

3.3 BIOLOGICAL RESOURCES

A general biological resources assessment, focused surveys for desert tortoise (*Gopherus agassizii*), and habitat assessments for western burrowing owl (*Athene cunicularia*) and Mohave ground squirrel (*Xerospermophilus mohavensis*) were completed for the Proposed Project's Well 35 site by Circle Mountain Biological Consultants, Inc. (CMBC 2011). The report is included in the technical appendices (Appendix C) and summarized below. No surveys were conducted at the well 18 and 34 sites because these sites are cleared and graded, and no new ground disturbance is proposed.

3.3.1 Environmental Setting

The Proposed Project includes the upgrade to existing wells 18 and 34 and the construction of a new proposed Well 35 and associated pipeline. This section focuses on the proposed Well 35 site. Existing well 18 and 34 do not contain biological resources that may be affected by the Proposed Project.

3.3.1.1 Applicable Plans, Policies and Regulations

Biological resources are generally protected under the federal and California Endangered Species Acts and the Migratory Bird Treaty Act (MBTA). Wetlands and Waters of the United States are regulated under Sections 401 and 404 of the federal Clean Water Act. The California Department of Fish and Game (CDFG) Code Section 1600 regulates the alteration of streambeds. Regulations protecting biological resources are summarized below.

Federal Regulations

Endangered Species Act of 1973 (16 United States Code [USC] 1531). The Endangered Species Act provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service maintains the list of endangered and threatened species.

Migratory Bird Treaty Act (16 USC 703-712). This act implements various treaties between the United States and other countries, including Canada, Japan, and Mexico, for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds, their eggs, or their nests is unlawful.

Clean Water Act Section 404. Regulates dredge or fill activities in federally-protected wetlands and/or waters. These activities require a Section 404 Nationwide or Individual Permit from the U.S. Army Corps of Engineers.

Clean Water Act Section 401. Regulates water quality associated with rivers, lakes, and streambeds. The California Regional Water Quality Control Board (RWQCB) is the regional regulatory agency for this law. Projects that affect water quality require a Section 401 Certification from the RWQCB.

State Regulations

California Endangered Species Act (California Fish and Game Code [CFG] Section 2081). Protects species of fish, wildlife, and plants that are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of California. Provides for a state list of endangered and threatened species by the CDFG, and restricts activities that may affect these species.

Streambed Alteration Regulations (CFG Section 1602). Regulates activities in the State's rivers, lakes, and streambeds. Such activities require a Streambed Alteration Agreement from the CDFG.

California Food and Agricultural Code, Division 23: California Desert Native Plants. Chapter 3 Regulated Native Plants, Section 80073 states: the following native plants, or any parts thereof, may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing:

- (a) All species of the family *Agavaceae* (century plants, nolin, yuccas).
- (b) All species of the family *Cactaceae* (cacti), except for the plants listed in subdivisions (b) and (c) of Section 80072 (i.e., saguaro and barrel cacti), which may be harvested under a permit obtained pursuant to that section.
- (c) All species of the family *Fouquieriaceae* (ocotillo, candlewood).
- (d) All species of the genus *Prosopis* (mesquites).
- (e) All species of the genus *Cercidium* (palo verdes).
- (f) *Acacia greggii* (catclaw acacia).
- (g) *Atriplex hymenelytra* (desert holly).
- (h) *Dalea (Psoralea) spinosa* (smoke tree).
- (i) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood.

3.3.1.2 Existing Conditions

Proposed Well 35 would be located on the south side of Bowman Road, between Moon Place and Star Place, APNs 341-234-02 & -03, totaling 3.92 acres, and would be connected to an existing pipeline along Bowman Road via a new 12-to-16-inch, 400-foot pipeline also located within the parcel. Elevations on the site for proposed Well 35 are approximately 2,530 feet (771 meters) above mean sea level. Terrain is relatively flat throughout the site and soils are composed of sandy-to-gravelly loam. The site for proposed Well 35 was previously surveyed in 2007 by CMBC (CMBC 2011).

