

The logo for SWCA (Southwest Consulting & Associates) is positioned vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' in a large, stylized, light blue font, stacked one above the other.

Biological Resources Assessment Fort Amethyst Self Storage Project City of Victorville, California

JUNE 2023

PREPARED FOR
Westgate Plaza LLC

PREPARED BY
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**BIOLOGICAL RESOURCES ASSESSMENT
FORT AMETHYST SELF STORAGE PROJECT
VICTORVILLE, CALIFORNIA**

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1 INTRODUCTION

Westgate Plaza LLC (applicant) retained SWCA Environmental Consultants (SWCA) to conduct a biological resources assessment in support of the proposed Fort Amethyst Self-Storage Project (project) in the City of Victorville, San Bernardino County, California (Figure 1). As the Lead Agency under the California Environmental Quality Act (CEQA), the City of Victorville (City) requires the assessment of potentially significant impacts to the environment caused by construction or implementation of the project.

This report specifically addresses questions in Appendix G (Environmental Checklist Form) of the State CEQA Guidelines and includes a discussion of potential impacts and mitigation recommendations to reduce potential impacts to less-than-significant levels, pursuant to the CEQA.

1.1 Project Description and Location

The project entails development of a new self-storage facility on an approximately 8.14-acre vacant parcel located east of Amethyst Road, about 630 feet south of Palmdale Road and bordered along the eastern side by Los Angeles Bureau of Power and Light Road, west of their high-tension power lines (Figure 2). The project site consists of one parcel (Assessor Parcel Number 310-529-101), specifically located in Section 24, Township 5 North, Range 5 West on the U.S. Geological Survey *Victorville, California* 7.5-minute topographic quadrangle (Figure 3). The project is about 4.5 miles southwest of downtown Victorville.

2 REGULATORY SETTING

This section summarizes federal, state, and local regulations, plans and policies relevant to the proposed project.

2.1 Federal Regulations

2.1.1 *Federal Endangered Species Act*

The U.S. Congress passed the Endangered Species Act (ESA) in 1973 to protect endangered species and species threatened with extinction (federally listed species). The ESA operates in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

Section 9 of the ESA prohibits the “take” of endangered or threatened wildlife species. The legal definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 United States Code USC 1532 [19]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] 17.3). Harassment is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR 17.3). Actions that result in take can result in civil or criminal penalties.

The U.S. Fish and Wildlife Service (USFWS) can issue permits under Sections 7 and 10 of the ESA. Section 7 mandates that all federal agencies consult with the USFWS for terrestrial species and/or

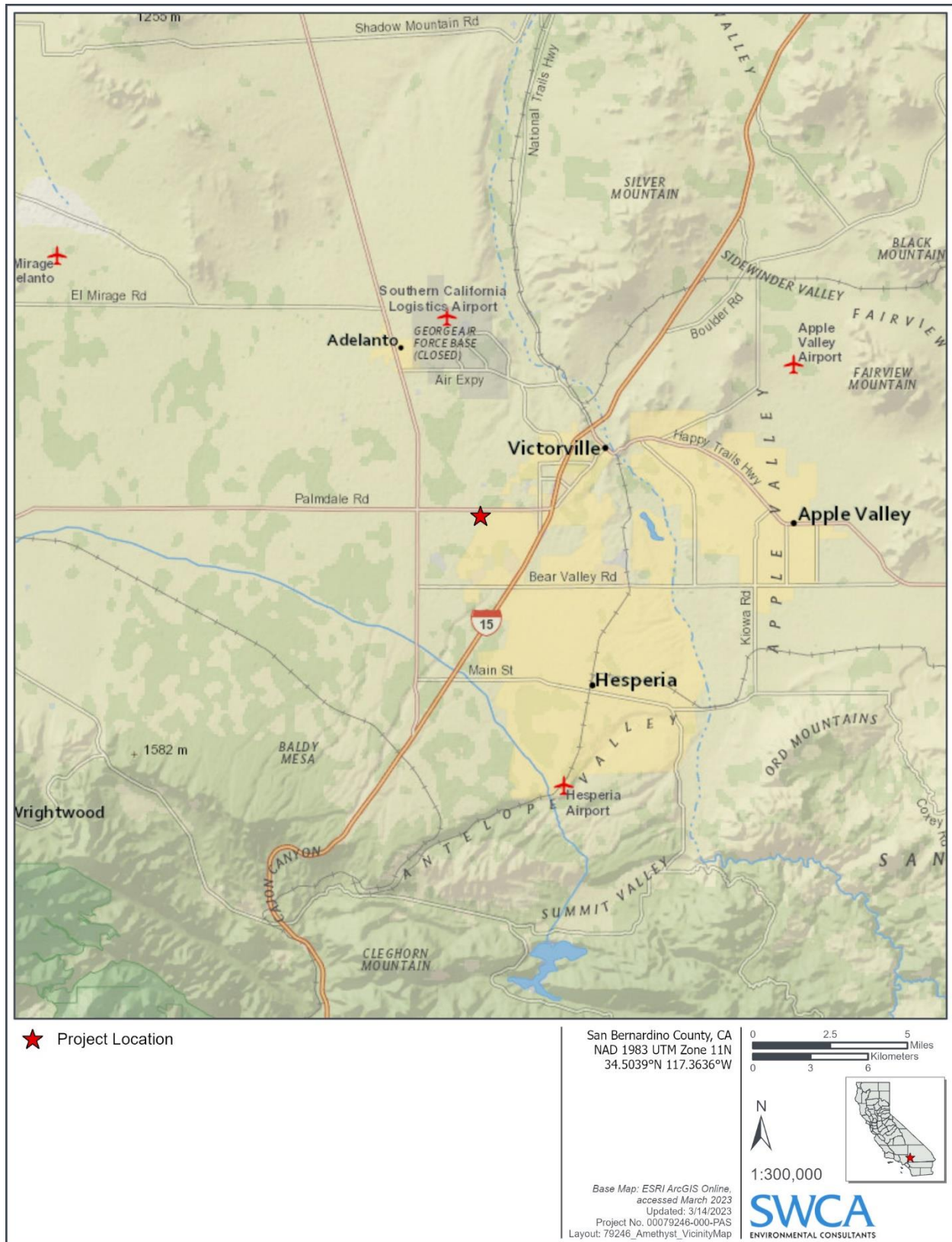


Figure 1. Vicinity map.

