APPENDIX 3

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL DELINEATION WELDON REGIONAL WATER DISTRICT WELDON REGIONAL WATER SYSTEM IMPROVEMENT PROJECT

Unincorporated Area of Weldon Kern County, California

Prepared for:

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Prepared February 2018

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Certification: I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this Biological Resources Repot to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and standards. Fieldwork conducted for this assessment was performed by me. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project proponent and that I have no financial interest in the project.

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JERICHO SYSTEMS, INC.

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1 Introduction

Jericho Systems, Inc. (Jericho) is pleased to provide the results of the general biological resources assessment (BRA) and Jurisdictional Waters Delineation (JD) report for the Weldon Regional Water System Improvement Project (Project) for the newly-formed Weldon Regional Water District (District).

The purpose of the assessment was to identify biological resources that may potentially occur within or This report is designed to address potential effects of the proposed Project to designated Critical Habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), or species designated as sensitive by the California Department of Fish and Wildlife (CDFW), or the California Native Plant Society (CNPS). Attention was focused on sensitive biological resources known to occur locally (within a 3-mile radius of the Project area boundaries). This report also addresses resources protected under the Coastal Barriers Resources Act, Coastal Zone Management Act, Magnuson-Stevens Fishery Conservation and Management Act, the Protection of Wetlands – Executive Order 11990, Migratory Bird Treaty Act and Wild and Scenic Rivers Act.

The Project involves State Revolving Funds administered by the State Water Resources Control Board (SWRCB), the biological resources assessment was conducted in accordance with a process termed as CEQA-Plus (California Environmental Quality Act (CEQA)).

1.1 Project Location

The Project is located in the unincorporated area of Weldon, Kern County (Figure 1), which is located east of Lake Isabella, south of State Route (SR) 178. The Project area is depicted on the Weldon quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Sections 13, 14, 18, 21, 22, 23, 26 and 27 of Township 26 South Range 34 East (Figure 2).

The Project components will mostly occur within SR-178 between the KOA Campground and Poplar Street, and several side streets throughout the area.

1.2 Project Background

Five water companies in the Weldon area of Kern County are forming a new public "Special District" to provide a regional water supply to the local communities. The new water purveying entity will be named the Weldon Regional Water District. The water purveyors of this new district include Long Canyon Water Company, Tradewinds Water Association, Bella Vista Mutual Water Company, Lake Isabella KOA, and Rainbird Valley Mutual Water Company (Figure 2). These water purveyors supply water to about 929 customers, with about 436 service connections in the unincorporated community of Weldon. Currently, each of the small residential neighborhoods within the community of Weldon have their own independent water system and each of them use groundwater supply wells extracting water from the Kern River Valley Groundwater Basin as their sole source of water supply. The Weldon Regional Water District, when formed, will assume all the operations and maintenance of the water infrastructure and services currently provided by the various existing water providers.

The Tradewinds Water Association, Long Canyon Water Company, Rainbird, Valley Mutual Water Company, Bella Vista Mutual Water Company, and the Lake Isabella K.O.A. all rely solely on groundwater as the source of water supply. Each water system currently has two wells, with the exception of the Lake Isabella K.O.A, which has one well that has tested positive for Nitrates that are over the drinking water standard. This is also problematic in the event the well is inoperable making installing a treatment system

not feasible. Many of these existing wells have water quality issues and do not meet current Drinking Water standards. Some of these water systems have water quality issues and exceed the regulated maximum contaminant levels (MCL) for Uranium, Nitrate, and Arsenic. In July of 2015, two casing hammer test wells were drilled to find better water quality for the area and both test wells were successful. A recommendation was therefore made to drill, construct, and equip a municipal water well at each test well location to serve a new consolidated community water system, as well as construct associated water conveyance piping.

1.3 Project Characteristics

The newly formed Weldon Regional Water District (District) will require several improvements to the water systems within the District to create a regional water system. The regional water system infrastructure is proposed to connect to the communities now served by the Long Canyon Water Company, Rainbird Valley Mutual Water Company, Tradewinds Water Association, Bella Vista Mutual Water Company, and the Lake Isabella K.O.A.

In general, the Project will install new piping, reservoirs, and related appurtenances. The main features of the proposed project include construction, connection, well development and well abandonment. The specifics are as follows:

Construct

- A 34,675 lineal foot (LF) segment of 12-inch water transmission line from the KOA campground site east to just before Powers Lane within the State Highway (SH) 178 alignment.
 - o Installation will occur within compacted dirt shoulder right-of -way
- A new Bella Vista (BV) 750,000 gallon (GAL) reservoir and booster pump station and connect these facilities to the District's water system;
 - $\circ\,$ Construction will encompass $^{1\!/}_{2}$ acre of disturbed land consisting of ruderal non-native grassland.
- A new 750,000 GAL reservoir on property between Kelso Valley Road and Paul's Place and will connect to the District's water system;
 - Construction will encompass ¹/₂ acre of rocky hillside consisting of mixed native sagebrush and non-native grassland habitat.
- Construct transmission pipelines and distribution lines that will connect to the District's water system within the service area that previously belonged to Long Canyon Water Company and Bella Vista Mutual Water Company;
 - Installation will occur in disturbed unpaved and paved road rights-of-way.
- A new office for the newly developed Weldon Regional Water District at one of three locations on either Isabel Drive, Vista Grande Drive, or Hooper Road where the existing Tradewinds Office is located.
 - o Construction will approximately 1 acre of non-native grassland habitat

Connect

- two existing wells which belonged to Tradewinds Water Association to the District's water system: Well Site No. 2
- two existing wells which belong to Bella Vista Mutual Water Company: Well No. 1 & Well No. 2;
- existing tank (Tank No. 1) and booster pump station which belonged to Bella Vista Mutual Water Company to the District's water system;
- existing tank (Tank No. 2) and two 15,000-gallon reservoirs to the District's water system;

Develop

Develop new District Wells No. 1 and No. 2 connect it to the District's new system once developed;

Abandon

• Tradewinds existing Well No. 3 and Rainbird existing Well No. 1 and No. 2 in accordance with Kern County Standards;

1.4 Construction Scenario

The project is expected to begin construction in 2019, with an anticipated completion date in 2021. The project will require preparing and grading of the reservoirs and booster pump station sites, and the installation of the structures (two above ground tank reservoirs and a booster pump station). The construction staging areas are anticipated to be at the two well sites, the two existing tank sites and at the office building location, if an existing office building location will not be utilized. The proposed pump station would be housed in a concrete masonry unit (CMU) block or metal building that may include a pump room, and electrical control room. Construction of the pump station would involve installation of piping and electrical equipment, excavation and structural foundation installation, pump house construction, pump and motor installation, and final site completion. The construction equipment needed for pump station installation would generally include: auger truck, backhoe, boom lift truck, excavator, plate compactor, and scaffolding. Excavated soils would be reused onsite to the extent feasible and otherwise disposed offsite. Concrete would be required for construction of pump station foundation and pads.

The proposed reservoirs will be constructed on a concrete/aggregate/steel foundation. It is assumed that a maximum of five to twelve employees will be at each site during foundation construction for each reservoir. The new reservoirs will be constructed in the following fashion: floor; walls and columns; roof; and appurtenances. It is assumed that a maximum of twelve employees will be on each site during construction of each reservoir.

Construction of the proposed water pipeline would involve trenching using a conventional trench and backfill technique and jacking and boring where necessary. Dewatering is not anticipated. The trenching technique would include saw cutting of the pavement where applicable, trench excavation, pipe installation, backfill operations, and re-surfacing to the original condition. The trench would be approximately 5 feet deep and 5 feet wide, with some areas requiring a 10 feet wide trench as a result of crossing existing utilities. The pipeline would be installed a minimum of 4 feet below ground surface (bgs). Construction staging areas would be identified by the contractor for pipe lay-down, soil stockpiling, and equipment storage. On average, 300 to 600 linear feet of pipeline may be installed per day. Trenches would be temporarily closed at the end of each workday, by covering with steel trench plates and installing barricades to restrict access to staging areas. Installed pipeline will be capped during non-work time to prevent entry & entrapment of animals and debris inside the pipeline. The construction equipment needed for pipeline installation would include: water trucks, backhoe, excavator, bracing, welding equipment, boom lift truck, steamroller, dump trucks and plate compactors. Minimal off-site disposal would include construction related debris and spoils. Construction equipment for work on the new and old wells will include well drilling and pump rigs, backhoes, excavators, welding equipment, boom lift truck, cement and dump trucks, utility trucks and plate compactors, Construction equipment for work on the new and old water storage tanks include: backhoes, excavators, welding equipment, boom lift truck, cement and dump trucks, utility trucks and plate compactors.

Construction of the new office building, should this alternative be selected, would involve the site prep (grading/excavation), construction of a one-story wood frame office building, and construction of a septic system developed to provide on-site restrooms for employees working at the site. Delivery of construction supplies and removal of any excavated materials, if necessary, will be accomplished using trucks during normal working hours.

