Focused Burrowing Owl Protocol Survey

for

Proposed Commercial/Industrial Warehouse

68 Acres; APN #s 3128-612-02, -03, -04, -05, and -06

in the

City of Victorville

Adelanto 7.5 Minute Quadrangle,

Section 10, Township 5 N, Range 5 W

San Bernardino County, California

June 23, 2023

Prepared for:

Industrial Property Group, Inc.

care of: Mr. Craig Wilde

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Summary

This report provides methods and findings of a California Department of Fish and Wildlife (CDFW) protocol burrowing owl survey conducted by Nexus Environmental LLC (Nexus) on behalf of IPG Mojave Holdings, LLC (Applicant), in connection with the proposed industrial warehouse development in Victorville, CA. The proposed project (Project) is located on an approximate 68-acre site, which includes assessor parcels: APNs 3128-621-02, -03, -04, -05, and -06 in the City of Victorville, San Bernardino County, California).

The Project consists of a single industrial warehouse facility with associated parking and a water quality control basin. The Project also includes the following off-site improvements:

- 2,870-foot emergency access on Cactus Road from the site, west toward US-395; and
- Sewer line installation from the northeast project corner to approximately 2,610 feet east along Cactus Road (existing dirt road) east to Tawney Ridge Lane; and
- Water supply line installation approximately 2,630 feet east along the northern (westbound) portion of Mojave Drive.
- Improvements to Mesa Linda Avenue and Onyx Road (See Attachment 7).

This report adheres to protocols outlined in the *2012 Burrowing Owl Staff Report* (CDFW, 2012). Initial site visit and habitat assessment were conducted on the subject property on January 31st, 2023. Subsequent pedestrian surveys were conducted on March 31st, 2023, May 12, and June 17, 2023.

Survey results for Burrowing Owl (*Athene cunicularia*) were positive; one BUOW was identified on site during the January 31, 2023 site visit. However, no active BUOW nests were discovered within the project impact area during pedestrian surveys.

Accordingly, measures are included herein to avoid, minimize, and if necessary, mitigate potential impacts to Burrowing Owl resulting from the Proposed Project. With inclusion of the avoidance, minimization measures included herein, pursuant to California Fish and Game Commission Policy and the Migratory Bird Treaty Act, the Project would not result in *Take* of Burrowing Owl.

Introduction

California Department of Fish and Game Commission (DFGC) identifies Burrowing Owl as a California Species of Special Concern (SSC). Due to the potential impacts to BUOW associated with the

development of the site, and associated off-site improvements, the Project Applicant retained Nexus Environmental LLC to conduct a protocol-level BUOW survey for the Project. This Burrowing Owl survey adheres to the *2012 Burrowing Owl Staff Report* (CDFW, 2012) protocol and methodology.

The proposed Project constitutes a project pursuant to the California Environmental Quality Act (CEQA), located on private lands, administered by City of Victorville (City). CEQA requires the City, as Lead Agency, to determine the potential for the project to result in significant impacts, consider mitigation measures and alternatives capable of avoiding significant impacts, and consider the environmental effects of the project as part of its decision-making process.

Project Scope and Purpose:

IPG Mojave Holdings, LLC (Applicant) proposes construction of an industrial warehouse facility with associated parking and a water quality control basin on approximately 68 acres, on multiple assessor parcels (3128-621-02, -03, -04, -05, and -06 in the City of Victorville, San Bernardino County, California. The Project site is consistent with the current zoning designations for the site, which include light industrial/transitional (M-1T) within the City of Victorville General Plan.[1]

Emergency Access Road

The Project also includes construction of an approximate 2,870-foot, 26-foot-wide emergency road at Cactus Road, between Onyx Road and the commercial fuel station at Cactus Road and US-395 (Attachment 5).

Sewer Line Installation

The Project also includes installation of sewer line at the Project site, and approximately 2,610-foot along Cactus Road, east, to the nearest connect at Tawney Ridge Lane and Cactus Road (Attachment 5).

Water Line Installation

The Project includes installation of water supply line at the Project site and along the northern (westbound) portion of Mojave Drive for approximately 2,630-foot (Attachment 5).

Location:

The Project site is generally located east of United States Route 395, north of State Route 18, west of Interstate 15, and south of Air Expressway in the city of Victorville, San Bernardino County, California. The site is depicted on the Adelanto quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Section 10 of Township 5 North, Range 5 West. Specifically, the project site

[1] (City of Victorville)

is bounded to the north by Cactus Road, to the west by Mesa Linda Avenue, to the south by Mojave Drive, and to the east by Onyx Road within Assessor's Parcel Numbers 3128-621-02, -03, -04, -05, and -06. The Project also includes improvements to portions of Cactus Road for installation of a 2,870-foot, 26-foot-wide emergency access road, installation of sewer lines approximately 2,610 feet east of the Project along Cactus Road to Tawney Ridge Lane. The Project also includes installation of water line, approximately 2,630 feet along the northern portion of Mojave Drive (See Attachment 5).

Project Impact Area:

As per California Department of Fish and Wildlife *2012 Burrowing Owl Staff Report* protocol and methodology, the Project Impact Area (PIA) for the project includes areas in and adjacent to the area that will be disturbed, including areas of direct and indirect effect. Therefore, this report considers a 500-foot buffer surrounding the PIA.

The PIA includes improvements to portions of Cactus Road, along the northern property boundary, as well as utility installation along Mojave Drive on the southern property boundary. The PIA includes utility (sewer line) installation along Cactus Road, to the nearest connection at Tawney Ridge Lane.

The Project site is comprised of Assessor's Parcel Numbers 3128-621-02, -03, -04, -05, and -06. New sewer and water lines are proposed at the Project site. Accordingly, the PIA also includes the following off-site roads:

Cactus Road (unpaved)

The PIA also includes Cactus Road, between U.S. 395 and Onyx Road for a 26-foot wide emergency access road (Attachment 7), and east along Cactus Road to Tawney Ridge Lane, for installation of sewer line (Attachment 5).

Mojave Drive

The PIA includes the northern portion of Mojave drive east of the Project site, to account for access and installation of water supply line (Attachment 5).

Onyx Road (unpaved)

Adjoins the eastern project boundary. Improvements are proposed to Onyx Road as shown on Attachment 7.

Mesa Linda Avenue (unpaved)

Adjoins the western project boundary. Minor improvements are proposed to Mesa Linda Avenue as shown on Attachment 7.

Tawney Ridge Lane
Located approximately 0.5 miles east of the Project at Cactus Road (See Attachment 7).

(Future) Diamond Road (unpaved)
Located approximately 0.5 miles east of the Project at Mojave Drive.

Regulatory Setting

The following applicable laws and regulations are identified in the 2012 CDFW BUOW Staff Report:

California Environmental Quality Act
The California Environmental Quality Act (CEQA) requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Project-specific CEQA mitigation is important for burrowing owls because most populations exist on privately owned parcels that, when proposed for development or other types of modification, may be subject to the environmental review requirements of CEQA.[2]

Migratory Bird Treaty Act
The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and Russia for the protection of migratory birds, including the burrowing owl (50 C.F.R. § 10). The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (see Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to Fish & Game Code section 3513, the Department enforces the Migratory Bird Treaty Act consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.[3]

Fish and Game Commission Policies
Numerous Fish and Game Commission policies (see FGC §2008) apply to burrowing owl conservation; these include policies on: Raptors, Cooperation, Endangered and Threatened Species, Land Use Planning, Management and Utilization of Fish and Wildlife on Federal Lands, Management and

[2] (California Department of Fish and Game)
[3] *Ibid.*

Utilization of Fish and Wildlife on Private Lands, and Research.[4]

Take

Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC Section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."[5]

Burrowing Owl Focused Survey Results

Literature Review

Nexus obtained an official occurrence records request from the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) on May 19, 2023, referenced herein, and included as Attachment 9.

CNDDB search results for the *Adelanto* 7.5-minute USGS quadrangle indicate 1 Burrowing Owl sightings in the past 20 years, approximately 0.25 miles southeast of the project site in 2004 (CDFW, 2023).

Nexus likewise reviewed the USFWS Information for Planning and Consultation (IPaC) Database (USFWS, March 03, 2023).

According to the City of Victorville General Plan, the Project site is currently zoned for Industrial Park (IPD) and Heavy Industrial/Transitional (M-2T).[6] The project site has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the City of Victorville General Plan Open Space Element, major open space areas documented in the vicinity of the project site include the Mojave River located approximately 4.6 miles east of the site. The site is separated from this identified regional wildlife corridors and linkages by existing development and roadways, and undeveloped land. Further, no contiguous riparian corridors or creeks connect the project site to these areas.

Burrowing Owl Description

The burrowing owl inhabits open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats. Their diet comprises mostly insects, also small mammals, reptiles, birds, and carrion. Hunts from a perch, hovers, hawks, dives, and hops after prey on ground. BUOW uses rodent or other burrows for roosting and nesting cover. BUOW adjusts its perch to thermoregulate; perching in open sunlight in early morning; moving to shade, or to burrow, when hot. For reproduction, BUOW usually nests in old burrows of ground squirrels, or other small mammals. BUOW may dig own burrow in soft soil. Its nest chamber is typically lined with excrement,

[4] *Ibid*
[5] Ibid
[6] (City of Victorville)

pellets, debris, grass, feathers; sometimes unlined. Pipes, culverts, and nest boxes may be used where burrows are scarce.[7]

Justification, Methodology and Qualifications:

The Project is located within the range of the BUOW, therefore, 2012 CDFG BUOW Staff Report survey protocol was implemented. Nexus Environmental LLC conducted an initial site visit and habitat assessment on January 31, 2023, and protocol-level survey for Burrowing Owl on March 31, May 12, and June 17, 2023. Surveys were conducted between morning civil twilight and two hours following civil dawn. Morning civil twilight begins when the geometric center of the sun is 6 degrees below the horizon (civil dawn) and ends at sunrise.[8] Pedestrian surveys of the "PIA" consisted of 10-meter-wide belt transects surveys in all potentially suitable habitat, using a hand-held Trimble GPS unit, within the project footprint in a north to south direction. Survey teams carried flashlights hand-held mirrors to view into any potential burrows. Cactus Road was likewise surveyed from US-395 to Tawney Ridge Lane, accounting for construction of 2,870-foot emergency vehicle access road and installation of new sewer line.

