

Natural Resource and Habitat Assessment
In Consideration of the
Proposed Development Adelanto 35 Plus Development
Located on Rancho Road, Adelanto, CA 92301
T5N, R5W Section 3 N 1/2
(APN: 312-82-9103)

Prepared By:

Nexus Environmental, LLC

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Date: June 4, 2022

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**Natural Resource and Habitat Assessment for the
Proposed Commercial Truck Station - Adelanto 35 Plus,
Located at the Southeast intersection of
Adelanto Road and Rancho Road, Adelanto, CA 92301**

This Biological Habitat Assessment and Natural Resource Evaluation was prepared by Nexus Environmental, LLC on behalf of the EPC Consulting, Inc. in consideration of the proposed commercial development (Project), at the Rancho Road, Adelanto, CA 92301 (APN: 312-82-9103). This natural resource analysis and biological habitat assessment satisfies requirements under the California Environmental Quality Act (CEQA), and considers applicable laws including:

- California Endangered Species Act (CESA)
- Federal Endangered Species Act (FESA)
- California Fish and Game Code (§1600-1603, §2080-2081, §3503-3503.5)
- U.S. Clean Water Act (CWA)
- Porter-Cologne Water Quality Control Act
- Migratory Bird Treaty Act (MBTA)

Project Description

The Applicant proposes to construct a Truck Station on an approximate 35-acre parcel. The parcel is located at the southeast quadrant of Adelanto Road and Rancho Road, Adelanto, CA 92301 in San Bernardino County (see APN Map and proposed site plan; Attachments 1 and 2).

Methodology

Analysis methods include scientific literature review, site visit, and review of aerial imagery.

Michael Grimes is an Environmental Professional with approximately 10 years practicing environmental resource impact evaluations in southern California, including 5 years of biological resource analysis; he holds a Bachelor of Arts Degree in Biology from CSU San Bernardino, CA.

Mr. Elmer Llamas is an Environmental Professional and field biologist with approximately 8 years practicing biological resource analysis throughout Central and Southern California. Mr. Llamas has a Bachelor of Science in Natural Resources Planning and Interpretation from Humboldt State University, Humboldt, CA.

Mrs. Julie Scrivner assisted in pedestrian surveys. Mrs. Scrivner is a Senior Environmental Professional specializing in NEPA/CEQA compliance. Her credentials include B.S. Anthropology from University of California, Riverside M.A. Anthropology from University of California, Riverside. Mrs. Scrivner possesses over 30 years of cultural and natural resource analysis. She likewise carries more than 4 years in federal and State-level environmental

analysis, including biological resource analysis under FESA and CESA, in Southern California (San Bernardino and Riverside Counties).

Mr. Grimes, assisted by Mrs. Scrivner, conducted a general habitat assessment of the project site on May 27, 2022 approximately 8:00 AM. The temperature was approximately 79° F with predominantly clear skies, sparse clouds, with low wind conditions (below 6 mph), and high visibility. Pedestrian survey consisted of 15-meter parallel transect walk of the site, at a pace allowing for careful observation, allowing for 100% visual coverage of the surface area present on site. The habitat assessment included 100% visual coverage of the site. Trimble hand-held global positioning system (GPS) units, previously uploaded with transect route coordinates, were used to maintain each pedestrian survey transect line.

Literature and image sources reviewed for this project include:

- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS) were queried for the *Adelanto, California* 7.5-minute Quadrangle (CDFW, April 2022).
- The California Native Plant Society (CNPS) Geographic Information System (CNPS, April 2022).
- The United States Fish and Wildlife Service's (USFWS) Information for Planning and Consultation System (IPaC) was queried for an unofficial report of federally-listed species and designated critical habitat (USFWS, April 2022).
- The USFWS National Wetlands Inventory (NWI) Wetlands Mapper (April 2022).
- The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey Geographic Information System was queried for a report on all soil series classifications within the study area (NRCS April 2022).
- Google Earth Pro (April 2022).

The study area for this analysis includes a 300-foot buffer beyond the construction footprint to account for potential indirect project related impacts (i.e. - noise, ground vibrations, water quality impacts, artificial lighting, etc.).

Literature review for this location identifies three (3) Federal and four (4) State-listed or candidate species as having potential to occur in the project vicinity. Results from the literature search are included in the following table.

Listed and Candidate Species, Natural Communities, and Federally Designated Critical Habitat Potentially Occurring or Known to Occur in the Project Area.				
Common Name (scientific name)	Status	General Habitat Description	Habitat Present/Absent	Rationale
Invertebrates				
monarch butterfly (<i>Danaus plexippus</i>)	FC	Milkweed is required for monarch habitat for egg laying and to provide food for larvae. The species ranges from South America to Canada and overwintering populations are found in Mexico, California, Arizona, and along the US East Coast. They require access to streams, plenty of sunlight, and appropriate roosting vegetation that is relatively free from predators. While breeding, monarchs can be found in agricultural fields, pastureland, prairie remnants, urban and suburban residential areas, gardens, trees, and roadsides.	A	No milkweed was observed during species habitat assessment surveys, and none have been recorded previously in the study area. Because of the importance of milkweed to monarch habitat, suitable habitat is not present in the study area.
Reptiles				
desert tortoise (<i>Gopherus agassizii</i>)	FT, ST	Occurs in almost every desert habitat. Inhabits Joshua tree woodland, Mojavean desert scrub, and Sonoran Desert scrub habitats, and washes. Require friable soil for burrow and nest construction; creosote bush habitat with large annual wildflower blooms is preferred.	HP	The study area contains potentially suitable (low potential) Mojavean desert scrub and Joshua tree woodland. There are no CNDDDB documented occurrences in the study area. The parcel is surrounded by roadway and development on 3 sides. Furthermore, the site exhibits high levels of disturbance from frequent off-highway vehicle use, and the unimproved dirt road (Primrose St.), which meanders throughout much of the site. The site exhibits signs of potential signs of transient desert tortoise presence, and potential juvenile burrow attempts. No active

				burrows or potential burrows were located on site. The site is not presently occupied by desert tortoise. No scat or carcasses were found. The site exhibits signs of transient presence of desert tortoise, in the form of previous or failed burrow attempts.. No active or recent signs of desert tortoise were present on site.
Birds				
Burrowing owl (<i>Athene cunicularia</i>)	SSC	Found within coastal prairie; coastal scrub; Great Basin grassland; Great Basin scrub; Mojavean desert scrub; Sonora Desert scrub; and valley and foothill grassland, often within dry annual or perennial grasslands, deserts, and scrublands with low-growing vegetation; depends on other mammal burrows, particularly the California ground squirrel.	HP	The study area contains potentially suitable (low potential) Mohavean desert scrub habitat. There are no CNDDDB documented occurrences in the study area. No signs of burrowing owl were observed during the May 27, 2022 pedestrian survey. One potential burrow site occurs to the east of the project site adjacent to the neighboring driveway. A small mound of dirt evidences burrows of a small mammal such as coyote, or kit fox, and could be used by burrowing owl. This single location exhibits signs of frequent human disturbance. No indicator signs of burrowing owl are found at this single location. No potential or active burrowing owl burrows were located found on site. No signs of white wash, BUOW pellet, BUOW feathers are identified on site. The site contains marginally suitable (highly disturbed) foraging habitat in the form of potential small mammal dens, earthen berms, and rodent burrows.
Swainson's hawk (<i>Buteo swainsoni</i>)	ST	Inhabits Great Basin grassland, riparian forest, riparian woodland, and valley and foothill grassland habitats. Species breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging	A	The study area does not contain suitable foraging or nesting habitat capable of supporting this species.