Vegetation. Twenty-two plant species were identified on the site for proposed Well 35. The site is vegetated by Mojavean creosote bush scrub (Sawyer, Keeler-Wolf 1995). Dominant perennial species found on the project site include creosote bush (*Larrea tridentata*), burrobush (*Ambrosia dumosa*), desert goldenhead (*Acamptopappus sphaerocephalus*), and Anderson's boxthorn (*Lycium andersonii*). Annual species including fiddleneck (*Amsinckia tessellata*), tumble mustard (*Sisymbrium altissimum*), London rocket (*Sisymbrium irio*), red-stemmed filaree (*Erodium cicutarium*), red brome (*Bromus madritensis* ssp. *rubens*), and split-grass (*Schismus* sp.) are either not native to California or are native weedy species, and are indicative of somewhat degraded habitats characteristic of rural areas (CMBC 2011).

Wildlife

Reptiles. Four reptiles, six birds, and five mammal species were identified during the survey of the Well 35 site. The four lizard species are all common to the area and included desert iguana (*Dipsosaurus dorsalis*), side-blotched lizard (*Uta stansburiana*), desert horned lizard (*Phrynosoma platyrhinos*), and western whiptail (*Cnemidophorus tigris*). Gopher snake (*Pituophis melanoleucus*) was the only snake species identified. Other locally common reptile species that likely occur, but were not observed, include zebra-tailed lizard (*Callisaurus draconoides*), long-nosed leopard lizard (*Gambelia wislizenii*), red racer (*Masticophis flagellum*), glossy snake (*Arizona elegans*), long-nosed snake (*Rhinocheilus lecontei*), and various rattlesnake species (*Crotalus* spp.) (CMBC 2011).

Birds. Common bird species identified during the surveys include year-round residents associated with both degraded and pristine habitats including Say's phoebe (*Sayornis saya*), horned lark (*Eremophila alpestris*), black-throated sparrow (*Amphispiza bilineata*), and sage sparrow (*Amphispiza belli*). Identified species associated with urbanized areas include common raven (*Corvus corax*). Identified seasonal residents include lesser nighthawk (*Chordeiles acutipennis*) and incidental migrants include turkey vulture (*Cathartes aura*) and white-crowned sparrow (*Zonotrichia leucophrys*) (CMBC 2011).

Mammals. All mammal species detected are common to the region and relatively tolerant of urbanizing areas. Small burrowing mammals included kangaroo rat (*Dipodomys* spp.) and antelope ground squirrel (*Ammospermophilus leucurus*). Medium-sized mammals included black-tailed hare (*Lepus californicus*) and Audubon cottontail (*Sylvilagus audubonii*). Four predator species detected included coyote (*Canis latrans*), kit fox (*Vulpes macrotis*), gray fox (*Urocyon cinereoargenteus*), and bobcat (*Lynx rufus*) (CMBC 2011).

Sensitive Plant Species. Silver cholla (*Opuntia echinocarpa*) is the only sensitive plant species that was observed during the survey. It was observed adjacent to the Well 35 site, but no plants were observed on the Well 35 parcels. Silver cholla is included in the California Food and Agricultural Code, Division 23: California Desert Native Plants. Chapter 3 Regulated Native Plants, Section 80073.

Sensitive Wildlife Species

Desert Tortoise. The Proposed Project is not located in desert tortoise critical habitat. The habitat at the Well 35 site is categorized as Category 3 Habitat under the West Mojave Plan, which is the lowest priority management area for viable populations of tortoise. Based on the absence of tortoise sign on the proposed Well 35 site during the 2011 focused surveys but previous observations of sign in adjacent areas, and available information reviewed, it is concluded that no tortoises currently occur on the proposed Well 35 site. However, there appears to be a persisting low density of desert tortoises in the region west of Highway 395, including the vicinity of proposed Well 35 and there is some potential for one or more tortoises to move onto or through the site prior to construction of Well 35 (CMBC 2011).

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During 2007 surveys of the site, CMBC biologist, Ed LaRue, observed seven off-highway vehicle tracks, four dump sites, one road, and one domestic dog sign. There was also evidence of sheep grazing on the site, although the intensity and time since grazing were unknown. During 2011 surveys, CMBC biologist, Sharon Dougherty, observed one off-highway vehicle track, one dump site, and recent evidence of sheep grazing. These persisting low levels of habitat degradation are not sufficiently severe to have eliminated tortoises from the area, as CMBC has observed tortoises in even more degraded conditions. The relatively small size of the site and apparent low densities of tortoises in the area are likely more responsible for the absence of tortoises than poor habitat conditions (CMBC 2011).