Potentially suitable habitat for Burrowing Owl is not present along Mojave Drive due to existing development, and proximity to Mojave Drive, graded/developed roadway shoulder, and likewise, proximity of nearby residential development to the east.

Burrowing Owl zone-of-influence surveys were not conducted during the surveys due to private land restrictions. Neighboring sites were evaluated using binoculars.

Survey 1

Principal Planner and biologist Michael Grimes conducted an initial site visit and habitat assessment on January 31, 2023.

Survey 2

Burrowing Owl field surveyors on March 31, 2023 include Michael Grimes, Elmer Llamas (biologist), Robert Williams (biologist), Darian Wong (biologist) and Daniel Solkowitz (environmental associate).

Survey 3

Michael Grimes and Elmer Llamas conducted pedestrian surveys on May 12, 2023.

Survey 4

Michael Grimes conducted pedestrian surveys on June 17, 2023.

[7] (California Department of Fish and Wildlife)
[8] (California Department of Fish and Game)

The combined biological resource compliance and BUOW survey experience in Southern California for the surveying crew above is approximately 19 years.

Weather Conditions:

January 31, 2023

Weather conditions during the initial site visit and habitat assessment consisted of clear skies (<10% cloud cover). Wind speed ranged between 0-7 mph from the north. Temperatures ranged from 27°F-32°F (-2.7°C-0.0°C).

March 31, 2023

Weather conditions during the March 31, 2023 survey effort consisted of clear skies (<5% cloud cover). Wind speed ranged between 0-4 mph from the east. Temperatures ranged from 53°F-57°F (11.6°C-13.8°C).

May 12, 2023

On May 12, 2023, the weather consisted of clear skies (<2% cloud cover). Wind speed ranged from 0 to 8 mph. Temperatures ranged from 81.7°F-92.1°F (27.6°C-33.4°C).

June 17, 2023

Weather conditions on June 17, 2023 consisted of clear skies (<1% cloud cover). Wind speed ranged from 0.0 to 8.0 mph. Temperatures ranged from 68.7°F-81.7°F (20.4°C-27.6°C).

Survey dates and conditions are summarized in Table 1 below.

Table 1 – Survey Information

Survey	Date	Survey Start Time	Survey End Time	Sunrise/Sunset	Weather	Surveyor(s)
1	January 31, 2023	0546 hours	0756 hours	0646 hours 1718 hours	27.0°F-32.1°F Clear skies (<10% cloud cover) Wind speed 0-4 mph	M. Grimes
2	March 31, 2023	0640 hours	0835 hours	0636 hours 1910 hours	28.0°F-32.0°F Clear skies (<5% cloud cover)	M. Grimes, E. Llamas, R. Williams, D. Wong. D.

					Wind speed 0-8 mph	Solkowitz.
3	May 12, 2023	0655 hours	0843 hours	0547 hours 1943 hours	54.0°F-64.0°F Clear skies (<2% cloud cover) Wind speed 0-8 mph	M. Grimes, E. Llamas
4	June 17, 2023	0512 hours	0946 hours	0536 hours 2004 hours	68.7°F-81.7°F Clear skies (<2% cloud cover) Wind speed 0-8 mph	M. Grimes

Habitat Assessment Results:

On-site elevation ranges from approximately 2,985 to 3,019 feet above mean sea level and generally slopes from south to north, with no areas of topographic relief. Based on the NRCS USDA Web Soil Survey, the project site is historically underlain by Bryman Loamy Fine Sand (2 to 5 percent slopes) and Cajon Sand (0 to 2 percent slopes).

The Project site features Open Space and Residential land uses in the City of Victorville. The properties surrounding the site to the north, west, and east is comprised of undeveloped, vacant land. residential developments, with the latter occurring in lower densities to the east and higher densities to the west and commercial and institutional development beyond. The site is bounded immediately to the north and east by undeveloped, vacant land. Residential development occurs to the immediate south. Melva Davis Academy of Excellence (charter school) and recent residential development occur approximately 0.5 miles east of the Project site at Tawney Ridge Lane and (future) Diamond Road. Disturbed areas onsite are primarily associated with anthropogenic disturbances such as illegal dumping, and off-road vehicular use. These areas are generally barred with minimal vegetation.

The project site consists entirely of vacant, undeveloped land subjected to a high level of anthropogenic disturbances, including off-road vehicular use and illegal dumping, including biohazardous materials. These disturbances occur primarily along the project boundaries, with relatively little disturbance occurring near the center of the project site. Additionally, most of the vegetation has been removed from the southwest quadrant of the project site and this area has been graded.

The project site contains moderately disturbed creosote/bursage scrub vegetation. On-site vegetation density varies from unvegetated to moderately vegetated. The creosote bush scrub plant community is dominated by creosote (*Larrea tridentata*). Other coming plant species include puncturevine (*Tribulus terrestris*), ripgut brome (*Bromus diandrus)*, Russian thistle (*Salsola tragus*), whitemargin

sandmat (*Chamaesyce albomarginata*), western Joshua tree (*Yucca brevifolia)*, rubber rabbitbrush (*Ericameria nauseosa*), filaree (*Erodium cicutarium*), winged pigweed (C*ycloloma atriplicifolium*), and purple three-awn (*Aristida purpurea*). Disturbed areas onsite from illegal dumping and off-highway vehicle use are generally barred with minimal vegetation.

The undeveloped land in the immediate vicinity of the project site provides local wildlife movement opportunities for wildlife species moving through the immediate area. CDFW's BIOS 6 online mapper indicates the project site is located on a small mammal movement corridor;[9] however, based on existing conditions, the project site does not function as a major Burrowing Owl corridor or linkage resulting from intervening and ongoing development along Mojave Drive, and new development occurring in the Project vicinity. The most recent reported Burrowing Owl sighting nearest the project occurred in 2004, approximately 0.5 miles east of the site. As such, implementation of the Project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement.

The proposed site is located within the range of the Burrowing Owl. Habitat connectivity would allow for potential sensitive species to move freely in or out of the project area. Additionally, an ephemeral drainage which transects the southeast quadrant, flowing toward the northeast. Joshua trees are present in medium density on site. The soils on site are stabilized sandy-loam and provide suitable consistency for fossorial reptiles and mammals to create burrows.

No special-status mammal species were detected during the surveys within the project site. Evidence of collapsed dens, likely from ground squirrels, is identified on site. California ground squirrel (*Otospermophilus beecheyi*) and Antelope Valley ground squirrel (*Ammospermophilus harrisii*) burrow complexes occur throughout the subject property, and along Cactus Road (dirt road). These species are common in the region.

<u>Burrowing Owl</u>

A single BUOW was observed on January 31, 2023 site visit, located near the above-noted suspected coyote burrow #2 (Attachment 11).

During the March 31, and May 12, 2023 site visits, signs of burrowing owl were observed at the above-noted location. These mammals burrows are suspected coyote burrows or used by feral dogs.

No signs of BUOW nesting were observed such as feathers or eggshell fragments. However, these burrows are suitable for hunting and over-wintering given the existing rodent prey base on site. Potential hunting and foraging habitat for BUOW is thus considered on site, however, no signs of nesting were observed (See Site Photos, Attachment 8).

[9] CDFW, 2023

Western Joshua Tree

The Proposed Project site contains approximately 30 documented Joshua trees on site.

Drainages

A single unnamed ephemeral drainage feature was observed within the boundaries of the project. The drainage feature generally flows in a southwest to northeast direction across the project site following onsite topography. The drainage enters the project site along the southern boundary near the southwest corner of the project site via two (2) 24-inch culverts flowing from south of the property under Mojave Drive. From there, the on-site drainage flows in a northeast direction where it exits the middle of the southern boundary of the project site.

No surface water was present during the field investigation, and no riparian vegetation was observed onsite within the drainage feature during the field investigation. Evidence of an OHWM was observed via scour, changes in substrate, shelving, and lack of vegetation. Across all of the drainage features, the OWHM ranged from approximately 1-10 feet in width. These features only convey surface flow in direct response to precipitation, and do not support riparian vegetation.

The onsite drainage feature, after flowing offsite, eventually infiltrating the Mojave River. As a result, the onsite drainage feature retains a surface hydrologic connection to downstream Waters of the United States and thus comprises jurisdictional Waters of the United States (WOTUS) by the U.S. Army Corps of Engineers. Additionally, the onsite drainage falls under the regulatory authority of the Regional Board as Waters of the State and the California Department of Fish and Wildlife. Attachment 8 contains photographs of the on-site drainage.

Discussion of Field Survey Results:

The Project site and surrounding areas contain potentially suitable burrowing owl habitat, given sparse vegetation, presence of fossorial mammal dens and abundant prey. Moreover, field surveys were positive for BUOW and signs, therefore. However, no active BUOW nests were identified on site.

Due to the lack of active nesting burrows, and with implementation of the above-recommended avoidance and minimization measures, an Incidental Take Permit (ITP) will not be required pursuant to California Fish and Game Code. However, due to CNDDB occurrences in the area, potential habitat within the site and limited habitat connectivity, this survey includes avoidance and minimization recommendations to prevent unauthorized take, in the event BUOW appears on the site during project development.

Burrowing Owls and their nests are protected under the International Migratory Bird Treaty Act and California State law. This survey report and recommended avoidance and minimization measures do

not constitute authorization for incidental take of the Burrowing Owl. The results of the BUOW survey are good for up to one year.

