

APPENDIX B
BIOLOGICAL RESOURCES ASSESSMENT



August 29, 2024

STEENO DESIGN STUDIO

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SUBJECT: Biological Resources Assessment for the Cactus Road Proposed Warehouse Building Project Located within Assessor Parcel Numbers (APNs) 3128-571-07, and -08 in the City of Victorville, San Bernardino County, California

Introduction

This report contains the findings of ELMT Consulting’s (ELMT) biological resources assessment for the Cactus Road Proposed Warehouse Building project (Project or Project Site) located within Assessor Parcel Numbers 3128-571-07, and -08 in the City of Victorville, San Bernardino County, California. The field investigation was conducted by biologists Megan E. Peukert and Andrew Mestas, on July 29, 2024, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support special-status plant and wildlife species identified by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

Project Location

The project site is generally located in the western extents of the City of Victorville, east of Highway 395, south of State Route 58, and west of Interstate 15 in the City of Victorville, San Bernardino County, California. The site is depicted on the Adelanto quadrangle of the United States Geological Survey’s (USGS) 7.5-minute map series within Section 10 of Township 5 North, Range 5 West. Specifically, the project site is bound to the north and west by undeveloped, vacant land; to the east by undeveloped, vacant land with Mesa Linda Avenue beyond; and to the south by Cactus Road with undeveloped, vacant land beyond within Assessor’s Parcel Numbers (APNs) 3128-571-07, and -08. Refer to Exhibits 1-3 in Attachment A.

Project Description

The project proposes the construction of two (2) 84,058 square foot industrial warehouse buildings, each with a 6,910 square foot office space, with associated parking and landscaping on two vacant parcels in the City of Victorville (refer to Attachment B, *Site Plan*).

¹ As used in this report, “special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2024);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Field Investigation

Following the literature review, biologists Megan E. Peukert and Andrew Mestas inventoried and evaluated the condition of the habitat within a 200-foot buffer around the project site, where applicable, on July 29, 2024. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may

² A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), 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 in this report (first reference only).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Conditions

The proposed project site is generally located in an area that supports a variety of land uses in the City of Victorville. The project site is immediately surrounded by undeveloped/vacant land on all sides with dirt access roads with the surrounding area comprised of undeveloped, vacant land, commercial, and residential development. Specifically, the site is bound to the north by undeveloped, vacant land; to the east by undeveloped, vacant land with Mesa Linda Avenue beyond; to the south by Cactus Road; with undeveloped, vacant land beyond; and to the west by undeveloped, vacant land. The site itself consists of undeveloped, vacant land and supports a native Mojave Desert creosote scrub plant community with the exception of the portions of the site have been heavily disturbed by historic land uses, including several dirt roads, illegal dumping, and offroad vehicular use.

Topography and Soils

On-site topography is generally flat and has elevation ranges from approximately 2,999 to 3,012 feet above mean sea level. Based on the NRCS USDA Web Soil Survey, the project site is historically entirely underlain by Bryman loamy fine sand (2 to 5 percent slopes).

Vegetation

The site supports one (1) plant community, Mojave Desert creosote scrub and one (1) land cover type, disturbed (refer to Exhibit 4, *Vegetation* in Attachment A). The majority of the site is covered by Mojave Desert creosote scrub with dirt roads and evidence of human disturbances throughout the site.

Mojave creosote bush scrub is characterized by an open canopy dominated by creosote bush (*Larrea tridentata*) and a relatively sparse ground cover (Sawyer and Keeler-Wolf 1995). Creosote bush (*Larrea tridentata*) is the dominant shrub on the site. Other common plant species observed on site include white bursage (*Ambrosia dumosa*), *Ephedra* spp., California buckwheat (*Eriogonum fasciculatum*), cottonthorn (*Tetradymia stenolepis*), common sunflower (*Helianthus annuus*), sacred datura (*Datura wrightii*), and mediterranean mustard (*Hirschfeldia incana*).

