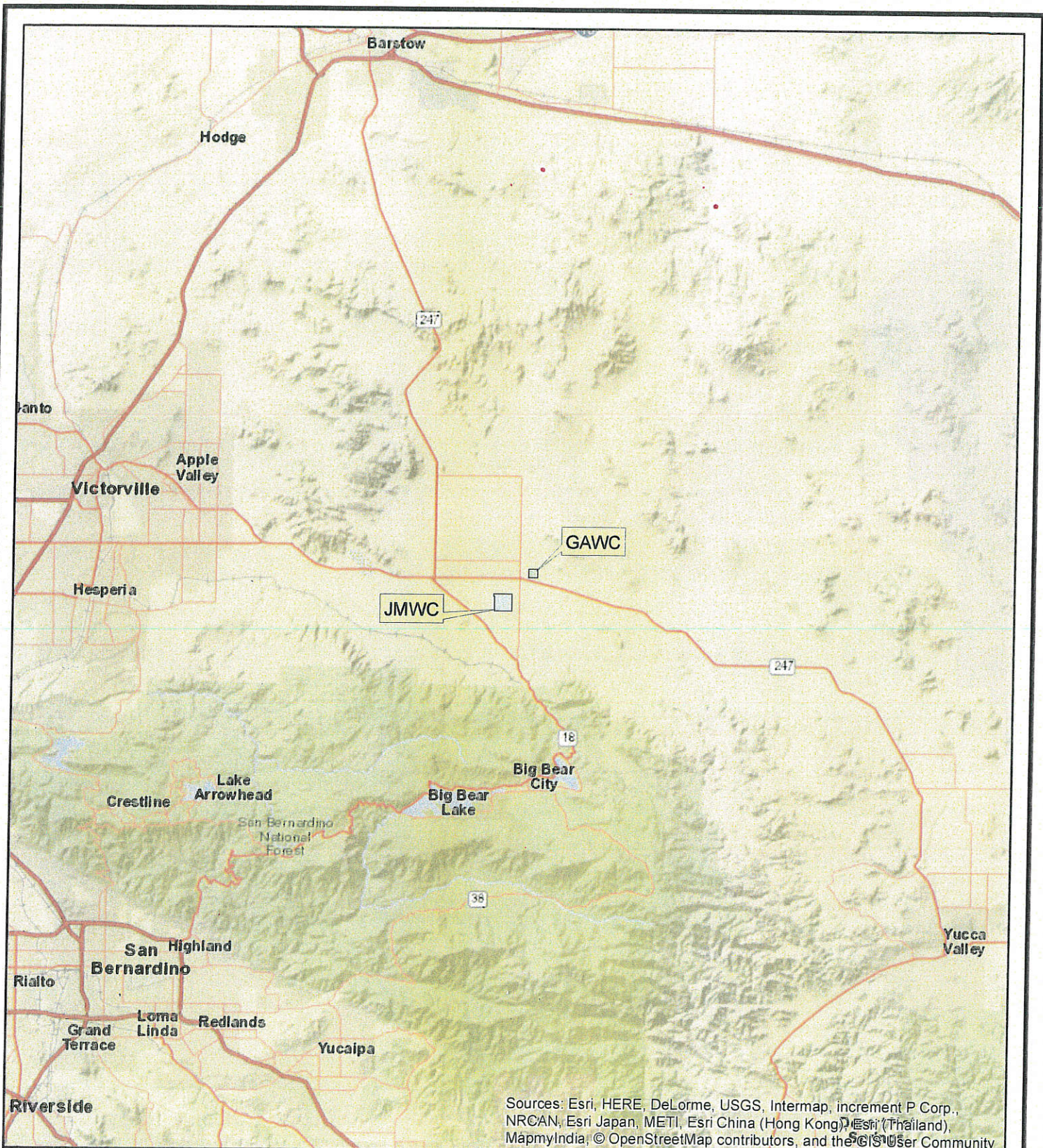


Figures

This page intentionally left blank.



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

8

Miles

N



N | V | 5

1 W DEER VALLEY ROAD
BUILDING 2, SUITE 305
PHOENIX, ARIZONA 85027
Tel: 623.374.6637 Fax: 623.738.3690

PROJECT VICINITY
INITIAL STUDY/
NEGATIVE DECLARATION

FIGURE 1

FOR:

Gordon Acres
Water Company

DES: KFC

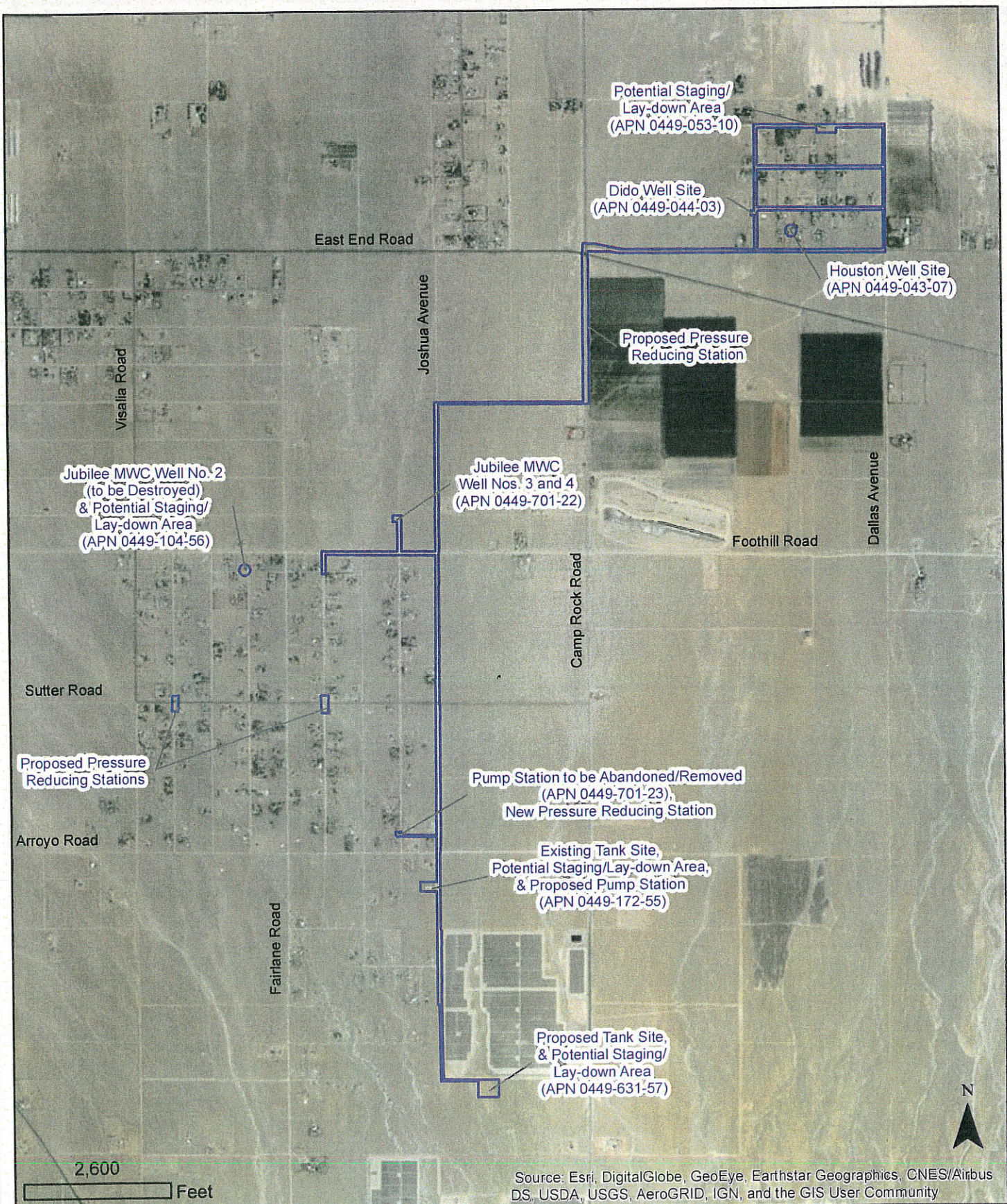
DR: RDD

CHK:

PROJECT NO. 226815-0000042.03

DATE: 03/15/2017

SHT 1 OF 7



1 W DEER VALLEY ROAD
 BUILDING 2, SUITE 305
 PHOENIX, ARIZONA 85027
 Tel: 623.374.6637 Fax: 623.738.3690

PROJECT LOCATION
 INITIAL STUDY/
 NEGATIVE DECLARATION

FIGURE 2

FOR:
**Gordon Acres
 Water Company**

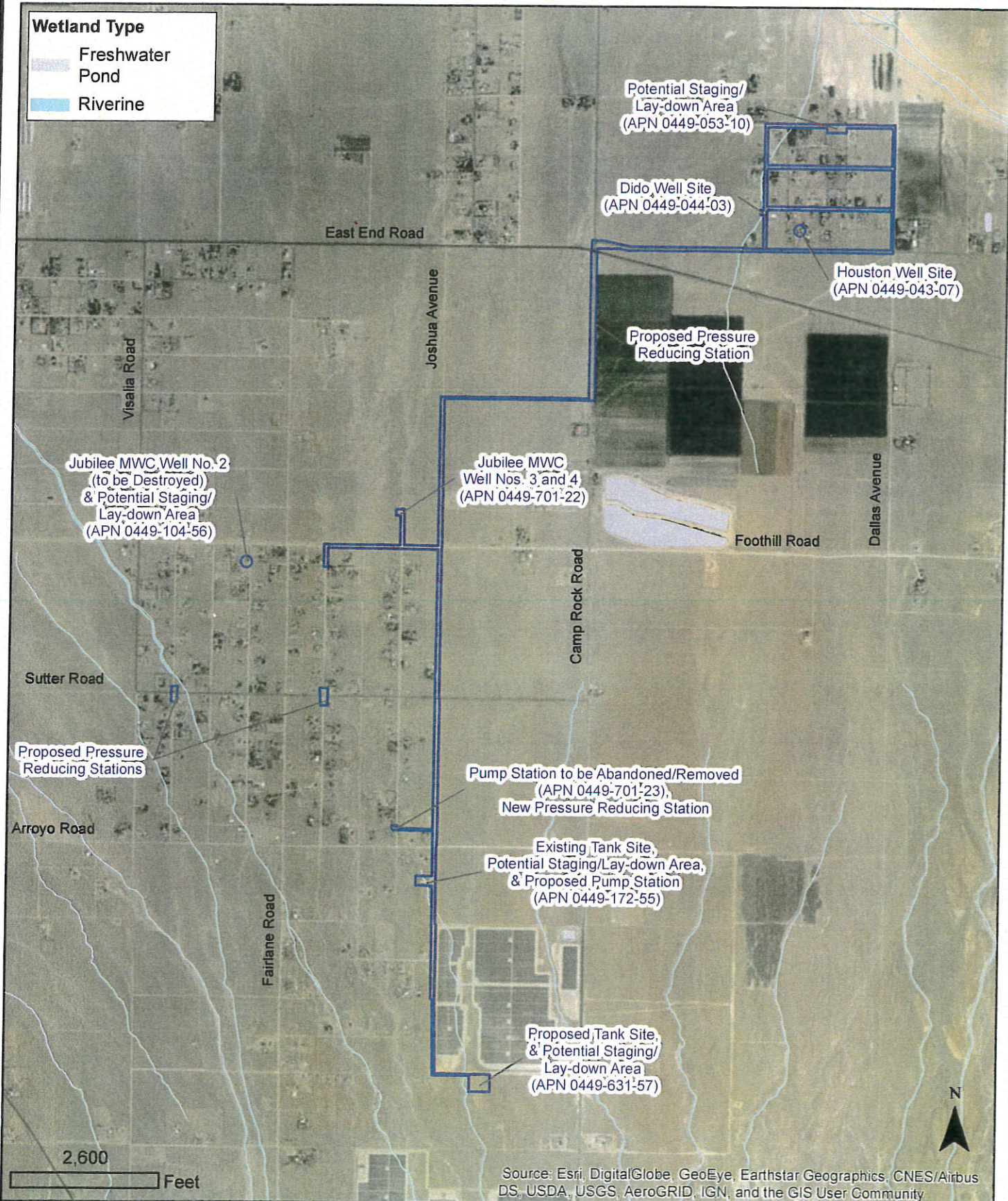
DES: KFC	DR: RDD	CHK:
SHT 2 OF 7		

PROJECT NO. 226815-0000042.03

DATE: 05/15/2018

Wetland Type

- Freshwater Pond
- Riverine



NV5

1 W DEER VALLEY ROAD
BUILDING 2, SUITE 305
PHOENIX, ARIZONA 85027
Tel: 623.374.6637 Fax: 623.738.3690

NATIONAL WETLANDS INVENTORY MAP
INITIAL STUDY/
NEGATIVE DECLARATION

FIGURE 3

FOR:

Gordon Acres
Water Company

PROJECT NO. 226815-0000042.03

DATE: 05/15/2018

DES: KFC

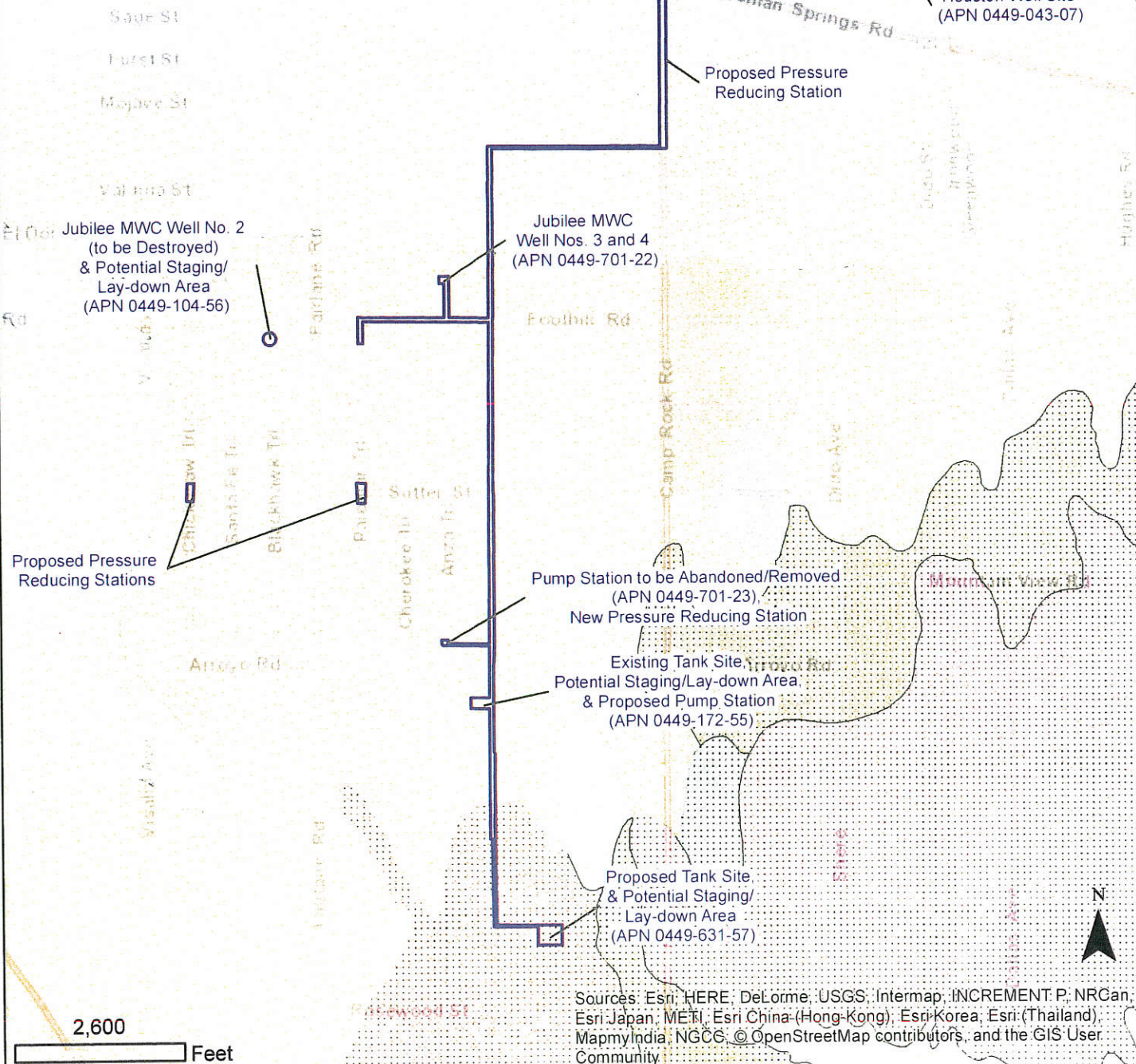
DR: RDD

CHK:

SHT 3 OF 7

Soil Type

- ARIZO GRAVELLY LOAMY SAND, 2 TO 9 PERCENT SLOPES
- CAJON SAND, 0 TO 2 PERCENT SLOPES
- CAJON SAND, 2 TO 9 PERCENT SLOPES
- CAJON GRAVELLY SAND, 2 TO 15 PERCENT SLOPES
- CAVE LOAM, DRY, 0 TO 2 PERCENT SLOPES
- GLENDALE VARIANT SILT LOAM, SALINE-ALKALI
- KIMBERLINA LOAMY FINE SAND, COOL, 0 TO 2 PERCENT SLOPES
- KIMBERLINA LOAMY FINE SAND, COOL, 2 TO 5 PERCENT SLOPES
- KIMBERLINA GRAVELLY SANDY LOAM, COOL, 2 TO 5 PERCENT SLOPES
- TRIGGER GRAVELLY LOAM, 5 TO 15 PERCENT SLOPES
- WATER



NV5

1 W DEER VALLEY ROAD
BUILDING 2, SUITE 305
PHOENIX, ARIZONA 85027
Tel: 623.374.6637 Fax: 623.738.3690

SOIL MAP
INITIAL STUDY/
NEGATIVE DECLARATION

FIGURE 4

FOR:

Gordon Acres
Water Company

DES: KFC DR: RDD CHK:

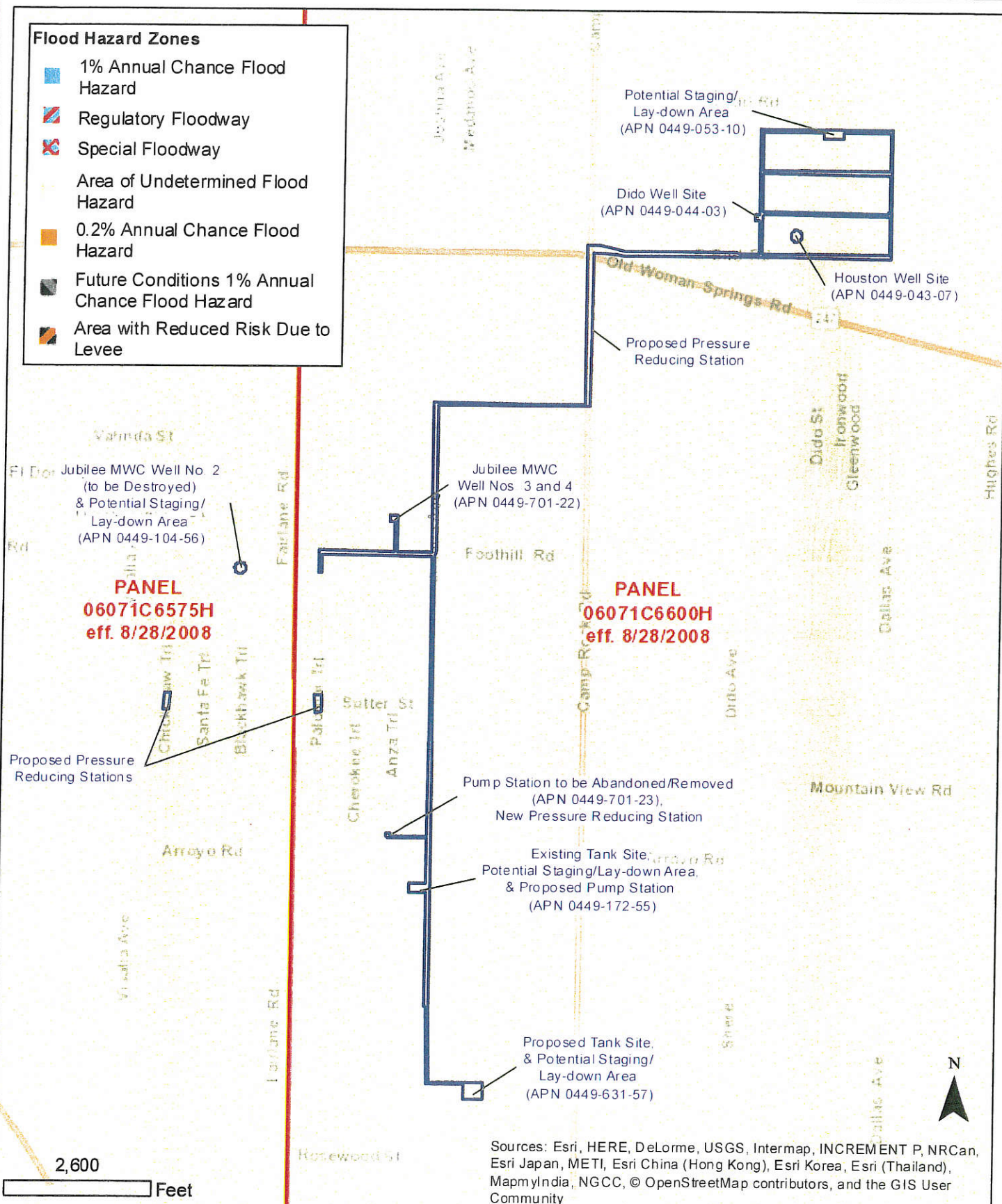
SHT 4 OF 7

PROJECT NO. 226815-0000042.03

DATE: 05/15/2018

Flood Hazard Zones

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee



FLOOD ZONE MAP INITIAL STUDY/ NEGATIVE DECLARATION

FIGURE 5

FOR:

Gordon Acres
Water Company

DES: KFC

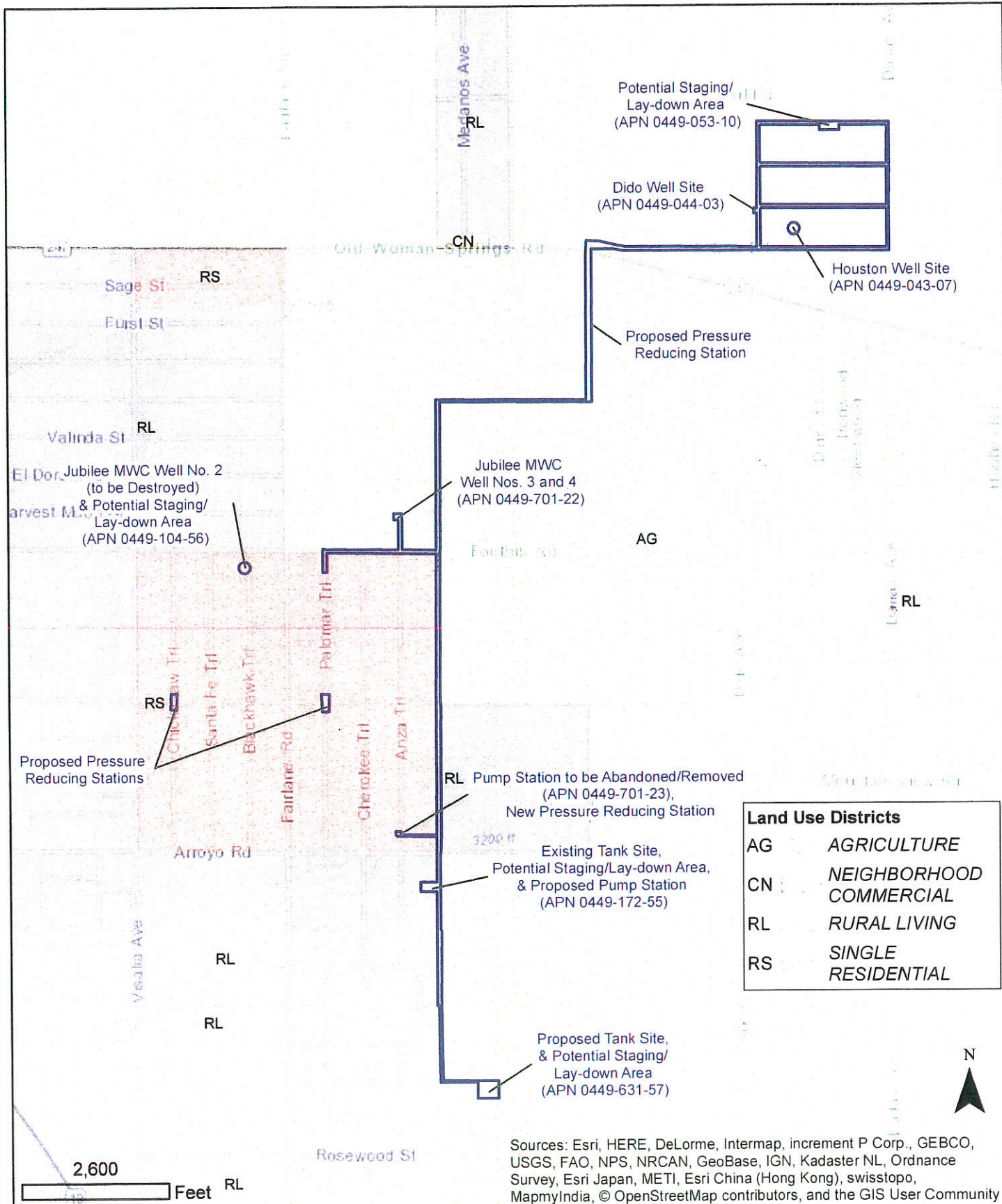
DR: RDD

CHK

PROJECT NO. 226815-0000042.03

DATE: 05/15/2018

SHT 5 OF 7



NV5

1 W DEER VALLEY ROAD
BUILDING 2, SUITE 305
PHOENIX, ARIZONA 85027
Tel: 623.374.6637 Fax: 623.738.3690

LAND USE MAP
INITIAL STUDY/
NEGATIVE DECLARATION

FIGURE 6

FOR:

Gordon Acres
Water Company

DES: KFC

DR: RDD

CHK:

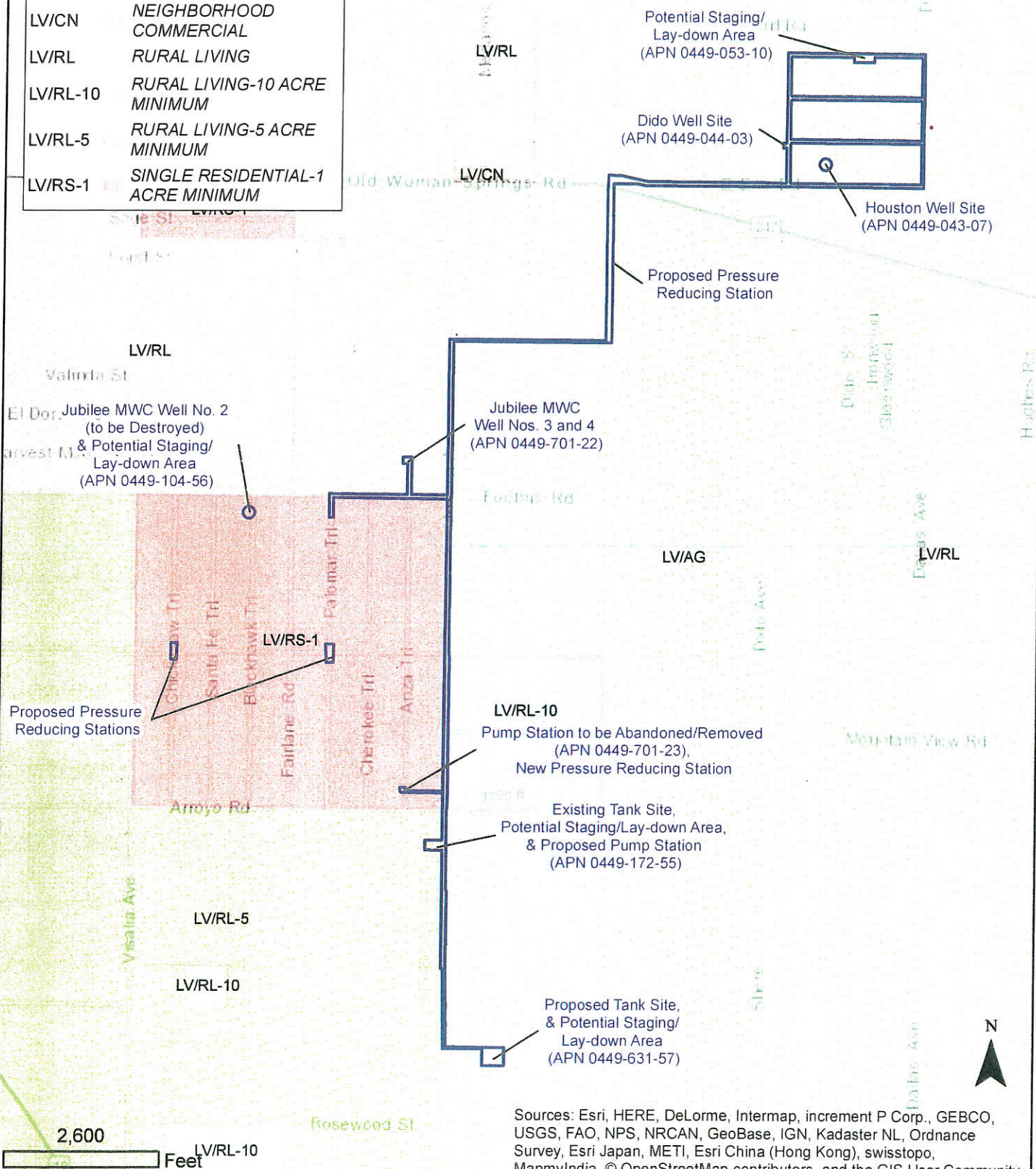
PROJECT NO: 226815-0000042.03

DATE: 05/15/2018

SHT 6 OF 7

Zoning

LV/AG	AGRICULTURE
LV/CN	NEIGHBORHOOD COMMERCIAL
LV/RL	RURAL LIVING
LV/RL-10	RURAL LIVING-10 ACRE MINIMUM
LV/RL-5	RURAL LIVING-5 ACRE MINIMUM
LV/RS-1	SINGLE RESIDENTIAL-1 ACRE MINIMUM



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

N V 5

1 W DEER VALLEY ROAD
BUILDING 2, SUITE 305
PHOENIX, ARIZONA 85027
Tel: 623.374.6637 Fax: 623.738.3690

ZONING MAP
INITIAL STUDY/
NEGATIVE DECLARATION

FIGURE 7

FOR:

Gordon Acres
Water Company

DES: KFC

DR: RDD

CHK:

PROJECT NO. 226815-0000042.03

DATE: 05/15/2018

SHT 7 OF 7

This page intentionally left blank.

