

APPENDIX 2

Biological Resources Assessment And Jurisdictional Delineation For the American Organics Project

City of Victorville, San Bernardino County, California
USGS – *Victorville* Quadrangle
Section 13 of Township 6 N, Range 5 W

Date Prepared: November 2020

Prepared for:

American Organics
20055 Shay Road
Victorville, CA 92394

On Behalf of:

Tom Dodson and Associates
2150 N Arrowhead Avenue
San Bernardino, CA 92405

Prepared by:

Jacobs Engineering Group, Inc.
55616 Pipes Canyon Road
Yucca Valley, California 92284

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.



Lisa Patterson, National Senior Environmental Project Manager

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Table 1. CNDDDB Species and Habitats Documented Within the *Victorville*, *Victorville NW*, *Helendale* and *Adelanto* USGS 7.5-minute Quadrangles

Site Photographs

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Appendix B – USFWS IPaC, CNDDDB and CNPS Results

1 Introduction

American Organics currently operates the existing Victor Valley Regional Compost Facility (VVRFCF) on 28 acres of land leased from the Victor Valley Wastewater Reclamation Authority (VWVRA) at its Shay Road wastewater treatment plant. American Organics is proposing to increase the existing composting facility to 50 acres by expanding its existing facilities onto approximately 22 acres of adjacent VWVRA land that currently abuts the north side of the existing VVRFCF.

On behalf of Tom Dodson and Associates (TDA), Jacobs Engineering Group, Inc. (Jacobs) has prepared this Biological Resources Assessment (BRA) report for the proposed AS-153 Athens Service Project (Project). The BRA fieldwork was conducted by Jacobs biological field technician Daniel Smith in October 2020. The purpose of the BRA was to address potential effects of the 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 [formerly California Department of Fish and Game]) and/or the California Native Plant Society (CNPS).

The Project Area was assessed for sensitive species known to occur locally. Particular attention was focused on those State and/or federally listed as threatened or endangered species and California Fully Protected species that have been documented in the Project vicinity, whose habitat requirements are present within or adjacent to the Project site. Results of the habitat assessment are intended to provide sufficient baseline information to the Project proponent and, if required, to federal and State regulatory agencies, including the U.S. Fish and Wildlife Service (USFWS) and CDFW, respectively, to determine if impacts will occur to sensitive biological resources and to identify mitigation measures to offset those impacts.

In addition to the BRA and focused surveys, Jacobs biological field technician Daniel Smith conducted a Jurisdictional Delineation (JD) of the Project Area. The purpose of the JD is to determine the extent of State and federal jurisdictional waters within the Project Area potentially subject to regulation by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and Porter Cologne Water Quality Control Act, and CDFW under Section 1602 of the California Fish and Game Code (FGC), respectively.

1.1 Project Description

The VWVRA is a Joint Powers Authority and Public Agency in the State of California formed in December of 1977. The VWVRA is responsible for the regional collection, treatment, and disposal of wastewater in Victor Valley. Its main treatment facility is located at the terminus of Shay Road, in the City of Victorville, San Bernardino County, California.

The VVRFCF is currently operated and managed by American Organics on 28 acres leased from the VWVRA. As a fully permitted Compost Manufacturing Facility, the VVRFCF is permitted to accept green waste, wood waste, manure, wallboard, paper, pre- and post- consumer food material, liquid wastes, biosolids, and C&D material. The Facility uses a combination of windrow and static pile processing, though some material is shipped prior to composting. Class A biosolids from the adjacent VWVRA wastewater treatment plant are not stored on site, but may be accepted for blending with other organic materials for use as a soil amendment.

The proposed Project will expand the VVRFCF operated by American Organics on VWVRA owned land from approximately 28 acres to 50 acres. The Project proposes to expand the existing area in which the VVRFCF operates to the north by utilizing the adjacent parcel to create a larger contiguous lot within which

to operate. The proposed expansion project would not require any additional infrastructure in support of the expanded area of operation.

The area of expansion is inclusive of VVRCF-designed planning areas. Planning Area 2 is 7.3 acres, Area 4 is 9 acres, and Planning Area 5 is 4.9 acres. Planning Area 2 will be for storage of finished product, while Planning Areas 4 and 5 will be utilized for blending/processing of composted materials and as finished product storage.

In order to utilize Planning Area 2 for storage of finished product, American Organics envisions utilizing the stockpiled materials that are currently stored within Planning Area 2 to fill and grade Planning Areas 4 and 5. The stockpiled materials will be transferred to Planning Areas 4 and 5 after this area has been cleared of all vegetation. Once the stockpiled material has been removed from Planning Area 2, American Organics envisions that this site will be graded to conform to the street level of Shay Road and will be used to store finished product. Stockpiled material from Planning Area 2 will be used to fill and grade Planning Areas 4 and 5 to be level with the VVRCF site to enable the current area of operation and Planning Areas 4 and 5 to become one contiguous site, thereby facilitating the expanded operations to include greater area for blending/processing of composted materials and as finished product storage.

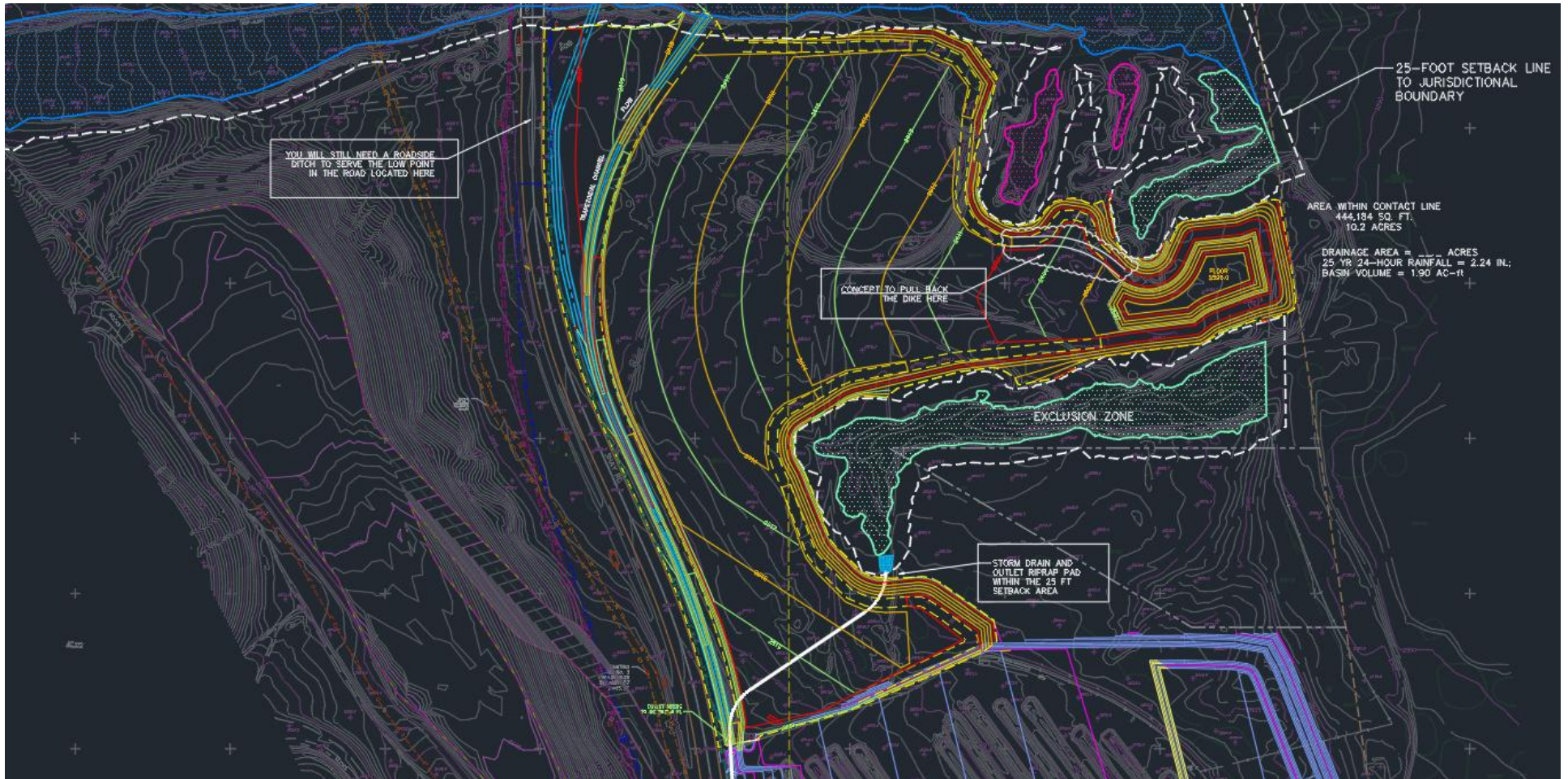
The Project includes measures to control onsite runoff through the development of a retention basin to be located at the northeast corner of Planning Area 4.

Upon completion of construction, the entirety of the expanded VVRCF site, inclusive of the existing operations area the areas planned, will be fenced. No other structures are planned. Planning Area 2 will be enclosed with a fence to store finished product and will include a private entrance that would enable VVRCF Staff access to the storage area; this area will not be accessible to customers. Additionally, American Organics proposes private entrance that would enable emergency access to the expanded portion of the site; however, no new customer entrances are proposed.

It is anticipated that the construction will occur in the following order (generally):

- Clear and prep VVRCF Expansion area.
- Remove stockpiled material from Planning Area 2 and transport it to the VVRCF expansion site.
- Compact and grade VVRCF Expansion area as stockpiled fill material is transferred to the site. Excavate the area required to install the retention basin at the northeastern corner of the Planning Area 5.
- Compact and grade Planning Area 2 at grade with Shay Road as stockpiled material is transferred to the VVRCF site.
- Fence entire VVRCF site, and remove the existing fence between the expanded operational area and existing operational area. Fence Planning Area 2.
- Install underground water line and fire hydrants that may be required by the City of Victorville.

Please refer to Figure 1 on page 3 of this document for the draft Site Plan.



SOURCE: Google Earth

FIGURE 1

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Site Plan

AS-153 Athens Service Project

1.2 Location

The proposed Project is generally located in Section 13 of Township 6 North, Range 5 West, San Bernardino Base Meridian (SBBM), within the northern portion of the City of Victorville, San Bernardino County, California (Figures 2&3). The Project Area is depicted on the northwest corner of the *Victorville* U. S. Geological Survey's (USGS) 7.5-Minute Series Quadrangle map. The Project Area is northeast of Southern California Logistics Airport (SCLA) and northwest of the Town of Oro Grande, along the west side of the Mojave River. Specifically, the Project Area is located at the terminus of Shay Road, between the existing VVWRA treatment adjacent the north side of the Project site and the existing VVRCF adjacent the south side of the site (Figures 3&4). The Project site consists of Assessor Parcel Numbers (APNs): 046811113 and 046811115).

The Project Area is defined as all areas that may be impacted directly or indirectly by the proposed Project. It encompasses the geographic extent of environmental changes (i.e. the physical, chemical and biotic effects) that will result directly and indirectly from the Project.