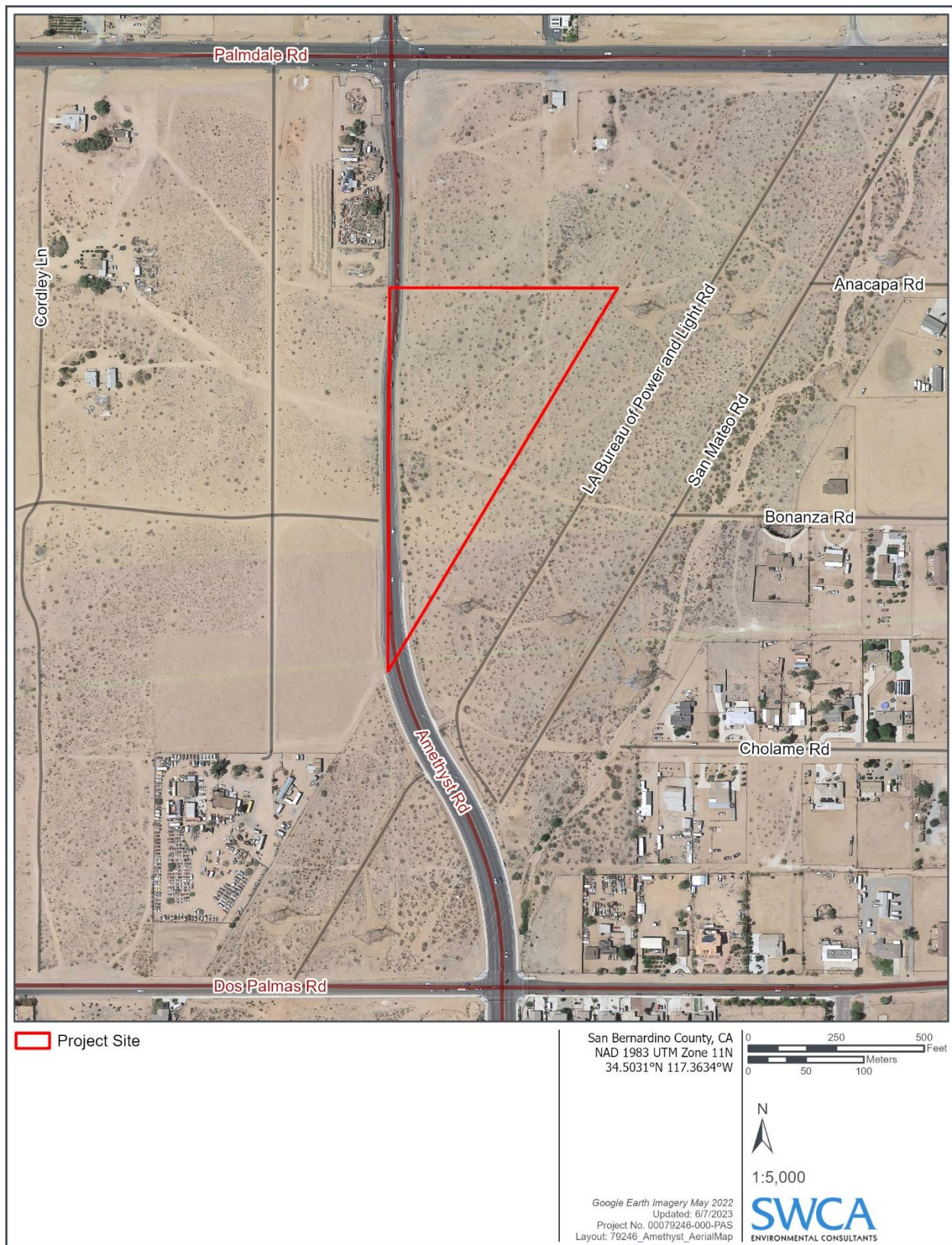


Figure 2. Project location aerial

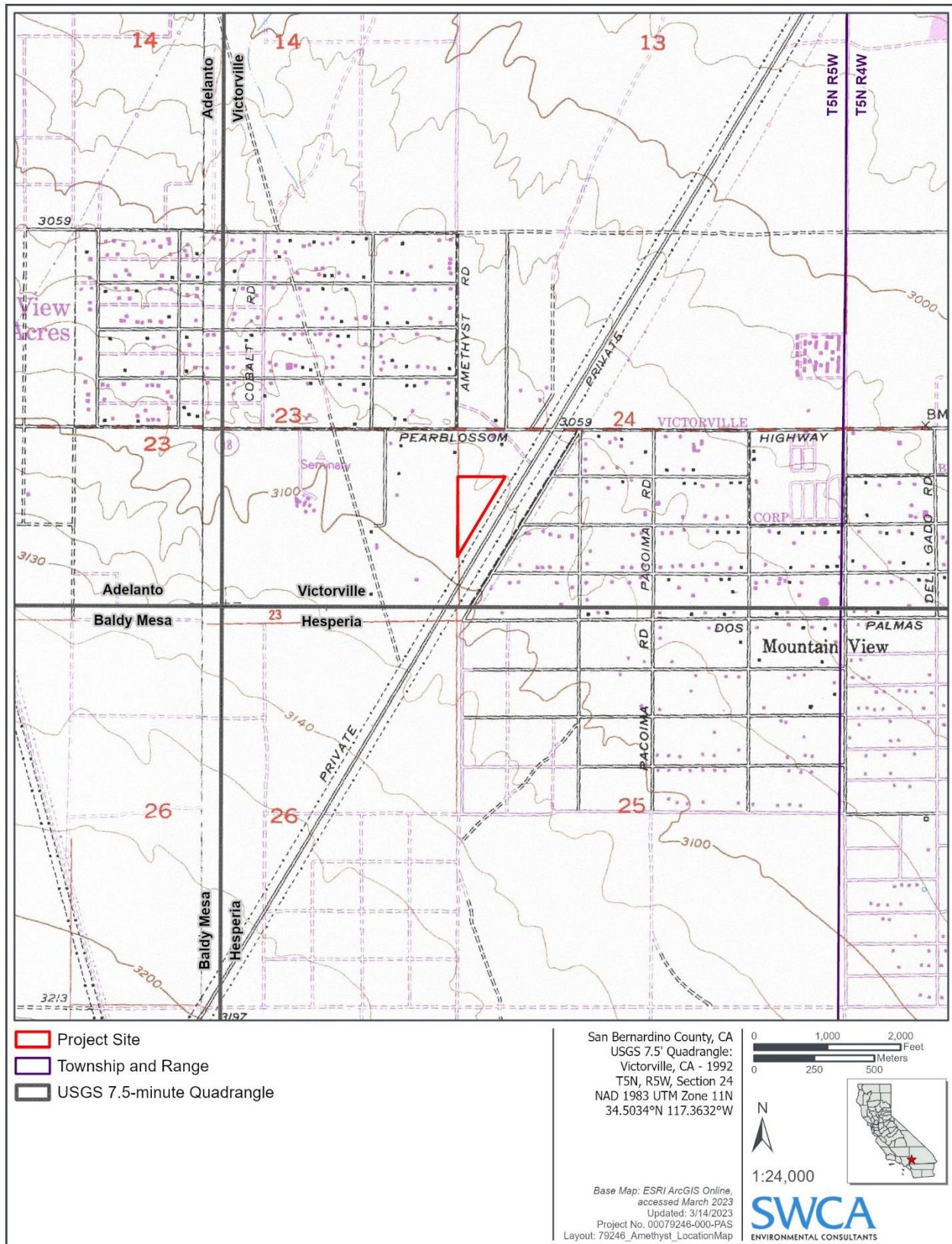


Figure 3. Topographic map.

National Marine Fisheries Service (NMFS) for marine species to ensure that federal agency actions do not jeopardize the continued existence of a listed species or adversely modify critical habitat for listed species. Any anticipated adverse effects require preparation of a biological assessment to determine potential effects of the project on listed species and critical habitat. If the project adversely affects a listed species or its habitat, the USFWS or NMFS will prepare a Biological Opinion. The Biological Opinion may recommend “reasonable and prudent alternatives” to the project to avoid jeopardizing or adversely modifying habitat including “take” limits.

The ESA defines critical habitat as habitat deemed essential to the survival of a federally listed species. The ESA requires the federal government to designate “critical habitat” for any species it lists under the ESA. These complementary requirements apply only to federal agency actions, and the latter only to specifically designated habitat. A critical habitat designation does not set up a preserve or refuge, and applies only when federal funding, permits, or projects are involved (i.e., a federal nexus). Critical habitat requirements do not apply to activities on private land that do not involve a federal nexus.

Section 10 of the ESA includes provisions to authorize take that is incidental to, but not the purpose of, activities that are otherwise lawful. Under Section 10(a)(1)(B), USFWS may issue permits (incidental take permits) for take of ESA-listed species if the take is incidental and does not jeopardize the survival and recovery of the species. To obtain an incidental take permit, an applicant must submit a habitat conservation plan outlining steps to minimize and mitigate permitted take impacts to listed species.

2.1.2 *Migratory Bird Treaty Act*

The federal Migratory Bird Treaty Act (MBTA), first enacted in 1918, prohibits any person, unless permitted by regulations, to

“...pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatsoever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention ... for the protection of migratory birds ... or any part, nest, or egg of any such bird.” (16 USC 703)