Disturbed land occurs within the middle of the project site. These areas support existing dirt roads or other disturbance from by illegal trespass.

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur on the project site and are presumed absent.

Reptiles

The survey area provides suitable foraging and cover habitat for local reptile species adapted to conditions within the Mojave Desert. The only reptilian species observed was western side-blotched lizard (*Uta stansburiana elegans*). Common reptilian species that could be expected to occur include Great Basin fence lizard (*Sceloporus occidentalis longipes*), Great basin gopher snake (*Pituophis catenifer deserticola*), red racer (*Coluber flagellum piceus*), and southwestern speckled rattlesnake (*Crotalus mitchellii pyrrhus*).

Birds

The project site provides suitable foraging and nesting habitat for bird species adapted to conditions within the Mojave Desert. Bird species detected during the field investigation include house finch (*Haemorhous mexicanus*), loggerhead shrike (*Lanius ludovicianus*), common raven (*Corvus corax*), and mourning dove (*Zenaida macroura*).

Mammals

The survey area provides suitable foraging and cover habitat for mammalian species adapted to conditions within the Mojave Desert. Mammalian species detected during the field investigation include California ground squirrel (*Otospermophilus beecheyi*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californicus*) and coyote (*Canis latrans*).

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of breeding season. The project site has the potential to provide minimal nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are like linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both anthropogenic disturbance and natural fluctuations in resources.

According to the San Bernardino County General Plan, the project site has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the San Bernardino County General Plan Open Space Element, major open space areas documented in the vicinity of the project site include the Mojave River located approximately 5 miles east of the site. The site is separated from this identified regional wildlife corridors and linkages by existing development and roadways, and undeveloped land; however, there are no riparian corridors or creeks connecting the project site to these areas.

The undeveloped land in the immediate vicinity of the project site provides local wildlife movement opportunities for wildlife species moving through the area; however, the project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the proposed project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area since there is ample habitat adjacent to the project site to support wildlife movement opportunities.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented on the project site. The project site does not support any discernible drainage courses, inundated areas, wetland features, or hydric soils that would be considered jurisdictional by the Corps, Regional Board, or CDFW. A query of the NWI database found no potential blueline streams, riverine, or other aquatic resources within or adjacent to the project site. Therefore, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Adelanto and Victorville USGS 7.5-minute quadrangle. Two quadrangles were queried due to the proximity of the site to quadrangle boundaries, regional topography, and conditions in the vicinity of the site. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified sixty (60) special-status plant species and thirteen (13) special-status wildlife species as having potential to occur within the Adelanto and Victorville USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment D *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, thirteen (13) special-status plant species have been recorded in the Adelanto and Victorville quadrangle (refer to Attachment D). The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any other special-status plant species known to occur in the area and are presumed to be absent.

Based on regional significance, a discussion of western Joshua tree is provided below:

Western Joshua Tree

The California Fish and Game Commission (Commission) designated the western Joshua tree as a candidate for listing under the California Endangered Species Act (CESA) in October 2020. This action afforded the western Joshua tree the same CESA protections as listed species, which means that removal of the desert trees was subject to fines and criminal penalties unless authorized by a “take” permit issued by the CDFW. Such permits were difficult to obtain, and when issued would authorize removal only in limited circumstances. The new law which became effective July 1, 2023, streamlines the western Joshua Tree take permit process and broadens the purposes for which a permit may be issued. A western Joshua tree may now be removed for any purpose, so long as a permit is obtained and the removal is fully mitigated, or alternatively, an in-lieu mitigation fee is paid. The table below summarizes the new rules for the are the project site is located.

| Location | Requirements |
|---|--|
| Within the area bounded on the east and west by Interstate 5 and Interstate 15, respectively, and on the north and south by Highway 58 and Highways 138 and 18, respectively. | Full mitigation, or in-lieu fee as follows: <ul style="list-style-type: none">• \$1,000 per tree > 5 meters tall• \$300 per tree 1 to 5 meters tall• \$150 per tree < 1 meter tall |

It should be noted that western Joshua trees were observed in the vicinity of the project site, but no western Johsua trees were observed on or within 50 feet of the project site during the field investigation. No direct or indirect impacts will occur to western Joshua tree from project implementation and an Western Joshua Tree Incidental Take Permit will not be required.