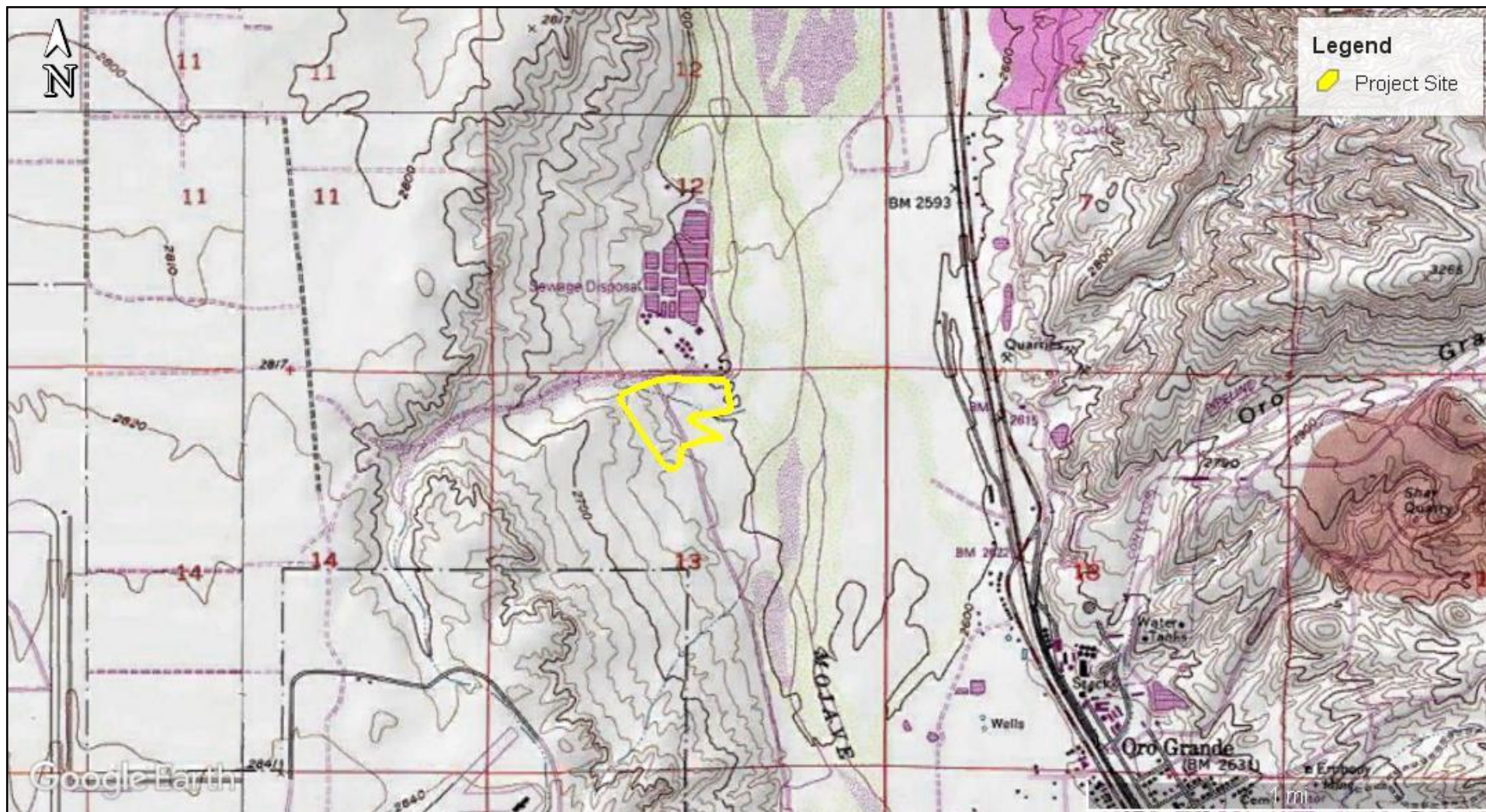


SOURCE: Google Earth

FIGURE 2

JACOBS

Regional Location
AS-153 Athens Service Project



SOURCE: Google Earth and USGS

FIGURE 3

JACOBS

Topographic Map of Project Area
AS-153 Athens Service Project



SOURCE: Tom Dodson & Associates

FIGURE 4

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Aerial Photo of Project Area
AS-153 Athens Service Project

1.3 Environmental Setting

The Project Area is in the western portion of the Mojave Desert, along the west side of the Mojave River. The Victorville area is subject to both seasonal and annual variations in temperature and precipitation. Average annual maximum temperatures peak at 98.1 degrees Fahrenheit (° F) in July and fall to an average annual minimum temperature of 29.2° F in January. Average annual precipitation is greatest from November through March and reaches a peak in February (1.05 inches). Precipitation is lowest in the month of June (0.04 inches). Annual total precipitation averages 5.52 inches.

The topography of the Project Area ranges from relatively flat on the eastern side to hilly on the western side. Elevation within the proposed Project Area ranges from approximately 2,600 feet above mean sea level (amsl) near the eastern Project boundary, to 2,670 feet amsl near the western boundary.

Hydrologically, the Project Area is situated within an unnamed Hydrologic Sub-Area (HSA 628.20). This HSA comprises a 556,821-acre drainage area, within the larger Mojave Watershed (HUC 18090208). The Mojave River is the major hydrogeomorphic feature within the Mojave Watershed.

Soils within the Project Area are comprised of Cajon sand, 2 to 9 percent slopes and Cajon sand, 9 to 15 percent slopes. Cajon sand, 2 to 9 percent slopes consists of sand and gravelly sand comprised of alluvium derived from mixed sources. Cajon sand, 9 to 15 percent slopes consists of sand and gravelly sand comprised of alluvium derived from granite sources. Cajon sand, 2 to 9 percent slopes soils are somewhat excessively drained with a low runoff class whereas Cajon sand, 9 to 15 percent slopes soils are somewhat excessively drained with a high to very high runoff class.

Land use within the Project Area and surrounding vicinity consists of wastewater treatment facilities (VWRA), organic waste recycling facilities (VWRCF), commercial airport/aircraft storage facilities (SCLA), mining facilities and open space. The Project site abuts existing VWRA wastewater treatment facilities to the north and west, existing VWRCF composting facilities to the south, and undeveloped Mojave River floodplain to the east (Figure 4). Habitat types within the undeveloped portions of the Project Area include *Atriplex canescens* Shrubland Alliance (fourwing saltbush scrub), *Larrea tridentata* Shrubland Alliance (creosote bush scrub), *Baccharis emoryi* – *Baccharis sergiloides* Shrubland Alliance (Emory's and broom baccharis scrub), *Populus fremontii* – *Fraxinus velutina* – *Salix gooddingii* Forest and Woodland Alliance (Fremont cottonwood forest and woodland), and *Tamarix* spp. Shrubland Semi-Natural Alliance (tamarisk thickets).

Please refer to the attached Site Photographs at the end of this document for representative photos of the existing conditions within the Project Area at the time of survey.

2 Assessment Methodology

2.1 Biological Resources Assessment

Data regarding biological resources in the Project Area were obtained through literature review and field investigation. Prior to performing the surveys, available databases and documentation relevant to the Project Area were reviewed for documented occurrences of sensitive species in the Project vicinity (approximately 3 miles). The USFWS threatened and endangered species occurrence data overlay, USFWS Information for Planning and Consultation System (IPaC) and the most recent versions of the California Natural Diversity Database (CNDDB; *Rarefind* 5) and California Native Plant Society Electronic Inventory (CNPSEI) databases were searched for sensitive species data in the *Victorville*, *Victorville NW*, *Helendale* and *Adelanto* USGS 7.5-Minute Series Quadrangles. These databases contain records of reported occurrences of State and federally listed species or otherwise sensitive species and habitats that may occur

within the vicinity of the Project site (approximately 3 miles). Other available technical information on the biological resources of the area was also reviewed including previous surveys and recent findings.

Biological Resources Assessment

Jacobs biological field technician Daniel Smith conducted a biological resources assessment of the Project Area on October 7, 15 and 17, of 2020. The BRA survey area encompassed 100 percent of the entire proposed impact area. Wildlife species were detected during field surveys by sight, calls, tracks, scat, or other sign. In addition to species observed, expected wildlife usage of the site was determined per known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The focus of the faunal species survey was to identify potential habitat for special status wildlife within the Project Area.

Protocol-level Desert Tortoise Survey

Desert tortoise surveys were conducted in accordance with the protocols described in the October 8, 2019 version of the USFWS “Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise (*Gopherus agassizii*)” and the 2009 USFWS “Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*).” The survey was conducted in accordance with the USFWS survey protocol for Small Project Surveys (i.e. < 200 hectares [500 acres]). Per the USFWS, “For smaller projects, the number of tortoises affected is likely to be too small for statistical treatment; the goal with surveying these areas is to determine whether they are likely to be present and to determine any areas of concentrated use” (2019). In accordance with the USFWS protocols, 100 percent visual coverage of the survey area was achieved by walking 10-meter (30-foot) wide belt transects over the entire Project site, to provide sufficient coverage to find signs of desert tortoise use (e.g., scat, burrows, carcasses, courtship rings, drinking depressions, etc. in addition to live tortoises). The transect routes were calculated and uploaded to Google Earth Pro, which was used to accurately navigate the transects. Site photographs were taken during the field survey to catalog representative habitat (See attached Site Photos).

Mohave Ground Squirrel Habitat Suitability Assessment

The Mohave ground squirrel habitat assessment included a pedestrian field assessment, review of reported occurrences of the Mohave ground squirrel in the region (CNDDB 2020), and adherence to CDFW's criteria for assessing potential impacts to the Mohave ground squirrel. The literature review included a review of the Mohave ground squirrel's current known geographic range and population distributions, as well as a review of the most current habitat suitability modeling available. The habitat suitability criteria questions considered were as follows:

1. *Is the site within the range of the Mohave ground squirrel?*
2. *Is there native desert scrub habitat with a relatively diverse shrub component?*
3. *Is the site surrounded by development and therefore isolated from potentially occupied habitat?*

Reference materials used to determine the site's proximity to the historic and current Mohave ground squirrel range and known population distributions included “A Conservation Strategy for the Mohave Ground Squirrel (*Xerospermophilus mohavensis*)” (CDFW 2019), Leitner's 2015 “Current status of the Mohave ground squirrel (*Xerospermophilus mohavensis*): A five-year update (2008–2012),” the Desert Renewable Energy Conservation Plan (DRECP) Mohave ground squirrel “Habitat Intactness” and “Species Distribution” models, as well as the Maxent Probability of Occurrence model for estimating the range of the Mohave ground squirrel. The CNDDB (2020) BIOS Viewer was used to determine the site's proximity to documented Mohave ground squirrel occurrences. Additionally, general floristic surveys were

conducted within the Project site to assess the plant communities and species composition within the shrub layer, relative to known Mohave ground squirrel forage plants.

2.2 Jurisdictional Delineation

On October 7, 2020, Mr. Smith also evaluated the Project Area for the presence of riverine/riparian/wetland habitat and jurisdictional waters, i.e. Waters of the U.S. (WOTUS), as regulated by the USACE and RWQCB, and/or jurisdictional streambed and associated riparian habitat as regulated by the CDFW.

