Biological Resources Assessment for the Vintner Solar Project in Templeton, San Luis Obispo County, California

Prepared for:

Ecos Energy

Prepared by:

SWCA Environmental Consultants

February 2013

BIOLOGICAL RESOURCES ASSESSMENT FOR THE VINTNER SOLAR PROJECT IN TEMPLETON, SAN LUIS OBISPO COUNTY, CALIFORNIA

Prepared for

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SWCA Project No. 25421

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"As a County-approved biologist, I hereby certify that this Biological Resources Assessment was prepared according to the Guidelines established by the County of San Luis Obispo Department of Planning and Building and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge and belief; and I further certify that I was present throughout the site visit(s) associated with this report."

Signature

February 19, 2013

Date

EXECUTIVE SUMMARY/SYNOPSIS

SWCA Environmental Consultants (SWCA) has prepared this Biological Resources Assessment (BRA) at the request of Ecos Energy for the Vintner Solar Project (project). The purpose of this BRA is to document the biological resources on the property and identify impacts that could occur from development of the proposed solar facility. The property is located at 1050 El Pomar Drive in Templeton, San Luis Obispo County, and is currently being used for agricultural purposes. The proposed project would convert 16 acres of the 96-acre property into a solar power facility. Habitats within the biological study area (BSA) include agricultural and ruderal/developed habitats. The property and BSA have been heavily impacted by historic agricultural practices (i.e., disking and grazing) and provide low habitat value for wildlife species. No special-status plant species were observed nor are expected to occur on the property or within the BSA based on the past agricultural practices observed during surveys. However, it should be noted that several mature oak trees (*Quercus* spp.) are located adjacent to the BSA and are considered a sensitive resource by the County of San Luis Obispo.

Despite the property and BSA being heavily disturbed from agricultural activities, there is still potential for sensitive wildlife species to occur on the site based on presence of suitable foraging, roosting, or nesting habitat. One inactive raptor nest was observed in one of the valley oak trees located northeast of the BSA and could potentially be used by a Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), or other raptor species during the typical nesting season (February 15-September 15). Migratory nesting birds may also use the weedy areas within the BSA and along El Pomar Drive for nesting and foraging purposes. Numerous ground squirrel burrows were observed within and adjacent to the BSA and could potentially be used by burrowing owls (*Athene cunicularia*). Due to the property's close proximity to the Salinas River, there is a low likelihood that San Joaquin kit foxes (*Vulpes macrotis*) may pass through the project area. The property and BSA do not contain suitable denning habitat for San Joaquin kit fox; however, foxes are known to utilize the Salinas River as a wildlife corridor for the purposes of foraging. Avoidance and Mitigation Measures are provided in section 5.3 of this BRA to ensure that project activities avoid impacts to migratory nesting birds, burrowing owl, and San Joaquin kit fox prior to and during construction.

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1 INTRODUCTION

1.1 Purpose of Biological Resources Assessment

SWCA Environmental Consultants (SWCA) has prepared this Biological Resources Assessment (BRA) at the request of Ecos Energy for the Vintner Solar Project (project). The purpose of this BRA is to document the biological resources on the property and identify impacts that could occur from any reasonably foreseeable development of the proposed solar facility. This analysis is based on the preliminary site plans and has taken into consideration biological resources, such as sensitive habitats, plant, and animal species, which are known to occur within a 10-mile vicinity of the project site. For those instances where potential impacts to sensitive biological resources may occur, SWCA has proposed mitigation measures and best management practices with the objective of avoiding or minimizing the impacts.

SWCA understands that this BRA would be used by Ecos Energy, the County of San Luis Obispo Department of Planning and Building (County), and affected state or federal regulatory agencies during the environmental review process for the proposed project. This BRA has been prepared in accordance with the County's *Standard Guidelines for Biological Resources Assessments* (December 2009).

1.2 Project Location and Setting

The proposed project includes a 16-acre development area that is located at 1050 El Pomar Drive in Templeton, San Luis Obispo County (refer to Figures 1 and 2). The development area is centrally located within a 96-acre parcel (Assessor's Parcel Number [APN] 033-231-026). The property is currently being used for agricultural purposes (i.e., growing hay and cattle grazing) and includes a ranch house and several agricultural support buildings and equipment in the northwest corner of the parcel. The property is bordered by El Pomar Drive, a Pacific Gas and Electric Company substation, and an equestrian facility and residence to the south; a vineyard and residence to the east; open space to the north; and Vaquero Drive and the Salinas River to the west. Representative photographs are provided in Appendix A.

1.3 Project Description

As proposed, the project would convert 16 acres of the 96-acre parcel into a solar power facility. The entrance to the facility would be located on El Pomar Drive. The site plan for the proposed facility is included as Appendix B.

1.4 Soils, Topography, and Elevation

According to the Soil Survey for San Luis Obispo County and the United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey, soils in the study area include Lockwood-Concepcion complex 2-9 percent slopes and Arbuckle-Positas complex 30-50 percent slopes. Lockwood-Concepcion is a moderate to well-drained soil complex and consists of sandy loam from 0-22 inches and clay from 22-36 inches. Arbuckle-Positas is also a well-drained soil complex and consists of a sandy clay loam from 0-40 inches. The topography of the property is flat to rolling with an elevation of approximately 800-825 feet. Water drains from east to west and towards the low point in the parcel's topography (refer to Appendix A, Photo 1). Habitats within the biology study area (BSA) are limited to agricultural and ruderal/developed areas. The following is a description of each of these habitat types as they relate to the BSA. Several mature valley oak (*Quercus lobata*) trees occur in the active agricultural areas on the parcel (refer to Appendix A, Photos 3 and 4), but are not located within the proposed 16-acre solar facility footprint (refer to Figure 3).



Figure 1. Project Vicinity Map

Figure 2. Project Location Map



Figure 3. Habitat Map



2 METHODOLOGY

2.1 Literature Review

Prior to conducting a field survey, SWCA conducted a literature review to gain insight on what species have known occurrences in the project vicinity. The review was initiated with a query of the most recent version of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) to identify reported occurrences of sensitive resources within the Templeton U.S. Geological Survey (USGS) 7.5-minute quadrangle and the surrounding eight quadrangles: Creston, York Mountain, Santa Margarita, Morro Bay North, Atascadero, Paso Robles, Estrella, and Adelaida.