Special-Status Wildlife

According to the CNDDDB, sixty (60) special-status wildlife species have been reported in the Victorville quadrangle (refer to Attachment D). No special-status wildlife species were observed onsite during the field investigation. The project site has been subject to anthropogenic disturbances that have degraded the site. Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the proposed project site has a low potential to provide foraging habitat for Cooper’s hawk (*Accipter cooperii*) and prairie falcon (*Falco mexicanus*).

To ensure impacts to these avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With

implementation of the pre-construction nesting bird clearance survey, impacts to special-status avian species will be less than significant and no mitigation will be required.

Due to regional significance and/or listing status, the potential occurrence of burrowing owl, desert tortoise, and Mohave ground squirrel are discussed in further detail below.

Burrowing Owl

The burrowing owl is currently listed as a California Species of Special Concern. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent signs (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. The majority of the project site provides line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches) for roosting and nesting were observed within site boundaries. Therefore, burrowing owl is presumed to be absent from the project site and no focused surveys are recommended. A pre-construction clearance is recommended to be conducted prior to project implementation.

Desert Tortoise

The Mojave population of the desert tortoise inhabits areas north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as Mojavean desert scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush; however, other shrubs including burrobush (*Ambrosia dumosa*), Mojave yucca, cheesebush (*Ambrosia salsola*), and Mojave prickly pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

No live desert tortoises, suitable burrows, or other signs were observed during the field investigation. Additionally, the project site is isolated from known desert tortoise habitat by existing development, including roadways which support regular traffic. As a result, desert tortoise are presumed to be absent from the project site and focused surveys are not recommended. Out of an abundance of caution, a pre-

construction clearance is recommended to be conducted prior to project implementation.

Mohave Ground Squirrel

The Mohave ground squirrel is endemic to the western Mojave Desert, California. It occupies portions of Inyo, Kern, Los Angeles, and San Bernardino counties in the western Mojave Desert. In general, the species ranges from near Palmdale on the southwest to Lucerne Valley on the southeast, Olancho on the northwest and the Avawatz Mountains on the northeast (Gustafson 1993). The historical range of suitable habitat for this species as decreased by 10 to 16% due to urbanization and range-wide declines in trapping success over the last few decades suggesting that their populations are declining. This species was listed as threatened under the California Endangered Species Act in 1985.

The Mohave ground squirrel is a medium-sized ground squirrel that measures 8.3 to 9.1 inches (in; 21 to 23 centimeters; cm) in total length, 2.2 to 2.8 in (5.7 to 7.2 cm) in tail length, and 1.3 to 1.5 in (3.2 to 3.8 cm) in hind foot length (Hall 1981). The Mohave ground squirrel occupies all major desert scrub habitats in the western Mojave Desert. It has been observed in the following habitats described by Holland (1986) as:

- Mojave creosote scrub, dominated by creosote bush and burrobrush,
- Desert saltbush scrub, dominated by various species of saltbush (*Atriplex*),
- Desert sink scrub, which is similar in composition to saltbush scrub, but is sparser and grows on poorly drained soils with high alkalinity,
- Desert greasewood scrub, with very sparse vegetation generally located on valley bottoms and dry lake beds,
- Shadscale scrub, which is dominated by *Atriplex confertifolia* and/or *A. spinescens*, and
- Joshua tree woodland, which includes Joshua trees widely scattered over a variety of shrub species (Gustafson 1993).

Mohave ground squirrel was not observed during the field investigation. Although a focused trapping survey was not performed, the habitat assessment conducted for this report and review of available information provided, allowed ELMT to offer its professional opinion as to the presence or absence of this species within the proposed project footprint.