Prior to the field visit, aerial photographs of the Project Area were viewed and compared with the surrounding USGS 7.5-Minute Topographic Quadrangle maps to identify drainage features within the survey area as indicated from topographic changes, blue-line features, or visible drainage patterns. The USFWS National Wetland Inventory and Environmental Protection Agency (EPA) Water Program “My Waters” Google Earth Pro data layer were also reviewed to determine whether any hydrologic features and 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 reviewed for soil types found within the Project Area to identify the soil series in the area and to check these soils to determine whether they are regionally identified as hydric soils. Upstream and downstream connectivity of waterways (if present) were reviewed on Google Earth Pro aerial photographs and topographic maps to determine jurisdictional status. The lateral extent of potential USACE jurisdiction was measured at the Ordinary High Watermark (OHWM) in accordance with regulations set forth in 33CFR part 328 and the USACE guidance documents listed below:

- *USACE Corps of Engineers Wetlands Delineation Manual, Wetlands Research Program Technical Report Y-87-1 (on-line edition), January 1987 - Final Report.*
- *USACE Jurisdictional Determination Form Instructional Guidebook (JD Form Guidebook), May 30, 2007.*
- *USACE A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (A Delineation Manual), August 2008.*
- *USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), September 2008.*
- *USACE Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (Minimum Standards), January 2016.*
- *The Environmental Protection Agency (EPA) and the Department of the Army’s “Navigable Waters Protection Rule: Definition of ‘Waters of the United States,’” April 21, 2020 (effective June 22, 2020) (85 FR 22250).*

Evaluation of CDFW jurisdiction followed guidance in the FGC and *A Review of Stream Processes and Forms in Dryland Watersheds* (CDFW 2010). Specifically, CDFW jurisdiction would occur where a stream has a definite course showing evidence of where waters rise to their highest level and to the extent of associated riparian vegetation.

3 Results

3.1 Existing Biological and Physical Conditions

The Project Area consists of disturbed desert scrub and riparian scrub plant communities surrounded by existing VVWRA wastewater treatment facilities to the north and west, existing VVRCF composting facilities to the south, and undeveloped Mojave River floodplain to the east (Figure 4). Disturbances within and immediately adjacent the proposed impact area include previous clearing/grading, paved road (Shay Road), ongoing composting activities consisting of heavy equipment moving organic waste material and

wastewater treatment facilities.

3.1.1 Habitat

Habitat within the western half of the proposed Project Area (west of Shay Road) consists of a sparse covering of mixed fourwing saltbush scrub/creosote bush scrub and graded bare ground. Habitat within the eastern half of the proposed Project Area (east of Shay Road) consists primarily of a dense covering of fourwing saltbush scrub, with some graded bare ground near the northern portion of the site, east of Shay Road. Additionally, there are two small patches of Emory's and broom baccharis scrub near the northeast corner of the Project site and two drainage features that support some freshwater emergent wetland habitat surrounded by non-native tamarisk thicket near the eastern boundary of the Project site. Habitat within the adjacent Mojave River floodplain and tributary drainages to the east is dominated by Fremont cottonwood forest and woodland. The Project site is bordered on the north by unvegetated sandy river wash.

3.1.2 Wildlife

Amphibians and Reptiles

No amphibian species were observed or otherwise detected within the Project Area. The only reptiles observed within the Project Area was Great Basin whiptail (*Aspidoscellis tigris tigris*) and western side-blotched lizard (*Uta stansburiana elegans*). Other common herp species expected to occur within the Project Area include western zebra-tailed lizard (*Callisaurus draconoides rhodostictus*), red racer (*Coluber flagellum piceus*), northern Mohave rattlesnake (*Crotalus scutulatus scutulatus*), long-nosed leopard lizard (*Gambelia wislizenii*), California kingsnake (*Lampropeltis californiae*), southern desert horned lizard (*Phrynosoma platyrhinos calidiarum*) and yellow-backed spiny lizard (*Sceloporus uniformis*).

Birds

Birds were the most observed wildlife group during survey and species observed or otherwise detected in the Project Area during the reconnaissance-level survey included:

- California quail (*Callipepla californica*)
- common raven (*Corvus corax*)
- American kestrel (*Falco sparverius*)
- house finch (*Haemorhous mexicanus*)
- Say's phoebe (*Sayornis saya*)
- yellow-rumped warbler (*Setophaga coronata*)
- European starling (*Sturnus vulgaris*)
- white-crowned sparrow (*Zonotrichia leucophrys*)

Mammals

Identification of mammals within the Project Area was generally determined by physical evidence rather than direct visual identification. This is because 1) many of the mammal species that potentially occur onsite are nocturnal and would not have been active during the survey and 2) no mammal trapping was performed. Mammal species observed or otherwise detected during the reconnaissance-level survey included white-tailed antelope squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californicus*) and desert cottontail (*Sylvilagus audubonii*). Other common species expected to occur within the Project Area include coyote (*Canis latrans*), Merriams' kangaroo rat, (*Dipodomys merriami*), striped skunk (*Mephitis mephitis*) and California ground squirrel (*Otospermophilus beecheyi*).

3.2 Special Status Species and Habitats

Per the IPaC, CNDDDB, CNPSEI, and other relevant literature and databases, 39 sensitive species (10 plant species, 29 animal species) have been documented in the *Victorville*, *Victorville NW*, *Helendale* and *Adelanto* USGS 7.5-Minute Series Quadrangles. This list of sensitive species includes any State and/or federally listed threatened or endangered species, California Fully Protected species, CDFW designated Species of Special Concern (SSC), and otherwise Special Animals. “Special Animals” is a general term that refers to all the taxa the CNDDDB 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.

Of the 11 State and/or federally listed or Candidate species identified by the database queries as potentially occurring within the region, only the following three State and/or federally listed species have been documented in the Project vicinity (within approximately 3 miles):

- Mojave desert tortoise (*Gopherus agassizii*)
- least Bell's vireo (*Vireo bellii pusillus*)
- Mohave ground squirrel (*Xerospermophilus mohavensis*)

Additionally, the State and federally listed as endangered southwestern willow flycatcher (*Empidonax traillii extimus*) has not been documented in the Project vicinity, but there is USFWS designated Critical Habitat for this species adjacent the Project site to the east. Therefore, this species will be included in the discussion below.

Although not a State or federally listed species, the burrowing owl (*Athene cunicularia*) is a CDFW SSC and is considered particularly sensitive species within the region. Furthermore, this species has been documented within 1 mile of the Project site and there is potentially suitable habitat for SPOW within the Project vicinity. Therefore, this species will also be included in the discussion below.

An analysis of the likelihood for occurrence of all CNDDDB sensitive species documented in the *Victorville*, *Victorville NW*, *Helendale* and *Adelanto* quads is provided in Table 1. This analysis considers species' range as well as documentation within the vicinity of the Project Area and includes the habitat requirements for each species and the potential for their occurrence on site, based on required habitat elements and range relative to the current site conditions.

3.2.1 Special Status Species

No State and/or federally listed threatened or endangered species, or other sensitive species were observed on site during the reconnaissance-level field survey. The Project site is within a highly disturbed area, between an existing wastewater treatment facility and organic waste recycling facility. Habitat within and adjacent the Project site is likely only marginally suitable for several of the special status species that have been documented in the Project vicinity.

Mojave Desert Tortoise – Threatened (Federal/State)

The Mojave desert tortoise is a State and federally listed threatened species. The species had experienced significant population declines throughout much of its range prior to becoming listed as threatened under the federal ESA in 1990. The Mojave desert tortoise has continued to decline throughout its range due to threats that include habitat loss, degradation and fragmentation, domestic grazing, predation, collections, and increased mortality rates. The Mojave desert tortoise is primarily found in creosote bush scrub and creosote bush scrub alliances, but is also occurs in other desert scrub habitats including succulent scrub, cheesebush scrub, blackbush scrub, hop-sage scrub, shadscale scrub, microphyll woodland, Joshua tree

woodland and Mojave saltbush-allscale scrub plant communities. Desert tortoise primarily forage on annual forbs, but also perennials (e.g., cacti and grasses). They prefer surfaces covered with sand and fine gravel versus coarse gravel, pebbles, and desert pavement. Friable soil is important for digging burrows. Desert tortoise are most often found on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and in hillsides. Because a single tortoise may have many burrows distributed throughout its home range, it is not possible to predict exact numbers of individuals on a site based upon burrow numbers.

Findings: Per the USFWS desert tortoise Critical Habitat overlay, the Project site is not within any USFWS designated desert tortoise Critical Habitat. Some of the mixed fourwing saltbush scrub/creosote bush scrub habitat within and adjacent the western half of the Project site (west of Shay Road) is marginally suitable for desert tortoise. However, the Project Area and adjacent VVWRA and VVRCF facilities are partially encircled by desert tortoise exclusion fence, which surrounds the VVWRA property on the south, west and north, with the exception of an approximately 100 foot long segment located 0.35 miles west of the Project site where an unnamed ephemeral stream crosses the fence line. Thus, the Project Area is mostly excluded from any potentially suitable and historically occupied desert tortoise habitat that exists in the Project vicinity. Additionally, the fourwing saltbush scrub/creosote bush scrub habitat within and adjacent the western half of the Project site is significantly disturbed and heavily impacted by non-native invasive vegetation including Saharan mustard (*Brassica tournefortii*), Russian thistle (*Salsola tragus*) and schismus grass (*Schismus* spp.), likely due to the previous clearing and grading activities associated with the existing VVWRA facilities. Furthermore, the area appears to support an abundant raven population, which are known desert tortoise predators, likely due to the site's proximity to urban environments and the adjacent organic waste recycling facility. Therefore, the fourwing saltbush scrub/creosote bush scrub habitat within and adjacent the western half of the Project site is only marginally suitable to support Mojave desert tortoise. Based on habitat type and vegetation density, the Project Area east of Shay Road does not support any suitable Mojave desert tortoise habitat.

Per the literature review, Mojave desert tortoise have been documented within 1 mile of the Project site to the north, south and west, respectively (CNDDDB 2020). Although potential Mojave desert tortoise habitat within the Project Area is currently of very low quality, this species did historically occur within the Project vicinity and prior to the expansion of the VVWRA facilities west of Shay Road in the early 2000s, several adult desert tortoises were relocated from the existing VVWRA site west of the Project Area. Therefore, focused protocol-level desert tortoise surveys were conducted by Jacobs biologists in October 2020, in accordance with the USFWS survey protocols listed in Section 2.1 of this document. All areas within and adjacent the proposed Project impact area were surveyed to 100 percent visual coverage, wherever potentially suitable desert tortoise habitat was present (i.e. mixed fourwing saltbush scrub/creosote bush scrub habitat). The survey was conducted during the appropriate season and during optimal temperatures, when the likelihood of encountering desert tortoises was highest.

The result of the protocol desert tortoise survey was that no evidence of desert tortoise presence was found in the survey area. No desert tortoise individuals or sign including desert tortoise burrows, scat, carcasses or other sign were observed. Therefore, Mojave desert tortoise are considered absent from the Project Area at the time of survey and the Project is not likely to adversely affect this species.