Avoidance, Minimization and Mitigation Recommendations

BUOW-1: Prior to any ground disturbance, pre-construction surveys for burrowing owls on the Project site and in the surrounding area in accordance with the Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7th, 2012, shall be conducted no more than 14 days prior to the beginning of project activities, and a secondary survey must be conducted by a qualified biologist within 24 hours prior to the beginning of project construction to determine if the project site contains suitable burrowing owl or sign thereof, and to avoid any potential impacts to the species. The surveys shall include 100% coverage of the project site. If both surveys reveal no burrowing owls are present, or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey the letter shall be submitted to CDFW prior to construction. If occupied active burrows or signs thereof are found within the development footprint during the preconstruction clearance survey mitigation measure Bio-3 shall apply.

BUOW-2: If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the Applicant and the City, shall prepare and submit passive relocation program in accordance with Appendix E (*i.e.* - Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities on site and proposed mitigation for permanent loss of occupied burrow(s) and habitat, consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that the burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

BUOW-3: Outside of the nesting season (February 1 through August 31), passive owl relocation techniques will be implemented. Owls would be excluded from burrows in the immediate impact zone within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors will be in place at least 48 hours prior to excavation to ensure the owls have departed.

BUOW-4: The work area will be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities.

BUOW-5: Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

BUOW-6. If occupied burrows cannot be avoided during the non-breeding season, CDFW will enhance or create burrows in adjacent habitat at a 1:1 ratio of burrow destroyed-to-created at least one week prior to implementation of passive relocation techniques. If burrowing owl habitat enhancement or creation takes place, the Applicant, in coordination with CDFW, will develop and implement a monitoring and management plan to assess the effectiveness of the mitigation. If monitoring indicates that the actions have not adequately mitigated for the Project's impacts, the Applicant will implement remedial actions (e.g., enhancing or creating additional burrows) in coordination with CDFW to compensate for these impacts.

Accordingly, *avoidance, minimization* and *mitigation* measures BUOW-1 through BUOW-6, listed above, are recommended to (1) prevent species such as the Burrowing Owl from entering onto the site during the construction phase and (2) avoid the potential for take, and (3) minimize the impacts associated with the development of the Project.

Conclusion

A single BUOW was identified on site on January 31, 2023. No BUOW pairs were discovered during the survey efforts. Due to positive BUOW sighting, along with presence of BUOW sign around mammal burrows (whitewash, pellets) and due to presence of suitable prey base, the site is deemed suitable foraging habitat. However, no signs of BUOW nesting were identified (eggshells, suitable nesting burrows, feathers). Suitable nesting burrows were not identified on site. The surrounding habitat features moderate potential to harbor BUOW. Nesting opportunities are absent due to lack of suitable burrows, and edge effects from residential activities including OHV use, dogs, illegal dumping, pedestrian use, *etc*. The possibility for a Burrowing Owl to occur on the site is moderate. However, the site does not appear to support nesting activities.

The Project site provides suitable foraging, over-wintering and dispersing habitat for BUOW. A single BUOW was detected during the January 31, 2023, site visit. No additional BUOW individuals or pairs were observed during the remainder of site surveys. Two burrows (presumably coyote burrows) containing BUOW sign were also identified on-site, including whitewash and pellets (See site photos, Attachment 8).

BUOW is therefore deemed potentially present at the site; the site is likewise deemed suitable foraging and over-wintering habitat. The site does not appear to support or be used for BUOW nesting. No BUOW pairs were discovered. No signs of nesting were observed (*e.g.* – eggshell fragments, feathers, occupied burrows). Furthermore, the mammal burrows identified on site are relatively shallow (less than 2 feet in depth; lacking sufficient depth, cover and protective characteristics to support BUOW nesting. Due to suitable adjacent habitat, Burrowing Owls could potentially enter the Proposed Project area at any time.

Pursuant to the Migratory Bird Treaty Act and Fish and Game Code, no disturbance is permitted to occur within 200 meters (approx. 656 feet) of occupied burrows during the breeding season (February 1 through August 31), as recommended by CDFW BUOW Staff Report (2012). Due to the proposed scope of work, conservation of onsite BUOW habitat was determined to be infeasible. However, the site does not appear to support BUOW nesting. Therefore, Project is therefore not likely to impact BUOW nests.

Appropriate measures (BUOW-1 through BUOW-6) are outlined above for the avoidance and minimization of impacts to the Burrowing Owl.

Following the above recommendations, pursuant to the California Endangered Species Act, Nexus Environmental has determined the Proposed Project would not result in *take* of Burrowing Owl (*Athene cunicularia*).

Literature Cited and References:

California Department of Fish and Game. Staff Report on Burrowing Owl Mitigation. March 07, 2012.

California Department of Fish and Wildlife. Life History Account - Burrowing Owl. C. Polite. September 1999.

California Department of Fish and Wildlife Biogeographic Information and Observation System (BIOS), BIOS 6 Viewer, available at https://wildlife.ca.gov/Data/BIOS (accessed May 20, 2023)

California Department of Fish and Wildlife California Natural Diversity Database (Rarefind 5 records for Adelanto, CA USGS quadrangle. May 1 9, 2023)

City of Victorville. General Plan

City of Victorville Zoning Checker available at https://victorville.maps.arcgis.com/apps/webappviewer/index.html?id=f7698c1fc6f742e681aeb3c3e3884443 (Accessed June 23, 2023)

ELMT Consulting. Biological Resource Assessment for an Approximate 68-Acre Project Site Located within Assessor Parcel Numbers 3128-621-02, -03, -04, -05, and -06 in the City of Victorville, San Bernardino County, California. 2023

Google Earth Pro Aerial Imagery (2023)

United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey (March 03, 2023)

United States Fish and Wildlife Service Information for Planning and Consultation Online at: [http:// ipac.ecosphere.fws.gov/] (Accessed March 03, 2023)

This concludes the BUOW protocol survey for the 68-acre Proposed Project (APNs: 3128-621-02, -03, -04, -05, and -06) in the City of Victorville, San Bernardino County, California.

Certification

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this report was performed by me or under my direct supervision.

I have not signed a non-disclosure or consultant confidentiality agreement with the Proposed Project applicant or applicant's representative, and I have no financial interest in the project.

Burrowing owls may not be taken under State law and the MBTA. The findings and recommended avoidance, minimization and mitigation measures included in this report do not constitute authorization for incidental take of the Burrowing Owl or any other protected species.

Date: June 23, 2023

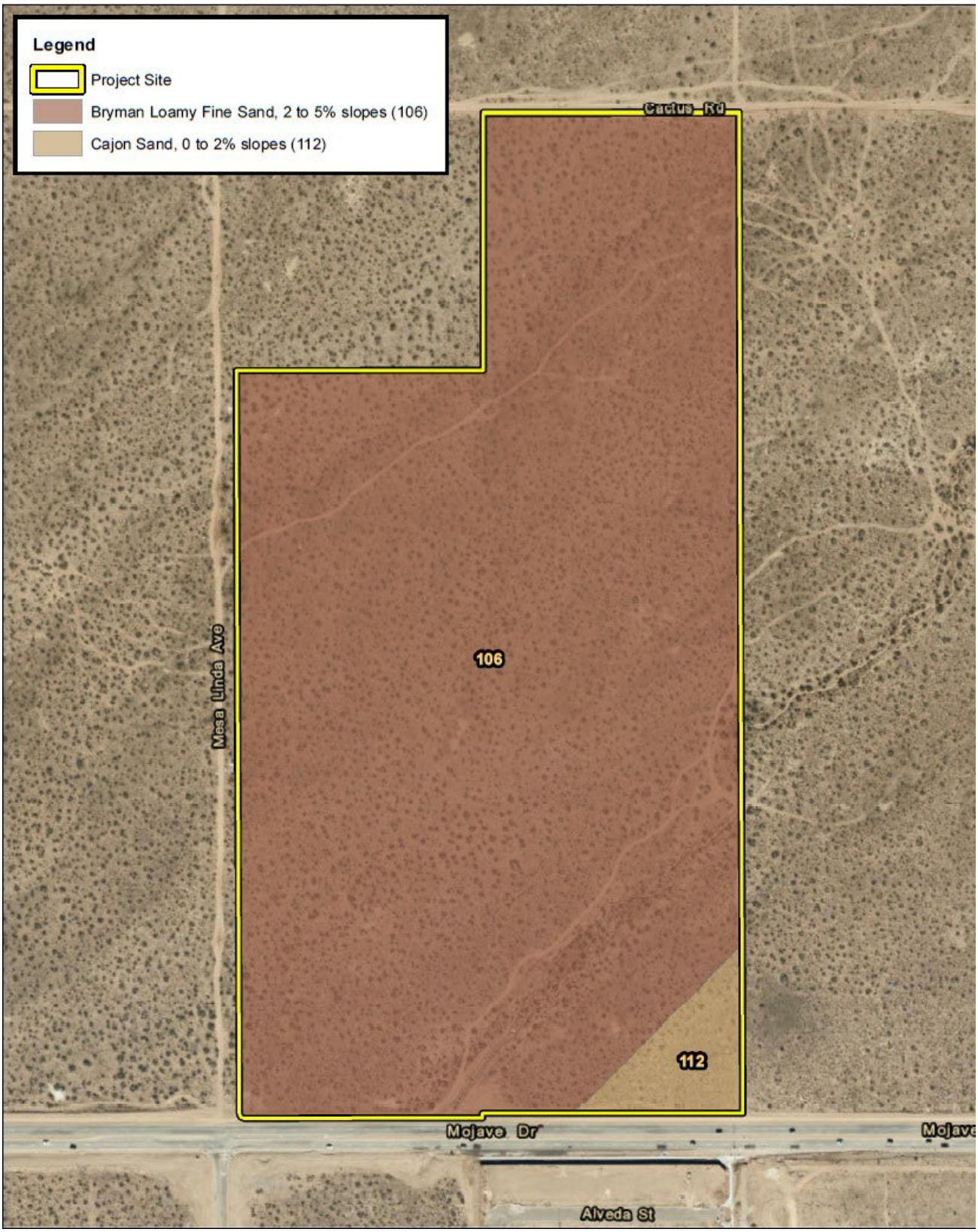
Michael V. Grimes
Principal Planner/Field Biologist
Nexus Environmental LLC