In addition to the CNDDB query, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (2013) were reviewed to provide additional information on rare plants that are known to occur in the area. Existing environmental documents and various reports prepared by SWCA were also reviewed for background information and recent findings information.

2.2 Field Survey

Following the literature review, SWCA conducted a field survey of the BSA. SWCA Biologist Barrett Holland conducted the field survey on January 30, 2013. The BSA includes the proposed 16-acre solar facility and a 200-foot buffer surrounding the proposed facility boundaries. The purpose of the field survey was to: (1) characterize the existing conditions within the BSA; and (2) identify those biological resources that could be impacted by future development. The survey effort was conducted by walking transects in order to document botanical and wildlife species present onsite.

During the survey, SWCA inventoried botanical resources within the BSA using dichotomous keys as necessary (Baldwin, 2nd ed. 2012). SWCA did not conduct additional botanical surveys through the blooming period, as the proposed project area has been heavily impacted by historic agricultural practices (i.e., disking and grazing). Wildlife species were documented based on visual observation, auditory cues (i.e., calls and songs), and indirect signs (e.g., tracks, scat, skeletal remains, burrows, etc.). No protocol-level surveys for special-status wildlife species were conducted as part of this study. A list of species observed is included in Appendix C.

3 HABITAT TYPES

3.1.1 Agricultural

For the purposes of this BRA, agricultural areas are those areas actively managed for crop production and/or grazing. Management includes seasonal tilling, planting, and herbicide/pesticide applications. There are approximately 9.3 acres of agricultural land within the proposed project boundaries (refer to Appendix A, Photos 2 and 3). The agriculture areas were observed to be dominated by oats (*Avena* spp.), Italian ryegrass (*Lolium multiflorum*), and rancher's fireweed (*Amsinckia menziesii*), indicating that the property is most likely used for growing hay. Several coyote brush (*Baccharis pilularis*) specimens and one coast live oak (*Quercus agrifolia*) individual were observed along the El Pomar Drive road edge and at the entrance to the proposed solar facility

Due to constant disturbance within the BSA by agricultural practices, these areas provide minimal wildlife habitat. Wildlife species visually observed within the vicinity study area and vicinity include black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Otospermophilus beecheyi*), western fence lizard (*Sceloporus occidentalis*), western scrub jay (*Aphelocoma californica*), acorn woodpecker (*Melanerpes formicivorus*), American goldfinch (*Carduelis tristis*), and red-tailed hawk

(*Buteo jamaicensis*). One inactive raptor nest was also visually observed in one of the valley oak trees outside of the study area (refer to Figure 3 and Appendix A, Photo 5). No nesting activity was observed during the field survey. There is a potential that the nest could be active during the typical nesting period (February 15-September 15).

3.1.2 Ruderal and Developed

Ruderal (disturbed) habitat is used to describe areas within the BSA that have been permanently altered by past land use practices, development, and/or ground disturbance including grazing (refer to Appendix A, Photo 6). There are approximately 7 acres of ruderal habitat within the proposed project boundaries. These areas are dominated by ruderal plant species, soil and debris piles, and bare dirt. Ruderal plants observed in these areas include milk thistle (*Silybum marianum*), oats, brome (*Bromus* spp.), Italian thistle (*Carduus pycnocephalus*), and short-pod mustard (*Hirschfeldia incana*).

The ruderal and developed areas within the BSA provide low habitat value for wildlife species. However, birds may use cleared areas for dusting and for obtaining gravel needed in their digestion. Nearby debris or buildings adjacent to the proposed project site may be used for roosting and nesting sites. Wildlife observed in the ruderal/developed areas include Brewer's blackbird (*Euphagus cyanocephalus*), European starling (*Sturnus vulgaris*), Eurasian-collared dove (*Streptopelia decaocto*), and California ground squirrel.

3.2 Special-status Species

The following describes those sensitive biotic resources that have been documented within an approximate 10-mile radius of the property. Sensitive biotic resources include sensitive plant and/or animal species as described below.

3.2.1 Special-status Plant Species

For the purposes of this section, special-status plant species are defined as the following:

- Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (50 Code of Federal Regulations [CFR] 17.12 for listed plants and various notices in the Federal Register for proposed species).
- Plants that are candidates for possible future listing as threatened or endangered under the FESA.
- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (State CEQA Guidelines §15380).
- Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2 in CNPS 2013).
- Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Lists 3 and 4 in CNPS 2013).
- Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] 670.5).
- Plants listed under the California Native Plant Protection Act (California Fish and Game Code §1900 et seq.).

 Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), state and local agencies, or jurisdictions.

Based on the literature review for this project, a total of 45 special-status plant species have been documented in a 10-mile radius of the BSA (refer to Table 1). Because the plant list presented in Table 1 is considered regional, SWCA evaluated the listed species to identify which special-status plant species have the potential to occur within the BSA. This analysis compared the known habitat requirements of those 45 species to the BSA's existing conditions, elevation, and soils. Due to the disturbed nature of the BSA and property from past agricultural activities (e.g., tilling and cattle grazing), special-status plant species are not expected to occur on the property. A list of plant species observed within the BSA during surveys is included in Appendix C.

3.2.2 Special-status Animal Species

For the purposes of this section, special-status animal species are defined as the following:

- Animals listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species).
- Animals that are candidates for possible future listing as threatened or endangered under the FESA.
- Animals that meet the definitions of rare or endangered species under CEQA (State CEQA Guidelines §15380).
- Animals listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR 670.5).
- Animal species of special concern to the CDFW (Remsen 1978 for birds; Williams 1986 for mammals).
- Animal species that are fully protected in California (California Fish and Game Code, §3511 [birds], §4700 [mammals], and §5050 [reptiles and amphibians]).

