



***CIRCLE MOUNTAIN BIOLOGICAL CONSULTANTS, INC.***

**P.O. BOX 3197, WRIGHTWOOD, CA 92397**

**PHONE/FAX: (760) 249-4948**

**Email: [ed.larue@verizon.net](mailto:ed.larue@verizon.net)**

[sharon\\_dougherty@circlemountainbiological.com](mailto:sharon_dougherty@circlemountainbiological.com)

**Website: <http://www.circlemountainbiological.com>**

30 January 2019

Mr. Aaron Ravani  
Global Investment and Development, LLC  
3470 Wilshire Boulevard, Suite 1020  
Los Angeles, California, 90010

RE: Reevaluation of biological resources on two parcels (APNs 3203-008-045 & -046) in the City of Lancaster, Los Angeles County, CA

Dear Mr. Ravani,

Circle Mountain Biological Consultants, Inc. (CMBC) was recently contracted by Global Investment and Development, LLC (Proponent) to reassess biological resources on two parcels in the City of Lancaster, Los Angeles County, California (Figure 1). The Subject Properties consist of two adjacent parcels, separated by a distance of approximately 300 feet, including a 6.5-acre± parcel (APN 3203-008-045) to the west and a 3.25-acre± parcel (APN 3203-008-046) to the east. The southwest corner of the 6.5-acre parcel is located approximately one-quarter mile north of West Avenue J (incorrectly labeled as “West Avenue J-8” in Figure 1) with 65<sup>th</sup> Street West coinciding with the western boundary. The legal description for the subject properties is Township 7 North, Range 13 West, a portion of the Southeast ¼ of Section 15, S.B.B.&M.

Importantly, the two parcels were subject to focused tortoise surveys and biological resource inventories on 26 January 2014. The results of those surveys are reported in CMBC (2014a) for the 6.5-acre parcel and in CMBC (2014b) for the 3.25-acre parcel. According to the survey protocol for desert tortoises (USFWS 2017) the results of a given survey are viable for one year, and given the elapsed time since 2014, it was necessary to resurvey the two parcels to see if the biological baseline inventories have changed since 2014.

CMBC concludes that most of the results given in the two reports completed in 2014 (CMBC 2014a and 2014b) still apply, and this letter serves to provide new, updated information. As such, both 2014 reports should be attached to this letter report as baseline information that is still applicable. Results of the two surveys performed on 26 January 2014 and 24 January 2019 are summarized below.



### **APN 3203-008-045, 6.5-acre parcel in 2014**

During the 2014 survey, CMBC biologists Ed LaRue and Sharon Dougherty found 33 plants on the two sites and in adjacent areas (including the adjacent 3.25-acre parcel). CMBC also observed 16 bird and 6 mammal species on the two sites and in adjacent areas. With regards to special status species, in 2014 (CMBC 2014a), CMBC observed a white-tailed kite (*Elanus caeruleus*) approximately 1,300 feet south of the Subject Property. Evidence of burrowing owl (*Athene cunicularia*) was found in three places adjacent to the Subject Property, including a diagnostic pellet 350 feet east, two pellets 460 feet west of the northwest corner, and whitewash and three older owl pellets at an inactive domestic dog dig located 1,040 feet to the east-northeast (see Figure 3). Although CMBC (2014a) concluded that there was suitable habitat for alkali mariposa lily (*Calochortus striatus*), none was found in 2014.

In 2014, encounter rates for observable human disturbances on the 6.5-acre site included (in descending order of prevalence) 427 off-highway vehicle tracks, 141 dumps, 32 roads, and 10 domestic dog signs. Perhaps more importantly and not reflected in these numbers is the presence of an elevated berm and series of dumped spoil piles (see lower half of Figure 2) that are probably associated with residential construction to the south.