Attachments

1. Project Vicinity Map
2. Soil Map
3. Vegetation Map
4. Topographic Map
5. Project Layout with Proposed Water and Sewer Line Installation
6. Proposed Project Layout
7. Proposed Emergency Access Road
8. Site Photos
9. CNDDB Database Records Search Results
10. Burrowing Owl Survey Area Map

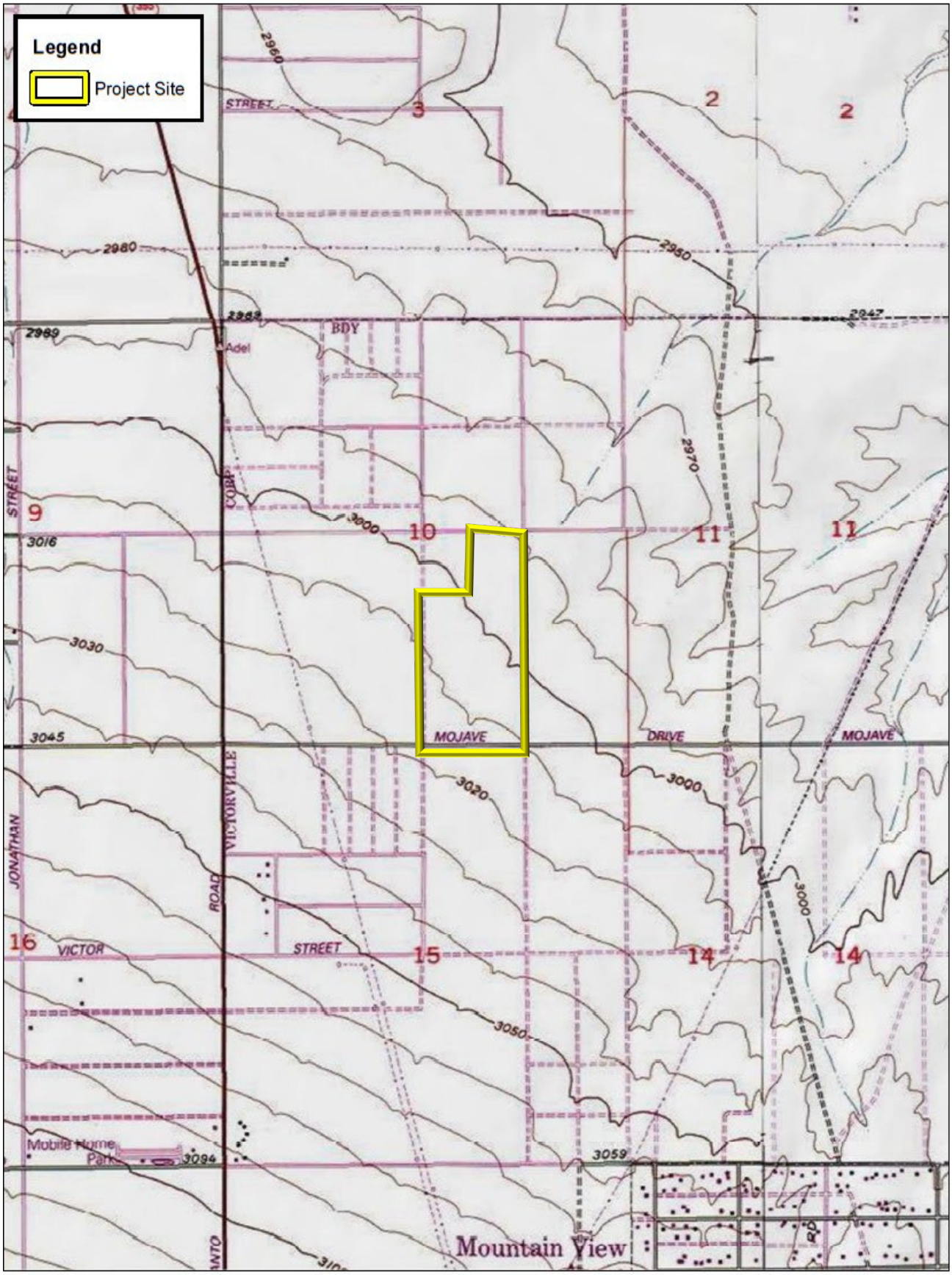
Attachment 1: Project Vicinity Map

Attachment 2: Soil Map of Proposed Project Site