Based on a CNDDB query and a review of existing literature, a total of 40 sensitive wildlife species have been documented within an approximate 10-mile radius of the BSA (refer to Table 2). Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted to identify which sensitive wildlife species have the potential to occur within the BSA. SWCA determined that the following special-status animal species have the greatest potential to occur within, or directly adjacent to the BSA:

- white-tailed kite (*Elanus leucurus*)
- burrowing owl (Athene cunicularia)

- Swainson's hawk (Buteo swainsonii)
- San Joaquin kit fox (Vulpes macrotis mutica)

Although the species listed above may have the potential to occur within or adjacent to the BSA based on presence of suitable foraging, roosting, or nesting habitat, <u>none</u> of these species were identified during the field surveys conducted by SWCA. However, the potential for these species to occur cannot be ruled out due to the transitory nature of these wildlife species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
oval-leaved snapdragon Antirrhinum ovatum	Annual herb; California endemic; chaparral, cismontane woodland, pinyon and juniper woodland, valley and foothill grassland; clay or gypsum, often alkaline soil. 200-1,000 meters	May- November	/ / 4.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities (e.g., tilling and grazing), special-status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Santa Lucia manzanita Arctostaphylos luciana	Evergreen shrub; occurs on Chaparral with shale outcrops. 350-850 meters	February- March	//1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. No Arctostaphylos species were observed within the BSA and the site is lower than the known elevation for this species.
Santa Margarita manzanita Arctostaphylos pilosula	Evergreen shrub; California endemic; closed-cone coniferous forest, chaparral, and cismontane woodland habitats; shale soil. 170-1,100 meters	December- April	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. No Arctostaphylos species were observed within the BSA.
Miles's milk-vetch Astragalus didymocarpus var. milesianus	Annual herb; California endemic; coastal scrub; clay soil. 20-90 meters	March-June	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. BSA is higher than known elevation for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
San Joaquin spearscale Atriplex joaquiniana	Annual herb; California endemic; chenopod scrub, meadows and seeps, playas, valley and foothill grassland; alkaline soil. 1-835 meters	April-October	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
round-leaved filaree California macrophylla	Annual herb; cismontane woodland, valley and foothill grassland; clay soil. 15-1,200 meters	March-May	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
San Luis mariposa-lily <i>Calochortus obispoensis</i>	Bulbiferous herb; California endemic; chaparral, coastal scrub, and valley and foothill grassland habitat; serpentinite soil. 75-730 meters	May-July	/ / 1B.2	Suitable Conditions Absent Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and serpentine soils were not observed within the BSA for this species.
San Luis Obispo mariposa-lily <i>Calochortus simulans</i>	Bulbiferous herb; California endemic; chaparral, cismontane woodland, lower montane coniferous forest, valley and foothill grassland; sandy, granitic, serpentinite soil. 395-1,100 meters	April-May	/ / 1B.3	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. This species occurs at higher elevations than the BSA