Southwestern Willow Flycatcher – Endangered (Federal/State)

The State and federally listed as endangered southwestern willow flycatcher (SWFL) is a small passerine bird that has a grayish-green back and wings, whitish throat, a light gray-olive breast, and pale yellowish belly. This flycatcher is a neotropical migrant that breeds in the southwestern United States from mid-April to early-September. In the fall, it migrates south to its wintering grounds in portions of South America, Central America and Mexico. (60 FR 10694). The SWFL breeds in dense riparian habitats (at least 0.25 acres in size and at least 30 feet wide) along rivers, streams, and other wetlands at elevations ranging from sea level to 8,500 feet (Sogge 1997). Plant species closely associated with the flycatcher include willows (*Salix* spp.), boxelder (*Acer negundo*), seepwillow (*Baccharis* spp.), with an overstory of cottonwood (*Populus fremontii*) (62 FR 39129). Occupied habitat is generally dominated by shrubs and trees 13 to 23 feet or more in height, which provide dense lower and mid-story vegetation approximately 10 to 13 feet aboveground. This dense vegetation is often interspersed with open water, small openings, or sparse vegetation, creating a mosaic that is not uniformly dense (62 FR 39129).

A rapid decrease in the numbers of SWFL in California and other southwestern states prompted the USFWS to designate it as a Category 1 candidate species in 1991. One year later in 1992, the California Fish and Game Commission listed the species as endangered, under the California Endangered Species Act (CESA) of 1970. On July 23, 1993 the SWFL was proposed for listing as endangered by the USFWS and was then listed as Federally endangered on February 27, 1995, under the Endangered Species Act (ESA) of 1973 (60 FR 10694). The USFWS designated critical habitat for the species on July 22, 1997. This habitat included 18 units with a total of 599 miles of river in California, New Mexico, and Arizona. On May 11, 2001, the critical habitat designation from 1997 was struck down by the U.S. 10th Circuit Court of Appeals who required further economic analysis. A recovery plan was finalized by USFWS in March of 2003. Critical habitat designations for this species were re-proposed and finalized in June 2004 (USFWS 2003c).

Findings: Per the literature review, SWFL have not been documented in the Project vicinity and the only documented occurrence for this species within the 4-quad CNDDDB query is approximately 7.3 miles southeast of the Project Area (CNDDDB 2020). However, there is USFWS designated Critical Habitat for this species adjacent the Project site to the east, within the Mojave River floodplain. There is no suitable riparian habitat for SWFL present within the Project site and the Project is not likely to directly impact this species. There is some potentially suitable Fremont cottonwood forest and woodland riparian habitat adjacent the Project site to the east. However, the proposed Project has been designed to completely avoid impacting any riparian habitat (Figure 1).

The Project site is situated between the existing VVRCF organic waste recycling facility to the south and the existing VVWRA wastewater treatment facility to the north and west, and the Project Area is already subject to ongoing disturbances associated with these facilities. Specifically, ongoing disturbances from the existing VVRCF facility consist primarily of noise, visual disturbance and dust from truck traffic and heavy equipment operation required for moving and processing organic waste material. Given the presence of the ongoing disturbances associated with daily operations of the existing VVRCF facility, disturbances associated with the proposed Project would not constitute any new disturbances within the Project Area, relative to this species. Therefore, SWFL are not likely to occur within the Project Area and the Project is not likely to adversely affect this species.

Least Bell's Vireo – Endangered (Federal/State)

The least Bell's vireo (LBVI) is a State and federally listed endangered migratory bird species. This species is a small, olive-gray migratory songbird that nests and forages almost exclusively in riparian woodland

habitats. LBVI nesting habitat typically consists of 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, mulefat, young individuals of other willow species such as arroyo willow or black willow, and one or more herbaceous species. LBVI generally begin to arrive from their wintering range in southern Baja California and establish breeding territories by mid-March to late-March.

LBVI was first proposed for listing as endangered by the USFWS on May 3, 1985, (50 FR 18968 18975) and was subsequently listed as federally endangered on May 2, 1986 (51 FR 16474 16482). Critical habitat units were designated by the USFWS on February 2, 1994 (59 FR 4845) and included reaches of ten streams in six counties in southern California and the surrounding approximately 38,000 acres. The project area is not within USFWS designated critical habitat for this species.

Findings: Per the literature review, LBVI have been documented in suitable riparian habitat along the Mojave River within approx. 0.5-mile north of the Project area (CNDDB 2020). There is no suitable riparian habitat for LBVI present within the Project site and the Project is not likely to directly impact this species. There is some potentially suitable Fremont cottonwood forest and woodland riparian habitat adjacent the Project site to the east. However, the proposed Project has been designed to completely avoid impacting any riparian habitat (Figure 1).

The Project site is situated between the existing VVRCF organic waste recycling facility to the south and the existing VVWRA wastewater treatment facility to the north and west, and the Project Area is already subject to ongoing disturbances associated with these facilities. Specifically, ongoing disturbances from the existing VVRCF facility consist primarily of noise, visual disturbance and dust from truck traffic and heavy equipment operation required for moving and processing organic waste material. Given the presence of the ongoing disturbances associated with daily operations of the existing VVRCF facility, disturbances associated with the proposed Project would not constitute any new disturbances within the Project Area, relative to this species. Therefore, LBVI are not likely to occur within the Project Area and the Project is not likely to adversely affect this species.

Mohave Ground Squirrel – Threatened (State)

The Mohave ground squirrel is a State listed threatened species. This small, grayish, diurnal ground squirrel is endemic to 2 million hectares in the western Mojave Desert. It typically inhabits sandy soils of alkali sink and creosote bush scrub habitat. Mohave ground squirrel forage on leaves and seeds and aestivate/hibernate for long periods of the year. Plants documented as forage for this species include: fiddleneck (*Amsinckia tessellata*), allscale (*Atriplex canescens* and *A. polycarpa*), desert holly (*A. hymenelytra*), coreopsis (*Coreopsis* sp.), spiny hopsage (*Grayia spinosa*), winterfat (*Krascheninnikovia lanata*), wolfberry (*Lycium andersonii*), Joshua tree (*Yucca brevifolia*) and the seeds of Joshua tree. It is suspected that Mohave ground squirrel forage on the plant species with the highest water content available at the time.

Mohave ground squirrel populations have declined significantly throughout the species range since around 1980 and population distribution throughout its range is patchy, even within suitable habitat (CDFW 2019). Primary threats to Mohave ground squirrel populations include range contraction, habitat loss, degradation and fragmentation, climate change including increased severity and persistence of drought, and invasive species (CDFW 2019).

Findings: Although a focused Mohave ground squirrel trapping survey was not performed, Jacobs conducted a Mohave ground squirrel habitat suitability assessment of the proposed Project site and

adjacent habitat. Although some Mohave ground squirrel forage plant species (*Atriplex* spp. and *Lycium* sp.) are present within the Project Area, the Project site is significantly disturbed and heavily impacted by non-native, invasive vegetation. Additionally, the vegetation density within much of the eastern half of the Project site (east of Shay Road) would likely preclude Mohave ground squirrel from occupying this area. Other disturbances on site include previous clearing and grading activities associated with the existing VVWRA facilities. Furthermore, the Project site is situated between the existing VVRCF organic waste recycling facility to the south and the existing VVWRA wastewater treatment facility to the north and west, and the Project Area is subject to ongoing visual, noise and dust disturbances associated with these facilities.

The Project site falls just within the historic range of the Mohave ground squirrel but is outside of any currently extant Mohave ground squirrel population areas or population linkages (CDFW 2019). The Project site is located outside of the Mohave ground squirrel Conservation Area set forth in the West Mojave Plan and is approximately 15 miles south of the nearest known MGS population area (BLM 2005; CDFW 2019).

Per the literature review, the nearest documented Mohave ground squirrel occurrence (2007) is within approximately 1 mile northwest of the Project site (CNDDDB 2020). However, extensive live-trapping and camera-trapping surveys were conducted within the southern portion of the Mohave ground squirrel range from 1998 to 2012 and very few animals were detected, despite the presence of suitable habitat, indicating that Mohave ground squirrel has been extirpated from much of the southern portion of its range (Leitner 2008 and 2015; CDFW 2019). Furthermore, the potential habitat for this species is highly fragmented within the Project vicinity and the DRECP “Habitat Intactness” and “Species Distribution” models for this species indicate that there is a moderately low to very low level of habitat intactness in the Project vicinity. Given the presence of existing development surrounding the Project site to the north, south and west, as well as the Mojave River to the east, there is very little connectivity to any potentially suitable Mohave ground squirrel habitat that may still exist in the general Project vicinity. Due to the reasons discussed in these findings, Mohave ground squirrel are not likely to occur within the Project Area and the Project is not likely to adversely affect this species.

Burrowing owl – SSC

The burrowing owl (BUOW) is a ground dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is heavily dependent upon the presence of mammal burrows, with ground squirrel burrows being a common choice, in its habitat to provide shelter from predators, inclement weather and to provide a nesting place (Coulombe 1971). They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows. BUOW spend a great deal of time standing on dirt mounds at the entrance to a burrow or perched on a fence post or other low to the ground perch from which they hunt for prey. They feed primarily on insects such as grasshoppers, June beetles and moths, but will also take small rodents, birds, and reptiles. They are active during the day and night but are considered a crepuscular owl; generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31.

BUOW have disappeared from significant portions of their range in the last 15 years and, overall, nearly 60 percent of the breeding groups of owls known to have existed in California during the 1980s had disappeared by the early 1990s (Burrowing Owl Consortium 1993). The BUOW is not listed under the State or federal ESA but is considered both a State and federal SSC. The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California FGC (FGC #3513 & #3503.5).

Findings: Per the definition provided in the 2012 CDFG Staff Report on Burrowing Owl Mitigation, “Burrowing owl habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey.” The nearest documented BUOW occurrence (2002) is approximately 1 mile west of the Project site (CNDDB 2020). Although no BUOW individuals or sign were observed within the Project Area during survey, the western half of the Project site (west of Shay Road) does contain some suitable habitat for this species.

The habitat assessment survey was structured, in part, to detect BUOW. The survey consisted of walking transects spaced approximately 30 feet apart to provide 100 percent visual coverage of the Project site, wherever potentially suitable desert tortoise habitat was present, including an approximately 500-foot buffer area around the Project site. The result of the survey was that no evidence of BUOW was found in the survey area. No BUOW individuals or sign including castings, feathers or whitewash were observed. Therefore, BUOW are considered absent from the Project Area at the time of survey and the Project is not likely to adversely affect this species.

3.2.2 Special Status Habitats

The Project site is not within any sensitive habitats, including any USFWS designated Critical Habitat for any federally listed species. However, the Project site is adjacent the Mojave River Unit of USFWS designated SWFL Critical Habitat to the east of the Project site. No portion of the Project Area is within or adjacent this Critical Habitat unit, or any other sensitive habitats. Therefore, the Project will not result in any loss or adverse modification of USFWS designated Critical Habitat, or any other special status habitats.

