GENERAL BIOLOGICAL RESOURCES ASSESSMENT

APN 0405-06-251

HESPERIA, SAN BERNARDINO COUNTY, CALIFORNIA
(Township 4 North, Range 5 West, Section 14)

Prepared for:

55555 Amargosa Rod, LLC

Prepared by:

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TITLE PAGE

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Report Title:	**General Biological Resources Assessment**
Assessor's Parcel Number:	**0405-062-51**
Prepared for:	**55555 Amargosa Road, LLC**
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1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a parcel which is 20.8-acres in size located north of Main Street and west of Amargosa Road in the City of Hesperia, California (Township 4 North, Range 5 West, Section 14, USGS Hesperia, California Quadrangle, 1956) (Figures 1, 2, 3, and 4). Focused surveys were also performed for the desert tortoise and burrowing owl. A habitat assessment was performed for the Mohave ground squirrel. The property supports a juniper community consisting of California junipers (*Juniperus californica*), Joshua trees (*Yucca brevifolia*), rubberbrush (*Ericameria nauseosa*), Nevada jointfir (*Ephedra nevadensis*), and brome grasses (*Bromus sp.*) (Figure 3). The proponent is proposing to use the parcel for the purpose of developing a distribution center (Figure 4).

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on January 29, 2020 during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Focused surveys were performed for both desert tortoise and burrowing owl and a habitat assessment was performed for the Mohave ground squirrel. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2020), Mohave ground squirrel (*Xerospermophilus mohavensis*) have been documented within approximately three miles east of the property. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is approximately 20.8-acres in size and is located along Amargosa Road about 0.5-miles north of the intersection of Main Street and Amargosa Road in the City of Hesperia, California (Township 4 North, Range 5 West, Section 14, USGS Hesperia, California Quadrangle, 1956). The site is relatively undisturbed except for a few OHV trails which crisscross the site and several debris piles. Most of the site is dominated by native flora. The site is bordered on the south by the California Aqueduct and on the north by an existing commercial business (Figure 4). Amargosa Road borders the site on the east and vacant land is located west/northwest of the property.

California junipers (*Juniperus californica*), California buckwheat (*Eriogonum fasciculatum*), Joshua trees (*Yucca brevifolia*), rubberbrush (*Ericameria nauseosa*), Nevada jointfir (*Ephedra nevadensis*), and rabbitbrush (*Ericamerica nauseosa var*) are the dominant perennials and the dominant annuals include brome grasses *(Bromus sp.)*, annual bursage (*Ambrosia acanthicarpa*), schismus (*Schismus barbatus*), California buckwheat (*Eriogonum fasciculatum*), and sage (*Salvia* sp.). Section 5.0 provides a more detailed discussion of the various plant species observed during the surveys. There are numerous Joshua trees (*Yucca brevifolia*) throughout the property.

The site is expected to support a variety of wildlife species on the site; however, only a few species were observed during the field investigations. Mammals observed on the site or which are expected to inhabit the site include jackrabbits (*Lepus californicus*), antelope ground squirrel (*Ammospermophilus leucurus*), desert cottontails (*Sylvilagus auduboni*), and California ground squirrel (*Otospermophilus beecheyi*). Coyotes (*Canis latrans*), which are very common in the region, also utilize the site during hunting activities.

Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaida macroura*), sage sparrow (*Amphispiza bellii*), and white-crowned sparrow *(Zonotrichia leucophrys*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

No reptiles were observed on the site during the field investigations; however, reptiles known to occur in the area include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*). Table 2 provides a compendium of wildlife species observed on the site and those previously documented in the area. No sensitive habitats (e.g., sensitive species critical habitats, etc.) have been documented in the immediate area according to the CNDDB (2020) and none were observed during the field investigations. A drainage channel is located in the western portion of the property where a retention area is being proposed (Figure 4).

3.0 METHODOLOGIES

General biological surveys were conducted on January 29, 2020, during which biologists from RCA Associates, Inc initially walked meandering transects throughout the property site. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980). Following completion of the initial reconnaissance survey, protocol surveys were conducted for the desert tortoise and burrowing owl as per agency requirements, and a habitat assessment was performed for the Mohave ground squirrel. Weather conditions consisted of wind speeds of 5 to 10 mph, temperatures in the mid 50's (°F) (AM) with mostly clear skies. The applicable methodologies are summarized below.

General Plant and Animal Surveys: Meandering transects were walked throughout the site and in the surrounding area (i.e., the zone of influence), where possible, at a pace that allowed for careful documentation of the plant and animal present on the site. All plants observed were identified in the field and wildlife was identified through visual observations and/or by vocalizations. Tables 1 and 2 (Appendix A) provides a comprehensive compendium of the various plant and animal; species observed during the field investigations. During the various biological survey, all transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity.