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
dwarf calycadenia <i>Calycadenia villosa</i>	Annual herb; California endemic; chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland; rocky, fine soils. 240-1,350 meters	May-October	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Santa Cruz mountains pussypaws Calyptridium parryi var. hesseae	Annual herb; California endemic; chaparral, cismontane woodland; sandy or gravelly openings. 305-1,530 meters.	May-August	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Hardham's evening primrose <i>Camissonia hardhamiae</i>	Annual herb; California endemic; chaparral, cismontane woodland; sandy, decomposed carbonate, disturbed or burned areas. 140-945 meters.	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
San Luis Obispo sedge <i>Carex obispoensis</i>	Rhizomatous herb; California endemic; closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and valley and foothill grassland; often serpentine seeps, sometimes gabbro; often on clay soils. 10-790 meters	April-June	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Table 1. Special-status Plant Species investigated for Potential Occurrence	Table 1. Special-status Plant S	Species Investigated	for Potential Occurrence
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Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
San Luis Obispo owl's-clover <i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	Annual herb; California endemic; valley and foothill grassland; sometimes serpentine. 10-400 meters.	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Lemmon's jewel-flower Caulanthus lemmonii	Annual herb; California endemic; valley and foothill grassland; sometimes serpentine. 80-1,220 meters	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Brewer's spineflower Chorizanthe breweri	Annual herb; California endemic; closed coniferous forest, chaparral, cismontane woodland, and coastal scrub habitats; gravelly or rocky serpentine soil. 45-800 meters	May-August	/ / 1B.3	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
straight-awned spineflower Chorizanthe rectispina	Annual herb; California endemic; chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland habitats. 85-1,035 meters	May-July	/ / 1B.3	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
Chorro Creek bog thistle Cirsium fontinale var. obispoense	Perennial herb; California endemic; chaparral and cismontane woodland habitats in association with serpentine seeps. 35-380 meters	February-July	FE / SE / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Cuesta Ridge Thistle <i>Cirsium occidentale</i> var. <i>lucianum</i>	Perennial herb; chaparral (serpentinite); often on steep rocky slopes and/or disturbed roadsides. 500- 750 meters	April-June	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at higher elevations than the BSA.
dune larkspur Delphinium parryi ssp. blochmaniae	Perennial herb. Occurs in maritime chaparral and coastal dunes with sandy or rocky soils. 0-200 meters	April – May	//1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at lower elevations than the BSA.
Eastwood's larkspur Delphinium parryi ssp. eastwoodiae	Perennial herb; chaparral and valley and foothill grassland (serpentinite, coastal). 75-500 meters	February- March	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
umbrella larkspur Delphinium umbraculorum	Perennial herb; California endemic; cismontane woodland. 400-1,600 meters.	April-June	/ / 1B.3	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at higher elevations than the BSA.
Betty's dudleya Dudleya abramsii ssp. bettinae	Perennial herb; California endemic; chaparral, coastal scrub and valley and foothill grassland habitats; serpentinite and rocky soil. 20-180 meters	May-July	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at lower elevations than the BSA.
Blochman's dudleya Dudleya blochmaniae ssp. blochmaniae	Perennial herb; coastal bluff scrub, chaparral, coastal scrub, and valley and foothill grassland habitats; rocky soil, often clay or serpentine. 5-450 meters	April-June	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
yellow-flowered eriastrum Eriastrum luteum	Annual herb; California endemic; broad-leafed upland forest, chaparral, and cismontane woodland habitats; sandy or gravelly soil. 290-1,000 meters.	May-June	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
Blochman's leafy daisy Erigeron blochmaniae	Rhizomatous herb; California endemic; coastal dune and coastal scrub habitats. 3-45 meters	June-August	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at lower elevations than the BSA.
Temblor buckwheat Eriogonum temblorense	Annual herb; Valley and Foothill Grassland (clay or sandstone). 300- 1000 meters	April- September	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Ojai fritillary Fritillaria ojaiensis	Bulbiferous herb occurs in broadleaf upland forest, chaparral and lower montane coniferous forest on rocky soils. 300-998 meters	March-May	//1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
San Benito fritillary <i>Fritillaria viridea</i>	Bulbiferous herb; California endemic; chaparral on serpentine soil. 200-1,525 meters	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
mesa horkelia <i>Horkelia cuneata</i> ssp. <i>puberula</i>	Perennial herb; California endemic; chaparral, cismontane woodland, and coastal scrub habitats; sandy or gravelly soil. 70-810 meters	February- September	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Kellogg's horkelia <i>Horkelia cuneata</i> ssp. <i>sericea</i>	Perennial herb; California endemic; closed-cone coniferous forest; chaparral (maritime); coastal dunes, coastal scrub; sandy or gravelly, openings. 10-200 meters	April- September	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at lower elevations than the BSA.
Santa Lucia dwarf rush <i>Juncus luciensis</i>	Annual herb; California endemic; chaparral, Great Basin scrub, lower montane coniferous forest, meadows and seeps, vernal pool. 300-2,040 meters	April-July	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
pale-yellow layia <i>Layia heterotricha</i>	Annual herb; California endemic; cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland; alkaline or clay soil. 300-1,705 meters	March-June	/ / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
Jones's layia <i>Layia jonesii</i>	Annual herb; California endemic; chaparral and valley and foothill grassland habitats; clay or serpentine soils. 5-400 meters	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Jared's pepper-grass <i>Lepidium jaredii</i> ssp. <i>jaredii</i>	Annual herb; California endemic; valley and foothill grassland; alkaline, adobe soils. 335-1,005 meters	March-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at higher elevations than the BSA.
Carmel Valley bush-mallow Malacothamnus palmeri var. involucratus	Deciduous shrub; California endemic; chaparral, cismontane woodland, coastal scrub. 30-1,100 meters	May-October	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Santa Lucia bush-mallow <i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Deciduous shrub; California endemic; chaparral on rocky soils. 60-360 meters	May-July	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
Palmer's monardella <i>Monardella palmeri</i>	Rhizomatous herb; California endemic; chaparral and cismontane woodland habitats on serpentinite soil. 200-800 meters	June-August	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
woodland woollythreads <i>Monolopia gracilens</i>	Annual herb; Broadleafed upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland (serpentine).100-1200 meters	February-July	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Moran's nosegay <i>Navarretia fossalis</i>	Annual herb; chenopod scrub, marshes and swamps (assorted shallow freshwater), playas, vernal pools. 30- 1,300 meters	April-June	FT / / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
shining navarretia <i>Navarretia nigelliformis</i> ssp. <i>radians</i>	Annual herb; California endemic; cismontane woodland, valley and foothill grassland, vernal pools. 76- 1,000 meters	April-July	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
hooked popcorn-flower Plagiobothrys uncinatus	Annual herb; California endemic; chaparral (sandy); cismontane woodland, valley and foothill grassland. 300-760 meters	April-May	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Cuesta Pass checkerbloom Sidalcea hickmanii ssp. anomala	Perennial herb; California endemic; closed-cone coniferous forest, chaparral; rocky, serpentinite soil. 600- 800 meters	May-June	/ SR / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species. Species occurs at higher elevations than the BSA.
most beautiful jewel-flower <i>Streptanthus albidus</i> ssp <i>. peramoenus</i>	Annual herb; California endemic; chaparral, cismontane woodland, and valley and foothill grassland; serpentinite soil. 110-1,000 meters.	April-June	/ / 1B.2	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
California seablite Suaeda californica	Evergreen shrub; California endemic; marshes and swamps (coastal salt). 110-1,000 meters	April-June	FE / / 1B.1	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/ State/CNPS	Rationale for Expecting Presence or Absence
Cook's triteleia <i>Triteleia ixioides</i> ssp. <i>cookii</i>	Bulbiferous herb; California endemic; closed-cone coniferous forest, cismontane woodland; serpentinite seeps. 150-700 meters	May-June	/ / 1B.3	Suitable Conditions Absent: Due to the disturbed nature of the site from past agricultural activities, special- status plant species are not expected to occur within the BSA. Suitable habitat and soil conditions were not observed within the BSA for this species.
Natural Communities of Concern				
northern interior cypress forest	An open serotinous forest that is often found on dry, rocky soils. Often associated with serpentine soils. Vegetation consists of dense to sparse stands of Cupressus species. Absent: This natural c			Absent: This natural community was not observed within the BSA.
Valley Oak Woodland	Highly variable climax woodland dominated by valley oak (<i>Quercus lobata</i>) usually below 6000 meters. Occurs in the Sacramento and San Joaquin valleys, and valleys of the Coast Ranges			Absent: This natural community was not observed within the BSA.
General references: CDFW 2008, Baldwin et	al 2012, CNDDB 2013			
Status Codes = No status				
Federal: FE = Federal Endangered FT=Federal Threatened State: SE=State Endangered ST= State Threatened		California Native Plant Society (CNPS): List 1B = rare, threatened, or endangered in California and elsewhere. List 2 = rare, threatened, or endangered in California, but more common elsewhe List 3 = plants that about which more information is needed. List 4 = a watch list plants of limited distribution.		
SR= State Rare		 .1 = Seriously endangered I California (over 80% of occurrences threaten degree and immediacy of threat) .2 = Fairly endangered in California (20-80% occurrences threatened) .3 = Not very endangered I California (<20% of occurrences threatened o current threats known) 		over 80% of occurrences threatened / high -80% occurrences threatened) <20% of occurrences threatened or no

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
Gastropods			
Morro shoulderband (=banded dune) snail Helminthoglypta walkeriana	Restricted to the coastal strand in the immediate vicinity of Morro Bay; inhabits the duff beneath <i>Happlopappus</i> , <i>Salvia</i> , <i>Dudleya</i> , and <i>Mesembryanthemum</i> .	FE / /	Suitable Conditions Absent: The BSA does not contain suitable habitat for this species. Property is not located on the coast.
San Luis Obispo pyrg Pyrgulopsis taylori	Freshwater habitats in San Luis Obispo County.	/ / SA	Suitable Conditions Absent: Freshwater habitat necessary to support this species was not observed within the BSA or on the property.
Invertebrates			
vernal pool fairy shrimp Branchinecta lynchi	Vernal pools, usually less than 0.05 acres in size; swales or basalt flow depression pools in unplowed grasslands.	FT / /	Suitable Conditions Absent: Vernal pool habitat necessary to support this species was not observed within the BSA or on the property
sandy beach tiger beetle Cicindela hirticollis gravida	Areas adjacent to non-brackish water along the California coast to Mexico; inhabits sand in upper zone; larvae found in moist sand.	/ / SA	Suitable Conditions Absent: Coastal habitat and soils necessary to support this species was not observed within the BSA.
Globose Dune beetle Coelus globosus	Coastal sand dune habitat.	/ / SA	Suitable Conditions Absent: Coastal sand dune habitat necessary to support this species was not observed within the BSA or on the property.
monarch butterfly Danaus plexippus	Coastal eucalyptus and Monterey cypress stands	/ / SA	Suitable Conditions Absent: No eucalyptus or Monterey cypress stands are present within the BSA or on the property.
California linderiella Linderiella occidentalis	Seasonal ponds in grasslands, sandstone depressions and alluvial flats with hardpan beneath.	/ / SA	Suitable Conditions Absent: The BSA does not contain seasonal ponds or sandstone depressions necessary to support this species.