3.3 Jurisdictional Delineation

The Project Area is within an unnamed Hydrologic Sub-Area (HSA 628.20), which comprises a 556,821-acre drainage area, within the larger Mojave Watershed (HUC 18090208). This watershed encompasses an approximately 4,600-square-mile area north of the San Bernardino and San Gabriel Mountains in the Mojave Desert, almost entirely within San Bernardino County, with the extreme western boundary overlapping into Los Angeles and Kern Counties. The Mojave Watershed is bound on the south by the Southern Mojave and Santa Ana watersheds, on the northeast by the Coyote-Cuddeback Lakes, Death Valley-Lower Amargosa, and Ivanpah-Pahrump Valleys watersheds, and on the west by the San Gabriel and Antelope-Fremont Valleys watersheds. The Mojave River is the major hydrogeomorphic feature of the Mojave Watershed. The Project site is adjacent the west side of the Mojave River and there is an unnamed ephemeral stream that parallels the north side of the Project site that is tributary to the Mojave River (Figure 5). This unnamed ephemeral stream (“Drainage A”) that parallels the north side of the Project site, between the existing VVWRA facility to the north and the Project site, is an ephemeral stream that receives surface flows for only brief durations and in direct response to precipitation.

Waters of the U.S.

The USACE has authority to permit the discharge of dredged or fill material in WOTUS under Section 404 CWA. Per the EPA and the Department of the Army’s April 21, 2020 (effective June 22, 2020) “Navigable Waters Protection Rule: Definition of ‘Waters of the United States,’” WOTUS are defined as: “The territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters.” (85 FR 22250). The Navigable Waters Protection Rule specifically excludes from the definition of WOTUS:

- “Groundwater, including groundwater drained through subsurface drainage systems;
- ephemeral features that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- diffuse stormwater runoff and directional sheet flow over upland;
- ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- prior converted cropland;
- artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;
- groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- waste treatment systems.” (85 FR 22250).

There are no features within the Project Area that would meet the definition of WOTUS. Therefore, the Project will not result in any impacts (temporary or permanent) to jurisdictional waters subject to regulation by the USACE or RWQCB under Sections 404/401 of the CWA.

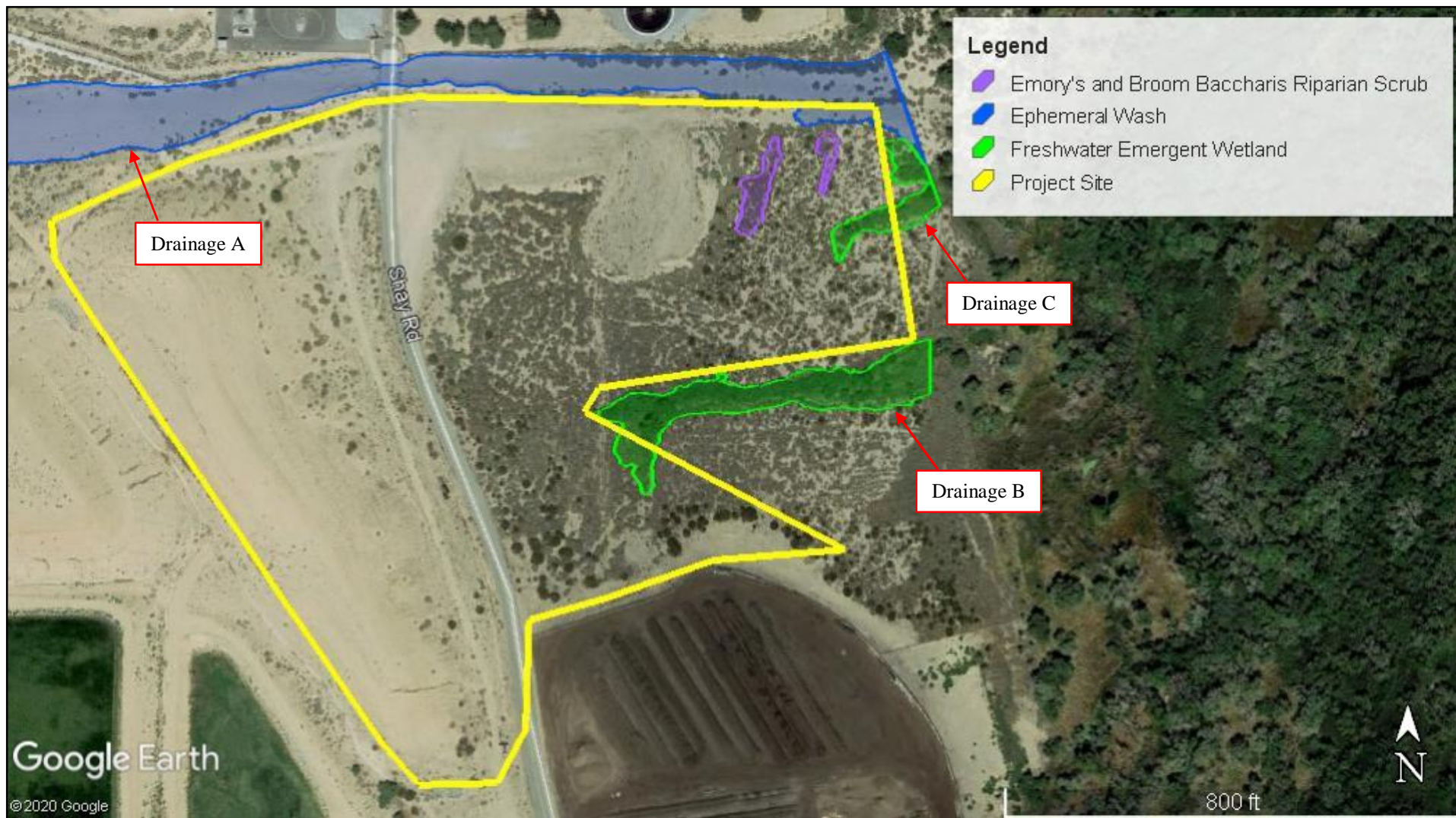
Waters of the State

Drainage A is subject to regulation by the CDFW under Section 1602 of the FGC, as well as by the RWQCB under the Porter Cologne Water Quality Control Act. Although this drainage feature consists mostly of unvegetated sandy river wash, it has an identifiable bed and bank, which defines the maximal extent of this feature. Therefore, Drainage A would fall under CDFW jurisdiction. The Project design will include a swale that will parallel the east side of Shay Road for site drainage. This swale will channel onsite runoff to the north end of the Project Area to drain into Drainage A just east of where Shay Road crosses Drainage A (Figure 1).

In addition to Drainage A, there are two small patches of riparian habitat consisting of Emory's and broom baccharis scrub near the northeast corner of the Project site and two drainage features (“Drainage B” and “Drainage C”) that support some freshwater emergent wetland habitat surrounded by non-native tamarisk thicket near the eastern boundary of the Project site (Figure 5). The two patches Emory's and broom baccharis scrub near the northeast corner of the Project site are comprised mostly of willow bacharis (*Baccharis salicina*) and perennial pepperweed (*Lepidium latifolium*). Drainage B and Drainage C are dominated by non-native, invasive species, primarily perennial pepperweed and saltcedar (*Tamarix ramosissima*), with common cattail (*Typha latifolia*) comprising most of the freshwater emergent vegetation.

Drainage B and Drainage C, as well the two small patches of Emory's and broom baccharis scrub near the northeast corner of the Project site, are all subject to regulation by the CDFW under Section 1602 of the FGC and by the RWQCB under the Porter Cologne Water Quality Control Act. However, the proposed Project has been designed to completely avoid impacting these features, including any riparian habitat, and

the Project design incorporates a 25-foot set-back from all jurisdictional features (Figure 1).



SOURCE: Google Earth

FIGURE 5

JACOBS

Jurisdictional Features ("Waters of the State")
AS-153 Athens Service Project

4 Conclusions and Recommendations

4.1 Sensitive Biological Resources

A BRA survey was conducted by Jacobs in October 2020 to identify potential habitat for special status plants and wildlife within the Project Area. No State and/or federally listed threatened or endangered species or other special status species were observed within the Project Area during survey and none are expected to occur. The proposed Project is within an already disturbed environment surrounded by existing VVWRA wastewater treatment facilities to the north and west and existing VVRCF composting facilities to the south, adjacent the Mojave River floodplain to the east. Some of the desert scrub habitat within the western half (west of Shay Road) of the Project site is marginally suitable for several special status species, including desert tortoise and BUOW, and there is some suitable habitat adjacent the Project site to the east for several special status riparian obligate bird species.

Mojave Desert Tortoise

Although the disturbed fourwing saltbush scrub and creosote bush scrub habitat within the western half of the Project Area is marginally suitable for the federally listed as endangered Mojave desert tortoise, a protocol-level desert tortoise survey was conducted within the Project Area by Jacobs biologists in October 2020 and the result of the survey was negative for this species. No desert tortoise individuals or sign including desert tortoise burrows, scat, carcasses or other sign were observed during survey and Mojave desert tortoise are considered absent from the Project Area at the time of survey. Although the Project is not likely to adversely affect this species, there is still a low potential for this species to occur in the Project Area and the following precautionary avoidance measures are recommended to ensure the Project does not result in any impacts to Mojave desert tortoise:

- Ø A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that would include information on general and special status species within the Project Area, identification of these species and their habitats, techniques being implemented during construction to avoid impacts to species, consequences of killing or injuring an individual of a listed species, and reporting procedures when encountering listed or sensitive species. All construction crews, foremen, and other Project personnel potentially working on site should attend this education program prior to the first day of work.
- Ø Preconstruction surveys for desert tortoise should be conducted no more than 14 days prior to new ground disturbance within each phase of development to verify that Mojave desert tortoise remain absent from the Project Area.
- Ø A qualified biological monitor should be present during all ground disturbing activities (clearing, grubbing and grading) to ensure that construction related activities do not impact any sensitive wildlife that may wander onto the site during construction.

Mohave Ground Squirrel

Based on the habitat conditions and existing disturbances within the Project site and surrounding area, as well as the proximity of the Project Area relative to the current known population distributions of Mohave ground squirrel, this species is not likely to occur within the Project Area and the Project is not likely to adversely affect this species. No additional avoidance, minimization or mitigation measures beyond those to those already recommended for Mojave desert tortoise (above) are warranted or recommended.

Burrowing Owl

A BUOW habitat suitability assessment was conducted by Jacobs biologists in October 2020 that included 100 percent visual coverage of the Project site, wherever potentially suitable desert tortoise habitat was present, including an approximately 500-foot buffer area around the Project site. The result of the survey was that no evidence of BUOW was found in the survey area. No BUOW individuals or sign including castings, feathers or whitewash were observed and BUOW are considered absent from the Project Area at the time of survey. Although the Project is not likely to adversely affect this species, there is still a low potential for this species to occur in the Project Area and the following precautionary avoidance measures are recommended to ensure the Project does not result in any impacts to BUOW:

- Ø BUOW would be included as one of the species covered in the WEAP that all construction crews, foremen, and other Project personnel potentially working on site should attend prior to the first day of work.
- Ø Preconstruction surveys for BUOW should be conducted no more than 14 days prior to new ground disturbance within each phase of development to verify that BUOW remain absent from the Project Area.

