

November 28, 2018

Ali Alnajar
2505 Celentano Ct
Bakersfield, CA 93313

Re: RECONNAISSANCE-LEVEL BIOLOGICAL SURVEY RESULTS FOR THE PROPOSED DEVELOPMENT OF LOT 170-200-15 NORTHWEST CORNER OF COTTONWOOD ROAD AND E PLANZ ROAD, BAKERSFIELD, CALIFORNIA

Dear Mr. Alnajar

West Kern Environmental Consulting, LLC (WKEC) conducted a reconnaissance-level biological survey for the proposed development of lot 170-200-15 at the northwest corner of Cottonwood road and E Planz road, Bakersfield, California. The lot occurs within Section 8, Township 30 South, Range 28 East in the Lamont 7.5-minute quadrangle (MDB&M) (**Attachment A**). The Project area is approximately 0.5 acres.

The Project site occurs within the incorporated limits of the City of Bakersfield, and it is within the Metropolitan Bakersfield Habitat Conservation Plan area (MBHCP) (City of Bakersfield and County of Kern 1994). As required by the MBHCP and associated Urban Development Incidental Take Permit (ITP) No. 2081-2013-058-04, the City of Bakersfield is subject to compliance with the take minimizations measures defined by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife (USFWS) contained within those documents.

WKEC conducted the reconnaissance level biological survey of the Project site to identify the presence or absence of special-status species or their habitat. This report provides the methods used to conduct the survey, the results obtained, a discussion of those results, and concluding remarks about the level of Project compliance with the MBHCP and associated ITP.

METHODS

WKEC biologist Maria Myers, conducted a reconnaissance-level field survey on November 27, 2018. Prior to conducting the biological field survey, a query of the California Department of Fish and Wildlife's Natural Diversity Data Base (CNDDDB) (CDFW 2018) was conducted for Federal and state threatened and endangered species within the Lamont and eight surrounding USGS 7.5-minute quadrangles (Oildale, Oil Center, Rio Bravo Ranch, Edison, Arvin, Weed Patch, Conner and Gosford).

The reconnaissance-level field survey was conducted by walking meandering transects throughout the project area and surrounding buffer where accessible. The survey focused on identifying listed species or their signs (e.g., dens, scat, tracks, prey remains, nests, etc.) within the survey area using information gathered from CNDDDB query.

RESULTS AND MITIGATION

No evidence of sensitive species was observed during the reconnaissance level survey, and no nesting birds were found during the survey effort.

The project area is located within a heavily disturbed undeveloped lot at the northwest corner of Cottonwood Road and E. Planz Road. During the field visit, vehicles were observed using the lot as a parking area for the convenience store located at the southeast corner of the lot. Surrounding land use to the west and north is primarily residential. Land use to the south is currently a vacant dirt lot. Land use to the east is an open field with ruderal habitat. Representative photographs that illustrate the current conditions of the project area are provided in Attachment B.

The biological field survey was not conducted during an appropriate time to identify special-status plant species. However, due to the heavy disturbance on the project area, it is unlikely that any special-status species would occur. No other wildlife was observed during the site visit. A list of all plant species observed during the reconnaissance-level survey is provided below in Table 1.

Table 1. List of plant and animal species observed on the project area

Scientific name	Common name
Plants	
Bermuda grass	<i>Cynodon dactylon</i>
puncture vine	<i>Tribulus terrestris</i>
red brome	<i>Bromus madritensis ssp. rubens</i>
Russian thistle	<i>Salsola tragus</i>

San Joaquin Kit Fox (Vulpes macrotis mutica)

No active or inactive dens of San Joaquin kit were found on the Project site or within the buffer area. No potential dens or other sign (i.e. tracks, prey remains, scat, etc.) were observed during the survey. Although there was no indication that San Joaquin kit fox inhabit the Project site, the species is known to occur in the vicinity of the site and could potentially be present from time to time as foraging transients.

Western Burrowing Owl (Athene cunicularia)

There were no burrows found on the Project site that could potentially be occupied by the western burrowing owl. No signs of the western burrowing owl were observed on the Project site or within the buffer area.

Tipton Kangaroo Rat (Dipodomys nigratoides nigratoides)

No burrows that could be occupied by the Tipton kangaroo rat were present on the Project site or within the buffer area. The Project is located outside of the species location range. This species was determined to be absent from the Project site.

CONCLUSION

In summary, no sensitive species were observed on the project site or within the survey buffer. The project site occurs within the covered area of the MBHCP. Therefore, several protection measures are required to be implemented prior to and during work activities. The MBHCP Mitigation Measures are outlined in Attachment C.

If you have any questions regarding this report or require additional information, please contact me at (661) 805-6991.

