

Appendix D-1

Biological Resources Letter Report

BIOLOGICAL RESOURCES ASSESSMENT

HESPERIA COMMERCE CENTER II PROJECT

CITY OF HESPERIA

SAN BERNARDINO COUNTY, CALIFORNIA



June 2019

BIOLOGICAL RESOURCES ASSESSMENT

HESPERIA COMMERCE CENTER II PROJECT CITY OF HESPERIA SAN BERNARDINO COUNTY, CALIFORNIA

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EXECUTIVE SUMMARY

LSA conducted a biological resources assessment for the Hesperia Commerce Center II Project (project) located in the City of Hesperia (City), San Bernardino County, California. The assessment included a literature review, field survey, and this report. The subject property is approximately 196 acres and is currently vacant. The City is the lead agency for the project and required this study as part of the environmental review process to comply with the California Environmental Quality Act (CEQA).

Burrowing owl was not observed in the project area; however, suitable habitat exists on site and the species could eventually occupy the project area prior to construction. Pursuant to the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA), a pre-construction survey will be required in compliance with *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012* (CDFW 2012).

Marginally suitable habitat is present within the project area for desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*). Protocol surveys will be required to determine presence or absence of these species.

The project area contains suitable habitat for nesting birds protected by the MBTA and the California Fish and Game Code. However, the U.S. Fish and Wildlife Service (USFWS) has recently determined that the MBTA should apply only to "... affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs" and will not be applied to incidental take of migratory birds pursuant to otherwise lawful activities. It is recommended that vegetation removal be conducted outside the general bird nesting season (February 1 through August 31) to avoid impacts to nesting birds. If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal.

Joshua trees (*Yucca brevifolia*), cacti, and other desert plants occur throughout the project area. Many of these species are protected the California Desert Plants Act. A Desert Native Plant Survey shall be conducted in accordance with the California Desert Native Plant Act and City of Hesperia ordinances. Additionally, the preparation of a Joshua Tree Relocation Plan is required in accordance with Chapter 16.24 of the City of Hesperia's Municipal Code in order to mitigate impacts to Joshua trees as a result of the proposed project.

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A: PLANT AND ANIMAL SPECIES OBSERVED

INTRODUCTION

LSA has prepared this Biological Resources Assessment (Assessment) for compliance with the California Environmental Quality Act (CEQA). This Assessment evaluates the proposed Hesperia Commerce Center II Project (project) located generally on the northwest corner of Phelan Road and State Route 395 (SR-395) in the City of Hesperia, San Bernardino County, California. The study area consists of Assessor's Parcel Numbers (APNs) 306435103, 306436101, 306439101, and 306440102. Specifically, the project area is located in Section 16, Township 4 North, Range 5 West, as depicted on the United States Geological Survey (USGS) *Baldy Mesa, California* 7.5-minute topographic quadrangle map (Figure 1).

PROJECT DESCRIPTION

This project proposes to develop approximately 196 acres of undeveloped, vacant land into a commerce center. A preliminary site plan for the project indicates two large warehouse buildings with associated offices and parking plans.

METHODS

Literature Review

A literature review was conducted to assist in determining the existence or potential occurrence of special-status plant and animal species within the survey area and in the project vicinity. A records search of the California Department of Fish and Wildlife's Natural Diversity Data Base application *Rarefind 5* online edition (CDFW CNDDDB 2018) and California Native Plant Society's *Online Inventory of Rare and Endangered Plants* (CNPS v7-18) for the *Baldy Mesa, California*, USGS 7.5-minute quadrangle and relevant neighboring quadrangles was conducted on November 21, 2018. Current and historic aerial photographs (Google 2018 and NETRonline Historic Aerials 2018) were reviewed, and U.S. Fish and Wildlife Service (USFWS) listed species and designated critical habitat information was used to determine the locations of any listed species sightings and critical habitat boundaries on and in the vicinity of the project. Soil types were determined using the WebSoil Survey (USDA/NRCS). Geographic Information System (GIS) software was used to map the project location, habitat types, land uses, etc. Local policies and municipal codes were also consulted to review conservation measures that will apply to the proposed project. Reference materials included the following:

- Biological Resources Assessment for the City of Hesperia General Plan prepared by Michael Brandman Associates (MBA), dated February 2010;
- California Desert Native Plants Act (CDNPA), California Food and Agricultural Code Division 23;
- West Mojave Plan EIR Volume 1 and Volume 2 prepared by Bureau of Land Management (BLM), dated January 2005, and Record of Decision 2006; and
- The Desert Renewable Energy Conservation Plan (DRECP) (BLM 2015).