There is a consistent pattern of tortoise occurrence in the region: tortoise sign has not been found on any of nine surveys east of Highway 395 but has been found during four previous surveys west of Highway 395 (CMBC 2011). These observations support the conclusion that habitats have been substantially degraded east of Highway 395 but still appear to support low densities of tortoises west of this heavily-traveled highway. As such, tortoises may occur in the vicinity of Well 35, and may move on to the site prior to the construction of Well 35.

Osprey (*Pandion haliaetus*) has been observed approximately five miles northeast of the proposed Well 35 site (CMBC 2011). Sometimes referred to as “fish-eating eagle,” ospreys feed on fish and require nearby bodies of water, such as lakes or the ocean. The one observed by LaRue over Ward Avenue in 2010 was considered to be incidental to the area, passing through to some regional water body.

Sharp-shinned hawk (*Accipiter striatus*) has been observed approximately two miles east of the proposed Well 35 site (CMBC 2011). As a small raptor wintering in southern California, sharp-shinned hawks would not nest in the area although they may prey on small passerines throughout the Proposed Project area, including those at backyard bird feeders.

Prairie falcon (*Falco mexicanus*) has been observed approximately four miles east of the proposed Well 35 site (CMBC 2011). Prairie falcons nest on cliff faces in mountainous areas, including those in the Sierras to the west and Black Mountain to the south, and would not nest in the Proposed Project area. They frequently prey on mourning doves and rock doves in suburban areas, and may forage throughout the project area.

LeConte's thrasher (*Toxostoma lecontei*) has been reported in the vicinity four times to the California Natural Diversity Data Base (CDFG 2011), including 1.2, 1.6, and 2.5 miles southwest of the proposed Well 35 site in 1988. They are mostly associated with denser vegetation along well-developed washes, such as Little Dixie Wash, and are less likely to be found in the types of habitats within the Proposed Project area for lack of wash-adapted vegetation.

Loggerhead shrike (*Lanius ludovicianus*) has been observed 2,200 feet west of the proposed Well 35 site (CMBC 2011). In the area, loggerhead shrikes are most likely to

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nest in residential landscaping, given the lack of Joshua trees, Mohave yuccas, and other large shrubs and small trees.

Western burrowing owl (*Athene cunicularia*) was one of the target species for the surveys and is one of the most often encountered special status species reported from the region, having been reported nearby once to the California Natural Diversity Data Base (CDFG 2011) and observed during other CMBC surveys. Burrowing owls have been observed at five locations between 830 and 3,300 feet from the proposed Well 35 site during surveys conducted in 2003, 2007, and 2010 (CMBC 2011).

American badger (*Taxidea taxus*) has no federal designation but is considered a California Species of Special Concern by the California Fish and Game Commission. Badgers were not detected on the proposed Well 35 site during the 2006, 2007, or 2011 surveys but in 1970 were reported 1.5 miles southwest and 4.5 miles west of Well 35 (CDFG 2011). Areas around the proposed Well 35 site are sufficiently undeveloped that badgers may occur in the vicinity. No sign was found during any of the three surveys (CMBC 2011).

Mohave ground squirrel is designated as a threatened species by the California Fish and Game Commission. The Proposed Project is within the known range of the species (U.S. Bureau of Land Management 2005).

Mohave ground squirrels have been reported between 1,800 feet and 5,600 feet elevation from a wide range of habitats including creosote bush scrub, Joshua tree woodland, juniper woodland, and Mojave mixed woody scrub. At an elevation of 2,530-feet, the proposed Well 35 site is well within the known elevation range of the species. There is a moderate level of diversity of native perennial plants, with about six shrub species identified on the proposed Well 35 site. In the nearby Coso Range on NAWS China Lake, winter fat and spiny hop-sage are considered ecologically important shrubs for Mohave ground squirrel. Winter fat was observed but rare at the site of proposed Well 35 and spiny hop-sage was not observed (CMBC 2011).

Sensitive Habitats

Jurisdictional Waters. Stream courses provide relatively important resources to animals and plants. In dry years, and particularly during prolonged drought, annual plants may only germinate in the vicinity of washes where the water table is relatively near the surface. Perennial shrubs adjacent to washes are often the only plants that produce flowers and fruit, which in turn are important to insects and the avian predators that feed on them. Shrubs also tend to be taller and denser alongside washes, providing additional cover for medium and larger sized animals that may use them as travel corridors. Biodiversity is generally enhanced by washes, and there are often both annual and perennial plants that are either restricted to or mostly associated with wash margins. There are both anecdotal accounts and published literature on washes being important to tortoises, which use them as travel corridors and access to nearby annual forage.