		areas such as grasslands, or alfalfa or grain fields supporting rodent populations.		
California condor (<i>Gymnogyps californianus</i>)	FE, SE, FP	Inhabits chaparral and valley and foothill grassland habitats. It requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Condors forage up to 100 miles from the nest.	A	The study area does not contain suitable foraging or nesting habitat capable of supporting this species.
Le Conte's thrasher (<i>Toxostoma lecontei</i>)	SSC	A desert resident, species inhabits desert wash, Mojavean desert scrub and Sonoran Desert scrub habitats. Can be found primarily within 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.	HP	The study area contains marginally suitable Mojavean desert scrub habitat. There are no CNDDDB documented occurrences in the study area. The site is heavily disturbed due to off-highway vehicle usage. Nesting birds were not observed on site during the May 27, 2022 pedestrian survey.
Mammals				
Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	ST	Restricted to the Mojave Desert. Found in open desert scrub, chenopod scrub, Mojavean desert scrub, alkali scrub, and Joshua tree woodland. Also feeds in annual grasslands. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	HP	The study area contains marginally suitable (low potential) Mojavean desert scrub and Joshua tree woodland. There are no CNDDDB documented occurrences in the study area. Furthermore, the site is surrounded by development and roadway, and habitat connectivity is excluded. The site exhibits copious signs of human disturbance (litter, pedestrian use, off-highway vehicles, etc). This species is deemed absent from this site.

Plants				
Western Joshua Tree (<i>Yucca brevifolia</i>)	SCT	Occurs throughout the Mohave desert	HP	Approximately 26 WJT specimen occur on site, including approximately seven (7) dead specimen.
Short joint beaver tail cactus (<i>Opuntia basilaris</i> var. <i>brachyclada</i>)	S3, 1B.2	General habitat consists of chaparral, Joshua tree woodland, Mohavean desert scrub, and pinyon and juniper woodland.	HP	Suitable habitat for short joint beaver tail cactus occurs on site. However, this species was not observed on site during pedestrian surveys. This species is absent from the project site based on pedestrian transects of the Project site.

[Abbreviations: Absent [A] - no habitat present and no further work needed. Critical Habitat [CH]- USFWS critical habitat is present. Habitat Present [HP] - habitat is or may be present. The species may be present. Status: Federal Endangered (FE); State Candidate Endangered (SCE); State Candidate Threatened (SCT); State Endangered (SE); State Watch List (WL); Fully Protected (FP); State Species of Special Concern (SSC); California Native Plant Society (CNPS): 1A- plants presumed extirpated in CA and either rare or extinct elsewhere, 1B- plants rare, threatened, or endangered in CA and elsewhere, 2A- plants presumed extirpated in CA, but more common elsewhere, 2B- plants rare, threatened, or endangered in CA, but more common elsewhere, 3- plants about which more information is needed-CNPS review list, 4- plants of limited distribution.]

Existing Conditions

The 35+/- acre project site is relatively flat at an elevation of approximately 2,965 feet above mean sea level and shows heavy signs of frequent human disturbance such as litter, trash dumping, recreational use including tire tracks and off-road vehicle use. The site likewise contains an unimproved dirt road (Primrose St.), meandering along the property, as shown in Google Earth and aerial imagery. Therefore, habitat conditions on site are heavily degraded, and likewise subject to frequent disturbance.

The site is primarily characterized as disturbed creosote bush scrub alliance, consisting of scattered shrubs with large inter-shrub spaces. Dominant species include creosote bush (*Larrea tridentata*) and western Joshua tree (*Yucca brevifolia*) (WJT). Each of the habitat types found in the study area are described below:

Disturbed Creosote Bush Scrub Alliance. This community is characterized by creosote bush (*Larrea tridentata*) as the dominant species in the shrub canopy of the study area. Shrubs of this vegetation category are less than 3 meters in height, have an open to intermittent canopy and an herbaceous layer of seasonal annuals. This community is present throughout the unpaved portions of the study area in nearly pure stands. Human disturbance was observed throughout the project site including trash/debris and evidence of off-road vehicle use such as tire tracks and trails, consisting of bare ground and damaged vegetation. Other species observed within this community include white bursage (*Ambrosia dumosa*), cryptantha (*Cryptantha* spp.), and western Joshua tree (*Yucca brevifolia*).

Joshua Tree Woodland. Joshua tree woodland is largely sparse with few individual trees scattered throughout the unpaved portions of the study area intermixed with disturbed creosote bush scrub alliance. These yuccas are restricted to dry, rocky slopes and mesas and have been mapped abundantly in the High Desert Plains and Hills and Lucerne – Johnson Valleys and Hills Subsections (Mojave) at elevations between about 2800 – 5400 ft (853 – 1646 m). They typically occur on low- gradient slopes; these sites are often found adjacent to the Desert Mixed Scrub Alliance. The site contains approximately 26 WJT specimen, including 7 (seven) dead specimen.

Discussion of Townsend's Big-eared Bat (*Corynorhinus townsendii*)

Townsend's big-eared bat is found throughout California in all but subalpine and alpine habitats, and may be found at any season throughout its range. Townsend's big-eared bat is considered uncommon in California. It is most abundant in mesic habitats. No roosting habitat occurs on the property for Townsend's big-eared bat (*Corynorhinus townsendii*). Foraging habitat may occur on site, however, roosting habitat does not occur on site. This species is deemed absent from the site.

Discussion of USFWS Critical Habitat

The project site and study area are not within a federally designated critical habitat unit. Due to the ongoing disturbances from adjacent commercial practices, evidence of frequent onsite off-road vehicle use, and likewise, surrounding paved roadways, the site contains low potential for federally listed species occurrence. The project site is not within federally designated Desert tortoise habitat.

Discussion of Western Joshua Tree (*Yucca brevifolia*)

As a Candidate for Threatened California Endangered Species Act (CESA)-listed species, CDFW is concerned with the Project's potential impacts to Western Joshua tree (WJT), which are present on the Project site. Accordingly, the proposed project includes mitigation for take of WJT tree.

To properly calculate demographics and estimate the quality of WJT habitat on-site, CDFW recommends that the project Applicant conduct an impact analysis to address and quantify the entire population of WJT on-site through focused surveys.

The WJT survey results should be provided in the final MND to include the following: a) GPS coordinates and accompanying map for each WJT within the Project Area; b) the age class of each WJT; c) the number of clonal WJT associated with each parent plant and the methodology used to make this determination; d) a unique numbering system for each WJT, and e) geo-referenced, representative photos of parent trees, clones, and general distribution of WJT across the Project site.

CDFW considers impacts to WJT from implementation of a 186-foot radius in consideration of the seedbank. The final WJT analysis should thereby include impact analysis to assess potential impacts to WJT within a 186-foot buffer zone of each WJT, 2) in addition to implementation of a 300-foot buffer around each WJT not scheduled for removal, and 3) a mitigation strategy addressing impacts to WJT individuals, the WJT seedbank, and indirect impacts to WJT.

