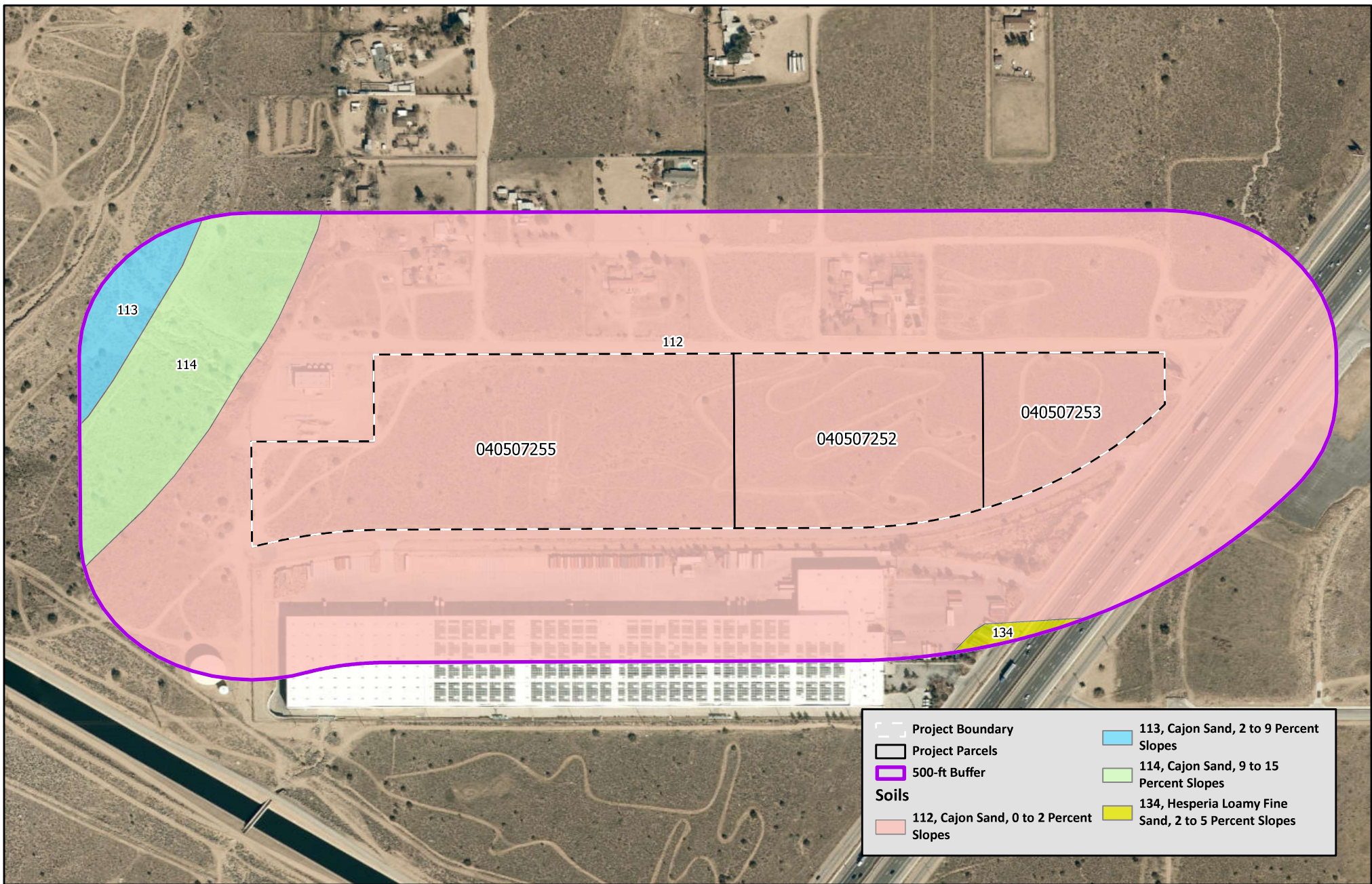


Figure 5
Soils

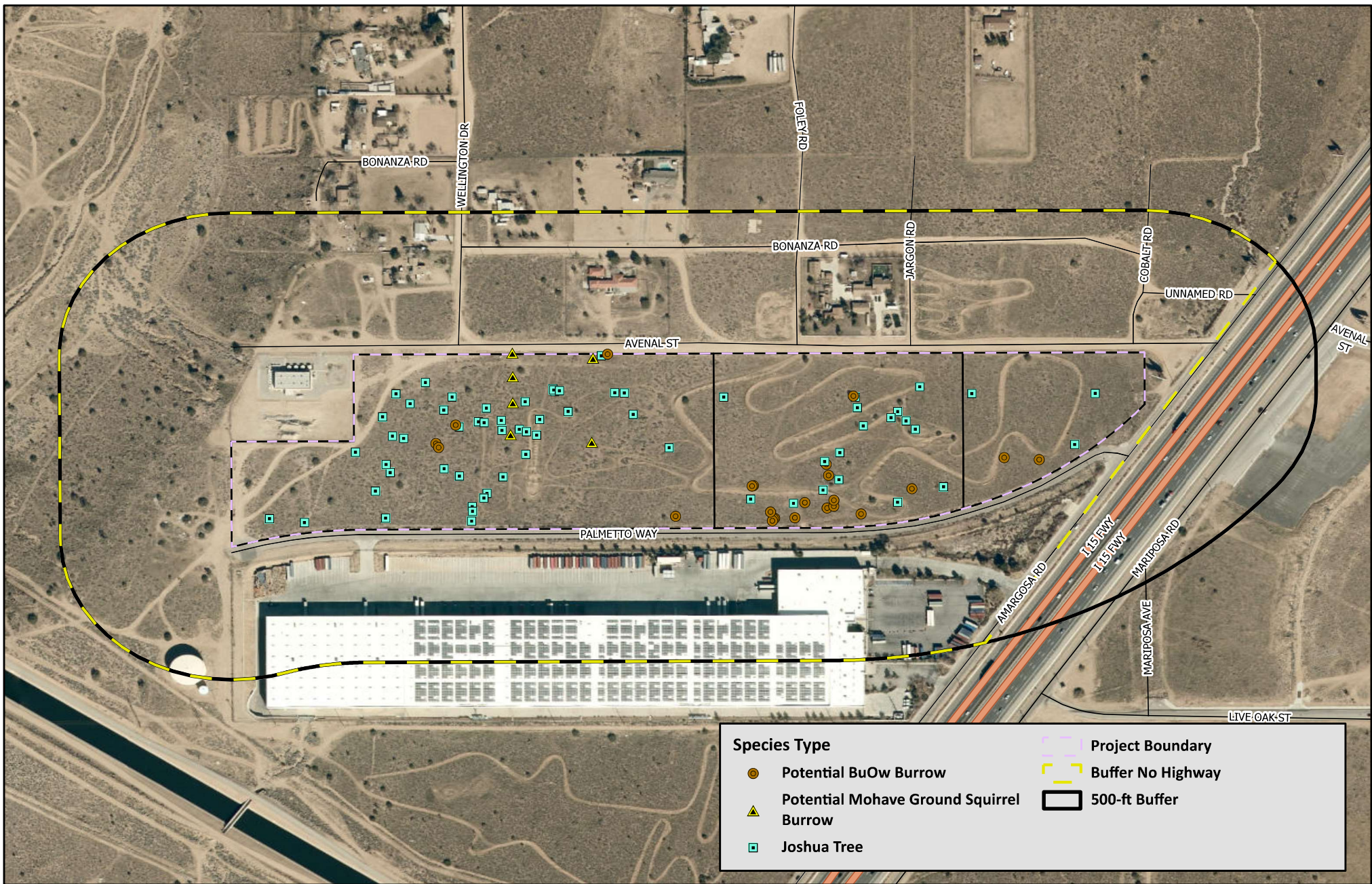


Figure 6
Joshua Tree and Potential Burrow Locations

3.5 REGULATORY SETTING

3.5.1 Federal Regulations

Federal Endangered Species Act (FESA) of 1973

As defined within the FESA of 1973, an endangered species is any animal or plant listed by regulation as being in danger of extinction throughout all, or a significant portion, of its geographical range. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future throughout all or a significant portion of its geographical range. Without a special permit, federal law prohibits the “take” of any individuals or habitat of federally-listed species. Under Section 9 of the FESA, “take” is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” The term “harm” has been clarified to include “any act which actually kills or injures fish or wildlife and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” Enforcement of FESA is administered by the USFWS.

Under the definition used by the FESA, “Critical Habitat” refers to specific areas within the geographical range of a species that were occupied at the time it was listed that contain the physical or biological features that are essential to the survival and eventual recovery of that species and that may require special management considerations or protection, regardless of whether the species is still extant in the area.

Migratory Bird Treaty Act (MBTA)

Pursuant to the MBTA (16 U.S. Government Code [USC] 703) of 1918, as amended in 1972, federal law prohibits the taking of migratory birds or their nests or eggs (16 USC 703; 50 CFR 10, 21). The statute states:

“Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill...any migratory bird, any part, nest, or egg of any such bird...included in the terms of the [Migratory Bird] conventions...”

The Act covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered a “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six (6) families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons

and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

Executive Order 13112 – Invasive Species

On February 3, 1999, President William J. Clinton signed Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm, or harm to human health.” Federal Highway Administration guidance issued August 10, 1999 directs the use of the State’s invasive species list, maintained by the California Invasive Species Council to define the invasive plants that must be considered as part of the NEPA analysis for a proposed project. Under the Executive Order, federal agencies cannot authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless all reasonable measures to minimize risk of harm have been analyzed and considered.

3.5.2 State Regulations

California Environmental Quality Act (CEQA)

CEQA provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” species as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the State of California has its own CESA, enforced by the CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

California Fish and Game Code (CFGC)

Sections 3503, 3503.5, 3511, and 3513

The CDFW administers the CFGC. There are particular sections of the CFGC that are applicable to natural resource management. For example, Section 3503 makes it unlawful to destroy any birds’ nest or any birds’ eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey), such as hawks, eagles, and owls, are protected under Section 3503.5 which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). In addition, Section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Section 4150

Section 4150 of the CFGC protects nongame mammals, defined as any naturally-occurring mammal in California that is not a game mammal, fully protected mammal, or fur-bearing mammal. Nongame mammals, which includes bats and bat roosts, may not be taken or possessed except as provided by the CFGC or in accordance with applicable regulations.

Section 749.11, Title 14, California Code of Regulations

The proposed addition of Section 749.11, Title 14, California Code of Regulations creates a special order allowing incidental take of western Joshua tree during CESA candidacy necessary to address this emergency.

On September 22, 2020, the Commission determined that listing may be warranted pursuant to FGC Section 2074.2. Western Joshua tree became a candidate species under CESA, effective upon publication of the notice of findings on October 9, 2020 (Office of Administrative Law notice number Z2020- 0924-01). Pursuant to FGC Section 2074.6, the Department will undertake a one-year status review. After the Commission receives the Department’s status review, the

Commission will make a final decision on listing. As of October 12, 2022, the final decision by the Commission has been postponed until February 2023.

Statutory Authority

Candidate species are protected from take under CESA pursuant to FGC Section 2085 during the remainder of the CESA listing. Under FGC Section 2084, CESA provides that the Commission may adopt regulations to authorize take of candidate species, based on the best available scientific information, when the take is otherwise consistent with CESA. As with all regulations, the Commission may adopt a regulation under Section 2084 on an emergency basis when it determines that a situation exists which threatens public health and safety or general welfare.

Another means to allow take of CESA candidate species is by Incidental Take Permit (ITP) pursuant to FGC Section 2081, subdivision (b), from the Department. An ITP allows a permittee to take CESA listed or candidate species if such taking is incidental to, and for the purpose of, carrying out an otherwise lawful activity, including for research or monitoring activities of such activity.

Native Plant Protection Act

Sections 1900–1913 of the CFGC were developed to preserve, protect, and enhance Rare and Endangered plants in the State of California. The act requires all State agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Desert Native Plants Act (CDNPA)

Division 23 of the California Food and Agriculture Code consists of the CDNPA. The CDNPA was developed to protect certain species of California desert native plants from unlawful harvesting on both public and privately-owned lands. The CDNPA only applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. Within these counties, the CDNPA prohibits the harvest, transport, sale, or possession of specific native desert plants unless a person has a valid permit or wood receipt, and the required tags and seals. The appropriate permits, tags and seals must be obtained from the sheriff or commissioner of the county where collecting will occur, and the county will charge a fee.

3.5.3 Local Policies and Ordinances

San Bernardino County Countywide Plan

The Conservation Element of the County of San Bernardino General Plan identifies measures to preserve the unique environmental features and natural resources of the desert region, including native wildlife and vegetation. One role of the Conservation Element involves the identification of a community's natural resources and the adoption of policies for their preservation, development, and wise use.

Section 4 Results

The following discusses the potential for special-status plant and wildlife species and special-status vegetation communities to occur within the Survey Area. The CNDDDB and CNPS Online Inventory were queried for reported locations of special-status plant and wildlife species as well as special-status natural vegetation communities within the 9-quad search radius. All CNDDDB occurrences, documentation of special-status species and vegetation communities, and USFWS-designated Critical Habitat within a five (5) mile radius of the Project Site are shown in Figure 4. An evaluation of the potential for each species identified in the database records search to occur within the Survey Area is presented in the following section.

4.1 SPECIAL-STATUS SPECIES

The field survey was conducted to assess the conditions of the habitat(s) within the boundaries of the Survey Area to determine if the existing vegetation communities, at the time of the field survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species. Additionally, the potential for special-status species to occur within the Survey Area was determined based on the reported locations in the CNDDDB and CNPS Online Inventory and the following:

- **Present:** the species was observed or detected within the Survey Area during the field survey.
- **High:** Recent occurrence records indicate that the species has been known to occur on or within one (1) mile of the Survey Area and the Survey Area is within the normal or expected range of this species. Intact, suitable habitat preferred by this species occurs within the Survey Area and/or there is viable landscape connectivity to a local known extant population(s) or sighting(s).
- **Moderate:** Recent occurrence records indicate that the species has been known to occur within one (1) mile of the Survey Area and the Survey Area is within the normal expected range of this species. There is suitable habitat within the Survey Area but the site is ecologically isolated from any local known extant populations or sightings.
- **Low:** Recent occurrence records indicate that the species has been known to occur within 5 miles of the Survey Area, but the Survey Area is outside of the normal expected range of the species and/or there is poor quality or marginal habitat within the Survey Area.
- **Not Expected:** There are no occurrence records of the species occurring within 5 miles of the Survey Area, there is no suitable habitat within the Survey Area, and/or the Survey Area is outside of the normal expected range for the species.
- **Absent:** The species has been determined to conclusively be absent from the Survey Area.

The literature search identified many species having the probability of occurrence on the Project Site. Special-status plant and wildlife species were evaluated for their potential to occur within the Survey Area based on habitat requirements, availability and quality of suitable habitat, and known distributions. After these considerations, the biologists identified nine (9) special-status plant species and three (3) special-status wildlife species as having the highest probability of occurrence. A complete table of special-status species queried for this report can be found in Appendix E, as well as definitions for ranking of each category (Appendix E, page 10).

4.1.1 Special-Status Plant Species

Nine (9) special-status plant species were identified from literature search and local knowledge and familiarity as having potential to occur within the region of the Survey Area. Focused surveys were conducted on April 6, May 26, and July 7, 2022 by senior biologist Philippe Vergne of Envira. Based on the results of focused surveys and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Project Site has a **low** probability to support these species. Additionally, these species were **absent** during the focused surveys. Focused surveys for the following species were performed: ayenia (*Ayenia compacta*) (CRPR 2B.3), Lincoln rockcress (*Boechera lincolnensis*) (CRPR 2B.3), Latimer's woodland-gilia (*Saltugilia latimeri*) (CRPR 1B.2), alkali mariposa-lily (*Calchortus striatus*) (CRPR 1B.2), pygmy poppy (*Canbya candida*) (CRPR 4.2), white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*) (CRPR 1B.2), Booth's evening primrose (*Eremothera boothii* ssp. *boothii*) (CRPR 2B.3), short-joint beavertail (*Opuntia basilaris* var. *brachyclada*) (CRPR 1B.2), and Parish's brittlescale (*Atriplex parishii*) (CRPR 1B.1). None of these special-status species were observed during the field surveys performed nor are they expected to occur at the Project Site. The focused plant survey report completed by Envira can be reviewed in Appendix G. It details the dates, weather conditions and habitat associations considered for each plant species.

CRPR: California Rare Plant Rank

1B.1	Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California
1B.2	Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California
2B.3	Plants rare, threatened, or endangered in California, but more common elsewhere; not very threatened in California
4.2	Plants of limited distribution; fairly threatened in California

Western Joshua Tree Inventory

CASC's biologist performed an inventory of Western Joshua trees (*Yucca brevifolia*, State Listed as Candidate Threatened) and locally sensitive cactus within the Survey Area (Project Site and the 500-foot buffer). Fifty-two (52) live Joshua trees were recorded during the April 27, 2022 site visit. Additionally, seven (7) dead Joshua trees were recorded on the Project Site. Data on Western Joshua tree within the buffer was recorded as required by CDFW but are not presented in Table 1 Western Joshua Tree Inventory. Per CDFW reporting requirements, the Western Joshua trees in Table 1 was photographed, a general health assessment performed (height, branching, clonal, etc.), and GPS location of each tree was noted (Table 1, Western Joshua Tree Inventory). *Solocator* was used to correspond the photographs and GPS locations of the Joshua trees on the Project Site and within the buffer.

Highlighted in blue in Table 1 are those Western Joshua trees deemed appropriate for relocation according to the CDFW criteria (see below, Section 4.1.2 Criteria for Relocation). Highlighted in yellow are the largest and healthiest trees on site. Avoidance or relocation of Western Joshua trees will reduce the mitigation obligation with avoidance being the preferred strategy followed by on-site relocation of Western Joshua trees. Thirty-one (31) of the Western Joshua trees meet the criteria for relocation, the very best specimens can be selected to improve the chances of survival and overall success. If Western Joshua tree can be incorporated into the Project Site landscape or avoided this would help to reduce the mitigation obligation. Avoidance and relocation are highly valued by the California Department of Fish and Wildlife. Table 1 shows the GPS location of all Western Joshua tree on-site, their approximate height and a general health assessment.