Ground disturbance activities not addressed above are anticipated to result in the following: the well sites and the office site will have ground disturbances of around 18" to 24" for over-excavation and recompaction beneath concrete foundations and then the excavation of the on-site sumps; at the Kelso Valley (KV) Tank Site and Access Road grading there may be spots where the ground disturbance depth would be approximately 20 feet; and, at the Bella Vista (BV) Tank Site the ground disturbance depth would be approximately 10 feet.

2 Methods

2.1 Biological Resources

As stated above, the objective of this document is to determine whether the Project area supports special status or otherwise sensitive species and/ or their habitat, and to address the potential effects associated with the Proposed project on those resources. The species and habitats addressed in this document are based on database information and field investigation.

Prior to conducting the field study, species and habitat information was gathered from the reports related to the specific project and relevant databases for the *Weldon* quad. The site's proximity to the *Woolstalf Creek* quad lead to its inclusion in the review. USGS quadrangles to determine which species and/or habitats would be expected to occur on site. These sources include:

- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USFWS Information for Planning and Consultation System (IPaC);
- California Natural Diversity Database (CNDDB) Rarefind 5;
- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- USDA Natural Resources Conservation Service (NRCS) Web Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers

Jericho Biologist and Regulatory Specialist, Shay Lawrey also conducted field surveys on September 16 and 17, 2017 with a follow up site visit on September 31, 2017. Ms. Lawrey has a graduate degree in Biology and two decades of experienced assessing habitats, jurisdictional waters and species presence throughout southern California. She specializes in birds and small mammals and is permitted to survey for endangered small mammals and birds.

Ms. Lawrey's survey of the project area was systematic and comprehensive with complete coverage of the proposed pipeline alignments, new well sites, storage sites and 200-foot survey buffer area (when appropriate and feasible). The project area was assessed for habitat type structure, species composition/association, condition and human disturbances. Each aspect of the project was inspected by walking transects spaced close enough to provide 100 percent visual coverage of the ground surface. The main focus of the surveys was to identify sensitive habitat and evaluate the potential sensitive species to occur within the project area.

For the field surveys, the Project area were assessed primarily in accordance with the boundaries of the independent water districts and other property to support the new infrastructure. The following primarily characterizes the Project Area:

- Long Canyon Water Company: This area is generally bounded on the north by Hwy 178 including the Lake Isabella KOA located immediately north and adjacent to Hwy 178; on the east by Vista Grande Drive, and on the south and west by Hillview Road. Of the 500-acre area, only approximately 23 acres is developed with a residential area with paved streets, approximately 9 acres is occupied by the KOA campground, and the remainder is vacant land. A drainage exists west and adjacent to the 23-acre residential area. Improvements planned for this area include:
 - New water service lines to be installed in the paved and compacted dirt streets of the residential areas
 - o Main water transmission line adjacent to Hwy 178
 - o Main water transmission line within the paved Vista Grande Drive
 - A pipe crossing from the new water transmission line along Hwy 178 to the KOA campground
- <u>Tradewinds Water Association</u>: This area is immediately east of the Long Canyon Water Company. It is generally bounded on the west by Vista Grande Drive, on the north by Tidwell Drive. The eastern boundardy is approximately 500 feet east of Perry Avenue, then westward to Longhorn Drive, then approximately 800 feet southeasterly of Longhorn Drive. The southern boundary extends from the southeastern corner, westerly to the intersection of a private driveway and Maverick Road, west along Maverick Road, to Vista Grande Drive. This approximately 200-acre area, approximately 138 acres contains a residential development with unpaved streets. The main thoroughfares within this development include Vista Grande Drive on the west and Bella Vista Drive within the southern section. Improvements planned for this area include:
 - o New water transmission line to be installed within Visa Grande Drive
 - New water transmission line to be installed within Bella Grande Drive
 - A new office for the newly developed Weldon Regional Water District at one of three locations on either Isabel Drive, Vista Grande Drive, or Hooper Road where the existing Tradewinds Office is located.
 - Connect two existing wells located to the District's water system: Well Site No. 2
 - o Abandon Tradewinds existing Well No. 3 in accordance with Kern County Standards
- <u>Bella Vista Mutual Water Company:</u> This area exists south and east of the Tradewinds Water Association. The area is bounded on the north by a portion of the southern border of the Tradewinds Water Association, and easterly compassing a rural residential area that includes portions of Longhorn Lane, Vails Lane; on the east by portions of Longhorn Lane and Vails Lane and a series of unnamed dirt roads, and on the south by a series of dirt roads located at the end of the paved section of Bella Vista Road, traverse westerly to the intersection of Maverick Avenue and Buffalo Street, continuing westerly to an area approximately 1,200 feet south of Vista Grande Road; and on the west by the area approximately 1,200 feet south of Vista Road to the intersection of Vista Grande Road and Hillview Road. This approximately 300-acre area is primarily rural residential with 1- to 2-acre residential lots situated primarily along unpaved roads. The main thoroughfare in this area is the paved Bella Vista Road with unpaved primary access roads including Maverick Avenue, Longhorn Drive, Cimarron Drive, Cochise Avenue, Buffalo Street, and Hillview Road. Improvements in this area include:
 - New water transmission line to be installed within Bella Vista Drive, between Longhorn Road and Hillview Road

- New water service line to be installed within the paved Bella Vista Drive, between Hillview Road and the end of the paved section
- New water service lines to be installed in the primary unpaved access roads including Cimarron Drive, Cochise Avenue, Hillview Road, Buffalo Street
- Construct a new Bella Vista (BV) 750,000 gallon (GAL) reservoir and booster pump station on approximately ½ acre and connect the new facilities to the District's water system (three sites are being considered for the tank location).
- <u>Rainbird Mutual Water Company:</u> This area is bordered on the north by Hwy 178, on the east by Powers Lane, on the south by an unnamed dirt road, and on the west by Bonikell Lane, including the residences on the west side of Bonikell Lane. The area is developed with primarily rural residential with approximately 0.5-acre lots and dirt roads. The primary access roads include Powers Lane, Poplar Street and Bonikell Lane. Improvements in this area primarily include:
 - o New water service lines to be installed within the primary access roads
 - Abandon Rainbird existing Well No. 1 and No. 2 in accordance with Kern County Standards
- <u>Other Property:</u> This approximately 130-acre area includes approximately 34,675 lineal feet of the alignment of Hwy 178, from the KOA campground site east to just before Powers Lane, including up to approximately 1,000 feet south of the alignment to accommodate new production well infrastructure. This area is primarily characterized as Hwy 178 and agricultural fields. This area supports wetland waters. Improvements planned within this section include:
 - Construct new 750,000 GAL reservoir on approximately ¹/₂ acre between Kelso Valley Road and Paul's Place (referred to as the Kelso Valley Tank Site) that will connect to the District's water system
 - Develop new District Wells No. 1 and No. 2 connect it to the District's new system once developed. Well No. 1 is proposed to be located

2.2 Jurisdictional Delineation

Prior to the field investigation data regarding hydrology were reviewed including historical aerial imagery; USFWS National Wetland Inventory, Environmental Protection Agency (EPA) Water Program "My Waters" data layers. These resources helped identify where wetland areas had been documented within the vicinity of the site. Similarly, the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Web Soil Survey was used to identify the soil series in the area and to check these soils to determine whether they are regionally identified as hydric soils.

Ms. Lawrey also evaluated the pipeline alignments, with a 200-foot buffer, the new well sites, and the areas around the water tanks for the presence of riverine/riparian/wetland habitat and jurisdictional waters, i.e. Waters of the U.S. (WoUS) as regulated by the USACE and RWQCB, and/or jurisdictional streambed and associated riparian habitat as regulated by the CDFW. The delineation was conducted on foot. Suspected jurisdictional areas were checked for the presence of definable channels and/or wetland vegetation, riparian habitat, soils, and hydrology. The JD was conducted in accordance with regulations set forth in 33CFR part 328 and the USACE guidance documents and Fish and Game Code (FGC).

Ms. Lawrey looked for any sign of drainage features to evaluate the applicability of waters of the U.S. (WoUS), which are defined as: "All waters used in interstate or foreign commerce; all interstate waters

including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent and ephemeral streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, where the use, degradation, or destruction of which could affect interstate commerce; impoundments of these waters; tributaries of these waters; or wetlands adjacent to these waters". CWA jurisdiction exists over the following:

- 1. all traditional navigable waters (TNWs);
- 2. all wetlands adjacent to TNWs;
- 3. non-navigable tributaries of TNWs that are relatively permanent (RPW) (i.e., tributaries that typically flow year-round or have continuous flow at least seasonally); and
- 4. every water body determined to have a significant nexus with TNWs.

