

GENERAL BIOLOGICAL RESOURCES ASSESSMENT

PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT CONDITIONAL USE PERMIT APN 3066-264-10

SAN BERNARDINO COUNTY, CALIFORNIA
(USGS Phelan, CA Quad.; Township 4 North, Range 7 West, Section 24)

Prepared for:

**Phelan Pinon Hills Community Services District
P.O. Box 294049
Phelan, California 92329**

Prepared by:

**RCA Associates, LLC
15555 Main Street, #D4-235
Hesperia, California 92345
Randall C. Arnold, Jr., Principal Investigator
(760) 956-9212
Project No: RCA#2012-85C**

Report Prepared by Randall C. Arnold, Jr.

October 29, 2012

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EXECUTIVE SUMMARY

The project proponent is proposing to construct an administration building, service building, gymnasium, retention basin, treatment plant, and parking areas on a 5-acre site located in Phelan, California (Section 24, Township 4 North, Range 7 West) in San Bernardino County. The site has been extensively disturbed due to past clearing/human activities and the site supports very minimal vegetation. The site is bordered on the north and south by commercial businesses and the Phelan Chamber of Commerce buildings, and on the east and west by vacant lands. Very little native vegetation currently exists on the site due to past and on-going human activities. Russian thistle (*Salsola tragus*), erodium (*Erodium cicutarium*), buckwheat (*Eriogonum* sp.), schismus (*Schismus barbatus*) were the primary plant species noted.

The property is located within the known distribution of the desert tortoise; therefore, focused surveys were performed for the species on October 25, 2012 from approximately 0700 to 0930 hours. The result of the tortoise survey is discussed in a separate report and is presented in Appendix . The site supports very marginal habitat for any sensitive species including the desert tortoise, due to the level of disturbance which has occurred on the site over the last several years and the absence of any extensive native plant communities. In addition, no sensitive species were observed in the vacant lot to the east.

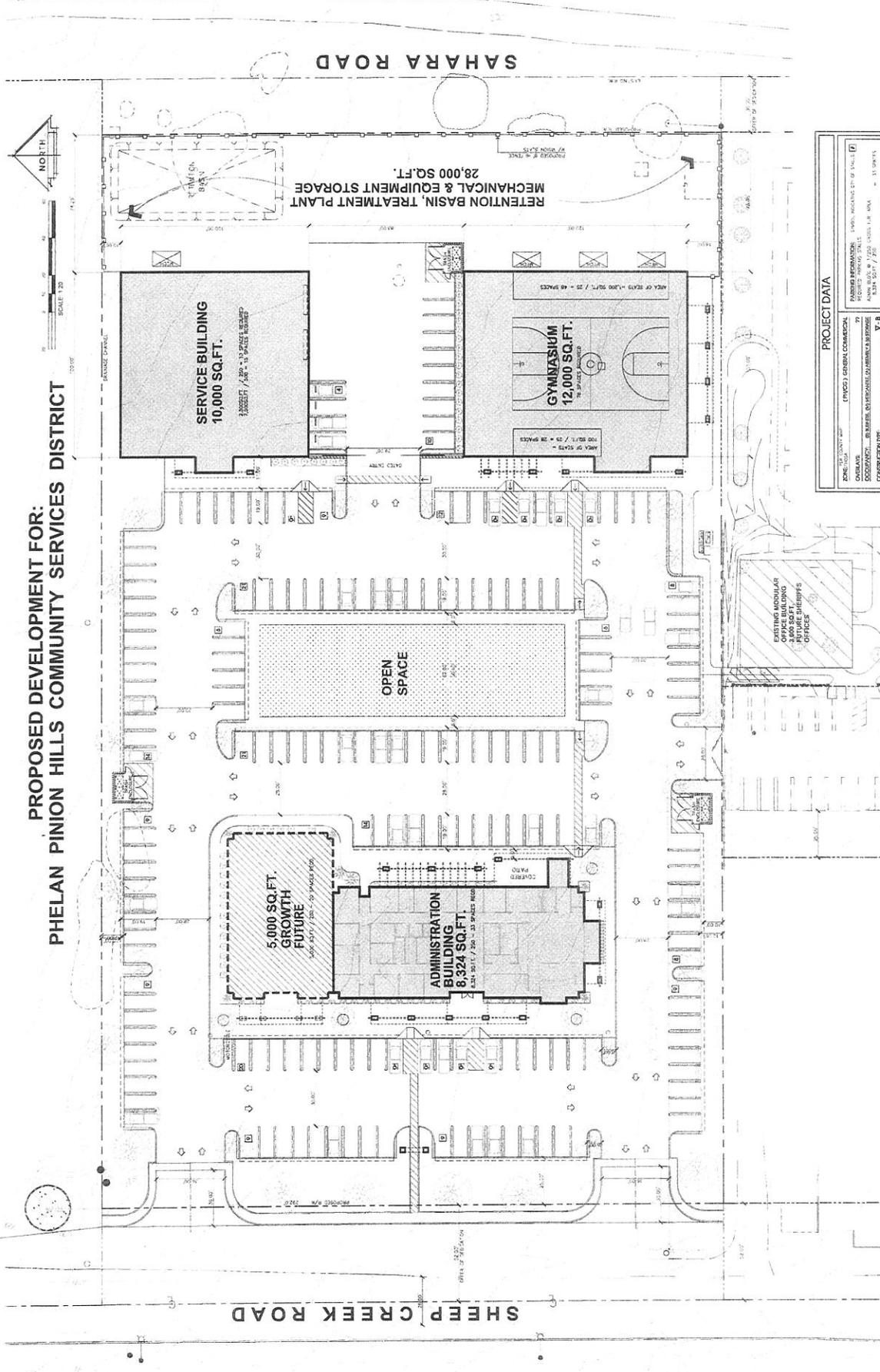
1.0 PROJECT AND PROPERTY DESCRIPTION

The property consists of very disturbed land which has been previously cleared and was occupied by several buildings and sheds which have been removed. The 5 acre property is located along Sheep Creek Road in Phelan, California about 0.1 miles south of the intersection of Phelan Road and Sheep Creek Road (Township 4 North, Range 7 West, Section 24) at an elevation of approximately 4140 feet (MSL). Soils have been significantly disturbed due to past human activities; however, they appear to be primarily sandy loam. No water resources were observed on the site and the USGS Phelan Quadrangle (1996) does not show any blue-line channels on the site.

No sensitive wildlife habitats, sensitive wildlife species, or wildlife corridors were associated with the site. Weather conditions during the October 25, 2012 survey consisted of winds of 0 to 5 mph, temperatures in the low 60's to high 70's (AM, °F) with clear skies. The site is bordered on the north and south by existing commercial businesses and on the east and west by vacant lots. The site supports very little vegetation including primarily Russian thistle, erodium, buckwheat, and schismus. Section 4.0 provides a more detailed discussion of the biological resources. The project map is provided below (Figure 1), and the USGS quadrangle map is provided in Figure 2. Figure 3 provides photographs of the site.

The proponent is proposing to construct an administration building, service building, gymnasium, and parking lots for the Phelan Pinon Hills Community Services District. Figure 1 depicts the proposed layout for the site.

PROPOSED DEVELOPMENT FOR:
PHELAN PINION HILLS COMMUNITY SERVICES DISTRICT



PROJECT DATA	
ZONE: COMMERCIAL	(F) ZONE GENERAL COMMERCIAL
OWNER: PHELAN PINION HILLS COMMUNITY SERVICES DISTRICT	DESIGNED BY: STEEN & ASSOCIATES, INC.
DATE: 08/20/2011	PROJECT NO.: 11010
PROJECT: COMMERCIAL DEVELOPMENT	PHASE: 1 - PRELIMINARY
DATE: 08/20/2011	SCALE: 1/8" = 1'-0"
ARCHITECT/ENGINEER: STEEN & ASSOCIATES, INC. 11010 W. 11TH ST., SUITE 100 DENVER, CO 80202 TEL: 303.733.1101 FAX: 303.733.1102 WWW.STEENANDASSOCIATES.COM	
PROPOSED: 1 - 12,000 SQ. FT. GYMNASIUM 1 - 10,000 SQ. FT. SERVICE BUILDING 1 - 8,324 SQ. FT. ADMINISTRATION BUILDING 1 - 28,000 SQ. FT. RETENTION BASIN, TREATMENT PLANT, MECHANICAL & EQUIPMENT STORAGE 1 - 5,000 SQ. FT. GROWTH FUTURE	

FIGURE 1

FOR OFFICIAL USE ONLY

STEEN & ASSOCIATES, INC.
 ARCHITECTS & ENGINEERS
 11010 W. 11TH ST., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1101
 FAX: 303.733.1102
 WWW.STEENANDASSOCIATES.COM