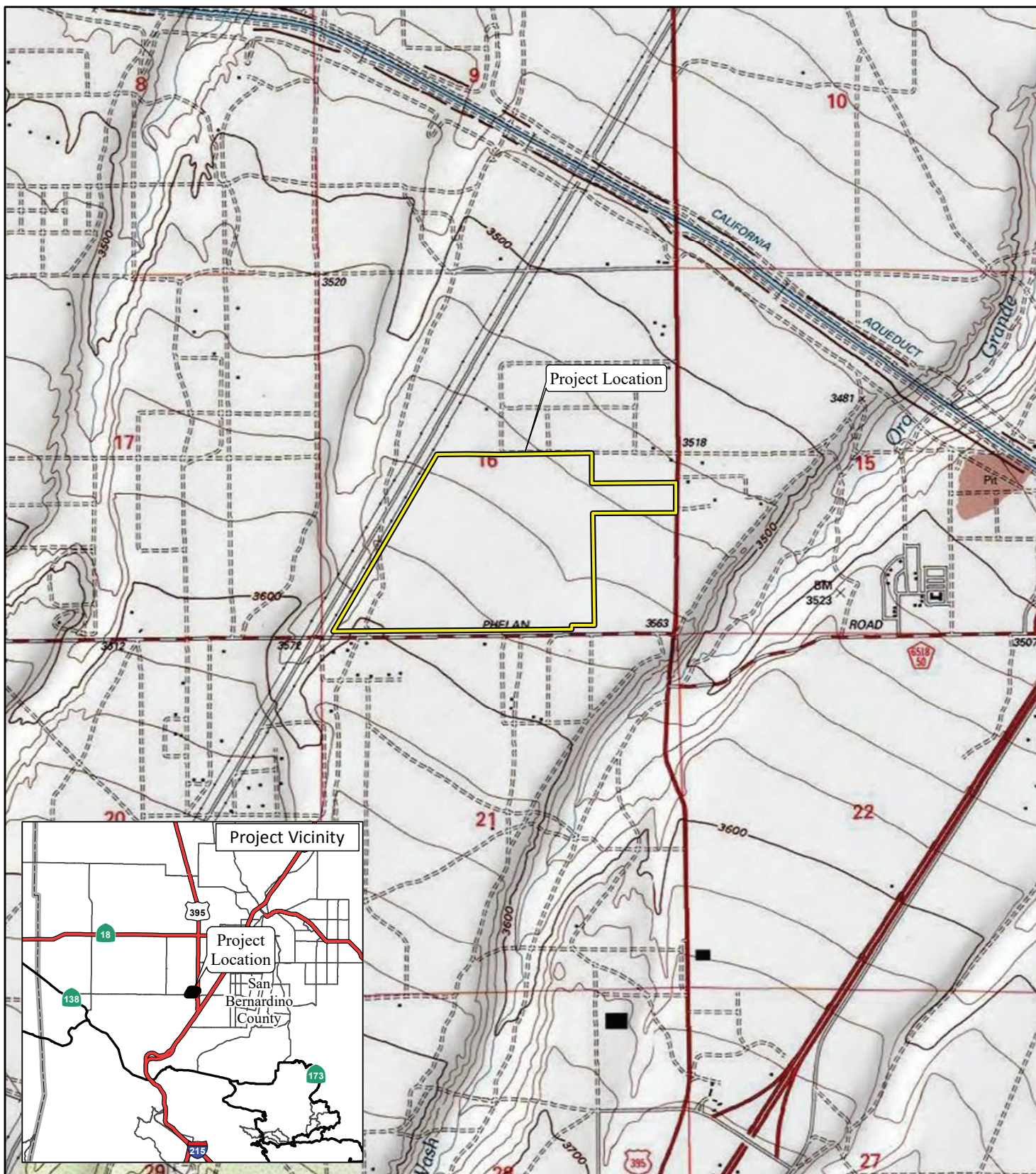


FIGURE 1

LSA

LEGEND

Project Location



0 1000 2000
FEET

SOURCE: USGS 7.5' Quad - Baldy Mesa (1988)

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Hesperia Commerce Center II
Project Location

Field Survey

A general reconnaissance-level field survey was conducted on November 28, 2018, by LSA Biologist Andrea Haller. Weather conditions consisted of clear skies, temperatures ranging from 59 to 65 degrees Fahrenheit, and winds ranging from 5 to 15 miles per hour. Notes were taken on general site conditions, vegetation, and suitability of habitat for various special-status elements. All plant and animal species observed or otherwise detected during this field survey were noted and are listed in Appendix A.