Ms. Lawrey assessed the project area for indicators of active surface flow with banks, racking, sediment sorting, destruction of vegetation, etc. If present, the lateral extent of USACE jurisdiction, was measured at the Ordinary High Watermark (OHWM), which is indicated by a clear, natural line impressed on the bank, shelving, changes in the character of soil, and the presence of flow debris. Evaluation of CDFW jurisdiction, if present, followed the guidance in the Fish and Game Code (FGC) and *A Review of Stream Processes and Forms in Dryland Watersheds* (CDFW, 2010). Specifically, CDFW jurisdiction is to be delineated by measuring the elevations of land that confine a stream to a definite course when its waters rise to their highest level and to the extent of associated riparian vegetation.

Upstream and downstream connectivity of waterways was reviewed in the field and on aerial imagery and topographic maps to determine jurisdictional status according to the CWA and FGC.

Ms. Lawrey also searched the site for hydrophytes and depressions/ponded areas where water would likely collect. In order to be considered a *jurisdictional wetland* under Section 404 of the CWA, an area must possess three wetland characteristics: hydrophytic *vegetation*, hydric *soils*, and wetland *hydrology*.

<u>Hydrophytic vegetation</u>: Hydrophytic vegetation is plant life that grows, and is typically adapted for life, in permanently or periodically saturated soils Each species on the list is rated per a wetland indicator category, as shown in Table 1 To be considered hydrophytic, the species must have *wetland indicator status*, i.e., be rated as OBL, FACW or FAC.

Category	Probability
Obligate Wetland (OBL)	Almost always occur in wetlands (estimated probability >99%)
Facultative Wetland (FACW)	Usually occur in wetlands (estimated probability 67 to 99%)
Facultative (FAC)	Equally likely to occur in wetlands and non-wetlands (estimated probability 34 to 66%)
Facultative Upland (FACU)	Usually occur in non-wetlands (estimated probability 67 to 99%)
Obligate Upland (UPL)	Almost always occur in non-wetlands (estimated probability >99%)

Plant species were identified and given an indicator status as prescribed in the National Wetland Plant List (Lichvar, 2013). Vegetation nomenclature follows The Jepson Manual, *Vascular Plants of California*, 2nd Edition (Baldwin, 2012). When the Jepson Manual does not list a common name, common name nomenclature follows the United States Department of Agriculture, Natural Resources Conservation Service (USDA) Plants Database (USDA, 2014a).

<u>Hydric Soil</u>: Soil maps from the USDA-NRCS Web Soil Survey (USDA 2017) were reviewed for soil types found within the project area. Hydric soils are saturated or inundated long enough during the growing season to develop anaerobic conditions that favor growth and regeneration of hydrophytic vegetation. Hydric soil indicators in sandy soils include accumulations of organic matter in the surface horizon, vertical streaking of subsurface horizons by organic matter, and organic pans. The hydric soil criterion is satisfied at a location if soils in the area can be inferred or observed to have a high groundwater table, if there is evidence of prolonged soil saturation, or if there are any indicators suggesting a long-term reducing environment in the upper part of the soil profile. Reducing conditions are most easily assessed using soil color. Soil colors were evaluated using the Munsell Soil Color Charts (Gretag/Macbeth, 2000).

<u>Wetland Hydrology</u>: The wetland hydrology criterion is satisfied at a location based upon conclusions inferred from field observations that indicate an area has a high probability of being inundated or saturated (flooded, ponded, or tidally influenced) long enough during the growing season to develop anaerobic conditions in the surface soil environment, especially the root zone (USACE, 1987 and 2008b).

Results Overview

The Project area is located at the base of the Sierra Nevada Mountains, east of Lake Isabella, south of the Kern River and Greenhorn Mountains. Lake Isabella is sunny most of the year, with the highs typically reaching in the mid 90s in July, to the lows in low 30s typically in January. Snowfall in the area can reach approximately 5 inches per year with an average of 13 inches of precipitation per year.

2.3 Watershed

Hydrologically, the project site is located within the sub watershed Isabella Lake-South Fork Kern River, within the Hydrologic Sub-Area (HSA 554.22) which comprises a 439,758-acre drainage area within the larger Lower South Fork Kern River Watershed (HUC 180300020702). Four main rivers (Kings, Kern, Tule and Kaweah) in the watershed originate from the western flanks of the southern Sierra Nevada, and one substantial creek (Los Gatos) enters from the Coast Range. The Kern River has the largest drainage basin area but produces the second highest runoff after the Kings River. It originates in Inyo and Sequoia National Forests and Sequoia National Park, and flows southward into Lake Isabella, located in the Kern River Valley basin, which is in the southern Sierra Nevada, at elevations ranging from 2,500 to 4,500 feet. The drainage area of the Kern River at Isabella Dam is 2,074 square miles.

The Kern River Valley basin is irregularly shaped because of the drainage pattern of the north and south forks of the Kern River, Kelso Creek, and smaller tributary creeks. The Greenhorn Mountains and Kern Canyon Fault form the western boundary of the basin. The Piute and Kiavah Mountains bound the basin to the south and east. The southern portion of the basin is dominated by Isabella Lake. Climate in this region is generally Mediterranean, with cool wet winters and hot dry summers. Average annual precipitation averages six inches in the eastern portion of the basin where Weldon is located. The Kern River watershed is characterized by rugged mountain terrain, with several granite spires reaching above 14,000 feet. Soils in this area consist of Kern-fork fine sandy loam which is poorly drained at 0-10% slopes, Pilotwell-Xyno-Rock outcrop association, excessively drained and is found on mountain slopes, and Inyo-urban land complex, 0-15% slopes and is found in alluvial fans.

2.4 Bioregion

The Project area within the Kern River watershed contains three of California's major bioregions. These three major bioregions are: the San Joaquin Valley Bioregion; the Sierra Bioregion; and the Mojave Bioregion. The South Fork Kern River Valley contains elements of all of these ecological zones. Other major habitat communities include Joshua Tree woodland, wet meadow, freshwater marsh, Mojave Desert

scrub, desert chaparral, and annual grassland. Although much of the 10,000-acre valley floor is privately owned and used by large ranches and farms, several thousand acres are protected as conservation lands by the U.S. Army Corps of Engineer s (ACOE), U.S. Forest Service (USFS), National Audubon Society, and the California Department of Fish and Wildlife (CDFW).

2.5 General Habitat Communities

The general habitat communities within and immediately adjacent to the Project area include cropland, annual grasslands, sage-brush scrub, cottonwood riparian habitat, wetlands and disturbed residential. Wetland plant communities are considered sensitive due to their assemblages, associations, or sub-associations that support concentrations of sensitive plant or wildlife species. Wetlands are of relatively limited distribution and are of particular value to wildlife. Wetlands in the area support nesting tricolored blackbird (*Agelaius tricolor*), and wet grasslands support white-tailed kite (*Elanus caerules*).

2.6 Database results

USFWS IPaC

According to the USFWS IPaC, critical habitat for the federally listed as endangered Southwestern Willow Flycatcher (*Empidonax traillii extimus*) [SWWF] is present within the area along SH 178 between approximately Kelso Valley Road and approximately 1 mile west of Bonikell Lane. According to the Recovery Plan for this species this portion of critical habitat is within the Kern Management Unit, which is part of the Basin & Mojave Recovery Unit. Proposed critical habitat for federally listed as endangered Yellow-billed Cuckoo (*Coccyzus americanus*) [YBCU] is located outside and north of the project area (Figure 4). Critical habitat is a specific geographic area that requires special management and protection because it has been designated as essential for the conservation of a threatened or endangered species and needed for its recovery. Critical habitat contains the habitat features needed for a species to survive and reproduce. These features are known as the primary constituent elements (PCE). For the YBCU and SWWF the PCEs are similar in that both species are riparian obligates which require dense riparian forests with small openings of open water or marsh, or shorter/sparser vegetation.

The IPaC also lists 32 migratory USFWS Birds of Conservation Concern that could potentially be affected by activities at the Project location. Although the Project footprint is mostly within developed roadways and/or devoid of suitable nesting habitat for the migratory bird species identified on the USFWS IPaC list, there is vegetation that would provide suitable nesting habitat for some within the adjacent habitat. The complete list of migratory Birds of Conservation Concern identified by the USFWS IPaC is provided as an Attachment to this letter report.

<u>CNDDB</u>

According to the CNDDB, 30 sensitive species (14 plant species, 3 sensitive habitats, 2 invertebrate species and 14 animal species) have been documented to occur in the Weldon and Woolstalf Creek USGS 7.5minute series quadrangles. Refer to attachment A CNDDB Results for a complete list of the sensitive species documented within these quads. This list of sensitive species and habitats includes any State- and/or federally-listed threatened or endangered species, CDFW designated SSC, and otherwise Special Animals. "Special Animals" is a general term that refers to all the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species." The CDFW considers the taxa on this list to be those of greatest conservation need. Refer to Table 4 (attached) for a complete list of the CNDDB sensitive species documented within the subject quads and a determination for their potential to occur within the Project area.