The list of migratory birds includes nearly all bird species native to the United States. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. The statute was extended in 1974 to include parts of birds, as well as eggs and nests. Thus, it is illegal under MBTA to directly kill, or destroy a nest of, nearly any native bird species, not just endangered species. Activities that result in removal or destruction of an active nest (a nest with eggs or young being attended by one or more adults) would violate the MBTA. Removal of unoccupied nests, and bird mortality resulting indirectly from disturbance activities, are not considered violations of the MBTA.

2.1.3 *Bald and Golden Eagle Protection Act*

The Bald and Golden Eagle Protection Act (BGEPA) (16 USC 668–668c) prohibits anyone from “taking” bald eagles (*Haliaeetus leucocephalus*), including their parts, nests, or eggs, without a permit issued by the Secretary of the Interior. In 1962, Congress amended the act to cover golden eagles (*Aquila chrysaetos*). The BGEPA provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The BGEPA defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The 1962

amendments included a specific exemption for possession of eagles for religious purposes of Native American tribes; however, an Indian Religious Permit is required.

On November 10, 2009, the USFWS implemented new rules under the existing BGEPA, requiring all activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity to receive permits from the USFWS. Under USFWS rules (16 USC § 22.3; 72 *Federal Register* 31,132, June 5, 2007), “disturb” means

“to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if upon the eagle’s return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment.

2.2 State Regulations

2.2.1 California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA), which prohibits the “taking” of listed species except as otherwise provided in state law. Section 86 of the Fish and Game Code defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Under certain circumstances, the CESA applies these take prohibitions to species petitioned for listing (state candidates). Pursuant to the requirements of the CESA, state lead agencies (as defined under the California Environmental Quality Act [CEQA] Public Resources Code Section 21067) are required to consult with the CDFW to ensure that any action or project is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat. Additionally, the CDFW encourages informal consultation on any proposed project that may impact a candidate species. The CESA requires the CDFW to maintain a list of threatened and endangered species. The CDFW also maintains a list of candidates for listing under the CESA and of species of special concern (or watch list species).