Table 1. Western Joshua Tree Inventory

Tree Number	Approx Height inches/foot	Health/Notes	Location/GPS Coordinate	Panicle* (Bloom)
1	4-foot	Good, 2-trunks, clonal	117°38'15"W 34°43'60"N	No
2	4-foot	Good, 1-trunk	117°38'14"W 34°43'59"N	No
3	5-foot	Good; 1-trunk	117°38'11"W 34°43'58"N	No
4	5½-foot	Good; 1-trunk	117°38'03"W 34°43'59"N	No
5	1-foot	Poor, 1-trunk, laying over, yellow	117°38'03"W 34°43'63"N	No
6	3½ -foot	Good; 1-trunk	117°38'03"W 34°43'64"N	No
7	1-foot	Good; 1-trunk	117°38'06"W 34°43'65"N	No
8	Flat on ground	Poor, 1-trunk, yellow	117°38'04"W 34°43'61"N	No
9	2-foot	Poor, 1-trunk, on ground, yellow	117°38'02"W 34°43'67"N	No
10	3½ -foot	Good; 1-trunk	117°38'01"W 34°43'67"N	No
11	5-foot	Good, 1-trunk	117°38'03"W 34°43'69"N	No

12	5-foot and 4½ foot	Good, 2-trunks, clonal	117°38'02"W 34°43'71"N	No
13	4-foot	Good, 1-trunk	117°38'01"W 34°43'70"N	No
14	20-foot	Good, single trunk	117°37'99"W 34°43'72"N	Yes
15	3½-foot 1-foot	Good, 2-trunks; clonal	117°37'97"W 34°43'71"N	No
16	3½-foot 1-foot	Good, 2-trunks, clonal	117°37'98"W 34°43'69"N	No
17	4-foot	Good, 1-trunk	117°37'96"W 34°43'68"N	No
18	3½-foot	Good; 1-trunk	117°37'98"W 34°43'64"N	No
19	5-foot	Good, 1-trunk	117°37'98"W 34°43'63"N	No
20	2-foot 4½-foot	Good, 2-trunks, clonal	117°37'95"W 34°43'60"N	No
21	4½-foot	Good, 1-trunk	117°37'95"W 34°43'59"N	No
22	3-foot	Good, 1-trunk	117°37'95"W 34°43'59"N	No
23	3-foot	Good, 1-trunk	117°37'93"W 34°43'61"N	No
24	6-foot	Good, 1-trunk	117°37'94"W 34°43'61"N	No
25	4-foot	Good, 1-trunk	117°37'92"W 34°43'63"N	No
26	6½-foot	Good, 1-trunk	117°37'94"W 34°43'68"N	No
27	4-foot	Good, 1-trunk	117°37'94"W 34°43'68"N	No
28	3½-foot	Good, 1-trunk	117°37'93"W 34°43'69"N	No
29	2-foot	Good, 1-trunk	117°24'8"W 34°24'48"N	No
30	2-foot	Good, 1-trunk	117°37'92"W 34°43'67"N	No
31	2-foot	Good, 1-trunk	117°37'90"W 34°43'67"N	No
32	3-foot	Good; 1-trunk	117°37'90"W 34°43'65"N	No
33	3½-foot	Good, 1-trunk	117°37'87"W 34°43'71"N	No
34	3½-foot	Good, 1-trunk	117°37'87"W 34°43'71"N	No
35	25-foot	Good, 1-trunk	117°37'82"W 34°43'74"N	Yes
36	2-foot	Good, 1-trunk	117°37'81"W 34°43'71"N	No
37	3-foot	Good, 1-trunk	117°37'80"W 34°43'71"N	No
38	Dead, 15-foot	Dead, laying on ground	117°24'6"W 34°24'49"N	No
39	Dead, 8-foot	Dead, laying on ground	117°37'76"W 34°43'66"N	No
40	Dead, 6-foot	Dead, laying on ground	117°37'70"W 34°43'71"N	No
41	Dead, 10-foot	Dead, laying on ground	117°37'68"W 34°43'61"N	No
42	Dead	Dead	117°37'64"W 34°43'60"N	No
43	15-foot	Good, 1-trunk	117°37'61"W 34°43'62"N	Yes
44	18-foot	Good, 1-trunk	117°37'59"W 34°43'63"N	Yes
45	Dead	Dead	117°37'61"W 34°43'64"N	No
46	12-foot	Good, 1-trunk	117°37'59"W 34°43'65"N	No
47	20-foot	Poor, 1-trunk, dying	117°37'57"W 34°43'68"N	Yes
48	7-foot	Good, 1-trunk	117°37'58"W 34°43'69"N	No
49	1-foot	Good, 1-trunk	117°37'58"W 34°43'70"N	No
50	18-foot	Good, 1-trunk	117°37'54"W 34°43'69"N	Yes

51	8-foot	Good, 1-trunk	117°37'54"W 34°43'69"N	No
52	20-foot	Good, 1-trunk	117°37'52"W 34°43'67"N	Yes
53	4-foot	Good, 1-trunk, leaning	117°37'53"W 34°43'68"N	No
54	4-foot	Poor, 1-trunk, broken crown, yellow	117°37'51"W 34°43'72"N	No
55	4-foot	Good, 1-trunk	117°24'60"W 34°24'46"N	No
56	Dead	Dead	117°37'37"W 34°43'66"N	No
57	1, 2, and 3-foot	Good, 3-trunks, clonal	117°37'35"W 34°43'71"N	No
58	18-foot	Moderate, 1-trunk	117°37'49"W 34°43'62"N	No
59	15-foot	Moderate, 1-trunk, crown broken	117°37'54"W 34°43'60"N	Yes

Blue Highlight: Suitable for relocation according to CDFW parameters.

Yellow Highlight: Largest trees, if possible, preserve in place to reduce mitigation obligation.

***Panicle:** A panicle (bloom/cluster of flowers) is a compound inflorescence, formed by a cluster of racemes on a single axis.

Criteria for Relocation

Each Western Joshua tree was evaluated for suitability of potential relocation and transplanting based on the following criteria which is provided on research completed by California Department of Fish and Wildlife:

- Trees from approximately 2-foot in height to approximately 12-foot.
- No visible sign of damage to the tree such as absence of bark due to rodents, vandalism, etc.
- Tree has minimal number of branches (between 2-3 branches).
- Tree is not excessively leaning.
- Tree does not have yellow or brown fronds.
- Proximity to other Western Joshua trees (i.e., clonal).
- Tree does not have exposed roots at the base.
- Presence of branches with panicles.

4.1.2 Special-Status Wildlife Species

Focused surveys were performed for the three special-status wildlife species that were determined to have the highest probability of occurrence at the Project Site. The results of each of these focused surveys is presented below. The full reports for each species can be found in Appendix G.

Western Burrowing Owl

The Survey Area is within the historic range of Western burrowing owl (*Athene cunicularia*, SSC) and has **high** potential to support this species. During the habitat assessment it was determined that focused surveys should be performed. Western burrowing owl is a locally significant species within San Bernardino County. During the habitat assessment several burrows were noted of appropriate size to support this species at the Project Site. CASC's biologist performed a habitat assessment on April 27 and May 2, 2022 and noted several burrows of appropriate size to support burrowing owl (Figure 6). The biologist walked transects and were able to visually assess 100% of the Project Site. Focused surveys were performed on June 2 and 27, July 20, and August 10, 2022. No scat, pellets, or other sign was observed within the Survey Area during any of the surveys. Refer to Appendix G for the full focused survey report for BuOw.

Mohave Ground Squirrel

The Survey Area is within the historic range of the Mohave ground squirrel (*Xerospermophilus mohavensis*, State Threatened). Its historical range encompasses an area between Antelope Valley and Lucerne Valley, in the south (Gustafson 1993). However, Mohave ground squirrel occurrences in the southern portion of its range are very unusual. The northern limits of the range are near Owens Dry Lake-bed, in the north, and through China Lake Naval Weapons Station and Fort Irwin Military Base in the east (Gustafson 1993). The eastern limit of the species range extends to Barstow and south along the Mojave River. The western limits loosely follow State Highway 14 and the foothills of the southern Sierra Nevada escarpment (Gustafson 1993). Several other common squirrels occur within their range; antelope ground squirrel (*Ammospermophilus leucurus*), round-tailed ground squirrel (*Xerospermophilus tereticaudus*) and the California ground squirrel (*Spermophilus beecheyi*).

Habitat conditions on the Project Site are suitable for Mohave ground squirrel and it was determined during the habitat assessment that this species has **moderate** potential of occurrence. Focused surveys were conducted for this species with a total of three trapping sessions which occurred during April 5-9, May 23-27, and June 14-18, 2022. Mohave ground squirrel was not captured during the protocol level sessions and is not expected to occur at the Project Site. Mohave ground squirrel were not captured in the Project Site or within any census grids during any of the three live trapping sessions. This species is considered **absent** from the Project Site. Only the antelope ground squirrel and California ground squirrel were trapped within the grid. Refer to Appendix G, focused survey report prepared by Phillipe Vergne, Senior Biologist, Envira for the full focused survey report and additional details for this species. Mr. Vergne has a Memorandum of Understanding with CDFW to trap Mohave ground squirrel (SC-002835) and is included in Appendix G.

Desert Tortoise

The desert tortoise (*Gopherus agassizii*, Federal Threatened/State Threatened) is a desert dwelling reptile that occurs throughout the Mojave and Sonoran deserts. It is found in California, Nevada and Utah, occurring in almost every type of habitat except dry lakes or playas, sand dunes and sand sheets and rocky slopes. Habitat is marginal at the Project Site for this species and it was determined that the Survey Area has **low** potential to support desert tortoise. While suitable habitat is present in the Survey Area, it is outside of the current known range for this species. Further, desert tortoise has not been recorded near the Project Site for many years. The local desert tortoise population has undergone severe declines over time. Focused surveys were performed on April 8-9, 2022 by Philippe Vergne, Senior Biologist, Envira. Desert tortoise surveys were conducted according to USFWS protocol by covering the entire project site by walking east to west transects ten meters apart, and the zone of influence. The zone of influence (ZOI) includes parallel transects of 100, 300, 600, 1,200 and 2,400-feet for tortoises. The zone of influence was completed until being bisected by the Canal, fencing, development and private property boundaries. During the focused surveys no sign (scat, burrows, etc.) of this species was noted and this species is not expected to occur at the Project Site. This species is considered **absent** from the Project Site Refer to Appendix G, focused survey report prepared by Phillippe Vergne, Senior Biologist, Envira for the full focused survey report and additional details for this species.

4.2 NESTING BIRDS AND WILDLIFE MOVEMENT

Shrubs and Western Joshua tree located within the Survey Area provide nesting habitat for a number of nesting bird species. Several nests of cactus wren (*Campylorhynchus brumeicapillus*) were found during the site survey. Other avian species with potential to nest on the Project Site included mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), and house finch (*Carpodacus mexicanus*). Turkey vulture (*Cathartes aura*) was also noted during the survey and can utilize the site for foraging and thermoregulation. Black-tailed jackrabbit (*Lepus californicus*) is expected to nest and forage on site. And coyote (*Canis latrans*) was observed foraging as evidenced by the presence of sign (scat and tracks). The site is undeveloped as are the adjacent properties. It is possible that wildlife moves readily throughout the site to access adjacent habitat.

4.3 SPECIAL-STATUS VEGETATION COMMUNITIES

The vegetation community within the Survey Area was identified as *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance with scattered western Joshua trees. Species identified within this community include smoke trees (*Cotinus* sp.), species in the Agavaceae family, mesquite (*Prosopis* sp.), large creosote bushes (*Larrea* sp.), Western Joshua trees, and any other plants are protected by the *State Desert Native Plant Act*. As such, any impacts to these sensitive natural

communities may be considered significant under CEQA and require further mitigation to ensure compliance with the federal, State, and local regulations. These mitigation requirements are typically determined during the CEQA review and approval process. Mitigation to address any potential impacts is discussed below in Section 5.1 Special Status Plant Species/Vegetation Communities.

4.4 REGIONAL CONNECTIVITY

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. The County identifies Wildlife Corridors and Areas of Critical Environmental Concern in their open space element of the General Plan. Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. A wildlife corridor is generally represented by a linear patch of habitat that provides a connection between two core areas of the same habitat, allowing for the large-scale movement of species within their native habitats. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provides corridors for wildlife travel. Wildlife movement corridors are important because they provide access for breeding opportunities, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations.

The Project Site is not identified within the San Bernardino County General Plan as a Wildlife Corridor or Linkage, San Bernardino County Corridor Locations. The County identifies Wildlife Corridors and Areas of Critical Environmental Concern in their open space element of the General Plan. Further, the Project Site is bound on the east by Amargosa Road and I-15, to the south by Palmetto Way and an industrial complex, to the north by Avenal Street and fenced residential housing, leaving only the western project boundary open for wildlife to access the site. Thus, not providing adequate access or cover to provide significant wildlife movement through the site.

4.5 CRITICAL HABITAT

USFWS-designated critical habitats (proposed or final) have not been mapped within the Survey Area. The closest critical habitat is northeast and southeast of Project Site Palms (Figure 4). There is no critical habitat within the near vicinity of the Project Site, therefore, no critical habitat will be impacted by Project development.

4.6 JURISDICTIONAL FEATURES ANALYSIS

Given that the Project Site is located in the arid to semi-arid desert region, the Survey Area was assessed more specifically for ephemeral features (watercourses that flow only during and shortly after precipitation events). There are no blue-line drainages or other jurisdictional features were noted on the Project Site. The National Wetlands Inventory Mapper did not identify any non-

wetlands, wetlands, or other jurisdictional features within the Survey Area. Oro Grande Wash is to the west of the Project Site and the California Aqueduct is to the south. Both of these features are well outside of the 500-foot buffer area. Further, CASC biologists did not note any such features on the Project Site or within the buffer area (Appendix F).

Section 5 Conclusion and Recommendations

CEQA requires Project proponents to analyze and disclose potential environmental impacts associated with Project development. Any potentially significant impact must be mitigated to the extent feasible. CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Impacts to special-status species designated as endangered, threatened, rare, or a candidate species would require disclosure under CEQA. Impacts to SSC species are not considered significant under CEQA and warrant no legal protection but may simply require CEQA disclosure.

The following conclusions and recommendations are intended to provide best management practices for Project development, provide guidance for local, State, and federal guidelines and protect natural resources.

5.1 SPECIAL STATUS PLANT AND VEGETATION COMMUNITIES

Based on the results of the focused surveys and a review of specific habitat preferences, occurrence records, known distributions, focused survey results, and elevation ranges, it was determined that the Project Site is very unlikely to support any special-status plant species other than Western Joshua Tree.

The Western Joshua tree is a candidate species in the initial stages of consideration for listing as threatened under the California Endangered Species Act (CESA) [Office of Administrative Law's Notice ID #Z2019-1112-01 and Z2020-0924-01 Petition to list Western Joshua Tree (*Yucca brevifolia*) as a Threatened Species]. CDFW regulates all “take” of listed or candidate species. In preparation for Project development, an Incidental Take Permit (ITP) application will need to be completed with supporting documentation and an application fee paid to CDFW.

5.1.1 Avoidance and Minimization Measures

The following avoidance and minimization measure is recommended to reduce potential impacts and lessen mitigation obligation for special-status Western Joshua tree woodland to a less than significant level. Mitigation can consist of avoidance, removal, on-site relocation, off-site relocation, and purchase of credits in a CDFW approved mitigation bank. In the instance of relocation of Western Joshua tree, the Project proponent will be responsible for preparation of long-term maintenance, monitoring, watering, and weeding plan to ensure the health of the transplanted tree, the placement of fencing and signage around transplanted trees, and if requested by CDFW, an endowment to maintain the relocated trees. Purchase of credits in a CDFW approved mitigation bank can be an option once bank approval is finalized.

San Bernardino County Countywide Plan Policy NR-5.6 Mitigation Banking supports the proactive assemblage of lands to protect biological resources and facilitate development through private or public mitigation banking. The County does require public and private conservation lands or mitigation banks to ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.

BIO-1: Incidental Take Permit from CDFW

An Incidental Take Permit (ITP) application and supporting documentation shall be submitted to CDFW for review and approval for removal of Western Joshua trees on the Project Site. An ITP establishes a performance standard requiring that the impacts be “minimized and fully mitigated” with “measures that are roughly proportional in extent to the impact of the authorized taking on the species.”² Therefore, additional mitigation measures, such as the purchase of credits from an approved conservation or mitigation bank, land acquisition, or entry into a conservation easement, will be determined in consultation with CDFW to meet ITP requirements. Because the Western Joshua tree was designated as a candidate species in October 2020 and is still subject to a status review by CDFW, it is impractical to determine the specific details of mitigation, beyond compliance with the ITP.

A completed application requires a completed CEQA document to accompany the ITP application and fee. CDFW requires the CEQA document have a state clearing house number, show proof of filing fees, and that the document has been circulated. CDFW will then review the ITP and CEQA document and make a determination of mitigation.

BIO-2: Desert Native Plant Protection and Relocation Plan

A *Desert Native Plant Protection and Relocation Plan* (Plan) for the proposed Project shall be composed that will provide detailed specifications for the proposed treatment, avoidance, or relocation of all smoke trees (*Cotinus* sp.), species in the Agavacea family, mesquite (*Prosopis* sp.), large creosote bushes (*Larrea* sp.), Western Joshua trees, and any other plants protected by the State Desert Native Plant Act. Further, the Protected Desert Plant Plan will provide measures to meet the requirements of Chapter 16.24 of the City of Hesperia’s (City) Municipal Code to protect, preserve, and mitigate impacts to Western Joshua tree. The City’s Protected Plant Policy (HMC 16.24) states the following for commercial and industrial projects:

² Fish & G. Code § 2081(b); Cal. Code Regs., tit. 14, §§ 783.2-783.8

- The Plan shall be certified by an arborist or registered botanist.
- An application and fee shall be completed and paid to the City of Hesperia.
- Healthy, transplantable Western Joshua trees shall be relocated on-site or may be placed in an adoption program.

The *Desert Native Plant Protection and Relocation Plan* will address requirements of the City's Protected Plant Policy and provide details from the initial survey of the site's Western Joshua trees and other sensitive desert plant species, detailed specifications for the protection of trees to be preserved on site, and relocation/salvage requirements for those trees or bushes requiring removal and relocation. Specifically, the Plan will include site location and characteristics; relocation requirements including Western Joshua tree and other sensitive desert plant species report and removal/relocation and transplanting specifics; success criteria and associated necessary fees, protective measures prior to, during and after construction, and maintenance after construction.

5.2 SPECIAL-STATUS WILDLIFE SPECIES

Based on the results of the focused surveys and current site conditions, a review of specific habitat preferences, historical occurrence records, known distributions, and habitat associations, it was determined that Project development will not result in the loss of individual Mohave ground squirrels or desert tortoise, nor will development adversely affect local or regional populations of these species.

Burrowing owl have a high probability of occurrence at the Project Site. While no burrowing owl were observed at the time of the site visit, this species is transient and has the potential to occupy the Project Site prior to development. The following recommendations are provided to ensure that no impacts occur to burrowing owl.

5.2.1 Avoidance and Minimization Measures

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Survey Area has a high potential to support Western burrowing owl (SSC and locally significant within the County of San Bernardino).

To ensure there are no impacts to burrowing owl, it is recommended that a one-day site visit by a qualified biologist be performed within 14-30 days of project construction or ground breaking activities. If burrowing owl are observed at this time CDFW will be contacted to collaborate on methods to remove or discourage owls from occupying the site.

BIO-3: Pre-Construction Western Burrowing Owl Clearance Surveys

In accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), two (2) pre-construction clearance surveys should be conducted 14-30 days and 24 hours prior to any vegetation removal or ground disturbing activities. Once surveys are completed, the qualified biologist shall prepare a final report documenting surveys and findings. If no burrowing owls or occupied burrows are detected, Project construction activities may begin. If an occupied burrow is found within the Project Site during pre-construction clearance surveys, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to the County, which may consult with CDFW for review, prior to initiating Project construction activities.

BIO-4: Passive and Active Relocation of Western Burrowing Owls

If Western burrowing owls are observed on the Project Site during preconstruction surveys, CDFW shall be immediately notified to determine if avoidance of the nest is appropriate until the nest is vacated or to gain concurrence from CDFW on active or passive relocation actions. All passive or relocation activities shall be in concurrence with CDFW guidelines (*Staff Report on Burrowing Owl Mitigation* 2012).

If burrowing owls are present and nesting on-site the following steps shall be necessary to reduce impacts to less than significant. These steps may be augmented by recommendations from CDFW:

- a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that: (1) owls have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- b. A qualified biologist shall exclude all owls from active burrows using one-way doors. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.
- c. Following and 24 to 48-hour observation period, all vacated burrows shall be collapsed.
- d. A qualified biologist shall conduct a post-exclusion survey confirming the absence of burrowing owls on the Project Site. Should newly occupied burrows be discovered on the Project Site the exclusion activities shall be repeated.

5.3 NESTING BIRDS AND WILDLIFE MOVEMENT

The Survey Area is surrounded by undeveloped land to the west, and development land to the north, south, and east. Implementation of the Project will not inhibit wildlife from moving to adjacent open space which surrounds the Project Site to the west. Suitable bird nesting habitat

is present (although limited) throughout the Project Site and buffer area. It is recommended to conduct a one-day site assessment for nesting birds within 7-days of project construction or ground-breaking activities. This can be performed concurrently with the burrowing owl site assessment mentioned above.

5.3.1 Avoidance and Minimization Measures

Pursuant to the MBTA (16 U.S. Government Code [USC] 703) of 1918, as amended in 1972, federal law prohibits the taking of migratory birds or their nests or eggs (16 USC 703; 50 CFR 10, 21). The following avoidance and minimization measure is recommended to reduce potential impacts to nesting birds to a less than significant level.

Impacts to special-status species designated as endangered, threatened, rare, or a candidate species would require disclosure under CEQA. Impacts to SSC species are not considered significant under CEQA and warrant no legal protection but may simply require CEQA disclosure.

BIO-5: Nesting Bird Preconstruction Surveys

If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or directly adjacent to the Project Site. If active nests are located, the extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

5.4 REGIONAL CONNECTIVITY

The Project Site does not serve as a wildlife corridor. Therefore, no impacts to regional connectivity or wildlife corridors will occur due to Project development.

5.5 CRITICAL HABITAT

There is no USFWS-designated critical habitat mapped within the Survey Area. Therefore, no impacts to critical habitat are expected to occur as a result of the Project, and no further recommendations or avoidance and minimization measures are warranted.

5.6 JURISDICTIONAL FEATURES ANALYSIS

There are no wetland, waters, or other jurisdictional features on the Project Site. Therefore, no additional surveys or assessments will be recommended and no impacts to jurisdictional features will occur due to Project development.