Indirect impacts to WJT include the destruction of the yucca moth (*Tegeticula synthetica*), WJT's obligate pollinator, during its dormant and flight phases, which would thereby impact the ability of WJT to sexually recruit new individuals. It should also be noted that the destruction or modification of WJT habitat could eliminate critical nurse plants for WJT seedling survival and disrupt the seed dispersal behavior of rodents; the primary way that WJT seeds are buried deep enough for successful seed germination. As such, it is recommended per CDFW requirements, the final MND 1) adequately identify and disclose Project impacts (i.e., direct, indirect, and cumulative) to WJT as noted above, 2) propose mitigation to offset impacts to WJT, and 3) demonstrate that impacts to WJT are less than significant and, for the purposes of CESA

permitting, are fully mitigated.

Accordingly, CDFW-recommended avoidance, minimization and mitigation measures are presented below:

BIO-1-Western Joshua Tree:

If any western Joshua trees (WJT) are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from California Department of Fish and Wildlife (CDFW) under CDFW under §2081 of the California Endangered Species Act (CESA), prior to the relocation, removal, or take (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection through either the purchase of conservation or mitigation bank credits or the establishment of a conservation easement, development of a long-term management plan, and securing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed, or financial security must be provided before starting any Project activities. To execute an ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof the document has been circulated.

Incidentally, at the time of this writing, the California Fish and Game Commission intends to vote on a petition for the candidacy of WJT as a State-listed threatened species on June 15 and 16, 2022. In the event the California Fish and Game Commission declines to list WJT as a State-listed threatened species, the above recommendations and measures, including the requirement for CDFW Incidental Take Permit, as relating to WJT would then no longer apply. Protection afforded to the WJT under its temporary candidacy status would thereby terminate.

Therefore, in the event subsequent to the anticipated June 16, 2022 determination by the California Fish and Game Commission to not list WJT as a State-listed threatened species, the following WJT measure would then apply:

BIO-2-Native Vegetation Removal:

The Applicant will obtain a Native Vegetation Removal Permit subject to the City of Adelanto's Native Plant Removal Permit application procedure and requisite application fees.

Discussion of Rare Plants

Western Joshua Tree occurs on site, and is discussed above. Results from the literature search do not indicate occurrences of rare plant species occurring at the project site. Pedestrian surveys were conducted May 27, 2022, including 100% visual coverage of the ground. With the exception of WJT, no special status plant species were observed on site.

The project features WJT woodland, mohavean scrub, and creosote bush alliance scrub. The site features potentially suitable habitat for other special-status plants. According to literature review for this project, at least five (5) special-status plant species have potential for occurrence within the Project vicinity, with potentially suitable habitat on site:

- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*; state rank of S2),
- Mojave monkeyflower (*Diplacus mohavensis*; state rank of S2),
- Mojave fish-hook cactus (*Sclerocactus polyancistrus*, state rank of S3)
- Mohave spineflower (*Chorizanthe spinosa* state rank of S4)
- white pygmy poppy (*Canbya candida* state rank of S3S4)
- Short joint beaver tail (*Opuntia basilaris* var. *brachyclada*; S3)

CDFW recommends botanical field surveys following the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) prior to construction. As such, it is recommended to include BIO-3, below, to the final ISMND to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts:

Western Joshua Tree occurs on site, and is discussed above. Results from the CNDDDB do not indicate occurrences of rare plant species occurring within the project vicinity. Pedestrian surveys were conducted May 27, 2022. No special status plant species were observed on site. The project features WJT woodland, mohavean scrub, and creosote bush alliance scrub. These habitats provide potentially suitable for sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), Mojave monkeyflower (*Diplacus mohavensis*) and Mojave fish-hook cactus (*Sclerocactus polyancistrus*).

Short joint beaver tail was not observed on site, and is deemed absent from the site, based on the results of the May 27, 2022 pedestrian survey.

Therefore, CDFW recommends botanical field surveys following the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) prior to construction. As such, it is recommended to include BIO-3, below, to the final MND to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts:

BIO-3-Rare Plants

Pre-construction rare plant clearance survey: Prior to Project implementation, and during the appropriate season, the Applicant shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the City shall either avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging), or mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement-to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Discussion of Jurisdictional Waters

The USFWS National Wetland Inventory indicates no blue-line riverine features or wetlands occurring on site. No drainage features with defined bed, bank, channels, or wetland indicators

(wetland soils, hydrophytic vegetation, wetland hydrology) were observed during habitat assessment surveys. Ephemeral drainages are not present on site. Therefore, the project would not require regulatory water quality permitting (*i.e.* – Regional Water Quality Control Board Section 401 of the Clean Water Act (CWA), U.S. Army Corps of Engineers Section 404 of the CWA, or California Department of Fish and Wildlife (CDFW) Section 1602 Lake and Streambed Alteration Agreement).

Discussion of Desert Tortoise (*Gopherus agassizii*)

Michael Grimes, assisted by Julie Scrivner, conducted a habitat assessment on May 27, 2022, which included surveys for the potential presence of desert tortoise, or their potential signs, including potential burrows, within in the project site by biologist Michael Grimes. Methodology during the habitat assessment included walking 15-meter parallel transects in an east west direction to encompass the entire site and inspected for tortoise diagnostic signs (tracks, burrows, scat, carcasses, etc.) at a pace allowing for careful observations. Visual assessment of areas beyond the project site was also conducted where potentially suitable habitat was present – particularly to the parcel adjacent to the south. Pedestrian surveys were not allowed along the southern perimeter. Visual observations were therefore used to identify potential habitat features and diagnostic signs. No tortoises were observed in the project site or study area. Marginal signs of potential burrow attempts, or juvenile burrows were evident. No active burrows were located on the Project site. No other signs of desert tortoise were observed, including scat or carcasses. While the site features potential signs of desert tortoise present, the habitat on site is not deemed suitable for foraging or occupation due to the extensive level of disturbance, and lack of connectivity to the surrounding region. Development and roadway occurs to the immediate north, west, and east. The quality of habitat is therefore severely degraded. However, the possibility of desert tortoise cannot be discounted altogether.

Although the project site contains potentially suitable creosote bush scrub habitat, evidence of onsite human disturbance and adjacent land use practices suggest a low likelihood of future occupancy of desert tortoise. Furthermore, the project site is completely surrounded by paved roadways and is therefore fragmented and unsuitable to sustain a desert tortoise population or individual.

In the unlikely event desert tortoise are found to inhabit the project site prior to construction, a Section 10(a) incidental take permit from the USFWS and a Section 2081 permit would be required. Translocation of desert tortoise would be considered *take*. Therefore, to ensure avoidance of potential impacts to desert tortoise, the following avoidance and minimization measures are recommended.

BIO-4- Desert Tortoise (*Gopherus agassizii*)

High visibility temporary exclusion fencing: To avoid potential impacts to desert tortoise during construction, as a first order of business, the applicant will erect temporary high visibility desert tortoise exclusion fencing surrounding the project site, to preclude this species from entering the site during construction. A CDFW-approved biologist will inspect the fence weekly to ensure its integrity. The temporary exclusion fencing shall remain in place throughout the duration of construction, and shall be removed as a last order of business.

