

1 **3.4 BIOLOGICAL RESOURCES**

<b>BIOLOGICAL RESOURCES – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.4.1 Environmental Setting**

3 The Project area is located 2 miles east-northeast of Niland, Imperial County, in the  
 4 central basin of the Colorado Desert, a hot, dry desert region that consists of low valleys  
 5 surrounded by high mountains. The vegetation reflects the arid environment and  
 6 variations in rainfall and temperature, which result in regional differences in vegetation.  
 7 Within the Colorado Desert, the lack of frost enables succulents and other frost  
 8 sensitive plants to thrive, such as cholla bloom, munz’s cholla, ocotillo, agave, barrel  
 9 cactus, and encelia (rabbit brush). Creosote bush (including ocotillo and cholla cactus),  
 10 which is the dominant plant type throughout the lower elevations of the Colorado and  
 11 Mojave deserts, forms a monotonous cover over vast areas and surrounds riparian

1 plant communities in large washes and other locations where water is available. Plant  
2 communities around springs, marshes, and streambeds include tule, cattail, and various  
3 types of grasses. In washes, mesquite, saltbush, Desert ironwood, smoke tree, and palo  
4 verde are found. In higher elevations, the creosote bush community gives way to the  
5 black bush community, including yuccas and agaves. Fault lines, such as those located  
6 east of the Salton Sea, and the high western mountains create many springs that  
7 support California fan palm oases and reflect characteristics of a wetter past climate  
8 (University of California, Santa Barbara 2015). Local fauna consist of jackrabbits, desert  
9 cottontails, wood rat and various small rodents, lizards and snakes. Large game  
10 animals, such as mountain sheep, deer, and pronghorn are rare in most places.

11 Methods described below focused on determination of potential for occurrence of  
12 sensitive plant and wildlife species. Species are considered to be sensitive, and are  
13 thus subject to analysis in this section, if they meet one or more of the following criteria:

- 14 • Plant and animal species listed as endangered (FE), threatened (FT), or  
15 candidates (FC) for listing under the Federal Endangered Species Act (FESA);
- 16 • Plant and animal species listed as endangered (SE), threatened (ST), or  
17 candidates (SC) for listing under the California Endangered Species Act (CESA);
- 18 • Animals designated as Fully Protected Species (FP), as defined in California Fish  
19 and Game Code sections 3511, 4700, 5050, and 5515;
- 20 • Animal species designated as Species of Special Concern (SSC) by the CDFW;
- 21 • Bat species designated as High Priority (H) by the Western Bat Working Group  
22 (WBWG);
- 23 • Plants that are state-listed as Rare1; or
- 24 • Plant species ranked by the California Native Plant Society (CNPS) as having a  
25 California Rare Plant Rank (CRPR) of 1 or 2.2

26 Sensitive natural communities are communities that have a limited distribution and are  
27 often vulnerable to the environmental effects of projects. These communities may or  
28 may not contain sensitive species or their habitats. For purposes of this assessment,  
29 sensitive natural communities are considered to be any of the following:

- 30 • Vegetation communities listed in the California Natural Diversity Database  
31 (CNDDDB);
- 32 • Communities listed in the Natural Communities List with a rarity rank of S1  
33 (critically imperiled), S2 (imperiled), or S3 (vulnerable); or
- 34 • Imperial County General Plan (ICGP) Sensitive Wildlife Areas.

1 The contract consultant for the biological surveys, Blackhawk Environmental, conducted  
2 a database records search (July 2015) centered on the U.S. Geological Survey (USGS)  
3 7.5' Iris Wash and Iris quadrangles, Section 36, Township 10S, Range 14E. The CDFW  
4 CNDDDB (CDFW 2015), the U.S. Fish and Wildlife Service (USFWS) Species  
5 Occurrence Database (USFWS 2015), and the CNPS Electronic Inventory of Rare and  
6 Endangered Vascular Plants of California (CNPS 2015) were reviewed for the  
7 quadrangles containing and surrounding the survey area; a 5-mile radius surrounding  
8 the Project area was reviewed. CNDDDB contains records of reported occurrences of  
9 federal- and State-listed species, proposed endangered or threatened species, Federal  
10 Birds of Conservation Concern, SSC, or otherwise sensitive species or communities  
11 that may occur within or in the Project vicinity. This database and literature review was  
12 used to provide details on species that have a potential to occur within the survey area  
13 prior to conducting habitat assessment or focused survey efforts.