Of the approximately 30 sensitive species identified, four are State- and/or federally-listed threatened or endangered species. These species were discussed above, in IPaC results.

Although not a State- or federally-listed as threatened or endangered species, migratory birds are protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

<u>CNPS</u>

According to the CNPS, 22 sensitive plant species have been documented to occur in the Weldon and Woolstalf Creek quads. Literature review indicates that no sensitive plant species occur within the Project area. Further, no sensitive plant species were observed during survey, which was conducted by a qualified biologist, in good weather conditions during the appropriate time of year.

The project will take place along existing roadways and on vacant parcels within residential communities and commercial developments. Because the project is occurring within established compacted or paved roads, no impacts will result to any listed species.

Although the area along SH 178 between approximately Kelso Valley Road and approximately 1 mile west of Bonikell Lane is mapped within the critical habitat overlay for SWWF, no adverse modification will occur because dense riparian vegetation (PCEs) is absent here.

Attachment C, Site Photos, shows the typical roads the project will be implemented on.

2.7 Site Survey Results

Little to no vegetative cover was found within the pipeline alignments and tank sites surveyed. However, both new well locations adjacent to State Highway 178 contain wetland habitat.

The habitat types found in the project vicinity are classified as vegetation alliances according to Sawyer et al. (2009). This method was used to describe vegetation communities because this is the only system accepted by the CDFW Vegetation Classification and Mapping Program. The Sawyer et al. (2009) classification system is hierarchical, with alliances representing the generic vegetation units. This system relies on diagnostic species which have similar composition and reflects subregional climate, substrates, hydrology, moisture/nutrient factors, and disturbance regimes. The primary purpose of this system is to assist in locating and determining the significance and abundance of vegetation types for tracking purposes in the CNDDB. Vegetation alliances identified in the project vicinityinclude: *Populus fremontii* and *S.laevigata* Woodland Alliances (collectively riparian woodlands), *Ericameria nauseosa* Shrubland Alliance (sagebrush-scrub upland) and *Bromus ruben,s Schismus arabicus, barbatus*) Semi-Natural Herbaceous Stands (valley grasslands).

<u>riparian woodlands</u>

Riparian woodlands (*Salix gooddingii, Populus fremontii*, and *S. laevigata* Woodland Alliances) are found north of proposed project area within the Kern River Preserve. Since no work is proposed in the Preserve, there will be no impacts to riparian woodlands in this area.

A strip of cottonwood trees are located adjacent to the Project area on the south side of SR 178 between Sierra Way and Fay Ranch Road. Here, the herbaceous layer is variable and is dominated by rough cocklebur (*Xanthium strumarium*), stinging nettle (*Urtica dioica*), goosegrass (*Elusine indica*), common rush (*Juncus effusus*), common knotweed (*Polygonum lapathifolium*), and common plantain (*Plantago major*) (Sawyer et al. 2009).

sagebrush-scrub upland

Sagebrush-scrub upland (*Ericameria nauseosa* Shrubland Alliance) dominates much of the upland area surrounding Lake Isabella and is found in large patches locally. This habitat type occurs in various states of disturbance at the Kelso Valley Tank Site, new office building and in patches on vacant lots within the residential areas adjacent to the pipeline alignment. The sagebrush-scrub upland cover type is dominated by rubber rabbitbrush with other species including big sagebrush (*Artemisia tridentata*), yellow rabbitbrush (*Chrysothamnus viscidiflorus*), Mormon tea, California buckwheat, western juniper, and antelope bitterbrush (*Purshia tridentata*); immature junipers or pine may also be present at low cover (Sawyer et al. 2009). The shrub canopy is typically less than 10 feet high and is open to continuous (Sawyer et al. 2009). The herbaceous layer is sparse or grassy and primarily includes annual grasses and herbs, such as *Bromus* spp., California poppy (*Eschscholzia californica*), longbeak stork's bill (*Erodium boytrys*), red-stemmed filaree (*E. cicutarium*), perennial goldfields (*Lasthenia californica*), miniature lupine (*Lupinus bicolor*), slender oat (*Avena barbata*), wild oat (*A. fatua*), mustards (*Brassica* spp.), owl's-clover (*Castilleja exserta*), Italian rye grass, and yellow star-thistle (*Centaurea solstitialis*) (Sawyer and Keeler-Wolf 1995). Sagebrush-scrub upland is found in all topographic settings, especially in disturbed settings. Soils are well-drained sand and gravel at elevations ranging between 0 and 10,500 feet (Sawyer et al. 2009).

Valley-grassland

Valley-grassland is the primary habitat found within the Project area. It is found at the three alternative Bella Vista tank sites, Long Canyon and Bella Vista service areas. The proposed tanks sites each encompass 1/2 acre of land that will require grading. The valley-grassland habitat on site is dominated by red brome grass (*Bromus rubens*), Mediterranean grass (*Schismus barbatus*), and Arabian schismus (*Schismus arabicus*). Other common species include California poppy, longbeak stork's bill, red-stemmed filaree, perennial goldfields, miniature lupine, slender oat, wild oat, mustards, Italian rye grass, and yellow starthistle.

<u>Wetland</u>

Along the alignment that is within Highway 178, there are fringing wetland habitats, flanked by upland patches of sagebrush-scrub uplands and valley grasslands. Wetlands are located adjacent to the Project area on the south side of SR 178 between Sierra Way and Fay Ranch Road. Both proposed wells are proposed to be located within this wetland habitat. The wetlands occur on floodplain in land used for crop production. The hydrology, plant assemblage and soils meet three criteria of a wetland water of the U.S. and State of California. Therefore, impacts to this area would be subject Section 404 of Clean Water Act and Section 1600 of the Fish and Game Code.

Acreage estimates for this wetland are partly based on aerial photography and data from the National Wetland Inventory (NWI) (USFWS 2011). It should be noted that NWI was only used for descriptive purposes and not for the purpose of determining the actual extent of jurisdictional features. Wetland plant species observed included: *Juncus balticus* (an obligate [OBL] wetland species meaning there is more than a 99% probability the species will occur in a wetland) and *Rumex crispus* (a facultative wetland [FACW] species meaning there is between 67% and 99% probability the species will be occur in a wetland). A

mosaic of forested/shrub and emergent wetlands were observed in the project area along the south side of SR138 dominated by *Distichlis spicate* (FACW), *Scirpus americanus* (OBL), and *Polygonum lapathifolium* (OBL). The

Non-Native Vegetation

Numerous non-native and/or nuisance plants are found throughout the Project area. These include common Russian thistle (*Salsola tragus*), perennial pepperweed (*Lepidium latifolium*), purple loosestrife (*Lythrum salicari*), Bermuda grass (*Cynodon dactylon*), black mustard (*Brassica nigra*), cheatgrass (*Bromus tectorum*), common Russian thistle, curly dock (*Rumex crispus*), Kentucky bluegrass (*Poa pratensis*), prickly sow thistle (*Sonchus asper*), prickly wild rose (*Rosa acicularis*), purple loosestrife (*Lythrum salicaria*), red brome, redstem filaree, spotted knapweed (*Centaurea stoebe*), and wild oat.

2.7.1 Wildlife

<u>Mammals</u>

Observations of tracks, scat, burrows or direct sightings of wildlife within the Project areas included coyote, gray fox, bobcat, long-tailed weasel, stripped skunk, Virginia opossum and raccoon, mule deer, Merriam's chipmunk, antelope ground squirrel, California ground squirrel, Botta's pocket gopher, Pacific kangaroo rat, California pocket mouse, woodrat, cotton tail rabbit, and black tailed jack rabbit. Scores of domestic dogs were observed fenced in along the neighborhoods.

<u>Reptiles</u>

The reptiles seen include the southern alligator lizard, western fence lizard, California whiptail lizard and side-blotched lizard.

<u>Birds</u>

Birds observed during survey include the following species: turkey vulture; red-tailed hawk; killdeer; American kestrel; mourning dove; great-horned owl; acorn woodpecker; ladder back woodpecker; black phoebe; western kingbird; western scrub-jay; common raven; violet-green swallow; bushtit; white-breasted nuthatch; Bewick's wren; western bluebird; American robin; northern mockingbird; yellow-rumped warbler; California towhee; chipping sparrow; lark sparrow; fox sparrow; red-winged blackbird; western meadowlark; house finch; sand house sparrow.;

Sensitive species

All species observed in the Project area are hardy species, commonly found in rural areas. No sensitive wildlife was observed during survey and none are expected to occur within or directly adjacent to the pipeline alignments, new well sites or tank sites. The Kern River Preserve (KRP), located outside of the Project area to the north, is host to many sensitive riparian obligate species, such as the Southwestern willow flycatcher. The riparian obligate species that occupy the KRP have specific habitat requirements, typically dominated by willows, cottonwoods, and alders (*Alnus* spp.), and permanent water often in the form of low-gradient watercourses, ponds, lakes, wet meadows, marshes, and seeps in and next to forested landscapes. The Project area does not support the required habitat elements associated with sensitive riparian obligate species are absent from the Project area. No aspect of this project will directly or indirectly impact those sensitive species found in the KRP.