5.7 CONCLUSION

To the best of our knowledge, this Report is intended to identify additional needs relating to field studies and possible constraints associated with Project development. All figures and species lists were created specifically for this Project and reflect site conditions at the time of the site assessment and focused surveys. Focused surveys for plants and wildlife were performed for this report and can be found in Appendix G.

Section 6 References

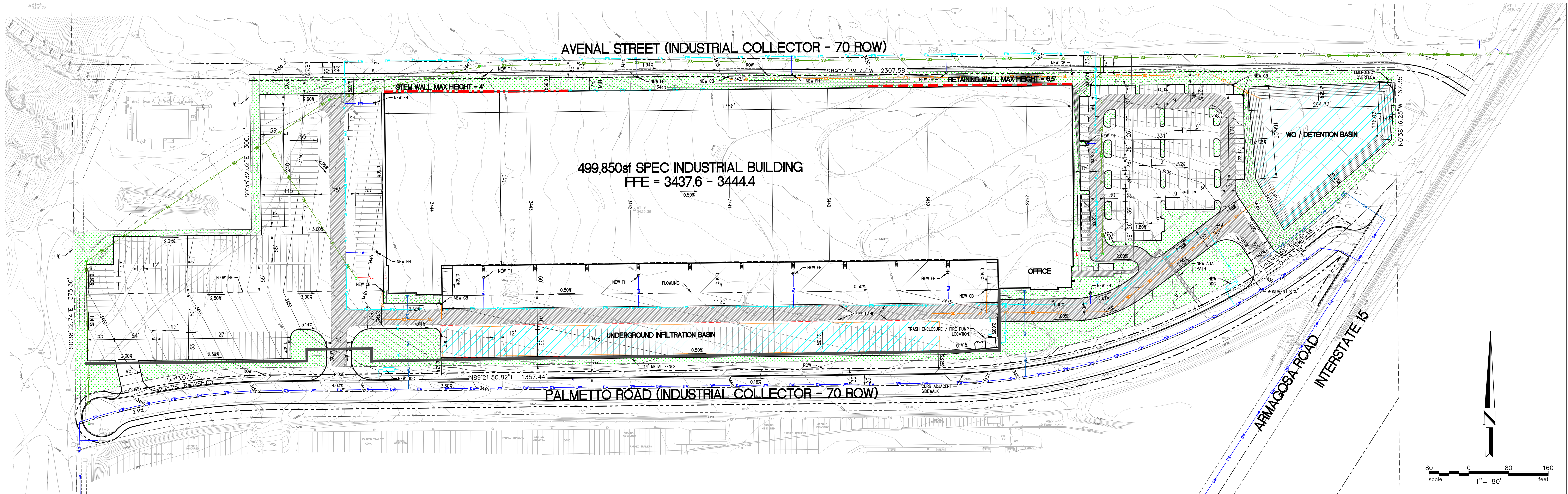
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Appendix A

Conceptual Plans

HESPERIA SPEC INDUSTRIAL
SITE PLAN EXHIBIT
COUNTY OF SAN BERNARDINO



OWNER

RACHAMIN S. LLC
6001 EAST SLAUSSON AVENUE
COMMERCE, CA 90040
TEL: (213) 769-4222 X107

CONTACT: RAMIN NAVBAR

ARCHITECT

RGA
15231 ALTON PARKWAY, SUITE 100
IRVINE, CA 92618
(949) 341-0923

CONTACT: CHRIS SAVAGE

CIVIL ENGINEER

WESTLAND GROUP, INC.
4150 CONCOURS STREET,
SUITE 100
ONTARIO, CA 91764
(909) 403-5647

CONTACT: MATT KUNKLE

UTILITY PURVEYORS

SCE
PO BOX 6400
RANCHO CUCAMONGA, CA
91729
(760) 951-3253
ATTENTION: JERIMON ROMERO

SOUTHWEST GAS CO.
13471 MARIPOSA ROAD
VICTORVILLE, CA
(760) 951-4053
ATTENTION: DIANE REICHEL

VERIZON
16071 MOHAVE DR BLDG A
VICTORVILLE, CA 92395
(800) 483-3000
ATTENTION: CHRIS THORPE

CITY OF HESPERIA, WATER DIST.
9700 SEVENTH AVE
HESPERIA, CA 92345
(760) 947-1417

CITY OF HESPERIA, SEWER
9700 SEVENTH AVE
HESPERIA, CA 92345
(760) 947-1417

CHARTER COMMUNICATIONS
9536 "C" AVE
VICTORVILLE, CA
(866) 499-8080

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF
SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:
PARCELS 3 AND 4 OF PARCEL MAP 14386, IN THE COUNTY OF
SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN
BOOK 181, PAGES 62 AND 63 OF PARCEL MAPS, IN THE OFFICE OF
THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:
PARCEL 2 OF PARCEL MAP 17599, IN THE COUNTY OF SAN
BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN
BOOK 213, PAGES 54 AND 55 OF PARCEL MAPS, IN THE OFFICE OF
THE COUNTY RECORDER OF SAID COUNTY.

APN 0405-072-52-0-000; 0405-072-53-0-000;
0405-072-55-0-000

PROJECT EARTHWORK DATA

2D GRADING AREA: 170,140 SQ.YD.

CUT: 95,800 CY

FILL: 96,100 CY

NET: 300 CY

NOTE: ALL QUANTITIES ARE UNADJUSTED

EASEMENT NOTES

ITEM A, B & C PERTAIN TO TAX MATTERS

- WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT
DISCLOSED BY THE PUBLIC RECORDS.
BLANKET IN NATURE, CAN NOT BE PLOTTED.
- EASEMENT(S) IN FAVOR OF THE PUBLIC OVER ANY EXISTING ROADS
LYING WITHIN SAID LAND.
BLANKET IN NATURE, CAN NOT BE PLOTTED.
- THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF
ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY
ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY
THE DOCUMENT.
RECORDING DATE: DECEMBER 31, 1948
RECORDING NO: IN BOOK 2342, PAGE 152 OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
DOES NOT AFFECT SUBJECT PROPERTY.
- THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF
ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY
ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY
THE DOCUMENT.
RECORDING DATE: MAY 10, 1961
RECORDING NO: IN BOOK 5426, PAGE 35 OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
DOES NOT AFFECT SUBJECT PROPERTY.
- WAIVER OF ANY CLAIMS FOR DAMAGES TO SAID LAND BY REASON
OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE
OF THE STREET OR HIGHWAY ADJOINING SAID LAND, AS CONTAINED
IN THE DEED TO COUNTY/CITY/STATE: STATE OF CALIFORNIA
RECORDING DATE: MAY 10, 1961
RECORDING NO: IN BOOK 5426, PAGE 35 OFFICIAL RECORDS
DOES NOT AFFECT SUBJECT PROPERTY.
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS
INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
DISCLOSED BY: NOTICE OF LIS PENDENS
CASE NO: 144429
COURT: SUPERIOR COURT
PURPOSE: WATER PIPELINE SYSTEM
RECORDING DATE: MAY 17, 1971
RECORDING NO: IN BOOK 7669, PAGE 97 OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS
INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: PUBLIC UTILITIES AND ACCESS
RECORDING DATE: MARCH 13, 1987
RECORDING NO: AS INSTRUMENT NO. 1987-081745 OFFICIAL
RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
DOES NOT AFFECT SUBJECT PROPERTY.

EASEMENT NOTES (CONTINUED)

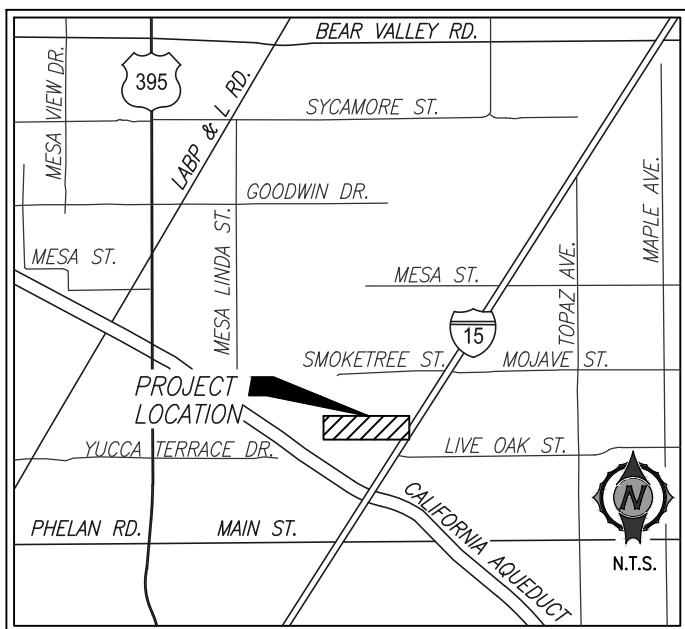
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS
INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: HESPERIA WATER DISTRICT
PURPOSE: PIPELINE(S) AND PUBLIC PURPOSES AND INGRESS AND
EGRESS
RECORDING DATE: AUGUST 11, 1992
RECORDING NO: AS INSTRUMENT NO. 1992-333349 OFFICIAL
RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
- THE LAND DESCRIBED HEREIN IS INCLUDED WITHIN A PROJECT AREA
OF THE REDEVELOPMENT AGENCY SHOWN BELOW, AND THAT
PROCEEDINGS FOR THE REDEVELOPMENT OF SAID PROJECT HAVE
BEEN INSTITUTED UNDER THE REDEVELOPMENT LAW (SUCH
REDEVELOPMENT TO PROCEED ONLY AFTER THE ADOPTION OF THE
REDEVELOPMENT PLAN) AS DISCLOSED BY A DOCUMENT
REDEVELOPMENT AGENCY: HESPERIA COMMUNITY REDEVELOPMENT
AGENCY
RECORDING DATE: JULY 21, 1993
RECORDING NO: AS INSTRUMENT NO. 1993-310136 OFFICIAL
RECORDS
AND RECORDING DATE: DECEMBER 03, 2007
AND RECORDING NO: AS INSTRUMENT NO. 2007-0676018 OFFICIAL
RECORDS
BLANKET IN NATURE, CAN NOT BE PLOTTED.
- VARIOUS MATTERS INCLUDING, BUT NOT LIMITED TO, REQUIREMENTS
FOR DEVELOPING OR IMPROVING THE LAND, PROPOSED EASEMENTS,
COVENANTS, CONDITIONS, RESTRICTIONS AND PROVISIONS SET FORTH
ON PARCEL MAP 14386, IN BOOK 181, PAGES 62 AND 63 OF
PARCEL MAPS.
REFER TO ITEMS 8 & 12.
- AGREEMENT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS
RECORDING DATE: FEBRUARY 07, 1997
RECORDING NO: AS INSTRUMENT NO. 19970044707 OFFICIAL
RECORDS
BLANKET IN NATURE, CAN NOT BE PLOTTED
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS
INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: OVERHEAD ELECTRICAL SUPPLY SYSTEMS AND
COMMUNICATION SYSTEMS AND APPURTENANCES
RECORDING DATE: NOVEMBER 01, 2006
RECORDING NO: AS INSTRUMENT NO. 2006-0746828 OFFICIAL
RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY
DESCRIBED IN SAID DOCUMENT
- ITEM 13 THROUGH 19 PERTAIN TO TITLE MATTERS

LEGEND

DOMESTIC WATER LINE	DW
SANITARY SEWER	SS
FIRE WATER LINE	FW
STORM DRAIN LINE	SD
FIRE HYDRANT	↑
STREET LIGHT	⬆
PROPERTY LINE	---
LANDSCAPE	~~~~~
SEWER LATERAL	---
RETAINING WALL	---
STEM WALL	---
INFILTRATION BASIN	---
NEW SIDEWALK	---
FIRE LANE	---

PROJECT SITE DATA

APPROX. NET INDUSTRIAL SITE AREA:	1,329,521 SF / 30.52 AC
BUILDING AREA:	499,850 SF
COVERAGE:	37.6 %
F.A.R.	0.376
AUTO PARKING REQUIRED: 10,000 SF OFFICE @ 3.33 / 1000 SF 489,720 SF WAREHOUSE: 20+0.4/1000 0/10K SF TOTAL	33 STALLS 212 STALLS 245 STALLS
PARKING PROVIDED: STANDARD STALLS ACCESSIBLE STALLS TOTAL STALLS PROVIDED	244 STALLS 7 STALLS 251 STALLS
DOCK LOADING POSITIONS	72 DOCKS
TRAILER PARKING STALLS	256 TRAILERS
LANDSCAPE PROVIDED	255,000 SF / 19.1 %



VICINITY MAP
N.T.S

WestLAND
Group, Inc.

Land Surveyors • Civil Engineers • GIS
14150 Concours Street Suite 100, Ontario, CA 91764
Phone: (909) 989-9789 Fax: (909) 989-9660

CITY OF HESPERIA
SPEC INDUSTRIAL

SITE PLAN EXHIBIT

DRAWN BY:
LG
DESIGNED BY:
MK
CHECKED BY:
MK

SCALE:
1" = 80'
DATE:
JULY 2022
SHEET NO:
1 OF 1

Appendix B

Representative Site Photographs



Photograph 1. Looking East across Project Site.



Photograph 2. Looking South at existing building which is off-site.



Photograph 3. Looking Northwest at adjacent off-site utilities.



Photograph 4. Looking Northwest.



Photograph 5. Looking Southeast.



Photograph 6. Looking Southwest.



Photograph 7. Looking North.



Photograph 8. Looking Northeast. This is the largest Joshua tree on the Project Site. Avenal Street is in the background.

Appendix C

Plant Compendia

APPENDIX C

Plant Compendia

The following vascular plant species were observed by CASC at the Palmetto Way Industrial Spec Project Site in Hesperia, California during April – July 2022.

*Indicates introduced nonnative species

SPECIES/SCIENTIFIC NAME	FAMILY/COMMON NAME
ANGIOSPERMAE	FLOWERING PLANTS
<i>ASTERACEAE (COMPOSITAE)</i>	<i>SUNFLOWER FAMILY</i>
<i>Ambrosia dumosa</i>	common burrobrush
<i>Ambrosia salsola</i>	cheesebrush
<i>Artemisia tridentata</i>	sagebrush
<i>Chaenactis fremontii</i>	Fremont's pincushion
<i>Ericamaria nauseosa</i>	rubber rabbitbush
<i>Eriophyllum conferitflorum</i>	golden yarrow
<i>Geraea canescens</i>	desert sunflower
<i>Gutierrezia microcephala</i>	sticky snakeweed
<i>Stephanomeria pauciflora</i>	desert wirelettuce
<i>Tetradymia axillaris</i>	cottonthorn
<i>BORAGINACEAE</i>	<i>BORAGE FAMILY</i>
<i>Amsinckia intermedia</i>	common fiddleneck
<i>Amsinckia retrorsa</i>	rigid fiddleneck
<i>BRASSICACEAE</i>	<i>MUSTARD FAMILY</i>
<i>Hirschfeldia incana</i> *	shortpod mustard
<i>CACTACEAE</i>	<i>CACTUS FAMILY</i>
<i>Cylindropuntia echinocarpa</i>	silver cholla
<i>CHENOPODIACEAE</i>	<i>GOOSEFOOT FAMILY</i>
<i>Atriplex canescens</i>	hoary saltbush
<i>Grayia sinosa</i>	hop sage
<i>Suaeda nigra</i>	bush seepweed
<i>CUPRESSACEAE</i>	<i>CYPRESS FAMILY</i>
<i>Juniperus californica</i>	California juniper

SPECIES/SCIENTIFIC NAME	FAMILY/COMMON NAME
<i>EPHEDRACEAE</i>	<i>EPHEDRA FAMILY</i>
<i>Ephedra californica</i>	desert tea
<i>GERANIACEAE</i>	<i>GERANIUM FAMILY</i>
<i>Erodium cicutarium*</i>	long-beaked filaree
<i>LAMIACEAE (LABIATAE)</i>	<i>MINT FAMILY</i>
<i>Salvia dorrii</i>	desert sage
<i>LILIACEAE</i>	<i>LILY FAMILY</i>
<i>Yucca brevifolia</i>	Joshua tree
<i>NYCTAGINACEAE</i>	<i>NIGHTSHADE FAMILY</i>
<i>Mirabilis laevis</i>	desert wishbone bush
<i>ONAGRACEAE</i>	<i>SUNCUP FAMILY</i>
<i>Eremothera boothii</i>	Booth's suncup
<i>PLANTAGINACEAE</i>	<i>PLANTAIN FAMILY</i>
<i>Plantago ovata</i>	desert plantain
<i>POLYGONACEAE</i>	<i>BUCKWHEAT FAMILY</i>
<i>Eriogonum plumatella</i>	flatopped buckwheat
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Eriogonum wrightii</i>	bastard sage
<i>PRIMULACEAE</i>	<i>PRIMROSE FAMILY</i>
<i>Eremothera boothii ssp. decorticans</i>	desert shredding primrose
<i>RHAMNACEAE</i>	<i>BUCKTHORN FAMILY</i>
<i>Ceanothus leucodermis</i>	chaparral whitethorn
<i>ROSEACEAE</i>	<i>ROSE FAMILY</i>
<i>Purshia tridentata</i>	antelope bitterbrush
<i>SOLANACEAE</i>	<i>NIGHTSHADE FAMILY</i>
<i>Lycium cooperii</i>	Cooper's box-thorn
<i>ZYGOPHULLACEAE</i>	<i>CALTROP FAMILY</i>
<i>Larrea tridentata</i>	creosote bush
MONOCOTYLEDONES	MONOCOTS
<i>POACEAE</i>	<i>GRASS FAMILY</i>
<i>Bromus rubens*</i>	red brome
<i>Bromus tectorum</i>	cheat grass
<i>Poa secunda *</i>	perennial bluegrass

Schismus barbatus

Mediterranean grass

Floral compendia identified during surveys were recorded in terms of relative abundance and host habitat type. Floral taxonomy used in this report follows the *Jepson Manual* (Hickman 1993) and for sensitive species, the *California Native Plant Society Rare Plant Inventory*, 5th Edition (Pavlik and Skinner 1994). Additional common plant names are taken from Munz (1974) and Sawyer and Keeler-Wolf (2009)

Appendix D

Wildlife Compendia

APPENDIX D

Wildlife Compendia

The following is a list of wildlife species recorded by CASC at the Palmetto Way Industrial Spec Project Site in Hesperia, California April – July 2022. Presence may be noted if a species is seen or hears, or identified by the presence of tracks, scat, or other sign.

*Indicates introduced nonnative species

SPECIES/SCIENTIFIC NAME	COMMON NAME
REPTILIA	REPTILES
<i>IGUANIDAE</i>	<i>IGUANID LIZARDS</i>
<i>Uta stansburiana</i>	side-blotched Lizard
<i>Aspidoscelis tigris tigris</i>	basin whiptail
<i>Xantusia vigilis</i>	desert night lizard
AVES	BIRDS
<i>COLUMBIDAE</i>	<i>PIGEONS AND DOVES</i>
<i>Zenaida macroura</i>	mourning dove
<i>CORVIDAE</i>	<i>CROWS AND RAVENS</i>
<i>Corvus brachyrhunchos</i>	American crow
<i>Corvus corax</i>	common raven
<i>TROGLODYTIDAE</i>	<i>WRENS</i>
<i>Campylorhynchus brumeicapillus</i>	cactus wren
<i>FRINGILLIDAE</i>	<i>FINCHES</i>
<i>Eremophila alpestris</i>	horned lark
<i>LANIIDAE</i>	<i>SHRIKES</i>
<i>Lanius ludovicianus</i>	loggerhead shrike
<i>TYTONIDAE</i>	<i>OWLS</i>
<i>Tyto alba</i>	barn owl
MAMMALIA	MAMMALS
<i>LEPORIDAE</i>	<i>RABBITS AND HARES</i>
<i>Lepus californicus</i>	black-tailed jackrabbit
<i>CANIDAE</i>	<i>DOGS, FOXES, AND ALLIES</i>
<i>Canis latrans</i>	coyote (scat and tracks)
<i>SCIURIDAE</i>	<i>SQUIRREL FAMILY</i>
<i>Ammospermophilus leucurus</i>	White-tailed antelope squirrel
<i>HETEROMYIDAE</i>	<i>K-RAT, K-MICE, POCKET MICE FAMILY</i>
<i>Dipodomys sp.</i>	kangaroo rat

Taxonomy and nomenclature follows Beher (1998) and Laudenslayer et.al. (1991. A checklist of the amphibians, reptiles, birds, and mammals of California. California Fish and Game 77:109-141.), Sibley (2000) and the American Ornithologists' Union (1998. The A.O.U. Checklist of North American Birds, 7th Ed. American Ornithologists' Union, Washington D.C.