Desert Tortoise: A habitat assessment was conducted, January 29, 2020 on the site for the desert tortoises and a protocol survey was also performed for the presence of tortoise and any potential tortoise burrows. Ten-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for any tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in the area west of the site. Comprehensive field investigations were conducted throughout the site and no tortoise sign was identified on the site or in the zone of influence. If tortoises are found to inhabit the site in the future, a Section

10(a) incidental take permit from the USFWS and a Section 2081 permit from CDFW will be required to mitigate for impacts to the species.

Burrowing Owl: A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species. Following completion of the habitat assessment, it was determined that the site does support suitable habitat for the burrowing owl. Therefore, a focused survey (Phase II) was conducted for burrowing owls and for the presence/absence of occupiable (i.e., suitable) burrows which could potentially be utilized by owls. As part of the survey, 30-meter transects were walked throughout the site during which any suitable burrows were evaluated for owls and owl sign. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet; therefore, the zone of influence (ZOI) surveys were performed in the area directly west/northwest of the site. If present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

Mohave Ground Squirrel: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel. Due to the low population levels and no recent observations in the immediate area, it is the opinion of RCA Associates, Inc. that the likelihood a Mohave ground squirrel occurring on the proposed project site is low. However, CDFW may require the project proponent to conduct a live-trapping survey to definitively determine the presence/absence of Mohave ground squirrels.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB) search was performed. Based on this review, it was determined that fourteen special status species have been documented within the Hesperia quad of the property. The following tables provide data on each special status species which has been documented in the area.

Table 4-1: Federal and State Listed Species and State Species of Special Concern.
E = Endangered; T = Threatened; SSC = Species of special concern; CNPS = California Native Plant Society; CNDDB = California Natural Diversity Data Base

Name	Listing Status	Habitat Requirements	Presence/Absence	Comments
Desert tortoise (*Gopherus agassizii*)	Fed: T State: T	Desert scrub	The site is located within the known distribution of the species. Focused surveys conducted on site did not identify any tortoises.	Species is documented in the general region CNDDB (2020)
Burrowing owl (*Athene cunicularia*)	Fed: None State: None	Grasslands and desert habitats	The site does support suitable habitat for the species; however, no owl observed during field surveys.	Species is documented in the general region CNDDB (2020)
Mohave ground squirrel (*Xerospermophilus mohavensis*)	Fed: None State: T	Desert scrub	The site supports suitable habitat for the species. Species has been identified in the general area; however, low probability of the species inhabiting the site.	Species is documented in the general region CNDDB (2020)
Cooper's hawk (*Accipiter cooperii*)	Fed: None State: None	Woodland	The site does support suitable habitat for the species; however, no hawk observed during field surveys.	Species is documented in the general region CNDDB (2020)
Pallid bat (*Antrozous pallidus*)	Fed: None State: None	Deserts, grasslands, shrublands, woodlands and forests.	The site does support suitable habitat for the species; however, no bat observed during field surveys.	Species is documented in the general region CNDDB (2020)
Long-eared owl (*Asio otus*)	Fed: None State: None	Riparian bottomlands grown to tall willows and cottonwoods	The site does not support suitable habitat for the species.	Species is documented in the general region CNDDB (2020)
Coast horned lizard (*Phrynosoma blainvillii*)	Fed: None State: None	Desert scrub Sandy washes	The site does support suitable habitat for the species; however, no coast horned lizard observed during field surveys.	Species is documented in the general region CNDDB (2020)

Yellow warbler (*Setophaga petechia*)	Fed: None State: None	Dense riparian vegetation.	The site does not support suitable habitat for the species.	Species is documented in the general region CNDDB (2020)
Short-joint beavertail (Opuntia basilaris var. brachyclada)	Fed: None State: None	Desert scrub Joshua tree woodland	The site does support suitable habitat for the species; however, no beavertail cactus observed during field surveys.	Species is documented in the general region CNDDB (2020)
Booth's evening-primrose (*Eremothera boothii ssp. boothii*)	Fed: None State: None	Joshua tree woodland, pinyon and juniper woodland	The site does support suitable habitat for the species; however, no primrose observed during field surveys and not expected to occur on the site.	Species is documented in the general region CNDDB (2020)
White-pygmy-poppy (*Canbya candida*)	Fed: None State: None	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland	The site does support suitable habitat for the species; however, no poppy observed during field surveys.	Species is documented in the general region CNDDB (2020)
Mohave tui chub (*Siphateles bicolor mohavensis*)	Fed: E State: E	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters	The site does not support suitable habitat for the species.	Species is documented in the general region CNDDB (2020)
Le Conte's thrasher (*Toxostoma lecontei*)	Fed: None State: None	Desert scrub	Site does support suitable habitat for the species; however, no thrashers observed during field surveys.	Species is documented in the general region CNDDB (2020)
Gray vireo (*Vireo vicinior*)	Fed: None State: None	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters	The site does not support suitable habitat for the species.	Species is documented in the general region CNDDB (2020)