14 Using the background data described above, Blackhawk Environmental biologists  
15 conducted field surveys from August 17 through August 19, 2015, to assess the 160-  
16 acre (Salvation Mountain) and 30-acre (East Jesus) School Lands parcel areas for their  
17 existing conditions and their capacities to potentially harbor sensitive biological  
18 resources identified in the literature review (target species). A summary of the wildlife  
19 and plant species observed is provided within the biological survey section results in  
20 Appendix A, Environmental, Cultural, and Other Clearance Surveys.

## 21 **Habitat Assessment**

22 The habitat assessment was conducted over 2 days, on August 18 and August 19,  
23 2015. Blackhawk Environmental biologists performed a pedestrian survey of the entire  
24 190-acre Project area. Methods included belt transect spaced approximately 15 meters  
25 apart in addition to meandering transects. Where appropriate, biologists paused at  
26 select vantage points to provide full visual coverage of the Project area. During the field  
27 survey, all plant and wildlife species observed or detected were recorded in field  
28 notebooks. Binoculars were used as needed to identify wildlife species. Plant species  
29 observed were identified to species level when feasible according to the nomenclature  
30 in *The Jepson Manual: Vascular Plants of California Edition 2* (2012). Vegetation  
31 communities were described according to dominant plant(s) species and annotated on  
32 high resolution aerial photographs of the Project area. The habitat assessment did not  
33 include focused or protocol level surveys for any sensitive plant or wildlife species.

34 Potentially jurisdictional water resources were reviewed on high-resolution aerial  
35 photograph and topographic maps. If potentially jurisdictional features were observed  
36 during the field surveys, biologists documented associated vegetation/communities,  
37 presence of ordinary high watermarks or streambeds, substrates, hydrological  
38 indicators and potential connectivity. The habitat assessment did not include a formal  
39 jurisdictional delineation effort.

1 Two vegetation communities were observed within the Project area. Vegetation  
2 communities are preliminarily described according to those described in the ICGP  
3 Conservation and Open Space Element. Specific habitats were further described based  
4 on dominant plant species generally characterizing the specific vegetation community.

#### 5 **Desert Wash**

6 The ICGP Conservation and Open Space Element describes desert wash habitats as  
7 “characterized by the presence of arborescent, often spiny, shrubs generally associated  
8 with intermittent streams (washes) or alluvial deposits adjacent to washes.” Canopy  
9 species typically found in washes include palo verde (*Parkinsonia microphylla*), desert  
10 ironwood (*Olneya tesota*), smoketree (*Psorothamnus spinosus*), cat-claw acacia  
11 (*Senegalia greggii*), mesquite (*Prosopis* spp.), and tamarisk (*Tamarix* spp.). Plants of  
12 the sub-canopy include desert broom (*Lepidospartum squamatum*), desert willow  
13 (*Chilopsis linearis*), crucillo (*Ziziphus* spp.), Anderson's wolfberry (*Lycium andersonii*),  
14 and arrowweed (*Pluchea sericea*). Groundcover species include white brittlebush  
15 (*Encelia farinosa*), desert goldenbush (*Isocoma acradenia*), saltbush (*Atriplex* spp.),  
16 barrel cactus (*Ferocactus* spp.), white bursage (*Ambrosia dumosa*), desert lavender  
17 (*Condea emoryi*), snakeweed (*Gutierrezia sarothrae*), as well as a variety of forbs and  
18 grasses. Within the Project area, desert wash habitats are more specifically  
19 characterized as mesquite washes, ironwood – mesquite complexes, and big galleta  
20 grass (*Hilaria rigida*) washes. Mesquite washes within the Project area are dominated  
21 by honey mesquite (*Prosopis glandulosa*) with associated species that include saltcedar  
22 (*Tamarix ramosissima*), athel tree (*Tamarix aphylla*), palo verde, desert thorn (*Lycium*  
23 *brevipes*), desert ironwood, bush seepweed (*Sueada nigra*), big galleta grass, spurge  
24 (*Chamaesyce* sp.), and sparse forbs. Vegetation cover is generally unevenly distributed,  
25 with the majority of vegetation occurring along the margins of drainage features  
26 providing an average of approximately 30 percent ground cover with dense thickets  
27 forming in small isolated patches. Within the Project area, ironwood–mesquite  
28 complexes are co-dominated by desert ironwood and honey mesquite with associated  
29 species that include desert saltbush (*Atriplex polycarpa*), creosote bush (*Larrea*  
30 *tridentata*), and palo verde. This community generally occurs in habitat interface areas  
31 between washes and the surrounding upland desert scrub communities, and provides  
32 20 to 40 percent ground cover. Current land use suggests that components of this  
33 community may have been planted in decades past for landscaped shading and  
34 therefore may not otherwise occur naturally in some of the higher density stands as  
35 those observed onsite.