PHELAN / PINION HILLS C.S.D.
 PROJECT: COMMERCIAL DEVELOPMENT
 COM12-110
 SHEET NO. 3

SITE PLAN

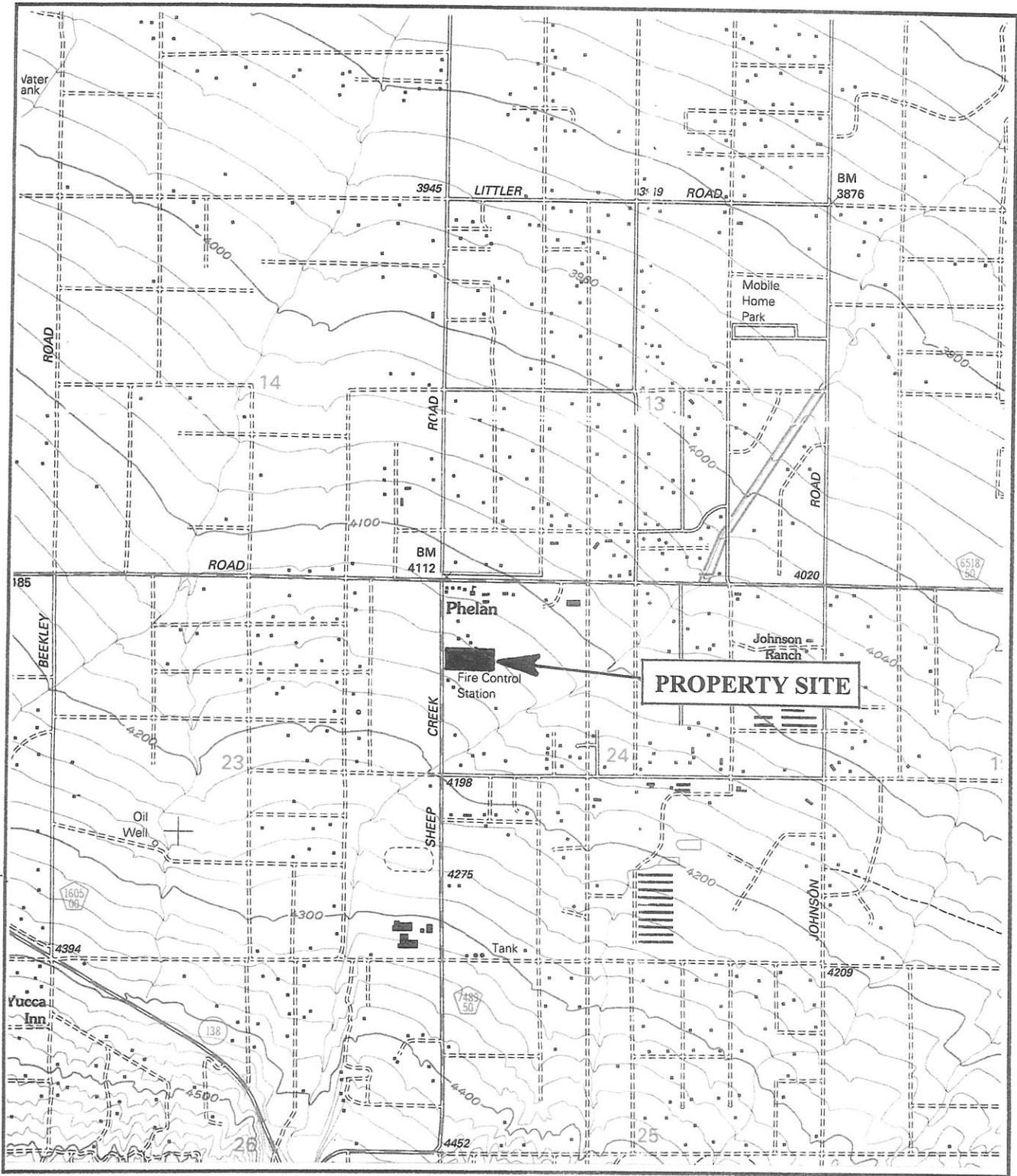


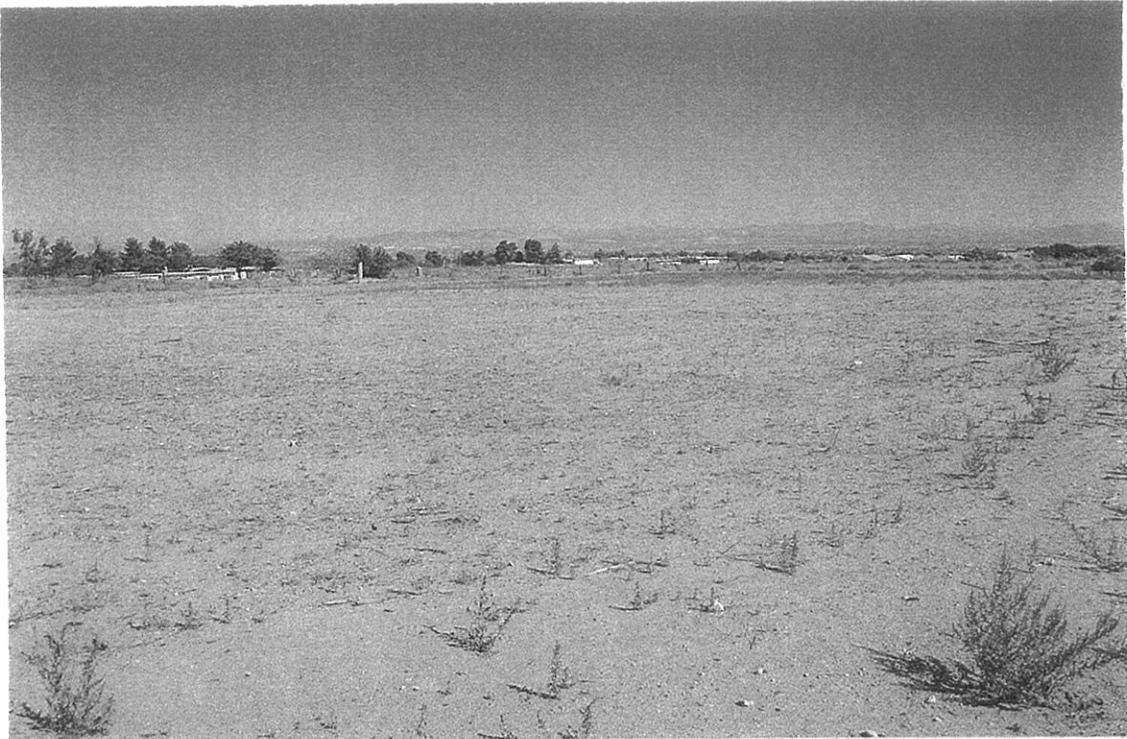
FIGURE 2

PROPERTY LOCATION
 (PPHCSD Development)
 (Source: USGS Phelan, CA Quad., 1996)



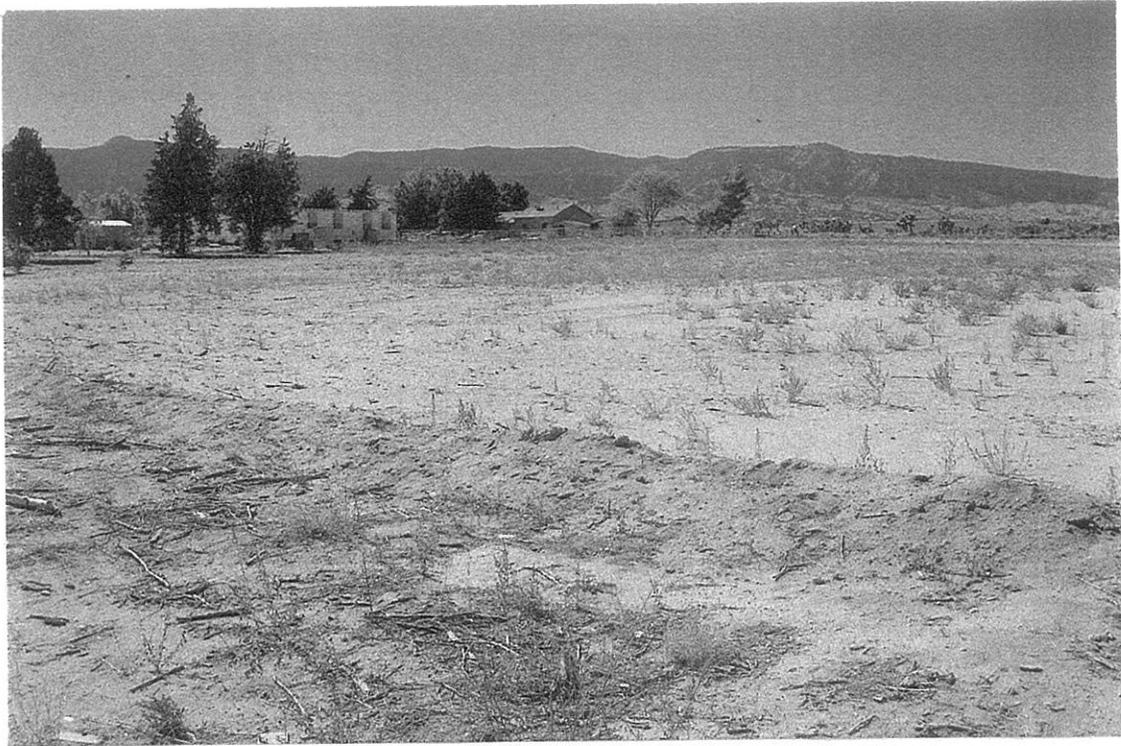


VIEW FROM SOUTHEAST CORNER LOOKING NORTHWEST



VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST

FIGURE 3
(Phelan Pinon Hills Community Services District, APN 3066-264-10)



VIEW FROM NORTHEAST CORNER LOOKING SW



VIEW FROM NORTHWEST CORNER LOOKING SE

FIGURE 3, cont.
(Phelan Pinon Hills Community Services District, APN 3066-264-10)

2.0 LITERATURE/RECORD REVIEW - SPECIES OF SPECIAL CONCERN

As part of the environmental process, California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed to determine if any listed and/or sensitive species have been documented in the area surrounding the site. The Federal Endangered Species Act provides protection for species of fish, wildlife, and plants that are listed by the US Government as threatened or endangered in the U.S., and the Act outlines procedures for Federal agencies to follow when evaluating projects which may jeopardize any listed species. In addition, The California Endangered Species Act (CESA) provides protection to those species which are deemed to be threatened with a significant decline or extinction within California, and the CESA provides CDFG with the responsibility of evaluating projects which may effect sensitive species.

Based on a literature review, a search of USFWS and CDFG data bases, and a search of the California Natural Diversity Database (CNDDDB), it was determined that there are seven sensitive species that have been documented in the surrounding region within approximately five to seven miles of the site (CNDDDB, 2012). These species include white pygmy poppy (*Canbya candida*), short-joint beavertail cactus (*Opuntia basilaris* var. *brachyclada*), coast horned lizard (*Phrynosoma blainvillii*), Le Conte's thrasher (*Toxostoma lecontei*), Mohave ground squirrel (*Xerospermophilus mohavensis*), burrowing owl (*Athene cunicularia*), and desert tortoise (*Gopherus agassizii*). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980). Table 1 (Appendix A) provides a detailed summary of the sensitive species listed above.