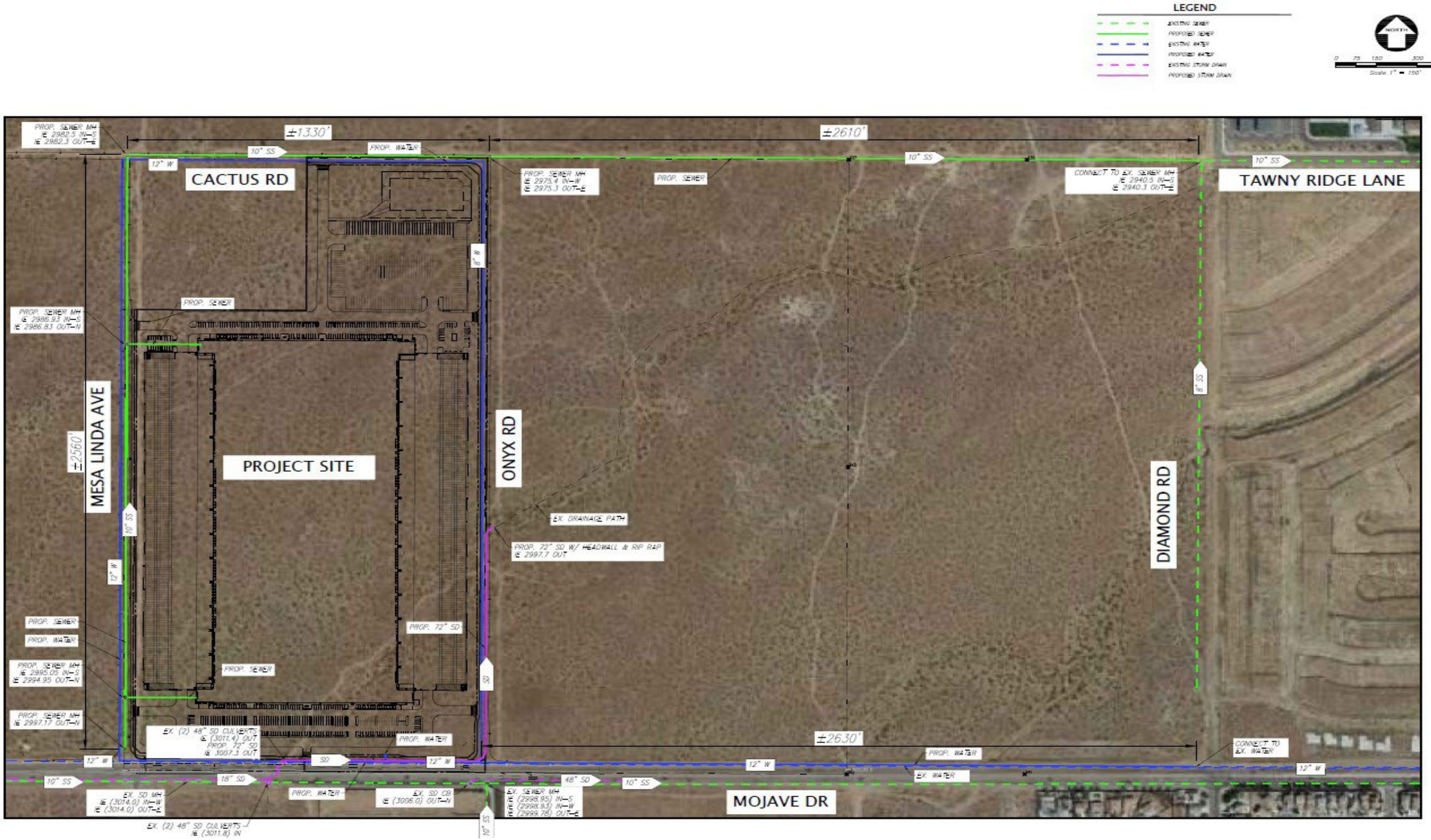


Attachment 3: Vegetation Map

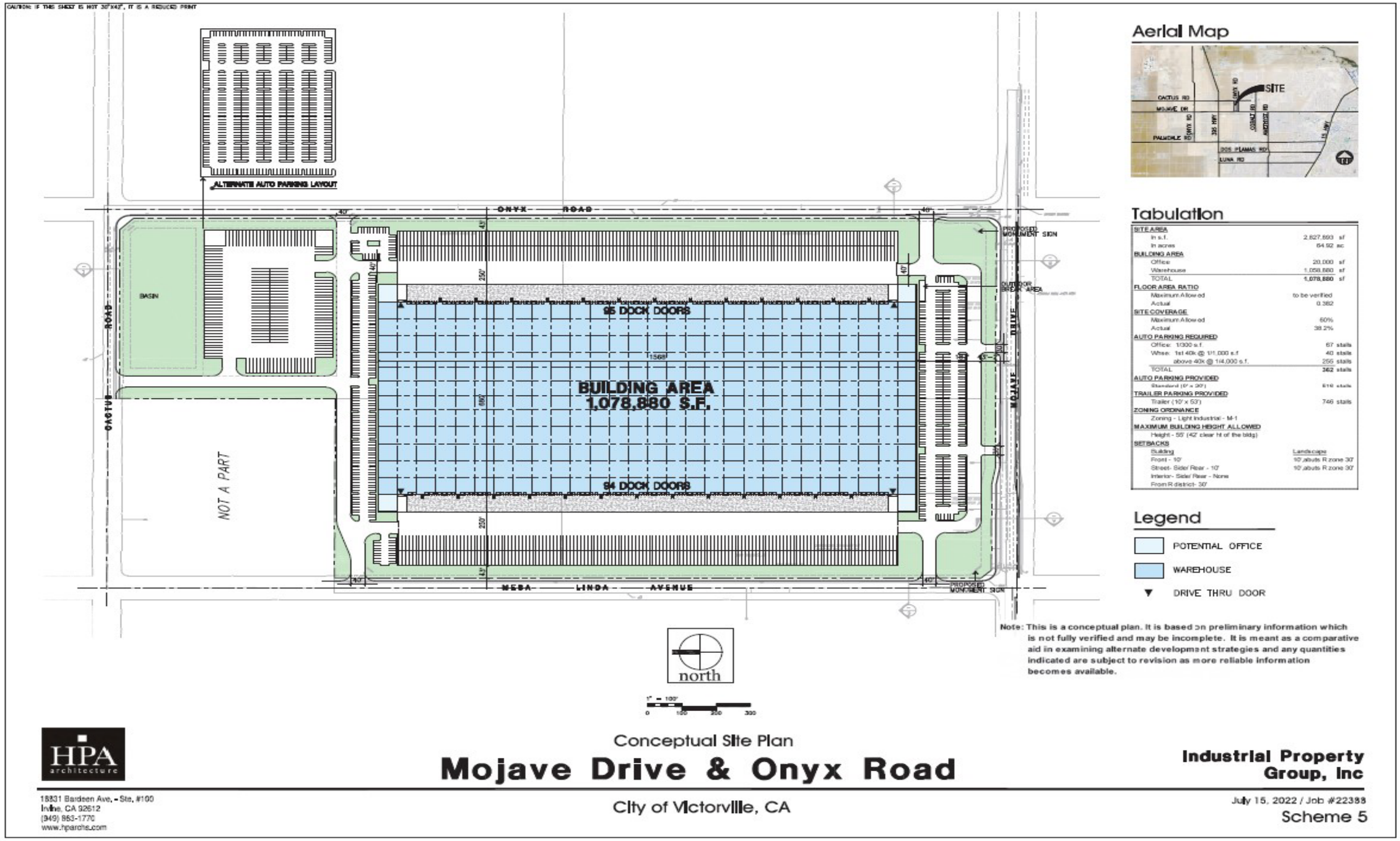
Attachment 4: Topographic Map



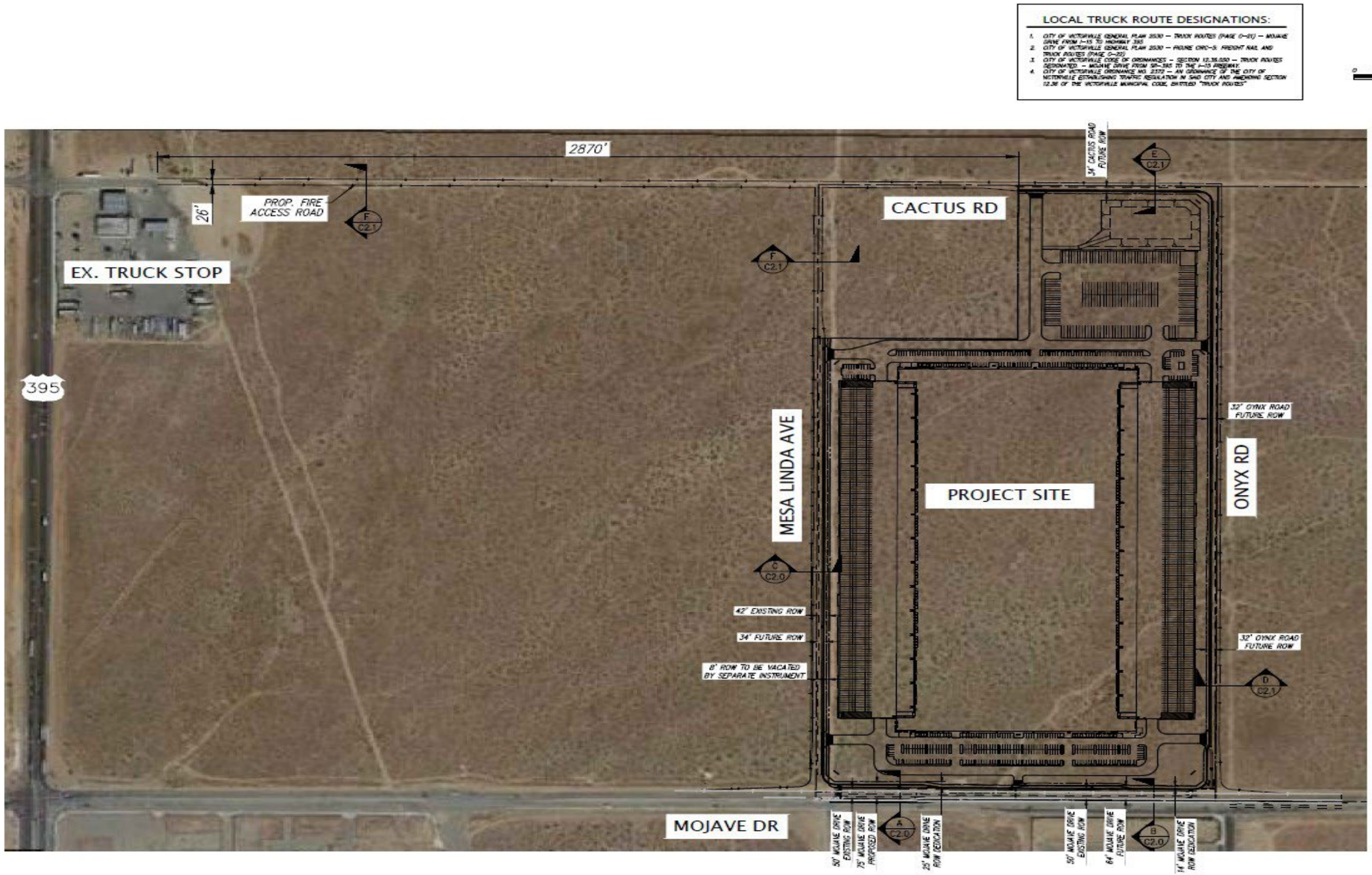
Attachment 5: Project Layout with Proposed Water and Sewer Line Installation



Attachment 6: Project Layout



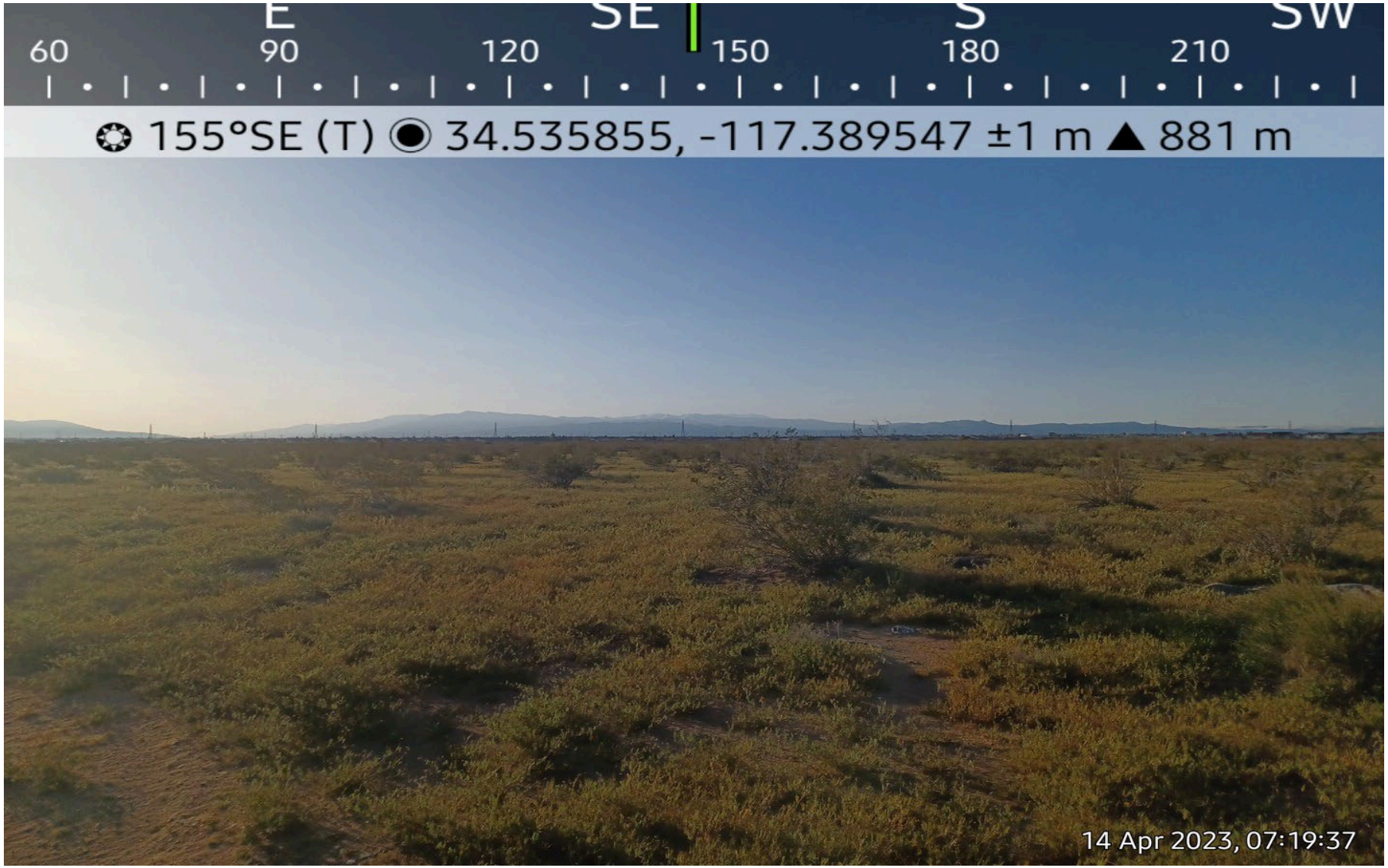
Attachment 7: Proposed Emergency Access Road