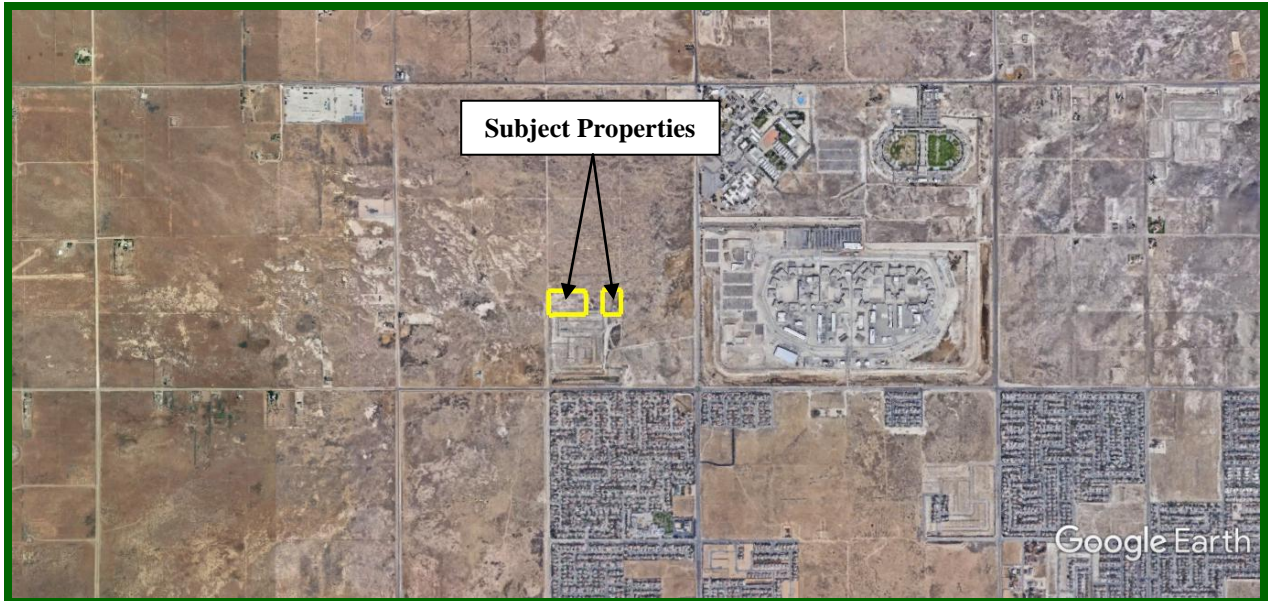
### **APN 3203-008-045, 6.5-acre parcel in 2019**

During the 2019 survey, LaRue and Dougherty observed 27 plant, 1 reptile, 9 bird, and 6 mammal species, which is similar to the findings in 2014 (see CMBC 2014a). Whereas burrowing owl sign was found in three places in 2014 (see Figure 3), an actual burrowing owl was flushed from near the center of the 6.5-acre site as mapped in Figure 3. The owl was residing beneath dumped construction rubble (Exhibit 1 below) and the number of pellets and whitewash indicate that one or more burrowing owls have persisted at this location for some time. As in 2014, burrowing owl signs were also found at three old canid digs in adjacent areas (Exhibit 2 below).