Sincerely,



Maria Myers
Principal Biologist

Attachments:


- Attachment A: Figures
- Attachment B: Photoplates
- Attachment C: Summary of ITP COA

Attachment A: Project Area Map

Figure 1. Proposed Development of Lot 170-200-15

Survey area outlined in red

Legend

 Project Area



Attachment B: Project Area Photos

Attachment B: Project Area Photos

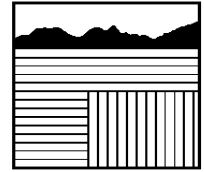
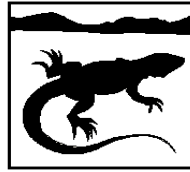
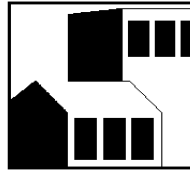
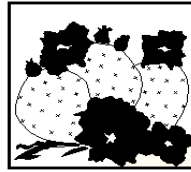
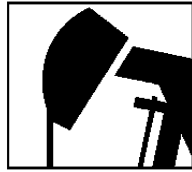


Photo 1: Project area looking east.



Photo 2: Project area looking west.

*Attachment C: Mitigation Measures for
MBHCP Incidental Take Permit 2018*



Metropolitan Bakersfield Habitat Conservation Plan

EXHIBIT D COVERED SPECIES MINIMIZATION MEASURES

Note: "Covered Activities" include any activities for which an urban development permit (e.g., grading permit) results in urban development. Urban development means a change in land use from open land to any other land use for which a permit such as a grading permit is required by the City of Bakersfield, including, but not limited to, the construction of buildings, roads, hardscapes, landscaping, curbs and gutters, parking lots, etc. The term does not include change in open land to agricultural or oil production except for associated ancillary facilities for which the City exercises discretionary authority over the issuance of permits or approvals.

If the Biological Clearance Survey results determine that the Survey Area has...

...a known, active, or natal San Joaquin kit fox den.

The following minimization measures must be implemented:

7.5. San Joaquin kit fox (SJKF) Den Avoidance

The developer must demonstrate that they established a permanent minimum buffer using fencing or flagging as follows:

1. At least 100 feet around den(s);
2. At least 200 feet around natal dens (which SJKF young are reared); and
3. At least 500 feet around any natal dens with pups (except for any portions of the buffer zone that are already fully developed).



Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 7.6., and as follows: If the work within the buffer area will not result in the destruction of the den, the den should be conserved. If the den is unoccupied (based on the required four consecutive days of monitoring), then the den can be covered in a secure manner to prevent access by SJKF while the work is being conducted. After the work is done, the den can be uncovered to allow use by SJKF. If the den is occupied and the SJKF don't want to leave, then a smaller buffer could be established,

including a barricade to prevent the SJKF from exiting the den and entering the work site. A qualified biologist shall monitor the den while the work is being conducted. Notify the City immediately via telephone or e-mail if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to any proposed development footprint. Each developer shall bear the costs of implementing the SJKF den avoidance requirements. A reduced SJKF avoidance buffer may be authorized with written approval by the California Department of Fish and Wildlife (CDFW).

7.6. SJKF Den Excavation

For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per

Condition of Approval 7.5, and if, after four consecutive days of monitoring with tracking medium or infrared camera, a Qualified Biologist has determined that SJKF is not currently present, the den may be excavated. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the U.S. Fish and Wildlife Service (USFWS) and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring, as described above, shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of a Qualified Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no SJKF individuals are inside. Dens shall be fully excavated, filled with dirt, and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. If an individual SJKF does not vacate a den within the proposed construction footprint within a reasonable timeframe, the developer shall contact USFWS and CDFW and get written guidance (email will suffice) from both agencies prior to proceeding with den excavation. Each developer shall bear the costs of implementing the SJKF den excavation requirements.

...Kangaroo rat burrows (Conceptual Southwest Focus Area only).

The following minimization measures must be implemented:

7.8. Tipton kangaroo rat (TKR) Trapping and Salvage

If the Biological Clearance Survey identifies TKR burrows within the proposed construction footprint of proposed developer projects within the "Conceptual Southwest Focus Area" as shown on attached map, the City shall not issue a permit until a Qualified Biologist conducts a minimum of five consecutive nights of live small mammal trapping, with high trap densities focused at and around TKR burrows, runways, seed caches, and dust baths. How and where captured animals will be held and the final release location and specifics shall be in accordance a CDFW-approved TKR Relocation Plan. The developer for which the Biological Clearance Survey was conducted shall bear the costs of TKR trapping, salvage, and relocation.



7.9. TKR Burrow Excavation

Following live trapping activities conducted, any potential TKR burrows (e.g., any kangaroo rat burrows) present within the development footprint shall be fully excavated by hand by the Qualified Biologist. The Qualified Biologist shall relocate any TKR encountered in the excavated burrows to the release site(s) identified in the CDFW-approved TKR Relocation Plan. The Qualified Biologist shall also collect and move dormant or torpid TKR encountered to an artificial burrow installed at the release site(s) identified in the CDFW-approved TKR Relocation Plan.