5.0 RESULTS

5.1 General Biological Resources

The site supports a mixed desert shrub community which covers most of the property (Figure 3). Species present on the site included junipers (*Juniperus californica*), annual bursage (*Ambrosia acanthicarpa).* Nevada joint-fir (*Ephedra nevadensis*), rabbitbrush (*Ericameria nauseosa*), yellow-green matchweed (Gutierrezia sarothrae), Anderson thornbush (*Lycium andersonii*), cholla (*Opuntia* sp.), sage (*Salvia* sp.), and Joshua tree (*Yucca brevifolia*). Annuals present included brome grasses *(Bromus sp.*), schismus (*Schimus barbatus*), California buckwheat *(Eriogonum fasciculatum*), Table 1 provides a compendium of all plants occurring on the site and/or in the immediate surrounding area.

Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaida macroura*), sage sparrow (*Amphispiza bellii*), white-crowned sparrow *(Zonotrichia leucophrys*), Costa's hummingbird *(Calypte costae*) and Say's phoebe (*Sayornis saya*).

California ground squirrels (*Spermophilus beecheyi*), black-tailed jackrabbit (*Calypte costae*), desert cottontail (*Sylvilagus auduboni*), and Antelope ground squirrels (*Ammospermophilus leucurus*) were observed on the site, however; coyotes are known to occur in the area and may traverse the site during hunting activities. Merriam's kangaroo rats (*Dipodomys merriamii*) may also occur on the site given their wide-spread distribution in the Mojave Desert. Tables 1 and 2 (Appendix A) provides a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

Reptiles common in the region which are expected to inhabit the site include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*). Table 2 provides a compendium of wildlife species observed during the various surveys and those likely to occur in the area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations

5.2 Federal and State Listed Species

Desert Tortoise: The site is located within documented tortoise habitat according to CNDDB with the nearest documented sighting about 4-miles southwest of the property (CNDDB, 2020). The property supports suitable habitat for the desert tortoise; although, development activities in the immediate area, the presence of the California Aqueduct to the south, and Amargosa Road to the east reduces the probability of desert tortoises inhabiting the site in the future. No tortoises or tortoise sign (burrows, scats, etc.) were observed anywhere within the property boundaries during the January 29, 2020 protocol surveys. The survey results are valid for one year as per CDFW and USFWS requirements.

Mohave Ground Squirrel: The site does occur within the known distribution of the Mohave Ground Squirrels, and the nearest documented observation is about 3-miles to the east of the property. There are no recent observations of Mojave ground squirrel within the area. It is the opinion of RCA Associates, Inc that the site is unlikely to support populations of the species based on the following criteria

1. Small size (20.8-acres);
2. No recent documented observations in the general region; and
3. No connectivity with habitat which may support the species.

5.3 Wildlife Species of Special Concern

Burrowing Owl: The site is located within documented burrowing owl habitat according to CNDDB with the nearest documented sighting about 1.5 miles northeast of the property (CNDDB, 2020). No owls or owl sign (whitewash, etc.) were seen on the property during the survey, and no suitable (i.e., "occupiable") burrows were observed. The probability of owls moving onto the site in the future is low based on the results of the field investigations and the absence of any suitable burrows that the species could utilize.

Yellow warbler: Yellow warbler have been documented in the region (Occurrence #29, Hesperia, California Quad, 2020), with the most recent observation (1953) about three miles west of the property (CNDDB, 2020). Yellow warblers are not expected to occur on the site due to the absence of suitable habitat.

Short-joint beavertail: Beavertail cactus are readily identifiable and if present on the site, would have been observed during the extensive field investigations conducted thought out the site. Short-joint beavertail has been observed in the region (Occurrence #13, Hesperia, California Quad, 2020), with the most recent documented siting (1991) in the region was approximately five miles to the south (CNDDB, 2020). However, no cacti were observed and the species is not expected to occur on the site in the near future.

Coast horned lizard: Coast horned lizard has been documented in the region (Occurrence # 217, Hesperia, California Quad, 2020), with the most recent observation (1980) about five miles northeast of the property (CNDDB, 2020). Coast horned lizards may occur on the site; although, the probability is low.

Cooper's hawk: Cooper's hawk has not been observed in the area recently (Occurrence #4, Hesperia, California Quad, 2020), with the last documented observation (1952) about two miles southeast of the property (CNDDB, 2020). The species could utilize the site for hunting; although, the species is expected to infrequently use the site for hunting.

Pallid bat: Pallid bat has been documented in the region (Occurrence #429, Hesperia, California Quad, 2020), with the most recent documented observations (2016) about seven miles northeast of the property (CNDDB, 2020). Pallid bats are unlikely to inhabit the site given the low population levels in the area.

Long-eared owl: Long-eared owl has been documented in the region (Occurrence #17, Hesperia, California Quad, 2020), with the most recent documented observations (1948) about 0.5 miles northwest of the property (CNDDB, 2020). The species could utilize the site for hunting; although,

the species is expected to infrequently use the site for hunting due to its proximity to a major roadway.