2.2.2 Fully Protected Species Act

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. Section 5050 lists protected amphibians and reptiles, and Section 3515 prohibits take of fully protected fish species. Eggs and nests of fully protected birds are under Section 3511. Migratory nongame birds are protected under Section 3800, and mammals are protected under Section 4700. Except for take related to scientific research, all take of fully protected species is prohibited.

2.2.3 Nesting Birds and Raptors

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 provides protection for all birds of prey, including their eggs and nests.

2.2.4 *Migratory Bird Protection*

Take or possession of any migratory non-game bird as designated in the MBTA is prohibited by Section 3513 of the California Fish and Game Code.

2.2.5 *California Desert Native Plants Act*

The California Desert Native Plants Act (CDNPA) protects non-listed California desert native plants from unlawful harvesting on public and private lands in the counties of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego (California Food and Agriculture Code, Sections 80001-80006, Division 23). A number of desert plants are protected under this act, including all species in the agave and cactus families. The CDNPA is sometimes referred to as the California Desert Plant Protection Act.

2.2.6 *California Environmental Quality Act*

The California Environmental Quality Act (CEQA) was adopted in 1970 and applies to discretionary actions directly undertaken, financed, or permitted by State or local government lead agencies. CEQA requires that a Project's effects on environmental resources must be analyzed and assessed using criteria determined by the lead agency. CEQA defines a rare species in a broader sense than the definitions of threatened, endangered, or California species of concern. Under this definition, the CDFW can request additional consideration of species not otherwise protected.

2.2.6.1 *CEQA SIGNIFICANCE CRITERIA*

Section 15064.7 of the CEQA guidelines encourages local agencies to develop and publish the thresholds that the agency will use in determining the significance of environmental effects caused by Projects or actions under its review. Appendix G of the CEQA guidelines provides thresholds to evaluate impacts that would normally be considered significant. Based upon these guidelines, impacts to biological resources would normally be considered significant if the Project:

- Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFW or USFWS;
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites; or
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

An evaluation of whether an impact to biological resources would be significant must consider both the resource itself and how that resource fits into a regional or local context. Significant impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, state, or federal resource conservation plans, goals, or regulations. The evaluation of impacts considers direct impacts, indirect impacts, cumulative impacts, as well as temporary and permanent impacts.

2.3 Local Regulations and Plans

2.3.1 West Mojave Plan

The stated purpose of the West Mojave Plan (WEMO) is “...to develop management strategies for the desert tortoise, Mohave ground squirrel and over 100 other sensitive plants and animals that would conserve those species throughout the western Mojave Desert, while at the same time establishing a streamlined program for compliance with the regulatory requirements of FESA and CESA.” (BLM, 2005). As discussed herein in section 4.4, none of the species covered in the WEMO occur or are expected to occur on the project site.

2.3.2 City of Victorville

The Resource Element of the City’s General Plan describes threatened and endangered species of flora and fauna known to occur in the Victorville Planning Area (City of Victorville). The Element specifies goals, objectives, and policies to guide the City in the preservation of natural resources.

Chapter 13.33 of the City’s Municipal Code prohibits the removal of Joshua trees (*Yucca brevifolia*). No Joshua trees are located on or near the project site.

3 METHODOLOGY

3.1 Literature Review

Species occurrences from the CDFW California Natural Diversity Database (CNDDB) RareFind 6 and the CNPS Online Inventory of Rare and Endangered Plants were queried for data relevant to the Project, to determine which special status plant and wildlife species required analysis within the Project area (CDFW 2023, CNPS 2023). The data search centered on the USGS 7.5-minute Victorville quadrangle (quad) where the project is located and the eight surrounding quads, including Victorville NW, Helendale, Turtle Valley, Adelanto, Apple Valley North, Baldy Mesa, Hesperia, and Apple Valley South.

- *Special Animals List* (CDFW April, 2023a)
- *Special Vascular Plants, Bryophytes, and Lichens List* (CDFW April, 2023b)
- eBird’s web-based bird database (eBird 2023).
- California Herps - A Guide to the Amphibians and Reptiles of California web-based database (Nafis 2019).
- West Mojave Plan
- California Natural Diversity Database (CNDDB)
- California Native Plant Society Inventory of Rare and Endangered Plants

- Consortium of California Herbaria records
- U.S. Fish and Wildlife Service critical habitat mapper
- Google Earth aerial photography

3.2 Field Survey

SWCA biologist Bridget Manjarrez conducted a reconnaissance-level field survey on April 20, 2023. The purpose of the survey was to document the biological resources and habitat conditions of the project site and immediate area. Special focus was paid to the potential for special-status species of flora and/or fauna to occur in the project area. Species lists of identifiable plants and all wildlife were compiled, and representative photos were collected. Transects were walked across the entire parcel to search for and record all identifiable plants, animals or sign (tracks, scat, burrows, etc.), and habitats. Note: This scope did not include nesting/breeding bird surveys, multi-season surveys or protocol/focused surveys for special-status species.

4 FINDINGS

The project site is vacant land with evidence of previous disturbance including off-road vehicle tracks, litter, and debris. The parcel is relatively flat, with a slight decline to the east and south. Elevation ranges from about 3,081 feet above sea level (asl) to 3,096 feet asl. There are no streams or other aquatic or features on or near the site. Appendix A provides photos of the site.