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
Morro Bay blue butterfly Icaricia icarioides moroensis	Inhabits stabilized dunes and adjacent areas of coastal San Luis Obispo and Santa Barbara Counties; (<i>Lupinus chamissonis</i>) is larval food plant.	/ / SA	Suitable Conditions Absent: Coastal sand dune habitat necessary to support this species was not observed within the BSA.
Atascadero June beetle Polyphylla nubila	Known only from sand dunes in San Luis Obispo County	/ / SA	Suitable Conditions Absent: Coastal sand dune habitat necessary to support this species was not observed within the BSA.
Lompoc grasshopper Trimerotropis occulens	Known only from Santa Barbara and San Luis Obispo Counties.	/ / SA	Suitable Conditions Absent: Species not observed within the BSA. This species was last seen in 1909 (CNDDB 2013) and is not expected to occur within the BSA.
Fish			
steelhead – south-central California coast ESU Oncorhynchus mykiss irideus	Optimally, clear, cool water with abundant instream cover, well-vegetated stream margins, relatively stable water flow, and a 1:1 pool-to- riffle ratio.	FT / / SSC	Suitable Conditions Absent: Suitable aquatic habitat was not observed within the BSA
tidewater goby Eucyclogobius newberryi	Brackish shallow lagoons and lower stream reaches where water is fairly still, but not stagnant.	FE / / SSC	Suitable Conditions Absent: Suitable aquatic habitat was not observed within the BSA.
Amphibians			
foothill yellow-legged frog Rana boylii	Occurs in partly shaded, shallow streams and riffles with a rocky substrate in a variety of different habitats. Requires cobble sized rocks for egg laying	/ / SSC	Suitable Conditions Absent: Suitable aquatic habitat was not observed within the BSA.
California red-legged frog Rana draytonii	Aquatic habitats with little or no flow and surface water depths to at least 2.3 feet. Presence of fairly sturdy underwater supports such as cattails.	FT / /SSC	Suitable Conditions Absent: Suitable aquatic habitat necessary was not observed within the BSA

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
western spadefoot Spea hammondii	Inhabits vernal pools in primarily grassland, but also in valley and foothill hardwood woodlands.	/ / SSC	Suitable Conditions Absent: Vernal pool habitat necessary to support this species was not observed within the BSA.
Coast range newt Taricha torosa torosa	Breed in ponds, reservoirs, and slow-moving streams. Frequents terrestrial habitats such as oak woodlands.	/ / SSC	Suitable Conditions Absent: Suitable aquatic habitat necessary to support this species was not observed within the BSA.
Reptiles			
western pond turtle Emys marmorata	Quiet waters of ponds, lakes, streams, and marshes. Typically in the deepest parts with an abundance of basking sites.	/ / SSC	Suitable Conditions Absent: Suitable aquatic habitat was not observed within the BSA.
coast horned lizard Phrynosoma blainvillii	Frequents a wide variety of habitats; most commonly in lowlands along sandy washes with scattered low bushes.	/ / SSC	Suitable Conditions Absent: Sandy wash habitat necessary to support this species was not observed within the BSA.
silvery legless lizard Anniella pulchra pulchra	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefer soils with high moisture content.	/ / SSC	Suitable Conditions Absent: The appropriate soils and vegetation necessary to support this species was not observed within the BSA.
Birds			
grasshopper sparrow Ammodramus savannarum	(Nesting) dense grasslands on rolling hills, lowland plains, in valleys, and on hillsides on lower mountain slopes; favors native grasslands with a mix of grasses, forbs, and scattered shrubs loosely colonial when nesting.	MBTA / / SSC	Suitable Conditions Absent: Native grassland habitat with a mix of grasses, forbs and shrubs was not observed within the BSA.
golden eagle <i>Aquila chrysaetos</i>	(Nesting and nonbreeding/wintering) rolling foothills, mountain areas, sage-juniper flats, and desert areas. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	MBTA / FP /	Suitable Conditions Absent: BSA consists primarily of agricultural land unsuitable for this species. Species not observed during surveys.

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
burrowing owl <i>Athene cunicularia</i>	Open, dry grasslands, deserts, and scrublands. Subterranean nester, dependent upon burrowing mammals.	MBTA / / CSC	Suitable Conditions Present: Suitable wintering habitat is present within the BSA due to the presence of ground squirrel burrows and short vegetation. Species not observed during surveys.
ferruginous hawk <i>Buteo regalis</i>	(Nonbreeding/wintering) open grasslands, sagebrush flats, desert scrub, low foothills, and pinyon-juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice	MBTA / / SSC	Suitable Conditions Absent: BSA does not contain suitable nesting or foraging habitat. Species not observed during surveys.
Swainson's hawk Buteo swainsonii	Breeds in grasslands with scattered trees in juniper-sage flats, riparian areas, and agricultural areas with lines of trees.	MBTA / FT /	Suitable Conditions Present: Suitable foraging and nesting habitat is present just outside BSA. One inactive raptor nest was observed adjacent to the proposed solar facility and could be used by this species. Swainson's hawks were not observed during surveys.
western snowy plover Charadrius alexandrinus nivosus	Sandy marine and estuarine shores.	FT, CH / / SSC	Suitable Conditions Absent: BSA does not contain sandy marine or estuarine shores. Species not observed during surveys.
white-tailed kite Elanus leucurus	Open grasslands, meadows, or marshlands for foraging close to isolated dense-topped trees for nesting and perching.	MBTA / FP /	Suitable Conditions Present: Suitable foraging and nesting habitat is present within and just outside BSA. Species not observed during surveys.
prairie falcon Falco mexicanus	Occurs in dry, open terrain that is level or hilly and breeds on cliffs.	MBTA / /	Suitable Conditions Absent: BSA contains foraging habitat; however, no cliffs for nesting are present. Species not observed during surveys.