White pygmy-poppy: White pygmy-poppy are readily identifiable and if present on the site, would have been observed during the extensive field investigations conducted thought out the site. White pygmy-poppy has been observed in the region (Occurrence #5, Hesperia, California Quad, 2020), with the most recent documented observation (1958) in the region was approximately three miles to the north (CNDDB, 2020). The species is not expected to occur on the site in the near future.

Booth's evening-primrose: Booth's evening-primrose are readily identifiable and if present on the site, may have been identifiable although the species would not be flowering in January. Booth's evening-primrose has been observed in the region (Occurrence #3, Hesperia, California Quad, 2020), with the most recent documented observation (1989) in the region was approximately eight miles to the northeast (CNDDB, 2020). The species is not expected to occur on the site in the near future.

Mojave tui chub: Mojave tui chub have been observed within the Hesperia quad only in the northeast corner in the Mojave River basin (CNDDB, 2020). The most recent observation (1967) about eight miles to the northeast of the property region (Occurrence #18, Hesperia, California Quad, 2020). Mojave tui chub would not occur on the site given the absence of suitable habitat.

Le Conte's thrasher: Le Conte's thrashers have been documented in the region (Occurrence #17, Hesperia, California Quad, 2020), with the most recent observation in 1917 about three miles north of the property (CNDDB, 2020). Thrashers could potentially occur on the site; although, the use of the site by thrashers may be very infrequent given the low population levels in the region as well as the lack of any recent sightings according to the CNDDB.

Grey vireo: Grey vireo has been documented in the region (Occurrence #24, Hesperia, California Quad, 2020), with the most recent documented observations (1949) about four miles northeast of the property (CNDDB, 2020). Grey vireo could potentially occur on the site; although, the use of

the site by vireo may be very infrequent given the low population levels in the region as well as the lack of any recent sightings according to the CNDDB.

5.4 Jurisdictional Waters and Riparian Habitat

No riparian vegetation (e.g., cottonwoods, willows, etc.) or jurisdictional waters exist on the site or in the adjacent habitats.

5.5 Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinas, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

Joshua trees are scattered throughout the site and the project will be required to comply with the City of Hesperia Desert Native Plant Protection Ordinance and the California Desert Native Act. Removal of these Joshua trees will require the project applicant to apply for a Tree Removal Permit from the City prior to removal from the project site. Due to the presence of Joshua trees on the property, a "protected plant plan" will need to be prepared for the site and should be submitted to the City for under separate cover and contract.

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will impact the general biological resources present on the site, and most of the vegetation will likely be removed during future construction activities. Wildlife will also be impacted by development activities and those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of 20.8-acres of desert vegetation is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding desert region. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the Mohave ground squirrel and desert tortoise. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of any tortoise sign (e.g., burrows, scats, tracks, etc.), and although suitable habitat is present on site, the probability of the species inhabiting the site is very low. As per CDFW protocol, the burrowing owl survey results are valid for only 30 days; therefore, CDFW may require an additional 30-day pre-construction survey be performed prior to any clearing/grading activities to determine if owls have moved on to the site since the January 29, 2020 surveys.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Future development activities are expected to result in the removal of vegetation from the 20.8-acres parcel; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on the presence of habitat on the site which is very common throughout the Mojave Desert. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any suitable burrows at the present time. The following mitigation measures are recommended:

1. CDFW 30-day pre-construction survey be performed immediately prior (i.e., 30-days or less) to the start of any future construction activities to determine if any owls have moved onto the site since the January 29, 2020 surveys.

2. A Joshua Tree Protected Plant Plan should be prepared for the site and should be submitted to the City under separate cover and contract.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any sensitive species and can approve the implementation of any applicable mitigation measures.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, presents the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by Randall Arnold and other biologists under his direction. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 01/30/2020 Signed: Randall Arnold

Field Work Performed By: Randall Arnold
Senior Biologist

Appendix A

Tables and Figures

Table 1 - Plants observed on the site and known to occur in the immediate surrounding area.

Common Name	Scientific Name	Location
Joshua tree	*Yucca brevifolia*	●n site and Surrounding Area
Brome grass	*Bromus* sp.	"
Juniper	*Juniperus californica*	"
Annual Bursage	*Ambrosia acanthicarpa*	"
Flat Topped Buckwheat	*Eriogonum deflexum*	"
Buckwheat	*Eriogonum fasciculatum*	"
Mustard	*Descurainia pinnata*	"
Schismus	*Schismus barbatus*	"
Rabbitbrush	*Chrysothamnus nauseosus*	"
Paperbag plant	*Salazaria mexicana*	"
Ephedra	*Ephedra nevadensis*	"
Yellow-green matchweed	*Gutierrezia sarothrae*	"
Lycium	*Lycium cooperi*	Surrounding area
Anderson's thornbush	*Lycium andersonii*	On site
Burrobush	*Ambrosia dumosa*	Surrounding site
Yerba santa	*Eriodictyon californicum*	"
Fiddleneck	*Amsinckia tessellata*	On site
Cholla	*Opuntia echinocarpa*	"
Filaree	*Erodium cicutarium*	"

Note: The above list is not intended to be a comprehensive list of every plant which may occur on the site or in the zone of influence.