4.1 Flora

One habitat type was found on the project site best described as disturbed Creosote bush scrub *Larrea tridentata* Shrubland Alliance. Common plants encountered were creosote bush (*Larrea tridentata*), rubber rabbitbrush (*Ericameria nauseosa*), ephedra (*Ephedra nevadensis*), and buckwheat species (*Eriogonum spp.*). Annuals included non-native weedy plants such as erodium (*Erodium cicutarium*) and brome grass (*Bromus sp.*). Native annual wildflowers were scattered about the site, including goldfields (*Lasthenia californica*) and desert dandelion (*Malacothrix glabrata*). Sparsely vegetated and barren areas were common. All plants identified on the project site are listed in Table 1.

Table 1. Flora

Scientific Name	Common Name
<i>Asclepias fascicularis</i>	Narrow leaf milkweed
<i>Bromus ps.</i>	Brome grass
<i>Dipterostemon capitatus</i>	Blue dicks
<i>Ephedra nevadensis</i>	Ephedra
<i>Ericameria nauseosa</i>	Rubberbrush
<i>Eriogonum sp.</i>	Buckwheat
<i>Erodium cicutarium</i>	Erodium
<i>Euphorbia albomarginata</i>	Rattlesnake sandmat
<i>Larrea tridentata</i>	Creosote bush
<i>Lasthenia californica</i>	Goldfields
<i>Lycium andersonii</i>	Anderson's thornbush
<i>Malacothrix glabrata</i>	Desert dandelion
<i>Phacelia ramosissima</i>	Branching Phacelia

Because only one coverytype was encountered at the project site, a vegetation map was not prepared.

4.2 Fauna

The disturbed condition of the project provides little habitat to support wildlife. Fauna identified include side-blotched (*Uta stansburiana*) and western whiptail (*Aspidoscelis tigris*) lizards, common raven (*Corvus corax*) fly-over, and black-tailed jackrabbit (*Lepus californicus*). California ground squirrel (*Spermophilus beecheyi*) and cottontail (*Sylvilagus audubonii*) are common mammals known to occur in the vicinity and likely occur on the site. Numerous small mammal burrows were noted and some may indicate the presence of kangaroo rat (*Dipodomys* sp.) and Antelope ground squirrels (*Ammospermophilus leucurus*), both common in the area.

4.3 Habitat Corridors and Linkages

Habitat corridors and habitat linkages are features that promote connectivity between distant habitat areas. Wildlife corridors are typically discrete linear features within a landscape constrained by development or other non-habitat areas. Habitat linkages are networks of corridors and larger natural open space areas that encompass an adequate diversity and acreage of useable habitats to provide long-term resilience of ecosystems against the detrimental effects of habitat fragmentation, which creates isolated “islands” of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open-space areas, various studies have concluded that many wildlife and plant species would not likely persist over time in fragmented or isolated habitat areas because they prohibit the movement of new individuals and genetic information among areas where they may be periodically displaced by natural or human-caused disturbances such as disease, fire, flood, etc.

The project site is currently unfenced and allows free access across the parcel. It is surrounded by undeveloped vacant land, affording access to adjacent areas. The Los Angeles Bureau of Power and Light Road and high-tension utility corridor bordering the eastern boundary of the project is a linear feature offering many miles of relatively open access through both vacant and developed lands. Barriers to wildlife movement along this feature include paved roadways and railroad tracks, coupled with generally low-quality habitat. As such, the project vicinity is ranked as having “Limited connectivity Opportunity” (CDFW, 2023d).

4.4 Special Status Flora and Fauna

Special status species include plants and animals listed as endangered, threatened, or candidate for listing as endangered or threatened under the federal Endangered Species Act, the California Endangered Species Act, or both. This term also includes all plant species listed by the state as rare and those species listed by the with a Rare Plant Rank of 1 or 2 and wildlife species designated by the CDFW as Fully Protected, Species of Special Concern, Watch List species, and other wildlife included in the most current CDFW “Special Animals” list.

The special status species revealed in the CNDDDB database search are summarized in Appendix B, along with their occurrence potential. The potential for special-status species to occur on the project site is based on an evaluation of on-site vegetation and habitat quality, topography, elevation, soils, surrounding land uses, habitat requirements, and geographic ranges of special-status plant and wildlife species reported as occurring in the region as well as the proximity of the project site to previously recorded

occurrences in the CNDDDB database, and the date of the prior reported occurrences. Occurrence potential rating is defined as follows:

- Present: Species has recently been documented on-site.
- High: Species has been documented on-site or adjacent to the project boundaries, habitat is suitable in the project area, and records are recent (within 20 years).
- Moderate: Project area is within known range of the species, habitat is suitable in the project area, and records are non-historic (within 40 years).
- Low: Project area is within known range of the species, habitat is marginal, records are distant, or known records are older (within 75 years).
- Not expected: Project area is outside of known range of the species, records are distant, and/or there is no suitable habitat in the project area.
- Absent: Species has been extirpated; records are historic (greater than 75 years), no suitable habitat.

4.4.1 Results

The CNDDDB RareFind 6 and the CNPS Online Inventory of Rare and Endangered Plants revealed nine special status plants and 28 special status wildlife species in the nine quad search area. Appendix B lists these species and provides a discussion of habitat requirements and occurrence potential.

No plant or wildlife species were considered to have more than a low potential to occur on the project site. This is due to lack of suitable habitat and the disturbed condition of the project site.

4.4.1.1 NESTING BIRDS

Potentially suitable habitat is present on-site for nesting birds, particularly in the creosote bushes ranging up to about 4 feet in height. Ample habitat for ground-nesting species is also present.

The field visit conducted for this report did not include a nesting bird survey, and no nests or nesting activity was incidentally noted.

4.4.2 Critical Habitat

There is no designated critical habitat in the project vicinity. The closest critical habitat is located in the Mojave River corridor, approximately five miles east of the project.

5 ENVIRONMENTAL EVALUATION AND MITIGATION MEASURES

This section addresses the questions posed in Appendix G of the State CEQA Guidelines, Section IV Biological Resources and provides mitigation measures where necessary.

5.1 Environmental Evaluation

The following Environmental Evaluation is based on the literature search and one-day field survey described above.

- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. No special-status species were identified during the one-day field survey, nor are they expected to occur based on lack of habitat and disturbed conditions on-site.

- b) **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

No impact. No riparian habitat or other sensitive natural communities were found on or adjacent to the proposed project site during the field survey or have been reported in the literature. Therefore, there would be no impact.

- c) **Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No impact. No wetlands were found on or adjacent to the proposed project site during the field survey or have been reported in the literature. Therefore, there would be no impact.

- d) **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less than Significant with Mitigation Incorporated. Potentially suitable nesting bird habitat is present on-site and within 300 feet of the project site. Nesting birds are protected by the California Fish and Game Code and by the Migratory Bird Treaty Act, which prohibit take of all birds and their active nests including raptors and other migratory nongame birds. The nesting season is generally defined as 1 January to 15 September. Construction conducted during this period could result in adverse impacts to nesting birds. This potential impact would be reduced to less than significant levels with pre-construction surveys to identify and avoid active nests. Refer to MM BIO-1.

The project area is not within an established migratory wildlife corridor habitat linkage (SC Wildlands Conservancy, 2012) and does not contain suitable habitat for migratory fish or wildlife movement. It is not connected to regional natural open space areas. No impact would result to such resources from project implementation.

- e) **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

No impact. There are no biological resources present on the project area that are protected by local policies and/or ordinances, and no impact would occur.

- f) **Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No impact. The Project is within the Western Mojave Plan area but does not contain protected resources as defined in that plan. Therefore, the project would not conflict with the provisions of the plan.

5.2 Mitigation Measures

MM BIO 1: If construction (including ground-disturbing activities and vegetation trimming and/or removal) would occur during the nesting bird season (1 January to 15 September), a qualified biologist shall conduct preconstruction nesting bird surveys within 30 days of construction start-up and continuing weekly up to three days before start-up. The survey area shall include the project area (disturbance footprint) and a surrounding 300-foot buffer area. Active bird nests shall be protected by installation of temporary physical barriers that define a buffer area of 100 feet surrounding each nest. Buffer size may be reduced or increased based on the bird species present and on the advice of the qualified biologist (e.g., smaller buffer for songbirds, larger buffer for raptors). In no case shall buffers be less than 50 feet. No construction work, equipment, or personnel shall enter the buffer area. Protective buffers shall remain in place until the biologist determines that the nest(s) are no longer active, and the chicks have permanently fledged (left the nest) and a second nesting attempt has not begun.

6 REFERENCES & LITERATURE CITED

- Association of Environmental Professionals. 2023. *2023 CEQA California Environmental Quality Act Statue & Guidelines*. California Code of Regulations, Title 14, Division 6, Chapter 3 Sections 15000-15387
- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken (eds). 2012. *The Jepson Manual: Vascular Plants of California*, 2nd ed. University of California Press, Berkeley.
- Bureau of Land Management (BLM). 2005. West Mojave Plan. Available at: http://www.blm.gov/ca/pdfs/cdd_pdfs/wemo_pdfs/plan/wemo/Vol-1-Chapter1_Bookmarks.pdf.
- California Department of Fish and Wildlife (CDFW). April, 2023a. *Special Animals List*. Resource Management and Planning Division, Biogeographic Data Branch, California Department of Fish and Wildlife. Sacramento, California. <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.
- . April, 2023b. *Special Vascular Plants, Bryophytes, and Lichens List*. Resource Management and Planning Division, Biogeographic Data Branch, California Department of Fish and Wildlife. Sacramento, California.
- . 2023c. RAREFIND BIOS 6. Electronic database managed by the Natural Diversity Data Base, Wildlife Data and Habitat Analysis Branch, California Department of Fish and Wildlife. Sacramento, California. Available at: <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.
- . 2023d. *Terrestrial Connectivity*. 2019. California Department of Fish and Wildlife. Sacramento, CA. Available at: [Terrestrial Connectivity - ACE \[ds2734\] GIS Dataset \(ca.gov\)](https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)
- California Native Plant Society (CNPS). 2023. California Native Plant Society's Inventory of Rare and Endangered Plants of California, 4th ed. Sacramento, California.
- . 2023. Electronic inventory of rare and endangered vascular plants of California. California Native Plant Society. Sacramento, California. Available at: <http://www.rareplants.cnps.org/>.
- City of Victorville (no date). *General Plan 2030 Resource Element*. Available at: <https://www.victorvilleca.gov/home/showpublisheddocument/13949/638237230263170000>
- . *Victorville Municipal Code. A Codification of the General Ordinances of the City of Victorville, California. Title 13.33 Preservation and Removal of Joshua Trees*. Available at: https://library.municode.com/ca/victorville/codes/code_of_ordinances?nodeId=TIT13PUPESAMO_CH13.33PRREJOTR
- eBird. 2023. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available at: <http://www.ebird.org>.
- Google Earth. 2023. Aerial imagery. Available at: <https://earth.google.com/web/>.
- Nafis, G. 2019 California Herps - A Guide to the Amphibians and Reptiles of California. Available at: <http://www.californiaherps.com/>

Sawyer, J.O., T. Keeler-Wolf and J.M. Evens. 2009. *Manual of California Vegetation*. 2nd ed. California Native Plant Society. Sacramento, California.

SC Wildlands. March 2012. *California Desert Connectivity Project. A Linkage Network of the California Deserts*.

U.S. Fish and Wildlife Service (USFWS). 2023. Critical Habitat Mapper. U.S. Fish and Wildlife Service Ecological Services. Available at:
<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>.

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APPENDIX A

Site Photos



Photo 1. Overview, facing southeast from northwestern corner. High-tension poles are along eastern site boundary.



Photo 2. Overview, facing west from northwestern corner. High-tension poles on photo left are along eastern site boundary.



Photo 3. Typical site conditions, viewing south.



Photo 4. Typical site conditions, viewing north, Amethyst Road photo left.