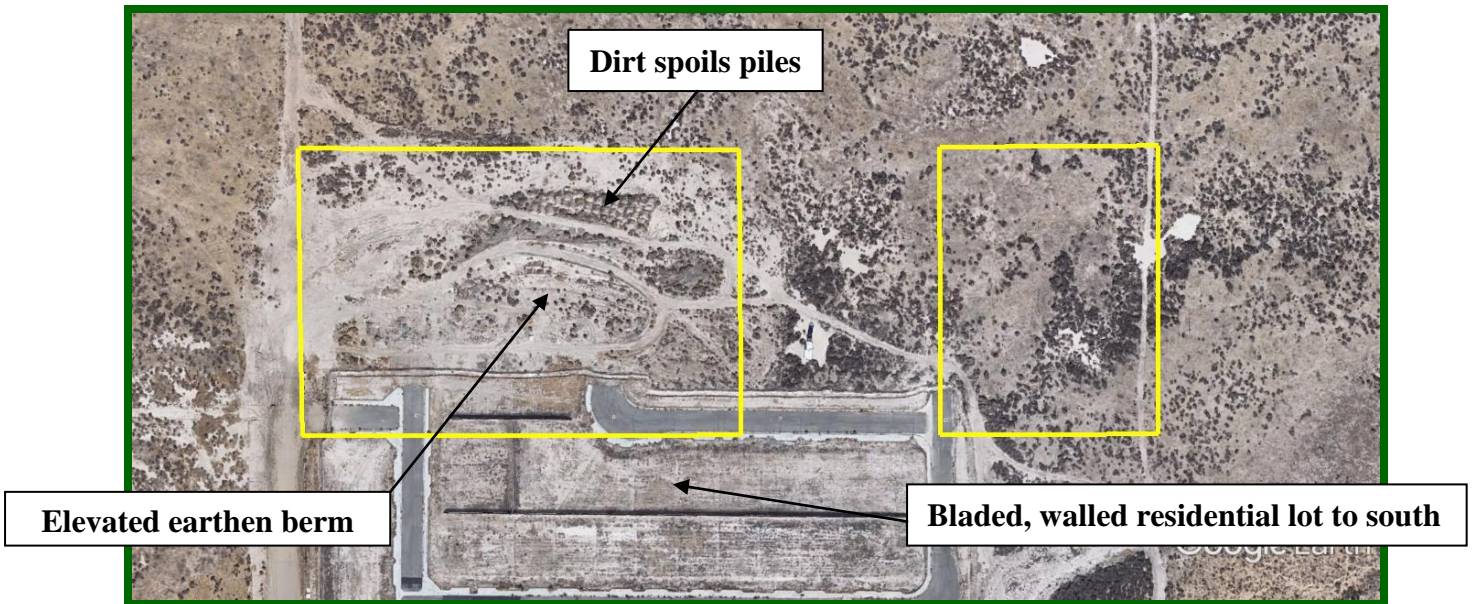
Other special status species observed onsite and in adjacent areas in 2019 included a loggerhead shrike (*Lanius ludovicianus*) near the center of the 6.5-acre site and seven locations of alkali Mariposa lilies including one on the northwest corner of the 6.5-acre site. All mariposa lilies were still vegetative with no flowers or fruits, so there are likely others that were too young to be detectable.

As in 2014, LaRue maintained tallies of observable human disturbances in 2019 as well. These included (in descending order of prevalence) 37 off-highway vehicle tracks, 126 dumps, 18 roads, 7 domestic dog signs, and 1 shotgun shell. Although the numbers are somewhat different, the main use of the site continues to be dumping. Dumping is so prevalent that it is very difficult to determine the actual number of separate events. For example, as shown in Figure 2, there are dozens of dirt, spoil piles near the north boundary of the 6.5-acre site although only eight or nine would have been tallied on the one transect that crossed through that area. There is likely no reduction in the amount of vehicle travel onsite, only that it is now mostly contained on the dirt roads crossing the site.