Table 2 - Wildlife observed on the site during the field investigations or known to occur in the region.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site and in the surrounding area.
California ground squirrel	*Spermophilus beecheyi*	"
Sage sparrow	*Amphispiza belli*	"
Song sparrow	*Melospiza melodia*	"
California scrub jay	*Aphelocoma californica*	Surrounding area
House sparrow	*Passer domesticus*	"
House finch	*Carpodacus mexicanus*	"
Northern mockingbird	*Mimus polyglottus*	"
Mourning dove	*Zenaida macroura*	On site
Cactus wren	*Campylorhynchus brunneicapillus*	On site (?)
Gambel's quail	*Callipepla californicus*	"
Turkey vulture	*Cathertes aura*	Surrounding area
Red-tailed Hawk	*Buteo jamaicensis*	"
Western whiptail lizard	*Cnemidophorus tigris*	On site (?)
Side-blotched lizard	*Uta stansburiana*	"
Desert spiny lizard	*Sceloporus magister*	"
Antelope ground squirrel	*Ammospermophilus leucurus*	"
Desert cottontail	*Sylvilagus audubonii*	"
Jackrabbit	*Lepus Californicus*	"
Coyotes	*Canis latrans*	"

Note: The above Table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Hesperia (3411743))

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.
Accipiter cooperii Cooper's hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	3,361 3,361	118 S:1	0	0	0	0	0	1	1	0	1	0	0
Antrozous pallidus pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	2,820 2,820	420 S:1	0	0	0	0	0	1	0	1	1	0	0
Asio otus long-eared owl	G5 S3?	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	3,220 3,220	48 S:1	0	0	0	0	0	1	1	0	1	0	0
Athene cunicularia 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	3,000 3,320	1989 S:6	1	2	2	1	0	0	0	6	6	0	0
Canbya candida white pygmy-poppy	G3G4 S3S4	None None	Rare Plant Rank - 4.2 SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	3,200 3,200	30 S:1	0	0	0	0	0	1	1	0	1	0	0
Eremothera boothii ssp. boothii Booth's evening-primrose	G5T4 S3	None None	Rare Plant Rank - 2B.3	2,800 2,800	35 S:1	0	0	0	0	0	1	1	0	1	0	0
Opuntia basilaris var. brachyclada short-joint beavertail	G5T3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	3,300 3,300	199 S:1	0	0	1	0	0	0	0	1	1	0	0
Phrynosoma blainvillii coast horned lizard	G3G4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	3,020 3,180	784 S:2	0	0	0	0	0	2	2	0	2	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

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.
Setophaga petechia yellow warbler	G5 S3S4	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	3,660 3,660	78 S:1	0	0	0	0	0	1	1	0	1	0	0
Siphateles bicolor mohavensis Mohave tui chub	G4T1 S1	Endangered Endangered	AFS_EN-Endangered CDFW_FP-Fully Protected	2,700 2,700	24 S:1	0	0	0	0	1	0	1	0	0	1	0
Toxostoma lecontei Le Conte's thrasher	G4 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	3,200 3,200	238 S:1	0	0	0	0	0	1	1	0	1	0	0
Vireo vicinior gray vireo	G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_YWL-Yellow Watch List USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	3,200 3,260	28 S:2	0	0	0	0	0	2	2	0	2	0	0
Xerospermophilus mohavensis Mohave ground squirrel	G2G3 S2S3	None Threatened	BLM_S-Sensitive IUCN_VU-Vulnerable	3,180 3,200	432 S:2	0	0	0	0	2	0	2	0	0	1	1