RESULTS

Existing Site Conditions

The project area is vacant land generally located on the northwestern corner of Phelan Street and SR-395. Current land uses around the project area include rural residential and vacant land. The project is bordered by Los Angeles Bureau of Power and Lights Road to the west and Yucca Terrace Road to the north. The project study area has been affected by off-highway vehicle (OHV) use, unlawful dumping, and abandoned encampments.

Topography and Soils

Topography within the project area is generally flat and ranges in elevation from approximately 3,565 to 3,610 feet above mean sea level. The lowest and highest elevations both occur in the southwestern portion of the project area.

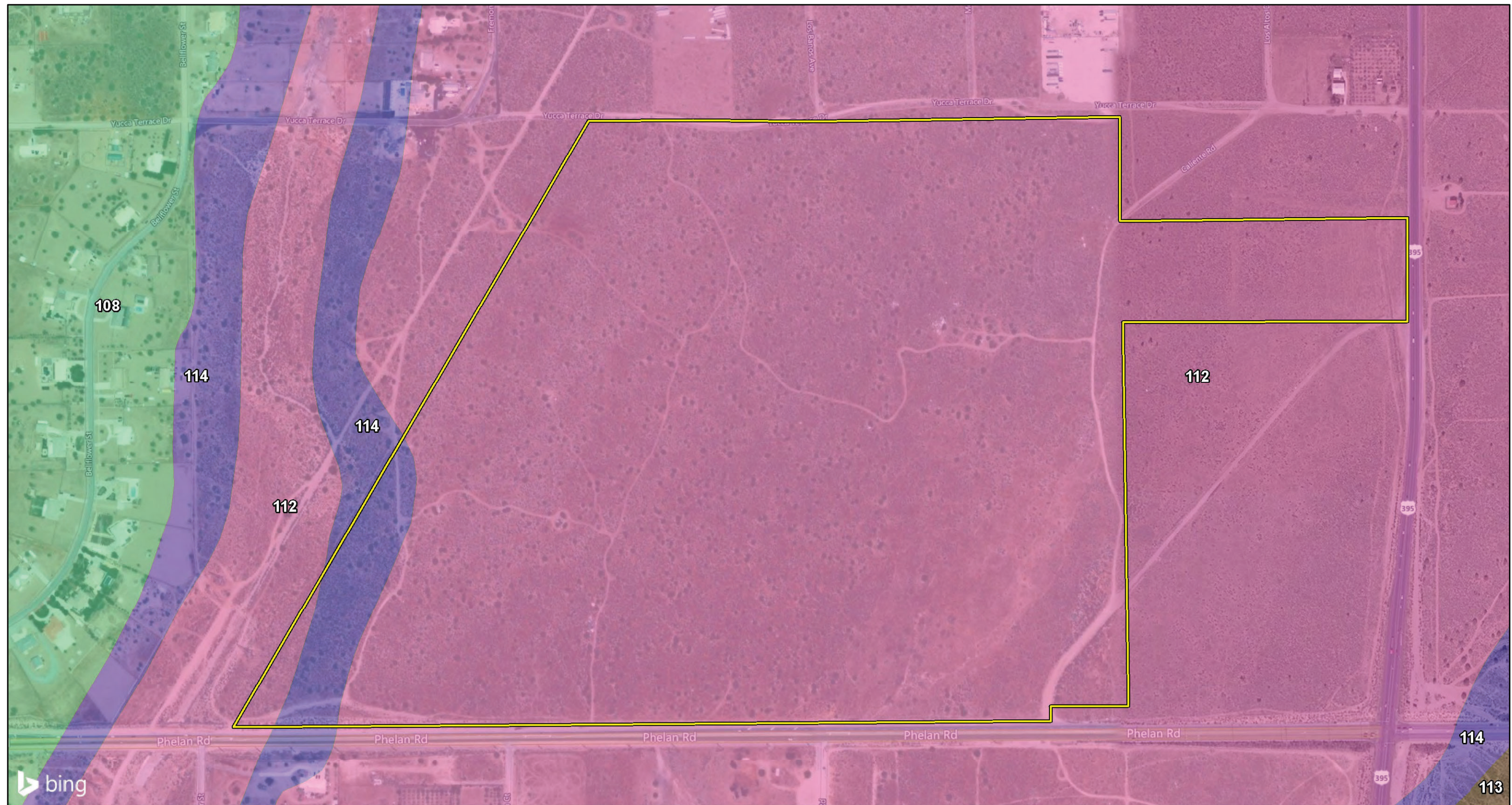
Soils on the site are mapped by the Natural Resource Conservation Service (NRCS) as *Cajon Sand, 0 to 2 percent slopes* and *Cajon Sand, 9 to 15 percent slopes* (Figure 2). Sandy soils were observed throughout the site and appear to be consistent with the soil mapping designation.