Nesting Birds

There is habitat within the Project Area that is suitable to support nesting birds, including adjacent habitat potentially suitable to support SWFL and LBVI. Most native bird species are protected from unlawful take by the MBTA (Appendix A). In December 2017, the Department of the Interior (DOI) issued a memorandum concluding that the MBTA's prohibitions on take apply "[...] only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs" (DOI 2017). Then in April 2018, the USFWS issued a guidance memorandum that further clarified that the take of migratory birds or their active nests (i.e., with eggs or young) that is incidental to, and not the purpose of, an otherwise lawful activity does not constitute a violation of the MBTA (USFWS 2018).

However, the State of California provides additional protection for native bird species and their nests in the FGC (Appendix A). Bird nesting protections in the FGC include the following (Sections 3503, 3503.5, 3511, 3513 and 3800):

- Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird.
- Section 3503.5 prohibits the take, possession, or needless destruction of any nests, eggs, or birds in the orders Falconiformes (new world vultures, hawks, eagles, ospreys, and falcons, among others), and Strigiformes (owls).
- Section 3511 prohibits the take or possession of Fully Protected birds.
- Section 3513 prohibits the take or possession of any migratory nongame bird or part thereof, as designated in the MBTA. To avoid violation of the take provisions, it is generally required that Project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle.
- Section 3800 prohibits the take of any non-game bird (i.e., bird that is naturally occurring in California that is not a gamebird, migratory game bird, or fully protected bird).

Given the presence of the ongoing disturbances associated with daily operations of the adjacent VVRCF and VVWRA facilities, disturbances associated with the proposed Project are not likely to constitute a significant impact to nesting birds that may be present adjacent the Project site, including SWFL and LBVI. However, the Project could result in direct impacts to nesting birds potentially occurring within the Project site. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season, which is generally February 1st through August 31st. However, if all work cannot be conducted outside of nesting season, the following is recommended:

- Ø To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist should conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to suitable nesting areas to identify any active nests. If no active nests are found, no further action would be required. If an active nest is found, the biologist should set appropriate no-work buffers around the nest which would be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nest(s) and buffer zones should be field checked weekly by a qualified biological monitor. The approved no-work buffer zone should be clearly marked in the field, within which no disturbance activity should commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

4.2 Jurisdictional Waters

Drainage B and Drainage C, as well as the two small patches of Emory's and broom baccharis scrub near the northeast corner of the Project site, are subject to regulation by the CDFW under Section 1602 of the FGC and by the RWQCB under the Porter Cologne Water Quality Control Act. However, the proposed Project has been designed to completely avoid impacting these features, including any wetland/riparian habitat, and the Project design incorporates a 25-foot set-back from all jurisdictional features (Figure 1). Therefore, no "Waters of the State" permitting will be required for Drainage B, Drainage C, or any of the riparian scrub habitat located near the northeast corner of the Project site.

Drainage A is an ephemeral stream that is also subject to the FGC and the Porter Cologne Water Quality Control Act under the jurisdictions of the CDFW and RWQCB, respectively. Therefore, any proposed permanent or temporary impacts to this feature would require a "Lake or Streambed Alteration Agreement" from the CDFW, as well as a permit from the RWQCB for "Discharges of Dredged or Fill Material to Waters of the State".

The Project design will include a swale that will parallel the east side of Shay Road for site drainage. This swale will channel onsite runoff to the north end of the Project Area to drain into Drainage A just east of where Shay Road crosses Drainage A (Figure 1).

FGC Section 1602 Lake or Streambed Alteration Agreement

An FGC Section 1602 Lake or Streambed Alteration (LSA) Agreement is required for all activities that alter streams (including ephemeral streams) and lakes and their associated riparian habitat. In addition to the formal application materials and fee (based on cost of the Project), a copy of the appropriate CEQA documentation must be included with the application.

The Project design will include a swale that will parallel the east side of Shay Road for site drainage. This swale will channel onsite runoff to the north end of the Project Area to drain into Drainage A just east of where Shay Road crosses Drainage A (Figure 1). The Project will likely impact CDFW jurisdictional ephemeral stream, where the proposed drainage swale would connect to Drainage A. Therefore, the Project

would require a Section 1602 LSA Agreement.

Regional Water Quality Control Board Permitting

The Project Area is within the jurisdiction of the Lahontan RWQCB (Regional Board 6V). The RWQCB regulates impacts to Waters of the State of California under the Porter Cologne Water Quality Control Act through issuance of a Construction General Permit, State General Waste Discharge Order, or Waste Discharge Requirements, depending upon the level of impact and the waterway. Project-related impacts to Drainage A would require a RWQCB permit and the Project Proponent would be required to submit an application for Discharges of Dredged or Fill Material to Waters of the State to the Lahontan RWQCB prior to commencement of any Project-related activities that may impact Drainage A, or any other Waters of the State. In addition to the formal application materials and fee (based on area of impact), a copy of the appropriate California Environmental Quality Act (CEQA) documentation must be included with the application.

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<p>Table 1: CNDDDB Species Occurrence Potential</p>
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Table 1. CNDDDB Species and Habitats Documented Within the Victorville, Victorville NW, Helendale and Adelanto USGS 7.5-minute Quadrangles

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Accipiter cooperii</i>	Cooper's hawk	None/ None	G5; S4; CDFW: WL	Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river floodplains; also, live oaks.	Although there is suitable nesting habitat for this species adjacent the Project site, the Project will avoid impacting any potentially suitable nesting habitat for this species. Nesting occurrence potential within the Project area is low .
<i>Agelaius tricolor</i>	tricolored blackbird	None/ Threatened	G2G3; S1S2; CDFW: SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The only documented occurrence for this species within the 4-quad CNDDDB query is approximately 3.8 miles SE of the Project area. The Project will avoid disturbing any adjacent wetland habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Anaxyrus californicus</i>	arroyo toad	Endangered/ None	G2G3; S2S3; CDFW: SSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc. Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	The only documented occurrences for this species within the 4-quad CNDDDB query are two historical occurrences (1956 and 1979) from approx. 3.1 miles and 5.3 miles SE of the Project Area, respectively. The species is considered extirpated from the Project vicinity. Occurrence potential on site is low .
<i>Aquila chrysaetos</i>	golden eagle	None/ None	G5; S3; CDFW: FP	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	No suitable nesting habitat for this species exists within the Project Area and the only documented occurrence for this species within the 4-quad CNDDDB query is a historical occurrence (1927) from the general area of Victorville. Occurrence potential on site is low .
<i>Athene cunicularia</i>	burrowing owl	None/ None	G4; S3; CDFW: SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	There is some suitable habitat for this species within the Project Area and this species has been documented within 1 mile W of the Project site (2002). However, BUOW surveys conducted on site and adjacent in 2020 were negative for this species. Therefore, BUOW are considered absent from the site at the time of survey. Occurrence potential on site is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Buteo swainsoni</i>	Swainson's hawk	None/ Threatened	G5; S3	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	The only documented occurrences for this species within the 4-quad CNDDDB query are three historical occurrences (1946, 1939 and 1920), the nearest of which (1939) is approx. 3.7 miles SW of the Project Area. Furthermore, the Project site is outside the current know breeding range for this species. Occurrence potential on site is low .
<i>Canbya candida</i>	white pygmy-poppy	None/ None	G3G4; S3S4; CNPS: 4.2	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Gravelly, sandy, granitic places. 600-1460 m.	Some habitat this species is associated with exists within the Project Area, but the only documented occurrence for this species within the 4-quad CNDDDB query is a historical occurrence (1903) from the general area of Victorville. Occurrence potential on site is low .
<i>Chaetodipus fallax pallidus</i>	pallid San Diego pocket mouse	None/ None	G5T34; S3S4; CDFW: SSC	Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	The rocky/gravelly microhabitats this species is associated with are absent from the Project site and based on habitat modeling for this species, the Project Area is outside any predicted occupied habitat. Occurrence potential on site is low .
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	Threatened/ Endangered	G5T2T3; S1	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.	The only documented occurrence for this species within the 4-quad CNDDDB query is approximately 8.2 miles SE of the Project area. The Project will avoid disturbing any adjacent riparian habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None/ None	G3G4; S2; CDFW: SSC	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.	There are no suitable roosting sites for this species in the Project Area. Occurrence potential on site is low .
<i>Diplacus mohavensis</i>	Mojave monkeyflower	None/ None	G2; S2; CNPS: 1B.2	Joshua tree woodland, Mojavean desert scrub. Dry sandy or rocky washes along the Mojave River. 660-1270 m.	Some of the habitat this species is associated with exists within the Project Area, but this species has not been documented W of the Mojave River. Occurrence potential on site is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	Endangered/ Endangered	G5T2; S1	Riparian woodlands in Southern California.	The only documented occurrence for this species within the 4-quad CNDDDB query is approximately 7.3 miles SE of the Project area. The Project will avoid disturbing any adjacent riparian habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Emys marmorata</i>	western pond turtle	None/ None	G3G4; S3; CDFW: SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 feet elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	The aquatic habitats this species requires are absent from the Project site and the Project will avoid any potentially suitable habitat for this species. Occurrence potential is low .
<i>Eremothera boothii</i> ssp. <i>boothii</i>	Booth's evening- primrose	None/ None	G5T4; S3; CNPS: 2B.3	Joshua tree woodland, pinyon and juniper woodland. 285-2290 m.	The habitats this species is associated with are absent from the Project Area. Occurrence potential on site is low .
<i>Falco mexicanus</i>	prairie falcon	None/ None	G5; S4; CDFW: WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	No suitable nesting habitat for this species exists within the Project Area. Occurrence potential on site is low .
<i>Gopherus agassizii</i>	Mojave desert tortoise	Threatened/ Threatened	G3; S2S3	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	There is some suitable habitat for this species within the Project Area and this species has been documented within 1 mile of the Project site. However, desert tortoise surveys conducted on site and adjacent in 2020 were negative for this species. Therefore, Mojave desert tortoise is considered absent from the site at the time of survey. Occurrence potential on site is low .
<i>Helminthoglypta mohaveana</i>	Victorville shoulderband	None/ None	G1; S1	Known only from along the Mojave River in San Bernardino County. Found among granite boulders and at the base of rocky cliffs.	The microhabitats this species is known to occur in (i.e. granite boulders, rocky cliffs) are absent from the Project site. Occurrence potential is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Icteria virens</i>	yellow-breasted chat	None/ None	G5; S3; CDFW: SSC	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 feet of ground.	The Project will avoid disturbing any adjacent wetland/riparian habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Lanius ludovicianus</i>	loggerhead shrike	None/ None	G4; S4; CDFW: SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and dense shrubs and brush for nesting.	There is suitable habitat for this species within the Project Area, but this species has not been documented within 5 miles of the Project site. Occurrence potential on site is moderate .
<i>Lasionycteris noctivagans</i>	silver-haired bat	None/ None	G5; S3S4	Primarily a coastal and montane forest dweller, feeding over streams, ponds and open brushy areas. Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes, and rarely under rocks. Needs drinking water.	This species does not typically occur in the habitat types that exist in the Project Area and the Project will avoid removing any trees that may provide suitable roost sites. Occurrence potential on site is low .
<i>Lasiurus cinereus</i>	hoary bat	None/ None	G5; S4	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Although there is suitable habitat for this species adjacent the Project site, the Project will avoid removing any trees that may provide suitable roost sites. Occurrence potential on site is low .
<i>Microtus californicus mohavensis</i>	Mohave river vole	None/ None	G5T1; S1; CDFW: SSC	Occurs only in weedy herbaceous growth in wet areas along the Mojave River. May be found in some irrigated pastures. Burrows into soft soil. Feeds on leafy parts of grasses, sedges and herbs. Clips grasses to form runways from burrow.	There is no suitable habitat for this species within the proposed disturbance area and the Project will avoid disturbing any adjacent wetland/riparian habitat potentially suitable for this species. Occurrence potential on site is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Pediomelum castoreum</i>	Beaver Dam breadroot	None/ None	G3; S2; CNPS: 1B.2	Joshua tree woodland, Mojavean desert scrub. Sandy soils; washes and roadcuts. 605-1485 m.	Some of the habitat this species is associated with exists within the Project Area, and this species has been documented approx. 2.2 miles S of the Project site. Occurrence potential on site is moderate .
<i>Phrynosoma blainvillii</i>	coast horned lizard	None/ None	G3G4; S3S4; CDFW: SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Although there is some suitable habitat for this species within the Project Area, the only documented occurrence for this species within the 4-quad CNDDDB query is a historical occurrence of an unknown date from approx. 1 mile S of the Project site. The Project site is likely outside of the current range distribution for this species. Occurrence potential on site is low .
<i>Piranga rubra</i>	summer tanager	None/ None	G5; S1; CDFW: SSC	Summer resident of desert riparian along lower Colorado River, and locally elsewhere in California deserts. Requires cottonwood-willow riparian for nesting and foraging; prefers older, dense stands along streams.	The Project will avoid disturbing any adjacent riparian habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Plebulina emigdionis</i>	San Emigdio blue butterfly	None/ None	G1G2; S1S2	Found in desert canyons and along riverbeds in Inyo, Kern, Los Angeles, and San Bernardino counties. Host plant is <i>Atriplex canescens</i> ; maybe <i>Lotus purshianus</i> also.	The host plant for this species is present within the Project Area and this species has been documented (2008) approx. 1 mile S of the Project site. Occurrence potential on site is high .
<i>Rana draytonii</i>	California red-legged frog	Threatened/ None	G2G3; S2S3; CDFW: SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	This species is considered likely extirpated from the region. Furthermore, the aquatic habitats this species requires are absent from the Project site and the Project will avoid any potentially suitable habitat for this species. Occurrence potential is low .
<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i>	southern mountains skullcap	None/ None	G4T3; S3; CNPS: 1B.2	Chaparral, cismontane woodland, lower montane coniferous forest. In gravelly soils on streambanks or in mesic sites in oak or pine woodland. 425-2000 m.	The habitats this species is associated with are absent from the Project Area. Occurrence potential on site is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Setophaga petechia</i>	yellow warbler	None/ None	G5; S3S4; CDFW: SSC	Riparian plant associations near 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.	The Project will avoid disturbing any adjacent wetland/riparian habitat potentially suitable for this species. Occurrence potential on site is low .
<i>Siphateles bicolor mohavensis</i>	Mohave tui chub	Endangered/ Endangered	G4T1; S1; CDFW: FP	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	This species is considered extirpated from the Mojave River. Furthermore, the aquatic habitats this species requires are absent from the Project site and the Project will avoid any potentially suitable habitat for this species. Occurrence potential is low .
<i>Symphyotrichum defoliatum</i>	San Bernardino aster	None/ None	G2; S2; CNPS: 1B.2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas. 3-2045 m.	The habitats this species is associated with are absent from the Project Area. Occurrence potential on site is low .
<i>Toxostoma lecontei</i>	Le Conte's thrasher	None/ None	G4; S3; CDFW: SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	There is suitable habitat for this species within the Project Area and this species has been documented within 4 miles of the Project site. Occurrence potential on site is moderate – high .
<i>Vireo bellii pusillus</i>	least Bell's vireo	Endangered/ Endangered	G5T2; S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, <i>Baccharis</i> , mesquite.	This species has been documented in suitable riparian habitat along the Mojave River within approx. 0.5-mile N of the Project area. However, the Project will avoid disturbing any adjacent riparian habitat potentially suitable for this species. Occurrence potential on site is low .