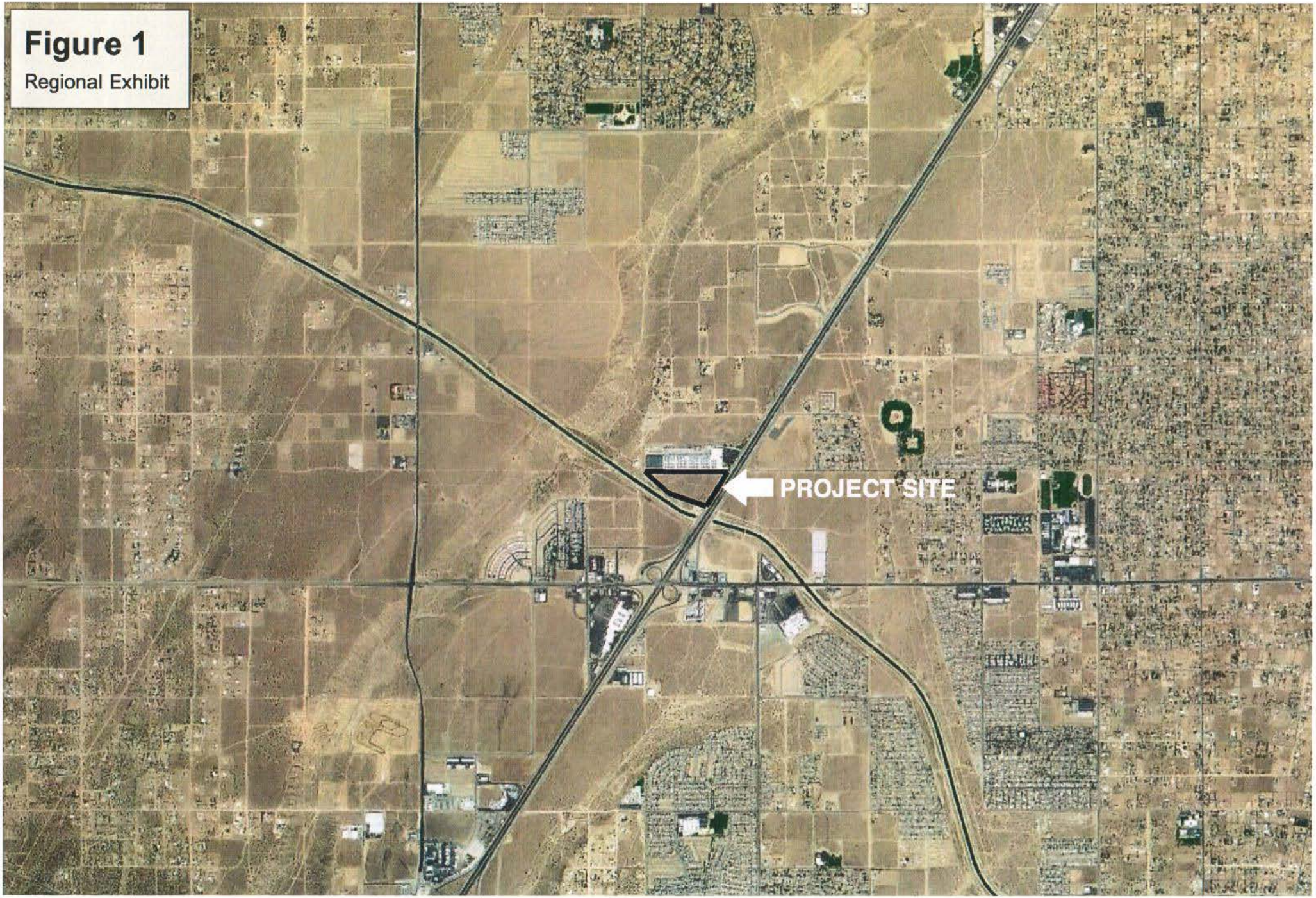


Figure 1
Regional Exhibit
PROJECT SITE