Following the data review, general biological surveys were performed on the site on October 25, 2012 in conjunction with a focused desert tortoise survey, during which the biological resources on the site and in the surrounding areas were documented by Randall C. Arnold, Jr. (biologist from RCA Associates, LLC) from 0700 to 0930 hours. As part of the surveys, the project site and the adjoining lands were evaluated for the presence of native habitats which could potentially support populations of sensitive species.

3.0 METHODOLOGIES

General Vegetation and Wildlife

General biological surveys were conducted on October 25, 2012 during which Randall C. Arnold, Jr. from RCA Associates, LLC walked meandering transects (i.e., “transects of opportunity”) throughout the site and in adjacent areas to the east (zone of influence) from 0700 to 0930 hours. No ZOI surveys were performed to the west due to the presence of posted signs. During the general surveys, data was collected on the plant species present on the site and in the immediate surrounding area and the wildlife observed. Most of the annuals typical of the area were identifiable, as were the various perennials. The few birds which use the site and adjacent areas were identified by visual observations and sound; whereas, the potential presence of mammals was determined by the presence of scats, tracks, burrows, or direct observations. All plants and animals detected during the field investigations were recorded and are provided in compendium Tables 2 & 3 (Appendix A). During the field investigations the site was also evaluated for the presence of any sensitive habitats (e.g., wetlands, streams, etc.) and wildlife corridors.

4.0 GENERAL BIOLOGICAL SURVEY RESULTS

The site has been significantly disturbed by past human activities, and currently supports very little native vegetation (Figure 4). Only a few plants were noted during the field investigations including Russian thistle (*Salsola tragus*), erodium (*Erodium cicutarium*), buckwheat (*Eriogonum* sp.), schismus (*Schismus barbatus*). A few small rabbitbrush (*Chrysothamnus depressus*), yellow-green matchweed plants (*Gutierrezia sarothrae*), and bromus grasses (*Bromus* sp.) were also observed. Table 1 provides a compendium of plants observed on the property (Appendix A).

Only a few wildlife species were identified in the surrounding area during the field investigations conducted on October 25, 2012 from 0700 to 0930 hours. Birds observed were limited to mourning doves (*Zenaida macroura*), ravens (*Corvus corax*), and song sparrows (*Melospiza melodia*). No reptiles were observed on the site; although, side-blotched lizards (*Uta stansburiana*) and western whiptail lizards (*Cnemidophorus tigris*) are relatively common in the region and may occasionally occur on the property and the surrounding area. Jackrabbits (*Lepus californicus*), antelope ground squirrels (*Ammospermophilus leucurus*), and desert cottontail rabbits (*Sylvilagus auduboni*) are also common in the area but are not expected to occur on the site given the absence of suitable habitat. Also, no small mammal burrows were observed on the site. No wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife species. Table 2 (Appendix A) provides a compendium of wildlife species observed on the site and other species known to occur in the region.

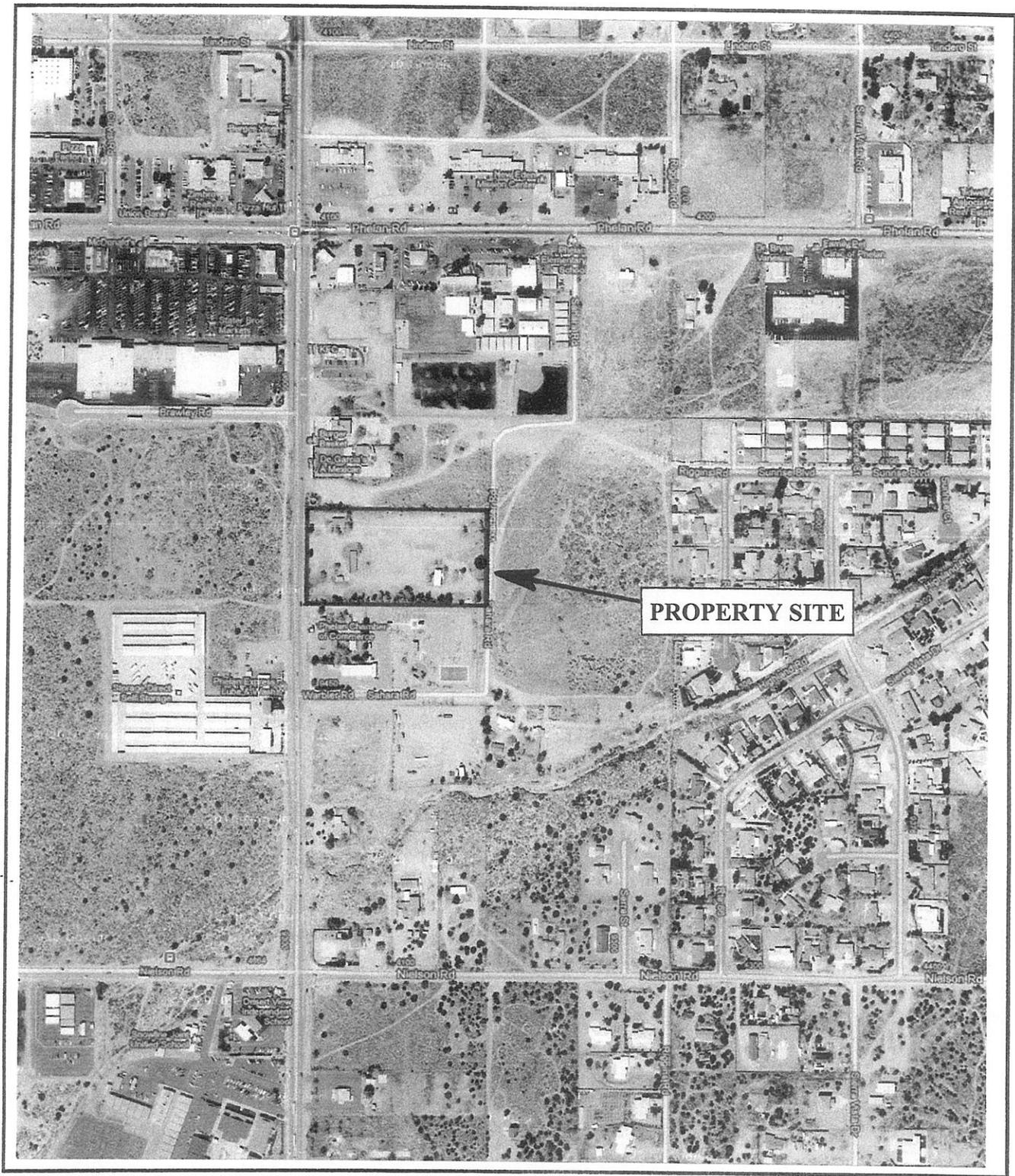


FIGURE 4

AERIAL PHOTOGRAPH OF PROPERTY
(PPHCSD Development)
(Source: Google Maps, 2012)



5.0 IMPACTS AND RECOMMENDATIONS

General Biological Resources

Future development of the site will result in the removal of the limited amount of vegetation currently present on the site. As discussed above and as shown in Figure 3, the site has been significantly disturbed by past human activities; consequently, very little vegetation remains. Furthermore, very few wildlife species were observed on the site and development activities will result in negligible displacement of any wildlife species. Birds present on the site at the time of development will be able to disperse over larger areas given their mobility and no increase in mortality is expected. Any reptiles (i.e., lizards) which may inhabit the site will be displaced into the vacant lands to the west with minimal mortality expected to occur. Therefore, cumulative impacts are not expected to be significant given the disturbed conditions on the site and the absence of native plant communities and significant amount of wildlife. No recommendations regarding the general biological resources are proposed at this time.

Sensitive Wildlife Species

None of the sensitive species that have been documented within a few miles of the site are expected to occur on the property based on the existing site conditions. As previously discussed, the structures that were present on the site have been removed and the site was cleared/graded at one point. Consequently, the site supports very little vegetation and the two sensitive plants known to occur in the region (i.e., white-pygmy poppy and short-joint beavertail cactus) do not occur on the site. In addition, no suitable (i.e., occupiable) burrows were observed anywhere on the site consequently, no burrowing owls occur on the property nor is the species expected to inhabit the site in the future. In addition, the site does not provide suitable habitat for other sensitive species such as coast horned lizards, Le Conte's thrashers, or Mohave ground squirrel. A focused survey was performed for the tortoises; however, no tortoises or tortoise sign was observed on the site or in the zone of influence (See Appendix C for copy of the desert tortoise report.)

In conclusion, based on the small size of the site (5-acres), the absence of any significant amount of native vegetation and the level of past disturbance, the site is not expected to support any populations of any sensitive species at the present time and no sensitive species are expected to move onto the site in the future. As mentioned above, no burrowing owls were observed and no occupiable burrows were found on the site; however, CDFG may require pre-construction surveys be performed 30-days before the start of any site clearing activities to determine if this mobile species has moved onto the site since the October 2012 surveys.