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
least Bell's vireo <i>Vireo bellii pusillus</i> (nesting)	(Nesting) summer resident of southern California in low riparian areas near water or river bottoms. Nests placed along margins of bushes or on twigs usually <i>Salix</i> , <i>Baccharis</i> , and mesquite.	FE, MBTA / SE /	Suitable Conditions Absent: BSA does not contain suitable nesting or foraging habitat. Species not observed during surveys.
purple martin <i>Progne subis</i>	Inhabits woodlands, low elevation coniferous forest of Douglas fir, ponderosa pine, and Monterey pine. Nests in old woodpecker cavities and man-made structures.	MBTA / / SSC	Suitable Conditions Absent: BSA does not contain suitable nesting or foraging habitat. Species not observed during surveys.
bank swallow Riparia riparia	Nests in colonies in vertical sand banks. Forages over meadows and water	/ ST /	Suitable Conditions Absent: BSA does not contain suitable nesting or foraging habitat. Species not observed during surveys.
other nesting birds Class Aves	Various habitats (nesting).	MBTA / / CDFW Code Section 3503	Suitable Conditions Present: Suitable foraging and nesting habitat for migratory birds is present within the BSA. No nesting birds or activity was observed during the survey; however, one inactive raptor nest was observed just outside the BSA (refer to Figure 3) and could be used by a raptor during the active nest season.
Mammals			
Nelson's antelope squirrel Ammospermophilus nelsoni	Western San Joaquin Valley from 200-1200 feet. Occurs on sparsely vegetated sites with loamy soils and requires scattered shrubs and forbs. Digs own burrows or uses kangaroo rat burrows.	/ ST /	Suitable Conditions Absent: BSA is not sparsely vegetated or contains scattered shrub or forb habitat necessary for this species. Species not observed during surveys.
pallid bat Antrozous pallidus	Inhabits deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting	/ / SSC	Suitable Conditions Absent: Desert habitat and rocky areas for roosting are not present within the BSA. Species not observed during surveys.

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
Townsend's big-eared bat Corynorhinus townsendii	Occurs 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.	/ / SSC	Suitable Conditions Absent: Suitable roosting habitat was not observed within the BSA. Species not observed during surveys.
Monterey dusky-footed woodrat Neotoma lepida intermedia	Forest habitats of moderate canopy and moderate to dense understory; also in chaparral habitats. Nests constructed of grass, feathers, etc. Population may be limited by availability of nest materials.	/ / SSC	Suitable Conditions Absent: No woodrat middens or suitable habitat was observed within the BSA. Species not observed during surveys.
Tulare grasshopper mouse Onychomys torridus tularensis	Hot, arid valleys and scrub deserts in the San Joaquin Valley.	/ / SSC	Suitable Conditions Absent: The BSA is highly disturbed and does not contain suitable habitat for this species. Species not observed during surveys.
San Joaquin pocket mouse Perognathus inornatus inornatus	Typically found in grasslands and blue oak savannahs. Needs friable soils.	/ / SA	Suitable Conditions Absent: The BSA is highly disturbed and does not contain suitable habitat for this species. Species not observed during surveys.
Salinas pocket mouse Perognathus inornatus psammophilus	Annual grassland and desert shrub communities in the Salinas Valley in fine- textured, sandy, friable soils. Burrows for cover and nesting.	/ / SSC	Suitable Conditions Absent: The BSA is highly disturbed and does not contain suitable shrub communities necessary to support this species. Species not observed during surveys.
San Joaquin kit fox Vulpes macrotis mutica	Inhabits annual grasslands or grassy open stages with scattered shrubs; needs friable sandy soils for burrowing, and suitable prey base.	FE / SE /	Suitable Conditions Present: The Salinas River is a known wildlife corridor for the San Joaquin kit fox. However, the BSA is highly disturbed and does not contain suitable denning habitat. This species may occur as an infrequent transient; however, the likelihood of this occurrence is very low due to the distance to other known populations.

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
American badger <i>Taxidea taxus</i>	Drier open stages of shrub, forest, and herbaceous habitats, with friable soils; needs sufficient food and open, uncultivated ground; digs burrows.	/ / SSC	Suitable Conditions Absent: The BSA is highly disturbed / cultivated and does not contain a suitable prey base for this species. This species was not observed during surveys. Nearest occurrence is 1.5 miles north of Templeton along Highway 101 (CNDDB 2013).

General references: Unless otherwise noted all habitat and distribution data provided by California Natural Diversity Database

Status Codes

--= No status Federal: FE = Federal Endangered FT= Federal Threatened FC= Federal Candidate CH= Federal Critical Habitat PCH= Proposed Federal Critical Habitat MBTA= Protected by Federal Migratory Bird Treaty Act

State: SE= State Endangered ST= State Threatened

California Department of Fish and Game: SSC= California Special Concern Species FP= Fully Protected Species SA= Not formally listed but included in CDFW "Special Animal" List.

4 REGULATORY OVERVIEW

4.1 Federal Policies and Regulations

4.1.1 Federal Endangered Species Act of 1973

The FESA provides legislation to protect federally-listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) to determine the extent of impact to a particular species. If USFWS or NOAA Fisheries determine that impacts to a federally-listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified. USFWS and NOAA Fisheries also regulate activities conducted in federal critical habitat, which are geographic units designated as areas that support primary habitat constituent elements for listed species.

4.1.2 Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the USFWS, and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies.

4.1.3 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE regulatory jurisdiction, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code [U.S.C.] 403), regulates almost all work in, over, and under waters listed as "navigable waters of the U.S." that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act. Under Section 404, the USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries. The USACE will determine jurisdiction over waters that are non-navigable tributaries, that are not relatively permanent and wetlands adjacent to non-navigable tributaries, and that are not relatively permanent only after making a significant nexus finding. CFR 328.3 defines waters of the United States as:

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;
- (5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;

- (6) *The territorial seas;*
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.
- (8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

USACE jurisdiction over non-tidal waters of the United States extends laterally to the ordinary high water mark (OHWM) or beyond the OHWM to the limit of any adjacent wetlands, if present (33 CFR 328.4). The OHWM is defined as:

"that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area" (33 CFR 328.3).