No State- and/or federally-listed threatened or endangered species, or other sensitive species were observed on site during the field survey. According to the USFWS IPaC list, five federally-listed species are documented within a 3-mile radius of the Project area:

- 1. southwestern willow flycatcher
- 2. least Bell's vireo
- 3. yellow-billed cuckoo
- 4. California condor
- 5. Delta Smelt

The southwestern willow flycatcher, least Bell's vireo, and yellow-billed cuckoo breed along the South Fork Kern River because it provides high-quality riparian gallery forest habitat for breeding. Nesting habitat for these three riparian obligate birds is typified by well-developed overstory, understory, and low densities of aquatic and herbaceous cover. The understory frequently contains dense sub-shrub or shrub thickets. These thickets are often dominated by plants such as narrow-leaf willow (*Salix exigua*), mulefat (*Baccharis salicifolia*), young individuals of other willow species such as arroyo willow (*Salix lasiolepis*) or black willow (*Salix gooddingii*), and one or more herbaceous species.

The California condor is a rare visitor to the area and has been documented at Lake Isabella. They travel great distances in search of carrion and require good updrafts and vast open spaces. They nest on cliff faces and in large trees.

3 Effects Analysis

3.1 Special Status Species and Habitats

Table 2 below provides a list of all State- and/or federally-listed threatened and endangered species documented locally (mostly within the KRP). No suitable habitat for these species exists within the Project area.

	teu speeres unu errieu				I ojece vi	lenney	
			Found	Found			
			Locally	Adjacent		Suitable	
			within 3	within 500	Found	Habitat	Project
Common Name	Scientific Name	Status	miles	feet	onsite	on site	Affect
		Bir	ds				
	Empidonax traillii						
southwestern willow	extimus	FE/SE	Yes	No	No	No	No Affect
flycatcher							
least Bell's vireo	Vireo bellii pusillus	FE/SE	Yes	No	No	No	No Affect
yellow-billed cuckoo	Coccyzus americanus	FT/SE	Yes	No	No	No	No Affect
		FE/					
	Gymnogyps	S-Fully					
California Condor	californianus	Protected	Yes	No	No	No	No Affect
		Fis	sh			•	
Delta Smelt	Hypomesus transpaciocus	FT	Yes	No	No	No	No Affect
		Critical	Habitat		-		
yellow-billed cuckoo		Proposed	Yes	No	No	No	No Affect
							No Adverse
southwestern willow fl	ycatcher	Final	Yes	Yes	Yes	No	Mod.

 Table 2.

 Listed Species and Critical Habitat Documented within the Project Vicinity

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No affect and no adverse modification to special species or critical habitat.

3.2 Federal Endangered Species Act (ESA)

The USFWS administers the federal ESA of 1973. The ESA provides a legal mechanism for listing species as either threatened or endangered, and a process of protection for those species listed. Section 9 of the ESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. "Take" can include adverse modification of habitats used by a threatened or endangered species during any portion of its life history. Under the regulations of the ESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act. Take authorization can be obtained under Section 7 or Section 10 of the act.

Although the special status species listed above do occur locally, they are absent from Project area. The Project area does not support habitat with the primary essential elements (PCEs) required by these species. Therefore, implementation of this Project will not result in adverse impacts to listed species either directly or indirectly. There will be no affect to listed species.

Small segments of the Project alignment within the SH 178 easement will occur within the southwestern willow flycatcher habitat critical habitat overlay. All pipeline work will occur in and existing paved or compacted road easement. No habitat elements that define the critical habitat will be removed or impacted, as such, no adverse modification to critical habitat will result from implementation of this Project

3.3 California Endangered Species Act (CESA)

The CDFW administers the State CESA. The State of California considers an endangered species one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is one present in such small numbers throughout its range that it is likely to become an endangered species soon, in the absence of special protection or management. And a rare species is one present in such small numbers throughout its range that it may become endangered if its present environment worsens. Rare species applies to California native plants. Further, all raptors and their nests are protected under Section 3503.5 of the California Fish and Game Code (FGC). Species of Special Concern (SSC) is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered. This designation does not provide legal protection but signifies that these species are recognized as sensitive by CDFW.

Small segments of the Project alignment within the SH 178 easement will occur within the southwestern willow flycatcher habitat critical habitat overlay. All pipeline work will occur in and existing paved or compacted road easement. No habitat elements that define the critical habitat will be removed or impacted, as such, no adverse modification to critical habitat will result from implementation of this Project.

3.4 Migratory Bird Treaty Act (MBTA)

The federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711) provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW

administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

The Project area supports vegetation suitable for nesting birds. Most birds are protected by the MBTA. Impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season, which is generally January/February to August/September.. However, if all work cannot be conducted outside of nesting season, preconstruction Nesting Bird Surveys are recommended prior to the commencement of any Project activities that may will result in vegetation disturbances within the nesting season (February to September)..

3.5 Coastal Barriers Resources Act Resources

The Coastal Barrier Resources Act (CBRA) was passed by Congress in 1982 to encourage conservation of hurricane-prone, biologically rich coastal barriers. CBRA prohibits most new federal expenditures that encourage development or modification of coastal barriers. CBRS boundaries are shown on maps that were originally adopted by Congress and are maintained by the USFWS.

Currently, the coastal barrier resource systems are located along the Atlantic and Gulf Coasts of the United States and the shore areas of the Great Lakes. Therefore, the Project is not located in a Coastal Barriers Resources Act area.

3.6 Coastal Zone Management Act Resources

Coastal Zone Management Act was passed by Congress in 1972 and is administered by National Oceanic and Atmospheric Administration, (NOAA). It provides for the management of the nation's coastal resources, including the Great Lakes. The goal is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone."

The Project is not located in a Coastal Zone that where the provisions of this Act would be applicable.

3.7 Magnuson-Stevens Fishery Conservation and Management Act

The <u>Magnuson-Stevens Fishery Conservation and Management Act</u> (Magnuson-Stevens Act) is the primary law governing marine fisheries management in U.S. federal waters. First passed in 1976, the Magnuson-Stevens Act fosters long-term biological and economic sustainability of our nation's marine fisheries out to 200 nautical miles from shore. The goals of the act include: prevent overfishing; rebuild overfished stocks; increase long-term economic and social benefits; use reliable data and sound science; conserve essential fish habitat; ensure a safe and sustainable supply of seafood.

The Project is not located 200 nautical miles from shore, nor does it impact any essential fish habitat that would impact regulated areas 200 nautical miles from shore.

3.8 *Protection of Wetlands – Executive Order 11990*

Protection of Wetlands – Executive Order 11990: The purpose of Executive Order (EO) 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands". To meet these objectives, the Order requires federal agencies, in planning

their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. The procedures require the determination of whether or not the proposed project will be in or will affect wetlands. If so, a wetlands assessment must be prepared that describes the alternatives considered. The procedures include a requirement for public review of assessments. The evaluation process follows the same 8 steps as for EO 11988, Floodplain Management.

Wetlands are the at transition between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) soils are undrained; and 3) the substrate is saturated with water or covered by shallow water at some time during the growing season of each year. Under current guidelines, a federal jurisdictional wetland must display all three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. In California however, a jurisdictional wetland needs to meet only one of these parameters.

Wetlands are located adjacent to the Project area on the south side of SR 178 between Sierra Way and Fay Ranch Road. Installation of the pipeline in this area will occur on existing paved and compacted dirt rightsof-way. However, approximately 0.5 acre of wetland habitat will be impacted temporarily as a result of the new well construction. Permanent impacts will be less than 0.01 acre and as such, project-related impacts are not cumulatively significant relative to wetland/riparian habitat.

3.9 Wild and Scenic Rivers Act.

Wild and Scenic Rivers Act. The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection. Rivers may be designated either a federal or state agency. As of 2019, there were 22 water body sections have a wild and scenic river designation in California.

The Project is not located within a water body that is designated by the Wild and Scenic Rivers Act.