BIO-5- Desert Tortoise (*Gopherus agassizii*)

Pre-construction desert tortoise presence/absence surveys: A CDFW – approved biologist shall conduct pre-construction presence/absence surveys for desert tortoise during the desert tortoise active season (April to May or September to October) 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise pre-construction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) 2019 desert tortoise survey methodology. Pre-construction surveys shall be completed using 100-percent visual coverage for desert tortoise and their sign and shall use perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area.

Should desert tortoise presence be confirmed during the survey, the Project Proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, the Project Proponent will not undertake Project activities, and Project activities be postponed until appropriate authorization (i.e., California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Fish and Game Code section 2081) is obtained.

If complete avoidance of desert tortoise is infeasible, the Project Proponent would be required to apply for a CESA ITP and prepare a site-specific Desert

Tortoise Translocation Plan (Plan) that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS and CDFW guidelines. The Plan shall also include a requirement for communication and coordination with the Bureau of Land Management (BLM) regarding the desert tortoise recipient site. Prior to construction, the Plan shall be subject to the review and approval of the CDFW and the USFWS. Impacts shall be offset through acquisition of compensatory land within occupied desert tortoise habitat and/or monetary contributions to other recovery efforts in the West Mojave and/or mitigation bank credit purchase from a CDFW-approved mitigation bank mitigated at a ratio of no less than 3:1. Final mitigation acreage determinations are subject to approval of CDFW and federal wildlife agencies.

BIO-6- Desert Tortoise (*Gopherus agassizii*)

Worker Environmental Awareness Training: A qualified biologist must present a biological resource information training for desert tortoise prior to project activities to all personnel that will be present within the project site for longer than 30 minutes at any given time.

BIO-7- Desert Tortoise (*Gopherus agassizii*)

Deceased or Injured Tortoise Within the Project Site: The CDFW-approved biologist will inform USFWS and CDFW of any injured or deceased desert tortoise (and other special-status species) found on site (verbal within 24-hours and written notification within 5-days).

BIO-8- Desert Tortoise (*Gopherus agassizii*)

Species Avoidance: If during project activities a desert tortoise is discovered within the project site, all activities must stop within 50-feet and the CDFW-approved biologist must be notified. Coordination with respective State and Federal resource agencies will be required prior to restarting activities.

Discussion of Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Michael Grimes, assisted by Julie Scrivner, conducted a general biological habitat assessment on May 27, 2022, which included surveys for the presence of diagnostic signs and species observations. Methodology included walking 15-meter parallel transects in an east west direction to encompass the entire site with 100% visual coverage, and inspected for Mohave ground squirrel diagnostic signs (tracks, burrows, scat, vocalization, etc.) at a pace allowing for careful observations. Study area surveys beyond the project site were also conducted where potentially

suitable habitat was present on site. No Mohave ground squirrel or sings were observed/heard in the project site or study area.

Although potentially suitable creosote bush scrub habitat is present within the study area, Mohave ground squirrel is not expected to occur within the project site due to lack of detection and diagnostic signs during the Mohave ground squirrel habitat assessment survey. Furthermore, the project site is completely surrounded by paved roadways, and is subject to onsite human disturbance, and is therefore fragmented and unsuitable to sustain a Mohave ground squirrel population. Mojave ground squirrel is a highly social and highly sensitive species requiring large expanses of undisturbed habitat to sustain populations from stochastic events. Evidence of onsite human disturbance and adjacent land use practices suggest an extremely low likelihood of future occupancy. Therefore, the project would not likely impact Mohave Ground Squirrel (MGS). No avoidance, minimization, and/or mitigation would be required.

Discussion of Burrowing Owl(*Athene cunicularia*)

A general biological habitat assessment was conducted on May 27, 2022. The assessment included 100% visual coverage of the parcel and seasonally appropriate timing, in accordance with recommendations by CDFW in the 2012 BUOW Staff Report mitigation recommendations. Habitat assessment included surveys for the presence of diagnostic sings and species observations in the project site by biologist Michael Grimes. Methodology included walking ten-meter parallel belt transects in an east west direction to encompass the entire site and inspected for burrowing owl diagnostic signs at a pace allowing for careful observations. Study area surveys beyond the project site were also conducted where potentially suitable habitat was present. The site allowed for pedestrian coverage of the entire parcel. In accordance with CDFW recommendations, the burrowing owl habitat assessment was conducted during the burrowing owl breeding season (February 1 to August 31). No burrowing owl individuals or diagnostic signs (pellets, feathers, and active burrows) were observed in the study area or project site during the burrowing owl habitat assessment surveys.

Although the project site contains potentially suitable creosote bush scrub habitat, evidence of onsite human disturbance and adjacent land use practices suggest a low likelihood of future occupancy of burrowing owl. Furthermore, the project site is completely surrounded by paved roadways and is therefore fragmented and unsuitable to sustain a burrowing owl population or breeding pairs. In the unlikely event burrowing owl are found to inhabit the project site prior to construction, coordination with the CDFW will be required. To ensure avoidance of potential impacts to nesting special status and other regulated birds, the following avoidance and minimization measures are recommended.

The Project area provides potentially suitable foraging and nesting habitat for burrowing owl. CDFW recommends following the recommendations and guidelines provided in the Staff Report

on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). Therefore, following measures are proposed:

BIO-9 Burrowing Owl (*Athene cunicularia*)

Pre-construction surveys for burrowing owls: Pre-construction surveys for Burrowing Owls on the Project site and in the surrounding area shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project activities in accordance with guidelines identified by the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game Code, March 2012). If Project activities are delayed for more than 30-days (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys will be required including but not limited to a take avoidance survey within 24 hours of ground disturbance. If burrowing owls are observed on the Project site during the Pre-construction survey the California Department of Fish and Wildlife shall be immediately notified, and Mitigation Measure BIO-10, below, shall be required.

If burrowing owl(s) are not observed onsite during any pre-construction surveys, a letter shall be prepared by the CDDFW-approved biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to issuance of any grading permits, and no further action is required.

BIO-10-Burrowing Owl (*Athene cunicularia*)

If burrowing owls are observed on the project site during any pre- construction survey as per BIO-9, above, the California Department of Fish and Wildlife (CDFW) shall be immediately notified, and the applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation and any areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines that a reduced buffer would not adversely affect the burrowing owl(s).

If burrowing owls cannot be avoided by the Project, then a qualified biologist shall prepare and submit a passive relocation program to CDFW for review/approval prior to the commencement of Project activities in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation and mitigation shall be required as described below (see g) to reduce impacts to less than significant, including the following steps as approved by the

California Department of Fish and Wildlife and in accordance with the updated CDFW Staff Report on Burrowing Owl Mitigation (2012) shall be implemented if burrowing owl are present on-site:

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

A burrowing owl survey shall be conducted on all portion of the site between September and January to determine the location of active (non-breeding) burrows.

If the Project cannot avoid burrowing owl, Qqualified biologists shall exclude all owls from active burrows using one-way doors during the non-breeding season (September 1– January 31) or during the breeding season (February 1– August 31), only after a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.