Appendix B

Special-Status Species Potential to Occur Tables

Special Status Plants Reported in the Fort Amethyst Project Vicinity, Victorville, California¹

Species	Status ²	Habitat Description ³	Blooming Period	Habitat Suitability
desert cymopterus <i>Cymopterus deserticola</i>	1B.2	Joshua Tree Woodland, Mojavean desert scrub. On fine to coarse, loose, sandy soil of flats in old dune areas with well-drained sand. 630-1,500 meters.	March - May	Low. Potentially suitable habitat is present in the survey area but this plant was not found. The nearest record of this species is from 1941, ~8.2 miles to the southeast.
Mojave monkeyflower <i>Diplacus (Mimulus) mohavensis</i>	1B.2	Sandy openings in Joshua Tree Woodland, creosote bush scrub, Mojavean desert scrub. Dry sandy granitic soils, rocky washes along the Mojave River. 660-1,270 meters.	April - June	Low. There is low quality habitat in the survey area; plant was not found. The nearest record of this species is from 1998, ~5.4 miles to the north.
Booth's evening-primrose <i>Eremothera boothii</i> ssp. <i>boothii</i>	2B.3	Joshua Tree Woodland, pinon and juniper woodland. 290-2,410 meters.	June - August	Low. There is marginally suitable habitat in the survey area; plant was not found. The nearest record of this species is from 2014, ~7.7 miles to the north-northeast.
Barstow woolly sunflower <i>Eriophyllum mohavense</i>	1B.2	Chenopod scrub, Mojavean desert scrub, desert playas. Mostly in open, silty or sandy areas w/ Saltbush Scrub, or Creosote Bush Scrub. Barren ridges or margins of playas. 605-1,290 m.	March - May	Low. There is marginally suitable habitat in the survey area; plant was not found. The nearest record of this species is from 2011, ~18.5 miles to the northwest.
sagebrush loeflingia <i>Loeflingia squarrosa</i> var. <i>artemisiarum</i>	2B.2	Great Basin scrub, Sonoran Desert scrub, desert dunes. Sandy flats and dunes. Sandy areas around clay slicks with <i>Sarcobatus</i> , <i>Atriplex</i> , <i>Tetradymia</i> , etc. 700-1,615 meters.	April - May	Low. Suitable habitat s absent in the survey area; plant was not found. The nearest record of this species is from 2005, ~5.18 miles to the southwest.
short-joint beavertail <i>Opuntia basilaris</i> var. <i>brachyclada</i>	1B.2	Chaparral, Joshua Tree Woodland, Mojavean desert scrub, pinon-juniper woodland. Sandy soil or coarse, granitic loam. 425-1,800 meters.	April - June	Low. There is marginally suitable habitat in the survey area; plant was not found. The nearest record of this species is from 1986, ~5 miles to the southwest.
Beaver Dam breadroot <i>Pediomelum castoreum</i>	1B.2	Joshua Tree Woodland, Mojavean desert scrub. Sandy soils; washes and road cuts. 610-1,065 meters.	April - May	Low. There is marginally suitable habitat in the survey area; plant was not found. The nearest record of this species is from 2008, ~10 miles to the northwest.
southern mountains skullcap <i>Scutellaria bolanderi</i> ssp. <i>austromontana</i>	1B.2	Chaparral, cismontane woodland, lower montane coniferous forest. In gravelly soils on streambanks or in mesic sites in oak or pine woodland. 425-2,000 meters.	June - August	Absent. There is no suitable habitat in the survey area.

Species	Status ²	Habitat Description ³	Blooming Period	Habitat Suitability
San Bernardino aster <i>Symphyotrichum defoliatum</i>	1B.2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas. 2-2,040 meters.	July - November	Absent. There is no suitable habitat in the survey area.

¹: Search area included Victorville (project location), Victorville NW, Helendale, Turtle Valley, Adelanto, Apple Valley North, Baldy Mesa, Hesperia, and Apple Valley South.

²: Ranks for the species included in this list are sourced from CNDDB. All plants included in this list are limited to California Rare Plant Ranks (CRPR). CRPR Rankings:

1B: Rare, threatened, or endangered in California and elsewhere.

2B: Rare, threatened, or endangered in California, but more common elsewhere.

0.2: Fairly threatened in California.

0.3: Not very threatened in California

³: Habitat descriptions are from CNDDB

Special Status Wildlife Reported in the Fort Amethyst Project Vicinity, Victorville, California¹

Scientific Name	Status ²	Habitat Type ³	Occurrence Potential
INVERTEBRATES			
Crotch bumble bee <i>Bombus crotchii</i>	CE	Coastal California to Sierra-Cascade crest, and to Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Absent. Food plant species are present (<i>Eriogonum</i>) in the Project site, but the habitat is not suitable.
San Emigdio blue butterfly <i>Plebulina emigdionis</i>	SA	Desert canyons & along riverbeds. Host plant is <i>Atriplex canescens</i> ; possibly <i>Lotus purshianus</i> .	Absent. No suitable habitat is present within the Project site.
Victorville shoulderband <i>Helminthoglypta mohaveana</i>	SA	Known only from along the Mojave River in San Bernardino County. Found among granite boulders and at the base of rocky cliffs.	Absent. No suitable habitat is present within the Project site.
FISH			
Mohave tui chub <i>Siphateles bicolor mohavensis</i>	FE; SE	Endemic to the Mojave River basin, alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	Absent. No suitable habitat is present within the Project site.
AMPHIBIANS			
Arroyo toad <i>Anaxyrus californicus</i>	FE, SSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc.	Absent. No suitable habitat on the Project site.
California red-legged frog <i>Rana draytonii</i>	FT, SSC	Lowlands & foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Absent. No suitable habitat in the Project site.
REPTILES			
Western pond turtle <i>Emys marmorata</i>	SSC	Ponds, marshes, rivers, streams & irrigation ditches, with aquatic vegetation, below 6,000 feet elevation. Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Absent. No suitable habitat in the Project site.
Desert tortoise <i>Gopherus agassizii</i>	FT, ST	Desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Requires friable soil for burrow and nest construction. Creosote bush habitat with annual wildflower blooms preferred.	Low. The nearest CNDDB record is from 2004 located ~6.35 miles to the northwest.