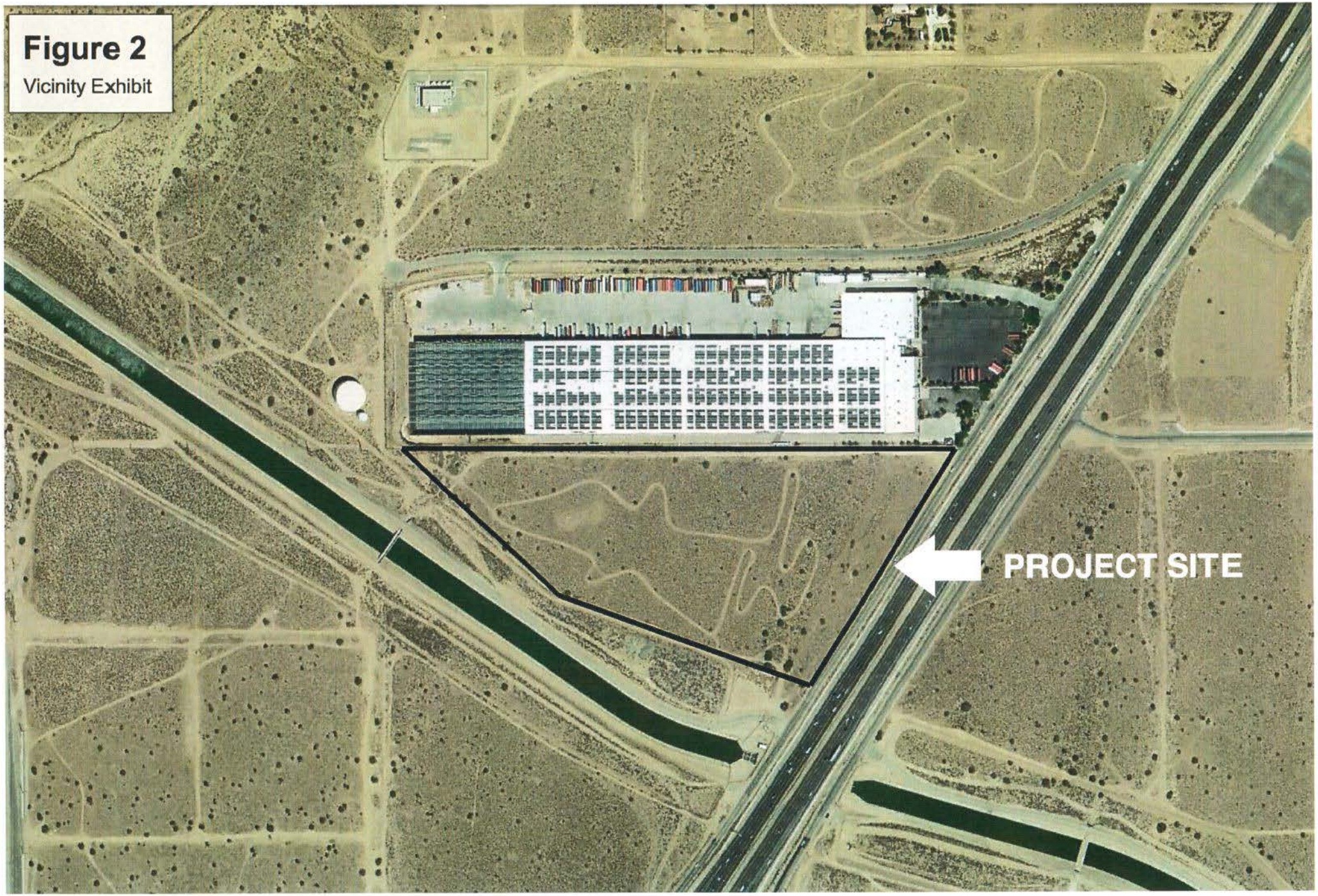
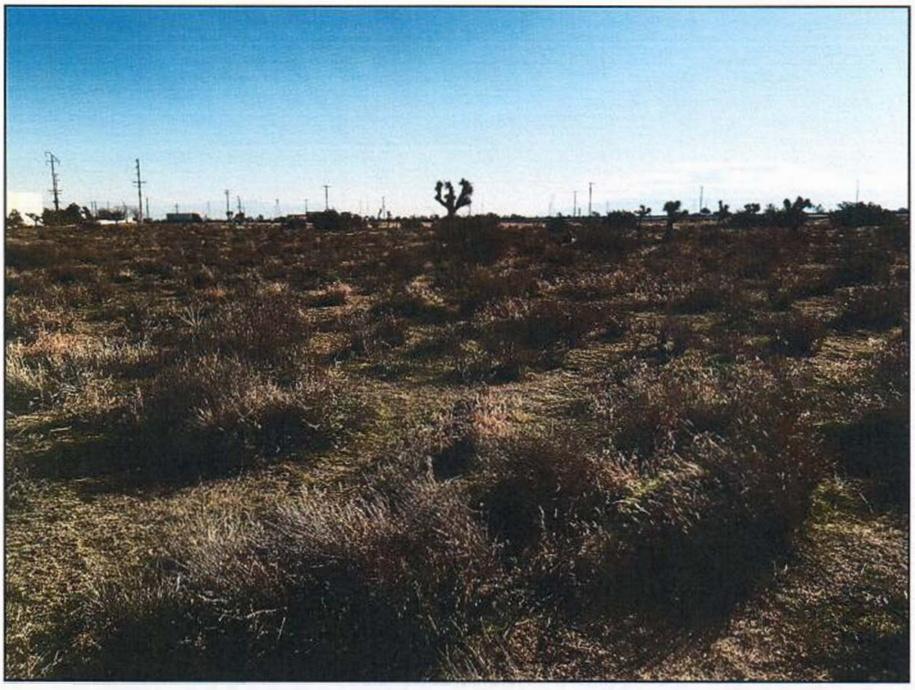