Appendix E

CNDDDB Summary Table and BIOS



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad< IS (Baldy Mesa (3411744) OR Hesperia (3411743) OR Shadow Mountains SE (3411755) OR Adelanto (3411754) OR Victorville (3411753) OR Phelan (3411745) OR Telegraph Peak (3411735) OR Cajon (3411734) OR Silverwood Lake (3411733))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Accipiter cooperii</i> Cooper's hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	2,860 3,361	118 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Agelaius tricolor</i> tricolored blackbird	G1G2 S1S2	None Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	2,665 2,665	955 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Anaxyrus californicus</i> arroyo toad	G2G3 S2S3	Endangered None	CDFW_SSC-Species of Special Concern IUCN_EN-Endangered	2,530 3,590	139 S:14	5	2	0	0	0	7	5	9	14	0	0
<i>Antrozous pallidus</i> pallid bat	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	2,820 2,820	420 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Aquila chrysaetos</i> golden eagle	G5 S3	None None	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected CDFW_WL-Watch List IUCN_LC-Least Concern	2,760 2,760	325 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Artemisiospiza belli belli</i> Bell's sage sparrow	G5T2T3 S3	None None	CDFW_WL-Watch List	2,782 2,782	61 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Asclepias nyctaginifolia</i> Mojave milkweed	G4? S2	None None	Rare Plant Rank - 2B.1		67 S:1	0	0	0	0	0	1	1	0	1	0	0



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California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Asio otus</i> long-eared owl	G5 S3?	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	3,220 3,880	56 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	G5T5 S3	None None	CDFW_SSC-Species of Special Concern	2,767 2,767	148 S:1	0	0	1	0	0	0	0	1	1	0	0
<i>Astragalus lentiginosus var. antonius</i> San Antonio milk-vetch	G5T2 S2	None None	Rare Plant Rank - 1B.3 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture USFS_S-Sensitive	5,000 6,200	12 S:3	0	1	0	0	0	2	1	2	3	0	0
<i>Athene cunicularia</i> burrowing owl	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	100 3,700	2011 S:39	1	15	13	6	2	2	4	35	37	1	1
<i>Batrachoseps gabrieli</i> San Gabriel slender salamander	G2G3 S2S3	None None	IUCN_DD-Data Deficient USFS_S-Sensitive	3,600 4,200	8 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Bombus crotchii</i> Crotch bumble bee	G2 S1S2	None None		3,000 6,000	437 S:6	0	0	0	0	0	6	6	0	6	0	0
<i>Botrychium ascendens</i> upswept moonwort	G3 S2	None None	Rare Plant Rank - 2B.3 USFS_S-Sensitive	7,000 7,000	53 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Botrychium crenulatum</i> scalloped moonwort	G4 S3	None None	Rare Plant Rank - 2B.2 USFS_S-Sensitive	7,000 7,000	155 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Buteo swainsoni</i> Swainson's hawk	G5 S3	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern	880 2,700	2548 S:2	0	0	0	0	2	0	2	0	0	2	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Calochortus palmeri</i> var. <i>palmeri</i> Palmer's mariposa-lily	G3T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_SBBG-Santa Barbara Botanic Garden USFS_S-Sensitive	3,200 3,800	111 S:4	0	0	0	0	0	4	2	2	4	0	0
<i>Calochortus plummerae</i> Plummer's mariposa-lily	G4 S4	None None	Rare Plant Rank - 4.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	2,780 5,900	230 S:17	0	3	3	1	0	10	6	11	17	0	0
<i>Canbya candida</i> white pygmy-poppy	G3G4 S3S4	None None	Rare Plant Rank - 4.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	2,700 3,900	30 S:6	0	0	0	0	0	6	6	0	6	0	0
<i>Castilleja lasiorhyncha</i> San Bernardino Mountains owl's-clover	G2? S2?	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	3,750 3,750	46 S:2	0	0	1	0	0	1	2	0	2	0	0
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	G5T3T4 S3S4	None None	CDFW_SSC-Species of Special Concern	2,700 2,700	79 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Charina umbratica</i> southern rubber boa	G2G3 S2S3	None Threatened	USFS_S-Sensitive	5,000 5,000	74 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Chorizanthe xanti</i> var. <i>leucotheca</i> white-bracted spineflower	G4T3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture USFS_S-Sensitive	2,435 5,500	59 S:5	2	0	0	0	0	3	2	3	5	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Claytonia peirsonii</i> ssp. <i>peirsonii</i> Peirson's spring beauty	G2G3T2 S2	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	8,000 8,380	9 S:3	0	3	0	0	0	0	1	2	3	0	0
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	G5T2T3 S1	Threatened Endangered	BLM_S-Sensitive NABCI_RWL-Red Watch List USFS_S-Sensitive	2,800 2,800	165 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	2,630 2,630	635 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Deinandra mohavensis</i> Mojave tarplant	G2 S3	None Endangered	Rare Plant Rank - 1B.3 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	3,100 3,189	84 S:2	0	0	0	0	0	2	0	2	2	0	0
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	G5T2T3 S2?	None None	USFS_S-Sensitive	3,498 3,647	14 S:2	2	0	0	0	0	0	0	2	2	0	0
<i>Diplacus mohavensis</i> Mojave monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	2,800 3,500	61 S:2	0	1	0	0	0	1	2	0	2	0	0
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	G5T2 S1	Endangered Endangered	NABCI_RWL-Red Watch List	2,680 2,770	70 S:4	3	1	0	0	0	0	1	3	4	0	0
<i>Emys marmorata</i> western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	780 3,135	1404 S:4	1	3	0	0	0	0	1	3	4	0	0
<i>Eremothera boothii</i> ssp. <i>boothii</i> Booth's evening-primrose	G5T4 S3	None None	Rare Plant Rank - 2B.3	2,600 2,880	35 S:6	0	0	1	1	0	4	4	2	6	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Euchloe hyantis andrewsi</i> Andrew's marble butterfly	G4G5T1 S1	None None		4,800 5,000	6 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Eumops perotis californicus</i> western mastiff bat	G4G5T4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern WBWG_H-High Priority		296 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Euphydryas editha quino</i> quino checkerspot butterfly	G5T1T2 S1S2	Endangered None		5,000 5,000	186 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Glaucomys oregonensis californicus</i> San Bernardino flying squirrel	G5T1T2 S1S2	None None	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	4,600 4,600	12 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Gopherus agassizii</i> desert tortoise	G3 S2S3	Threatened Threatened	IUCN_VU-Vulnerable	2,690 3,700	985 S:10	0	6	4	0	0	0	2	8	10	0	0
<i>Haliaeetus leucocephalus</i> bald eagle	G5 S3	Delisted Endangered	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern USFS_S-Sensitive	3,120 5,150	332 S:3	0	1	0	0	0	2	3	0	3	0	0
<i>Helianthus nuttallii ssp. parishii</i> Los Angeles sunflower	G5TX SX	None None	Rare Plant Rank - 1A	5,000 5,000	7 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Helminthoglypta mohaveana</i> Victorville shoulderband	G1 S1	None None	IUCN_NT-Near Threatened	2,640 2,800	2 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Helminthoglypta taylori</i> westfork shoulderband	G1 S1	None None		3,034 3,377	6 S:6	0	0	0	0	1	5	2	4	5	0	1
<i>Heuchera parishii</i> Parish's alumroot	G3 S3	None None	Rare Plant Rank - 1B.3 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	5,100 5,100	70 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Icaricia saepiolus aureolus</i> San Gabriel Mountains blue butterfly	G5T1 S1	None None	USFS_S-Sensitive	6,000 6,000	2 S:1	0	0	0	0	0	1	1	0	1	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Icteria virens</i> yellow-breasted chat	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,740 2,740	101 S:1	0	1	0	0	0	0	1	0	1	0	0
<i>Juniperella mirabilis</i> juniper metallic wood-boring beetle	G1 S1	None None		4,300 4,300	2 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Lanius ludovicianus</i> loggerhead shrike	G4 S4	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,719 3,424	110 S:4	0	1	3	0	0	0	0	4	4	0	0
<i>Lasiurus cinereus</i> hoary bat	G3G4 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority		238 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lilium parryi</i> lemon lily	G3 S3	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	6,100 7,150	160 S:4	0	1	0	0	0	3	3	1	4	0	0
<i>Linanthus concinnus</i> San Gabriel linanthus	G2 S2	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	5,700 8,400	43 S:6	0	1	0	0	0	5	2	4	6	0	0
<i>Loeflingia squarrosa var. artemisiarum</i> sagebrush loeflingia	G5T3 S2	None None	Rare Plant Rank - 2B.2 BLM_S-Sensitive	3,300 3,300	26 S:1	0	0	1	0	0	0	0	1	1	0	0
<i>Lycium parishii</i> Parish's desert-thorn	G4 S1	None None	Rare Plant Rank - 2B.3		21 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Microtus californicus mohavensis</i> Mohave river vole	G5T1 S1	None None	CDFW_SSC-Species of Special Concern	2,600 2,700	6 S:3	0	0	0	0	0	3	2	1	3	0	0
<i>Monardella australis ssp. jokerstii</i> Jokerst's monardella	G4T1? S1?	None None	Rare Plant Rank - 1B.1 USFS_S-Sensitive	4,450 4,450	3 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Muhlenbergia californica</i> California muhly	G4 S4	None None	Rare Plant Rank - 4.3	7,000 7,000	5 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Neotamias speciosus speciosus</i> lodgepole chipmunk	G4T3T4 S2S3	None None		4,920 4,920	24 S:1	0	0	0	0	0	1	1	0	1	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Opuntia basilaris</i> var. <i>brachyclada</i> short-joint beavertail	G5T3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	2,500 6,300	199 S:72	3	10	10	1	0	48	18	54	72	0	0
<i>Oreonana vestita</i> woolly mountain-parsley	G3 S3	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	6,400 8,960	55 S:5	1	1	0	0	0	3	4	1	5	0	0
<i>Orobanche valida</i> ssp. <i>valida</i> Rock Creek broomrape	G4T2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	5,700 6,300	12 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Ovis canadensis nelsoni</i> desert bighorn sheep	G4T4 S3	None None	BLM_S-Sensitive CDFW_FP-Fully Protected USFS_S-Sensitive		46 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Palaeoxenus dohrni</i> Dohrn's elegant eucnemid beetle	G3? S3?	None None		4,000 4,000	3 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Pandion haliaetus</i> osprey	G5 S4	None None	CDF_S-Sensitive CDFW_WL-Watch List IUCN_LC-Least Concern	3,396 3,396	504 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Pedionelum castoreum</i> Beaver Dam breadroot	G3 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	2,657 3,310	26 S:3	0	0	0	1	0	2	2	1	3	0	0
<i>Phrynosoma blainvillii</i> coast horned lizard	G3G4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,600 5,290	784 S:19	0	2	1	0	1	15	17	2	18	0	1
<i>Piranga rubra</i> summer tanager	G5 S1	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,670 2,780	21 S:2	0	1	0	0	0	1	2	0	2	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Plebulina emigdonis</i> San Emigdio blue butterfly	G1G2 S1S2	None None	USFS_S-Sensitive	2,450 2,702	11 S:4	0	0	2	0	0	2	2	2	4	0	0
<i>Rana draytonii</i> California red-legged frog	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	2,750 3,120	1671 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Rana muscosa</i> southern mountain yellow-legged frog	G1 S1	Endangered Endangered	CDFW_WL-Watch List IUCN_EN-Endangered USFS_S-Sensitive	3,200 3,500	186 S:2	0	0	0	0	2	0	2	0	0	1	1
<i>Rhinichthys osculus ssp. 8</i> Santa Ana speckled dace	G5T1 S1	None None	AFS_TH-Threatened CDFW_SSC-Species of Special Concern USFS_S-Sensitive	2,500 2,500	13 S:1	0	0	1	0	0	0	1	0	1	0	0
<i>Schoenus nigricans</i> black bog-rush	G4 S2	None None	Rare Plant Rank - 2B.2 IUCN_LC-Least Concern USFS_S-Sensitive	3,000 5,000	13 S:5	0	0	0	0	0	5	3	2	5	0	0
<i>Scutellaria bolanderi ssp. austromontana</i> southern mountains skullcap	G4T3 S3	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden USFS_S-Sensitive	2,700 3,140	43 S:2	0	0	0	0	0	2	1	1	2	0	0
<i>Setophaga petechia</i> yellow warbler	G5 S3S4	None None	CDFW_SSC-Species of Special Concern	2,700 3,660	78 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Siphateles bicolor mohavensis</i> Mohave tui chub	G4T1 S1	Endangered Endangered	AFS_EN-Endangered CDFW_FP-Fully Protected	2,660 3,400	24 S:7	0	0	0	0	6	1	6	1	1	2	4
<i>Southern Sycamore Alder Riparian Woodland</i> Southern Sycamore Alder Riparian Woodland	G4 S4	None None		3,300 3,300	230 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Symphyotrichum defoliatum</i> San Bernardino aster	G2 S2	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_CRES-San Diego Zoo CRES Native Gene Seed Bank USFS_S-Sensitive	2,730 3,400	102 S:2	0	0	0	0	0	2	2	0	2	0	0



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Symphotrichum greatae</i> Greata's aster	G2 S2	None None	Rare Plant Rank - 1B.3 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	3,440 3,440	56 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Taxidea taxus</i> American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	3,301 3,301	594 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Thamnophis hammondi</i> two-striped gartersnake	G4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive	2,956 3,498	184 S:4	1	2	0	0	0	1	1	3	4	0	0
<i>Toxostoma lecontei</i> Le Conte's thrasher	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	2,698 4,100	238 S:8	0	0	1	0	0	7	7	1	8	0	0
<i>Vireo bellii pusillus</i> least Bell's vireo	G5T2 S2	Endangered Endangered	IUCN_NT-Near Threatened NABCI_YWL-Yellow Watch List	2,590 2,760	504 S:7	0	5	1	0	0	1	1	6	7	0	0
<i>Vireo vicinior</i> gray vireo	G5 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_YWL-Yellow Watch List USFS_S-Sensitive	3,200 3,260	28 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	G2G3 S2S3	None Threatened	BLM_S-Sensitive IUCN_VU-Vulnerable	2,520 3,460	432 S:12	0	2	1	0	2	7	8	4	10	1	1

California Rare Plant Rank

The California Rare Plant Rank status applies to plants only. The California Rare Plant Ranks are a ranking system originally developed by the California Native Plant Society (CNPS) to better define and categorize rarity in California's flora. These ranks were previously known as the CNPS lists but were renamed to the California Rare Plant Ranks to better reflect the joint effort among the CNPS, the CNDDDB, and a wide range of botanical experts, who work together to assign a rarity ranking. All plants tracked by the CNDDDB are assigned to a California Rare Plant Rank category. These categories are:

CA Rare Plant Rank	Description
1A	Plants presumed extinct in California and rare/extinct elsewhere
1B.1	Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California
1B.2	Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California
1B.3	Plants rare, threatened, or endangered in California and elsewhere; not very threatened in California
2A	Plants presumed extirpated in California, but more common elsewhere
2B.1	Plants rare, threatened, or endangered in California, but more common elsewhere; seriously threatened in California
2B.2	Plants rare, threatened, or endangered in California, but more common elsewhere; fairly threatened in California
2B.3	Plants rare, threatened, or endangered in California, but more common elsewhere; not very threatened in California
3.1	Plants about which we need more information; seriously threatened in California
3.2	Plants about which we need more information; fairly threatened in California
3.3	Plants about which we need more information; not very threatened in California
4.1	Plants of limited distribution; seriously threatened in California
4.2	Plants of limited distribution; fairly threatened in California
4.3	Plants of limited distribution; not very threatened in California

California Department of Fish and Wildlife Status

The California Department of Fish and Wildlife (CDFW) Status applies to animals only. The possible values for CDFW Status are:
T = Threatened E = Endangered

Status	Description
FP	Fully Protected: This classification was the State of California's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds and mammals. Most of the species on these lists have subsequently been listed under the state and/or federal endangered species acts.
SSC	Species of Special Concern: It is the goal and responsibility of the Department of Fish and Wildlife to maintain viable populations of all native species. To this end, the Department has designated certain vertebrate species as "Species of Special Concern" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long-term viability.
WL	Watch List: The Department of Fish and Wildlife maintains a list consisting of taxa that were previously designated as "Species of Special Concern" but no longer merit that status, or which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

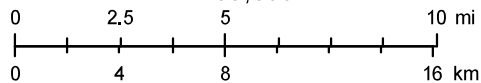
Map of Project Area 5-mile radius Palmetto Way

Spotted Owl Observations
Spider Diagram [ds705]

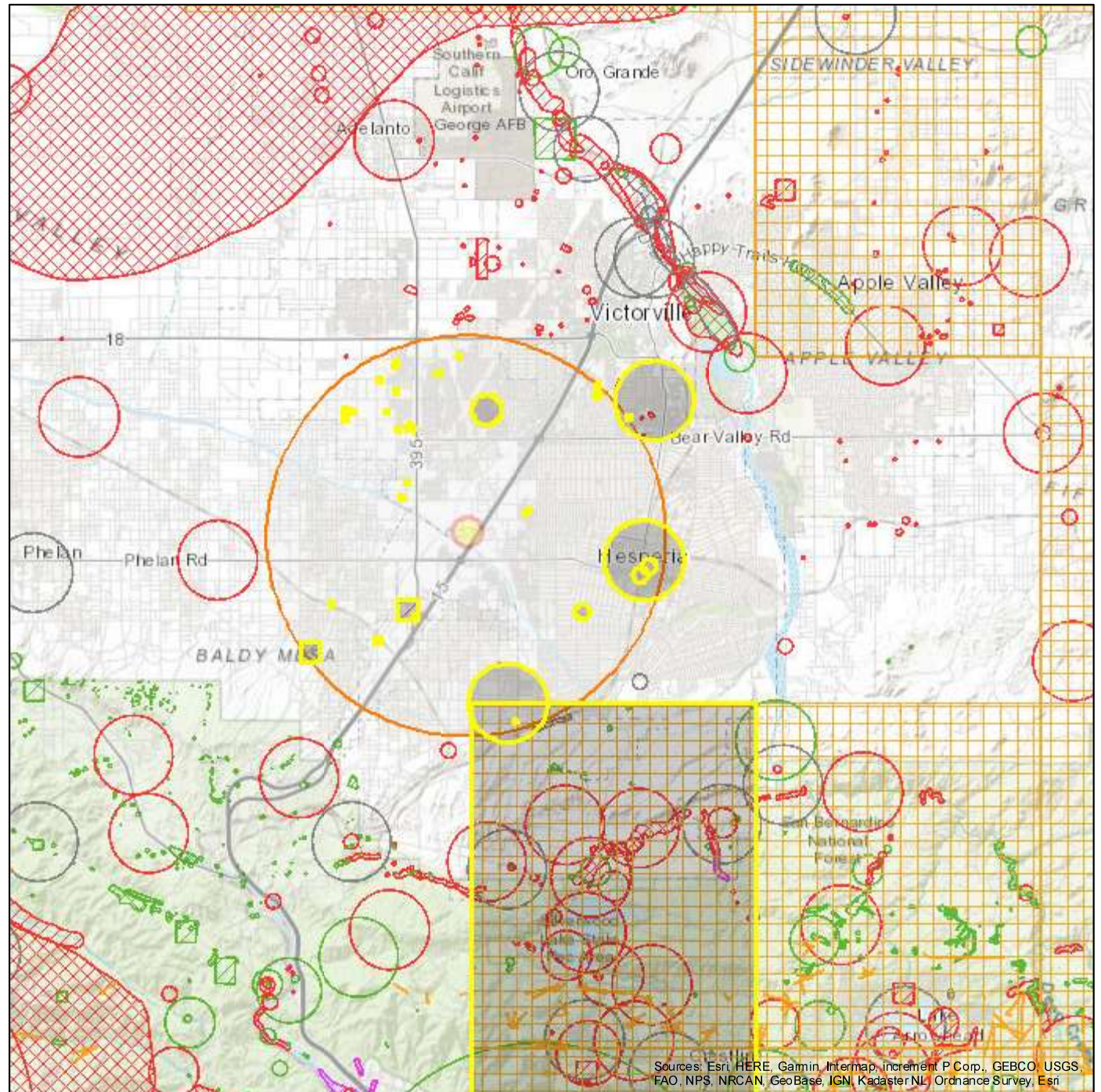
**California Natural Diversity
Database (CNDDDB) Commercial
[ds85]**

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

1:288,895



March 28, 2022



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

Appendix F

National Wetlands Inventory Map



U.S. Fish and Wildlife Service

National Wetlands Inventory

Palmetto Way Industrial Spec Project



September 5, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Appendix G

Focused Survey Report

BURROWING OWL FOCUSED SURVEY REPORT

Amargosa Road & Palmetto Way Spec. Industrial Project

City of Hesperia, San Bernardino County, California

APN #s: 0405-072-[52-53, 55]



Prepared for:
RACHAMIM 5, LLC
6001 E. Slauson Avenue
Commerce, CA 90040

Contact: Mr. Ramin Namvar
213.769.4222 ext. 107
ramin@titaniumfabrics.com



Prepared by:
CASC Engineering and Consulting, Inc.
27710 Jefferson Avenue, Suite 105
Temecula, CA 92590

Contact: Kimberly Boydston
Senior Biologist/Project Manager
kboydstun@cascinc.com
951.216.9933

October 2022

Cover Photo Credit: Brandon Trentler

October 24, 2022

RACHAMIM 5, LLC

Attn: Mr. Ramin Namvir
6001 E. Slauson Avenue
Commerce, CA 90040
Office: 213.769.4222 ext. 107
ramin@titaniumfabrics.com

**SUBJECT: BURROWING OWL FOCUSED SURVEY REPORT
 AMARGOSA ROAD & PALMETTO WAY SPEC INDUSTRIAL PROJECT, HESPERIA, CA.**

Dear Mr. Namvir,

At the request of Rachamim 5, LLC, CASC Engineering and Consultants (CASC) has prepared this Burrowing Owl Focused Survey Report for compliance with the State of California Natural Resource Agency, Department of Fish and Game, Staff Report on Burrowing Owl Mitigation (March 7, 2012) (Staff Report) guidelines to determine presence/absence of burrowing owl within San Bernardino County.