The USGS 7.5 minute Inyokern and Inyokern SE quadrangles depict intermittent blueline streams to the east and southeast and Little Dixie Wash to the west and northwest of

the proposed Well 35 site. Neither of these designated streams approaches any of the Proposed Project's components (CMBC 2011).

3.3.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would have a significant effect on the biological resources if it would:

- ◆ Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish Wildlife Service;
- ◆ Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- ◆ Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- ◆ Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- ◆ Conflict with any local policies or ordinances protecting biological resources, such as a tree, preservation policy or ordinance; or
- ◆ Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.3.3 Environmental Impacts

Direct and indirect impacts are presented for biological resources, including sensitive plant species, sensitive wildlife species, and sensitive habitats. Direct impacts are those which affect the resources immediately, such as the removal of vegetation for staging areas or construction. Indirect impacts include those that result from the project but are not immediate effects, such as erosion created by the removal of vegetation.

3.3.3.1 Sensitive Plant Species

Silver Cholla. CMBC identified silver cholla adjacent to the proposed Well 35 but no individuals are located on the site. Impacts would not occur to this species through direct removal of plants due to vegetation removal and grading activities.

3.3.3.2 Sensitive Wildlife Species

Desert Tortoise. No desert tortoises were observed on the proposed Well 35 site during 2011 surveys but there is some potential for one or more tortoises to migrate onto or through the proposed Well 35 site prior to construction. Prior to ground-disturbing activities, a chain-link tortoise-proof fence would be installed around the perimeter of the well site, and construction equipment would be staged within the fenced area. The well, well building, and discharged pond would all be constructed within the fenced area, however, a portion of the trench for the pipeline would not be within the fenced area. Direct impacts to this species could occur from the removal of individuals and/or burrows during vegetation removal and excavation during the construction phase of the proposed Well 35. Direct impacts would be considered significant but mitigable.

Indirect impacts to this species would occur from the removal of approximately 1.5 acres of burrowing and foraging habitat. Indirect impacts would not be considered significant because the proposed Well 35 site would remove a small amount of habitat classified as Category 3 Habitat under the West Mojave Plan, which is the lowest priority management area for viable populations of the tortoise. Furthermore, the site is not found within tortoise critical habitat (CMBC 2011). Other indirect impacts to the desert tortoise include the potential for trash generated during construction to attract the common raven (*Corvus corax*), which is a desert tortoise predator. With mitigation, this impact would be less than significant. Standing water in the discharge pond during well development and testing may also attract ravens, resulting in an indirect impact to the desert tortoise. However, because use of the discharge ponds would only occur during very short periods during the initial start-up of the well pump, standing water would be minimal and would evaporate within hours. Impacts would be less than significant.

The biological technical report including the results of the focused desert tortoise surveys have been sent to the U.S. Fish and Wildlife Ventura Office for review. A letter of concurrence endorsing or modifying the recommendations of the technical report has been requested.

Special Status Species. Based on the field surveys and habitat assessment, CMBC concluded that none of the following special status species reported from the region would be adversely affected by the Proposed Project: osprey, sharp-shinned hawk, prairie falcon, LeConte's thrasher, loggerhead shrike, and American badger. As such, no significant impacts are expected.

Western Burrowing Owl. Burrowing owls have been observed at five locations between 830 and 3,300 feet of the proposed Well 35 site during surveys conducted in 2003, 2007, and 2010 but not directly on the project site (CMBC 2011). However, burrowing owls could move on to the site prior to construction. Direct impacts to burrowing owls and burrows could occur by grading and excavation activities associated with the Proposed Project. Indirect impacts could also occur from the removal of as much as 1.5 acres of burrowing and foraging habitat in the proposed Well 35 site. These direct and indirect impacts would be considered significant but mitigable.

Mohave Ground Squirrel. The Mohave ground squirrel habitat assessment completed for the Proposed Project concluded that all vegetated portions of Well 35 are comprised of suitable, potentially-occupied Mohave ground squirrel habitat (CMBC 2011). Direct impacts to this species could occur from the removal of individuals and/or burrows during vegetation removal, excavation, and grading activities associated with the construction of proposed Well 35. Indirect impacts to this species would occur from the removal of approximately 1.5 acres of burrowing and foraging habitat. These impacts would be considered significant but mitigable.