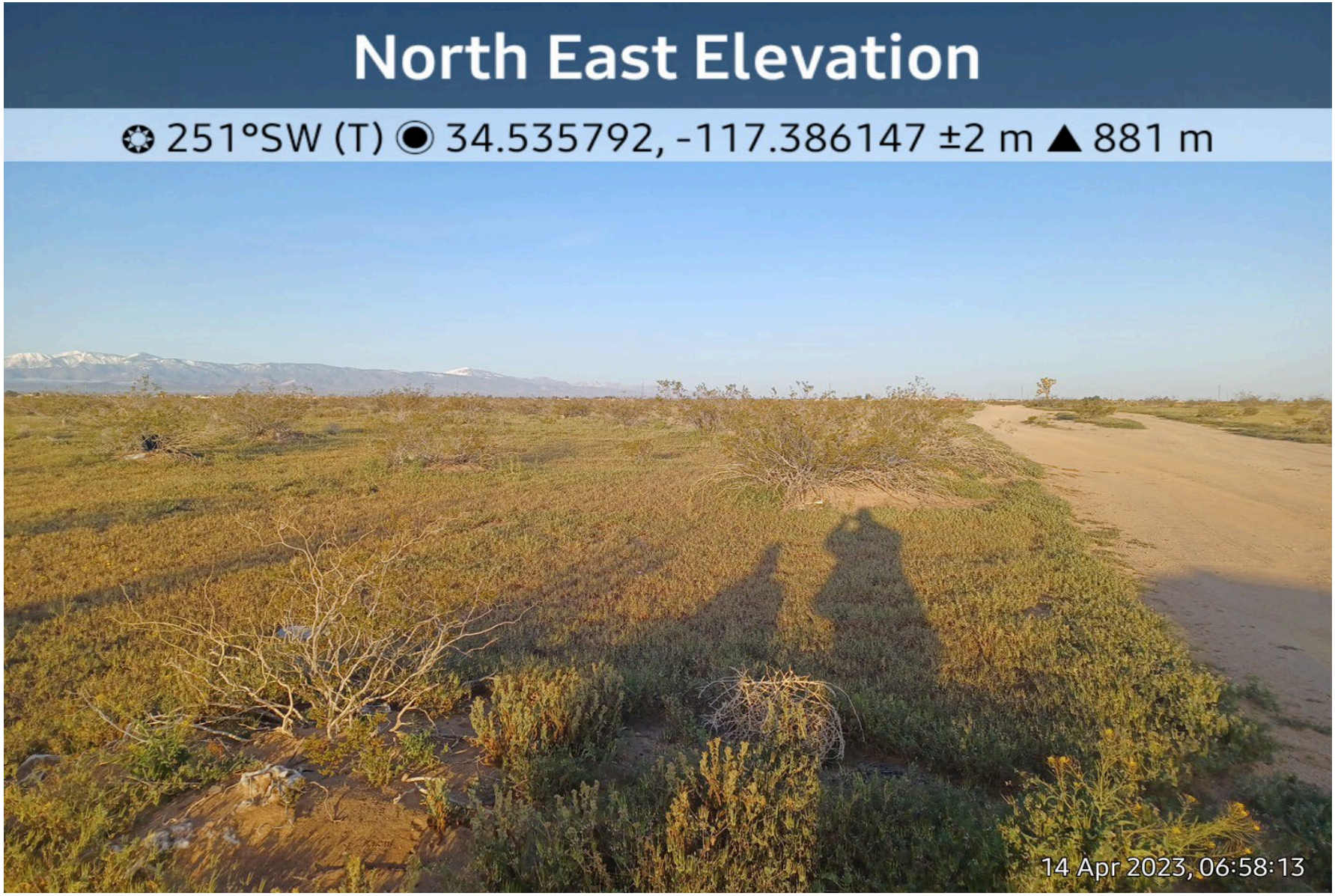
Attachment 8: Site Photos

North center of the site facing south toward the site.

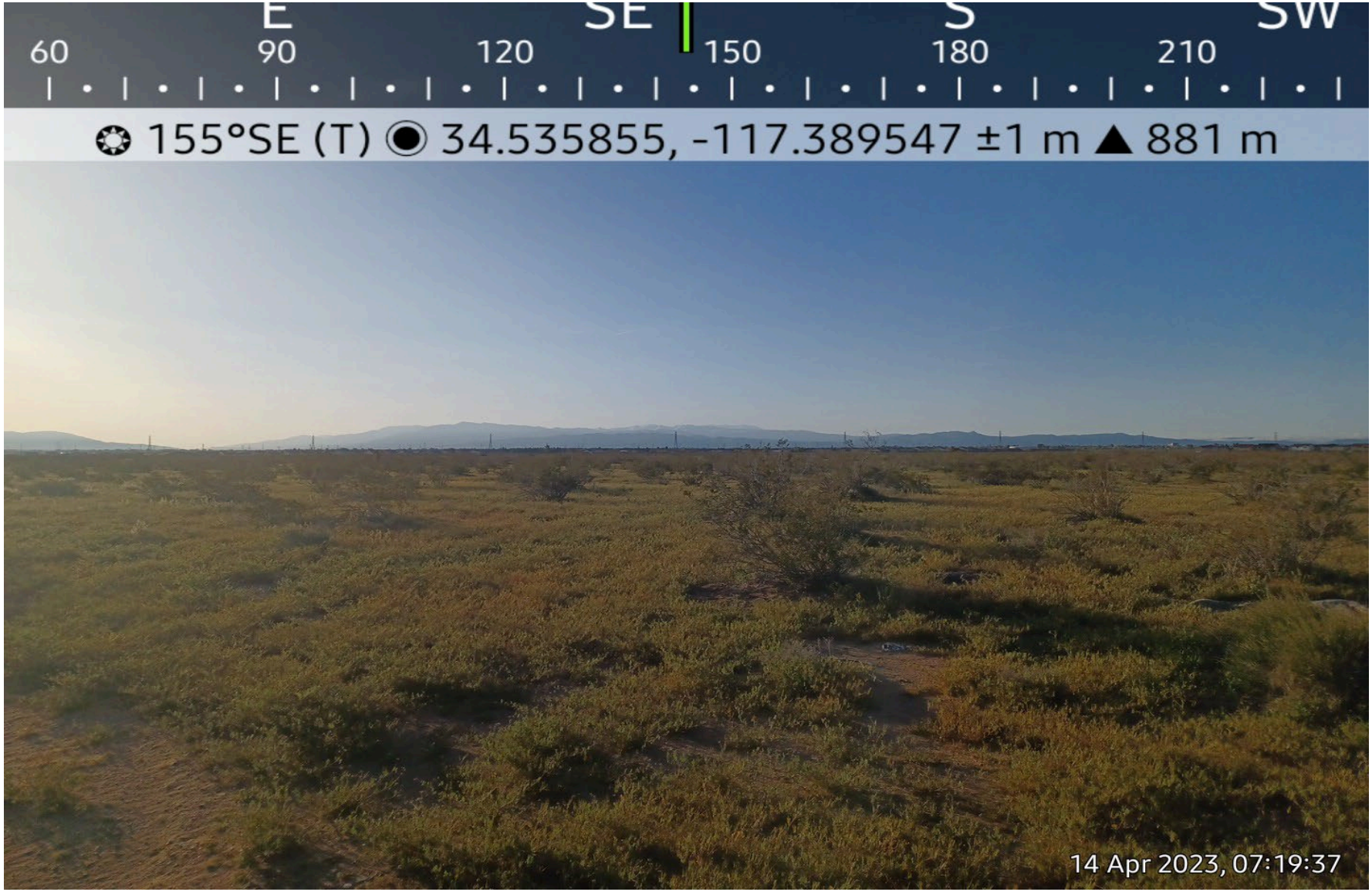
Northwest corner facing southeast toward the center of site.



Northeast corner facing southwest (Cactus Road shown on right; proposed Emergency Access Road).