Vegetation

Vegetation within the project area is best described as Joshua Tree Woodland (Holland 1986), a designated CDFW Natural Community of Concern. Dominant species found on site include Joshua tree (*Yucca brevifolia*) and California juniper (*Juniperus californica*). Other species observed included creosote (*Larrea tridentata*), California buckwheat (*Eriogonum fasciculatum*), and rubber rabbitbrush (*Ericameria nauseosa*). Vegetation within the southeastern portion of the project area is more sparse and disturbed due to human activity. Figure 3 shows vegetation and land use, and Figure 4 shows site photographs.

Wildlife

Wildlife observed on site included common raven (*Corvus corax*), northern flicker (*Colaptes auratus*), cactus wren (*Campylorhynchus brunneicapillus*), black-tailed jackrabbit (*Lepus californicus*), and feral dog (*Canis familiaris*) scat. Small mammal burrows were observed throughout the study area. All plant and animal species observed or otherwise detected during this field survey were noted and are listed in Appendix A.



LSA

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Project Limits

Soils

- 108 - BRYMAN LOAMY FINE SAND, 9 TO 15 PERCENT SLOPES
- 112 - CAJON SAND, 0 TO 2 PERCENT SLOPES
- 113 - CAJON SAND, 2 TO 9 PERCENT SLOPES
- 114 - CAJON SAND, 9 TO 15 PERCENT SLOPES



0 200 400
FEET

SOURCE: BING Maps (11/17); Ssurgo (2016)

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FIGURE 2

Hesperia Commerce Center II
Soils



LSA



0 200 400
FEET

SOURCE: BING Maps (11/17)

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LEGEND

-  Project Limits
-  Joshua Tree Woodland (193.30 ac)
-  Photo Locations

FIGURE 3



Photo 1. View of Project area from the northwest corner looking southeast.



Photo 2. Plant diversity in the southwest Project area looking east.



Photo 3. View of the eastern Project area from the south central Project area.



Photo 4. View of the Project area from Caliente Road looking west.



Photo 5. View of the Project area looking southwest from an interior path.



Photo 6. Eastern Project area looking east.

Special-Status Species

This section discusses special-status species observed or potentially occurring within the limits of the survey area. Legal protection for special-status species varies widely, from the comprehensive protection extended to listed threatened/endangered species, to no legal status at present. The CDFW, USFWS, local agencies, and special-status groups such as the CNPS, publish watch lists of declining species. Species on watch lists can be included as part of the special-status species assessment. Species that are candidates for State and/or Federal listing and species on watch lists are included in the special-status species list. Inclusion of species described in the special-status species analysis is based on the following criteria:

- Direct observation of the species or its sign in the survey area or immediate vicinity during previous biological studies;
- Sighting by other qualified observers;
- Record reported by the CNDDDB, published by the CDFW;
- Presence or location information for specific species provided by private groups (e.g., CNPS); and/or
- Survey area lies within known distribution of a given species and contains appropriate habitat.

Threatened and Endangered Species

Under provisions of Section 7(a)(2) of the Federal Endangered Species Act (FESA), a federal agency that permits, licenses, funds, or otherwise authorizes a project activity must consult with the USFWS to ensure that its actions would not jeopardize the continued existence of any listed threatened or endangered species or destroy or adversely modify critical habitat. The USFWS designates as threatened or endangered, species that are at risk of extinction and may also adopt recovery plans that identify specific areas that are essential to the conservation of a listed species. Critical habitat areas that may require special management considerations or protections can also be designated.

The California Endangered Species Act (CESA) is administered by the CDFW and prohibits the “take” of plant and animal species identified as either threatened or endangered in the State of California by the Fish and Game Commission (Fish and Game Code Section 2050 to 2097). “Take” is defined as hunt, pursue, catch, capture, or kill. Sections 2091 and 2081 of the CESA allow the CDFW to authorize exceptions to the prohibition of “take” of State-listed threatened or endangered plant and animal species for purposes such as public and private development. The CDFW requires formal consultation to ensure that a proposed project’s actions would not jeopardize the continued existence of any listed species or destroy or adversely affect listed species’ habitats.

Listed below are the Federal and/or State listed species and critical habitats reported to been found within a 2-mile radius of the project vicinity:

- Mohave ground squirrel (*Xerospermophilus mohavensis*; State listed as threatened); and
- Desert tortoise (*Gopherus agassizii*; federally and State listed as threatened).