3.3.3.3 Sensitive Habitats

Jurisdictional Waters. The USGS 7.5 minute Inyokern and Inyokern SE quadrangles depict intermittent blue-line streams to the east and southeast and Little Dixie Wash to the west and northwest. Neither of these designated streams approach the proposed Well 35 site. Given the absence of jurisdictional waters on the project site no impacts to jurisdictional waters would occur.

3.3.4 Mitigation Measure

3.3.4.1 Sensitive Plant Species

No mitigation measures are required.

3.3.4.2 Sensitive Wildlife Species

No mitigation is required for impacts to the osprey, sharp-shinned hawk, prairie falcon, LeConte's thrasher, loggerhead shrike, and American badger because no significant impacts to these species are expected. Mitigation measures for potential impacts to desert tortoise, burrowing owl, and Mohave ground squirrel are listed below. The following mitigation measures apply to the construction of well 35.

Desert Tortoise

B-1: The District shall conduct an orientation program for all persons who will work on the well 35 site during construction. The program shall consist of a brief presentation from a person knowledgeable about the biology of the desert tortoise, FESA, and CESA. The education program shall include a discussion of the biology of the desert tortoise, the habitat needs of these species, their status under FESA and/or CESA, and the specific measures that are being implemented during construction to protect these species (See mitigation measures B-2 to B-19). In addition, they shall be advised as to the potential impact to tortoises and potential penalties (up to \$25,000 in fines per violation and one year in prison) for taking a threatened species. A fact sheet containing this information shall also be prepared and distributed. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at the District office and at the construction office of the District's contractor and shall be made available to the CDFG and USFWS, upon request.

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- B-2:** The well 35 site shall be surveyed for desert tortoise burrows within 24 hours prior to the onset of site disturbance. The inspections shall be conducted by the Approved Biologist(s), as defined and designated by USFWS and CDFG, and shall provide 100 percent coverage of the project disturbance areas. Tortoise occupancy of those burrows within the area of potential effect shall be determined by the Approved Biologist(s), as defined and designated by USFWS and CDFG. Occupied desert tortoise burrows shall be avoided.
- B-3:** Installation of the chain-link tortoise-proof fence shall be monitored full time by an authorized and/or Approved Biologist(s), as defined and designated by USFWS and CDFG.
- B-4:** After the chain-link tortoise-proof fence is installed, the Approved Biologist(s) shall conduct a 100 percent coverage survey within the fence to ensure that no desert tortoises have been trapped within the fenced area. If a tortoise is found within the fence then the Approved Biologist(s) shall monitor its activities and determine if it can exit the area on its own. If it cannot, then the fencing shall be removed/moved to allow the desert tortoise to move out of the area. Once the desert tortoise has moved out of the area, the fence shall be reinstalled.
- B-5:** After the chain-link tortoise-proof fence is installed, the fence shall be monitored at least weekly by designated personnel to ensure that there are no breaks in the fence or other means by which tortoises could enter the area.
- B-6:** Any desert tortoise burrow located within 100 feet of any construction activities shall be clearly marked by the Approved Biologist and shall be carefully monitored to ensure that the desert tortoise and its burrow are not taken. If the Approved Biologist(s) determines that this monitoring effort is insufficient to protect the desert tortoise, additional temporary fencing shall be placed between the burrow and the construction area in a manner that will direct the desert tortoise away from harm's way. The fence shall be installed by the contractor but under the direction of the Approved Biologist.
- B-7:** Trenching and construction of the pipeline from Well 35 to the existing pipeline in Bowman Road that is located outside of the chain-link tortoise-proof fence shall be monitored full time by an Authorized and/or Approved Biologist, as defined and designated by USFWS and CDFG.
- B-8:** The Approved Biologist(s) shall maintain a log during each monitoring visit that includes a record of all desert tortoises that are encountered. The information collected shall include the locations of each occurrence, the general condition and health of each individual, diagnostic markings, and any actions undertaken. A post-construction compliance report shall be provided to the CDFG Palmdale office within 90 calendar days following project completion. The report shall document the effectiveness of the mitigation measures. The report will make recommendations for modifying or refining the above conditions to enhance desert tortoise protection. Unless otherwise determined, the CDFG regional representative shall be Ms. Rebecca Jones, Environmental Scientist, 36431 41st Street East, Palmdale, CA 93552. (661) 285-5867.