A habitat assessment for burrowing owl (BUOW) was conducted from April 27, 2022, and focused surveys were conducted June – August 2022. While suitable burrowing owl (*Athene cunicularia*) habitat was absent on the Project Site, no burrowing owl or their sign was observed during the focused surveys. This report documents the methods and results of the literature review and field surveys and provides a summary of the BUOW's natural history, existing site conditions within the Biological Study Area (BSA) and the determination of a no presence study results.

INTRODUCTION

BUOW habitat assessment and focused surveys were conducted in accordance with the Burrowing Owl Staff Report Guidelines approved for use of determination within the County of San Bernardino. CASC conducted a literature review and BUOW Habitat Assessment of the entire Project Site and within a 150-meter (500 feet) buffer area around the Project Site. The Project Site and the buffer area defined as the biological study area (BSA) in this report. The habitat assessment determined the presence of suitable habitat potentially supporting BUOWs. CASC then conducted a focused assessment to potentially locate suitable burrows and burrowing owls. The purpose of the surveys was to determine BUOW presence or absence within the BSA. If present, the surveys would also help to determine BUOW distribution and abundance within the BSA, and breeding status.

PROJECT LOCATION

The Project Site is located on Palmetto Way, in Hesperia, San Bernardino County, California (Figure 1, Regional Vicinity). The property consists of three parcels, Accessor's Parcel Number: 0405-075- [52, 53,55] US Geological Society (USGS) 7.5-minute *Baldy Mesa* Quadrangle (Figure 2, USGS Map), Township 4 north, range 5 west, (latitude 117.3777327°W, longitude 34.4366696°N).

PROJECT DESCRIPTION

Rachamim 5, LLC (Project Proponent) proposes to construction of a 498,500 square foot Industrial Warehouse Building (Project) with up to 25,000 square feet of office space. The proposed Project will include 76 loading dock doors, 182 truck/trailer parking spaces and 281 auto parking spaces on three (3) parcels (APNs: 0405-072-52, 53, and 55) consisting of approximately 30.52 undeveloped acres within the City of Hesperia in the Regional Commercial Zone. The parcels are bounded on the north and west by Avenal Street, south by Palmetto Way, and Amargosa Road to the east. Three (3) entrances to the site are provided, one (1) on the east side from Palmetto Way, one (1) from Palmetto Way on the south side of the site, and a proposed third entrance/exit onto Palmetto Way from the truck/trailer parking area at the southwest corner of the site. The facility will be built on spec and will be designed to accommodate 500 to 600 employees; there is no tenant currently attached to the project.

BURROWING OWL NATURAL HISTORY

The BUOW is a small, crepuscular (active at dusk and dawn), ground-inhabiting owl that is found largely throughout the southern United States. Its overall length is about seven to ten inches. Coloring is sandy brown on its head, back and upper wings, with noticeable white spotting on its back and upper wings. Adults are barred on their breast, while juveniles are buffy with a white collar. The brown and white mottling helps to provide camouflage in their preferred dry habitats. BUOWs have yellow eyes, long legs, a short tail, with relatively long, narrow wings and a flat, round head. Their long legs help them to see over grasses and short vegetation and aid them in catching their prey (Sibley 2000).

Typical BUOW habitat is open, dry, flat ground or low rolling hills with sparse vegetation and available burrows (Gallagher, 1997). BUOWs spend most of their time on the ground or on low perch sites such as fence posts and dirt mounds. They are generally found in open country, where tree or shrub canopies cover less than 30% of the habitat (CBOC 1997). Typical habitats include annual and perennial grasslands, shortgrass prairies open agricultural areas (particularly rangelands), desert floors, and vacant lots in residential areas and ruderal fields. Other habitats include oak savannah; grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitat; sandy beaches and coastal dunes; and river bottom lands. The BUOW is primarily a dry grassland species, but it persists and can even thrive in some landscapes that are highly altered by human activity. They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows (Shuford et al. 2008). They are the only small owl likely to be seen perched in the open daylight (Sibley 2000).

Nest and roost burrows of the BUOW in California are most commonly excavated by California ground squirrels (*Spermophilus beecheyi*), but they may use American badger (*Taxidea taxus*), coyote (*Canis latrans*), and fox dens or holes (CDFW 2012). Where burrows are scarce, man-made structures, such as culverts, piles of concrete, rubble, or debris, pipes, asphalt, artificial nest boxes, and openings beneath cement or asphalt pavement also are used as nest sites (CDFW 2012). Both natural and artificial burrows provide protection, shelter, and nest sites.

Nest burrows are usually three to nine feet long, with a downward slope, a “J” or “U” shaped bend, and an enlarged nest chamber at the end. Usually, the immediate area about the burrow is barren and devoid of vegetation. Adults usually return to the same burrow or a nearby area each year. Adult males often use one or more “satellite” burrows near the nest burrow during the nesting period (CBOC 1997). Both sexes prepare the burrow for nesting using their feet, beaks, and wings to scrape out dirt.

BUOWs often nest in loose colonies and members can alert each other to the approach of predators and join in harassment of them. During the nesting season, adult males forage over home ranges 0.8 to 1.16 square miles (2 to 3 square kilometers) and the ranges of neighboring males may overlap considerably (Shuford et al. 2008). A small territory around the nest burrow is aggressively defended against intrusions by other BUOWs, squirrels, and predators. Nesting season for the BUOW in California (courtship and egg laying) occurs between February 1 and August 30 (CDFW 2012). Actual breeding occurs anywhere from March through August, with the peak activity in April and May. The peak of the breeding season occurs between April 15 and July 15 and is the period when most BUOWs have active nests (eggs or young) (CDFW 2012).

Suitable BUOW habitat must also support the primary prey items for BUOWs, such as insects and small mammals. BUOWs are opportunistic predators preying primarily on a broad array of arthropods (centipedes, spiders, beetles, crickets, and grasshoppers), and small rodents, but they also eat birds, amphibians, reptiles, and carrion. They may hunt from a perch, hover, hawk, run, walk, dive or hop after prey.

BURROWING OWL STATUS AND PROTECTION

Federal and State Protection

While BUOW has no federal protection status, BUOW is designated by California Department of Fish and Wildlife (CDFW) as a Species of Special Concern. This status is given a species, subspecies, or distinct population of an animal (fish, amphibian, reptile, bird and mammal) native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role; is listed as federally, but not state-, threatened or endangered; meets the state definition of threatened or endangered, but has not formally been listed; is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status; or has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status. The goal of designating species as species of special concern is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long-term viability.

Burrowing owls are also protected from direct “take” (defined in this case as killing, injuring, or causing failure of an active nesting effort) by both the federal Migratory Bird Treaty Act and the California Fish and Game Code (Sections § 3503, § 3503.5, and § 3513) and Migratory Bird Treaty Act (MBTA) of 1918 (Title 16, United States Code sections 703-712).

Local Protection

Burrowing owl are considered locally significant as their populations have declined in recent years. The City of Hesperia follows the CDFG 2012 Staff Report guidelines and recommends surveys be performed on Project Sites where suitable habitat is present.

STUDY METHODS

Survey protocol followed the *Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game March 7, 2012, Appendix C Habitat Assessment and Report Details, Appendix D Breeding and Non-breeding Season Surveys and Reports*.

Literature Review

To identify the biological resources that exist within the BSA and project vicinity, biologists reviewed relevant literature, databases, agency web sites, reports, management plans, Geographic Information System (GIS) data, maps, and aerial imagery. This desktop analysis was conducted prior to the field surveys and is described below.

The California Natural Diversity Database (CNDDDB) was accessed on March 28, 2022 and was used to determine if and to what extent BUOWs occur on and adjacent to the Project Site. Records corresponding to the USGS 7.5-Minute Topographic Map Quadrangle were obtained.

Field Survey Methodology

The entire 30.52-acre site was surveyed along with a 500-foot buffer to the west and a portion of the buffer to the northeast of the Project Site (Figure 3, Survey Area and Transects). The buffer areas to the north of the project are several fenced residential lots, east is Interstate 15, and to the south is an industrial building, and west is open space. Surveys were conducted during the daytime on foot from April 27, 2022 through August 10, 2022. Surveys were not conducted during abnormal or excessive cold, heat, wind, rain, or other inclement weather. The biologists gained direct access to all areas within the project area for 100-percent visual coverage. Biologists used Global Positioning System (GPS) units and other GIS and survey-related techniques (Collector App), to collect locational data and record relevant attributes of features or species encountered. Digital color photographs were taken during the field surveys to record site conditions at the time of the field surveys. Representative Site Photos are shown in Figures 4a-4d. Potential burrows and their location within the BSA were recorded using Collector and are shown in Figure 5, Potential Burrow Locations and Photo Point Locations.

BUOW HABITAT ASSESSMENT AND FOCUSED SURVEYS

Step I: Habitat Assessment.

Biologists characterized the existing land cover and searched for the presence of suitable BUOW habitat within the Project Site and within a 500-foot buffer to the Project Site where accessible (Figure 3). Buffers to west included undeveloped land, to the north residential properties, to the south an industrial building, and to the east Amargosa Road and Interstate 15. Only the buffer to the west and a small portion to the northeast of the Project Site was surveyed as the other areas were inaccessible (fenced residential properties) or developed. One hundred percent visual coverage was obtained within the entire Project Site (30.52-acres) and the buffers.

The BSA is in a region of San Bernardino County known as the “High Desert” due to its approximate elevation of 3,600 feet above mean sea level (amsl). Much of the Survey Area is relatively flat, with surface elevations varying between approximately 3,468 feet amsl in the southwestern corner to approximately 3,443 feet amsl in the northeastern corner. Identification of habitats and plant communities within the BSA were based on observed dominant species. Generally, classifications of habitat types or vegetation communities were based on Holland’s *Preliminary Descriptions of the Terrestrial Communities of California* (Holland 1986) and *A Manual of California Vegetation Second Edition* (Sawyer et al. 2009) with modifications to better represent existing site conditions.

Step II: Locating Burrows and Burrowing Owls.

Surveys were conducted from sunrise to 10:00 a.m. when weather conditions were conducive to BUOWs. Suitable BUOW habitat areas were identified during the initial habitat assessment (Step I, BUOW Habitat Assessment). Step II surveys were conducted within accessible portions of the BSA that contained BUOW

essential habitat (nesting, foraging, wintering, and dispersal habitat). Where topography and access was suitable, the biologists walked parallel straight-line belt transects spaced no more than 30 meters apart to allow 100% visual coverage of the survey area. In inaccessible areas, biologists used binoculars to gain visual coverage of any inaccessible features. Each transect was walked at a pace that allowed careful observations along the transect route and the vicinity (Figure 3).

Biologists searched for suitable BUOW burrows and examined the entrances of all potential burrows for BUOW sign (i.e. tracks, molted feathers, cast pellets,¹ prey remains, eggshell fragments, BUOW whitewash, nest burrow decoration materials [e.g., paper, foil, or plastic items (CDFW 2012). Biologists also searched rock piles and man-made culverts and pipes for BUOW sign. Biologists identified, recorded, and mapped with Collector App all potential burrows, occupied burrows, and sign of BUOW (Figure 3).

SURVEY RESULTS

Vegetation on the Project Site was classified as *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance. Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California*, second edition (Baldwin et al. 2012). The Project Site is undeveloped and has been disturbed by grading which appears to have been from some time ago as the vegetation is growing back but is of small stature. Impacts will encompass the entire 30.52-acres of the Project Site. The vegetation community within the Survey Area was identified as *Larrea tridentata*-*Ambrosia dumosa* Shrubland Alliance with dominant species being white bursage (*Ambrosia dumosa*), creosote bush (*Larrea tridentata*) and Mexican tea (*Ephedra trifurca*). Joshua tree (*Yucca brevifolia*) (CDFW Candidate Listed species) is present on the Project Site. Potentially suitable burrows were recorded using Collector App within the BSA (Figure 3, Survey Area and Transects). A photo point location map is provided in Figure 4. And representative site photographs are included in Figures 5a-d. A habitat assessment was conducted on April 27, 2022 and focused surveys for BUOW were conducted beginning on June 2, 2022 through August 10, 2022. Table 1 shows the date, times and specific field conditions associated with each survey date.

Table 1. Survey Information

Survey Date (2018)	Survey Type	Survey Time	Temperature Range (°F)	Cloud Cover (%)	Wind Speed (mph)	Surveyor
04/27/2022	Habitat Assessment	0900-1630	58-83°F	clear	1-3mph	KB, CP
06/02/2022	Focused BUOW Survey #1	0615-1130	59-83°F	clear	0-2mph	KB
06/27/2022	Focused BUOW Survey #2	0630-1030	61-75°F	100% clearing to 0%	0-2mph	KB
07/20/2022	Focused BUOW Survey #3	0535-1015	66-83°F	clear	0-1mph	KB
08/10/2018	Focused BUOW Survey #4	0550-1055	68-91°F	0-10%	0-2mph	KB
KB - Kim Boydstun CP – Cory Peterson						

¹ Defined as one to two inches long brown to black regurgitated pellets consisting of non-digestible portions of the owls' diet, such as fur, bones, claws, beetle elytra, or feathers.

RECOMMENDATIONS AND FINDINGS

Burrowing owl was not observed nor was any sign detected at the Project Site or within the buffer area during the 2022 surveys. Since there is likely to be a substantial amount of time between the 2022 survey, ground-breaking activities and subsequent project development a preconstruction BuOw survey is recommended.

- *Conduct a 30-day preconstruction Burrowing Owl Survey be performed by a qualified biologist recognized by the County of San Bernardino. After the survey, a technical memorandum of findings shall be prepared and sent to the California Department of Fish and Wildlife (CDFW), Environmental Programs Department (EPD) at the County of Riverside, and the Regional Conservation Authority.*
- *If the Project Site is found positive for burrowing owl, coordination with CDFW will be mandatory and additional exclusionary and relocation efforts will be necessary.*

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological and natural resources report, and that the facts, statements, and information presented are true and correct to the best of my knowledge.



Kimberly Boydston
Senior Biologist/Project Manager
CASC Engineering and Consulting, Inc.
October 24, 2022

FIGURES

- Figure 1: Regional Vicinity Map
Figure 2: USGS Map
Figure 3: Survey Area and Transects
Figure 4: Photo Point Location Map and Potential Burrow Locations
Figure 5a-d: Representative Site Photos

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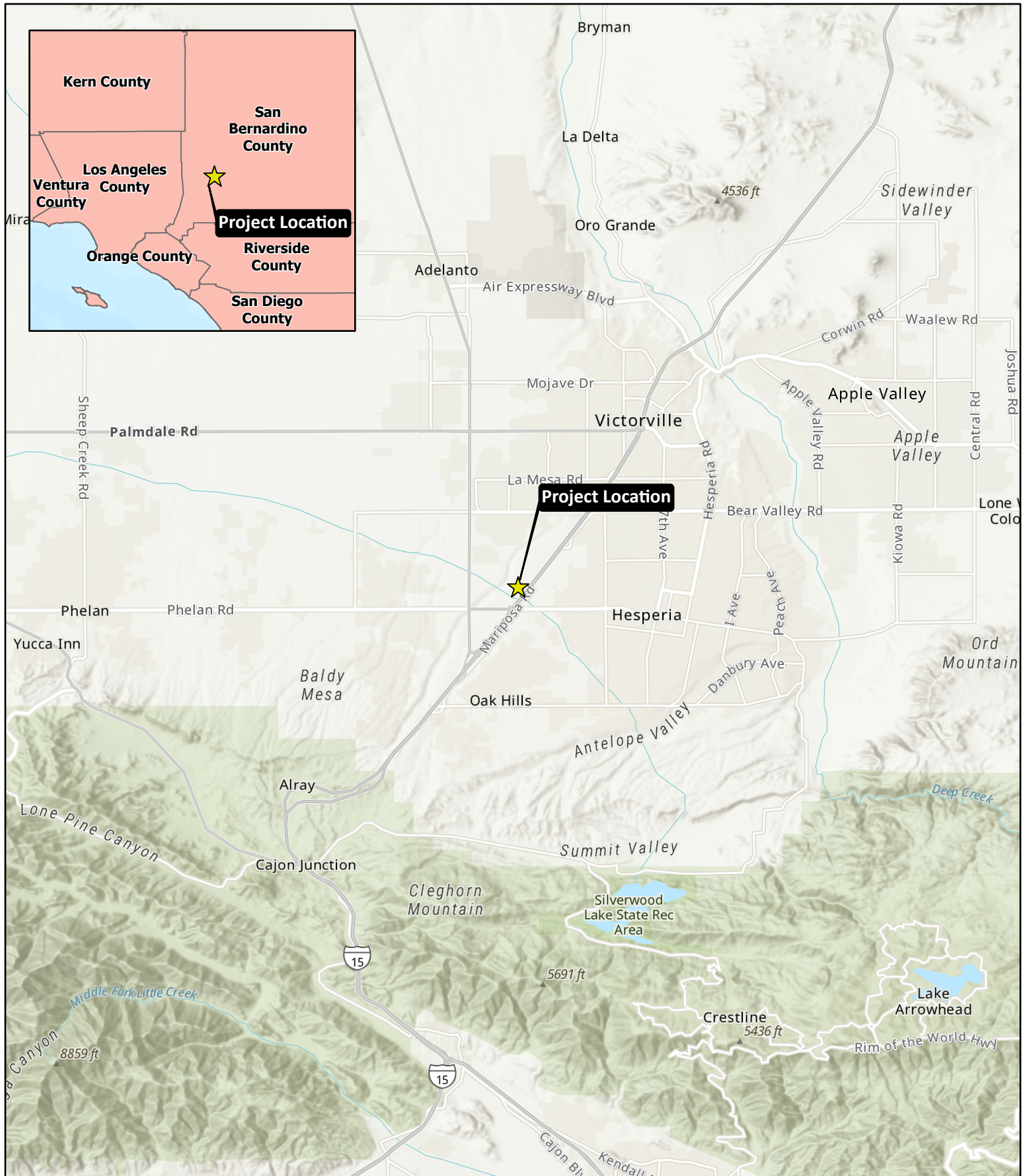
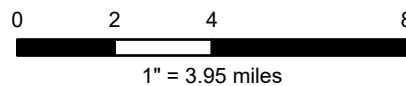


Figure 1
Regional Vicinity

APN: 0405-072-[52,53,55]