The desert tortoise and Mohave ground squirrel (MGS) are discussed in further detail below.

Desert Tortoise. The Mojave population of the desert tortoise was listed as a federally endangered species by emergency rule on August 4, 1989, and as a threatened species by final rule on April 2, 1990. Federally designated critical habitat for the Mojave Desert population was finalized in February 1994. Mojave desert tortoises primarily inhabit creosote bush scrub, saltbush scrub, and Joshua tree woodland, generally below approximately 5,000 feet in elevation.

The project area is not within designated critical habitat for this species or within any Desert Wildlife Management Areas proposed for the desert tortoise identified in the draft West Mojave Plan (BLM 2005).

The vegetation on site provides low-quality habitat for the desert tortoise. Focused surveys for the desert tortoise would be required to determine its presence or absence and any potential project effects to this species. The focused desert tortoise survey would be conducted according to currently accepted protocol, *Preparing For Any Action That May Occur in the Range Of The Mojave Desert Tortoise* (*Gopherus agassizii*) (USFWS, Field Season 2010). According to the protocol, the focused survey must cover 100 percent of each site, using 30-foot transect widths. Surveys are to be conducted during the desert tortoise's most active periods: April through May or September through October.

Mohave Ground Squirrel. MGS was listed as threatened in 1984 under CESA. The MGS inhabits desert areas with deep sandy or gravelly friable soils and an abundance of annual herbaceous vegetation. This species prefers arid flat terrains with desert shrubs. Habitat for the MGS occurs in alluvial fans where desert pavement is absent including creosote bush scrub, shadscale scrub, alkali sink, and Joshua tree woodland. Nests are in underground burrows. Individuals may use several different burrows.

The project area is in an area that is cut off from known MGS populations by Interstate 15 (I-15) and SR-395 to the east and by the California Aqueduct to the north. The nearest known MGS population is a remnant population in Adelanto, which is more than 10 miles to the north. The nearest CNDDDB records to the study area are north of the California Aqueduct. SR-395 abuts the site to the east. The properties to the north, west, and south of the site consist of rural residences and undeveloped parcels. Although these properties are minimally developed or vacant, undeveloped land, these parcels are heavily disturbed, scattered with miscellaneous household trash throughout, and bear evidence of being utilized for OHV use.

The vegetation on site provides low-quality habitat for MGS. Focused surveys for MGS would be required to determine its presence or absence and any potential project effects to this species. The focused MGS survey would be conducted in accordance with the January 1991 CDFW guidelines, as modified in January 2003. According to the protocol, a 100-trap grid is required for every 80 acres of suitable MGS habitat. Visual surveys to determine MGS activity and habitat quality must be undertaken between March 16 and April 15 during daylight hours by a qualified biologist permitted to handle MGS. If visual surveys do not reveal the presence of MGS, trapping grids will be established. The first trapping period must be conducted between March 21 and April 30. If a second period is required, it must begin at least two weeks after the first period but cannot begin earlier than May 1. The second period must be completed by May 31. If a third trapping period is

required, it must begin at least two weeks after the end of the second period but shall not begin earlier than June 15. The third period must be completed by July 15.

Non-Listed Special-Status Species

The CDFW, USFWS, local agencies, and special-status groups, such as the CNPS, maintain lists of species that they consider to be in need of monitoring. Legal protection for these special-status species varies widely. Table A summarizes special-status species known to occur in the region, along with their status, habitat and distribution, activity/bloom period, and probability of occurrence.