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Sensitive Species Occurrence Potential

Scientific Name	Common Name	Federal/State	Other Status	Habitat	Potential to Occur
Accipiter cooperii	Cooper's hawk	None/ None	G5, S4, CDFW- WL	Cismontane woodland, Riparian forest, Riparian woodland, Upper montane coniferous forest. Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood- plains; also, live oaks.	Suitable habitat for this species exists within 500 feet the Project site. Occurrence potential on site is low.
Agelaius tricolor	tricolored blackbird	None/ Candidate Endangered	G2G3, S1S2, CDFW- SSC	Freshwater marsh, Marsh & swamp, Swamp, Wetland. Highly colonial species, most numerous in Central Valley & vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Suitable habitat for this species exists within 25 feet the Project area. Occurrence potential on site is high.
Anniella campi	southern Sierra legless lizard	None/ None	G1G2, S1S2, CDFW- SSC	Desert canyons and springs along western edge of the Mojave Desert in Kern and Inyo counties Microhabitat of this species is poorly known. Other legless lizard species occur in sparsely vegetated areas with moist, loose soil. Often found underneath leaf litter, rocks, and logs.	No suitable habitat occurs on site. Occurrence potential is low.
Anniella sp. 1	California legless lizard	None/ None	G3G4, S3S4, CDFW- SSC	Contra Costa County south to San Diego, within a variety of open habitats. This element represents California records of Anniella not yet assigned to new species within the Anniella pulchra complex. Variety of habitats; generally in moist, loose soil. They prefer soils with a high moisture content.	Project area is in a rural setting with a lot of human disturbances. As such, occurrence potential is low.
Antrozous pallidus	pallid bat	None/ None	G5, S3, CDFW- SSC	Chaparral, Coastal scrub, Desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Riparian woodland, Sonoran desert scrub, Upper montane coniferous forest, Valley & foothill grassland. Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Project area is in a rural setting with a lot of human disturbances. As such, occurrence potential is low.
Bombus crotchii	Crotch bumble bee	None/ None	G3G4, S1S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	Plant associations are present. Occurrence potential is moderate.
Calochortus palmeri var. palmeri	Palmer's mariposa- lily	None/ None	G3T2, S2, 1B.2	Chaparral, Lower montane coniferous forest, Meadow & seep. Meadows and seeps, chaparral, lower montane coniferous forest. Vernally moist places in yellow-pine forest, chaparral. 485-2500 m.	The pipeline area adjacent to the wetlands, south of SR 138 contain suitable habitat. Occurrence potential here is moderate.

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Scientific Name	Common Name	Federal/State	Other Status	Habitat	Potential to Occur
Calochortus striatus	alkali mariposa-lily	None/ None	G3, S3, 1B.2	Chaparral, Chenopod scrub, Meadow & seep, Mojavean desert scrub, Wetland. Chaparral, chenopod scrub, Mojavean desert scrub, meadows and seeps. Alkaline meadows and ephemeral washes. 70-2210 m.	The pipeline area adjacent to the wetlands, south of SR 138 contain suitable habitat. Occurrence potential here is moderate.
Camissonia integrifolia	Kern River evening- primrose	None/ None	G2, S2, 1B.3	Chaparral. Chaparral. 760-915 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Canbya candida	white pygmy-poppy	None/ None	G3G4, S3S4, 4.2	Joshua tree woodland, Mojavean desert scrub, Pinon & juniper woodlands. Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Gravelly, sandy, granitic places. 600-1460 m.	Project area is in a rural setting with a lot of human disturbances. As such, occurrence potential is low.
Clarkia xantiana ssp. parviflora	Kern Canyon clarkia	None/ None	G4T3T4, S3S4, 4.2	Chaparral, Cismontane woodland, Great Basin scrub, Valley & foothill grassland. Chaparral, cismontane woodland, Great Basin scrub, valley and foothill grassland. Often seen on sandy, sometimes rocky, slopes. Sometimes on roadsides. 700-1750 m.	Project area is in a rural setting with a lot of human disturbances. As such, occurrence potential is low.
Coccyzus americanus occidentalis	western yellow-billed cuckoo	Threatened/ Endangered	G5T2T3, S1	Riparian forest. Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.
Corynorhinus townsendii	Townsend's big-eared bat	None/ None	G3G4, S2, CDFW- SSC	Broadleaved upland forest, Chaparral, Chenopod scrub, Great Basin grassland, Great Basin scrub, Joshua tree woodland, Lower montane coniferous forest, Meadow & seep, Mojavean desert scrub, Riparian forest, Riparian woodland, Sonoran desert scrub, Sonoran thorn woodland, Upper montane coniferous forest, Valley & foothill grassland. Throughout California in a wide variety of habitats. Most common in mesic sites Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Suitable habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here
Cryptantha clokeyi	Clokey's cryptantha	None/ None	G3, S3, 1B.2	Mojavean desert scrub. Mojavean desert scrub. Sandy or gravelly soils. 725-1365 m.	Suitable habitat for this species is absent.

Scientific Name	Common Name	Federal/State	Other Status	Habitat	Potential to Occur
					Occurrence potential is low.
Delphinium inopinum	unexpected larkspur	None/ None	G3, S3, 4.3	Upper montane coniferous forest. Upper montane coniferous forest. On open rocky ridgetops; on metamorphics in red fir and western white pine forest. 1890-2800 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Delphinium purpusii	rose-flowered larkspur	None/ None	G3, S3, 1B.3	Chaparral, Cismontane woodland, Limestone, Pinon & juniper woodlands. Chaparral, cismontane woodland, pinyon and juniper woodland. On shady rocky slopes; often on carbonates. 230-2135 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Diplacus pictus	calico monkeyflower	None/ None	G2, S2, 1B.2	Broadleaved upland forest, Cismontane woodland. Broadleafed upland forest, cismontane woodland. In bare ground around gooseberry bushes or around granite rock outcrops. 180-1280 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Empidonax traillii extimus	southwestern willow flycatcher	Endangered/ Endangered	G5T2, S1	Riparian woodland. Riparian woodlands in Southern California.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.
Emys marmorata	western pond turtle	None/ None	G3G4, S3, CDFW- SSC	Aquatic, Artificial flowing waters, Klamath/North coast flowing waters, Klamath/North coast standing waters, Marsh & swamp, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, South coast flowing waters, South coast standing waters, Wetland. A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.
Eriogonum breedlovei var. breedlovei	Breedlove's buckwheat	None/ None	G3T2, S2, 1B.2	Limestone, Pinon & juniper woodlands, Upper montane coniferous forest. Upper montane coniferous forest, pinyon and juniper woodland. Often on limestone or dolomite soils. 2130- 2550 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Eriogonum breedlovei var. shevockii	The Needles buckwheat	None/ None	G3T3, S3, 4.3	Pinon & juniper woodlands, Upper montane coniferous forest. Pinyon and juniper woodland, upper montane coniferous forest. Granitic rock outcrops; in granite crevices and ledges on small domes. 1615-2575 m.	Suitable habitat for this species is absent. Occurrence potential is low.

Scientific Name	Common Name	Federal/State	Other Status	Habitat	Potential to Occur
Erythranthe shevockii	Kelso Creek monkeyflower	None/ None	G2, S2, 1B.2	Joshua tree woodland, Pinon & juniper woodlands. Joshua tree woodland, pinyon and juniper woodland. Mostly known from Joshua tree-xeric conifer woodland in the high desert, in loose, granitic sandy soil. 800-1340 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Galium angustifolium ssp. onycense	Onyx Peak bedstraw	None/ None	G5T3, S3, 1B.3	Cismontane woodland, Pinon & juniper woodlands. Cismontane woodland, pinyon and juniper woodland. Grows from under and between large granite rocks and outcrops with scattered grey pines and oaks. 820-2195 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Great Valley Cottonwood R	Riparian Forest	None/ None	G2, S2.1	Riparian forest.	Absent from project site
Hesperocyparis nevadensis	Piute cypress	None/ None	G2, S2, 1B.2	Chaparral, Cismontane woodland, Closed-cone coniferous forest, Limestone, Pinon & juniper woodlands, Ultramafic. Closed-cone coniferous forest, chaparral, cismontane woodland, pinyon and juniper woodland On dry slopes; known from granodiorite, gabbro and limestone. 715-1585 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Icteria virens	yellow-breasted chat	None/ None	G5, S3, CDFW- SSC	Riparian forest, Riparian scrub, Riparian woodland. Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 ft of ground.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.
Onychomys torridus tularensis	Tulare grasshopper mouse	None/ None	G5T1T2, S1S2, CDFW- SSC	Chenopod scrub. Hot, arid valleys and scrub deserts in the southern San Joaquin Valley. Diet almost exclusively composed of arthropods, therefore needs abundant supply of insects.	Project area is in a rural setting with a lot of human disturbances and compacted soils. As such, occurrence potential is low.
Perognathus inornatus	San Joaquin Pocket Mouse	None/ None	G2G3, S2S3	Cismontane woodland, Mojavean desert scrub, Valley & foothill grassland. Grassland, oak savanna and arid scrubland in the southern Sacramento Valley, Salinas Valley, San Joaquin Valley and adjacent foothills, south to the Mojave Desert. Associated with fine-textured, sandy, friable soils.	Project area is in a rural setting with a lot of human disturbances and compacted soils. As such, occurrence potential is low.
Plebulina emigdionis	San Emigdio blue butterfly	None/ None	G1G2, S1S2	Found in desert canyons & along riverbeds in Inyo, Kern, Los Angeles, and San Bernardino counties. Host plant is Atriplex canescens; maybe Lotus purshianus also.	Project area is in a rural setting with a lot of human disturbances Drainage features in the

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Scientific Name	Common Name	Federal/State	Other Status	Habitat	Potential to Occur
					project area are not characterized as riverbeds. Occurrence potential is low.
Setophaga petechia	yellow warbler	None/ None	G5, S3S4, CDFW- SSC	Riparian forest, Riparian scrub, Riparian woodland. Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.
Southern Interior Cypress F	orest	None/ None	G2, S2.1	Closed-cone coniferous forest.	Absent
Stylocline masonii	Mason's neststraw	None/ None	G1, S1, 1B.1	Chenopod scrub, Desert wash, Pinon & juniper woodlands. Chenopod scrub, pinyon and juniper woodland. Sandy washes. 100-1200 m.	Suitable habitat for this species is absent. Occurrence potential is low.
Vireo bellii pusillus	least Bell's vireo	Endangered/ Endangered	G5T2, S2	Riparian forest, Riparian scrub, Riparian woodland. Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	Suitable occupied/habitat for this species exists within 500 feet the Project site at the Kern River Preserve. Occurrence potential on site however, is low because no suitable habitat exist here.