GENERAL BIOLOGICAL RESOURCES ASSESSMENT

GORDON ACRES WATER COMPANY & JUBILEE MUTUAL WATER COMPANY

LUCERNE VALLEY, CALIFORNIA

(USGS Lucerne Valley, CA Quad.; Township 4 North, Range 1 East, Section 27, 22, 15, 11, 21 & 16)

Prepared for:

**Gordon Acres Water Company &
Jubilee Mutual Water Company**

Prepared by:

**RCA Associates, Inc.
15555 Main Street, #D4-235
Hesperia, California 92345**

Principal Investigators:

**Randall Arnold, President and Principal Biologist
Blake Curran, Environmental Scientist/Biologist
Parker Smith, Biological Field Technician**



Project No: RCA#2017-98

**April 2018
(Updated September 25, 2018)**

TITLE PAGE

Date Report Written: April 20, 2018 (Updated September 25, 2018)

Date Field Work Completed: October 30 and 31st, 2017

Report Title: General Biological Resources Assessment

Prepared for: Gordon Acres Water Company &
Jubilee Mutual Water Company

Principal Investigators: Randall C. Arnold, Jr., Principal Biologist
Blake Curran, Environmental Scientist/Biologist
Parker L. Smith, Biological Field Technician

Contact Information: Randall C. Arnold, Jr.
RCA Associates, Inc.
15555 Main Street, #D4-235
Hesperia, CA 92345
(760) 596-0017
rarnold@rcaassociatesllc.com
www.rcaassociatesllc.com

Table of Contents

EXECUTIVE SUMMARY	1
1.0 PROJECT AND PROPERTY DESCRIPTION.....	2
2.0 LITERATURE & RECORD REVIEW - SPECIES OF SPECIAL CONCERN.....	5
3.0 METHODOLOGIES	6
3.1 Migratory Bird Treaty Act Provisions	8
4.0 RESULTS	9
4.1 GENERAL BIOLOGICAL SURVEY RESULTS	9
4.2 Federal and State Listed Species	13
4.3 Wildlife Species of Special Concern and Special Status Plants.....	14
4.4 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.....	15
4.5 Magnuson-Stevens Fishery Conservation and Management Act	16
4.6 Protected Plants	16
5.0 IMPACTS AND RECOMMENDATIONS	18
5.1 General Biological Resources	18
5.2 Federal and State Listed and Species of Special Concern	18
5.3 Jurisdictional Waters and Riparian Habitat.....	18
6.0 CONCLUSIONS AND RECOMMENDATIONS	20
7.0 BIBLIOGRAPHY.....	21
CERTIFICATION	38
REGULATORY CONTEXT.....	39

Appendix A – Tables and Figures

Appendix B – USFWS Official Species List

EXECUTIVE SUMMARY

The proposed project will include updates to existing infrastructure associated with the Gordon Acres Water Company and Jubilee Mutual Water company as well as the construction of new water storage systems throughout the water company's coverage area in Lucerne Valley, California, Section 27, 22, 15, 11, 21 & 16, Township 4 North, Range 1 East, San Bernardino Base Meridian (Figures 1, 2, & 3). A detailed discussion of each work site within the project area is discussed below in section 5.0. The project area is relatively flat with a gradual descending slope from south to north over the approximately 3.5-mile stretch of the project. Approximately 75% of the area supports developed land consisting mostly of single-family homes and established roads (dirt and paved). The remaining 25% of the area supports a relatively undisturbed creosote bush (*Larrea tridentata*) community typical of this portion of the Mojave Desert.

The purpose of the Habitat Assessment is to identify potential impacts to biological resources associated with construction of the proposed project. This report describes the results of the site visit, which assessed the Project Area for the potential to support special status species; and the presence of other sensitive biological resources protected by local, state, and federal laws and regulations. If special-status species were observed during the site visit, they have been recorded accordingly. This report also contains an evaluation of potential impacts to special-status species and sensitive biological resources that may occur as a result of the proposed Project and potential mitigation measures to compensate for those impacts.

The assessment includes a review of pertinent literature, a review of the California Natural Diversity Data Base (CNDDB) and Information for Planning and Consultation (IPaC), field investigations, and analysis of potential impacts to biological resources.

Two intermittent blue-line channels are shown near the project area on the USGS quadrangle however, none of these channels will be affected by the proposed project and are not considered to be jurisdictional (Figure 2). In addition, no wildlife movement corridors were noted on the property.

No sensitive species were observed during the field investigation.

1.0 PROJECT AND PROPERTY DESCRIPTION

The project area begins approximately 0.35-miles west of Camp Rock Rd. and 0.2-miles south of Rosewood St. and travels north for approximately 3.5-miles (Figure 4 & 5). The proposed project is broken up into several work sites and they are discussed below in greater detail in section 5.0. The majority of the project is linear and associated with surface streets. The remaining project area covers several small sites (between 0.1 to 2.5 acres) where existing infrastructure will be refurbished and/or replaced. The largest work site which will consist of the construction of a new storage tank is approximately 2.5-acres and is located at the start of the project just west of Camp Rock Rd. and north of Rosewood St.

The proposed project covers a total length of approximately 7-miles including all intersections and surface streets where work will take place. The proposed project will include updates to existing infrastructure associated with the Gordon Acres Water Company and Jubilee Mutual Water Company as well as the construction of new water storage systems and the drilling of new wells throughout the water company's coverage area. The project area is relatively flat with a gradual descending slope from south to north over the approximately 3.5-mile stretch of the project. Approximately 75% of the area supports developed land consisting mostly of single-family homes and established roads (dirt and paved). The remaining 25% of the area supports a relatively undisturbed creosote bush (*Larrea tridentata*) community typical of this portion of the Mojave Desert.

No sensitive habitats or wildlife movement corridors were noted on the property, and although intermittent blueline channels are present throughout the area according to the Lucerne Valley, CA Quad map, the proposed project will not have an effect on any of these channels.

Gordon Acres Water Company, Inc. (GAWC) and Jubilee Mutual Water Company (JMWC) supply potable water service to their customers within their respective service areas. GAWC's water system contains several deficiencies identified by the County of San Bernardino Department of Public Health's Division of Environmental Health Services, including lack of storage, water outages due to well failure, extensive distribution system leaks and water loss, and low water distribution system pressure. JMWC's water system relies on a deteriorating booster pump to

supply pressurized water to the southern half of its service area, has no storage in its southern pressure zone, and does not have automatic means to convey water from its southern pressure zone to its northern pressure zone.

To address these deficiencies, GAWC and JMWC are proceeding with a water system consolidation. As part of this consolidation, various improvements will be made to the combined water system, as described below.

- Construction of new distribution system for existing GAWC customers, consisting of approximately 13,800 LF of new 6" and 8" distribution pipelines and appurtenances (valves; fire hydrants; sampling stations; and service lines, meters, and meter boxes to existing customers).
- The rehabilitation of GAWC's Dido Well
- The destruction of GAWC's Houston Well
- The destruction of JMWC's Well No. 2
- Surface improvements to JMWC's Well Nos. 3 and 4
- Installation of a transmission pipeline and communication conduit from existing JMWC's Well Nos. 3 and 4 to JMWC's existing storage tanks on Joshua Avenue. New communication conduit only will be installed between the wells and Foothill Road as JMWC's existing pipeline for this segment will continue to be used.
- Construction of a new water pump station immediately north of JMWC's existing tank site.
- At the existing JMWC tank and office site, yard piping, communication conduit, fire hydrant, and water service will be installed; adjustments to the existing tanks' inlets, outlets, overflow, and level monitoring systems will be made; and a SCADA monitoring system will be located within the existing JMWC office.
- Installation of a 4" transmission pipeline and communication conduit from JMWC's proposed pump station to a new storage tank site located south of JMWC's service area.
- Construction of new storage tank site, south of JMWC's existing tank site, with two new 70,000-gallon tanks initially installed. A third tank and a well may be installed in the future.
- Installation of new 12" distribution pipeline from new storage tank site to the existing JMWC distribution system, paralleling the proposed transmission pipeline mentioned above. This distribution pipeline will connect to the existing JMWC distribution system at

the intersection of Anza Trail and the JMWC South Easement. Along this pipeline, new services and meter boxes will extend to five existing JMWC customers, two new fire hydrants will be installed, and a pressure reducing station will be installed near Anza Trail and the JMWC South Easement.

- A pressure reducing station and fire hydrant will be installed along Chickasaw Trail south of Sutter Road.
- A pressure reducing station and fire hydrant will be installed along Palomar Trail south of Sutter Road.
- The existing JMWC pump station located at Anza Trail and JMWC South Easement will be removed.
- Installation of a 12" distribution pipeline from JMWC's existing distribution system at two locations along Foothill Road to the GAWC service area near the intersection of East End Road and Dido Avenue. This installation includes utilizing jack and bore methods to cross Camp Rock Road and to cross SR-247. A new pressure reducing station will be installed on the shoulder of Camp Rock Road

2.0 LITERATURE & RECORD REVIEW - SPECIES OF SPECIAL CONCERN

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed to determine if any listed and/or sensitive species have been documented in the area surrounding the site. The Federal Endangered Species Act provides protection for species of fish, wildlife, and plants that are listed by the US Government as threatened or endangered in the U.S., and the Act outlines procedures for Federal agencies to follow when evaluating projects which may jeopardize any listed species. In addition, the California Endangered Species Act (CESA) provides protection to those species which are deemed to be threatened with a significant decline or extinction within California and the CESA provides CDFW with the responsibility of evaluating projects which may affect sensitive species.

Based on a general literature review, a search of USFWS and CDFW databases, a search of the California Natural Diversity Database (CNDDDB) and Information for Planning and Consultation (IPaC), it was determined that there are two sensitive wildlife species and eight sensitive plant species that have been documented in the surrounding region within approximately ten miles of the site (CNDDDB, 2018). No critical habitat is located within the proposed project site, Appendix B (IPaC, 2018). Sensitive wildlife species documented included the desert tortoise (*Gopherus agassizii*), and the burrowing owl (*Athene cunicularia*). The sensitive plants documented included Shockley's rockcress (*Boechera shockleyi*), alkali mariposa-lily (*Calochortus striatus*), purple-nerve cymopterus (*Cymopterus multinervatus*), Parish's popcornflower (*Plagiobothrys parishii*), Parish's alkali grass (*Puccinellia parishii*), California alkali grass (*Puccinellia simplex*), Latimer's woodland-gilia (*Saltugilia latimeri*), and salt spring checkerbloom (*Sidalcea neomexicana*). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980). Table 1 (Appendix A) provides a detailed summary of the sensitive species listed above.

3.0 METHODOLOGIES

General biological surveys were conducted in October 2017 during which biologists from RCA Associates, Inc. initially walked meandering transects throughout the site to collect data on the plant and wildlife communities. Following completion of the initial reconnaissance survey, comprehensive surveys were performed throughout the site to document the vegetation present on the property and the wildlife species which inhabit the area. In addition to the general biological investigations, focused surveys were conducted for the desert tortoise and burrowing owl, and a habitat assessment was also performed for the Mohave ground squirrel. The applicable methodologies for the various field investigations performed are summarized below.

Birds which use the site and adjacent areas were identified by visual observations and sound; whereas, mammals were identified by scats, tracks, burrows, or direct observations. All plants and wildlife detected during the field investigations were recorded and are provided in compendium Tables 2 & 3 (Appendix A). The site was also evaluated for the presence of any sensitive habitats (e.g., wetlands, streams, etc.) and any native habitats which could potentially support sensitive species.