6.0 PROPOSED MITIGATION MEASURES

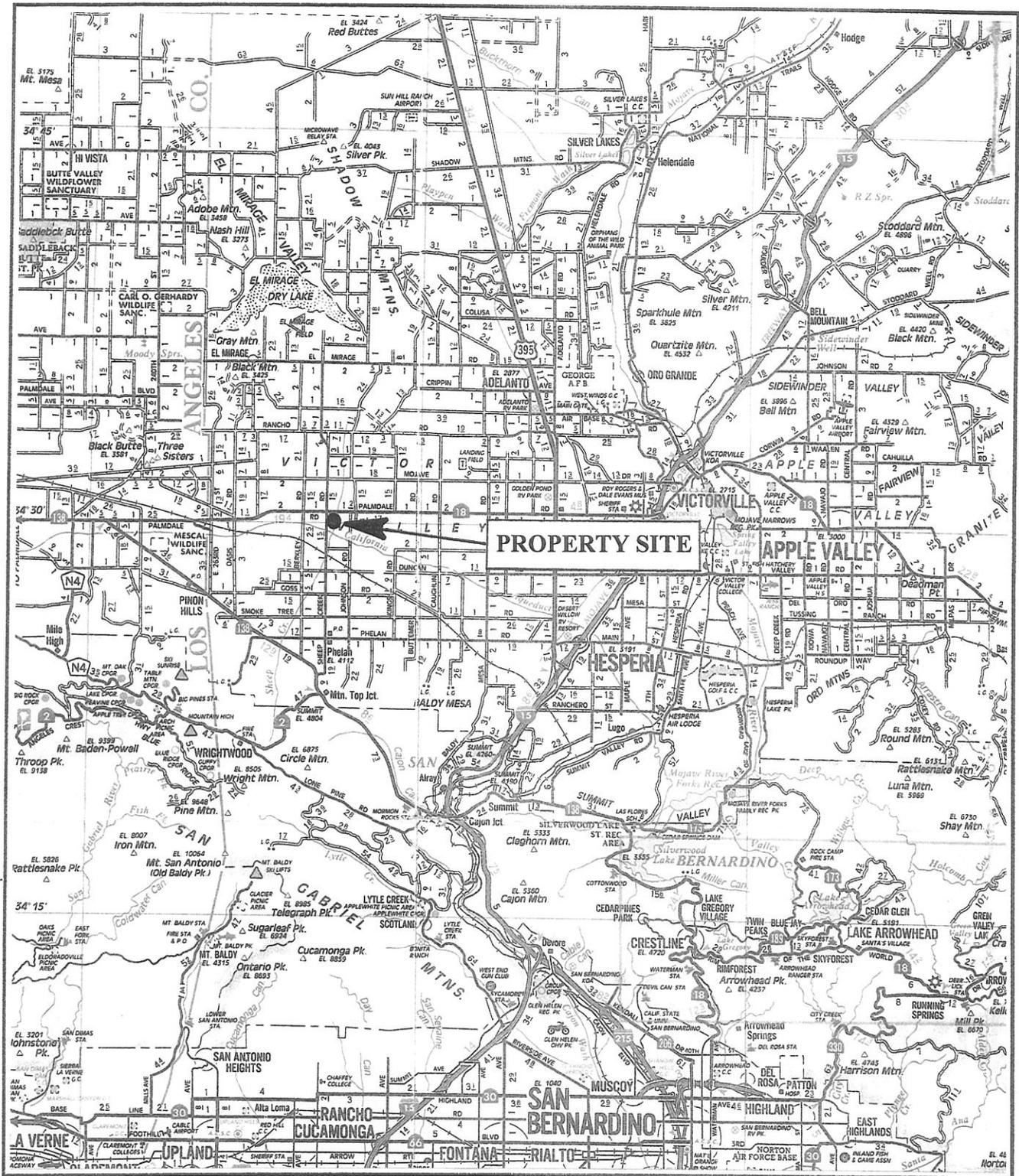
The proposed project is not expected to have any significant cumulative impacts on the general biological resources occurring on the property or in the surrounding region. No sensitive species were observed nor are any sensitive species expected to occur on the site based on the results of the field investigations, results of the focused tortoise survey, and the significant amount of disturbance which has occurred on the site. No mitigation measures are proposed at the present time for any sensitive wildlife species; however, if any sensitive wildlife species are observed on the property during future activities, all on-site activities should cease and CDFG and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFG and USFWS are the only agencies which can grant authorization for the "take" of any sensitive species.

7.0 BIBLIOGRAPHY

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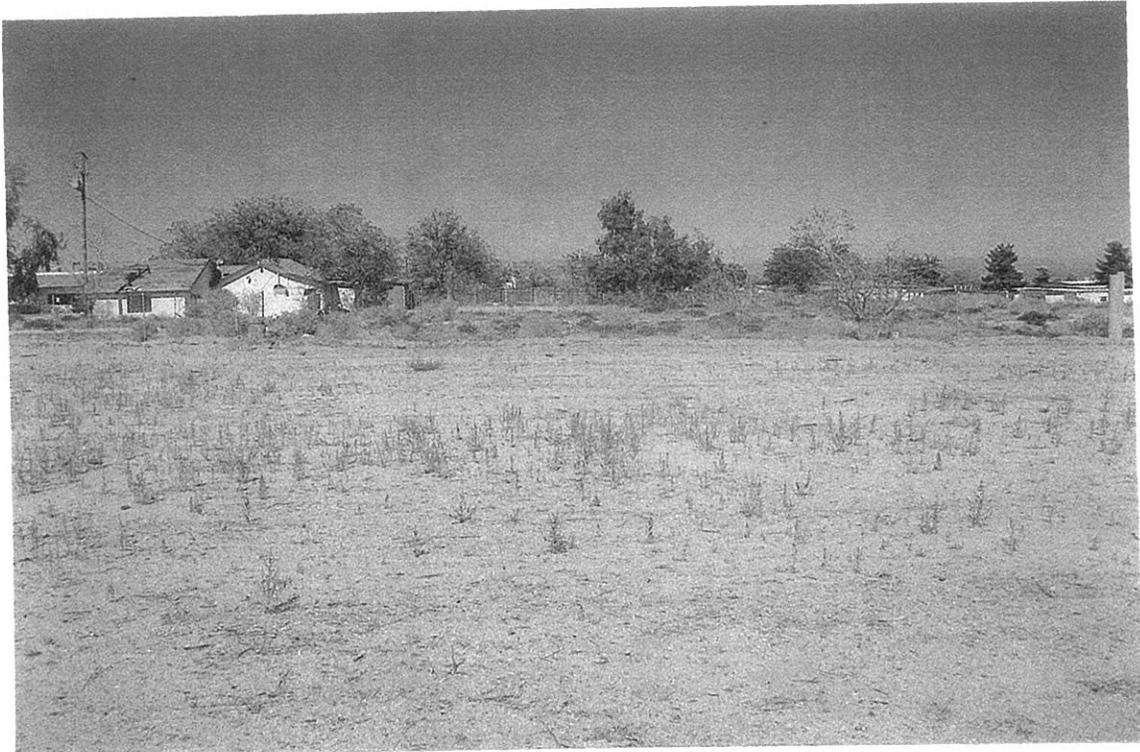
FIGURES



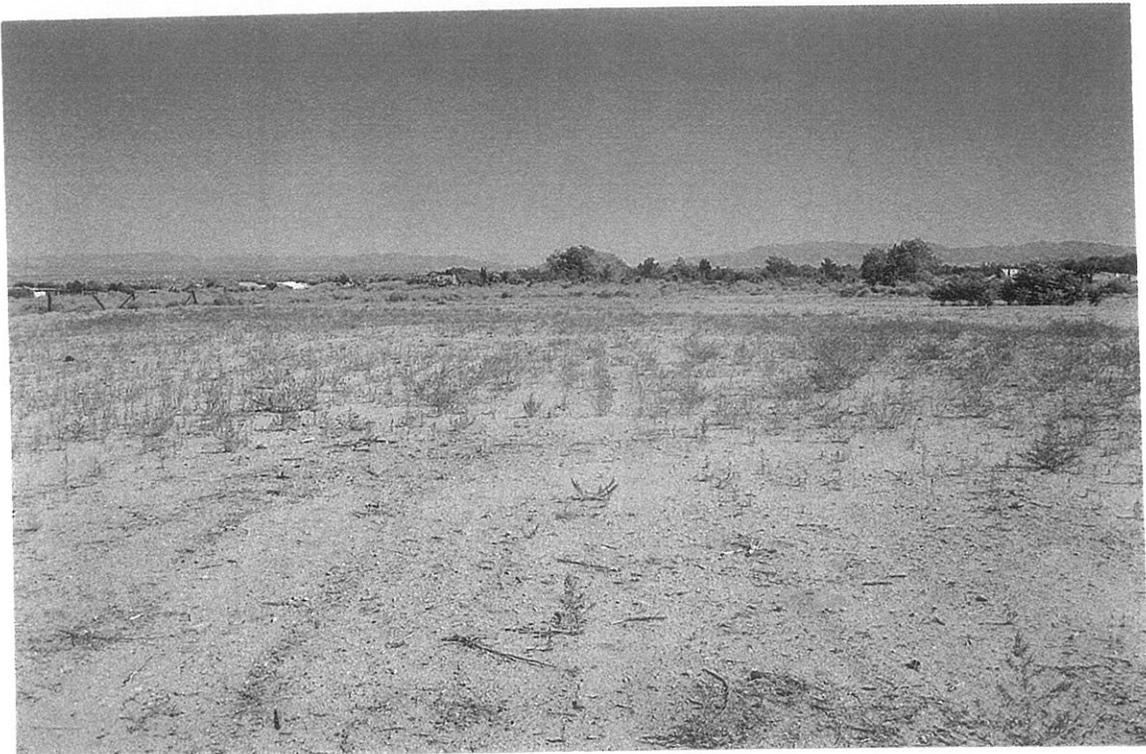
VICINITY MAP
 (PPHCS Development)
 (Source: ACSC Map Source, 2012)