Scientific Name	Common Name	Listing Status Federal/ State	Other Status	Habitat	Occurrence Potential
<i>Xerospermophilus mohavensis</i>	Mohave ground squirrel	None/ Threatened	G2G3; S2S3	Open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	Although there is some marginally suitable habitat for this species within the Project Area, the Project site is approx. 15 miles outside (S) of the current known MGS population areas and population linkages. Furthermore, the potential habitat for this species is highly fragmented within the Project vicinity and the habitat intactness model for this species indicates that there is a moderately low to very low level of habitat intactness in the Project vicinity. Occurrence potential on site is low .

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)

**SITE
PHOTOS**





Photo 1. Looking east along the northern boundary of the parcel from the northwest corner of the parcel.



Photo 2. Looking southeast along the western boundary of the parcel from the northwest corner of the parcel.



Photo 3. Looking northwest along the western boundary of the parcel from the southwest corner of the parcel.



Photo 4. Looking northeast at the southern portion of the parcel from the southernmost corner of the parcel.



Photo 5. Looking north along the west side of Shay Rd. from the southern end of the parcel.



Photo 6. Looking east at the southeastern portion of the parcel (adjacent the north side of the existing VVRCF) from the southern end of the parcel.



Photo 7. Looking west along the north side of the existing VVRCF from the southeast portion of the parcel.



Photo 8. Looking west along the north side of the existing VVRCF from the southeast portion of the parcel.



Photo 9. Looking east along the north side of the existing VVRCF from the west side of Shay Rd.



Photo 10. Looking southeast at the southeast portion of the parcel, toward the existing VVRCF from the west side of Shay Rd.



Photo 11. Looking west toward Shay Rd. from the middle of the parcel.



Photo 12. Looking south toward the existing VVRCF from the middle of the parcel.



Photo 13. Looking east toward the eastern end of the parcel from the middle of the parcel.



Photo 14. Looking west along the northern border of the parcel from the northeast corner of the parcel.



Photo 15. Looking east along the northern border of the parcel from the northeast corner of the parcel.



Photo 16. Patch of riparian scrub habitat near the northeastern corner of the parcel



Photo 17. Patch of riparian scrub habitat near the northeastern corner of the parcel



Photo 18. Patch of freshwater emergent wetland/riparian scrub habitat near the northeastern corner of the parcel



Photo 19. Patch of freshwater emergent wetland/riparian scrub habitat adjacent the eastern boundary of the parcel



Photo 20. Patch of freshwater emergent wetland/riparian scrub habitat adjacent the eastern boundary of the parcel

Appendix A: Regulatory Framework

REGULATORY FRAMEWORK

Federal Regulations

Clean Water Act

The purpose of the Clean Water Act (CWA) of 1977 is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Section 404 of the CWA prohibits the discharge of dredged or fill material into “waters of the United States” without a permit from the United States Army Corps of Engineers (USACE). The definition of waters of the United States includes rivers, streams, estuaries, territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas “that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 Code of Federal Regulations [CFR] 328.3 7b). The U.S. Environmental Protection Agency (EPA) also has authority over wetlands and may override a USACE permit. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; in California this certification or waiver is issued by the Regional Water Quality Control Board (RWQCB).

Federal Endangered Species Act (ESA)

The federal Endangered Species Act (ESA) of 1973 protects plants and wildlife that are listed by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as endangered or threatened. Section 9 of the ESA (USA) prohibits the taking of endangered wildlife, where taking is defined as any effort to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 United States Code [USC] 1538). Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity, provided the action will not jeopardize the continued existence of the species. The ESA specifies that the USFWS designate habitat for a species at the time of its listing in which are found the physical or biological features “essential to the conservation of the species,” or which may require “special Management consideration or protection...” (16 USC § 1533[a][3].2; 16 USC § 1532[a]). This designated Critical Habitat is then afforded the same protection under the ESA as individuals of the species itself, requiring issuance of an Incidental Take Permit prior to any activity that results in “the destruction or adverse modification of habitat determined to be critical” (16 USC § 1536[a][2]).

Interagency Consultation and Biological Assessments

Section 7 of ESA provides a means for authorizing the “take” of threatened or endangered species by federal agencies, and applies to actions that are conducted, permitted, or funded by a federal agency. The statute requires federal agencies to consult with the USFWS or National Marine Fisheries Service (NMFS), as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. If a Proposed Project “may affect” a listed species or destroy or modify critical

habitat, the lead agency is required to prepare a biological assessment evaluating the nature and severity of the potential effect.

Habitat Conservation Plans

Section 10 of the federal ESA requires the acquisition of an Incidental Take Permit (ITP) from the USFWS by non-federal landowners for activities that might incidentally harm (or “take”) endangered or threatened wildlife on their land. To obtain a permit, an applicant must develop a Habitat Conservation Plan that is designed to offset any harmful impacts the proposed activity might have on the species.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. Sections 661 to 667e et seq.) applies to any federal Project where any body of water is impounded, diverted, deepened, or otherwise modified. Project proponents are required to consult with the USFWS and the appropriate state wildlife agency.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (The Eagle Act) (1940), amended in 1962, was originally implemented for the protection of bald eagles (*Haliaeetus leucocephalus*). In 1962, Congress amended the Eagle Act to cover golden eagles (*Aquila chrysaetos*), a move that was partially an attempt to strengthen protection of bald eagles, since the latter were often killed by people mistaking them for golden eagles. This act makes it illegal to import, export, take (molest or disturb), sell, purchase, or barter any bald eagle or golden eagle or part thereof. The golden eagle, however, is accorded somewhat lighter protection under the Eagle Act than that of the bald eagle.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 implements international treaties between the United States and other nations created to protect migratory birds, any of their parts, eggs, and nests from activities, such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR Part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code (CFGC).

However, on December 22, 2017 the U.S. Department of the Interior (DOI) issued a memorandum concluding that MBTA’s prohibitions on take apply “[...] only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs” (DOI 2017). Therefore, take of migratory birds or their active nests (i.e., with eggs or young) that is incidental to, and not the purpose of, an otherwise lawful activity does not constitute a violation of the MBTA. Then, on April 11, 2018, the USFWS issued a guidance memorandum that provided further clarification on their interpretation:

“We interpret the M-Opinion to mean that the MBTA’s prohibitions on take apply when the purpose of an action is to take migratory birds, their eggs, or their nests. Conversely, the take of birds, eggs or nests occurring as the result of an activity, the purpose of which is not to take birds, eggs or nests, is not prohibited by the MBTA” (USFWS 2018).

Therefore, the MBTA is currently interpreted to prohibit the take of birds, nests or eggs when the *purpose* or *intent* of the action is to take birds, eggs or nests, not when the take of birds, eggs or nests is incidental to but not the intended purpose of an otherwise lawful action.

Executive Orders (EO)

Invasive Species – EO 13112 (1999): Issued on February 3, 1999, promotes the prevention and introduction of invasive species and provides for their control and minimizes the economic, ecological, and human health impacts that invasive species cause through the creation of the Invasive Species Council and Invasive Species Management Plan.