Initial assessment surveys were performed on the site and in the surrounding area from about 0800 to 1230 hours on October 30 and 31st, 2017, specifically for the desert tortoise and burrowing owl. Weather conditions during the surveys consisted of winds 0 to 5 mph, temperatures from 45 (F) to 55(°F) with cloud cover ranging from 0 to 25 percent. All plants and wildlife detected during the field investigations were recorded and are provided in Tables 1 & 2 along with other species that have been documented in the area (Appendix A).

General Plant and Animal Surveys: Meandering transects were walked throughout the site and in the surrounding area (i.e., the zone of influence) at a pace that allowed for careful documentation of the plant and animal present on the site. All plants observed were identified in the field and wildlife was identified through visual observations and/or by vocalizations. Tables 1 and 2 (Appendix A) provides a comprehensive compendium of the various plant and animal species observed during the field investigations.

Desert Tortoise: A habitat assessment was conducted on the site for the desert tortoises and a survey was also performed for the presence of any potential tortoise burrows by biologists from RCA Associates, Inc. Ten-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for any tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in the area north, east, south, and west of the site. Comprehensive field investigations were conducted throughout the site during the biological surveys and no tortoise sign was identified on the site or zone of influence.

During the various biological surveys, all transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human effects in order to determine the presence or absence of suitable tortoise foraging habitat. If tortoises are found to inhabit the site in the future, a Section 10(a) incidental take permit from the USFWS and a Section 2081 permit from CDFW will be required to mitigate for impacts to the species.

Burrowing Owl: A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species. Following completion of the habitat assessment, it was determined that the site does support suitable habitat for the burrowing owl. Therefore, a focused survey (Phase II) was conducted for burrowing owls and for the presence of occupiable (i.e., suitable) burrows which could potentially be utilized by owls. As part of the burrow survey, transects were walked throughout the site during which any suitable burrows were evaluated for owls and owl sign. The Phase II requires 4 focused surveys, as well as burrow survey which can be done concurrently as the first focused survey. These surveys are required to be on separate days separated by a reasonable amount of time, and they must be conducted during BUOW breeding season (February 1st to August 31st). Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet; therefore, the zone of influence (ZOI) surveys was performed in the surrounding area of the site. If present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

Mohave Ground Squirrel: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel. If a site supports suitable habitat for the Mohave ground squirrel, CDFW will require payment of a mitigation fee for the acquisition of mitigation lands to compensate for impacts to the species. In lieu of payment of mitigation fees, the proponent may choose to conduct a live-trapping survey to definitively determine the presence/absence following consultations with CDFW.

3.1 Migratory Bird Treaty Act Provisions

Prior to any brushing, clearing and/or grading activities during the breeding season of nesting migratory birds and raptors (January 1st and August 31st), a survey must be performed by a qualified biologist that documents that no actively nesting migratory birds or raptors would be affected. If an active migratory bird or raptor nests are detected, an area 300 ft from the nest shall be staked and posted to prohibit all clearing, grubbing and construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied. For a list of potential migratory birds that have the possibly to pass through the proposed project area refer to Appendix A, Table 3.

4.0 RESULTS

4.1 GENERAL BIOLOGICAL SURVEY RESULTS

Lucerne Valley and the surrounding region supports numerous square miles of undisturbed creosote bush communities (*Larrea tridentata*). Approximately 75% of the area where the proposed project is to take place supports developed land consisting mostly of single-family homes and established roads (dirt and paved). The remaining 25% of the area supports a relatively undisturbed creosote bush (*Larrea tridentata*) community typical of this portion of the Mojave Desert. This plant community is dominated primarily by *Larrea tridentata*, *Ambrosia dumosa*, and *Atriplex canescens* (Figure 3). All plants and wildlife detected during the field investigations were recorded and are provided in Tables 2 & 3 of this report (Appendix A).

The site was also evaluated for the presence of any sensitive habitats (e.g. stream channels, etc.) and any native habitats which could potentially support sensitive species. Most of the vegetation throughout the site consists of moderately tall shrubs (3 to 6 feet). In addition to creosote bush, other perennials noted included white bur-sage and saltbush. Annuals consisted primarily of schismus (*Schismus barbatus*), and brome grass (*Bromus* sp.). Ravens (*Corvus corax*), song sparrows (*Melospiza melodia*), and mourning dove (*Zenaida macroura*) were the only birds observed during the field investigations. Jackrabbits (*Lepus californica*), desert cottontails (*Sylvilagus auduboni*), and California ground squirrels (*Spermophilus beecheyi*) were the only mammals observed during the field investigations. However, coyotes (*Canis latrans*), which are the most common carnivore in the desert, traverse the area during hunting activities as indicated by the presence of numerous scats and tracks.

Reptiles observed on site consisted of western whiptail lizards (*Cnemidophorus tigris*). Other reptiles that may occur on site are side-blotched lizards (*Uta stansburiana*), and desert spiny lizards (*Sceloporus magister*) (Appendix A, Table 2). These species are expected to inhabit the site and/or adjacent areas.

No distinct wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed. The results of the surveys are separated by each work area are discussed below.

Southern Tank Site

The southern tank site is the southernmost work area as part of the proposed project. It is located approximately 0.35-miles west of Camp Rock Rd. and 0.2-miles south of Rosewood St. and is the proposed location for the project's new water storage facility. This site supports a relatively undisturbed creosote bush community dominated by creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*). Other species observed included: brome grasses (*Bromus* sp.), Joshua tree (*Yucca brevifolia*), and schismus (*Schismus* sp.). The only wildlife species observed at this site was the common raven (*Corvus corax*).

Jubilee Mutual Water Company - Southern Easement

The southern easement is located between Joshua Ave. (east) and Anza Trail (west) approximately 300ft north of Arroyo Rd. This work site supports a moderately disturbed creosote bush community dominated by creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*). Other species observed included: brome grasses (*Bromus* sp.), Joshua tree (*Yucca brevifolia*), and schismus (*Schismus* sp.). The wildlife species observed at this site included the common raven (*Corvus corax*), and the desert cottontail (*Sylvilagus auduboni*).

Pressure Reducing Station Site (Palomar)

The Palomar work site is located at the intersection of Palomar Trail and Sutter Road. Single-family homes border the intersection to the north, south, and east. The area immediately surrounding the intersection is disturbed although some native vegetation is present along the southwest corner of the intersection. The species observed included: creosote bush (*Larrea tridentate*), white bur-sage (*Ambrosia dumosa*), brome grasses (*Bromus* sp.), schismus (*Schismus* sp.), and teddy bear cholla (*Cylindropuntia bigelovii*). No wildlife was observed at the Palomar work site.

Pressure Reducing Station Site (Chickasaw)

The Chickasaw work site is located at the intersection of Chickasaw Trail and Sutter Road. Single-family homes border the intersection to the north, south, east, and west. Brome grasses (*Bromus* sp.), and schismus (*Schismus* sp.) were the only plant species associated with this work site, and no wildlife species were observed.

Jubilee Mutual Water Company - Northern Easement

The northern easement is located along Foothill Rd. between Anza Trail (east) and Palomar Trail (west). The easement runs along Foothill Rd. for approximately 1400ft before turning south on Palomar Trail and continuing for an additional 400ft. The easement is bordered to the north by vacant land and to the south by existing single-family homes. The site supports a relatively undisturbed creosote bush community dominated by creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*). Other species observed included: desert willow (*Chilopsis linearis*), Russian thistle (*Salsola tragus*), brome grasses (*Bromus* sp.), Joshua tree (*Yucca brevifolia*), and schismus (*Schismus* sp.). The only wildlife species observed at this site was the common raven (*Corvus corax*).

Gordon Acres Water Company - Southern Tank Line

The southern tank line will connect the proposed water storage facility (southern tank site) with existing wells located approximately 500ft north of the intersection of Anza Trail and Foothill Rd. The proposed tank line will run along Joshua Ave. for approximately 1.8 miles before turning west on Foothill Rd. then north on Anza trail before connecting to the existing wells. The proposed tank line is bordered to the west by existing single-family homes and vacant land, and to the east by vacant land and a large solar project. The site supports a relatively undisturbed creosote bush community dominated by creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*).

Other species observed included; Russian thistle (*Salsola tragus*), brome grasses (*Bromus* sp.), Joshua tree (*Yucca brevifolia*), teddy bear cholla (*Cylindropuntia bigelovii*), and schismus (*Schismus* sp.). The wildlife species observed at this site included the common raven (*Corvus*

corax), desert cottontail (*Sylvilagus auduboni*), Song sparrow (*Melospiza melodia*), and Western whiptail lizard (*Cnemidophorus tigris*).

Gordon Acres Water Company - Northern Transmission Line

The northern transmission line will connect the proposed tank line with the Gordon Acres Water Company distribution lines near the intersection of Camp Rock Road and East End Road just north of Highway 247. The proposed transmission line will run north from Foothill Rd. along Joshua Ave. for approximately 0.5 miles before turning east on Clark St. and continuing for approximately 0.5 miles then turning north on Camp Rock Rd. and continue until the intersection of Camp Rock Rd. and East End Rd. Most of the proposed transmission line is surrounded by vacant land that supports a relatively undisturbed creosote bush community dominated by creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*). However, alfalfa fields border Camp Rock Rd. to the east in the area where the transmission line is being proposed. The wildlife species observed at this site included the common raven (*Corvus corax*), and Song sparrow (*Melospiza melodia*).

Gordon Acres Water Company - Distribution Line

The distribution line will connect to the transmission line near the intersection of Camp Rock Road and East End Road just north of State Route 247 (Old Woman Springs Road). The distribution line will run along East End Rd. for approximately 1-mile between Camp Rock Rd. (west) and Dallas Ave. (east). The distribution line services the area between East End Rd. (south), Porter St. (north), Dido Ave. (west), and Dallas Ave. (east). The area is primarily surrounded by single-family homes with some vacant land that supports creosote bush (*Larrea tridentate*) and white bur-sage (*Ambrosia dumosa*).

Other species observed included Russian thistle (*Salsola tragus*), brome grasses (*Bromus* sp.), Joshua tree (*Yucca brevifolia*), teddy bear cholla (*Cylindropuntia bigelovii*), and schismus (*Schismus* sp.). The wildlife species observed throughout this area included the common raven (*Corvus corax*), Song sparrow (*Melospiza melodia*), and Western whiptail lizard (*Cnemidophorus tigris*).

Well Sites

There are five (5) existing well sites associated with the Jubilee Mutual Water Company and Gordon Acres Water Company. All of the five (5) well sites are relatively small (under 0.25-acres) and are clear of most native vegetation. Here are the APN associated with each well site.