36 Within the Project area, big galleta grass wash habitat is dominated by big galleta grass.  
37 Additional non-dominant species observed to occur within this habitat include desert  
38 saltbush, white bursage, desert thorn, palo verde, and spurge. This community  
39 generally occurs in the upper reaches and headwater areas of washes where braided  
40 channels form. Vegetation within this community is sparse and provides approximately

1 15 to 20 percent ground cover. Evidence of human disturbance includes off-road vehicle  
2 usage, trash, past earthmoving operations, and human encampments.

### 3 **Desert Scrub**

4 The ICGP Conservation and Open Space Element describes desert scrub habitats as,  
5 “the most widespread habitat in the California deserts. They are well-developed on  
6 valley floors and alluvial deposits adjacent to washes.” Creosote bush is generally the  
7 dominant plant species in this habitat. Other species include saltbush, indigo bush  
8 (*Psoralethamnus schottii*), desert goldenbush, white brittlebush, white bursage, catclaw  
9 acacia, bladderpod (*Peritoma* spp.), desert agave (*Agave deserti*), barrel and hedgehog  
10 cacti (*Ferocactus* spp. and *Echinocereus* spp.), branched pencil and teddybear cholla  
11 (*Cylindropuntia* spp.), Palmer's coldenia (*Tiquilia palmeri*), Wiggin's croton (*Croton*  
12 *wigginsii*), desert globemallow (*Sphaeralcea ambigua*), jojoba (*Simmondsia chinensis*),  
13 little-leaf rhatany (*Krameria bicolor*), ocotillo (*Fouquieria splendens*), beavertail (*Opuntia*  
14 *basilaris*), prickly-pear (*Opuntia* spp.), Douglas and rubber rabbitbrush (*Chrysothamnus*  
15 spp.), desert sand verbena (*Abronia villosa*), desert senna (*Senna armata*), desert  
16 thorn, and Mojave yucca (*Yucca schidigera*). Forbs and grasses include triangle  
17 evening primrose (*Cammissonia* spp.), big galleta grass, and Spanish-needles (*Bidens*  
18 *bipinnata*).

19 Within the Project area, desert scrub habitats are more specifically characterized as  
20 creosote–saltbush complex, and creosote scrub. Creosote–saltbush complex within the  
21 Project area is co-dominated by sparse creosote bush and desert saltbush, with  
22 associated species that include desert goldenbush, white bursage, palo verde, honey  
23 mesquite, puncture vine (*Tribulus terrestris*), spurges, and forbs. Overall vegetation  
24 cover within this community provides approximately 10 to 20 percent ground cover.

25 Within the Project area, creosote scrub habitat is dominated by nearly monotypic  
26 creosote bush. Creosote scrub within the Project area is dominated by sparse creosote  
27 bush with associated species that include desert saltbush, white bursage, cheesebush,  
28 puncture vine, spineflower (*Chorizanthe* sp.), Palmer's coldenia, spurges, and forbs.  
29 Overall vegetation cover within this community provides approximately 5 to 15 percent  
30 ground cover. Evidence of human disturbance includes off-road vehicle usage, trash,  
31 past earthmoving operations, and human encampments.

### 32 **Developed Areas**

33 Within the Project area, developed areas are characterized by the absence or near  
34 absence of native vegetation communities and high levels of anthropogenic  
35 disturbance. Developed areas include paved roadways, encampments, art structures,  
36 materials and vehicle storage areas, and disposal/dump areas.