4.2 State Policies and Regulations

4.2.1 California Endangered Species Act

The CESA ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

4.2.2 California Fish and Game Code

California Fish and Game Code §3511 includes provisions to protect Fully Protected (FP) species, such as: (1) Prohibiting take or possession "at any time" of the species listed in the statute, with few exceptions; (2) stating that "no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to "take" the species; and (3) stating that no previously issued permits or licenses for take of the species "shall have any force or effect" for authorizing take or possession. The CDFW is unable to authorize incidental take of "fully protected" species when activities are proposed in areas inhabited by those species. §§3503 and 3503.5 of the Fish and Game Code state that it is unlawful to take, possess, or destroy the nest or eggs of any bird, with occasional exceptions. In addition, §3513 states that it is unlawful to take or possess any migratory bird as designated in the MBTA.

4.2.3 State Water Resources and Regional Water Quality Control Boards

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the Clean Water Act and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a

USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as:

"any surface water or groundwater, including saline waters, within the boundaries of the state."

In order for a Section 404 permit to be valid, Section 401 of the Clean Water Act requires a Water Quality Certification or waiver to be obtained. The Water Quality Certification (or waiver) determines that the permitted activities will not violate water quality standards individually or cumulatively over the term of the action. Water quality certification must be consistent with the requirements of the Federal Clean Water Act, CEQA, CESA, and Porter-Cologne Act.

The SWRCB and RWQCB have not established a formal wetland definition nor have they developed a wetland delineation protocol; however, these agencies generally adhere to the same delineation protocol set forth by the USACE. Therefore, the methods used to determine potential Waters of the State were the same as those described above for potential Section 404 jurisdiction.

4.2.4 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, §§1600-1602 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife.

5 IMPACT ASSESSMENT AND MITIGATION

This impact assessment focuses on identifying potential impacts associated with implementation of the proposed project. The impact analysis is based on the existing conditions, regulatory setting, and preliminary site map provided to SWCA by Ecos Energy (refer to Appendix B). The section focuses on identifying potential biological constraints associated with any reasonably foreseeable future developments within the biology study area. The emphasis is on determining the potential effects of the project on special-status species, habitats, and jurisdictional areas within the BSA. Adverse impacts could occur if future uses of the property would result in temporary or permanent modification to sensitive habitats, or to habitats occupied by special-status species. Where potential impacts to sensitive resources have been identified, measures for avoiding, minimizing, or mitigating adverse effects to these resources are recommended. The following section has been formatted to meet the general guidelines set forth by the County (December 2009).

5.1 Sufficiency of Biological Data

SWCA considers the information provided within this report to be sufficient in order to definitively determine impacts to biological resources as it relates to the proposed project. Based on the current project plans, no additional field surveys or specialized investigation is needed to determine the potential impacts.

5.2 Impacts

5.2.1 Project Effect on Unique or Special-status Species or their Habitats

5.2.1.1 PLANTS

Field surveys were not conducted within the appropriate blooming period. The BSA and property has been disturbed from agricultural practices including tilling and cattle grazing. No special-status plant species were observed nor are special-status plant species expected to occur within the BSA. However, it should be noted that the valley oak trees adjacent to the project impact area are considered a sensitive resource by the County.

5.2.1.2 WILDLIFE

Habitat within the biology study area consists entirely of agricultural and ruderal habitats. Nesting birds may utilize the valley oak trees, weedy areas, and roadside vegetation (e.g., coyote brush along El Pomar Drive) for nesting and foraging purposes. The inactive raptor nest observed northeast of the proposed facility could also be used by a Swainson's hawk, white-tailed kite, or other raptor species during the typical nest season (February 15-September 15). In addition to the species mentioned above, there is a potential for a variety of other nesting migratory birds, including ground nesting birds (e.g., meadowlarks [*Sturnella neglecta*] and California towhee [*Melozone crissalis*]) to occur on the property and within the BSA. The ground squirrel burrows observed on the property and within the BSA could also be potentially used by burrowing owls (refer to Attachment A, Photo 7). Burrowing owl is not a common resident to the Templeton area; therefore, the likelihood of this occurrence is low. The nearest known occurrence of this species is 14 miles north of the property near the town of San Miguel (CNDDB 2013).

Avoidance and Mitigation Measure BIO-1 has been provided to ensure that project activities avoid impacts to migratory nesting birds and to ensure that burrowing owls are not present prior to the start of construction.

The biology study area does not contain suitable denning habitat for San Joaquin kit fox (SJKF). However, SJKF are known to utilize the Salinas River as a wildlife corridor for the purposes of foraging. Due to the property's close proximity to the Salinas River, there is a low likelihood that SJKF may pass through the project area. Due to the low population numbers, and lack of recent observations within the area, the likelihood of this occurrence is considered to be low. It should be noted that the project area is not located within the any of the habitat replacement areas shown on the San Luis Obispo County Kit Fox Standard Mitigation Ratios Area Map (December 2007). A SJKF Habitat Evaluation Form was not completed as part of this study. Since there are SJKF occurrences within a 10-mile radius of the project area, standard SJKF avoidance measures should be implemented during project construction (refer to Avoidance and Mitigation Measures BIO 2 through BIO-8).

5.2.2 Project Effect on Extent, Diversity, or Quality of Native or Other Important Vegetation

The preliminary site plan for the solar facility does not indicate that any impacts to oak trees would be required.

5.2.3 Project Effect on Wetland or Riparian Habitat

Riparian habitat is present at the corner of Vaquero Drive and El Pomar Drive, but is not present within the BSA or on the property. As proposed, the project would have no direct or indirect effect on wetland or riparian habitat.

5.2.4 Project Effect on Movement of Resident or Migratory Fish and Wildlife Species

The proposed project will have no direct or indirect effect on the movement of resident or migratory fish and wildlife species.

5.3 Avoidance and Mitigation Measures

- BIO-1 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:
 - a. The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
 - b. The County-approved biologist should contact the USFWS and CDFW to determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
 - c. The County-approved biologist should document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.
- BIO-2 Prior to construction, a qualified biologist should conduct a pre-activity survey to identify known or potential dens or sign no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW, within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the County. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.
- BIO-3 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches should also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they should be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- BIO-4 During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently

buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.