Following a 24- to 48-hour observation period and 48-hours after installation of one-way doors, all vacated burrows shall be collapsed.

A qualified biologist shall conduct a post-exclusion survey confirming the absence of borrowing owls on the site. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation and provided to CDFW. Should newly occupied burrows be discovered on the site the exclusion shall be repeated as outlined in the CDFW-approved passive relocation program.

A final clearance survey confirming the absence of active burrowing owls burrows shall be conducted within 30-days 2 hours of initiating Project activities proposed site disturbance.

Unless deemed unnecessary by the CDFW, Compensatory mitigation lands for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be provided by the applicant/developer at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl

habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared for CDFW review and approval. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years in accordance with CDFW requirements.

When a qualified (CDFW-approved) biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.

Discussion of Nesting Birds

The Project site contains potential for nesting birds in the form of creosote bush scrub alliance and presence of woodland WJT habitat. Small rodent borrows are likewise present on site. No active nests were observed on site. However, white wash and owl pellets were observed beneath a single WJT perch at one location on site. Thus, the site contains suitable foraging habitat for other avian species and raptors. Therefore, to avoid potential impacts to nesting birds, the Applicant will implement the following

Bio-11-Nesting Birds

Nesting bird pre-construction clearance survey: All Project activities on-site shall be conducted outside of nesting season (non-nesting season is typically from September 16 through December 31) to the maximum extent feasible. If Project activities begin during the nesting bird season, a qualified biologist shall conduct a pre-project nesting bird survey to verify the absence of nesting birds within the work area and surrounding 300-foot buffer no more than 24 hours prior to initiating Project activities.

For any Project activity occurring during the nesting season, typically January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the qualified biologist, within three (3) days prior to initiation of Project-related activities. If active nests

containing eggs or young are found, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active. A qualified biologist shall establish an appropriate nest avoidance buffer to be marked on the ground. Nest avoidance buffers are species-specific and shall be about 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

With inclusion of BIO-11 above, the proposed project would not result in impacts to nesting or migratory birds.

Findings and Conclusion

Based on the above findings, and in accordance with the California Endangered Species Act, the proposed development would result in no Take of the following State-listed, candidate, and fully protected species:

- Swainson's hawk (*Buteo swainsoni*) ST;
- desert tortoise (*Gopherus agassizii*) ST;
- California condor (*Gymnogyps californianus*) SE/FP;
- Mohave ground squirrel (*Xerospermophilus mohavensis*) ST;
- Western Joshua tree (*Yucca brevifolia*) SCT.

Likewise, pursuant to the Federal Endangered Species Act, with inclusion of the above recommendations, the project would result in no Take to the following federally-listed and candidate species:

- monarch butterfly (*Danaus plexippus*) FC;
- desert tortoise (*Gopherus agassizii*) FT;
- California condor (*Gymnogyps californianus*) FE.

References:

- California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html
- California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.
- California Department of Fish and Wildlife. 2000. Life History Account for Townsend's Big Eared Bat. (J. Harris.)
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS) were queried for the Adelanto, California 7.5-minute Quadrangle (April 2022).
- California Native Plant Society (CNPS) Geographic Information System (April 2022).
- Google Earth Pro (May 2022).
- United States Fish and Wildlife Service's (USFWS) Information for Planning and Consultation System (IPaC) was queried for an unofficial report of federally-listed species and designated critical habitat (April 2022).
- USFWS National Wetlands Inventory (NWI) Wetlands Mapper (April 2022).
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey Geographic Information System was queried for a report on all soil series classifications within the study area (NRCS April 2022).
- U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

Attachments:

1. San Bernardino County APN Map
2. Proposed Site Plan
3. Biological Study Area
4. U.S. Fish and Wildlife Service IPaC Search Results
5. CNDDB Search Results
6. CNPS Search Results
7. Site images

Attachment 1 – San Bernardino County APN Map

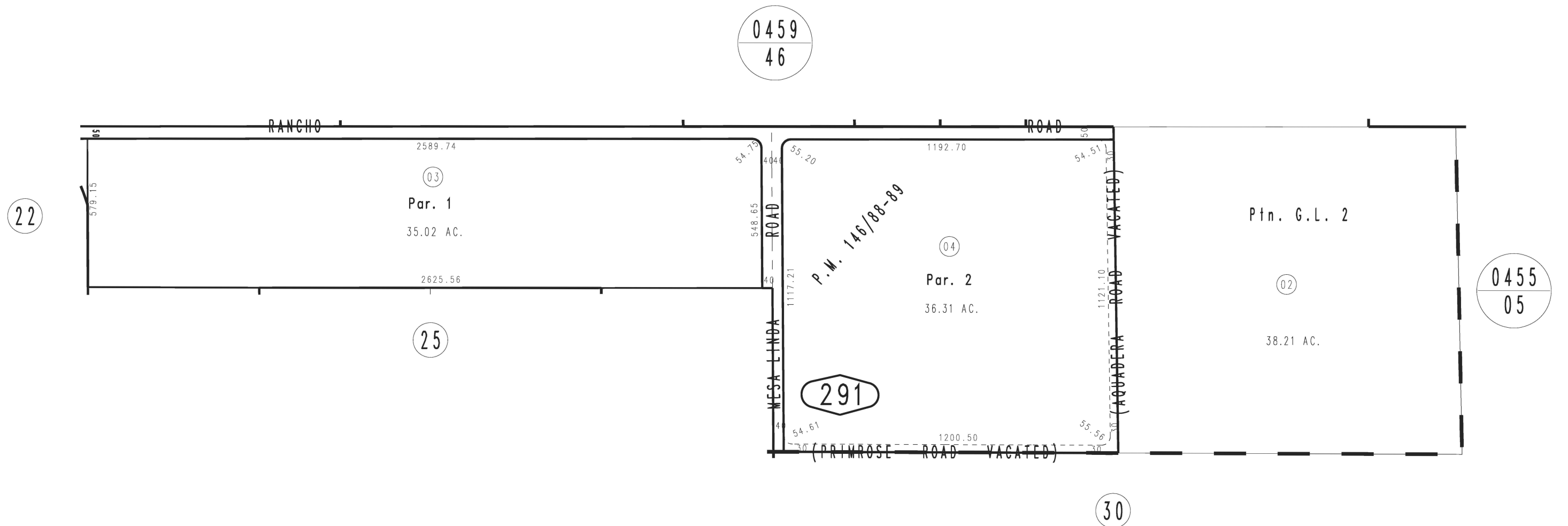
THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



Ptn. N.1/2, Fract'l Sec. 3, T.5N., R.5W., S.B.M.