- Wells 3 and 4 APN-044-907-122
- Well 2 APN-044-910-456
- Houston APN-044-904-307
- Dido APN-044-904-403

Each well site is surrounded by a chain-link fence to keep trespassers and wildlife from entering each site. Plants on each site consisted of Russian thistle (*Salsola tragus*), brome grasses (*Bromus* sp.), and schismus (*Schismus* sp.). Wildlife in the area surrounding the well sites consisted of black-tailed jackrabbit (*Lepus californica*), California ground squirrel (*Spermophilus beecheyi*), and common raven (*Corvus corax*).

Staging/Laydown Area

The project proponent is going to have two staging sites where they will be storing equipment and material for the project. One staging area will be located at the Jubilee Mutual Water Company west of Joshua Avenue with an APN 044-917-255. This site is fully enclosed with a chain link fence.

The second proposed staging is located off of E End Rd. This is a small strip of land north of State Route 247 (Old Women Springs Rd). The site has been cleared of vegetation several years ago; although some re-vegetation has occurred.

4.2 Federal and State Listed Species

Desert Tortoise: Desert tortoises are common in the region according to the four observations documented in the CNDDB (2018) within the Lucerne Valley quadrangle with the nearest observation about 10-miles northwest of the site. No tortoises have been previously recorded on the site, and no tortoises or tortoise sign (i.e., scats, tracks, etc.) were observed during the surveys in October 2017. A focused desert tortoise survey will be performed and a report will be submitted under a separate cover (#2017-98DT).

4.3 Wildlife Species of Special Concern and Special Status Plants

Burrowing owl: Burrowing owls have been identified in the region with the nearest sighting (Observation # 1047 [2006], CNDDDB, 2018) about 2.5-miles northwest of the site. The area throughout the proposed work sites supports habitat for the species, although no Burrowing owls were observed during the surveys. However, due to the presence of habitat for the species, breeding season surveys will take place beginning in February 2018.

Shockley's rockcress: The Shockley's rockcress is typically associated with rocky places in mountains, scrubland, pinyon-juniper woodland; 4,000 to 6,500 feet. The site supports a creosote bush community with very sandy soils and marginal habitat for the species. The nearest documented sighting (Observation # 4 [unknown date], CNDDDB, 2018). Due to the limited number of occurrences and marginal habitat, the species is not expected to occur on any of the proposed work sites.

Alkali mariposa-lily: The alkali mariposa-lily is typically associated with chaparral, chenopod scrub, meadow and seep, Mojavean desert scrub, and wetlands. The species has been observed in the area with the closest observation approximately 1.5-miles southwest of the work area (Observation # 27 [2010], CNDDDB, 2017). Due to the limited number of occurrences and marginal habitat, the species is not expected to occur on any of the proposed work sites.

Purple-nerve cymopterus: The purple-nerve cymopterus is typically associated with Joshua tree woodlands and Mojavean desert scrub. The species has been observed in the area with the closest observation approximately 5-miles west of the work area (Observation # 28 [2011], CNDDDB, 2018). Due to the limited number of occurrences and marginal habitat, the species is not expected to occur on any of the proposed work sites.

Parish's popcornflower: The Parish's popcornflower is typically associated with great basin scrub and Joshua tree woodlands. The species has been observed in the area with the closest observation approximately 5-miles west of the work area (Observation # 1 [2011], CNDDDB, 2018). Due to the limited number of occurrences and marginal habitat, the species is not expected to occur on any of the proposed work sites.

Parish's alkali grass: The Parish's alkali grass is typically associated with meadows, seeps, and wetlands. The species has been observed in the area with the closest observation approximately 5-miles west of the work area (Observation # 1 [2015], CNDDDB, 2018). Due to the limited number of occurrences and the lack of suitable habitat, the species is not expected to occur on any of the proposed work sites.

California alkali grass: The California alkali grass is typically associated with chenopod scrub, meadows, seeps, valley and foothill grasslands, and vernal pools. The species has been observed in the area with the closest observation approximately 5-miles west of the work area (Observation # 1 [2015], CNDDDB, 2018). Due to the limited number of occurrences and the lack of suitable habitat, the species is not expected to occur on any of the proposed work sites.

Latimer's woodland-gilia: The Latimer's woodland-gilia is typically associated with chaparral, limestone, Mojavean desert scrub, and pinon & juniper woodlands. The species has been observed in the area with the closest observation approximately 8-miles southwest of the work area (Observation # 14 [1996], CNDDDB, 2018). Due to the limited number of occurrences and the lack of suitable habitat, the species is not expected to occur on any of the proposed work sites.

Salt spring checkerbloom: The salt spring checkerbloom is typically associated with alkali playa, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub, and wetlands. The species has been observed in the area with the closest observation approximately 5-miles west of the work area (Observation # 5 [2005], CNDDDB, 2018). Due to the limited number of occurrences and the lack of suitable habitat, the species is not expected to occur on any of the proposed work sites.

4.4 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

No wetlands and/or areas where water would pool were observed within or near the project site. In addition, no vernal pools were observed during the field investigations on the project site; consequently, the site does not support suitable habitat for fairy shrimp. The lack of suitable habitat for fairy shrimp is due to the soil that is made up of sandy loam soil which cannot hold water long enough. Thus, the site is also unable to support any sensitive vegetable that is associated with wetland features. The topography of the site is such so that water is unable to pool.

Other non-vernal pool features such as depressions, drainages, and road ruts were examined for suitable fairy shrimp habitat; it is RCA Associates opinion that there is a lack of suitable habitat required for fairy shrimp.

4.5 Magnuson-Stevens Fishery Conservation and Management Act

The Magnus-Stevens Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan. The project does not include any direct or indirect effects of construction activities or changes in quality/quantity that may affect Essential Fish Habitat. Due to the lack of water on the project site that might support fish species, there will be no additional surveys required.

Essential fish habitat means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (§3). For the purpose of interpreting this definition of EFH, waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding, or growth to maturity" covers a species' full life cycle (50 CFR §600.10). Adverse effect means any impact which reduces quality and/or quantity of EFH, and may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey or reduction in species fecundity), site-specific, or habitat wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR §600.810).

4.6 Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- *Dalea spinosa* (smoketree)

- All species of the genus *Prosopis* (mesquites)
- All species of the family *Agavaceae* (century plants, nolinās, yuccas)
- All species of *Cactus*
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project site contains many types of native desert plants, including Joshua trees, Mojave yuccas, and many species of cacti, which are protected under the County of San Bernardino Development Code Desert Native Plant Protection Ordinance. The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site.

5.0 IMPACTS AND RECOMMENDATIONS

5.1 General Biological Resources

Construction and maintenance of the proposed project would not result in the immediate loss of habitat or vegetation, nor would it displace any wildlife immediately. However, future development activities would result in the removal of most of the vegetation present at the tank site located approximately 0.35-miles west of Camp Rock Rd. and 0.2-miles south of Rosewood St. (Figure 4). Wildlife species will be displaced into adjacent areas, and wildlife such as small mammals and reptiles will experience an increased mortality due to their limited mobility. Birds will be able to disperse over larger areas; consequently, birds would likely experience only a slight increase in mortality assuming adjacent areas are not at carrying capacity at the time of displacement. Therefore, cumulative impacts to the general biological resources are not expected to be significant, and no recommendations are proposed at this time. In addition to the general biological surveys, a protocol/focused survey was performed for the desert tortoise and burrowing owl. Individual reports are prepared and will be submitted under separate covers.

5.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the Mohave ground squirrel and desert tortoise. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of any tortoise sign (e.g., burrows, scats, tracks, etc.), and although suitable habitat is present on site, the probability of the species inhabiting the site is very low. If a Federal or State listed species is observed onsite than a Section 7 Consultation would be carried out.

As per CDFW protocol, the survey results are valid for only 30 days; therefore, CDFW may require a 30-day pre-construction survey be performed prior to any clearing/grading activities to determine if owls have moved on to the site since the March 2018 surveys.

5.3 Jurisdictional Waters and Riparian Habitat

No riparian vegetation (e.g., cottonwoods, willows, etc.) exist on the site. At the southern tank site, there is a channel located west of the site. The channel is not considered to be jurisdiction

and a project (Marathon Solar Project) just south of the proposed tank site provided the information in their report that was concurrent with our opinion. This channel is not tributary to the ocean or any other water body; rather, surface water either infiltrates into the groundwater basin, evaporates, or flows toward the dry lakebed of Lucerne Lake located to the northwest of the Project site. All flow channels on-site are intermittent or ephemeral and likely only receive stream flow during and following significant rain events.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Future development activities are not expected to result in the removal of vegetation from the site; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on the presence of habitat on the site which is very common throughout the Mojave Desert. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any suitable burrows. Focused survey reports for desert tortoise and burrowing owl are being prepared and will be submitted under separate covers. The following mitigation measures are recommended:

1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.
 - a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized.
 - b. In the event that listed species are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.
 - c. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

7.0 BIBLIOGRAPHY

- Baldwin, Bruce G, et. al.
2002. The Jepson Desert Manual. Vascular Plants of Southeastern California.
University of California Press, Berkeley, CA.
- Bureau of Land Management
January 2005. Final Environmental Impact Report and Statement for the West Mojave Plan. Vol. 1A.
- California Burrowing Owl Consortium
1993. Burrowing Owl Survey Protocol and Mitigation Guidelines.
- California Department of Fish and Game
1990. California Wildlife: Volume 1 (Amphibians and Reptiles), Volume II (Birds), and Volume III (Mammals).
- California Department of Fish and Game
1995. Staff Report on Burrowing Owl Mitigation.
- California Department of Fish and Game
2003. Mohave Ground Squirrel Survey Guidelines.
- California Department of Fish and Game
2015. Rarefind 3 Natural Diversity Database. Habitat and Data Analysis Branch.
Sacramento, CA.
- California Native Plant Society
2001. Inventory of Rare and Endangered Plants of California (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA x + 388 pp.
- Ehrlich, P., Dobkin., Wheye, D.
Birder's Handbook. A Field Guide to the Natural History of North American Birds.
Simon & Schuster Building Rockefeller Center 1230 Avenue of the Americas. New York, New York 10020.
- Hickman, James C.
The Jepson Manual Higher Plants of California. University of California Press.
Berkeley, CA. 3rd Edition. 1996.
- Jaeger, Edmund C.
1969. Desert Wild Flowers. Stanford University Press, Stanford, California. 321 pp.
- Kays, R. W. & Wilson, D. E.
Mammals of North America. Princeton University Press, Princeton, New Jersey. 2002.