**Figure 2. APNs 3203-008-045 & -046:  
Aerial Photograph (©2019 Google)**



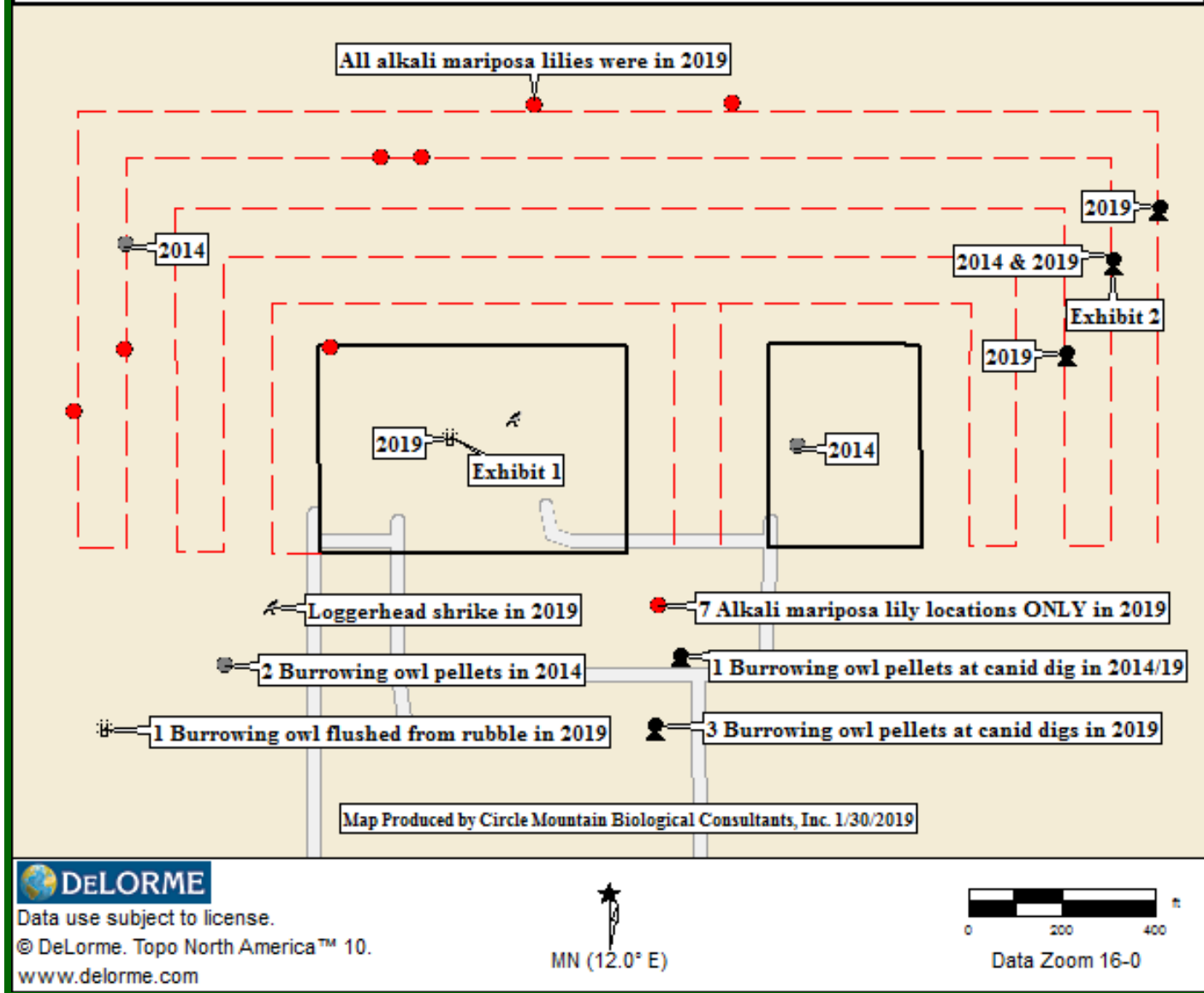
Regional aerial view from approximately 21,350 feet altitude (Image date: 4/29/2017)



Enlarged aerial view from approximately 3,960 feet altitude



Figure 3. APNs 3203-008-045 & -046: Transect and Special Status Species Locations in 2014 & 2019



### **APN 3203-008-046, 3.25-acre parcel in 2014**

In 2014 there was no separation in the numbers and kinds of plants and animals found on the two sites, so the 33 plant, 16 bird, and 6 mammal species also apply to the 3.25-acre parcel. As shown in Figure 3, a burrowing owl pellet was found near the western boundary of the 3.25-acre site in 2014. The other burrowing owl sign found in adjacent areas in 2014 is discussed above for the 6.5-acre parcel.

In 2014, encounter rates for observable human disturbances included (in descending order of prevalence) 30 off-highway vehicle tracks, 5 dump sites, 4 roads, and 4 shotgun shells. The site was not particularly degraded, compared to the 6.5-acre parcel with extensive dumping and cross-country vehicle travel. Although several naturally barren areas are associated with small playas near the center of the site and along the eastern boundary (see Figure 2), there are no barren areas resulting from heavy human impacts, like were observed throughout the adjacent 6.5-acre parcel.