Table A: Special-Status Species Occurrence Probability

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
Plants				
<i>Castilleja plagiotoma</i> Mojave paintbrush	US: – CA: 4	Historical distribution from the northern base of the San Bernardino and San Gabriel Mountains to the Piute Mountains and San Luis Obispo County. Occurs on dry flats and ridges in dry sagebrush scrub and pinyon woodland. Occurs in Joshua tree woodland. Elevations 275 to 2,500 meters (900 to 8,200 feet).	Year-round	Moderate. Moderately suitable habitat (Joshua tree woodland) is present within the project area.
<i>Chorizanthe xanti</i> var. <i>leucotheca</i> White-bracted spineflower	US: – CA: 1B	Sandy to gravelly places in Mojave desert scrub, pinyon and juniper woodland, or coastal scrub in the Transverse and Peninsular Ranges and desert edge foothills at 300 to 1,200 meters (980 to 3,900 feet) elevation in coastal southern California and adjacent desert areas. Known only from Los Angeles, Riverside, San Bernardino, and San Diego Counties, California.	Blooms April through June (annual herb)	Moderate. Moderately suitable habitat (juniper woodland) is present within the project area.
<i>Eremothera boothii</i> ssp. <i>boothii</i> Booth's evening primrose	US: – CA: 2B	Joshua tree woodland and pinyon-juniper woodland at 880 to 2,400 meters (2,900 to 7,900 feet) elevation. In California, known from Inyo, Mono, and San Bernardino Counties.	Blooms April through May (annual herb)	Moderate. Moderately suitable habitat (Joshua tree woodland) is present within the project area.
<i>Muilla coronata</i> Crowned muilla	US: – CA: 4	Historically distributed from the eastern side of the High Sierra south to the western Mojave desert. Occurs in heavy soils in open desert scrub and Joshua tree woodland; 975 to 1,600 meters (3,200 to 5,200 feet) elevation.	Blooms March through April	Moderate. Moderately suitable habitat (Joshua tree woodland) is present within the project area.
<i>Opuntia basilaris</i> var. <i>brachyclada</i> Short-joint beavertail	US: – CA: 1B	Sandy soil or coarse, granitic loam in chaparral, Joshua tree woodland, Mojavean desert scrub, and pinyon-juniper woodland at 425 to 1,800 meters (1,400 to 5,900 feet) elevation in the Providence Mountains and desert slopes of the San Gabriel and San Bernardino Mountains. Known only from Los Angeles and San Bernardino Counties, California.	Blooms April through June; identifiable year-round (perennial stem succulent)	Moderate. Moderately suitable habitat (sandy soil and Joshua tree woodland) is present within the project area.

Table A: Special-Status Species Occurrence Probability

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
<i>Pediomelum castoreum</i> Beaver dam breadroot	US: – CA: 1B	Sandy soils, washes, and roadcuts in Joshua tree woodland and Mojave Desert scrub at 610 to 1,525 meters (2,000 to 5,000 feet) elevation. In California, known only from San Bernardino County. Also occurs in Arizona and Nevada.	Blooms April through May (perennial herb)	Moderate. Moderately suitable habitat (sandy soil and Joshua tree woodland) is present within the project area.
Reptiles				
<i>Phrynosoma blainvillii</i> (<i>coronatum</i>) Coast horned lizard	US: – CA: SSC	Primarily in sandy soil in open areas, especially washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Occurs west of the deserts from northern Baja California north to Shasta County below 2,400 meters (8,000 feet) elevation.	April through July with reduced activity August through October	Low. Marginally suitable habitat (sandy soil in open areas) is present within the project area.
Birds				
<i>Athene cunicularia</i> (burrow sites) Burrowing owl	US: – CA: SSC (breeding)	Open country in much of North and South America. Usually occupies ground squirrel burrows in open, dry grasslands, agricultural and range lands, railroad rights-of-way, and margins of highways, golf courses, and airports. Often utilizes man-made structures, such as earthen berms, cement culverts, cement, asphalt, rock, or wood debris piles. They avoid thick, tall vegetation, brush, and trees, but may occur in areas where brush or tree cover is less than 30 percent.	Year-round	High. Suitable habitat (open, dry grassland, manmade structures, low vegetation cover) is present within the project area.
<i>Lanius ludovicianus</i> (nesting) Loggerhead shrike	US: – CA: SSC (breeding)	Prefers open habitats with scattered small trees and with fences, utility lines, or other perches. Inhabits open country with short vegetation, pastures, old orchards, cemeteries, golf courses, riparian areas, and open woodlands. Highest density occurs in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Occurs only rarely in heavily urbanized areas, but often found in open cropland. Found in open country in much of North America.	Year-round	Moderate. Moderately suitable habitat (open Joshua tree area) is present within the project area.

CA: State Classifications

SSC Species of Special Concern. Refers to animals with vulnerable or seriously declining populations.

1B California Rare Plant Rank 1B – rare, threatened or endangered in California and elsewhere.

2B California Rare Plant Rank 2B – rare, threatened or endangered in California, but more common elsewhere

4 California Rare Plant Rank 4: A watch list of plants of limited distribution.

Burrowing owl was not observed on the project area; however, suitable habitat exists on site and the species could eventually occupy the project area prior to construction. Pursuant to the California Fish and Game Code and the MBTA, a pre-construction survey in compliance with *Staff Report on*

Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 (CDFW 2012) will be necessary to reevaluate the locations of potential burrowing owl burrows located within the project limits so take of owls or active owl nests can be avoided. The survey would include 100 percent coverage of the development area and within suitable habitat areas, within 500 feet of the project limits. If active burrowing owl burrows are determined to be present, they would be flagged and a 160-foot buffer would be created around the burrow during the nonbreeding season (September 1 to January 30). A 250-foot buffer would be created during the breeding season (February 1 to August 31). The buffer limits may vary depending on availability of access to adjacent lands. Any relocation efforts must be coordinated with the CDFW and USFWS.