- BIO-5 Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides should be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-6 During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped should be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant should immediately notify the USFWS and the CDFW by telephone. In addition, formal notification should be provided in writing within 3 working days of the finding of any such animal(s). Notification should include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured should be turned over immediately to the CDFW for care, analysis, or disposition.
- BIO-7 Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the County should do the following to provide for kit fox passage:
 - a. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
 - b. If a more solid wire mesh fence is used, 8×12-inch openings near the ground should be provided every 100 yards.

Upon fence installation, the applicant should notify the County to verify proper installation. Any fencing constructed after issuance of a final permit should follow the above guidelines.

6 **REFERENCES**

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- California Department of Fish and Wildlife (CDFW). 2011. Special Animals (898 Taxa). State of California Department of Fish and Wildlife, Wildlife and Habitat Data Analysis Branch. January 2011. Available at: www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf. Accessed January 30, 2013.
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- Sibley, David Allen. 2003. The Sibley Field Guide to Birds of Western North America. Alfred A. Knopf, Inc., New York, NY.

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Appendix A. Photo Documentation



PHOTO 1:

View of the topography of the property looking northwest towards the existing residence and agricultural buildings.

Photo taken on January 30, 2013.



PHOTO 2:

View of the proposed entrance to the solar facility. Note coyote brush and weedy vegetation located along El Pomar Drive



PHOTO 3:

View of the proposed solar facility impact area looking southeast. Note tilled ground and valley oak tree located just outside the BSA.

Photo taken on January 30, 2013.



PHOTO 4:

View of several mature valley oaks located at the northeast corner of the BSA. Note tilled ground and emerging grasses and weeds



РНОТО 5:

View of an inactive raptor nest observed in one of the valley oaks located northeast of the BSA. Refer to photo 4.

Photo taken on January 30, 2013.



PHOTO 6:

View of cattle grazing in the ruderal areas of the BSA. Photo taken from the southwest corner of the BSA looking northeast.



PHOTO 7:

View of a ground squirrel burrow complex that could be used by burrowing owls. Photo taken from within the BSA.

Appendix B. Project Plans



Vintner Solar Project

Solar Photovoltaic Array - Ground-Mount, Single Axis Tracker 1.500 MW (AC) / 2.097 MW (DC)

Located at: (GPS: 35.5571, -120.6833) 1050 El Pomar Drive, Templeton, CA 93465



1333 Northland Drive #210, Mendota Heights, MN 55120

Preliminary Site Plan: Project Placement

Page 1 of 4







Vintner Solar Project Solar Photovoltaic Array - Ground-Mount, Single Axis Tracker 1.500 MW (AC) / 2.097 MW (DC)	ecos	Preliminary Site Plan: Project Features	
Located at: (GPS: 35.5571, -120.6833) 1050 El Pomar Drive, Templeton, CA 93465	ENERGY 1333 Northland Drive #210, Mendota Heights, MN 55120	Page 2 of 4]





Vintner Solar Project		Proliminan Gita Plan	
Solar Photovoltaic Array - Ground-Mount, Single Axis Tracker 1.500 MW (AC) / 2.097 MW (DC)	ecos	Project Dimensions	
Located at:	ENERGY		
(GPS: 35.5571, -120.6833)		Page 3 of 4	
1050 El Pomar Drive, Templeton, CA 93465	1333 Northland Drive #210, Mendota Heights, MN 55120	-	



Vintner Solar Project

Solar Photovoltaic Array - Ground-Mount, Single Axis Tracker 1.500 MW (AC) / 2.097 MW (DC)

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1333 Northland Drive #210, Mendota Heights, MN 55120

Preliminary Site Plan: Satellite View

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Appendix C. List of Species Observed

Plant Species Observed at 1050 El Pomar Drive, San Luis Obispo County, California January 30, 2013

Scientific Name	Common Name	Native	Species Status / Notes
Vascular Plants nomenclature follows "The	Jepson Manual" and http://ucjeps.berk	celey.edu/interchang	ge.html
Angiosperms (Dicots)			
Asteraceae	Sunflower family		
Baccharis pilularis var. consanguinea	coyote brush	Yes	
Carduus pycnocephalus	Italian thistle	No	Invasive weed
Silybum marianum	milk thistle	No	
Amsinckia menziesii	rancher's fireweed	Yes	
Brassicaceae	Mustard family		
Brassica nigra	black mustard	No	
Capsella bursa-pastoris	Shepherd's purse	No	
Hirschfeldia incana	summer mustard	No	
Convolvulaceae	Morning glory family		
Convolvulus arvensis	bindweed	No	
Fagaceae	Oak family		
Quercus agrifolia	coast live oak	Yes	
Quercus lobata	valley oak	Yes	
Geraniaceae	Geranium family		
Erodium cicutarium	red-stemmed filaree	No	
Plantaginaceae	Plantain family		
Plantago lanceolata	English plantain	No	
Plantago coronopus	cut leaf plantain	No	
Angiosperms (Monocots)			
Poaceae	Grass family		
Avena barbata	slender wild oats	No	
Avena fatua	Wild oats	No	
Bromus diandrus	ripgut brome	No	
Bromus madritensis ssp. madritensis	red brome	No	
Lolium multiflorum	Italian ryegrass	No	
Stipa miliaceae	smilo grass	No	
Vulpia myuros	rattail fescue	No	

Wildlife Species Observed at 1050 El Pomar Drive, San Luis Obispo County, California January 30, 2013

Scientific Name	Common Name
Birds	
Diurnal Raptors	
Cathartes aura	turkey vulture
Buteo jamaicensis	red-tailed hawk
Pigeons and Doves	
Streptopelia decaocto	Eurasian colored dove
Waxwings, silky-flycatchers, and Starlings	
Sternus vulgaris	European starling
Emberizine Sparrows and Allies	
Passer domesticus	house sparrow
Melospiza melodia	song sparrow
Pipilo crissalis	California towhee
Icterids	
Euphagus cyanocephalus	Brewer's blackbird
Finches and Old World Sparrows	
Carduelis tristis	American goldfinch
Woodpeckers	
Melanerpes formicivorus	Acorn woodpecker
Jays, Crows, and Their Allies	
Aphelocoma coerulescens	scrub jay
Mammals	
Lagomorphs	
Lepus californicus	Black-tailed jackrabbit
Rodents	
Otospermophilus beecheyi	California ground squirrel
Reptiles	
Sceloporus occidentalis	western fence lizard