SITE PHOTOGRAPHS

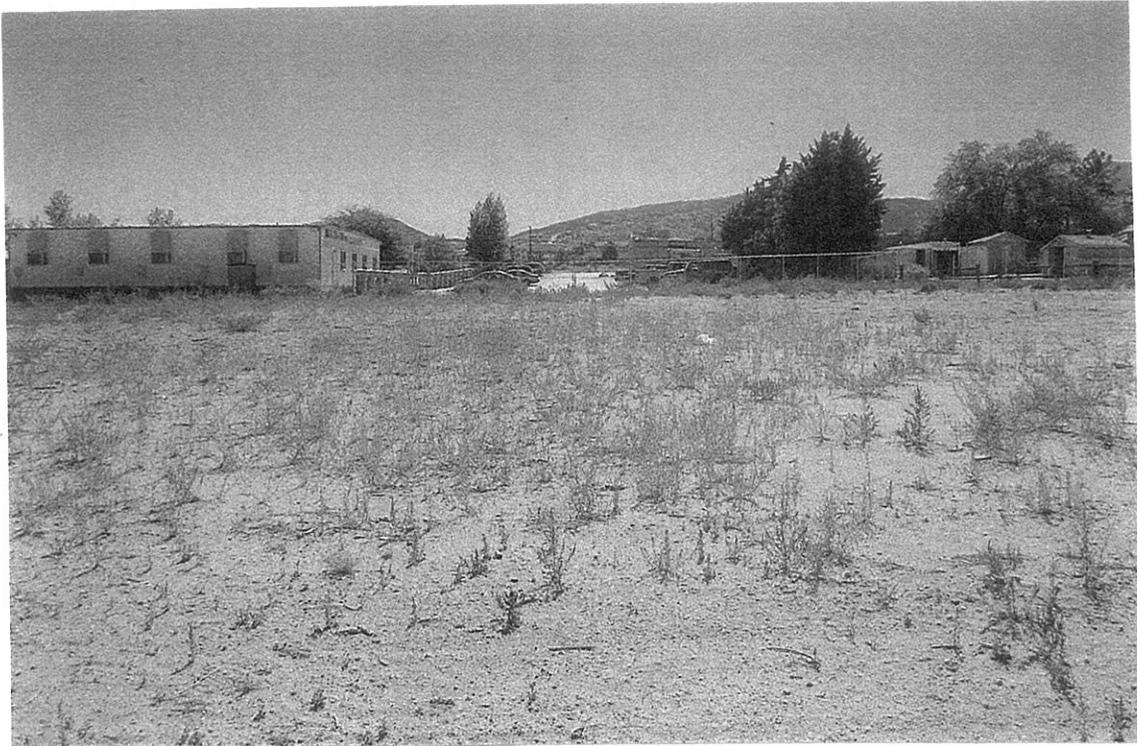


CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST

SITE PHOTOGRAPHS
(Phelan Pinon Hills Community Services District, APN 3066-264-10)



CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST

SITE PHOTOGRAPHS
(Phelan Pinon Hills Community Services District, APN 3066-264-10)

Appendix A
CNDDDB Sensitive Species List
&
Flora and Fauna Compendium Tables

Table 1 - Federal and State Listed Species and State Species of Special Concern occurring within five miles of the site.

(Fed; T = Threatened; SC = Species of special concern; S = Sensitive species; CNDDDB = California Natural Diversity Data Base; CNPS: California Native Plant Society)

Name	Listing Status	Habitat Requirements	Presence/Absence	Comments
Desert tortoise (<i>Gopherus agassizii</i>)	Fed: T State: T	Desert scrub	No tortoises or tortoise sign were observed during focused survey. Site does not support habitat for the species.	Nearest pop. 7 miles east (Occ. #66, CNDDDB, 2012).
White pygmy poppy (<i>Canbya candida</i>)	Fed: None State: None CNPS: List 4.2	Desert scrub	Site does not support suitable habitat for the species.	Nearest observation 3 miles northwest of site (Occ. #6, CNDDDB, 2012).
Short-jointed beavertail cactus (<i>Opuntia basilaris</i> var. <i>brachyclada</i>)	Fed: None State: None CNPS: List 1B.2	Desert scrub	Site does not support suitable habitat for the species.	Nearest observation 3-miles south of site (Occ. #96, CNDDDB, 2012).
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	Fed: None State: SC	Desert scrub	Site does not support suitable habitat for the species.	Nearest observation 3-miles south of site (Occ. #251, CNDDDB, 2012)
Le Conte's thrasher (<i>Toxostoma lecontei</i>)	Fed: None State: None CDFG: SC	Desert scrub	Site does not support suitable habitat for the species.	Nearest observation 16-miles south of site. (Occ. #21, CNDDDB, 2012)
Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	Fed: None State: T	Desert scrub	Site does not support suitable habitat for the species.	Nearest observation 3 miles east of site. (CNDDDB, 2012)
Burrowing owl (<i>Athene cunicularia</i>)	Fed: None State: None CDFG: SC	Desert scrub; agricultural areas, various other habitats.	Site does not support any occupiable burrows which precludes the site from supporting the species.	Species observed within few miles of site (CNDDDB, 2012)

Table 2 - Plants observed on the site and know to occur in the immediate surrounding area.

Common Name	Scientific Name	Location
Erodium	<i>Erodium texanum</i>	On-site/off-site
Schismus	<i>Schismus barbatus</i>	“
Buckwheat	<i>Eriogonum sp.</i>	“
Brome grass	<i>Bromus sp.</i>	“
Rabbitbrush	<i>Chrysothamnus depressus</i>	“
Yellow-green matchweed	<i>Gutierrezia sarothrae</i>	“
Saltbush	<i>Atriplex canescens</i>	Off-site
Creosote bush	<i>Larrea tridentata</i>	“
Unidentified ornamental shrubs		On-site

Table 3 - Wildlife observed on the site and those species expected to occur in surrounding area.

Common Name	Scientific Name	Location
Common raven	<i>Corvus corax</i>	On-site/Off-site
Song sparrow	<i>Melospiza melodia</i>	“
Mourning dove	<i>Zenaida macroura</i>	“
Western whiptail lizard	<i>Cnemidophorus tigris</i>	Occurs in region
Side-blotched lizard	<i>Uta stansburiana</i>	“
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>	“
Desert spiny lizard	<i>Sceloporus magister</i>	“
California ground squirrel	<i>Spermophilus beecheyi</i>	“
Coyote	<i>Canis latrans</i>	“
Merriam’s kangaroo rat	<i>Dipodomys mohavensis</i>	“

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which were identified on the site during the one-day survey or which are known to occur in the region.

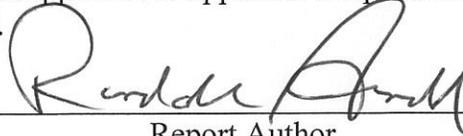
Appendix B
Certification

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, present 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 me or under my direct supervision. 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: 10-29-2012

Signed: _____



Report Author

Field Work Performed By: _____

Randall Arnold

Senior Biologist

Appendix C

Desert Tortoise Survey Report

FOCUSED DESERT TORTOISE SURVEY

PHELAN PINON HILLS COMMUNITY SERVICE DISTRICT

CONDITIONAL USE PERMIT APN 3066-264-10

SAN BERNARDINO COUNTY, CALIFORNIA
(USGS Phelan, CA Quad.; Township 4 North, Range 7 West, Section 24)

Owner/Applicant

**Phelan Pinon Hills Community Services District
P.O. Box 294049
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Prepared by:

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Hesperia, California 92345
Principal Investigator
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**Report prepared by: Randall Arnold
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October 30, 2012

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List of Site Photographs	
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Certification for Desert Tortoise	

EXECUTIVE SUMMARY

The project proponent is proposing to construct an administration building, service building, gymnasium, retention basin, treatment plant, and parking areas on a 5-acre site located in Phelan, California (Section 24, Township 4 North, Range 7 West) in San Bernardino County. The site has been extensively disturbed due to past clearing/human activities and the site supports very minimal vegetation. The site is bordered on the north and south by commercial businesses and the Phelan Chamber of Commerce buildings, and on the east and west by vacant lands. Very little native vegetation currently exists on the site due to past and on-going human activities. Russian thistle (*Salsola tragus*), erodium (*Erodium cicutarium*), buckwheat (*Eriogonum* sp.), schismus (*Schismus barbatus*) were the primary plant species noted.

The property is located within the known distribution of the desert tortoise; therefore, focused surveys were performed for the species on October 25, 2012 from approximately 0700 to 0930 hours. The result of the tortoise survey is discussed in a separate report and is presented in Appendix. The site supports very marginal habitat for any sensitive species including the desert tortoise, due to the level of disturbance which has occurred on the site over the last several years and the absence of any extensive native plant communities. In addition, no sensitive species were observed in the vacant lot to the east.

The site does not support suitable habitat for the desert tortoise based on past disturbance activities; furthermore, no tortoises or tortoise sign (burrows, scats, carcasses, etc.) were observed on the site. The species has been documented in the region and populations have been documented about seven miles east of the site (CNDDDB, 2012). The species is not expected to move on to the site in the future based on the absence of suitable habitat and the presence of developed areas in the immediate area.

1.0 PROJECT AND PROPERTY DESCRIPTION

The property consists of very disturbed land which has been previously cleared and was occupied by several buildings and sheds which have been removed. The 5 acre property is located along Sheep Creek Road in Phelan, California about 0.1 miles south of the intersection of Phelan Road and Sheep Creek Road (Township 4 North, Range 7 West, Section 24) at an elevation of approximately 4140 feet (MSL). Soils have been significantly disturbed due to past human activities; however, they appear to be primarily sandy loam. No water resources were observed on the site and the USGS Phelan Quadrangle (1996) does not show any blueline channels on the site.

No sensitive wildlife habitats, sensitive wildlife species, or wildlife corridors were associated with the site. Weather conditions during the October 25, 2012 survey consisted of winds of 0 to 5 mph, temperatures in the low 60's to high 70's (AM, °F) with clear skies. The site is bordered on the north and south by existing commercial businesses and on the east and west by vacant lots. The site supports very little vegetation including primarily Russian thistle, erodium, buckwheat, and schismus. Section 4.0 provides a more detailed discussion of the biological resources. The project map is provided below (Figure 1), and the USGS quadrangle map is provided in Figure 2. Figure 3 provides photographs of the site.