There is a low likelihood of short-joint beavertail and coast horned lizard occurring within the project area due to the habitat conditions on the site. Additionally, they have a limited population distribution in southern California and development is reducing their ranges and numbers further. These species have no official State or federal protection status but require consideration under CEQA. Due to the existing disturbances and proximity to surrounding development, impacts to these sensitive species are not considered significant.

Nesting bird species with potential to occur within the project are protected by California Fish and Game Code Sections 3503, 3503.5, and 3800, and by the MBTA (16 USC 703–711). These laws regulate the take, possession, or destruction of the nest or eggs of any migratory bird or bird of prey. However, the USFWS has recently determined that the MBTA should apply only to “... affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs” and will not be applied to incidental take of migratory birds pursuant to otherwise lawful activities.

To ensure compliance with the California Fish and Game Code and to avoid potential impacts to nesting birds, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (January 15 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal.

Critical Habitat

The project area does not lie within any federally designated critical habitat.

Jurisdictional Waters

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. The USACE regulatory jurisdiction pursuant to Section 404 of the Federal Clean Water Act (CWA) is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce), or it may be indirect (through a nexus identified in the USACE regulations). In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics, each with its unique set of mandatory wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology.

The CDFW, under Sections 1600 through 1616 of the California Fish and Game Code, regulates alterations to lakes, rivers, and streams (defined by the presence of a channel bed and banks, and at least an intermittent flow of water) where fish or wildlife resources may be adversely affected.

The Regional Water Quality Control Board (RWQCB) is responsible for the administration of Section 401 of the CWA. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the USACE (i.e., waters of the U.S., including any wetlands). The RWQCB may also assert authority over “waters of the State” under waste discharge requirements pursuant to the Porter-Cologne Act.

No potential jurisdictional features subject to regulation by USACE, CDFW, or RWQCB were found to be present within the project limits and therefore is not discussed further in this report.

Wildlife Movement, Corridors, and Nursery Sites

The project study area is located in an area of encroaching development and has been regionally isolated by SR-395 to the east and by the California Aqueduct to the north. As a result, the project study area does not provide for regional wildlife movement or serve as a regional wildlife corridor. The project study area does not contain nursery sites, such as bat colony roosting sites or colonial bird nesting areas.

Natural Communities of Concern

Joshua Tree Woodland is a CDFW natural community of concern. Joshua trees are also protected from harvesting without a permit under the CDFW California Desert Native Plants Act (CDNPA), Division 23 of the Food and Agricultural Code, and Chapter 16.24 of the City of Hesperia’s Municipal Code, established to comply with the CDNPA.

The project will result in the loss of 196 acres of Joshua tree woodland and is considered to be an incremental loss of this natural community in the region.

Local Policies and Ordinances

The project is subject to Chapter 16.24 of the City of Hesperia’s Municipal Code, established to comply with the CDNPA, which protects non-listed native desert plants, such as Joshua tree. As stated previously, a Joshua tree relocation plan has been prepared to comply with Chapter 16.24 of the City of Hesperia’s Municipal Code. A permit from the City of Hesperia will be required prior to any relocation of Joshua trees.

Adopted Habitat Conservation Plans

The project is within the California Desert Conservation Area Plan (CDCA) (BLM 1980). The project is also within the Draft West Mojave Plan (BLM 2005) and the Desert Renewable Energy Conservation Plan (DRECP) (BLM 2015) areas. The West Mojave Plan and DRECP are amendments to the CDCA.

The BLM issued a Record of Decision for the West Mojave Plan in 2006. The West Mojave Plan has not been formally adopted.

The BLM issued a Record of Decision for Phase 1 of the DRECP in 2016. The project is not within a DRECP renewable energy development focus area.

IMPACTS AND RECOMMENDATIONS

Threatened and Endangered Species

Marginally suitable habitat is present within the project area for desert tortoise and Mohave ground squirrel. Protocol surveys will be required to determine presence or absence of these species.

Non-listed Special-Status Species

To avoid effects to the burrowing owl (in compliance with *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012* [CDFW 2012]), a pre-construction burrowing owl clearance survey would be required to be completed no more than 14 days before initiation of grading, and a second survey be completed within 24 hours prior to grading. If burrowing owls are detected during the pre-construction surveys, coordination with the CDFW will be required to determine appropriate minimization and avoidance measures.