7.10. TKR Record of Handling

Qualified Biologist(s) shall maintain a record of all TKR handled. This information shall include for each animal:

1. The locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release;
2. Sex;
3. Approximate age (adult/juvenile);
4. Weight;
5. General condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and
6. Ambient temperature when handled and released.

A Relocation Summary shall be prepared by the Qualified Biologist and submitted by the developer to the City and CDFW as part of the information accompanying the "Notice of Grading Start."

...one or more Bakersfield cactus clumps and/or plants.

The following minimization measures must be implemented:

7.11. Bakersfield Cactus Avoidance

If the Biological Clearance Survey prepared identifies Bakersfield cactus within the proposed construction footprint of a proposed developer project, the City shall not issue a permit until the developer demonstrates that all Bakersfield cacti shall be avoided by a minimum of 25 feet, unless Condition of Approval 7.13 is implemented. This avoidance distance may be lessened on a specific case-by-case basis if CDFW concurs in writing that a modified distance proposed by a Qualified Biologist is sufficient to avoid direct or indirect take of Bakersfield cactus.



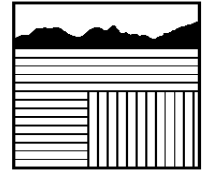
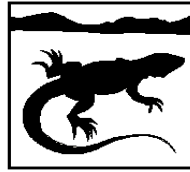
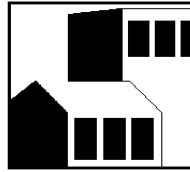
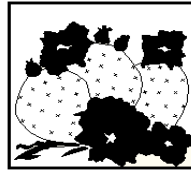
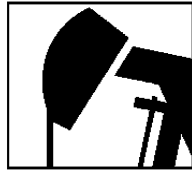
7.12. Bakersfield Cactus Avoidance Fencing

Sturdy, highly visible, plastic construction avoidance fencing (or comparable fencing approved in writing by the CDFW Regional Representative) shall be installed around Bakersfield cactus avoidance areas (Condition of Approval 7.11) and located in accordance with direction from the Qualified Biologist. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least twice weekly during the construction period. Fencing shall be removed upon completion of construction of the developer project.

7.13. Bakersfield Cactus Translocation

The Qualified Biologist shall translocate Bakersfield cactus, which cannot be avoided by construction activities in accordance with Condition of Approval 7.11, to the nearest suitable habitat specifically identified in the Bakersfield Cactus Translocation Plan prior to disturbance of any Bakersfield cacti. Translocated cacti shall be planted in habitat that the City has proven to be suitable for Bakersfield cactus by demonstrating that Bakersfield cactus occurs naturally at the same general location and the plantable area has suitable soils, vegetation, and other aspects to support a self-sustaining population of Bakersfield cactus. The density of plantings shall not exceed densities that occur naturally in the vicinity of the Project. Pads shall be taken from the translocated clumps of cacti and planted in the receiver sites to increase the number of plants.

All required minimization measures must be implemented before a five-day "Notice of Grading Start" (see Exhibit C) can be submitted to the wildlife agencies.



Metropolitan Bakersfield Habitat Conservation Plan

EXHIBIT F SPECIES PROTECTION MEASURES DURING CONSTRUCTION

Daily Entrapment Inspections

The developer shall inspect all open holes, sumps, and trenches within the development footprint at the beginning, middle, and end of each day for trapped Covered Species. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between two- and eight-feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope.



All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than eight feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. Trenches, holes, sumps, or other excavations that are covered long term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, the developer and their workers shall cease all Covered Activities in the vicinity and notify the City of Bakersfield immediately, whom shall in turn notify California Department of Fish and Wildlife (CDFW) immediately.

The developer shall allow the Covered Species to escape unimpeded if possible before construction/grading activities are allowed to continue, or, alternatively, a Qualified Biologist shall capture and relocate the animal, in accordance with CDFW direction regarding the final disposition of the animal. The developer for which the Biological Clearance Survey was conducted shall bear the costs of Covered Species salvage.

Materials Inspection

The developer shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (three inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection one of these animals is discovered inside the structure, workers shall notify the City and allow the Covered Species to safely escape that section of the structure before moving and utilizing the structure.

Equipment Inspection

The developer shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the developer shall contact a Qualified Biologist to determine if they can safely move the Covered Species out of harm's way.

SJKF Detection on Construction Site

Notification to the City and CDFW is required within 24 hours in the event that a SJKF is observed denning or utilizing structures or materials within an active construction footprint. In addition, a minimum 100-foot

no disturbance buffer from the area being used by SJKF as a denning site shall be implemented excavation measures can be implemented by a Qualified Biologist funded by the developer.

Covered Species Injury

If a Covered Species is injured as a result of Project-related activities, a Qualified Biologist shall immediately take it to CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats the injured Covered Species. Facilities in the Bakersfield area include:

California Living Museum (CALM)
10500 Alfred Harrell Hwy, Bakersfield, CA 93306
(661) 872-2256

The developer shall bear any costs associated with the care or treatment of such injured Covered Species. The developer shall notify the City as soon as possible and the notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.