Scientific Name	Status ²	Habitat Type ³	Occurrence Potential
Coast (Blainville's) horned lizard <i>Phrynosoma blainvillii</i>	SSC	Most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, & abundant supply of ants & other insects.	Absent. There is no suitable habitat within the Project site. Desert horned lizard (<i>Phrynosoma platyrhinos</i>) replace this species in hotter, drier areas.
BIRDS			
Tricolored blackbird <i>Agelaius tricolor</i>	ST, SSC Nesting colonies	Requires open water, protected nesting substrate, and foraging areas with insect prey within a few kilometers of colony.	Absent. Habitat is unsuitable for foraging; no nesting habitat is present.
Golden eagle <i>Aquila chrysaetos</i>	FP, WL Nesting & wintering	Forages in open grasslands, desert scrub and agricultural fields. Nests on ledges on cliff faces, rock outcrops and occasionally in large trees.	Absent. No suitable habitat on the Project site. Local records are concentrated near the Mojave River and agricultural areas.
Long-eared owl <i>Asio otus</i>	SSC Nesting	Riparian bottomlands grown to tall willows and cottonwoods; require adjacent open land, with rodent food sources and raptor nests for breeding.	Absent. No suitable habitat in the Project site.
Burrowing owl <i>Athene cunicularia</i>	SSC Burrow sites; some wintering sites	Open grassland, shrublands and croplands	Low. The closest records are within about two miles of the site, from 2007. No small mammal burrows or other suitable nesting habitat was noted on the project site.
Swainson's hawk <i>Buteo swainsoni</i>	ST Nesting	Breeds in stands with few trees in juniper-sage flats, riparian areas, and oak savannahs.	Absent. Trees suitable for nesting are absent from the Project site. Local records are concentrated near the Mojave River and agricultural areas.
Mountain plover <i>Charadrius montanus</i>	SSC	Short grasslands, freshly plowed fields, newly sprouting grain fields, & sometimes sod farms. Short vegetation, bare ground, and flat topography. Prefers grazed areas and areas with burrowing rodents.	Absent. No suitable habitat in the Project site.
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FT, SE	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems; Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Absent. No suitable habitat in the Project site.
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	FE, SE	Riparian woodlands in Southern California.	Absent. No suitable habitat in the Project site.

Scientific Name	Status ²	Habitat Type ³	Occurrence Potential
Yellow-breasted chat <i>Icteria virens</i>	SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, and wild grape.	Absent. No suitable habitat in the Project site.
Loggerhead shrike <i>Lanius ludovicianus</i>	SSC Nesting	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub & washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Low. No suitable nesting habitat on-site. The nearest record of this species is from 2005 and is located 2.3 miles to the north. May forage over site, though perching sites are lacking.
Summer tanager <i>Piranga rubra</i>	SSC	Summer resident of desert riparian along lower Colorado River, and locally elsewhere in California deserts. Requires cottonwood-willow riparian for nesting and foraging; prefers older, dense stands along streams.	Absent. No suitable habitat in the Project site.
Yellow warbler <i>Setophaga petechia</i>	SSC	Riparian plant associations. Nests and forages in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Absent. No suitable habitat in the Project site.
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE, SE Nesting	Summer resident of southern California. Low riparian habitats near water or dry river bottoms, below 2,000 feet.	Absent. No suitable habitat in the Project site.
Gray vireo <i>Vireo vicinior</i>	SSC Nesting	Dry chaparral; west of desert, in chamise-dominated habitat; mountains of Mojave Desert, associated with juniper & <i>Artemisia</i> .	Absent. No suitable habitat in the Project site.
MAMMALS			
Pallid bat <i>Antrozous pallidus</i>	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Low foraging; Absent roosting. Habitat in the Project site is suitable for foraging; there is no roosting habitat present.
Pallid San Diego pocket mouse <i>Chaetodipus fallax pallidus</i>	SSC	San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	Low. Potentially suitable habitat is present on the Project site. The nearest record of this species is from 1920 about 5.5 miles to the northeast.

Scientific Name	Status ²	Habitat Type ³	Occurrence Potential
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	SSC	Most common in mesic sites. Roosts in caves and mines, sometimes buildings, bridges, trees. Roosting sites limiting. Extremely sensitive to human disturbance.	Low foraging; Absent roosting. Habitat in the Project site is suitable for foraging; there is no roosting habitat present.
Western mastiff bat <i>Eumops perotis californicus</i>	SS	Many open, semi-arid to arid habitats, including conifer & deciduous woodlands, coastal scrub, grasslands, chaparral, etc. Roosts in crevices in cliff faces, high buildings, trees and tunnels.	Low foraging; Absent roosting. Habitat in the Project site is suitable for foraging; there is no roosting habitat present.
Mohave ground squirrel <i>Xerospermophilus mohavensis</i>	ST	Open desert scrub, alkali scrub & Joshua tree woodland. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover.	Low. The nearest CNDDDB record is from 1977 and 1.1 miles to the south.

¹ Search area included Victorville (project location), Victorville NW, Helendale, Turtle Valley, Adelanto, Apple Valley North, Baldy Mesa, Hesperia, and Apple Valley South.

² Rankings:

FE = Federally Endangered
FT = Federally Threatened
FC = Federal Candidate

SE= State Endangered
ST = State Threatened
CE = Candidate Endangered
FP = California Fully Protected
SA = CDFW Special Animal
SSC = California Species of Special Concern

³ Habitat descriptions taken from CNDDDB, consisting of the general and microhabitat descriptions of the corresponding element