City of Adelanto
Tax Rate Area
14006

3128 - 29



Attachment 2 – Proposed Site Plan



Rancho Rd

Rancho Rd

Rancho Rd

Rancho Rd

Adelanto Rd

Storm Water

65' Car Parking

1,758 ft

500,004 sf

284 ft

284 ft

3 ac

1,758 ft

190' Truck Court

Trailer /
Container
Storage

Mesa Linda Rd

Mesa Linda Rd

Primrose St

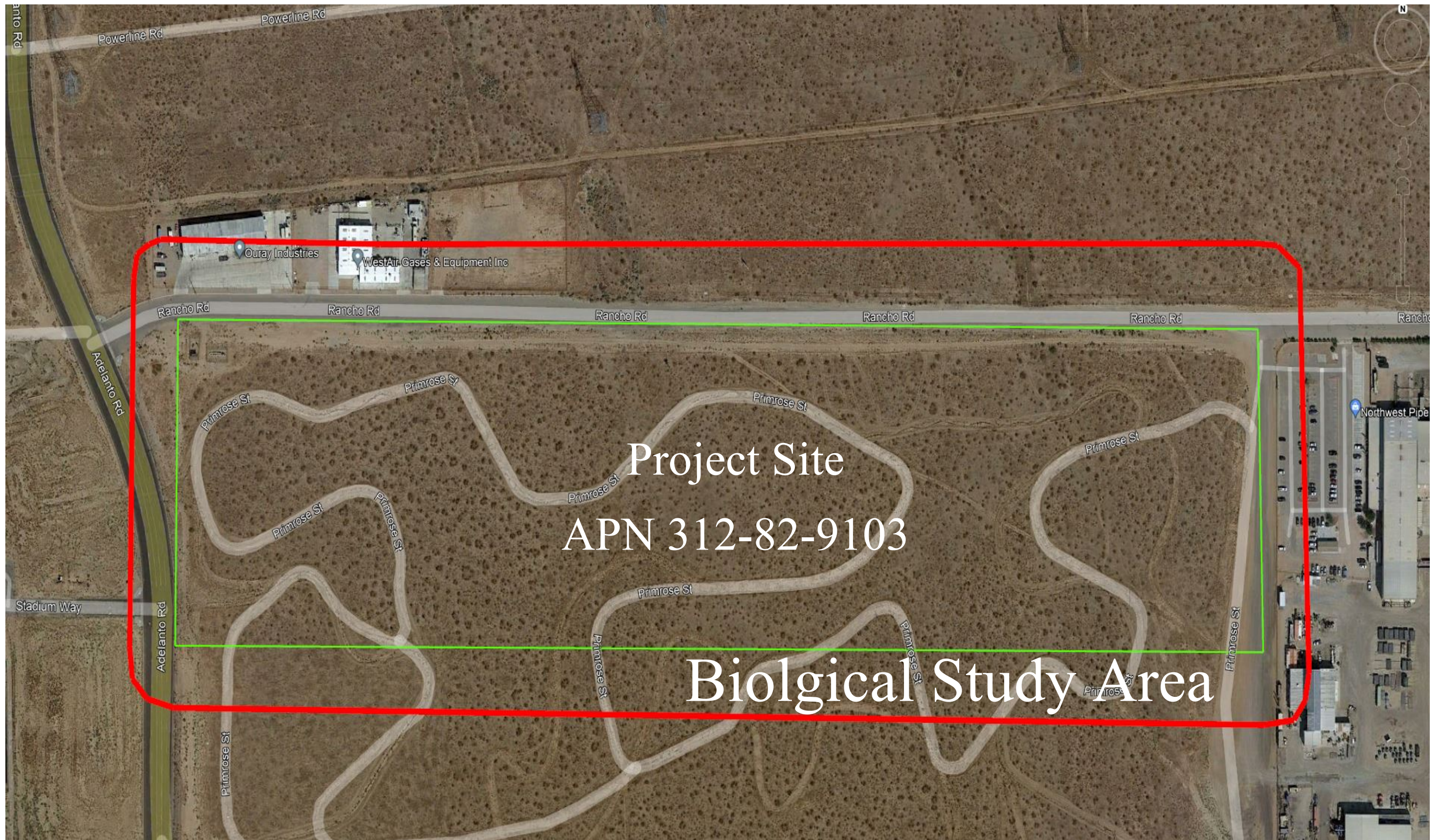
Primrose St

Primrose St

Adel

St

Attachment 3 –Biological Study Area



Attachment 4 – U.S. Fish and Wildlife Service IPaC Search Results

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

San Bernardino County, California



Local office

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📅 (760) 431-5901

2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385

<http://www.fws.gov/carlsbad/>

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [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.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/8193	Endangered

Reptiles

NAME	STATUS
Desert Tortoise <i>Gopherus agassizii</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4481	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS
INDICATED FOR A BIRD ON
YOUR LIST, THE BIRD MAY
BREED IN YOUR PROJECT AREA
SOMETIME WITHIN THE
TIMEFRAME SPECIFIED, WHICH

IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Le Conte's Thrasher *toxostoma lecontei*

Breeds Feb 15 to Jun 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8969>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the

probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

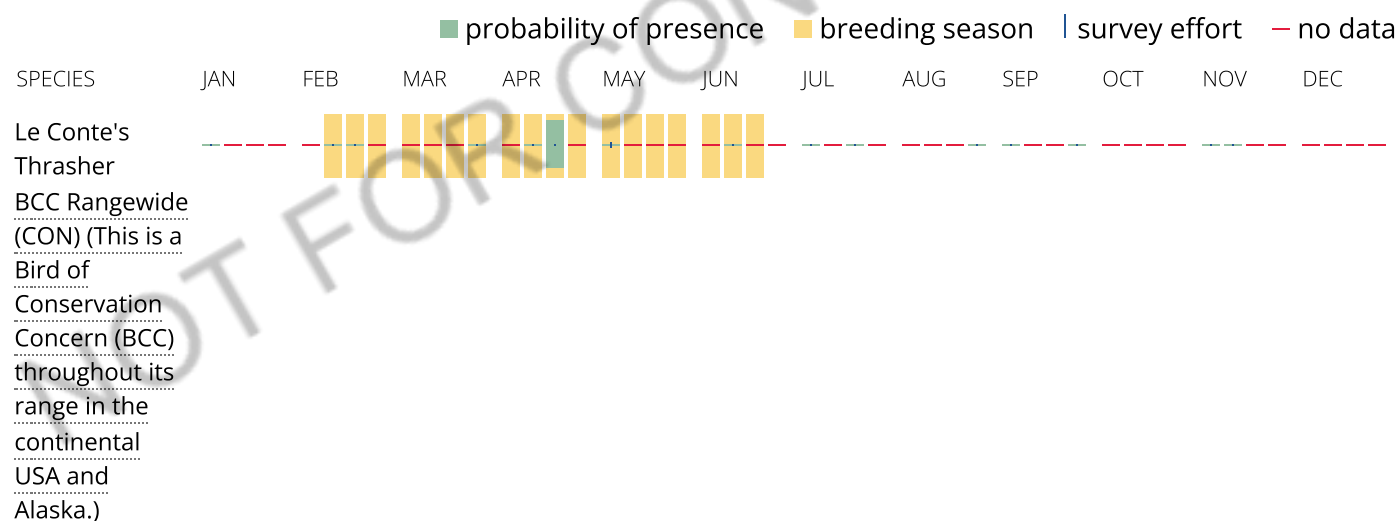
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Attachment 5 – CNDDDB Search Results



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad Adelanto (3411754)

