



December 9, 2022

TRANSWESTERN

Attention: John Privett
3501 Jamboree Road, Suite 4400
Newport Beach, California 92660

SUBJECT: Biological Resources Assessment for the Proposed Project Located at 3347 East Avenue M within Assessor Parcel Number (APN) 3170-018-081 in the City of Palmdale, Los Angeles County, California

Introduction

This report contains the findings of ELMT Consulting’s (ELMT) biological resources assessment for the proposed project located at 3347 East Avenue M within Assessor Parcel Number (APN) 3170-018-081 (project or project site) located in the City of Palmdale, Los Angeles County, California. The field investigation was conducted by biologists Jacob Lloyd Davies and Rachael A. Lyons on November 15, 2022, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support special-status plant and wildlife species identified by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

The site was also evaluated for its potential to support natural drainage features, ponded areas, and/or water bodies that have the potential to fall under the regulatory authority of the of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or California Department of Fish and Wildlife (CDFW) pursuant to Sections 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Section 1600 *et seq.* of the Fish and Game Code.

Project Location

The project site generally located east of State Route 14, north of State Route 138, south of East Avenue K, and west of 50th Street East in the City of Palmdale, Los Angeles County, California. The site is depicted on the Lancaster East quadrangle of the United States Geological Survey’s (USGS) 7.5-minute map series within Section 32 of Township 7 North, Range 11 West. Specifically, the project site is located on the northeast corner of 30th Street East and East Avenue M, within Assessor Parcel Number (APN) 3170-018-081. Refer to Exhibits 1-3 in Attachment A.

¹ As used in this report, “special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2022);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Field Investigation

Following the literature review, biologists Jacob Lloyd Davies and Rachael A. Lyons inventoried and evaluated the condition of the habitat within a 200-foot buffer around the project site, where applicable, on November 15, 2022. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and

² A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Soil Series Assessment

Onsite and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey for Los Angeles County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names in this report (first reference only).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Conditions

The proposed project site is located in an area that primarily consists of defunct agricultural land, and industrial development. The site is bounded to the north by an unnamed, unpaved access road with undeveloped, vacant land beyond; to the south by Columbia Avenue, with a Northrup Grumman facility beyond; to the east by East Avenue M, with undeveloped, vacant land beyond; and to the west by 30th Street East, with solar field development beyond. The site itself is entirely undeveloped, and has been heavily impacted by historic land uses associated with agricultural operations, off-road vehicular access, illegal dumping, and surrounding development.

Topography and Soils

The project site has an elevation range of approximately 2,461 to 2,475 feet above mean sea level, with no areas of significant topographic relief. Based on the NRCS USDA Web Soil Survey, the project site is historically underlain by Cajon loamy sand (0 to 2 percent slopes), Hesperia fine sandy loam (0 to 2 percent slopes), Rosamond loamy fine sand, and Rosamond fine sandy loam. Refer to Exhibit 4, *Soils*, in Attachment A. Soils onsite have been compacted by historic agricultural activities, weed abatement, and surrounding development.

Vegetation

Due to historic and existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances, including weed abatement activities. These disturbances have eliminated and/or greatly disturbed the natural plant communities that historically occurred within the immediate vicinity of the project site. Refer to Attachment B, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the proposed project.

The site supports one (1) land cover type that would be classified as disturbed (refer to Exhibit 5, *Vegetation* in Attachment A). The disturbed portions of the site vary in vegetative density from unvegetated to sparsely vegetated with early successional, weedy, and non-native plant species. Common plant species observed onsite include rubber rabbitbrush (*Ericameria nauseosa*), nettle-leaved goosefoot (*Chenopodium murale*), Russian thistle (*Salsola tragus*), ripgut brome (*Bromus diandrus*), horsenettle (*Solanum carolinense*), puncturevine (*Tribulus terrestris*), Indian hedge mustard (*Sisymbrium orientale*), Bermuda grass (*Cynodon dactylon*), Salt Cedar (*Tamarix* sp.), Menzies' fiddleneck (*Amsinckia menziesii*), Dutchman's pipe (*Aristolochia clematitis*), silver ragwort (*Jacobaea maritima*), rabbit tobacco (*Pseudognaphalium obtusifolium*), silver burr ragweed (*Ambrosia chamissonis*), and common dandelion (*Taraxacum officinale*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and

development.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur on the project site and are presumed absent.