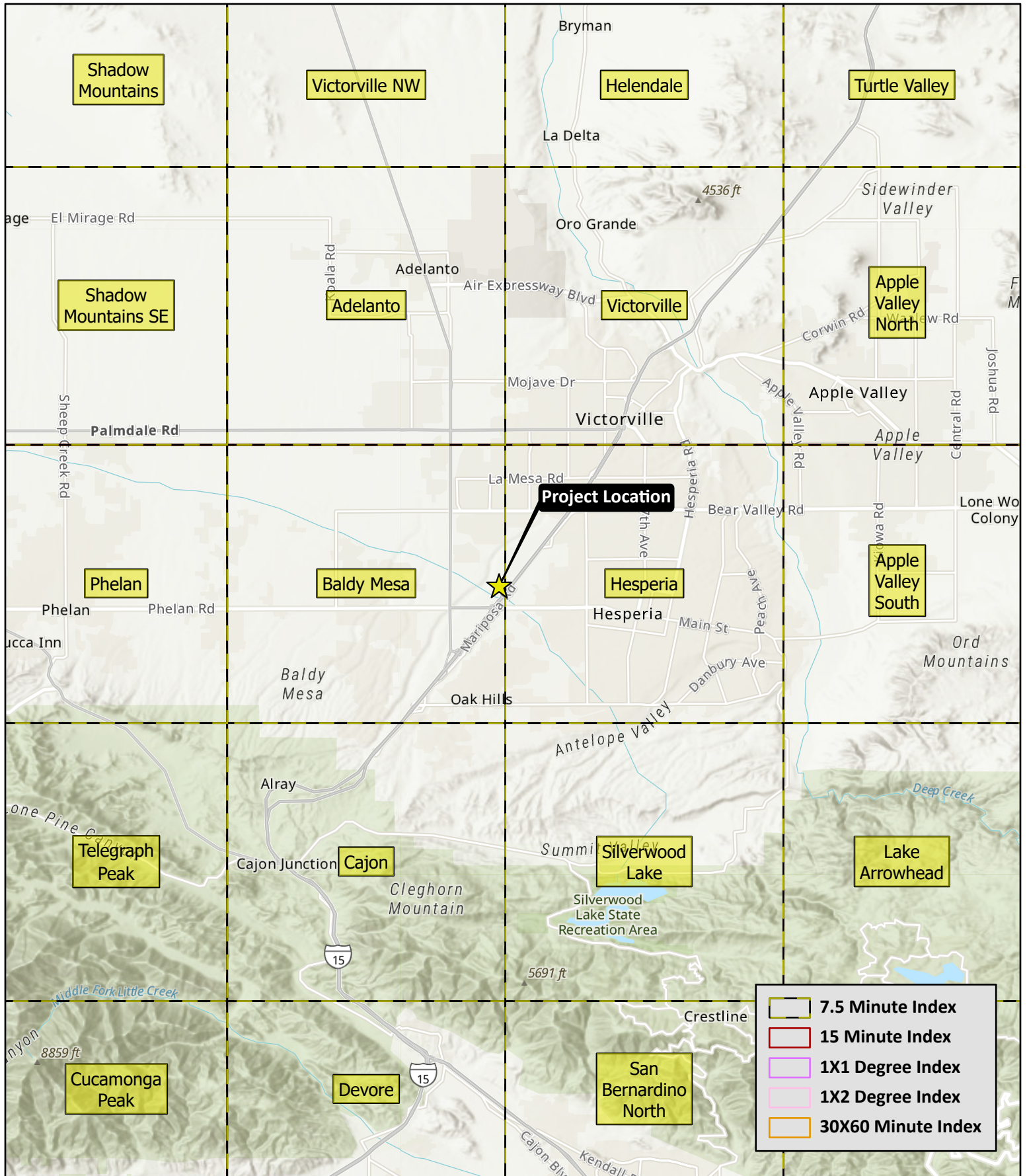


Figure 2
USGS



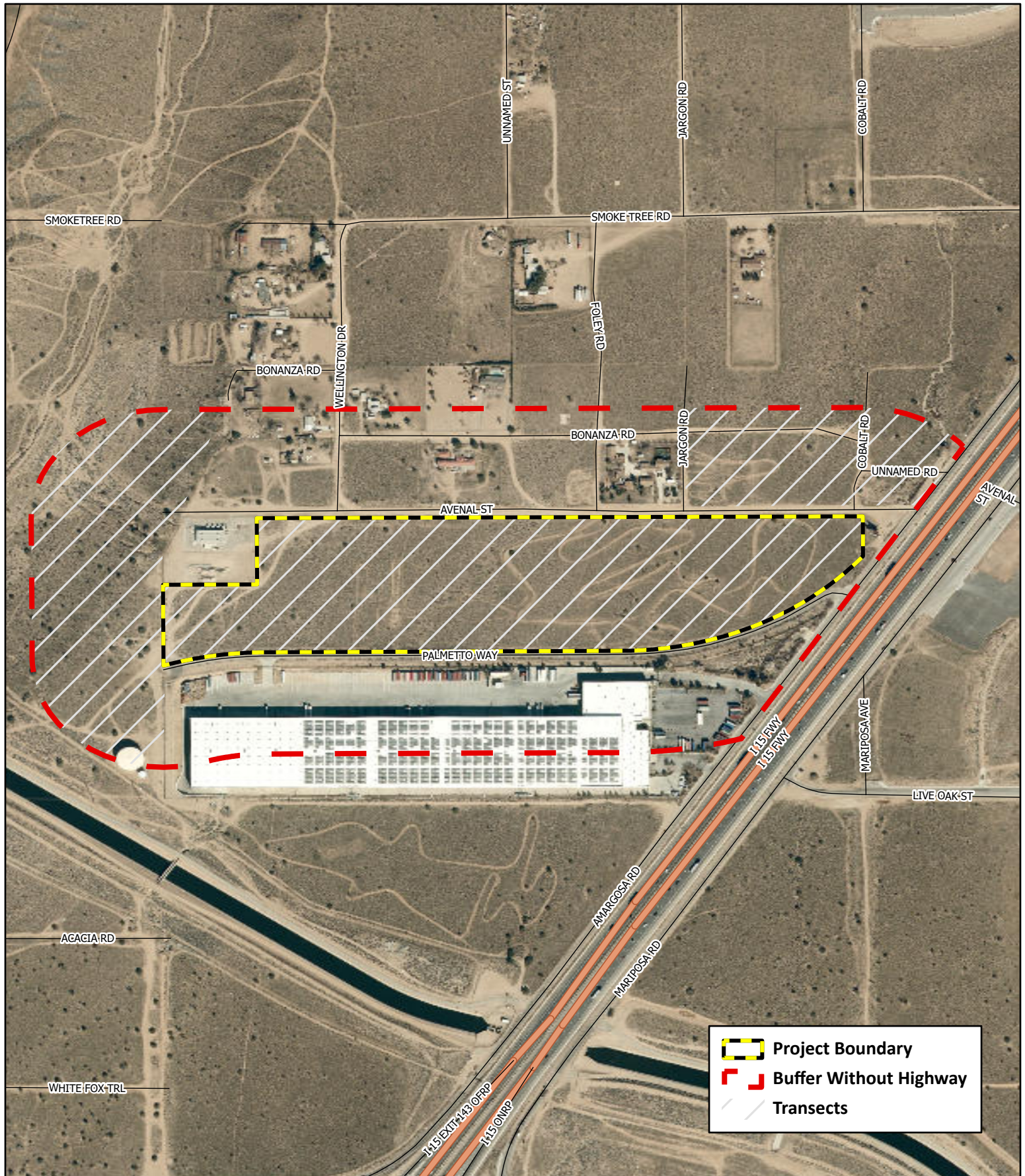
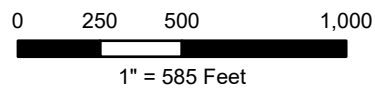


Figure 3
Survey Area and Transects



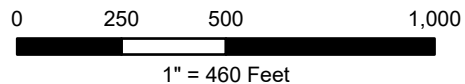
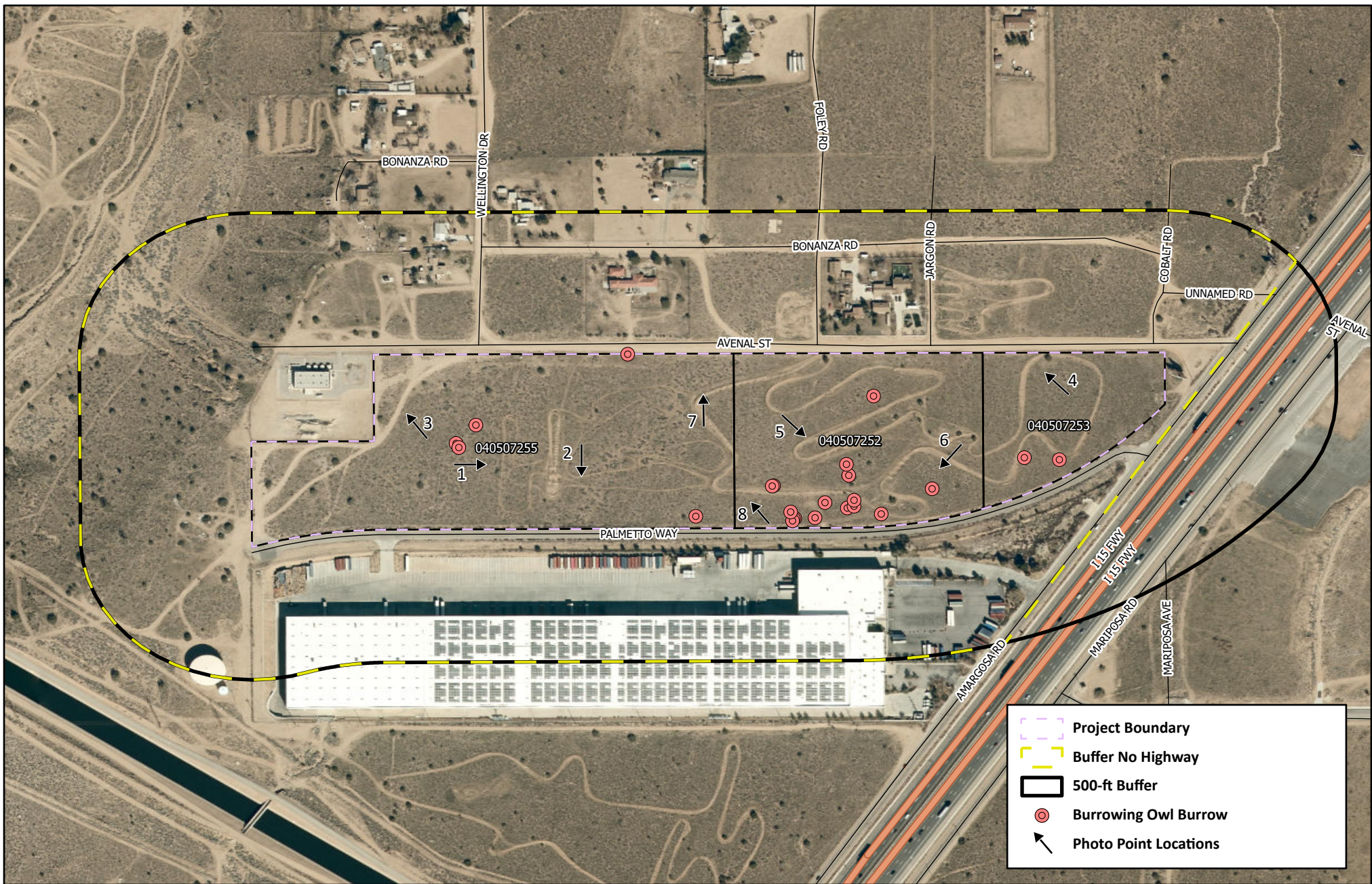


Figure 3
Potential Burrow Locations and Photo Point Locations



Photograph 1. Looking East across Project Site.



Photograph 2. Looking South at existing building which is off-site.



Photograph 3. Looking Northwest at adjacent off-site utilities.



Photograph 4. Looking Northwest.



Photograph 5. Looking Southeast.



Photograph 6. Looking Southwest.



Photograph 7. Looking North.



Photograph 8. Looking North at a potential BuOw burrow..

**Mohave Ground Squirrel -MGS (*Xerospermophilus mohavensis*)
Desert Tortoise -DT (*Gopherus agassizii*)
Vegetation and Rare Plant
Survey Results for
Amargosa Road and Palmetto Way Industrial Facility Project, Hesperia, Ca.**



Site Acreage 30.52 Acres

APN 040507255/54/53/52

Prepared by:

ENVIRA

P. O. Box 2612

Ramona, CA 92065

Phone: 619-885-0236

E-mail: phvergne@aol.com

Trapping Surveys Conducted On:

April 5 to 9, 2022

May 23 to 27, 2022

June 14 to 18, 2022

Report Date:

August 21, 2022

Prepared For:

CASC
Engineering and Consulting

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APPENDICES

Appendix A MOHAVE GROUND SQUIRREL TRAPPING SUMMARY FORM

Appendix B MOU

1.0 EXECUTIVE SUMMARY

The project site is within the historical range of the Mohave ground squirrel *Xerospermophilus mohavensis*-MGS, a state-Threatened species; within the historical range of the federally listed Desert tortoise (*Gopherus agassizii*)-DT; and several listed plant species.

Philippe Vergne of ENVIRA was contracted by CASC Engineering to conduct focused surveys for the MGS, DT, and rare plant surveys for the Amargosa Road and Palmetto Way Industrial Facility.

The proposed project is for the construction of a warehouse facility and related improvements. The proposed project is located in Hesperia, California at the junction of Amargosa Road and Palmetto Way.

This report documents the findings of the focused surveys for the Project Site. The intended use of this document is to disclose the presence or absence of MGS, DT, and rare plants within the project limits. For the purposes of this document, the Project's study area is the area outlined in Figure 1.

The MGS was not captured on the current project site during the 2022 protocol survey as described in this report. The desert tortoise is not present within the proposed project footprint nor the zone of influence. No rare plants were documented on site. **The Project Site does not currently support MGS, desert tortoise, or rare plants.**

Implementation of the Project will not result in the loss of individual MGS, nor will it adversely affect local or regional MGS populations; it will not result in the take of DT or impacts to occupied habitat; no rare plants were documented on site and no take will occur.

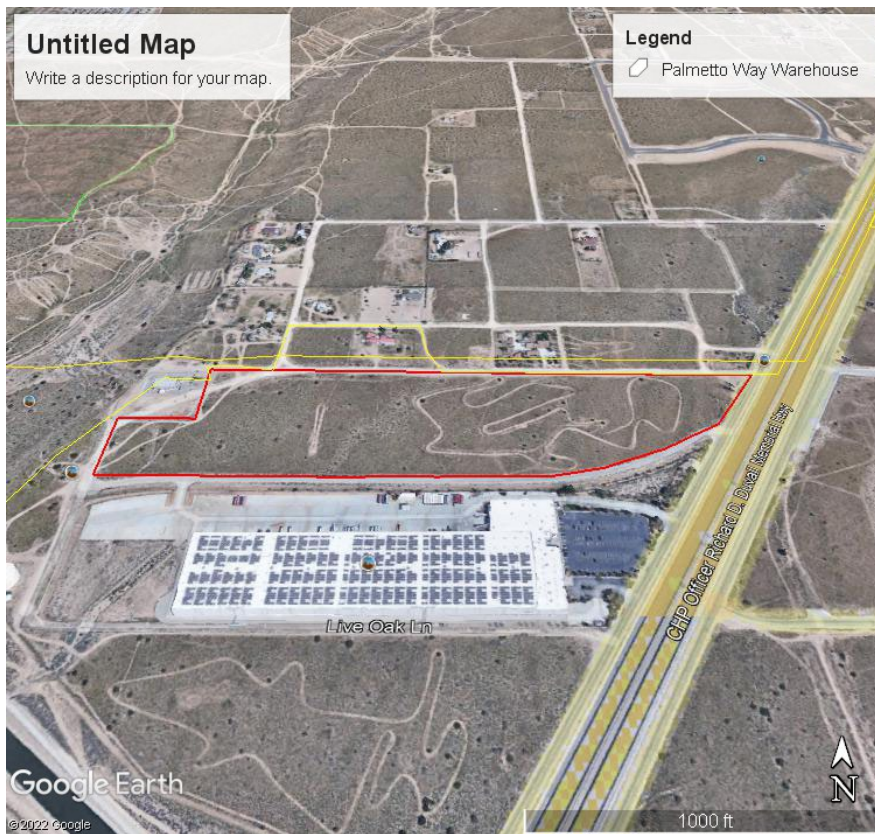
2.0 PROJECT AND PROPERTY DESCRIPTION

The proposed project is for the construction of an industrial warehouse facility and related improvements. The proposed project is located in Hesperia, California to the North of Palmetto Way and to the West of Amargosa Road (Figure 1).

The project site is within the historical range of the Mohave ground squirrel (MGS, *Xerospermophilus mohavensis*), a state-Threatened species; within the historical range of the federally listed Desert tortoise (*Gopherus agassizii*); and within the range of several listed plant species. The proposed project site contains habitat considered suitable for the above mentioned species.

The project site is an undeveloped mostly flat area with a slight southwest slope.

Figure 1. Site Vicinity and Project Boundary



2.1 SITE VEGETATION

The disturbed annual grasslands which dominate the site vegetation and sparse scrub understory on site are dominated by fiddleneck, brome, and forbs. Joshua Trees are scattered throughout the site. The severely impacted scrub community shows remnants of Saltbush, California Juniper, and isolated creosote bush (Table1).



Photo 1 - Looking northwest across site.



Photo 2 - Looking northeast across site.

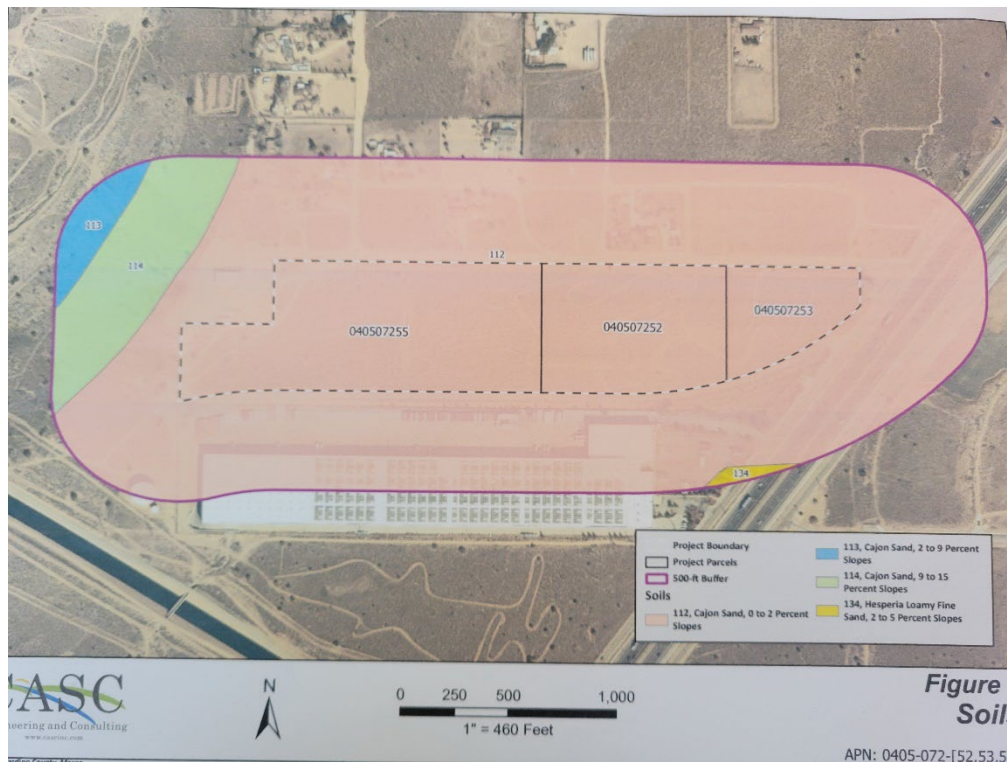
Table 1. Site Vegetation

Common Name	Scientific Name
California juniper	<i>Juniperus californica</i>
Burro bush or white bur sage	<i>Ambrosia dumosa</i>
Desert sunflower	<i>Geraea canescens</i>
Fremont pincushion	<i>Chaenactis fremontii</i>
Cheese bush	<i>Hymenoclea salsola</i>
Antelope bush	<i>Purshia tritendata</i>
Flat-topped buckwheat	<i>Eriogonum plumatella</i>
California buckwheat	<i>Eriogonum fasciculatum</i>
Great basin sagebrush	<i>Artemisia tritendata</i>
Coopers box-thorn	<i>Lycium cooperi</i>
Desert sage	<i>Salvia dorii</i>
Woody bottle washer	<i>Camissonia boothii</i>
Plantain	<i>Plantago insularis</i>
Cotton thorn	<i>Tetradymia axillaris</i>
Creosote bush	<i>Larrea tridentata</i>
Hop sage	<i>Grayia sinosa</i>
Snakeweed	<i>Gutierrezia microcephala</i>
Rabbit brush	<i>Chrysothamnus nauseosus</i>
Nevada ephedra	<i>Ephreda nevadensis</i>
Joshua tree	<i>Yucca brevifolia</i>
Red brome	<i>Bromus madritensis</i>
Cheat grass	<i>Bromus tectorum</i>
Perennial bluegrass	<i>Poa secunda</i>
Mediterranean grass	<i>Schismus barbatus</i>
Red stemmed filaree	<i>Erodium cicutarium</i>

2.2 SITE TOPOGRAPHY AND SOILS

The project site is an undeveloped portion north of Palmetto Way, to the West of Amargosa Road (adjacent to the 15 Freeway). The valley floor is almost flat. Elevation ranges from 3,443 to 3,468 feet. The soils on the site are Cajon sands, and Hesperia loamy fine sands (Figure 2).