### **APN 3203-008-046, 3.25-acre parcel in 2019**

The 27 plant, 1 reptile, 9 bird, and 6 mammal species observed in 2019 are similar in number and composition to the 2014 findings (see CMBC 2014b). Unlike 2014, no burrowing owl sign was found on the 3.25-acre parcel in 2019. One of the three canid digs found northeast of this parcel in 2019 had also been found in 2014, so burrowing owl sign has persisted at that same dig over the past five years. The shrike found on the adjacent 6.5-acre parcel likely forages on the 3.25-acre parcel, as well. Although no alkali mariposa lilies were found on the 3.25-acre parcel in either year, they may occur there, and not be detectable until later in March through May when flowers and fruits would be more detectable.

As in 2014, LaRue maintained tallies of observable human disturbances in 2019 as well. These included (in descending order of prevalence) 10 roads, 4 dumps, 4 domestic dog signs, and 1 off-highway vehicle track. These numbers suggest that there may be reduced uses on the 3.25-acre parcel and it is definitely less degraded by human impacts and in a more natural condition than the adjacent 6.5-acre parcel.

### **Conclusions and Recommendations**

The results are similar between the first survey performed in January 2014 and the current survey performed in January 2019. Burrowing owl signs were found in both years, mostly in adjacent areas, but in 2019 an actual owl was found near the center of the 6.5-acre parcel. These results show that (1) burrowing owls are persisting in the area and (2) at the time of this survey, at least one burrowing owl was onsite as of January 2019. Since burrowing owl is a special status species protected by both the U.S. Fish and Wildlife Service (USFWS) and particularly by the California Department of Fish and Wildlife (CDFW), it is appropriate to share this letter report and the original reports with the appropriate CDFW staff to see which avoidance and mitigation measures are appropriate for development of this site. CDFW biologists will likely require preconstruction surveys for burrowing owl 30 days prior to ground disturbance, and depending on those findings, have specific recommendations for site development.

The City of Lancaster occurs in a region where alkali mariposa lilies are relatively common. We suspect that pertinent planners will know which mitigation measures, if any, are needed to develop these two sites and protective measures, if any, to be implemented to minimize impacts to alkali mariposa lilies. There appear to be plenty of the plants in adjacent areas that will not be developed by approving development of these two sites, and loss of the few plants from the Subject Properties is not considered to be a significant impact.

There are no nesting substrates for loggerhead shrike on the subject properties. Shrikes require trees and larger shrubs for nesting, none of which occurs on the two sites. Shrikes are likely to forage on both sites and their development will result in an incremental loss of foraging habitat, which is not considered to be a significant impact.

The findings given in 2014 for the 6.5-acre site (CMBC 2014a) and the 3.25-acre site (CMBC 2014b) with regards to desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*) are still relevant, namely, that neither of these species occurs on the Subject Properties and no impacts or mitigation measures are necessary. Similarly, the 2014 results cited for other species like white-tailed kite, northern harrier, and Swainson's hawk that occur in the region remain the same, namely, that no impacts are expected for these species.

Sincerely,



Circle Mountain Biological Consultants, Inc.  
Edward L. LaRue, Jr., M.S.

### Literature Cited

Circle Mountain Biological Consultants, Inc. 2014a. Focused Survey for Agassiz's desert tortoise, habitat assessments for burrowing owl and Mohave ground squirrel, and general biological resource assessment for a 6.5-acre± Site (APN 3203-008-045) in the City of Lancaster, Los Angeles County, California. Unpublished report prepared on behalf of Global Investment and Development, LLC. Job# 14-001. Wrightwood, CA. (Partial resurvey of Job # 10-004)

Circle Mountain Biological Consultants, Inc. 2014b. Focused Survey for Agassiz's desert tortoise, habitat assessments for burrowing owl and Mohave ground squirrel, and general biological resource assessment for a 3.25-acre± Site (APN 3203-008-046) in the City of Lancaster, Los Angeles County, California. Unpublished report prepared on behalf of Global Investment and Development, LLC. Job# 14-001. Wrightwood, CA. (Partial resurvey of Job # 10-004)

U.S. Fish and Wildlife Service. 2017. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Dated 21 August 2017. Reno, NV.



**Photographic Exhibits from January 2019**



**Exhibit 1.** Single burrowing owl flushed from this pile of rubble on 1/24/2019.



**Exhibit 2.** Burrowing owl pellets were found at this canid dig on 1/24/2019.