Coding and Terms

E = Endangered T = Threatened C = Candidate FP = Fully Protected SSC = Species of Special Concern R = Rare

- State Species of Special Concern: An administrative designation given to vertebrate species that appear to be vulnerable to extinction because of declining populations, limited acreages, and/or continuing threats. Raptor and owls are protected under section 3502.5 of the California Fish and Game code: "It is unlawful to take, possess or destroy any birds in the orders Falconiformes or Strigiformes or to take, possess or destroy the nest or eggs of any such bird."
- State Fully Protected: The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Global Rankings (Species or Natural Community Level):

G1 = Critically Imperiled – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

- G2 = Imperiled At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3 = Vulnerable At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

G4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to declines or other factors.

G5 = Secure - Common; widespread and abundant.

Subspecies Level: Taxa which are subspecies or varieties receive a taxon rank (T-rank) attached to their G-rank. Where the G-rank reflects the condition of the entire species, the T-rank reflects the global situation of just the subspecies. For example: the Point Reyes mountain beaver, *Aplodontia rufa* ssp. *phaea* is ranked G5T2. The G-rank refers to the whole species range i.e., *Aplodontia rufa*. The T-rank refers only to the global condition of ssp. *phaea*.

State Ranking:

S1 = Critically Imperiled - Critically imperiled in the State because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.

S2 = Imperiled – Imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the State.

S3 = Vulnerable – Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the State.

S4 = Apparently Secure – Uncommon but not rare in the State; some cause for long-term concern due to declines or other factors.

S5 = Secure - Common, widespread, and abundant in the State.

California Rare Plant Rankings (CNPS List):

1A = Plants presumed extirpated in California and either rare or extinct elsewhere.

1B = Plants rare, threatened, or endangered in California and elsewhere.

- 2A = Plants presumed extirpated in California, but common elsewhere.
- 2B = Plants rare, threatened, or endangered in California, but more common elsewhere.

3 = Plants about which more information is needed; a review list.

4 = Plants of limited distribution; a watch list.

Threat Ranks:

.1 = Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2 = Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3 = Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

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FIGURES













SITE PHOTOGRAPHS



Photo 1. Showing surrounding habitat.



Photo 2. Typical view of alignment in dirt road area.



Photo 3. Another view of typical alignment.



Photo 4. View looking across towards highway showing overall surroundings.



Photo 5. Typical view of alignment in paved road area.



Photo 7. View of Tank location.



Photo 6. Another typical view of alignment in paved road area.



Photo 8. Typical view standing on tank location



Photo 9. Well site on south side of SR 178.



Photo 10. SR 178 on left of Photo. View of wetland area between Sierra Way and Fay Ranch Road.

Tom Dodson & Associates San Gabriel Valley Water Company's Planned B14 Facilities Improvement Project BRA & JD JERICHO SYSTEMS, INC.

Appendix A

Regulatory Framework

Federal Endangered Species Act (ESA) (16 USC §1531 et seq)

This act requires that any action authorized by a Federal agency not be likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of habitat of such species that is determined to be critical. Section 7 of the ESA, as amended, requires Federal agencies to consult with the USFWS and National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service to ensure that project actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. The USFWS administers the federal ESA which provides a legal mechanism for listing species as either threatened or endangered, and a process of protection for those species listed. Section 9 of the ESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. "Take" can include adverse modification of habitats used by a threatened or endangered species during any portion of its life history. Under the regulations of the ESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act. Take authorization can be obtained under Section 7 or Section 10 of the act.

California Endangered Species Act (CESA)

The CDFW, formerly Fish and Game, administers the State CESA. The State of California considers an endangered species one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is one present in such small numbers throughout its range that it is likely to become an endangered species soon, in the absence of special protection or management. And a rare species is one present in such small numbers throughout its range that it may become endangered if its present environment worsens. Rare species applies to California native plants. Further, all raptors and their nests are protected under Section 3503.5 of the California Fish and Game Code (FGC). Species that are California fully protected include those protected by special legislation for various reasons, such as the California condor. Species of Special Concern (SSC) is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW.

Migratory Bird Treaty Act (MBTA)

Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA prohibits take of nearly all native birds. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

Clean Water Act (CWA) 33 USC 1251 et. seq

The Clean Water Act (CWA) is the Federal law that regulates the discharge of pollutants into navigable waters (Clean Water Act 1972). State water quality programs and regulations are chiefly the products of Federal mandates put into effect through the CWA and managed by the EPA.

Section 401

Under Section 401 of the CWA, any person applying for a Federal permit or license, which may discharge pollutants into waters of the United States, must obtain a State water quality certification. This is required to ensure the activity complies with all applicable water quality standards, limitations, and restrictions. No license or permit may be issued by a Federal agency until after Section 401 certification has been granted, and no license or permit may be issued if certification has been denied. Permits or licenses that are subject to Section 401 of the CWA include, permits issued under Section 404 of the CWA, licenses for hydroelectric power plants issued by the Federal Energy Regulatory Commission under the Federal Power Act (State Water Resources Control Board 2011a). The Corps administers wetlands requirements of the CWA.

Section 404

Under the Section 404 regulatory program of the CWA, no discharge of dredged or fill material into waters of the United States can be permitted if a practicable alternative is less damaging to the aquatic environment or if the waters of the nation would be significantly degraded. The Corps are authorized to issue permits regulating the discharge of dredged or fill material into the waters of the United States, including wetlands. After reviewing permits issued by the Corps, the EPA can veto a Corps decision to issue a permit. Also, the EPA develops regulations with which the Corps must comply

California Fish and Game Code (FGC)

Sections 1600 to 1616 of the California FGC require any person, state, or local government agency or public utility to notify the CDFW before beginning any activity that will substantially modify a river, stream, or lake. If it is determined that the activity could substantially adversely impact an existing fish and wildlife resource, then a Lake or Streambed Alteration Agreement is required.

Like the Corps and RWQCB, the CDFW also regulates discharges of dredged or fill material. The regulatory jurisdiction of CDFW is much broader however, than Corps or RWQCB jurisdictions. CDFW regulates **all** activities that alter streams and lakes and their associated habitats. The CDFW, through provisions of the FGC Sections 1601-1603 is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks and at least an intermittent flow of water. The CDFW typically extends the limits of their jurisdiction laterally beyond the channel banks for streams that support riparian vegetation. In these situations, the outer edge of the riparian vegetation is generally used as the lateral extent of the stream and CDFW jurisdiction. CDFW regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFW.



Inventory of Rare and Endangered Plants

Plant List

22 matches found. Click on scientific name for details

:	Search Criteria							
I	Found in Quad	s 3511863 and	3511853;					
	<u> Modify Sear</u>	rch Criteria	xport to Excel	Modify (Colum	ns ≜‡	Modify S	Sort
cientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank	Photo
indrosace longata ssp. cuta	California androsace	Primulaceae	annual herb	Mar-Jun	4.2	S3S4	G5? T3T4	1998 John Game
stragalus ubvestitus	Kern County milk-vetch	Fabaceae	perennial herb	(May)Jun- Jul	4.3	S3	G3	no photo available
alochortus almeri var. almeri	Palmer's mariposa lily	Liliaceae	perennial bulbiferous herb	Apr-Jul	1B.2	S2	G3T2	2013 Neal Kramer
alochortus triatus	alkali mariposa lily	Liliaceae	perennial bulbiferous herb	Apr-Jun	1B.2	S3	G3	2010 James M. Andre
amissonia ntegrifolia	Kern River evening- primrose	Onagraceae	annual herb	(Apr)May	1B.3	S2	G2	no photo available
amissonia rnensis ssp rnensis	Kern County evening- primrose	Onagraceae	annual herb	Mar-May	4.3	S3	G4T3	no photo available
	white pygmy-	Papaveraceae	annual herb	Mar-Jun	4.2	S3S4	G3G4	

http://www.rareplants.cnps.org/result.html?adv=t&quad=3511863:3511853#cdisp=1,2,3,4,5,6,7,8,15