Migratory Bird – EO 13186 (2001): Issued on January 10, 2001, promotes the conservation of migratory birds and their habitats and directs federal agencies to implement the Migratory Bird Treaty Act. Protection and Enhancement of Environmental Quality—EO 11514 (1970a), issued on March 5, 1970, supports the purpose and policies of the National Environmental Policy Act (NEPA) and directs federal agencies to take measures to meet national environmental goals.

Migratory Bird Treaty Reform Act

The Migratory Bird Treaty Reform Act (Division E, Title I, Section 143 of the Consolidated Appropriations Act, 2005, PL 108–447) amends the Migratory Bird Treaty Act (16 U.S.C. Sections 703 to 712) such that nonnative birds or birds that have been introduced by humans to the United States or its territories are excluded from protection under the Act. It defines a native migratory bird as a species present in the United States and its territories as a result of natural biological or ecological processes. This list excluded two additional species commonly observed in the United States, the rock pigeon (*Columba livia*) and domestic goose (*Anser domesticus*).

Birds of Conservation Concern

Birds of Conservation Concern (BCC) is a USFWS list of bird species identified to have the highest conservation priority, and with the potential for becoming candidates for listing as federally threatened or endangered. The chief legal authority for BCC is the Fish and Wildlife Conservation Act of 1980 (FWCA). Other authorities include the FESA, the Fish and Wildlife Act of 1956, and the Department of the Interior U.S Code (16 U.S.C. § 701). The 1988 amendment to the FWCA (Public Law 100-653, Title VIII) requires the Secretary of the Interior, through the USFWS, to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973” (USFWS, 2008a).

State Regulations

California Fish and Game Code Sections 1600 through 1606 of the CFGC

This section requires that a Streambed Alteration Application be submitted to the CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the Department and the applicant is the Streambed Alteration Agreement. Often, Projects that require a Streambed Alteration Agreement also require a permit from the USACE under Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the Streambed Alteration Agreement may overlap.

California Endangered Species Act

The California Endangered Species Act (CESA) (Sections 2050 to 2085) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats by protecting “all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation.” Animal species are listed by the CDFW as threatened or endangered, and plants are listed as rare, threatened, or endangered. However, only those plant species listed as threatened or endangered receive protection under the California ESA.

CESA mandates that state agencies do not approve a Project that would jeopardize the continued existence of these species if reasonable and prudent alternatives are available that would avoid a jeopardy finding. There are no state agency consultation procedures under the California ESA. For Projects that would affect a species that is federally, and State listed, compliance with ESA satisfies the California ESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the California ESA under Section 2080.1. For Projects that would result in take of a species that is state listed only, the Project sponsor must apply for a take permit, in accordance with Section 2081(b).

Fully Protected Species

Four sections of the California Fish and Game Code (CFGF) list 37 fully protected species (CFGF Sections 3511, 4700, 5050, and 5515). These sections prohibit take or possession "at any time" of the species listed, with few exceptions, and state that "no provision of this code or any other law will be construed to authorize the issuance of permits or licenses to ‘take’ the species,” and that no previously issued permits or licenses for take of the species "shall have any force or effect" for authorizing take or possession.

Bird Nesting Protections

Bird nesting protections (Sections 3503, 3503.5, 3511, 3513 and 3800) in the CFGF include the following:

- Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird.
- Section 3503.5 prohibits the take, possession, or needless destruction of any nests, eggs, or birds in the orders Falconiformes (new world vultures, hawks, eagles, ospreys, and falcons, among others), and Strigiformes (owls).
- Section 3511 prohibits the take or possession of Fully protected birds.
- Section 3513 prohibits the take or possession of any migratory nongame bird or part thereof, as designated in the MBTA. To avoid violation of the take provisions, it is generally required that Project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle.
- Section 3800 prohibits the take of any any non-game bird (i.e., bird that is naturally occurring in California that is not a gamebird, migratory game bird, or fully protected bird)

Native Plant Protection Act

The Native Plant Protect Act (NPPA) (1977) (CFGF Sections 1900-1913) was created with the intent to “preserve, protect, and enhance rare and endangered plants in this State.” The NPPA is administered by CDFW. The Fish and Game Commission has the authority to designate native plants as endangered or rare and to protect endangered and rare plants from take. CESA (CFGF 2050-2116) provided further protection

for rare and endangered plant species, but the NPPA remains part of the Fish and Game Code.

Appendix B:
USFWS IPaC, CNDDB
& CNPSEI Results



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



In Reply Refer To:

November 09, 2020

Consultation Code: 08ECAR00-2021-SLI-0171

Event Code: 08ECAR00-2021-E-00395

Project Name: AS-153 Athens Service Project

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

Project Summary

Consultation Code: 08ECAR00-2021-SLI-0171

Event Code: 08ECAR00-2021-E-00395

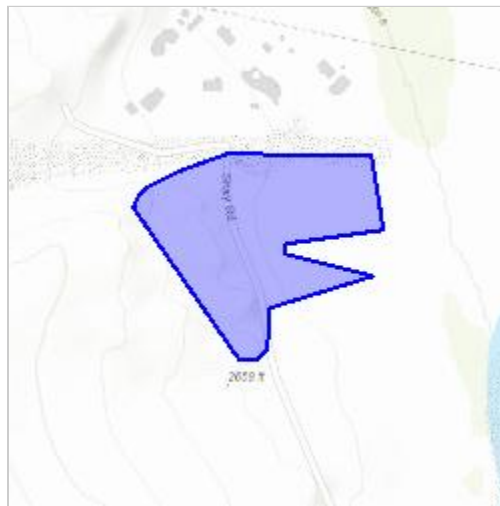
Project Name: AS-153 Athens Service Project

Project Type: ** OTHER **

Project Description: Approximately 24-acre expansion of existing Victor Valley Regional Compost Facility.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.613699188792154N117.35733236575436W>



Counties: San Bernardino, CA

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

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

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

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

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

Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> 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	Endangered
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered

Reptiles

NAME	STATUS
Desert Tortoise <i>Gopherus agassizii</i> Population: Wherever found, except AZ south and east of Colorado R., and Mexico There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4481	Threatened

Amphibians

NAME	STATUS
Arroyo (=arroyo Southwestern) Toad <i>Anaxyrus californicus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3762	Endangered

Fishes

NAME	STATUS
Mohave Tui Chub <i>Gila bicolor ssp. mohavensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8466	Endangered

Critical habitats

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



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (Victorville (3411753) OR Victorville NW (3411764) OR Adelanto (3411754) OR Helendale (3411763))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Accipiter cooperii</i> Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
<i>Anaxyrus californicus</i> arroyo toad	AAABB01230	Endangered	None	G2G3	S2S3	SSC
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S3	SSC
<i>Buteo swainsoni</i> Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
<i>Canbya candida</i> white pygmy-poppy	PDPAP05020	None	None	G3G4	S3S4	4.2
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	AMAFD05032	None	None	G5T34	S3S4	SSC
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
<i>Diplacus mohavensis</i> Mojave monkeyflower	PDSCR1B1V0	None	None	G2	S2	1B.2
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	ABPAE33043	Endangered	Endangered	G5T2	S1	
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eremothera boothii ssp. boothii</i> Booth's evening-primrose	PDONA03052	None	None	G5T4	S3	2B.3
<i>Falco mexicanus</i> prairie falcon	ABNKD06090	None	None	G5	S4	WL
<i>Gopherus agassizii</i> desert tortoise	ARAAF01012	Threatened	Threatened	G3	S2S3	
<i>Helminthoglypta mohaveana</i> Victorville shoulderband	IMGASC2340	None	None	G1	S1	
<i>Icteria virens</i> yellow-breasted chat	ABPBX24010	None	None	G5	S3	SSC
<i>Lanius ludovicianus</i> loggerhead shrike	ABPBR01030	None	None	G4	S4	SSC



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/CDFW SSC or FP
<i>Lasionycteris noctivagans</i> silver-haired bat	AMACC02010	None	None	G5	S3S4	
<i>Lasiurus cinereus</i> hoary bat	AMACC05030	None	None	G5	S4	
<i>Microtus californicus mohavensis</i> Mohave river vole	AMAFF11031	None	None	G5T1	S1	SSC
<i>Pediomelum castoreum</i> Beaver Dam breadroot	PDFAB5L050	None	None	G3	S2	1B.2
<i>Phrynosoma blainvillii</i> coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
<i>Piranga rubra</i> summer tanager	ABPBX45030	None	None	G5	S1	SSC
<i>Plebulina emigdionis</i> San Emigdio blue butterfly	IILEPG7010	None	None	G1G2	S1S2	
<i>Rana draytonii</i> California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
<i>Scutellaria bolanderi ssp. austromontana</i> southern mountains skullcap	PDLAM1U0A1	None	None	G4T3	S3	1B.2
<i>Setophaga petechia</i> yellow warbler	ABPBX03010	None	None	G5	S3S4	SSC
<i>Siphateles bicolor mohavensis</i> Mohave tui chub	AFCJB1303H	Endangered	Endangered	G4T1	S1	FP
<i>Symphyotrichum defoliatum</i> San Bernardino aster	PDASTE80C0	None	None	G2	S2	1B.2
<i>Toxostoma lecontei</i> Le Conte's thrasher	ABPBK06100	None	None	G4	S3	SSC
<i>Vireo bellii pusillus</i> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	AMAFB05150	None	Threatened	G2G3	S2S3	

Record Count: 34



*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

Plant List

10 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quads 3411753, 3411764 3411763 and 3411754;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Remove Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank	Photo
-----------------	-------------	--------	----------	-----------------	--------------------	------------	-------------	-------

[Canbya candida](#)

white pygmy-poppy

Papaveraceae

annual herb

Mar-Jun

4.2

S3S4

G3G4



2003 Heath McAllister

[Chorizanthe spinosa](#)

Mojave spineflower

Polygonaceae

annual herb

Mar-Jul

4.2

S4

G4



2011 Don Davis

[Diplacus mohavensis](#)

Mojave monkeyflower

Phrymaceae

annual herb

Apr-Jun

1B.2

S2

G2



2010 Aaron Schusteff

[Eremothera boothii ssp.](#)

Booth's evening-primrose

Onagraceae

annual herb

Apr-Sep

2B.3

S3

G5T4

[boothii](#)

2004 James M. Andre

[Lycium torreyi](#) Torrey's box-thorn Solanaceae perennial shrub (Jan-Feb)Mar-Jun(Sep-Nov) 4.2 S3 G4G5 no photo available

[Muilla coronata](#) crowned muilla Themidaceae perennial bulbiferous herb Mar-Apr(May) 4.2 S3 G3



2005 Chris Wagner, SBNF

[Pediomelum castoreum](#) Beaver Dam breadroot Fabaceae perennial herb Apr-May 1B.2 S2 G3



2005 James M. Andre

[Sclerocactus polyancistrus](#) Mojave fish-hook cactus Cactaceae perennial stem succulent Apr-Jul 4.2 S3 G3



2008 Gary A. Monroe

[Scutellaria bolanderi ssp. austromontana](#) southern mountains skullcap Lamiaceae perennial rhizomatous herb Jun-Aug 1B.2 S3 G4T3



2013 Ron Vanderhoff

[Symphyotrichum defoliatum](#) San Bernardino aster Asteraceae perennial rhizomatous herb Jul-Nov(Dec) 1B.2 S2 G2



2009 Bob Allen

Suggested Citation

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