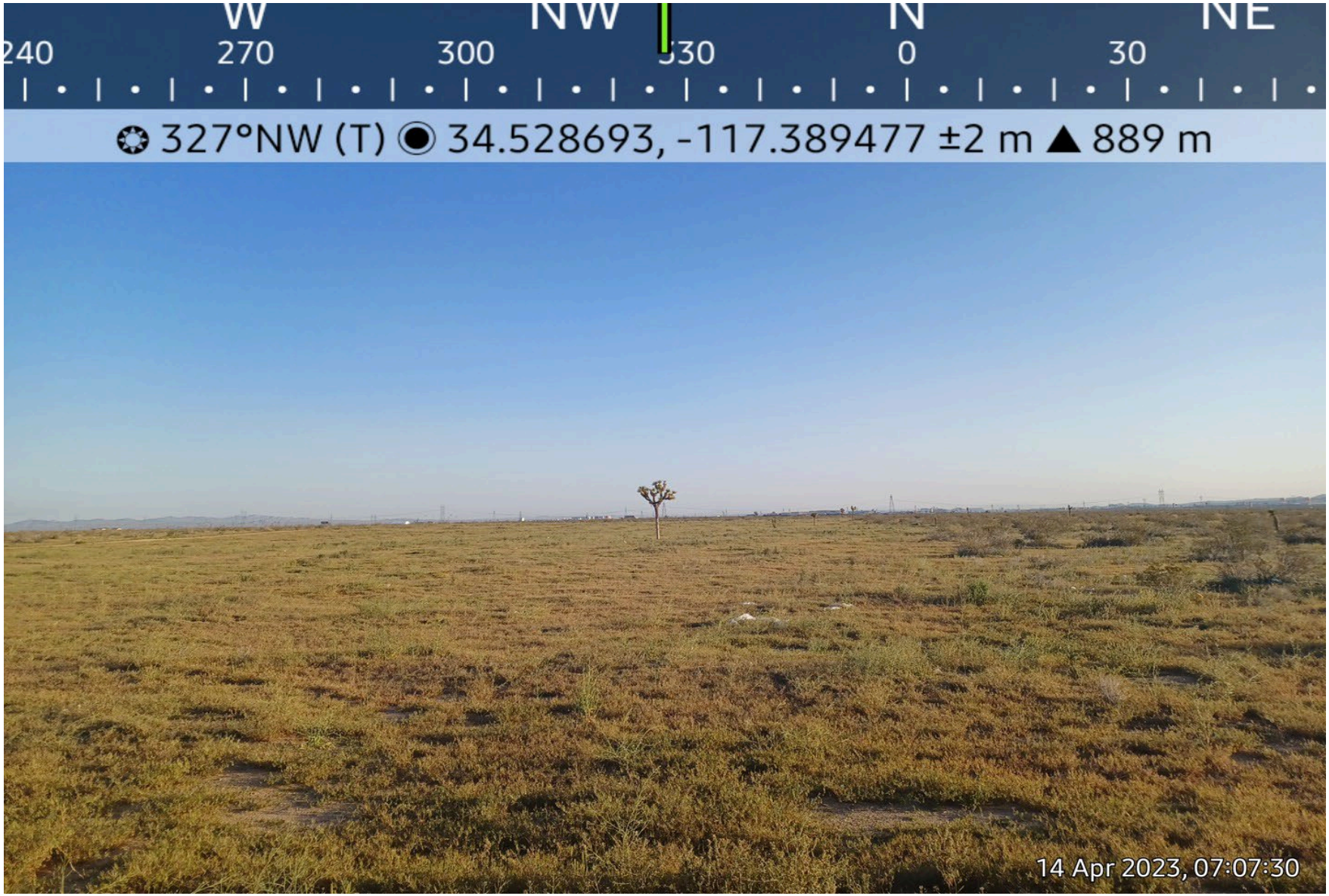


Northwest corner facing southeast.

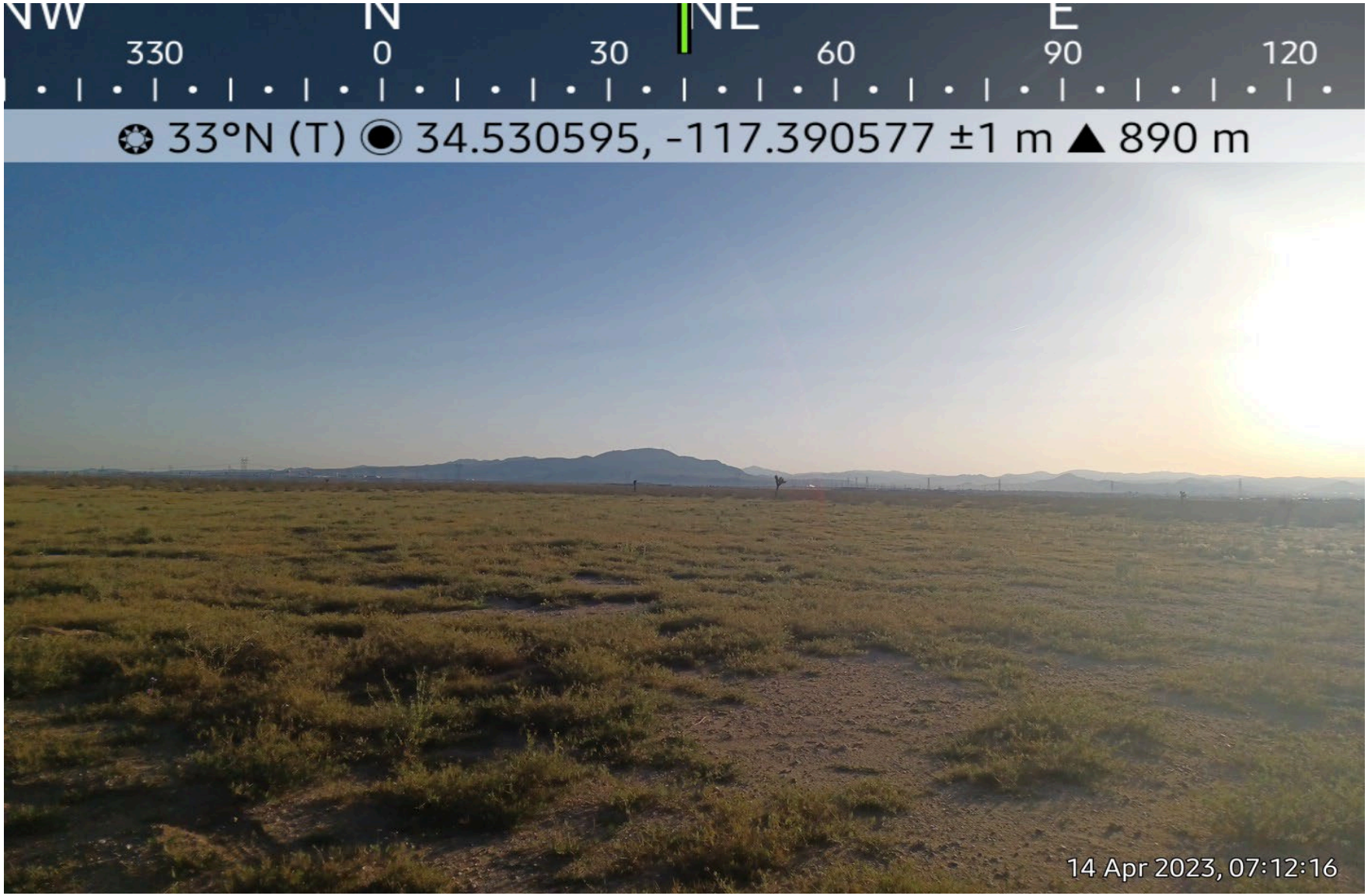


Southeast corner facing west. Mojave Drive shown on right (proposed water line installation).

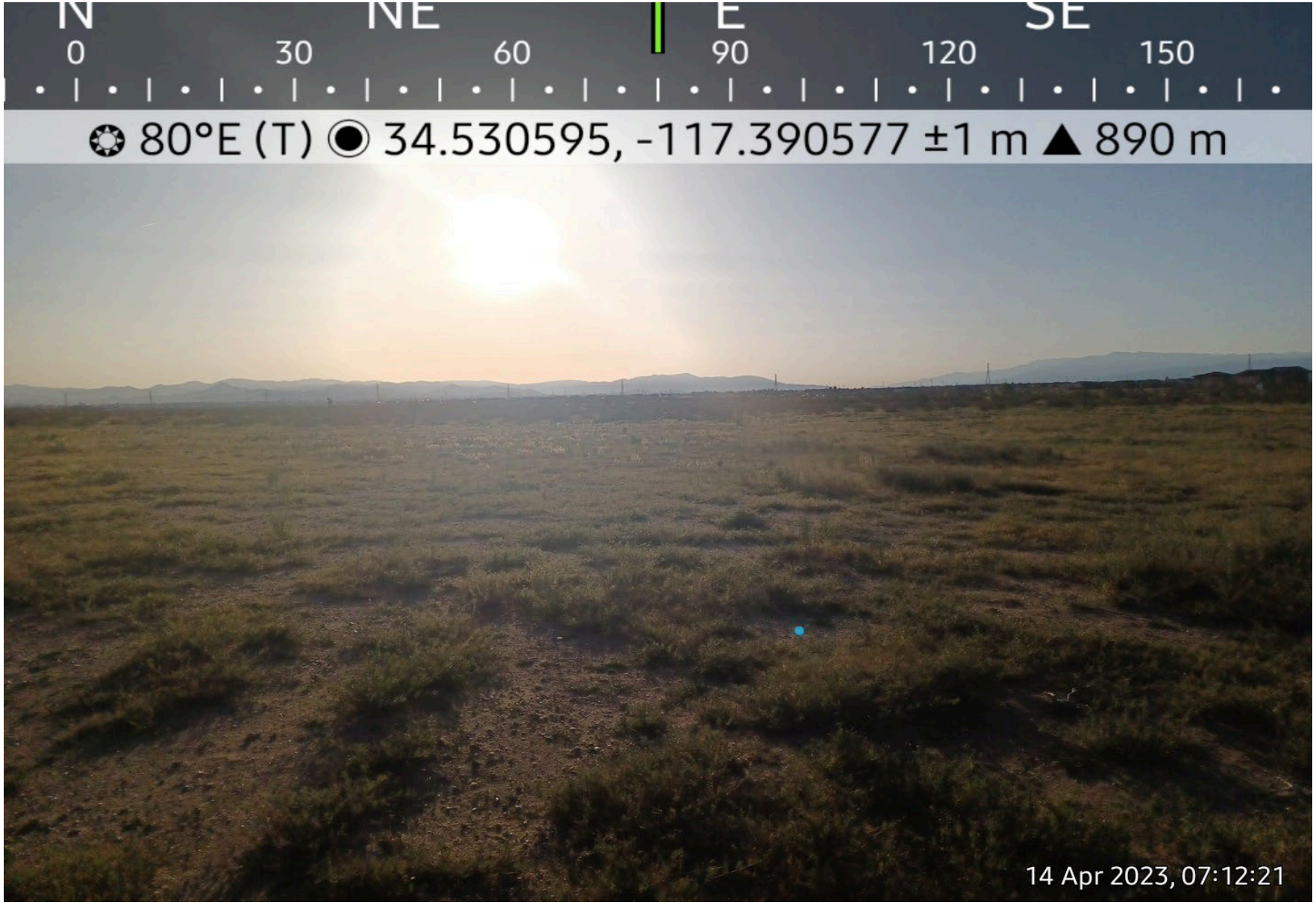
Southern property boundary, center, facing north toward the site.



Southwestern property boundary facing northeast.