рорру

Canbya candida

Delphinium

purpusii

rose-flowered

larkspur

CNPS Inventory Results



2003 Heath McAllister

photo available

<u>Clarkia exilis</u>	slender clarkia	Onagraceae	annual herb	Apr-May	4.3	S4	G3	no
<u>Clarkia</u> xantiana ssp. parviflora	Kern Canyon clarkia	Onagraceae	annual herb	May-Jun	4.2	S3S4	G4T3T4	
Cordylanthus rigidus ssp. brevibracteatus	short-bracted bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jul- Aug(Oct)	4.3	S4	G5T3	20 no
<u>Cryptantha</u> <u>clokeyi</u>	Clokey's cryptantha	Boraginaceae	annual herb	Apr	1B.2	S3	G3	20
Delphinium inopinum	unexpected larkspur	Ranunculaceae	perennial herb	May-Jul	4.3	S3	G3	20 SH

(Mar)Apr-

Ňау

1B.3 S3

G3



03 Brent Miller

photo available



08 Steve Matson



09 Alison M. neehey



2009 Aaron Schusteff

Ranunculaceae perennial herb

1/10/2018

Dudleya

calcicola

abramsii ssp.

Erythranthe

shevockii

Kelso Creek

monkeyflower

limestone

dudleya

4.3

1B.2 S2

Mar-May

G2

S4

G2

G4T4



2001 Steve Schoenig



1989 Dean Wm. Taylor



2013 Mark Bibbo



Rick York and CNPS



2001 Steve Schoenig

Galium angustifolium ssp. onycense	Onyx Peak bedstraw	Rubiaceae	perennial herb	Apr-Jul	1B.3 S3	3 G5T3	no photo available
Hesperocyparis nevadensis	Piute cypress	Cupressaceae	perennial evergreen tree		1B.2 S2	2 G2	

annual herb

Eriogonum breedlovei var. breedlovei breedlovei

Crassulaceae

perennial herb Apr-Aug

Eriogonum breedlovei var. shevockii	The Needles buckwheat	Polygonaceae	perennial herb	(Jun)Jul- Sep	4.3	S3	G3T3

Phrymaceae



2008 Matt Teel



2005 Chris Wagner, SBNF

no photo available

perennial crowned Mar-Muilla coronata Themidaceae bulbiferous 4.2 S3 G3 muilla Apr(May) herb Stylocline Mason's Asteraceae annual herb Mar-May 1B.1 S1 G1 neststraw masonii

Suggested Citation

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Questions and Comments

rareplants@cnps.org

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Query Criteria: Quad IS (Weldon (3511863) OR Woolstalf Creek (3511853))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Accipiter cooperii	ABNKC12040	None	None	G5	S4	WL
Cooper's hawk						
Agelaius tricolor	ABPBXB0020	None	Candidate	G2G3	S1S2	SSC
tricolored blackbird			Endangered			
Anniella campi	ARACC01040	None	None	G1G2	S1S2	SSC
southern Sierra legless lizard						
Anniella sp. 1	ARACC01070	None	None	G3G4	S3S4	SSC
California legless lizard						
Antrozous pallidus	AMACC10010	None	None	G5	S3	SSC
pallid bat						
Bombus crotchii	IIHYM24480	None	None	G3G4	S1S2	
Crotch bumble bee						
Calochortus palmeri var. palmeri	PMLIL0D122	None	None	G3T2	S2	1B.2
Palmer's mariposa-lily						
Calochortus striatus	PMLIL0D190	None	None	G3	S3	1B.2
alkali mariposa-lily						
Camissonia integrifolia	PDONA030T0	None	None	G2	S2	1B.3
Kern River evening-primrose						
Canbya candida	PDPAP05020	None	None	G3G4	S3S4	4.2
white pygmy-poppy						
Clarkia xantiana ssp. parviflora	PDONA05181	None	None	G4T3T4	S3S4	4.2
Kern Canyon clarkia						
Coccyzus americanus occidentalis western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
Corynorhinus townsendii	AMACC08010	None	None	G3G4	S2	SSC
Townsend's big-eared bat						
Cryptantha clokeyi	PDBOR0A3M0	None	None	G3	S3	1B.2
Clokey's cryptantha						
Delphinium inopinum	PDRAN0B0W0	None	None	G3	S3	4.3
unexpected larkspur						
Delphinium purpusii	PDRAN0B1G0	None	None	G3	S3	1B.3
rose-flowered larkspur						
Diplacus pictus	PDSCR1B240	None	None	G2	S2	1B.2
calico monkeyflower						
Empidonax traillii extimus	ABPAE33043	Endangered	Endangered	G5T2	S1	
southwestern willow flycatcher						
Emys marmorata	ARAAD02030	None	None	G3G4	S3	SSC
western pond turtle						
Eriogonum breedlovei var. breedlovei Breedlove's buckwheat	PDPGN080V1	None	None	G3T2	S2	1B.2



Selected Elements by Scientific Name California Department of Fish and Wildlife California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFV SSC or FP
Eriogonum breedlovei var. shevockii	PDPGN080V2	None	None	G3T3	S3	4.3
The Needles buckwheat						
Erythranthe shevockii	PDSCR1B2Z0	None	None	G2	S2	1B.2
Kelso Creek monkeyflower						
Galium angustifolium ssp. onycense	PDRUB0N048	None	None	G5T3	S3	1B.3
Onyx Peak bedstraw						
Great Valley Cottonwood Riparian Forest	CTT61410CA	None	None	G2	S2.1	
Great Valley Cottonwood Riparian Forest						
Hesperocyparis nevadensis	PGCUP04012	None	None	G2	S2	1B.2
Piute cypress						
Icteria virens	ABPBX24010	None	None	G5	S3	SSC
yellow-breasted chat						
Onychomys torridus tularensis	AMAFF06021	None	None	G5T1T2	S1S2	SSC
Tulare grasshopper mouse						
Perognathus inornatus	AMAFD01060	None	None	G2G3	S2S3	
San Joaquin Pocket Mouse						
Plebulina emigdionis	IILEPG7010	None	None	G1G2	S1S2	
San Emigdio blue butterfly						
Setophaga petechia	ABPBX03010	None	None	G5	S3S4	SSC
yellow warbler						
Southern Interior Cypress Forest	CTT83230CA	None	None	G2	S2.1	
Southern Interior Cypress Forest						
Stylocline masonii	PDAST8Y080	None	None	G1	S1	1B.1
Mason's neststraw						
Vireo bellii pusillus	ABPBW01114	Endangered	Endangered	G5T2	S2	
least Bell's vireo						

Record Count: 33



United States Department of the Interior

FISH AND WILDLIFE SERVICE Sacramento Fish And Wildlife Office Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To: Consultation Code: 08ESMF00-2018-SLI-1842 Event Code: 08ESMF00-2018-E-05369 Project Name: Weldon Regional Water System Improvement Project April 16, 2018

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, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) 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 Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

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/correntBirdIssues/Hazards/towers/comtow.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:

Sacramento Fish And Wildlife Office

Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 (916) 414-6600

Project Summary

Consultation Code:	08ESMF00-2018-SLI-1842
Event Code:	08ESMF00-2018-E-05369
Project Name:	Weldon Regional Water System Improvement Project
Project Type:	WATER QUALITY MODIFICATION
Project Description:	Five water companies in the Weldon area of Kern County are forming a new public "Special District" to provide a regional water supply to the local communities. The new water purveying entity will be named the Weldon Regional Water District.

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://</u>www.google.com/maps/place/35.654148441681045N118.32616378318335W



Counties: Kern, CA

Endangered Species Act Species

There is a total of 5 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. <u>NOAA Fisheries</u>, 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	
Least Bell's Vireo Vireo bellii pusillus	Endangered
There is final critical habitat for this species. Your location is outside the critical habitat.	C
Species profile: https://ecos.fws.gov/ecp/species/5945	
Southwestern Willow Flycatcher Empidonax traillii extimus	Endangered
There is final critical habitat for this species. Your location overlaps the critical habitat.	C
Species profile: https://ecos.fws.gov/ecp/species/6749	
Yellow-billed Cuckoo Coccyzus americanus	Threatened
Population: Western U.S. DPS	
There is proposed critical habitat for this species. Your location is outside the critical habitat.	
Species profile: https://ecos.fws.gov/ecp/species/3911	

Fishes

NAME	STATUS
Delta Smelt Hypomesus transpacificus	Threatened
There is final critical habitat for this species. Your location is outside the critical habitat.	
Species profile: <u>https://ecos.fws.gov/ecp/species/321</u>	

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Southwestern Willow Flycatcher Empidonax traillii extimus	Final
https://ecos.fws.gov/ecp/species/6749#crithab	