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- B-9:** Construction and maintenance vehicles shall not exceed a speed of 25 miles per hour on the site. Speed limit signs shall be installed along entrance roads.
- B-10:** Project personnel shall carefully check under parked vehicles or equipment located outside of the tortoise-proof fence for desert tortoises before moving them. Desert tortoises found within the parking, traffic or construction areas outside of the fenced area shall be monitored until they move out of the area on their own.
- B-11:** Upon discovery of a desert tortoise in a work area, all work in that area shall stop until the desert tortoise moves out of the area on its own.
- B-12:** Open trenches, auger holes, or other excavations outside of the fenced area that may act as pitfall traps shall be inspected prior to working in or around the excavation and prior to backfilling. Other excavations outside of the fenced area that remain open overnight shall be covered to prevent them from becoming pitfall traps. Any animals found within the excavations shall be relocated by the Approved Biologist(s).
- B-13:** All material areas, equipment storage areas, construction shacks, or other facilities related to the construction project must be within the fenced area. All construction activities shall be confined within the fenced area with exception of the construction of the pipeline from the fenceline to the connection in Bowman Road.
- B-14:** If, in any event, a desert tortoise is injured as a result of project related activities during construction, it shall be immediately taken (by anyone or the Approved Biologist if present) to a veterinarian clinic with desert tortoise expertise. The veterinarian clinic in the vicinity is the VCA Crestwood Animal Hospital, 1131 Inyokern Road, Ridgecrest. Any veterinarian bills for such injured tortoises shall be paid by the District. The CDFG and USFWS shall be notified so they can determine the final disposition of the animal, if the injured tortoise recovers. Notification to the CDFG and the USFWS shall occur in writing, within five (5) calendar days of the incident. Notification shall include the date, time, location and circumstances of the incident.
- B-15:** If a tortoise is killed by project related activities during construction, or if a tortoise is otherwise found dead in the construction area, the CDFG and the USFWS shall be notified immediately and construction shall stop until otherwise notified by the the CDFG and USFWS. A written report shall be sent to the CDFG and the USFWS within five (5) calendar days. The report will include the date, time of the finding or incident (if known), location of the carcass and the circumstances (if known). Tortoise remains shall be collected and frozen as soon as possible. The CDFG and/or USFWS shall be contacted as to the ultimate disposition of the remains.

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- B-16:** No firearms or pets shall be allowed at the work area. Firearms carried by authorized security and law enforcement personnel are exempt from this term and condition.
- B-17:** The District shall notify the CDFG and USFWS fourteen (14) days before initiating ground-disturbing activities.
- B-18:** The District shall allow the CDFG and USFWS representatives access to the project site, subject to such reasonable restrictions at the District's requests.
- B-19:** A litter control program shall be instituted. The program includes the direction to all workers to eliminate food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area and to maintain covered trash containers that are regularly removed from the project site.

Burrowing Owl

- B-20:** Vegetation clearance and grading activities shall occur outside of the nesting season for burrowing owls (February 1 to August 31). In addition, focused surveys for burrowing owls shall be conducted prior to ground-disturbing activities at the well 35 site and any owls found shall be passively relocated outside of the nesting season according to approved protocols, such as the 1993 Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines and in coordination with CDFG.

Mohave Ground Squirrel

- B-21:** An Incidental Take Permit under Section 2081 of the California Fish and Game Code shall be required for the Mohave ground squirrel prior to ground-disturbing activities at the well 35 site. Mitigation required for this species at the project site shall be determined during the permit process. If possible, IWWVD shall amend an existing permit to authorize incidental take. IWWVD has already established a 120-acre mitigation bank that could be used for compensation. The Proposed Project would result in the loss of about 1.5 acres of potential Mohave ground squirrel habitat from construction of proposed Well 35, the loss of which is likely to be compensated for by credits in the existing mitigation bank.

3.3.4.3 Sensitive Habitats

Jurisdictional Waters

Given the absence of jurisdictional waters on the project site no impacts to jurisdictional waters would occur, therefore no mitigation is required.

3.3.5 Residual Impacts After Mitigation

With mitigation, impacts to biological resources would be less than significant.

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