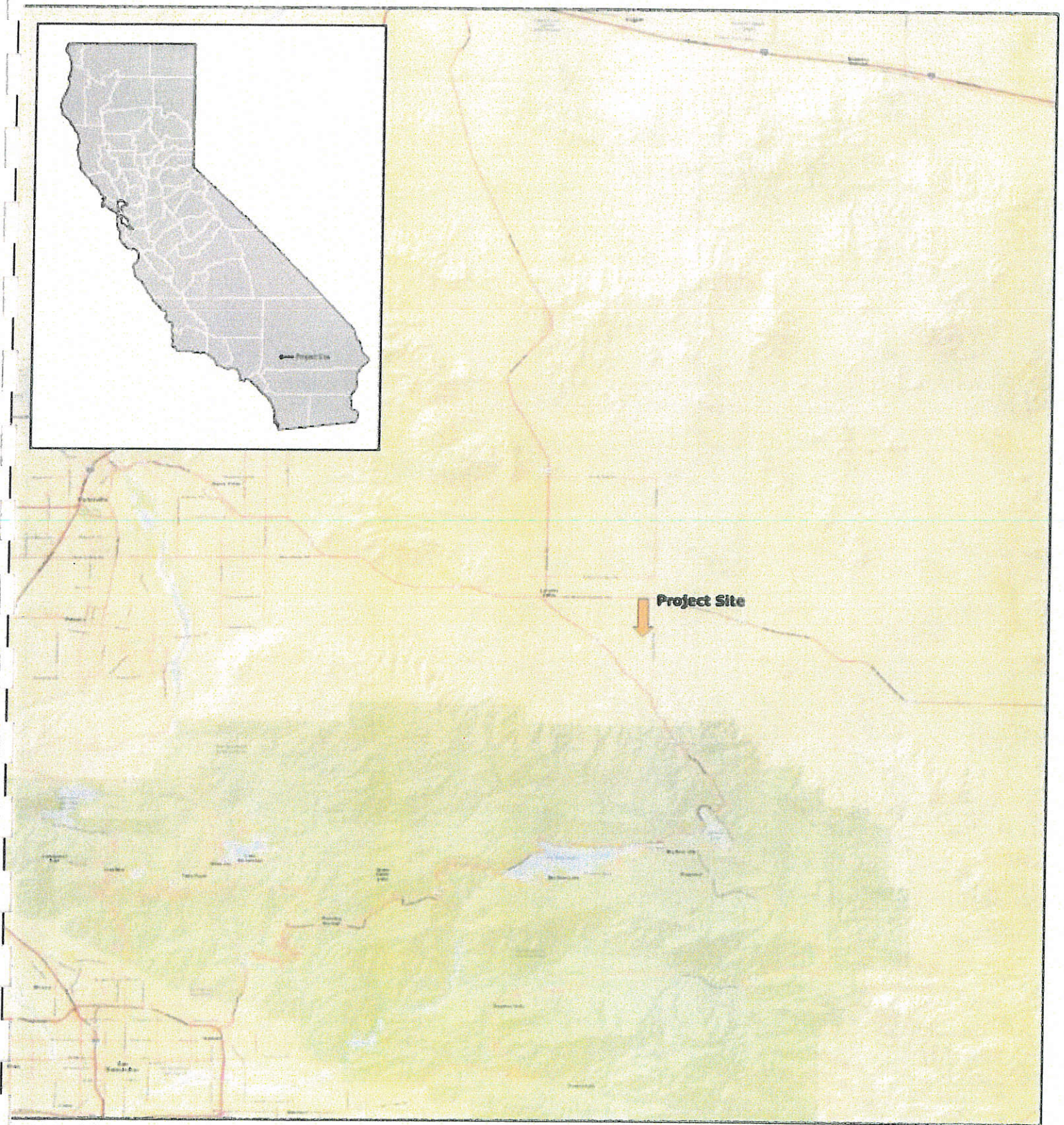
- Munz, Philip A.
1974. A Flora of Southern California. University of California Press, Berkeley, California. 1086 pp.
- Tugel, Arlene J., Woodruff, George A.
Soil Conservation Service, 1978. Soil Survey of San Bernardino County California, Mojave River Area.
- Sibley, David Allen.
National Audubon Society. The Sibley guide to Birds. Alfred A Knopf, Inc. 2000.
- Stebbins, Robert C.
A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Company. 2003.
- Whitaker, John O.
The Audubon Society Field Guide to North American Mammals. Alfred A Knopf, Inc. 1980.

Appendix A

Tables and Figures

Figure 1

Regional Vicinity Map



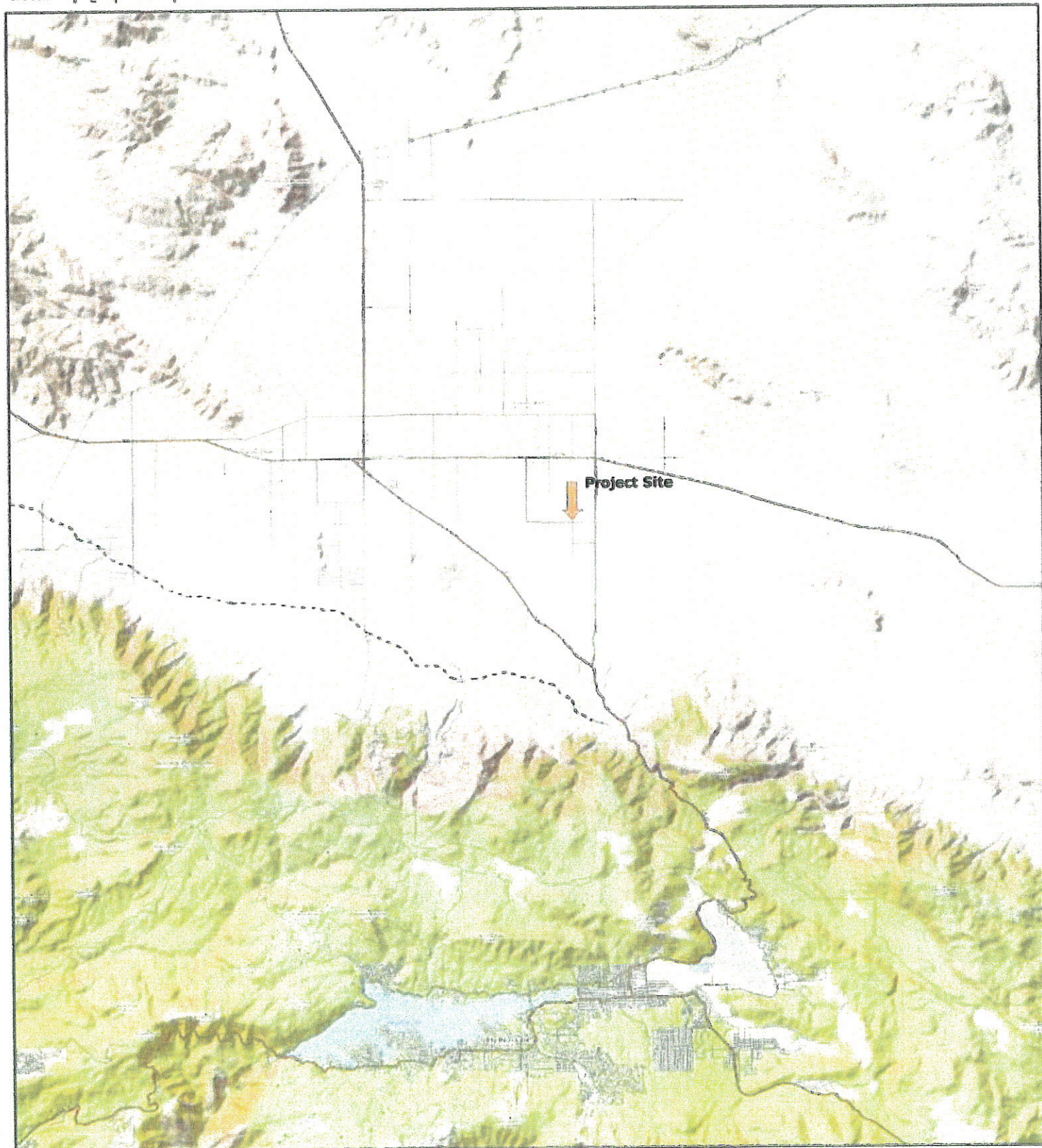
Credit: Google Imagery 2017 ESRI

5 0 5 10 15 20 km



Figure 2

Local Topographic Map



Credit: Google Images 2017

2.5 0 2.5 5 7.5 10 km

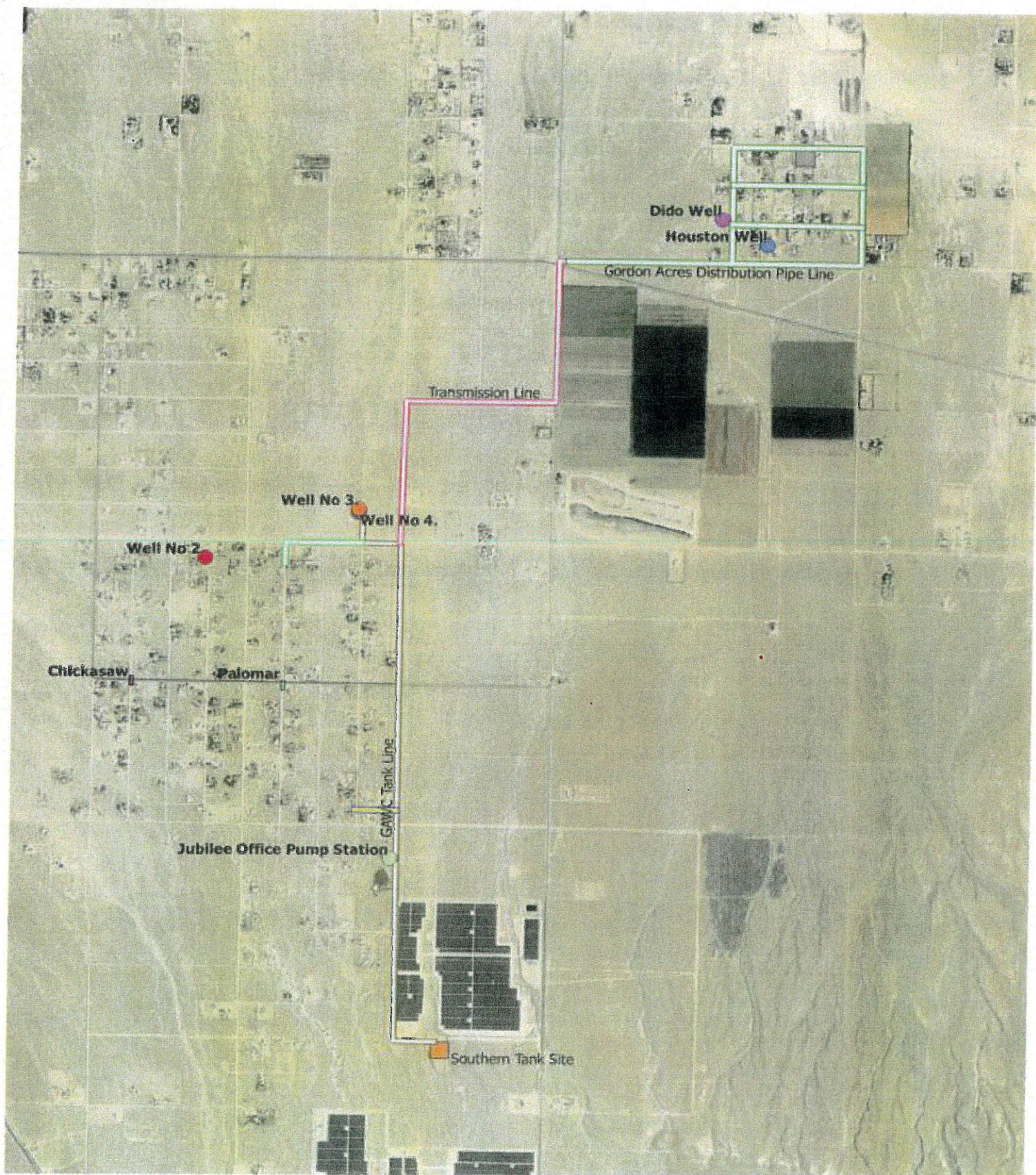


RCA

RESEARCH CENTER

Figure 3

Location Work Sites



Credit: Google Imagery 2018

500 0 500 1000 1500 2000 m

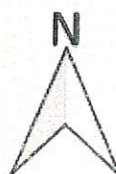


Table 1 - Plants observed on the site.