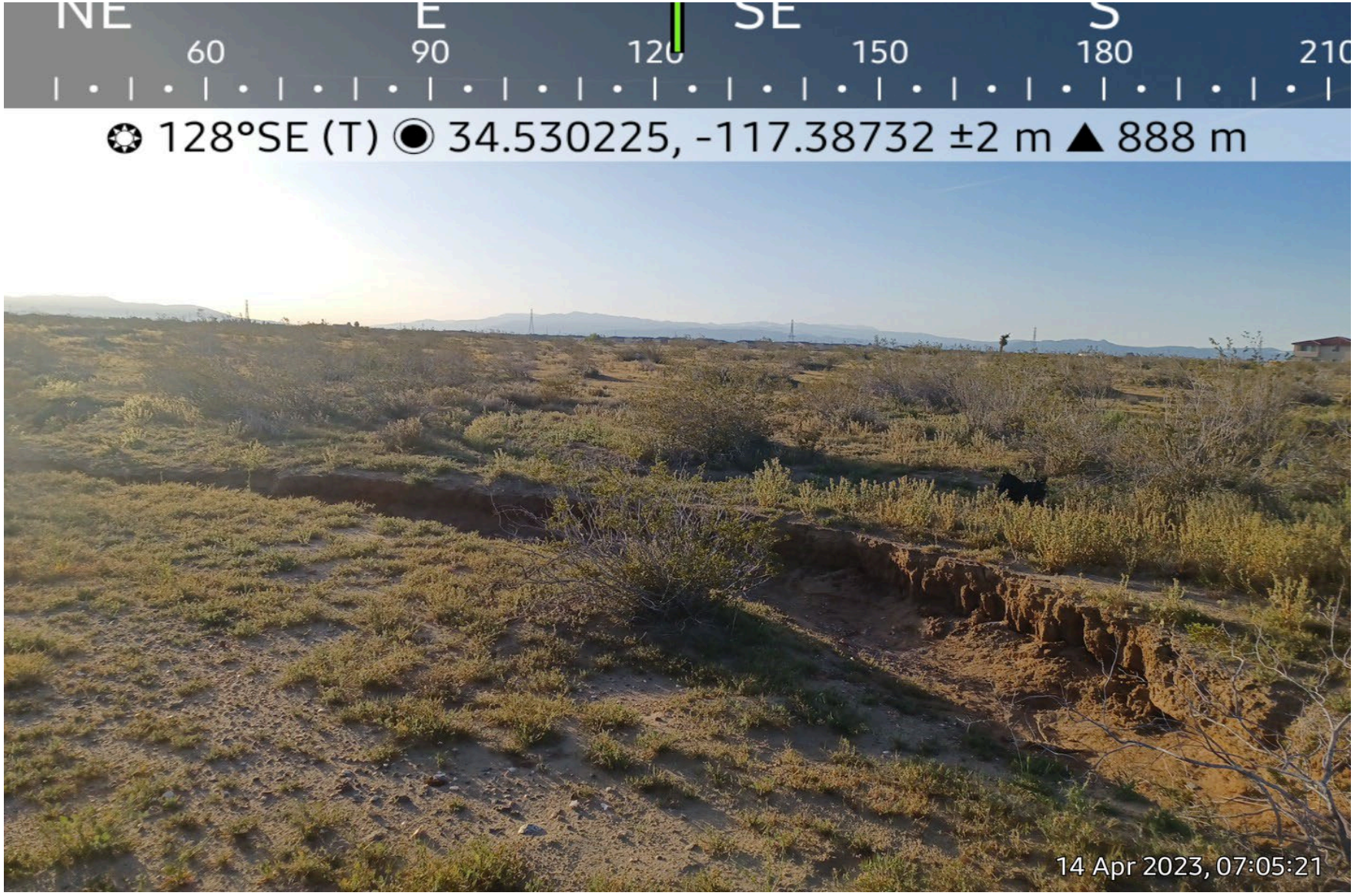


Western Property boundary, center, facing east toward the site.



Intermittent Drainage located at the southeastern quadrant of the project site, facing south.

Intermittent Drainage located at the southeastern quadrant of the project site, facing southeast.



Culverts located at the southern project boundary. Drainage flow conveys toward the northeast. No Signs of BUOW are present at these culverts.

Collapsed ground squirrel burrow complex, located to the north west corner of the site. No signs of burrowing owl are present.

Coyote den (1) located to the center of the site. Signs of burrowing owl are present.

Coyote den (2) located to the center of the site. Signs of burrowing owl are present. A single BUOW was observed at this location on January 31, 2023.

Alternative view of coyote den (2) located to the center of the site. Signs of burrowing owl are present. (Tagged Joshua tree #921 shown in background.)

Typical ground squirrel burrow under creosote mound.

Cactus Road facing east from the Project site toward Tawney Ridge Lane (Sewer Installation alignment).

Onyx Road facing South.

Cactus Road facing West (Proposed Emergency Access Road) toward the Project site from Tawney Ridge Lane.

Mojave Drive facing West (Proposed Water Line installation).

Cactus Road facing East toward Tawney Ridge Lane (proposed Sewer Line alignment).

Tawney Ridge Lane at Cactus Road.

Attachment 9: California Natural Diversity Database Records Search Results

Summary Table Report
California Department of Fish and Wildlife
California Natural Diversity Database

Query Criteria: Quad Adelanto (3411754)

NEXUS ENVIRONMENTAL, LLC

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.
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	2,880 3,200	2011 S:8	0	2	2	3	0	1	0	8	8	0	0
Buteo swainsoni Swainson's hawk	G5 S4	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern	880 880	2561 S:1	0	0	0	0	1	0	1	0	0	1	0
Gopherus agassizii desert tortoise	G3 S2S3	Threatened Threatened	IUCN_CR-Critically Endangered	2,968 2,968	985 S:2	0	2	0	0	0	0	0	2	2	0	0
Toxostoma lecontei Le Conte's thrasher	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,790 2,835	238 S:4	0	0	0	0	0	4	4	0	4	0	0
Xerospermophilus mohavensis Mohave ground squirrel	G3 S2	None Threatened	BLM_S-Sensitive IUCN_NT-Near Threatened	2,520 2,980	432 S:3	0	0	1	0	0	2	1	2	3	0	0

Commercial Version -- Dated April, 30 2023 -- Biogeographic Data Branch
Report Printed on Friday, May 19, 2023

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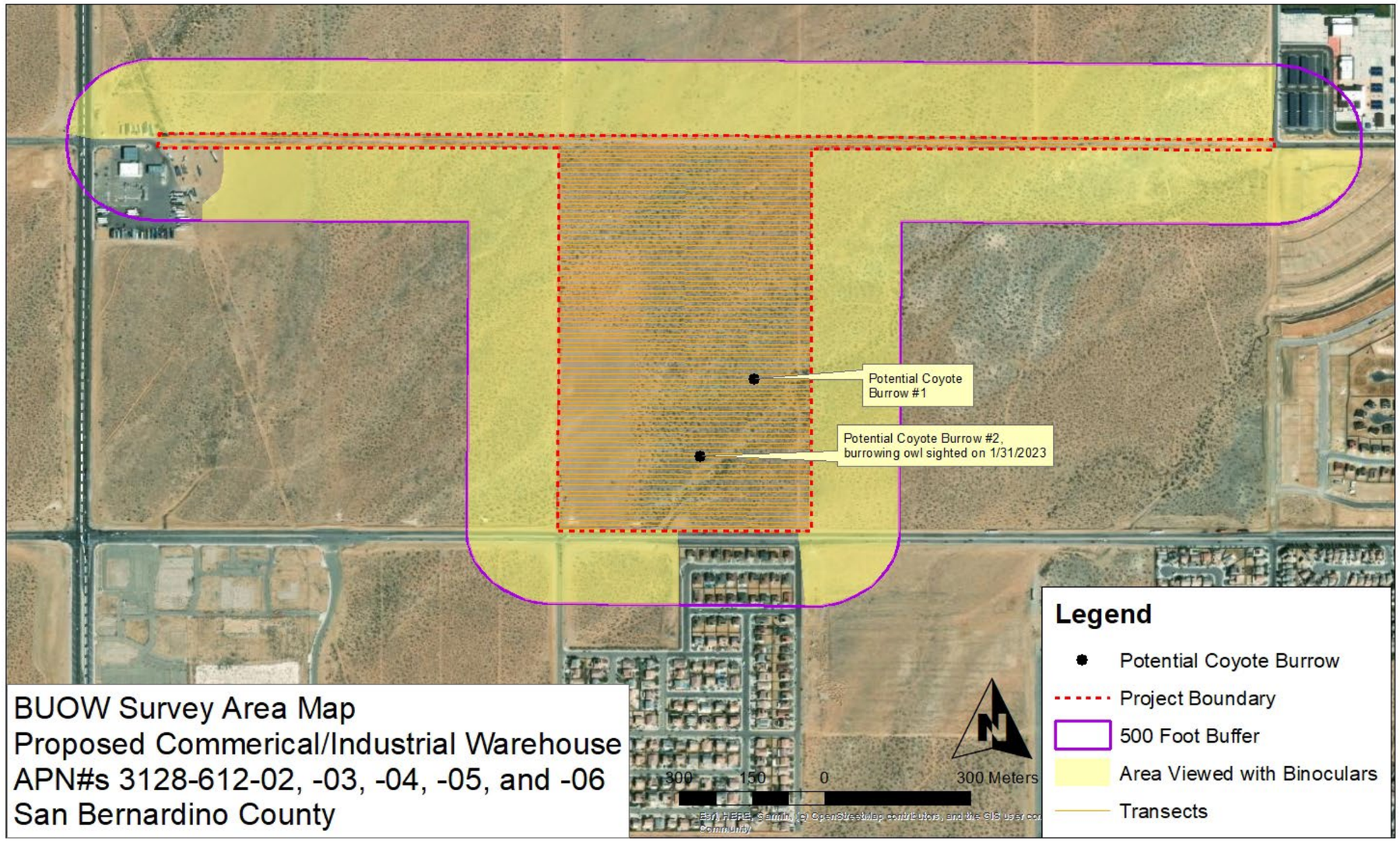
Information Expires 10/30/2023

Attachment 10: Burrowing owl survey area.



Burrowing Owl Protocol Survey Report
Nexus Environmental LLC