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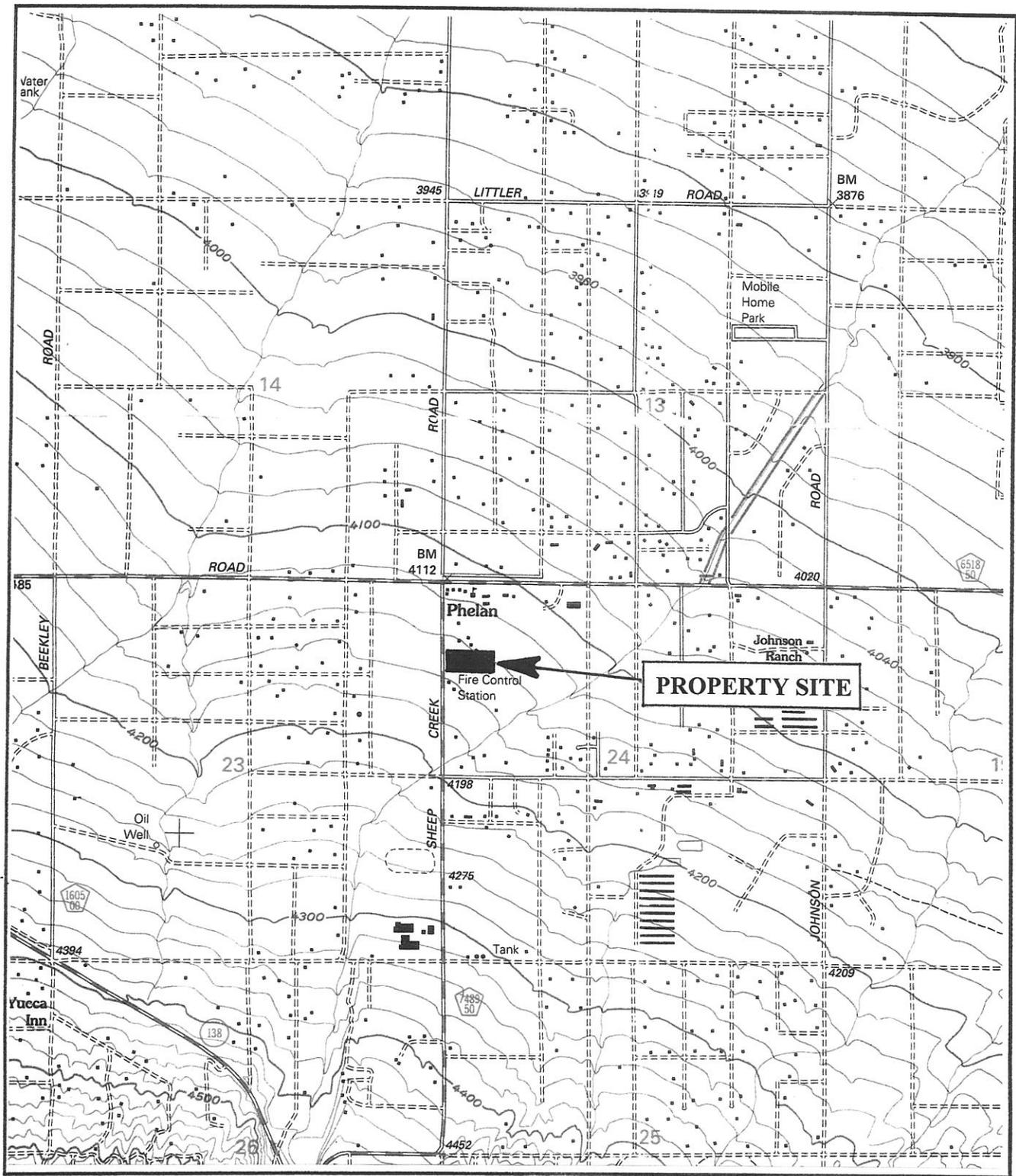


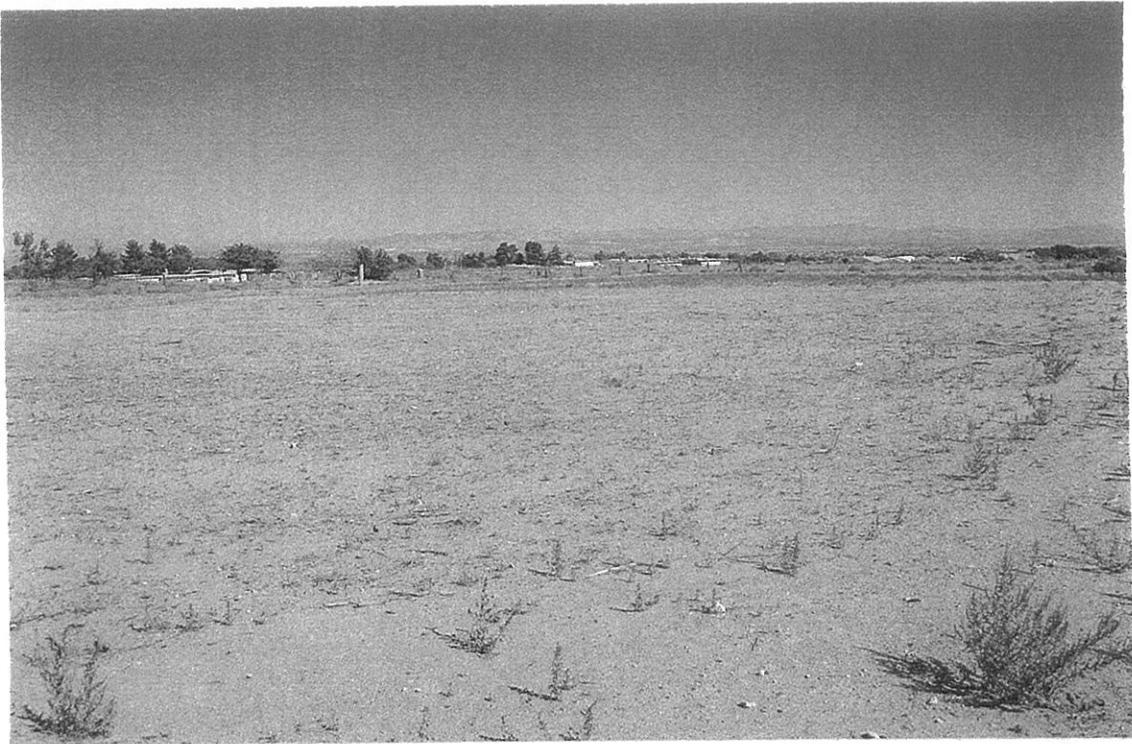
FIGURE 2

PROPERTY LOCATION
 (PPHCSD Development)
 (Source: USGS Phelan, CA Quad., 1996)





VIEW FROM SOUTHEAST CORNER LOOKING NORTHWEST



VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST

FIGURE 3
(Phelan Pinon Hills Community Services District, APN 3066-264-10)



VIEW FROM NORTHEAST CORNER LOOKING SW



VIEW FROM NORTHWEST CORNER LOOKING SE

FIGURE 3, cont.
(Phelan Pinon Hills Community Services District, APN 3066-264-10)

2.0 LITERATURE/RECORDS REVIEW - DESERT TORTOISE

As part of the environmental process, California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed prior to initiation of field surveys to determine if the tortoises have been documented on the site or in the area surrounding the property. Based on the literature review and evaluation of the CNDDDB database for the Phelan quadrangle, it was determined that the site is located within the general distribution of the desert tortoise. However, populations of desert tortoises have not been identified in the immediate surrounding area according to CNDDDB (2012). The nearest documented tortoise populations are about seven miles east of the site according to CNDDDB (2012). Tortoise population levels in the immediate area surrounding the site are expected to be low to moderate (BLM, 1990).

There are no USFWS designated critical habitats for the tortoise in the immediate area nor is there any proposed critical habitat in the area. The protocol survey results outlined in this report are valid for one year as per CDFG and USFWS requirements, and an additional survey may be required if the 12-month time limit is exceeded before development activities are completed. However, regardless of the results of the tortoise survey, desert tortoises cannot be taken under State and Federal law. The survey report and any mitigation included do not constitute authorization for incidental take of the desert tortoise. If tortoises are observed during future development activities, all on-site activities should cease immediately and CDFG and USFWS should be contacted.

The desert tortoise is the largest reptile in the arid southwest United States, and it historically occupied a range that included a variety of desert communities in southeastern California, southern Nevada, western and southern Arizona, southwestern Utah, and through Sonora and northern Sinaloa, Mexico (Luckenbach, 1982). Today populations are largely fragmented and studies indicate a steady and dramatic decline over most of its former range (BLM, 1988). A highly contagious respiratory disease has infected tortoise populations over the last 20+ years, primarily in the western Mojave Desert region, which has had a very detrimental impact on population levels. Given the continued habitat loss and the rapid decline in numbers of tortoises brought about by the disease, the U.S. Fish and Wildlife Service exercised its emergency authority and determined tortoise populations north and west of the Colorado River to be an endangered species under the Endangered Species Act of 1973, as amended (USFWS, 1989). The emergency rule was published in the Federal Register on August 4, 1989, and remained in effect until April 1, 1990. On April 2, 1990, the U.S. Fish and Wildlife Service officially listed the desert tortoise as a threatened species under the Endangered Species Act of 1973, as amended.

3.0 METHODOLOGY

The site was surveyed for desert tortoises by Randall Arnold October 25, 2012 and as required by the CDFG and USFWS survey protocol, 10 meter, parallel belt transects were walked in a north-south direction until the property had been checked for tortoises and/or tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were only conducted to the east as per survey protocol due to the presence of developed areas, private lands and posted areas to the north, south, and west. All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable tortoise foraging habitat. Surveys were performed on the site and in the surrounding area from about 0700 to about 0930 hours.

USFWS and CDFG specify when surveys for tortoises can be conducted (i.e., April through May and September through October); therefore, surveys were performed on October 25, 2012. Comprehensive surveys combined with identification of the habitat on the site and in the surrounding area will provide data on the potential presence or absence of tortoises. Temperatures during the October survey were in the low 60's to high 70's (AM, °F) with wind speeds of about 0 to 5 mph (mainly from the north), and clear skies. No precipitation was recorded during the survey.

Limitations:

(1) This report is valid for 12 months from the date of the survey as per CDFG and USFWS requirements. An updated report will be required if project activities do not occur within the next 12-month period as per CDFG and USFWS requirements.

(2) The results of this report do not constitute authorization for the "take" of the desert tortoise or any other listed or sensitive wildlife species. The authorization to impact the tortoise can only be granted by CDFG and USFWS. If desert tortoises are observed during future project activities, project activities should cease immediately and CDFG and USFWS should be contacted to discuss mitigation measures which may be required for the desert tortoise.