Common Name	Scientific Name	Location
White bur-sage	<i>Ambrosia Dumosa</i>	On site & ZOI
Desert trumpet	<i>Eriogonum inflatum</i>	"
Brome grasses	<i>Bromus sp.</i>	"
Saltbush	<i>Atriplex canescens</i>	"
Sagebrush	<i>Salvia sp.</i>	"
Mojave yucca	<i>Yucca schidigera</i>	"
Barrel cactus	<i>Ferocactus acanthodes</i>	"
Hedgehog cactus	<i>Echinocereus engelmannii</i>	"
Creosote bush	<i>Larrea tridentate</i>	"
Paperbag plant	<i>Salazaria Mexicana</i>	"
Cholla	<i>Opuntia echinocarpa</i>	"
Ephedra	<i>Ephedra nevadensis</i>	"
Joshua tree	<i>Yucca brevifolia</i>	"
Schismus	<i>Schismus barbatus</i>	"

ZOI = Zone of Influence

Table 2 - Wildlife observed on the site and those species expected to occur in surrounding area.

Common Name	Scientific Name	Location
Common raven	<i>Corvus corax</i>	On site & ZOI
Song sparrow	<i>Melospiza melodia</i>	"
Mourning dove	<i>Zenaida macroura</i>	"
Western whiptail lizard	<i>Cnemidophorus tigris</i>	"
Side-blotched lizard	<i>Uta stansburiana</i>	"
Desert spiny lizard	<i>Sceloporus magister</i>	"
Desert cottontail	<i>Sylvilagus auduboni</i>	"
California ground squirrel	<i>Spermophilus beecheyi</i>	"
Coyote	<i>Canis latrans</i>	"
American Robin	<i>Turdus migratorius</i>	"
Jackrabbit	<i>Lepus californica</i>	"

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which have been identified on the site or in the region by biologists from RCA Associates, LLC, or which are common species in the region.

Table 3 - The following table is a list of migratory birds that have the potential to occur on site while migrating through the area.

hummingbird sp.	Rufous Hummingbird	
Ring-billed Gull	Snow Goose	Lesser Nighthawk
Turkey Vulture	Canada Goose	Vaux's Swift
Golden Eagle	passerine sp.	House Finch
Northern Harrier	European Starling	Lapland Longspur
Cooper's Hawk	Horned Lark	McCown's Longspur
Swainson's Hawk	Tree Swallow	Brewer's Sparrow
Red-tailed Hawk	Barn Swallow	Black-throated Sparrow
Ferruginous Hawk	Cliff Swallow	White-crowned Sparrow
Burrowing Owl	swallow sp.	Bell's Sparrow
Ladder-backed Woodpecker	Verdin	Savannah Sparrow
American Kestrel	Rock Wren	sparrow sp.
Peregrine Falcon	Bewick's Wren	Western Meadowlark
Prairie Falcon	Cactus Wren	Brewer's Blackbird
Say's Phoebe	Ruby-crowned Kinglet	Yellow-rumped Warbler
Ash-throated Flycatcher	Mountain Bluebird	warbler sp. (Parulidae sp.)
Western Kingbird	LeConte's Thrasher	House Sparrow
Loggerhead Shrike	Sage Thrasher	American Pipit
Anna's Hummingbird	Northern Mockingbird	White-throated Swift

Appendix B
USFWS Official Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Carlsbad Fish And Wildlife Office
2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385
Phone: (760) 431-9440 Fax: (760) 431-5901
<http://www.fws.gov/carlsbad/>



In Reply Refer To:

September 25, 2018

Consultation Code: 08ECAR00-2018-SLI-1706

Event Code: 08ECAR00-2018-E-03884

Project Name: Gordon Acres

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comitow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action"

This species list is provided by:

Carlsbad Fish And Wildlife Office
 2177 Salk Avenue - Suite 250
 Carlsbad, CA 92008-7385
 (760) 431-9440

Project Summary

Consultation Code: 08ECAR00-2018-SLI-1706

Event Code: 08ECAR00-2018-E-03884

Project Name: Gordon Acres

Project Type: WATER SUPPLY / DELIVERY

Project Description: The project site is located in Lucerne Valley and is a linear water improvement project. Gordon Acres Water Company, Inc. (GAWC) and Jubilee Mutual Water Company (JMWC) supply potable water service to their customers within their respective service areas. GAWC's water system contains several deficiencies identified by the County of San Bernardino Department of Public Health's Division of Environmental Health Services, including lack of storage, water outages due to well failure, extensive distribution system leaks and water loss, and low water distribution system pressure. JMWC's water system relies on a deteriorating booster pump to supply pressurized water to the southern half of its service area, has no storage in its southern pressure zone, and does not have automatic means to convey water from its southern pressure zone to its northern pressure zone. To address these deficiencies, GAWC and JMWC are proceeding with a water system consolidation. As part of this consolidation, various improvements will be made to the combined water system, as described below:

- Construction of new distribution system for existing GAWC customers, consisting of approximately 13,800 LF of new 6" and 8" distribution pipelines and appurtenances (valves, fire hydrants, sampling stations, and service lines, meters, and meter boxes to existing customers).
- The rehabilitation of GAWC's Dido Well
- The destruction of GAWC's Houston Well
- The destruction of JMWC's Well No. 2
- Surface improvements to JMWC's Well Nos. 3 and 4
- Installation of a transmission pipeline and communication conduit from existing JMWC's

- Well Nos. 3 and 4 to JMWC's existing storage tanks on Joshua Avenue New communication conduit only will be installed between the wells and Foothill Road as JMWC's existing pipeline for this segment will continue to be used
- Construction of a new water pump station immediately north of JMWC's existing tank site.
- At the existing JMWC tank and office site, yard piping, communication conduit, fire hydrant, and water service will be installed; adjustments to the existing tanks' inlets, outlets, overflow, and level monitoring systems will be made; and a SCADA monitoring system will be located within the existing JMWC office.
- Installation of a 4" transmission pipeline and communication conduit from JMWC's proposed pump station to a new storage tank site located south of JMWC's service area.
- Construction of new storage tank site, south of JMWC's existing tank site, with two new 70,000-gallon tanks initially installed. A third tank and a well may be installed in the future.
- Installation of new 12" distribution pipeline from new storage tank site to the existing JMWC distribution system, paralleling the proposed transmission pipeline mentioned above. This distribution pipeline will connect to the existing JMWC distribution system at the intersection of Anza Trail and the JMWC South Easement. Along this pipeline, new services and meter boxes will extend to five existing JMWC customers, two new fire hydrants will be installed, and a pressure reducing station will be installed near Anza Trail and the JMWC South Easement
- A pressure reducing station and fire hydrant will be installed along Chickasaw Trail south of Sutter Road.
- A pressure reducing station and fire hydrant will be installed along Palomar Trail south of Sutter Road
- The existing JMWC pump station located at Anza Trail and JMWC

South Easement will
be removed.

- Installation of a 12" distribution pipeline from JMWC's existing distribution system at two locations along Foothill Road to the GAWC service area near the intersection of East End Road and Dido Avenue. This installation includes utilizing jack and bore methods to cross Camp Rock Road and to cross SR-247. A new pressure reducing station will be installed on the shoulder of Camp Rock Road.

Project Location

Approximate location of the project can be viewed in Google Maps. <https://www.google.com/maps/place/34.42687333273172N116.86412334597236W>



Counties San Bernardino, CA

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. **NOAA Fisheries**, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME

STATUS

California Condor *Gymnogyps californianus*

Endangered

Population: U.S.A. only, except where listed as an experimental population

There is ~~final~~ critical habitat for this species. Your location is outside the critical habitat

Species profile: <https://ecos.fws.gov/ecp/species/8193>

Reptiles

NAME

STATUS

Desert Tortoise *Gopherus agassizii*

Threatened

Population: Wherever found, except AZ south and east of Colorado R., and Mexico

There is ~~final~~ critical habitat for this species. Your location is outside the critical habitat

Species profile: <https://ecos.fws.gov/ecp/species/4481>

Flowering Plants

NAME

STATUS

Cushenbury Milk-vetch *Astragalus albens*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/8232>

Parish's Daisy *Erigeron parishii*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/8446>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this biological evaluation and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by me or under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 09/25/2018 Signed: Blake Curran
Report Author

Field Work Performed By: Randall Arnold
President and Principal Biologist

Field Work Performed By: Parker Smith
Biological Field Technician

Field Work Performed By: Blake Curran
Environmental Scientist/Biologist

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resource, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines “take” as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Federal regulation 50CFR17.3 defines the term “harass” as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines “harm” as an act that either kills or injures a listed species. By definition, “harm” includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section 10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is “incidental to, and not the purpose of, the carrying out of another wise lawful activity.” Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA,

or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance of permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, the Section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other “take” that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFW has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Wildlife Code. Section 2080 prohibits the take of a species listed by CDFW as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFW and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFW coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into “Waters of the United States” under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as “areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP’s) are general permits issued to cover particular fill activities. All NWP’s have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fills material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction storm water management plan to insure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Wildlife Code, Sections 1600-1616

Under the California Fish and Wildlife Code, Sections 1600-1616 CDFW regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFW and enter into streambed alteration agreement with them.

Section 1602 of the California Fish and Wildlife Code requires a state or local government agency, public utility, or private entity to notify CDFW before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFW issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Wildlife Code, Section 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term “take” is defined as “to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.” Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA.

This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term “sensitive natural community” includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinās, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site.