Figure 2. Project Soils Map (Source: CASC Engineering)



The site occurs on the 7.5" *Baldy Mesa* quadrangle USGS Quadrangle Map (Township 4N, Range 5W). Surrounding land uses include the California Aqueduct to the east, Avenal Street to the north, Disturbed open space to the south, and Interstate Highway 15 to the west.

2.3 WILDLIFE

Observations of wildlife included scat, trails, tracks, burrows, skeletal remains, calls and visual sightings. Animal species observed are shown in Table 2.

Table 2. Animal Species Observed

Common name	Scientific Name
Reptiles	
Side-blotched lizard	<i>Uta stansburiana</i>
Basin whiptail	<i>Aspidoscelis tigris tigris</i>
Desert night lizard	<i>Xantusia vigilis</i>
Birds	
Cactus wren	<i>Campylorhynchus brunneicapillus</i>
Common raven	<i>Corvus corax</i>
Horned lark	<i>Eremophila alpestris</i>
Barn owl	<i>Tyto alba</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Mammals	
Black-tailed jack rabbit	<i>Lepus californicus</i>
Coyote	<i>Canis latrans</i>
White-tailed Antelope squirrel	<i>Ammospermophilus leucurus</i>
Kangaroo rat	<i>Dipodomys sp.</i>

3.0 Regulatory Background, Mohave Ground Squirrel, Desert Tortoise and Rare Plants

Prior to beginning field surveys, resource specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of biological resources that have the potential to exist within and adjacent to the study area; resources within several miles of the Project Site were evaluated.

The materials reviewed included, but were not limited to, the following:

1. U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2013a);
2. USFWS Ventura Field Office Species List for San Bernardino County (2013b);
3. California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2013);
4. California Native Plant Society (CNPS) Electronic Inventory (CNPS 2021);
5. Aerial Photographs (Microsoft Corporation 2013);
6. Previous biological reports prepared for immediately adjacent sites (Brylski 2012; Vergne 2017); and
7. Leitner Current Status of MGS.

Regulatory Framework

Federal Endangered Species Act

The USFWS administers the federal Endangered Species Act (FESA) that provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The FESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is a species that is likely to become endangered in the foreseeable future. A “proposed” species is one that has been officially proposed by USFWS for addition to the federal threatened and endangered species list.

Section 9 of the FESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

California Endangered Species Act

The CDFG administers the California Endangered Species Act (CESA). The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

Sections 3503 and 3511 of California Fish and Game Code

The CDFG administers the California Fish and Game Code. There are particular sections of the Code that are applicable to natural resource management. For example, Section 3503 of the Code states it is

unlawful to take, possesses, or needlessly destroy the nest or eggs of any bird. Section 3511 of the Code lists fully-protected bird species, where the CDFG is unable to authorize the issuance of permits or licenses to take these species.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or possess or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union.

Section 404 of the Federal Clean Water Act

Section 404 of the federal Clean Water Act, which is administered by the Corps regulates the discharge of dredge and fill material into waters of the United States. The Corps has established a series of nationwide permits that authorize certain activities in waters of the United States, provided that a proposed activity can demonstrate compliance with standard conditions. Normally, the Corps requires an individual permit for an activity that will affect an area equal to or in excess of 0.3 acre of waters of the United States. Projects that result in impacts to less than 0.3 acre of waters of the United States can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. The Corps also has discretionary authority to require an Environmental Impact Statement for projects that result in impacts to an area between 0.1 and 0.3 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

Section 1600 of the California Fish and Game Code

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California are subject to the regulatory authority of the CDFG pursuant to Sections 1600 through 1603 of the Code, requiring preparation of a Streambed Alteration Agreement. Under the Code, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Included are watercourses with surface or subsurface flows that support or have supported riparian vegetation. CDFG also has jurisdiction within altered or artificial waterways based on the value of those waterways to fish and wildlife, and also has jurisdiction over dry washes that carry water ephemerally during storm events.

Section 401 of the Clean Water Act

Section 401 of the Clean Water Act requires that “any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act.” Therefore, before the Corps will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB).

Porter Cologne Act

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, with any region that could affect the water of the state” (water code 13260(a)), pursuant to provisions of the State Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (Water Code 13050 (e)).

Mohave Ground Squirrel

The MGS was listed as a rare species in 1971 under the authority of the California State Endangered Species Act of 1970 (CESA) and was re-designated as a state threatened species in 1985 (Gustafson 1993). The MGS is small, grayish, diurnal squirrel. The California Department of Fish and Wildlife (CDFW) is the responsible agency that provides for its protection and management.

MGS are dormant in the fall and winter months, but emerge from hibernation in February and begin pair bonding and mating during March (Gustafson 1993). If rainfall is adequate, MGS will reproduce. If rainfall levels are not sufficient to support substantial annual plant growth, then MGS will merely forage on herbaceous perennials and shrubs until they gain ample body mass for another prolonged period of dormancy (Gustafson 1993). The adult males can enter dormancy as early as late May. Juveniles will remain above-ground until August in order to acquire generous fat reserves prior to entering dormancy.

The site is within the historic range of the Mohave ground squirrel. MGS occur in the western half of the Mojave Desert (Lightner 2012) (Figure 3). Its historical range encompasses an area between Antelope Valley and Lucerne Valley, in the south (Gustafson 1993). However, MGS occurrences in the southern portion of its range are very unusual. The northern limits of the range are near Owens Dry Lake bed, in the north, and through China Lake Naval Weapons Station and Fort Irwin Military Base in the east (Gustafson 1993). The eastern limit of the species range extends to Barstow and south along the Mojave River. The western limits loosely follow State Highway 14 and the foothills of the southern Sierra Nevada escarpment (Gustafson 1993). Several other common squirrels occur within their range; antelope ground squirrel (AGS; *Ammospermophilus leucurus*), round-tailed ground squirrel (RTGS; *Xerospermophilus tereticaudus*) and the California ground squirrel (CGS; *Spermophilus beecheyi*).

Figure 3. MGS Distribution from Lightner 2012

Western Wildlife 2:9–22 • 2015

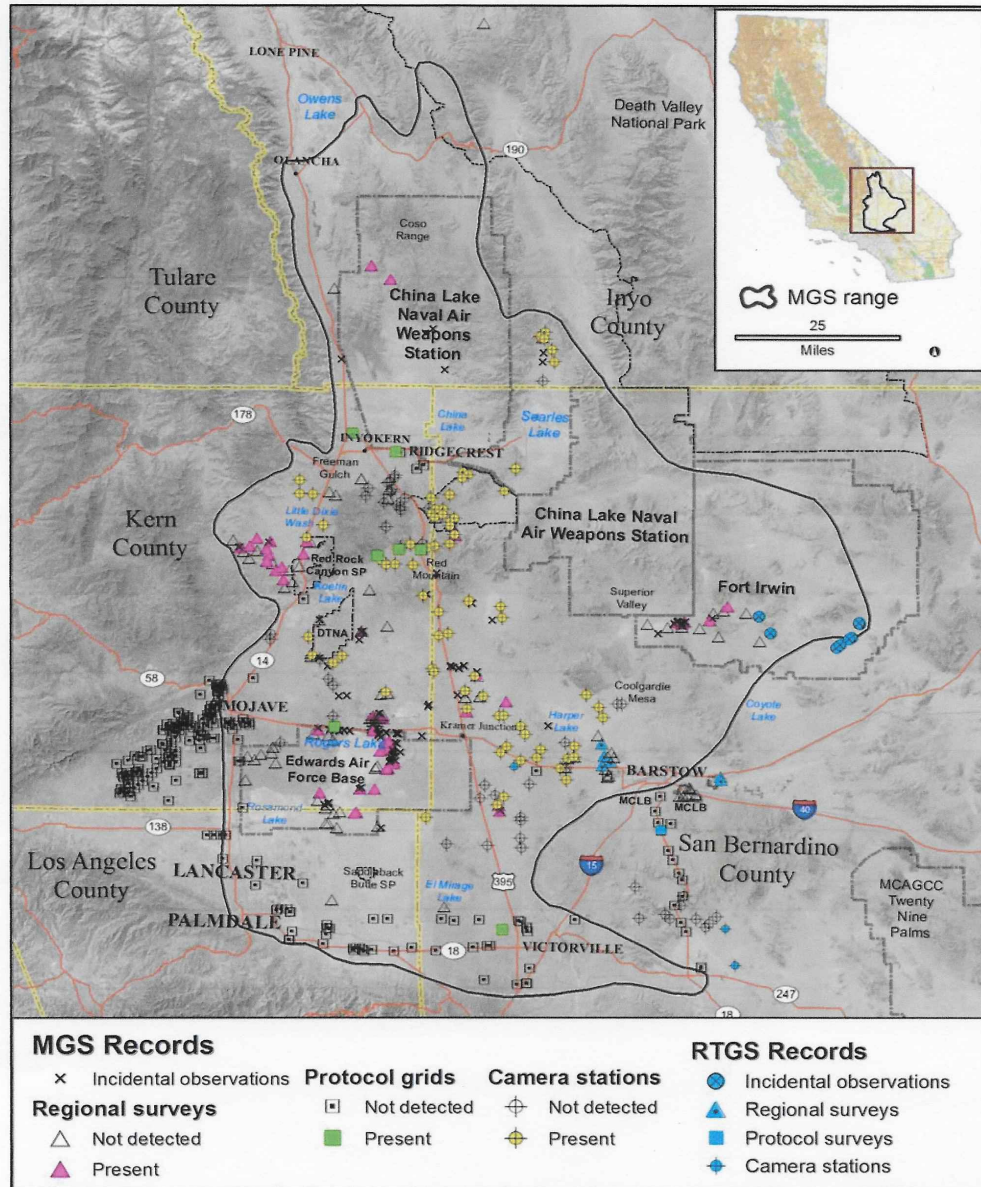


FIGURE 1. The geographic distribution of all Mohave Ground Squirrel (*Xerospermophilus mohavensis*) records for the period 2008–2012. Occurrences of the Round-tailed Ground Squirrel (*Xerospermophilus tereticaudus*) in the contact zone between the two species are also shown.

Desert Tortoise

The desert tortoise (*Gopherus agassizii*) is a desert dwelling reptile that occurs throughout the Mojave and Sonoran deserts. It is found in California, Nevada and Utah, occurring in almost every type of habitat except dry lakes or playas, sand dunes and sand sheets and rocky slopes.

Tortoises construct underground burrows as living quarters, and spend most of the year down in the burrows. They come out for forage in the early spring (February and March) and remain active above ground until early June, when they retreat to their burrows for most of the summer, fall and winter months. They will emerge and be active during the fall months of September and October, depending upon late summer weather conditions. Although they stay underground for most of the year, tortoises can be found active above ground at all times of the year.

Tortoises forage on spring annual wildflowers and grasses. During the foraging season, they also breed and lay eggs in preparation for the next spring.

The desert tortoise hibernates or estivates underground for much of the year as an adaptation to the extreme temperature changes characteristic of desert winters and summers. As a result, determining whether desert tortoise is present in a particular area is generally restricted to locating sign, or evidence, of recent activity.

The tortoise has been undergoing a decline in population due to a number of factors. These include loss or destruction of habitat, killing or harming of animals in the wild, collection of individual animals, raven predation and disease.

The CDFW listed the desert tortoise as threatened on June 22, 1989. The tortoise was emergency listed as endangered by the USFWS on August 4, 1989. The USFWS listing was later changed to threatened. Both listings were made based on populations declining due to the factors listed above. The discovery that the tortoise was rapidly disappearing throughout its range as a result of a disease known as Upper Respiratory Disease Syndrome (URDS) was a critical part of the listing decisions.

This species is known to occur throughout the project general region. Figure 4 depicts the USFW Service critical habitat for the desert tortoise. Figure 5 the desert tortoise distribution in the Mohave desert.

Figure 4. USFWS Desert Tortoise Critical Habitat

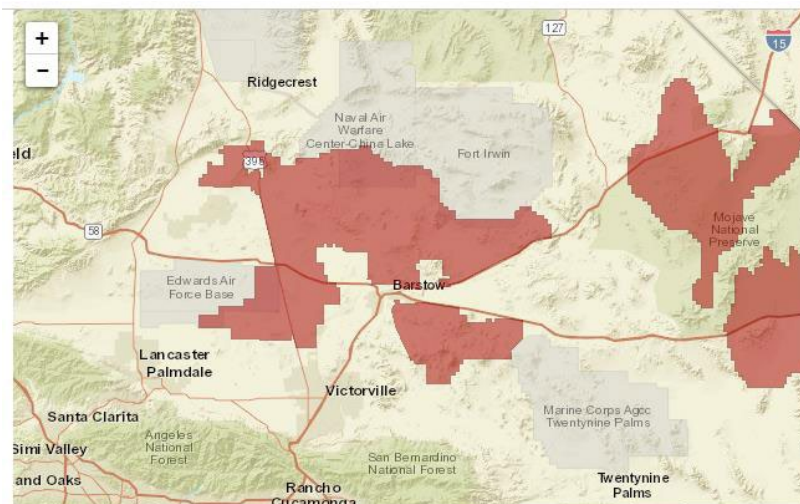


Figure 5. Desert Tortoise Distribution for Mohave Desert



Rare Plants

Several rare plants are listed as possibly occurring within the proposed project area (Table 3).

Table 3. Rare Plants in Project Vicinity

Parish's brittle scale <i>Atriplex parishii</i>	Annual. Alkali flats largely in valley or annual grassland. From cismontane California to the edge of the desert, extending into the Central Valley.
Ayenia <i>Ayenia compacta</i>	Perennial. Mojave Desert scrub, Sonoran Desert scrub. Sandy and gravelly washes in the desert. Dry desert canyons. 150 to 1095 meters elevation
Lincoln rockcress <i>Boechera lincolnensis</i>	Perennial that grows on carbonate soils in chenopod (saltbush) and Mojave desert scrub plant communities. The historical distribution was limited to Inyo County and extending to Utah. It has since been found in the San Bernardino and Kingston mountain ranges, elevations from 3600 feet to 8800 feet.
Alkali mariposa lily <i>Calochortus striatus</i>	Alkaline meadows and in moist areas in creosote bush scrub. Historically distributed from Mojave Desert at the northern base of the San Bernardino and San Gabriel Mountains east to Las Vegas.
Pygmy poppy <i>Canbya candida</i>	Grows in sand flats in creosote bush scrub, Joshua tree woodland. Western Mojave from Walker Pass to Victorville. 2000 to 4000 feet elevation.
White-bracted spine flower <i>Chorizanthe xanti</i> var. <i>leucotheca</i>	Annual herb. Mojave Desert scrub, pinyon juniper woodlands. 300 to 1200 meters in elevation.
Booth's evening primrose <i>Eremothera boothii</i> ssp. <i>boothii</i>	Annual herb. Joshua tree woodland, and pinyon-juniper woodland in the Therange for this species is in the Mojave and Colorado deserts. It blooms from April through September at elevations from 2600 to 7900 feet.

Survey for the above-mentioned plants periods ranged from April to July depending on species. Transects for rare plants were conducted concurrent with the MGS surveys. Transects were walked over the entire site on April 6, May 26, and July 7.

4.0 LITERATURE REVIEW

Prior to beginning field surveys, resource specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of biological resources that have the potential to exist within and adjacent to the study area; resources within several miles of the Project Site were evaluated.

The materials reviewed included, but were not limited to, the following:

8. U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2013a);
9. USFWS Ventura Field Office Species List for San Bernardino County (2013b);
10. California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2013);
11. California Native Plant Society (CNPS) Electronic Inventory (CNPS 2013);
12. Aerial Photographs (Microsoft Corporation 2013); and
13. Previous biological reports prepared for nearby sites (Brylski 2012; CASC 2022, Vergne 2017, 2020,2021)
14. Leitner Current Status of MGS.

5.0 METHODS FOCUSED SURVEYS

Mohave Ground Squirrel

Survey methods were derived from generally accepted professional standards including the 2010 California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFG 2010); and performed under the auspices of a Memorandum of Understanding (MOU) with the CDFW.

Per protocol, since no MGS were captured, three five-day trapping session were conducted.

Within the grid, 100 traps were deployed at less 35-meter (m) spacing due to property size (Figure 6). The grid consisted of a ten by ten array covering most of the site. Standard small-mammal aluminum, foldable, ventilated 12-inch Sherman Traps were used within the Project Site for sampling purposes. The bait used consisted of crushed four-way grains with horse supplement. Folding cardboard boxes held down by dirt were deployed as shade covers for each trap as appropriate. Traps and shade covers were configured to provide the greatest shade cover possible.

Figure 6. MGS Trapping Grid



Temperature readings were taken and recorded every hour, at 1 foot above the ground and at ground level in the shade. Traps were checked every 1-2 hours depending on temperature and other environmental influential factors (i.e., pregnant or lactating females in traps, feral dogs on grid, cold weather, presence of juveniles, etc.). Traps were open within 1 hour after sunrise and closed within 1 hour before sunset. Traps were closed when air temperature reached 90 °F. Traps were not opened until AM temperatures reached 50 °F. No rain occurred during the surveys. Weather data is given in Table 6.

During live trapping surveys, plants were identified to the lowest taxonomic level sufficient to determine whether the plant species observed were non-native, native, or special-status. Plants of uncertain identity were subsequently identified from taxonomic keys (Baldwin et al. 2012). Scientific and common species names were recorded. The presence of a wildlife species was based on direct observation and/or wildlife

sign (e.g., tracks, burrows, nests, scat, or vocalization). Field data compiled for wildlife species included scientific name, common name, and evidence of sign when no direct observations were made. Wildlife of uncertain identity was documented and subsequently identified from specialized field guides and related literature. A reference list is provided in Section 9.0.

Desert Tortoise

Desert tortoise surveys were conducted according to protocol by covering the entire project site by walking east to west transects ten meters apart, and the zone of influence surveys-ZOI.

Surveys were conducted on April 8 and 9 of 2022.

The zone of influence (**ZOI**) includes parallel transects of 100, 300, 600, 1200 and 2400-feet for Tortoises. The zone of influence was completed until being bisected by the Canal, fencing, development and private property boundaries.

Survey temperatures ranged from mid-fifties to mid-eighties, and winds ranged from 5 to 12 mph.

6.0 SURVEY RESULTS

Project Site in Relation to MGS Historical Range

The project site is located at the southern margin of the historical range for the Mohave ground squirrel. There are several MGS records in the California Natural Diversity Database (CNDDDB) in the project vicinity. These are as follows:

- 6.2 miles north, 4 miles W Hesperia, near Mountain View. One male captured on July 1, 1977. This site is 1.45 miles N of the project site.
- 1.5 miles SSW Duncan Corners, Sunset Ridge. One juvenile captured on July 13, 2005. This site is 1.3 miles N of the project site.
- Hesperia (exact location uncertain). One individual was collected on March 9, 1921. This site is approximately 3.3 miles SE of the project site.
- Victorville. One individual collected on March 2, 1919. This site is 7.6 miles NNE of the project site.
- 3.2 miles NW Adelanto Post Office. One juvenile captured on June 24, 2011. This site is 5.3 miles NW of the project site.
- Victorville, near Adelanto Road, west of Mojave Heights. Two individuals detected on June 3, 1980. This site is 9.5 miles NNE of the project site.

Leitner (2012), in a review of the status of the MGS, examined the results of MGS trapping surveys throughout the species' range for the period 1998-2007. There have been a number of MGS surveys in the project vicinity. Two of these surveys, one carried out in 1977 and the other in 2005, yielded MGS captures in the project vicinity. These results are included in the CNDDDB.

MGS Survey Results Trapping Dates, Grid Location, Weather, Capture Data are presented in Tables 4,5,6, 7, and 8.

Table 4. Trapping Dates MGS

Grid No.	First Session	Second Session	Third Session
1	04/5 to 04/9 2022	05/23 to 05-27 2022	06/14 to 06/18 2022

Table 5 MGS Grid Census Locations

Grid No. and Trapping Sessions 1-3	Grid Corners
Grid 1 – Three Sessions	SW 34 26 10.7 N 117 22 49.25 W NW 34 26 13.96 N 117 22 49.66 W NE 34 26 14.82 N 117 22 49.25 W SE 34 26 10.84 N 117 22 26.59 W

Center point of grid was 34 26 11.93 N and 117 22 37.97 W.