4.0 GENERAL BIOLOGICAL SURVEY RESULTS

The site has been significantly disturbed by past human activities, and currently supports very little native vegetation (Figure 4). Only a few plants were noted during the field investigations including Russian thistle (*Salsola tragus*), erodium (*Erodium cicutarium*), buckwheat (*Eriogonum sp.*), schismus (*Schismus barbatus*). A few small rabbitbrush (*Chrysothamnus depressus*), yellow-green matchweed plants (*Gutierrezia sarothrae*), and bromus grasses (*Bromus sp.*) were also observed. Table 1 provides a compendium of plants observed on the property (Appendix A).

Only a few wildlife species were identified in the surrounding area during the field investigations conducted on October 25, 2012 from 0700 to 0930 hours. Birds observed were limited to mourning doves (*Zenaida macroura*), ravens (*Corvus corax*), and song sparrows (*Melospiza melodia*). No reptiles were observed on the site; although, side-blotched lizards (*Uta stansburiana*) and western whiptail lizards (*Cnemidophorus tigris*) are relatively common in the region and may occasionally occur on the property and the surrounding area. Jackrabbits (*Lepus californicus*), antelope ground squirrels (*Ammospermophilus leucurus*), and desert cottontail rabbits (*Sylvilagus auduboni*) are also common in the area but are not expected to occur on the site given the absence of suitable habitat. Also, no small mammal burrows were observed on the site. No wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife species. Table 2 (Appendix A) provides a compendium of wildlife species observed on the site and other species known to occur in the region.

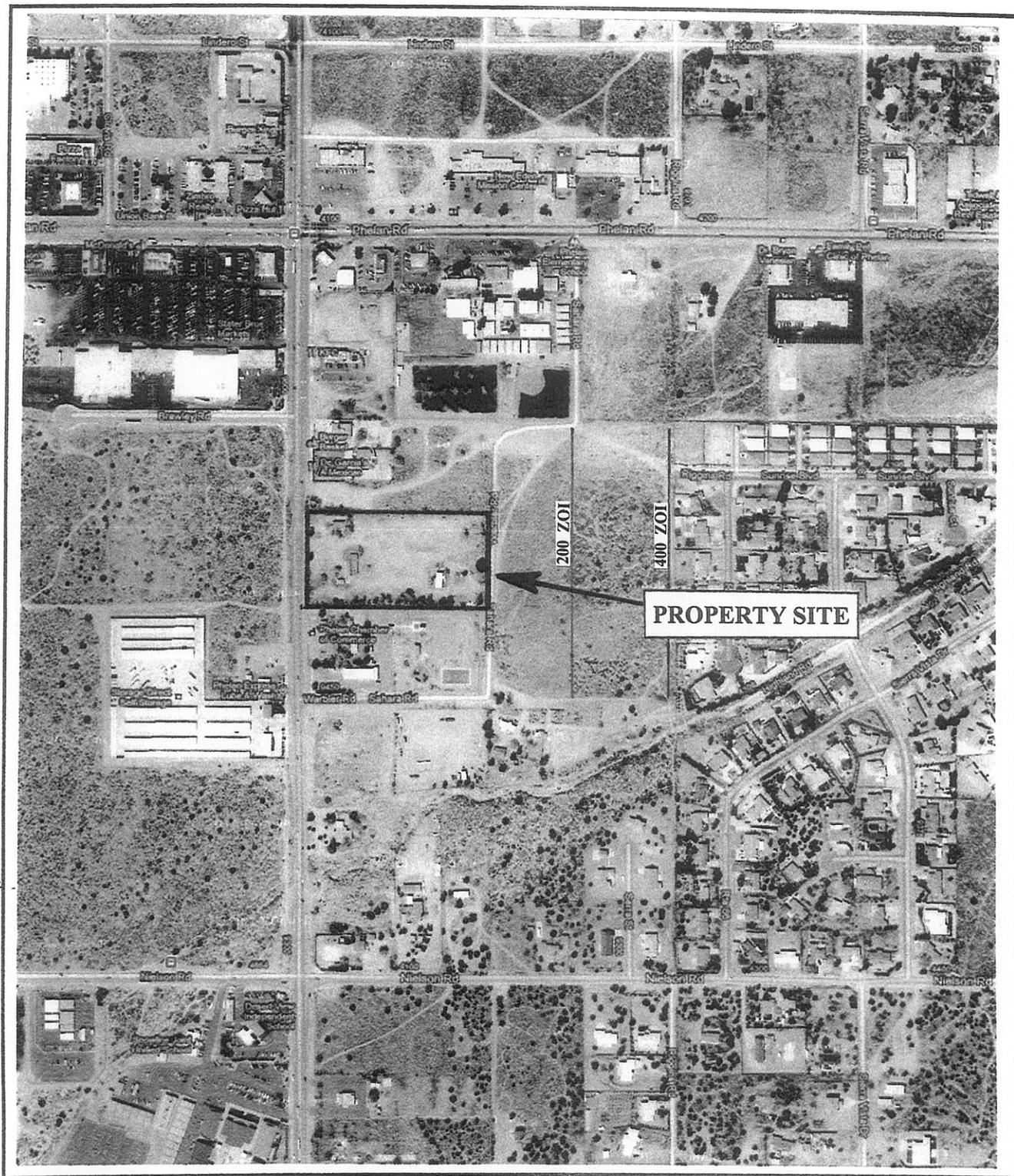


FIGURE 4

AERIAL PHOTOGRAPH OF PROPERTY
(PPHCSD Development)
(Source: Google Maps, 2012)



5.0 RESULTS – DESERT TORTOISE

The site does not support suitable habitat for the desert tortoise nor were any tortoises or tortoise sign (burrows, scats, etc.) noted during the protocol survey performed on October 25, 2012. The absence of tortoises or any tortoise sign on the site is a function of the disturbed habitat conditions on the property and the location of the site within a relatively developed area of the Town of Phelan. As previously indicated, the nearest documented population is a few miles east of the property (CNDDDB, 2012). Tortoises are not expected to migrate onto the site in the near future based on the results of the field investigations, and the presence of numerous commercial business and other developments in the immediate area.

6.0 IMPACTS AND RECOMMENDATIONS

The proposed development activities are not expected to have any direct or indirect impacts on tortoises or tortoise habitat based on the results of the October 25, 2012 survey. In addition, the project is not expected to disrupt any continuity of any important wildlife habitat or habitat/wildlife corridors. No additional investigations are recommended at this time; however, the survey results are only valid for 12-months, and CDFG, USFWS, and the County may require the site be re-surveyed for desert tortoise if development activities are not completed by October 25, 2013. In addition, if the site is modified by grading or otherwise disturbed prior to project approval, which results in the loss of desert tortoises, CDFG, USFWS, and the County Building and Safety Department should be notified. Such action prior to project approval will violate State and Federal endangered species laws and may be considered grounds for denial of the project. Mitigation and restoration plans will be required under such actions.

7.0 PROPOSED MITIGATION MEASURES

The site does not support tortoises at the present time; furthermore, the proposed development project is not expected to impact the species at the present time or in the future. Therefore, no mitigation measures are proposed at the present time; however, if tortoises are observed on the property during future activities, all on-site activities should cease immediately and CDFG and USFWS should be contacted to initiate consultations, and to discuss mitigations which will be required prior to continuation of on-site activities. CDFG and USFWS are the only agencies which can grant authorization for the “take” of the desert tortoise.

8.0 REFERENCES

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- 1990 Desert Tortoise Density Category Designation Maps. Maps obtained from Ray Bransfield, U.S.F.W.S. biologist, Laguna Niguel office, Laguna Niguel, CA.

LIST OF TABLES

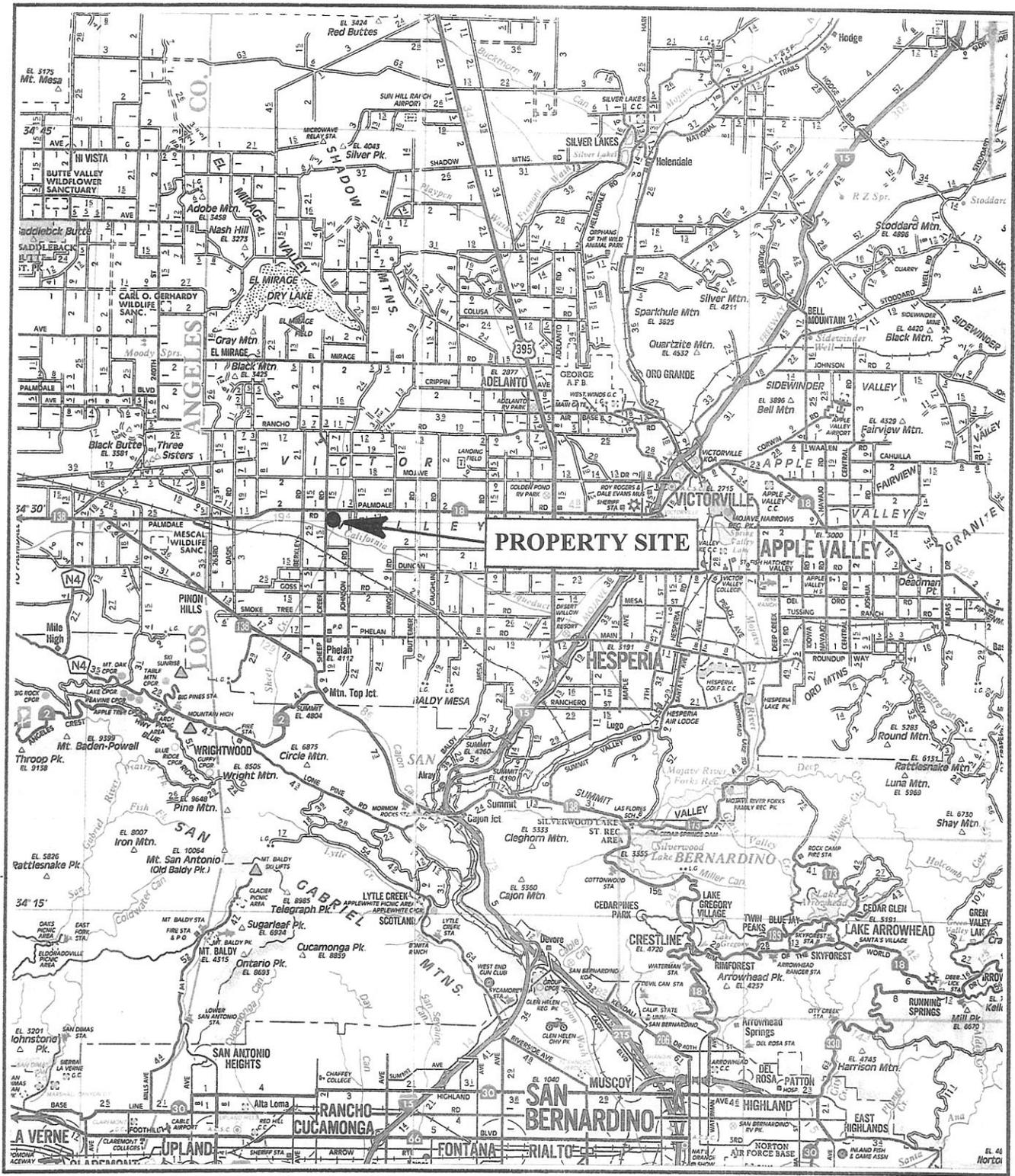
Desert tortoise occurrences in area.