In addition, to ensure compliance with California Fish and Game Code and to avoid potential impacts to nesting birds, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal.

Wildlife Movement, Corridors, and Nursery Sites

Local wildlife movement will be temporarily disrupted during the vegetation removal and construction processes, but this effect would be localized and short term. Although the project will result in the incremental loss of habitat, the project does not provide habitat for regional wildlife movement due to the existing barriers including SR-395 to the east, California Aqueduct to the north, rural residential development to the west and south.

Natural Communities of Concern

The project will result in the loss of 196 acres of Joshua Tree Woodland and is considered to be an incremental loss of this natural community in the region.

A Desert Native Plant Survey will be required in accordance with the CDNPA and City of Hesperia ordinances. Additionally, the preparation of a Joshua tree relocation plan will be required in accordance with Chapter 16.24 of the City of Hesperia's Municipal Code in order to mitigate impacts to Joshua trees as a result of the proposed project.

Local Policies and Ordinances

The project is subject to Chapter 16.24 of the City of Hesperia's Municipal Code, established to comply with the CDNPA. The project's Joshua tree relocation plan will be implemented prior to the initiation of construction activities in accordance with Chapter 16.24 of the City of Hesperia's Municipal Code.

Adopted Habitat Conservation Plans

The project will not conflict with the conservation criteria associated with the CDCA or DRECP. The West Mojave Plan has not been formally adopted.

Cumulative Effects

According to Section 15130 of the *CEQA Guidelines*, “cumulative impacts” refers to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects. Through the implementation of mitigation, including habitat acquisition for species preservation, impacts will not be considered cumulatively significant in the future in the region.

REFERENCES

- California Department of Fish and Game. March 2012. Staff Report on Burrowing Owl Mitigation. The Resources Agency. Sacramento, California.
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APPENDIX A

PLANT AND ANIMAL SPECIES OBSERVED

Plant and Animal Species Observed

Scientific Name	Common Name
GYMNOSPERMS	
Cupressaceae	Cypress Family
<i>Calocedrus decurrens</i>	California incense-cedar
<i>Juniperus californica</i>	California juniper
Ephedraceae	Ephedra Family
<i>Ephedra nevadensis</i>	Mormon tea
MAGNOLIOPHYTA: LILIOPSIDA	MONOCOT FLOWERING PLANTS
Agavaceae	Century Plant Family
<i>Yucca brevifolia</i>	Joshua tree
Poaceae	Grass Family
<i>Bromus diandrus</i> (nonnative species)	Ripgut grass
<i>Bromus madritensis</i> ssp. <i>rubens</i> (nonnative species)	Red brome
MAGNOLIOPHYTA: MAGNOLIOPSIDA	DICOT FLOWERING PLANTS
Asteraceae	Sunflower Family
<i>Artemisia tridentata</i>	Great Basin sagebrush
<i>Ericameria nauseosa</i>	Rubber rabbitbrush
<i>Tetradymia axillaris</i>	Longspine horsebrush
Cactaceae	Cactus Family
<i>Cylindropuntia echinocarpa</i>	Wiggins' cholla
Chenopodiaceae	Saltbush Family
<i>Salsola tragus</i> (nonnative species)	Russian thistle
Lamiaceae	Mint Family
<i>Scutellaria mexicana</i>	Mexican bladdersage
Polygonaceae	Buckwheat Family
<i>Eriogonum fasciculatum</i>	California buckwheat
Solanaceae	Nightshade Family
<i>Lycium</i> sp.	Boxthorn
Zygophyllaceae	Caltrop Family
<i>Larrea tridentata</i>	Creosote
REPTILIA	REPTILES
Crotaphytidae	Collared and Leopard Lizards
<i>Uta stansburiana</i>	Common side-blotched lizard
AVES	BIRDS
Corvidae	Crows and Ravens
<i>Corvus corax</i>	Common raven
Passerellidae	American sparrows
<i>Colaptes auratus</i>	White-crowned sparrow
Picidae	Woodpeckers
<i>Colaptes auratus</i>	Northern flicker

Plant and Animal Species Observed

Scientific Name	Common Name
Troglodytidae	Wrens
<i>Campylorhynchus brunneicapillus</i>	Cactus wren
MAMMALIA	MAMMALS
Leporidae	Rabbits and Hares
<i>Lepus californicus</i>	Black-tailed jackrabbit
Canidae	Foxes, Wolves and Dogs
<i>Canis familiaris</i> (nonnative species)(scat sign)	Feral dog