Table 6. Weather Summary

WEATHER CONDITIONS	Temp. Air Min F.	Temp. Air Max F.	Temp. Soil Min F.	Temp. Soil Max F.	Cloud Cover % AM	Cloud Cover % PM	Wind Min Mph	Wind Max Mph
Session 1								
April 5	55	81	57	84	10	10	3	7
April 6	54	81	55	83	10	20	5	9
April 7	50	84	53	84	0	0	3	7
April 8	55	86	55	87	0	0	5	10
April 9	57	83	56	85	0	0	5	12
Session 2								
May 23	61	91	63	94	0	10	3	5
May 24	61	93	63	96	15	20	3	8
May 25	64	95	62	96	20	20	3	10
May 26	66	90	64	93	00	00	5	10
May 27	61	85	64	89	10	10	5	9
Session 3								
June 14	59	91	62	93	0	0	3	9
June 15	63	97	64	99	5	10	5	10
June 16	68	98	68	99	10	00	4	12
June 17	63	85	65	87	0	0	5	10
June 18	54	77	58	80	0	0	5	9

AM and Min. Readings at 06:00

PM and Max Readings at 15:00

Table 7. MGS Live Tapping Data Summary

Category	Grid A	Total for Project
	Individuals (recaptures)	Individuals
Trap Hours, Per Trap	178	178
Captures Totals All Species	18 (14)	18
MGS Captures	0	0
MGS Adult Male Captures	0	0
MGS Adult Female Captures	0	0
MGS Juvenile Male Captures	0	0
MGS Juvenile Female Captures	0	0
MGS Unknown Sex	0	0
AGS Captures	13(7)	5
AGS Adult Male Captures	5 (3)	2
AGS Adult Female Captures	7 (4)	3
AGS Juvenile Male Captures	0	0
AGS Juvenile Female Captures	1 (0)	1
AGS Unknown Sex	0	0
Number Of Species Captured	2	2

The California ground squirrel (*Spermophilus beecheyi*) was also captured (2 Adults and 3 juveniles).

Table 8. Sensitive Animals and Habitat on Palmetto Site

REPTILES				
Desert tortoise <i>Gopherus agassizii</i>	Historically found throughout the Mojave and Sonoran Deserts into Arizona, Nevada, and Utah. Occurs throughout the Mojave Desert in scattered populations. Found in creosote bush scrub, saltbush scrub, thornscrub (in Mexico), and Joshua tree woodland. Found in the open desert as well as in oases, riverbanks, washes, dunes, and occasionally rocky slopes.	February - June, all deserts Aug - Sep primarily eastern deserts. Can be present throughout year	FED: THR STATE: THR	Not present. Sign not observed on the property or zone of influence during the focused surveys.
BIRDS				
Northern harrier <i>Circus cyaneus</i>	Grassland and marshy habitats in Southern California. Uncommonly in open desert and brushlands.	Year round	FED: ND STATE: CSC	Low. Not observed during the surveys. Forages over a wide range of open habitat and can be expected to occur throughout most of Southern California. Although no

				nesting habitat was found, foraging habitat exists on site.
Sharp-shinned hawk <i>Accipiter striatus</i>	Nests in woodland, coniferous deciduous forest. Winter visitor and migrant to coastal Southern California. Forages over a variety of habitats.	Fall & winter; scarce in summers	FED: ND STATE: CSC	Low. Not observed during the surveys, but are expected to forage infrequently over the property during migration and in winter.
Cooper's hawk <i>Accipiter cooperi</i>	Woodland and semi-open habitats, riparian groves and mountain canyons. Uncommon permanent resident in coastal, mountains, and deserts of Southern California. Transients fairly common on coast in fall.	Year round; predominant in summer	FED: ND STATE: CSC	Low. Not observed during the surveys, but are expected to forage infrequently over the property during migration and in winter.
Ferruginous hawk <i>Buteo regalis</i>	Fairly common in winter in open grassland and agricultural regions in the interior, as well as some valleys along the coast. Rare and uncommon along the coast and in the desert.	Winter	FED: C2* STATE: CSC	Low. Not observed during the surveys. Poor quality foraging habitat for this species exists on site. No suitable nesting habitat occurs on site.
Prairie falcon <i>Falco mexicanus</i>	Nest in cliffs or rocky outcrops; forage in open arid valleys, agricultural fields. Throughout the desert and arid interior	Year round diurnal	FED: ND STATE: CSC	Low. Not observed during the surveys. Foraging habitat exists for this

	portions of coastal counties. Uncommon resident in Southern California.			species over the property, no suitable nesting habitat.
Burrowing owl <i>Athene cunicularia hypugea</i>	Grasslands and rangelands, usually occupying ground squirrel burrows. Resident over most of Southern California. Found in agricultural areas.	Year round	FED: ND STATE: CSC	Low. No burrows were observed on site, but this species may forage on site and nest in adjacent areas.
Le Conte's thrasher <i>Toxostoma lecontei</i>	Uncommon and local resident in low desert scrub throughout most of the Mojave Desert, extending up into the southwestern corner of the San Joaquin Valley. Breeding range extends from these areas into eastern Mojave, north into the Owens Valley and south into the lower Colorado Desert, and eastern Mojave. Also recorded from southern Nevada and Utah, as well as western Arizona and New Mexico.	Year round	FED: ND STATE: CSC	Moderate. This species may nest and forage on site. Was not observed during recent surveys.
Bendire's thrasher <i>Toxostoma bendirei</i>	Breeds in thorny shrubs and cactus in Joshua tree woodland with scattered desert shrubs such as creosote bush and burrobrush primarily in eastern San Bernardino County. Also occur in the eastern Mojave in	Resident February - August	FED: ND STATE: CSC	Moderate. Not observed during the surveys; however, suitable breeding and foraging habitat

	areas with high numbers of <i>Opuntia</i> , or cholla, cactus. Common summer resident in Joshua Tree National Monument.			exist on the property.
Loggerhead shrike <i>Lanius ludovicianus</i>	Open fields with scattered trees, open woodland, scrub. Fairly common resident throughout southern California.	Year round	FED: ND STATE: CSC	Present. No nests observed. This species may nest in Joshua trees, and forage on site.
MAMMALS				
California leaf-nosed bat <i>Macrotus californicus</i>	In California, these bats primarily occupy low-lying desert areas, where they roost in caves, mines, and old buildings. Historic records extend west to near Chatsworth, Los Angeles County, but most populations from the California coastal basins are believed to have disappeared. Occurs from northern Nevada, Southern California, and western Arizona south to southern Baja California and Sonora.	Year round nocturnal	FED: ND STATE: CSC	Low. Because there are no suitable roost sites in the property limits this species does not roost on the property. However, it may forage over the property if there are roosting sites nearby.
Spotted bat <i>Euderma maculatum</i>	Found in the western North America from southern British Columbia to the Mexican border, at a small number of widely	Spring, Summer, Fall Nocturnal	FED: ND STATE: CSC	Low. Because there are no suitable roost sites in the property limits, this species does

	scattered localities. Habitats range from arid deserts and grasslands through mixed conifer forest up to 10,600 foot elevation. Prefers rock crevices in cliffs, also uses caves and buildings.	Hibernates in Winters		not roost on the property. However, it may forage over the property if there are roosting sites such as caves in the nearby mountains.
San Diego black-tailed jackrabbit <i>Lepus californicus bennettii</i>	Variety of habitats including herbaceous and desert scrub areas, early stages of open forest and chaparral. Most common in relatively open habitats. Restricted to the cismontane areas of Southern California, extending from the coast to the Santa Monica, San Gabriel, San Bernardino and Santa Rosa mountain ranges.	Year round, diurnal and Crepuscular activity	FED: ND STATE: CSC	Present. Jackrabbits were observed during the field surveys, but the geographic location of the property indicates that the individuals observed belonged to the desert race, and not the coastal race.
Mohave ground squirrel <i>Spermophilus mohavensis</i>	Creosote bush scrub, saltbush scrub and Joshua tree woodland. This species is found in the open desert, at oases, along riverbanks, and washes, in dunes and on rocky slopes. Its known habitat extends from San Bernardino north to Kern and Inyo counties.	Active in spring	FED: ND STATE: THR	Not present per focused survey. Low quality habitat occurs on site
Grasshopper mouse	In the more arid regions of southern California. Especially prefers sandy	Year round	FED: ND STATE: CSC	Moderate probability.

Onychomys areas of the Mojave,
torridus ramona Sonoran deserts.

SENSITIVE HABITATS

Joshua tree woodland	Most of the Mojave Desert and parts of the Colorado Desert.	Year round	Protected by local ordinance	A Joshua tree woodland does not occur on site, but individual Joshua trees are scattered and present over the site. Survey and mapping performed.
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Jurisdictional Drainages and Vernal Pools

Drainages		Protected by Federal, State, and local ordinance	There are no jurisdictional drainages on site*
Vernal Pools		Protected by Federal, State, and local ordinance	There are no vernal pools nor suitable soils on site for vernal pools to occur.

* • **Site:** Does not have a USGS delineated "Blue Line Stream".

• **100-Year-Flood Plain Designation:** The Site is not within a "Designated Flood Plain".

• **Dominate Upstream Desert Alluvial Fan Channel:** The Site does not have a "Dominate upstream desert alluvial fan channel" that has become undefined due to lower slope and braiding of typical desert type alluvial fan morphology, therefore no potentially significant upstream off-site concentrated or sheet flows are formed from an alluvial fan that would be of an issue impacting the Site.

• **Ephemeral Natural Drainage Course(s):** The Site does not have any "Significant Native or Altered Ephemeral" drainage course(s) bisecting the Site. The City of Palmdale (Upstream Development or Road improvements) typically concentrates the flows of these natural "Ephemeral Drainage Courses".

Legend

FEDERAL: Federal Classifications

END	Taxa listed as endangered
THR	Taxa listed as threatened
PE	Taxa proposed to be listed as endangered
PT	Taxa proposed to be listed as threatened
C2*	The U.S. Fish and Wildlife Service (USFWS) revised its classifications of candidate taxa (species, subspecies, and other taxonomic designations). The former designation of "Category 2 Candidate for listing" has been discontinued. The USFWS will continue to assess the need for protection of these taxa and may, in the future, designate such taxa as Candidates. NRA, Inc. has noted the change in species status by marking with an asterisk (*) those C2 candidates that were removed from the list.
C	Candidate for listing. Refers to taxa for which the USFWS has sufficient information to support a proposal to list as Endangered or Threatened and issuance of the proposal is anticipated but precluded at this time.
ND	Not designated as a sensitive species

STATE: State Classifications

END	Taxa listed as endangered
THR	Taxa listed as threatened
CE	Candidate for endangered listing
CT	Candidate for threatened listing
CFP	California Fully Protected. Species legally protected under special legislation enacted prior to the California Endangered Species Act.
CSC	California Species of Special Concern. Taxa with populations declining seriously or that are otherwise highly vulnerable to human development.
SA	Special Animal. Taxa of concern to the California Natural Diversity Data Base regardless of their current legal or protected status.
ND	Not designated as a sensitive species

CNPS: California Native Plant Society Classifications

1A	Plants presumed by CNPS to be extinct in California
1B	Plants considered by CNPS to be rare or endangered in California and elsewhere
2	Plants considered by CNPS to be rare, threatened or endangered in California, but which are more common elsewhere
3	Review list of plants suggested by CNPS for consideration as endangered but about which more information is needed.
4	Watch list of plants of limited distribution whose status should be monitored.

Occurrence Probabilities

Occurs	Observed on the site during this study or recorded on site by other qualified biologists
Expected	Not observed or recorded on site, but likely to be present at least during a portion of the year
High	Known to occur in the vicinity of the project site. Suitable habitat exists on site.
Moderate	Known to occur in the vicinity of the project site. Small areas of or marginally suitable habitat exists on site.
Low	No reported sightings within the vicinity of the project. Available habitat limited and rarely used.
None	Focused surveys did not locate the species, or suitable habitat does not exist on site.
Unknown	No data is available on whether species is on or in the vicinity of the site, and information about the species is insufficient to make an accurate assessment of probability occurrence.

7.0 IMPACTS AND RECOMMENDATIONS

The MGS was not captured on the current project site during the 2022 protocol survey as described in this report.

No sign of desert tortoise was observed during the 100 percent coverage of the site or the ZOI surveys. The desert tortoise is not present within the proposed project footprint nor the zone of influence.

No rare plants were documented on site.

The Project Site does not currently support MGS, desert tortoise, nor rare plants.

Implementation of the Project will not result in the loss of individual MGS, nor will it adversely affect local or regional MGS populations; it will not result in the take of DT nor in impacts to occupied habitat; no rare plants were documented on site and no take will occur.

There are no blue line streams on site. There are no jurisdictional drainages on site. There are no vernal pools nor suitable soils for vernal pools on site.

8.0 CERTIFICATION

I hereby certify that the statements furnished above and in the attached figures present the data and information required for this resource assessment, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this investigation was performed by me. I certify that I have not signed a nondisclosure or consultant confidentiality agreement nor do I have any financial interest in the Project.

DATE: September 9, 2022

SIGNED: *Philippe Jean Vergne*

Report Author Philippe Vergne

9.0 REFERENCES

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Vergne P. Focused Survey for Mohave Ground Squirrel Amethyst Basin 2017 for Kidd Biological Consulting

Vergne P. Phase One Habitat Survey for Mohave Ground Squirrel US Cold Storage 2020

Appendix A Mohave Ground Squirrel (MGS) Trapping Summary Form

Mohave Ground Squirrel (MGS) Survey and Trapping Form

Part I – PROJECT INFORMATION (use a separate form for each sampling grid)

Project name: Palmetto Way Warehouse____` Property Owner: NA

Location: Township 4N____; Range 5W_ ; Section_14____; ¼ Section NE 1/4 _SE_1/4____

Quad map/series: Baldy Mesa_ UTM coordinates **Center of grid 34 26 11.93 N and 117 22 37.97 W**

GPS coordinates of trapping grid corners:

MGS Grid Census Locations

Grid No. and Trapping Sessions 1-3	Grid Corners
Grid 1 – Three Sessions	SW 34 26 10.7 N 117 22 49.25 W NW 34 26 13.96 N 117 22 49.66 W NE 34 26 14.82 N 117 22 49.25 W SE 34 26 10.84 N 117 22 26.59 W

Acreage of Project Site: 30.52 acres ____ Acreage of potential MGS habitat on site 30.52 acres__

Total acreage visually surveyed on project site: 30.52 acres

Visual surveys conducted by: Philippe Vergne of ENVIRA

Total acres trapped: 26 acres

Number of sampling grids: 1

Trapping conducted by: _____ Philippe Vergne of ENVIRA _____

Dates of sampling term(s): (all 2022)

FIRST April 5-9, SECOND _May 23 to 27 THIRD June 14 to 18
Site Elevation 3,220

Weather Summary

WEATHER CONDITIONS	Temp. Air Min F.	Temp. Air Max F.	Temp. Soil Min F.	Temp. Soil Max F.	Cloud Cover % AM	Cloud Cover % PM	Wind Min Mph	Wind Max Mph
Session 1								
April 5	55	81	57	84	10	10	3	7
April 6	54	81	55	83	10	20	5	9
April 7	50	84	53	84	0	0	3	7
April 8	55	86	55	87	0	0	5	10
April 9	57	83	56	85	0	0	5	12
Session 2								
May 23	61	91	63	94	0	10	3	5
May 24	61	93	63	96	15	20	3	8
May 25	64	95	62	96	20	20	3	10
May 26	66	90	64	93	00	00	5	10
May 27	61	85	64	89	10	10	5	9
Session 3								
June 14	59	91	62	93	0	0	3	9
June 15	63	97	64	99	5	10	5	10
June 16	68	98	68	99	10	00	4	12
June 17	63	85	65	87	0	0	5	10
June 18	54	77	58	80	0	0	5	9

AM and Min. Readings at 06:00

PM and Max Readings at 15:00

Live Tapping Data Summary

MGS were not detected in the Project Site or within any census grids during any of the three live trapping sessions. Only the AGS and California Ground squirrel were trapped within the grid.

Total trap hours were in excess of 172 hours, averaging approximately 11.5 hours per day or 57.5 hours per live trapping event. There were no MGS captures. AGS capture totals were low at 17 representing 8 individuals.

Part II – GENERAL HABITAT DESCRIPTION

The disturbed annual grasslands and understory on site are dominated by fiddleneck, brome, and forbs. Joshua Tree are scattered throughout the site. Scrub community is dominated by Saltbush, California Juniper, and isolated creosote bush

Site Vegetation

Common name	Scientific name
California juniper	<i>Juniperus californica</i>
Burro Bush or white bur sage	<i>Ambrosia dumosa</i>
Desert sunflower	<i>Geraea canescens</i>
Fremont pincushion	<i>Chaenactis fremontii</i>
Cheese bush	<i>Hymenoclea salsola</i>
Antelope bush	<i>Purshia tritendata</i>
Flat-topped buckwheat	<i>Eriogonum plumatella</i>
California buckwheat	<i>Eriogonum fasciculatum</i>
Great Basin sagebrush	<i>Artemisia tritendata</i>
Coopers box-thorn	<i>Lycium cooperi</i>
Desert sage	<i>Salvia dorii</i>
Woody bottle washer	<i>Camissonia boothii</i>
Plantain	<i>Plantago insularis</i>
Cotton thorn	<i>Tetradymia axillaris</i>
Creosote bush	<i>Larrea tridentata</i>
Hop sage	<i>Grayia sinosa</i>
Snakeweed	<i>Gutierrezia microcephala</i>
Rabbit brush	<i>Chrysothamnus nauseosus</i>
Nevada ephedra	<i>Ephreda nevadensis</i>
Joshua tree	<i>Yucca brevifolia</i>

Common name	Scientific name
Red brome	<i>Bromus madritensis</i>
Cheat grass	<i>Bromus tectorum</i>
Perennial bluegrass	<i>Poa secunda</i>
Meditarrear grass	<i>Schismus barbatus</i>
Red stemmed filaree	<i>Erodium cicutarium</i>

Land form (mesa, bajada, wash): Mesa adjacent to commercial warehouses and rural housing. The project site is an undeveloped portion north of Palmetto Way, to the West of Amargosa Road (adjacent to the 15 Freeway). The valley floor is almost flat (approximately 1.25% slope to the southeast).

Soils description: The soils on the site are Cajon sands, and Hesperia loamy fine sands

Elevation: 3,443 to 3,468 Slope: estimated 1.25% slope to southeast

Appendix B MOU



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Wildlife Branch
1612 9th Street
Sacramento, CA 95811
<http://www.wildlife.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Expiration Date: December 31, 2021

MEMORANDUM OF UNDERSTANDING

Philippe J. Vergne (SC-002835)
Principal Investigator
ENVIRA

Research on Mohave Ground Squirrel in California

May 7, 2018

(This supersedes the MOU issued on September 26, 2012)

This Memorandum of Understanding (MOU) is issued pursuant to California Code of Regulations Title 14 Section 783.1(a), and Fish and Game Code (FGC) Section 2081(a) of the California Endangered Species Act (CESA) whereby through permits or memorandums of understanding, the Department of Fish and Wildlife (Department) may authorize individuals, public agencies, universities, zoological gardens, and scientific or educational institutions, to import, export, take, or possess any endangered species, threatened species, or candidate species for scientific, educational, or management purposes.

This MOU is a legal instrument connected to your Scientific Collecting Permit (SCP; SC-002835) pursuant to Fish and Game Code Section 1002 and CCR Title 14 Section 650, referenced herein for the purpose of linking the two regulatory documents and all authorized research activities.

MOUs issued pursuant to Fish and Game Code 2081(a) generally do not cover "movement out of harm's way" during project activities (as defined in Public Resources Code 21065) unless part of the project's purpose is to contribute to recovery of the species. Incidental take, as well as movement out of harm's way to avoid lethal take, of CESA-listed or fully protected species associated with project activities is typically authorized by the Department Regional Office with jurisdiction over the project site through separate permits issued pursuant to other Fish and Game Code sections such as 2081(b) or 2835.

Authorized Species and Research Activities

The Department authorizes you to conduct the following scientific research methods and activities on the CESA-listed threatened Mohave ground squirrel (*Xerospermophilus mohavensis*; squirrel):

- a) search (survey) for, including the capture using live-traps;

Conserving California's Wildlife Since 1870

Renewed October 2021.