Nearest desert tortoise occurrence in area (CNNDB, 2012).

Name	Listing	Habitat	Presence/Absence on Site	Comments
Desert tortoise (<i>Gopherus agassizii</i>)	Fed: T State: T	Desert scrub	Site does not support suitable habitat.	Nearest population 7 miles east of site; Occ. #66

LIST OF FIGURES

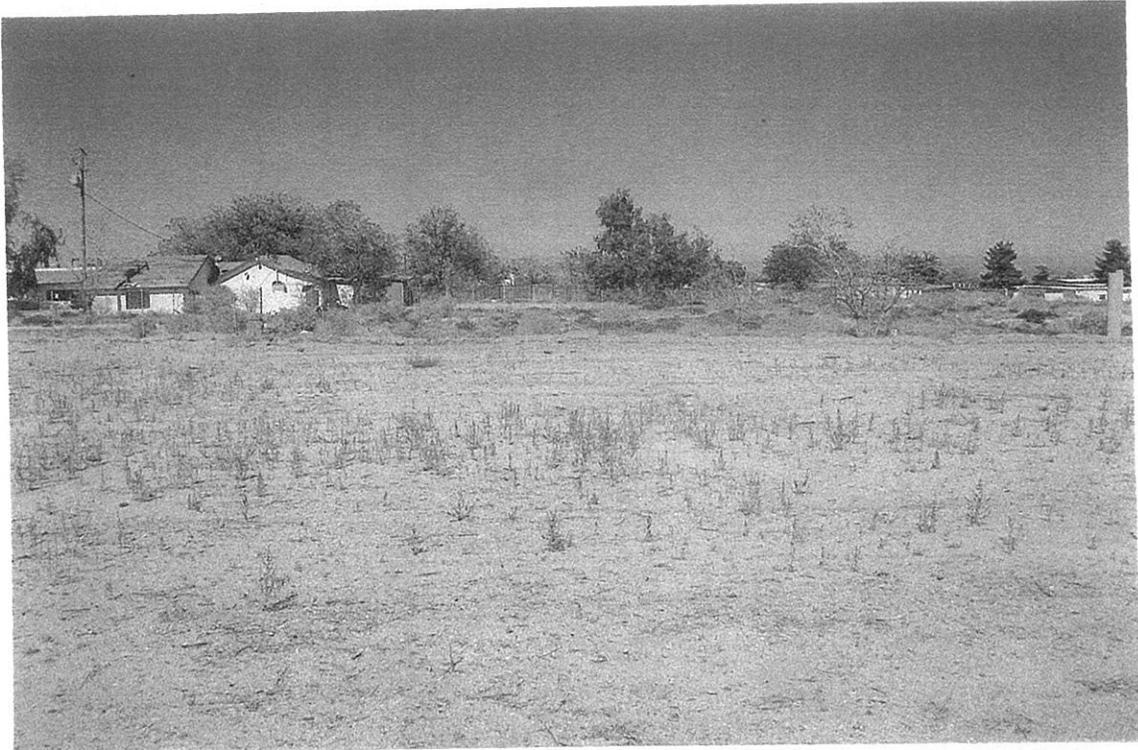
Vicinity Map



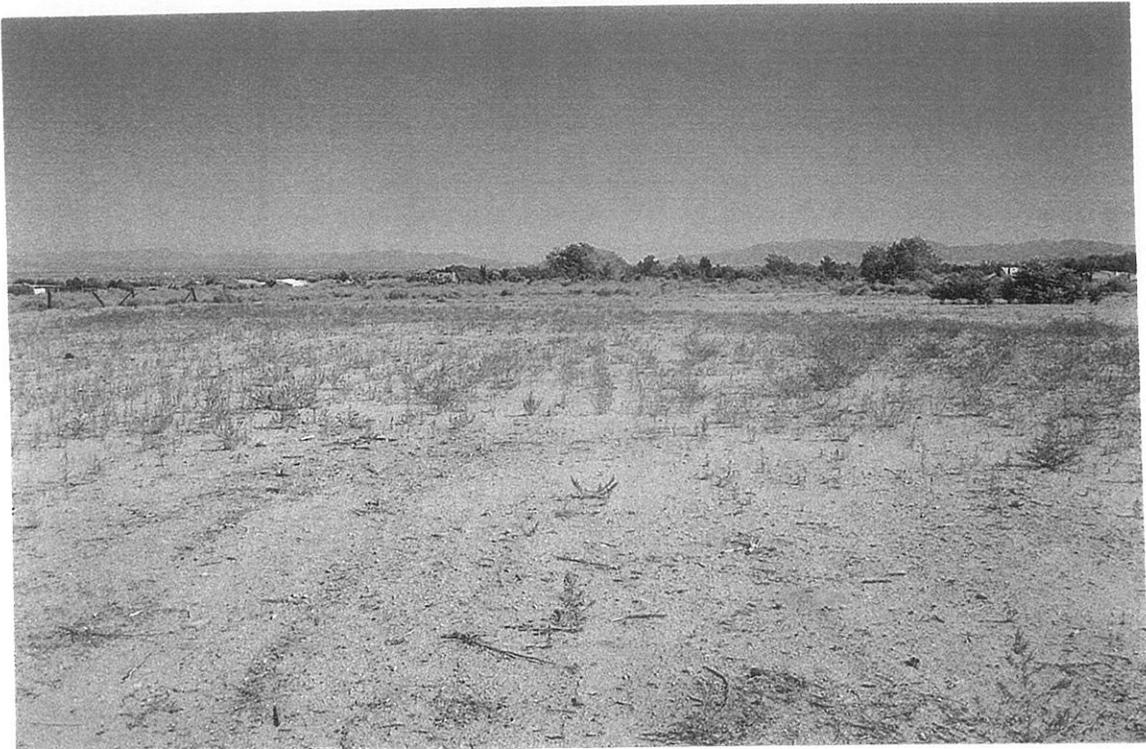
VICINITY MAP
 (PPHCS Development)
 (Source: ACSC Map Source, 2012)



SITE PHOTOGRAPHS



CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST

SITE PHOTOGRAPHS
(Phelan Pinon Hills Community Services District, APN 3066-264-10)



CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST

SITE PHOTOGRAPHS
(Phelan Pinon Hills Community Services District, APN 3066-264-10)

APPENDIX A

Flora and Fauna Compendia

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

<u>Common Name</u>	<u>Scientific Name</u>	<u>Location</u>
Erodium	<i>Erodium texanum</i>	On-site/off-site
Schismus	<i>Schismus barbatus</i>	“
Buckwheat	<i>Eriogonum sp.</i>	“
Brome grass	<i>Bromus sp.</i>	“
Rabbitbrush	<i>Chrysothamnus depressus</i>	“
Yellow-green matchweed	<i>Gutierrezia sarothrae</i>	“
Saltbush	<i>Atriplex canescens</i>	Off-site
Creosote bush	<i>Larrea tridentata</i>	“
Unidentified ornamental shrubs		On-site

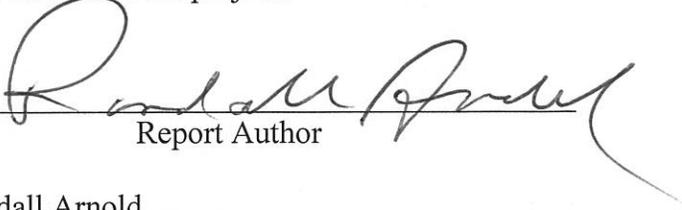
Table 2 - Wildlife observed on the site and those species expected to occur in surrounding area.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Location</u>
Common raven	<i>Corvus corax</i>	On-site/Off-site
Song sparrow	<i>Melospiza melodia</i>	“
Mourning dove	<i>Zenaida macroura</i>	“
Western whiptail lizard	<i>Cnemidophorus tigris</i>	Occurs in region
Side-blotched lizard	<i>Uta stansburiana</i>	“
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>	“
Desert spiny lizard	<i>Sceloporus magister</i>	“
California ground squirrel	<i>Spermophilus beecheyi</i>	“
Coyote	<i>Canis latrans</i>	“
Merriam's kangaroo rat	<i>Dipodomys mohavensis</i>	“

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which were identified on the site during the one-day survey or which are known to occur in the region.

CERTIFICATION FOR DESERT TORTOISE SURVEY

I hereby certify that the statements furnished above and in the attached exhibits, present 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 myself and biologists under my 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: 10-30-2012 Signed: 
Report Author

Field Work Performed By: Randall Arnold
Senior Biologist