Reptiles

The survey area provides suitable foraging and cover habitat for local reptile species adapted to a high degree of anthropogenic disturbance in the Mojave Desert. No reptilian species were observed at the time of the investigation. Common reptilian species that could be expected to occur include Great Basin fence lizard (*Sceloporus occidentalis longipes*) and western side-blotched lizard (*Uta stansburiana elegans*).

Birds

The project site provides suitable foraging and nesting habitat for bird species adapted to a high degree of anthropogenic disturbance in the Mojave Desert. Bird species detected during the field investigation include ruby-crowned kinglet (*Regulus calendula*), white-crowned sparrow (*Zonotrichia leucophrys*), horned lark (*Eremophila alpestris*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), turkey vulture (*Cathartes aura*), and Say's phoebe (*Sayornis saya*).

Mammals

The survey area provides sparse foraging and cover habitat for mammalian species adapted to a high degree of anthropogenic disturbance. The only mammalian species detected during the field investigation was C California ground squirrel (*Otospermophilus beecheyi*). Additional common mammalian species that could be expected to occur include desert cottontail (*Sylvilagus audubonii*), and coyote (*Canis latrans*).

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of breeding season. The salt cedar windrow along the eastern boundary, and the elm windrow offsite to the north of the project site have the potential to provide minimal nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted a high degree of anthropogenic disturbance. No raptors are expected to nest on-site due to lack of suitable nesting opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both anthropogenic disturbance and natural fluctuations in resources.

The project site is located in an area of Palmdale historically used for agricultural practices. Most of this area has been heavily disturbed and repurposed for industrial development and is highly fragmented from any wildlife connectivity areas. The nearest preserved habitat is located approximately 7.94 miles southeast of the project site, in association with the Alpine Butte Wildlife Sanctuary. The project site is separated from this open space by industrial and agricultural development, as well as several heavily trafficked roadways including 70th Street East and Columbia Way. Therefore, implementation of the proposed project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area. No other wildlife corridors or linkages occur within the vicinity of the project site.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented on the project site. Based on this review, no blueline streams or riverine resources have been identified on the project site.

The project site does not support any discernible drainage courses, inundated areas, wetland features, or hydric soils that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Lancaster East USGS 7.5-minute quadrangle. Only one quadrangle was queried due to the proximity of the site to quadrangle boundaries, regional topography, and conditions in the vicinity of the site. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have

the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified seven (7) special-status plant species and eleven (11) special-status wildlife species as having potential to occur within the Lancaster East USGS 7.5-minute quadrangle. No special-status plant communities were identified as having potential to occur within this quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability, and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment C: *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, seven (7) special-status plant species have been recorded in the Lancaster East quadrangle (refer to Attachment C). No special-status plant species were observed on-site during the field investigation. The project site consists vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred on-site which has removed ability of the habitat on the project site to provide suitable habitat for special-status plant species known to occur onsite. These trees are separated from the project site by an unpaved, unnamed access road. No other special-status plant species were observed in the vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and all are presumed to be absent. No focused surveys are recommended.

Special-Status Wildlife

According to the CNDDDB, eleven (11) special-status wildlife species have been reported in the Lancaster East quadrangle (refer to Attachment C). No special-status wildlife species were observed onsite during the field investigation. The project site has been subject to anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred onsite which has reduced potential foraging and nesting/denning opportunities for wildlife species. Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the proposed project site does not have the potential to provide suitable habitat for any of the special-status wildlife species known to occur in the area.

Critical Habitats

Under the federal Endangered Species Act, “Critical Habitat” is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a

Clean Water Act Permit from the United States Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. Further, the nearest Critical Habitat designation is located approximately 13 miles northeast for Desert tortoise (*Gopherus agassizii*). Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

Conclusion

Based on literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. No further surveys are recommended. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.
Managing Director



Travis J. McGill
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*