Three criteria are typically used in assessing potential impacts to the Mohave ground squirrel:

Criteria 1: Is the site within the range of the species?

Per the *Current Status of the Mohave Ground Squirrel: an update covering the period 2013-2020* (Leitner 2021) the project site is within the historic range of Mohave ground squirrel. Although the project site is located within the historic range for Mohave ground squirrel, the site is near the southern boundary of the range. Further, the site is not located within any core areas, nor is it located within or immediately adjacent to any corridors, conservation areas, or other known populations identified by Leitner.

The project does not support a plant community suitable for Mohave ground squirrel habitat. Based on the data provided in *Current Status of the Mohave Ground Squirrel: an update covering the period 2013-2020* MGS have not been detected in the immediate vicinity of the project site during protocol grid and regional surveys (refer to Exhibit 7, *CNDDDB Species Observations*). The closest documented Mohave ground

squirrel was captured on the western outskirts of Victorville to the southeast of the project site (CNDDDB 1959). Several areas in the vicinity of the project site have been surveyed to protocol level and regionally on several occasions, yet all of the surveys have been negative for Mohave ground squirrel in the vicinity of the project site. Per the *Current Status of the Mohave Ground Squirrel* Report trapping data, which provides more current data than the CNDDDB, no MGS have been trapped in the areas surrounding the project site.

Criteria 2: Is there native habitat with a relatively diverse shrub component?

There is no native habitat within the project site. The majority of the project site is barren and portions of the site support a nonnative grassland. Additionally, creosote bush, spiny hopsage, hoary saltbush, and winterfat, species that are favored by Mohave ground squirrel for cover and forage, were not observed onsite during the field investigation. Dr. Leitner postulated, based on trapping surveys in the southern portion of the Mohave ground squirrel range, that densities of < 24/ha for spiny hopsage and < 100/ha of winterfat on a site was considered poor forage and may be related to the absence of Mohave ground squirrel. Creosote and spiny hopsage occurred in very limited quantities. Further, no wildlife corridors are expected to exist between the closest core MGS population and the project site. The maximum documented movement of MGS is 3.9 miles (Harris and Leitner 2005). Therefore, the project site is not likely to provide the essential habitat necessary to support the occupancy of Mohave ground squirrel.

Criteria 3: Is the site surrounded by development and therefore isolated from potentially occupied habitat?

Based on the results of the field investigation, the project site occurs adjacent to surrounding development including roadways and residential structures. Further, the site has been subject to routine disturbance including grading, weed abatement and ongoing equipment storage.

Based on habitat requirements for Mohave ground squirrel, known distributions, site conditions, and regional trapping studies, it was determined this species is presumed absent from the project site. No further focused surveys are recommended.

Critical Habitats

Under the federal Endangered Species Act, “Critical Habitat” is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. Further, the nearest Critical Habitat designations is located approximately 4 miles east of the project site for southwestern willow flycatcher (*Empidonax traillii extimus*). Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

Conclusion

Based on literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. The project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Pre-Construction Burrowing Owl Clearance Survey

A pre-construction burrowing owl clearance survey is recommended to be conducted in accordance with the CDFWs 2012 Staff Report on Burrowing Owl Mitigation to ensure that burrowing owl remains absent from the project site.

If burrowing owls are found onsite during the pre-construction clearance survey, a burrowing owl relocation plan will need to be prepared and approval by CDFW prior to the commencement of any ground disturbing activities. The burrowing owl relocation plan shall outline recommended methods proposed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines.

Pre-Construction Desert Tortoise Burrowing Clearance Survey

A pre-construction clearance survey shall be conducted thirty (30) days prior to ground disturbing areas in undeveloped areas to confirm the absence of desert tortoise within the boundaries of the survey area. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets.

Although not anticipated, if desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be obtained prepared and approved by the USFWS and CDFW.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.
Managing Director



Travis J. McGill
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Plan*
- C. *Site Photographs*
- D. *Potentially Occurring Special-Status Biological Resources*
- E. *Regulations*