Figure 2
Vicinity Exhibit
PROJECT SITE

CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST

FIGURE 3
PHOTOGRAPHS OF SITE

CENTER OF SITE LOOKING SOUTH

CENTER OF SITE LOOKING WEST

FIGURE 3, cont.
PHOTOGRAPHS OF SITE

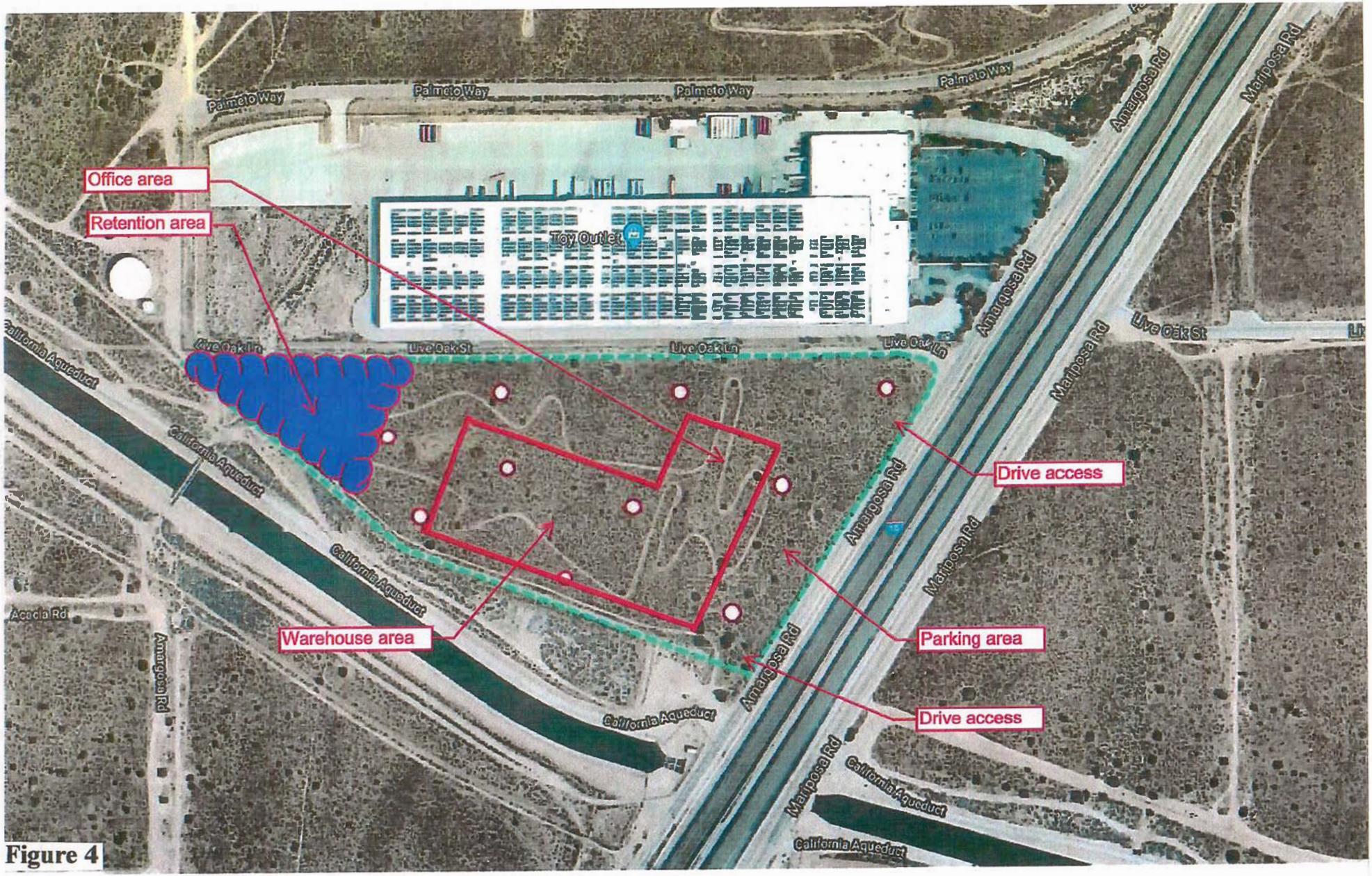

Office area
Retention area
Warehouse area
Drive access
Parking area
Drive access
Palmeto Way
Palmeto Way
Palmeto Way
Palmeto Way
Toy Outlet
Live Oak Ln
Live Oak St
Live Oak Ln
Live Oak Ln
Live Oak St
California Aqueduct
California Aqueduct
California Aqueduct
California Aqueduct
California Aqueduct
Amargosa Rd
Amargosa Rd
Amargosa Rd
Amargosa Rd
Mariposa Rd
Mariposa Rd
Mariposa Rd
Mariposa Rd
Acacia Rd

Figure 4

APPENDIX B

REGULATORY CONTENT

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resource, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines "take" as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Federal regulation 50CFR17.3 defines the term "harass" as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines "harm" as an act that either kills or injures a listed species. By definition, "harm" includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is "incidental to, and not the purpose of, the carrying out of another wise lawful activity." Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA,

or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, the Section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other "take" that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFG has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Game Code. Section 2080 prohibits the take of a species listed by CDFG as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFG and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFG coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into "Waters of the United States" under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as "areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP's) are general permits issued to cover particular fill activities. All NWP's have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fills material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction storm water management plan to insure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Game Code, Sections 1600-1616

Under the California Fish and Game Code, Sections1600-1616 CDFG regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFG and enter into streambed alteration agreement with them. Section 1602 of the California Fish and Game Code requires a state or local government agency, public utility, or private entity to notify CDFG before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFG issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Game Code, Section 3503.5

Under the California Fish and Game Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and flacons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term "take" is defined as "to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires." Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA. This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the

term "sensitive natural community" includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.