NEXUS ENVIRONMENTAL - ELMER LLAMAS

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Athene cunicularia</i> burrowing owl	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,880 3,200	2011 S:8	0	2	2	3	0	1	0	8	8	0	0
<i>Buteo swainsoni</i> Swainson's hawk	G5 S3	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern	880 880	2547 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Gopherus agassizii</i> desert tortoise	G3 S2S3	Threatened Threatened	IUCN_VU-Vulnerable	2,968 2,968	985 S:2	0	2	0	0	0	0	0	2	2	0	0
<i>Toxostoma lecontei</i> Le Conte's thrasher	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	2,790 2,835	238 S:4	0	0	0	0	0	4	4	0	4	0	0
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	G2G3 S2S3	None Threatened	BLM_S-Sensitive IUCN_VU-Vulnerable	2,520 2,980	432 S:3	0	0	1	0	0	2	1	2	3	0	0

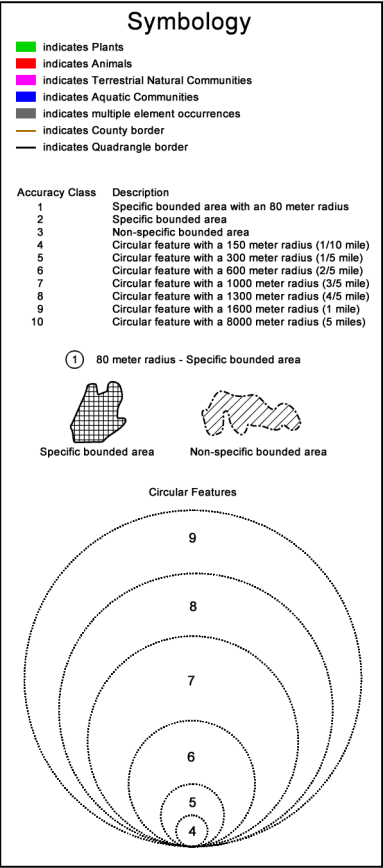
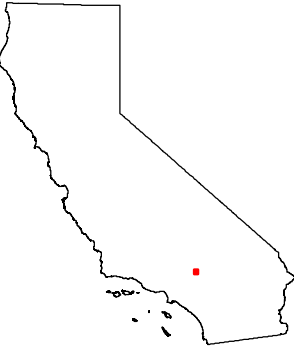


In cooperation with:
NatureServe
www.natureserve.org

California Native Plant Society
www.cnps.org

DISCLAIMER

The California Natural Diversity Database (CNDDB) is an ongoing and continuously updated database. While the information is complete and accurate to the best of our knowledge and ability, it does not constitute an official response from any state agency and will not in itself meet the requirements of the California Environmental Quality Act (CEQA). Information supplied is based on the material available at the time of the request and should not be regarded as complete data on the elements or areas being considered. The information must be used in consultation with the appropriate local, State and Federal officials. Absence of data does not constitute the basis for a negative declaration.

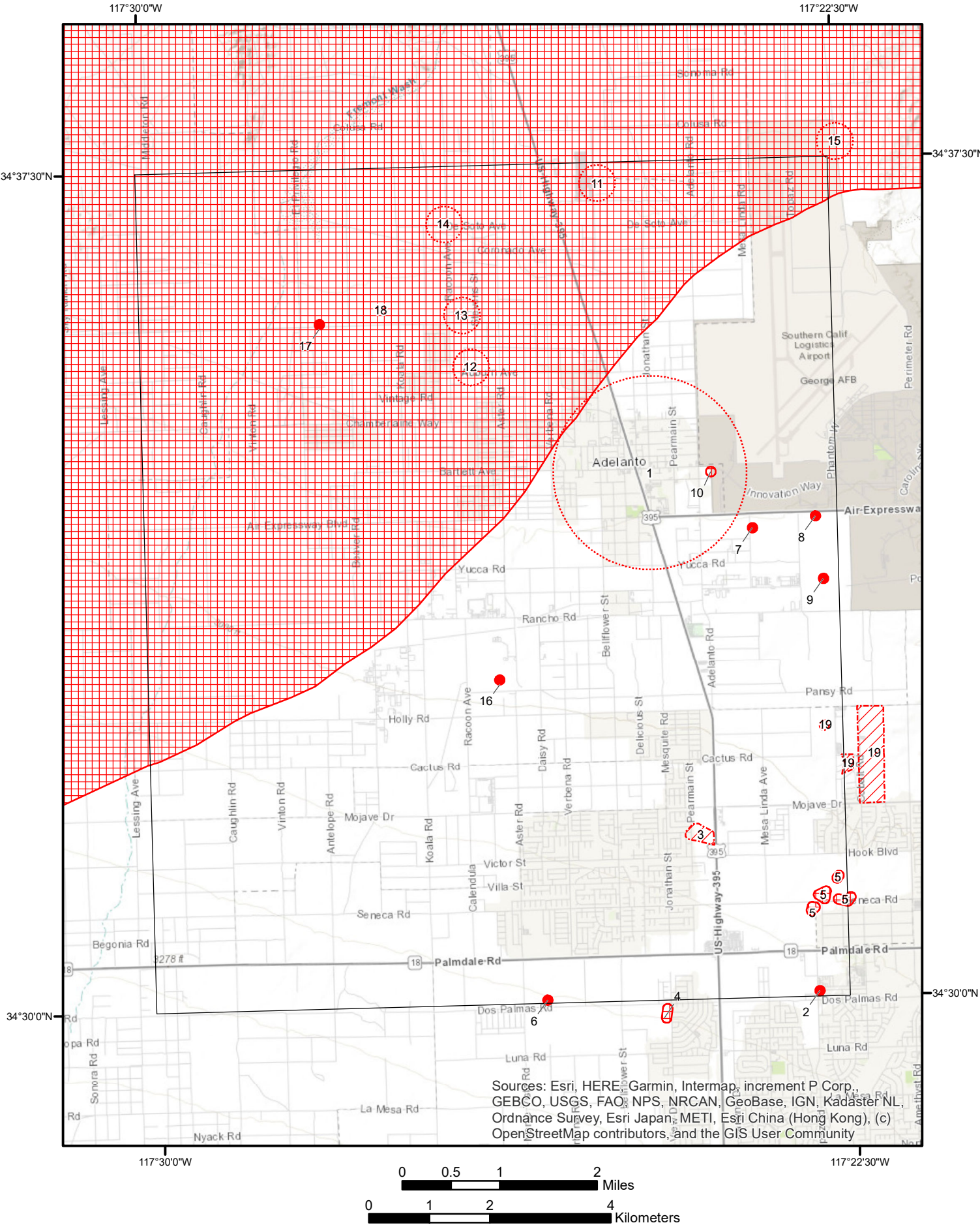


California Natural Diversity Database
USGS Quadrangle: ADELANTO - 34117E4

Prepared for: NEXUS ENVIRONMENTAL - ELMER LLAMAS
5/20/2022

Total Number of Element Occurrences shown on this map: 19

Ref	ElmCode	Occ #	Accuracy	Scientific Name
1	ABNKC19070	2544	9	Buteo swainsoni
2	ABNSB10010	672	1	Athene cunicularia
3	ABNSB10010	736	3	Athene cunicularia
4	ABNSB10010	763	2	Athene cunicularia
5	ABNSB10010	828	2	Athene cunicularia
6	ABNSB10010	917	1	Athene cunicularia
7	ABNSB10010	938	1	Athene cunicularia
8	ABNSB10010	1200	1	Athene cunicularia
9	ABNSB10010	1201	1	Athene cunicularia
10	ABNSB10010	1606	2	Athene cunicularia
11	ABPBK06100	135	5	Toxostoma lecontei
12	ABPBK06100	136	5	Toxostoma lecontei
13	ABPBK06100	137	5	Toxostoma lecontei
14	ABPBK06100	138	5	Toxostoma lecontei
15	AMAFB05150	258	5	Xerospermophilus mohavensis
16	AMAFB05150	372	1	Xerospermophilus mohavensis
17	AMAFB05150	441	1	Xerospermophilus mohavensis
18	ARAAF01012	1	2	Gopherus agassizii
19	ARAAF01012	51	3	Gopherus agassizii



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

California Natural Diversity Database

USGS Quadrangle: ADELANTO - 34117E4

Prepared for: NEXUS ENVIRONMENTAL - ELMER LLAMAS
5/20/2022

Ref	ElmCode	Occ #	Accuracy	Scientific Name
1	ABNKC19070	2544	9	Buteo swainsoni
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17	AMAFB05150	441	1	Xerospermophilus mohavensis
18	ARAAF01012	1	2	Gopherus agassizii
19	ARAAF01012	51	3	Gopherus agassizii

Attachment 6 – CNPS Search Results

Search Results

18 matches found. Click on scientific name for details

Search Criteria: 9-Quad include [3411743:3411753:3411765:3411763:3411764:3411745:3411744:3411755:3411754]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	PHOTO
<u>Canbya candida</u>	white pygmy-poppy	Papaveraceae	annual herb	Mar-Jun	None	None	G3G4	S3S4	4.2	No Photo Available
<u>Castilleja plagiotoma</u>	Mojave paintbrush	Orobanchaceae	perennial herb (hemiparasitic)	Apr-Jun	None	None	G4	S4	4.3	No Photo Available
<u>Chorizanthe spinosa</u>	Mojave spineflower	Polygonaceae	annual herb	Mar-Jul	None	None	G4	S4	4.2	 © 2011 Benjamin Smith
<u>Diplacus johnstonii</u>	Johnston's monkeyflower	Phrymaceae	annual herb	May-Aug	None	None	G4	S4	4.3	No Photo Available
<u>Diplacus mohavensis</u>	Mojave monkeyflower	Phrymaceae	annual herb	Apr-Jun	None	None	G2	S2	1B.2	 © 2019 Joey Malone
<u>Eremothera boothii ssp. boothii</u>	Booth's evening-primrose	Onagraceae	annual herb	Apr-Sep	None	None	G5T4	S3	2B.3	No Photo Available
<u>Johnstonella costata</u>	ribbed cryptantha	Boraginaceae	annual herb	Feb-May	None	None	G4G5	S4	4.3	No Photo Available
<u>Loeflingia squarrosa var. artemisiarum</u>	sagebrush loeflingia	Caryophyllaceae	annual herb	Apr-May	None	None	G5T3	S2	2B.2	No Photo Available
<u>Lycium torreyi</u>	Torrey's box-thorn	Solanaceae	perennial shrub	(Jan-Feb)Mar-Jun(Sep-Nov)	None	None	G4G5	S3	4.2	No Photo Available
<u>Mentzelia eremophila</u>	solitary blazing star	Loasaceae	annual herb	Mar-May	None	None	G4	S3S4	4.2	No Photo Available
<u>Muilla coronata</u>	crowned muilla	Themidaceae	perennial bulbiferous herb	Mar-Apr(May)	None	None	G3	S3	4.2	No Photo Available
<u>Opuntia basilaris var. brachyclada</u>	short-joint beavertail	Cactaceae	perennial stem	Apr-Jun(Aug)	None	None	G5T3	S3	1B.2	No Photo

Pediomelum castoreum	Beaver Dam breadroot	Fabaceae	perennial herb	Apr-May	None	None	G3	S2	1B.2	No Photo Available
Saltugilia latimeri	Latimer's woodland-gilia	Polemoniaceae	annual herb	Mar-Jun	None	None	G3	S3	1B.2	No Photo Available
Sclerocactus polyancistrus	Mojave fish-hook cactus	Cactaceae	perennial stem	Apr-Jul	None	None	G3	S3	4.2	No Photo Available
Scutellaria bolanderi ssp. austromontana	southern mountains skullcap	Lamiaceae	perennial rhizomatous herb	Jun-Aug	None	None	G4T3	S3	1B.2	No Photo Available
Symphyotrichum defoliatum	San Bernardino aster	Asteraceae	perennial rhizomatous herb	Jul-Nov	None	None	G2	S2	1B.2	No Photo Available
Yucca brevifolia							GNR	SNR	CBR	No Photo Available

Showing 1 to 18 of 18 entries

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CONTACT US

Send questions and comments to rareplants@cnps.org.



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- [The California Lichen Society](#)
- [California Natural Diversity Database](#)
- [The Jepson Flora Project](#)
- [The Consortium of California Herbaria](#)
- [CalPhotos](#)

Attachment 7 – Site images



Signs of rodent activity occur throughout the sight.

East Elevation

☀ 285°W (T) ● 34.556028, -117.391087 ±2 m ▲



27 May 2022, 11:40:50

Potential desert tortoise burrows occur on site.



An earthen berm near the eastern property boundary line features burrowing and den activity.



An earthen berm near the eastern property boundary line evidences burrowing and den activity.



The above image depicts a potential canid species burrowing in the earthen berm on the eastern property boundary.



Rodent and small mammal dens are found to occur below creosote bushes.



Shown above, a potential juvenile tortoise burrow attempt. Signs of frequent human disturbance (litter) occur throughout the property. Dead Western Joshua Tree specimen is shown above, and occur on the property.



May 27, 2022. Mrs. Julie Scrivner collecting GPS information on site. Approximately 26 Western Joshua Tree specimen occur on the subject property, including seven (7) dead specimen (not including clones).



The earthen berm, located at the eastern property boundary, is adjacent to parking and frequent human disturbance and presence. The berm evidences signs of mammal and rodent activity. Likewise, the area exhibits high levels of disturbance from human activity. Such burrows may occur throughout the subject property, and may provide potential or marginally suitable opportunities for burrowing owl or other species.



The above image, shows a southwest facing view, depicting characteristic habitat conditions on site. High levels of frequent human disturbance (*e.g.* – litter, camping, pedestrian and off-road vehicle use) occur throughout. The site evidences signs of small rodent activity, raptor, owl, and other common wildlife activity include. The site exhibits potential signs of desert tortoise, however, the no desert tortoise or signs of recent activity were observed.



Mrs. Scrivner assisted in pedestrian survey and GPS data collection on site. Shown above, the earthen berm adjacent to the eastern property boundary. This site exhibits signs frequent human disturbance. Habitat conditions on site are thereby marginalized.



Shown above, an additional view facing west. An earthen berm parallels the eastern portion of the subject property. This burrow features signs of rodent, canid, and small mammal activity. These sites also provide potential opportunities for burrowing owl.