1 **Sensitive Riparian Areas**

2 The Project area is generally bisected by two USGS topographic map blue-line drainage  
3 features draining south and west and eventually connecting to the Salton Sea. These  
4 features are best described as ephemeral desert washes characterized by gravel and  
5 sand beds exhibiting signs of moderate to high volume flows. Ordinary high water marks  
6 (OHWM) within these features range from 15 to 40 feet in width, with bank-to-bank  
7 (BTB) measurements averaging approximately 20 to 75 feet in width. Banks within  
8 these washes show shelving, scouring, sediment sorting, surface cracks, and drift  
9 deposits. Vegetation communities within these washes are dominated by upland plant  
10 species and are therefore not likely considered CDFW riparian. Wetland waters under  
11 the jurisdiction of the U.S. Army Corps of Engineers (USACE), State Regional Water  
12 Quality Control Board (RWQCB) and CDFW are not expected to occur. However, these  
13 washes are likely considered USACE non-wetland Waters of the U.S., RWQCB non-  
14 wetland Waters of the State and CDFW jurisdictional streambeds.

15 Hydrologic input for the washes described above occurs through a series of tributary  
16 features from the surrounding upland areas that may be subject to USACE, RWQCB  
17 and/or CDFW jurisdiction. Tributaries within the Project area are un-vegetated or  
18 dominated by upland vegetation exhibiting moderate- to low-frequency flow regimes  
19 within OHWM and BTB areas averaging 2 to 6 feet in width. Also present within the  
20 Project area are a series of swales and erosional features lacking evidence of OHWM  
21 and/or connectivity, where low-frequency flow apparently dissipates into upland areas  
22 lacking connectivity with traditionally navigable waters.

23 **Sensitive Wildlife Areas**

24 The Imperial County General Plan and CDFW have identified areas within and adjacent  
25 to the Project area as Sensitive Wildlife Areas for the federally and state-endangered  
26 razorback sucker. CNDDDB and USFWS indicate historic occurrences for this species  
27 within the Project vicinity. Habitat was evaluated during the field survey, and since no  
28 permanent water sources are within the Project boundaries, no suitable habitat was  
29 identified for this species on the Project area. No other Sensitive Wildlife Areas or  
30 sensitive natural communities were identified during the literature review or field survey.

31 **Special Status Wildlife and Plant Species**

32 The literature review resulted in a total of 14 sensitive wildlife species and four sensitive  
33 plant species known to occur within 5 miles of the Project area. Of these, five wildlife  
34 species are listed as threatened or endangered under the CESA and four wildlife  
35 species are listed as threatened or endangered under the FESA. No state or federally  
36 listed plant species were recorded to occur within 5 miles of the Project area. The  
37 resulting list of species is included in Table 3.4-1 below. A complete list of wildlife

1 species observed is included in Appendix A, Environmental, Cultural, and Other  
2 Clearance Surveys.

3 Following the habitat assessment, potentials for sensitive species to occur were  
4 evaluated based on proximity, recent and abundance of known occurrences, availability  
5 of suitable habitats, and historic distributions of the species. Potentials for occurrence  
6 were generally evaluated based on the following criteria:

- 7 • **Present** – Species was observed within the Project area during the survey effort.
- 8 • **High** – Historic records indicate that the species has been known to occur within  
9 the vicinity of the Project area (5 miles), and suitable habitat occurs onsite.
- 10 • **Moderate** – Historic records indicate that the species has been known to occur  
11 within the vicinity of the Project area, but low quality suitable habitat occurs  
12 onsite, or; no historic records occur within the Project area, but the Project area  
13 occurs within the historic range of the species, and moderate to high quality  
14 habitat occurs.
- 15 • **Low** – Historic records indicate that the species has not been known to occupy  
16 the immediate vicinity of the Project area, and low quality habitat for the species  
17 exists onsite.
- 18 • **Absent** – Species is restricted to habitats not occurring within the Project area or  
19 is considered extirpated from the Project area.

20 Although not identified during the literature review due to no reported observations  
21 within 5 miles, low to moderately suitable habitat for the State Candidate Species flat-  
22 tailed horned lizard (*Phrynosoma mcallii*) is found throughout the Project area. These  
23 lizards typically inhabit sandy desert hardpan or gravel flats with scattered sparse  
24 vegetation of low native shrub species diversity. Isolated areas of fine, wind-blown sand  
25 within sparse desert scrub habitats provide low to moderate quality habitat for this  
26 species within the Project area. According to the California Herps website, observations  
27 occur in all directions surrounding the Project area, including contiguous lands  
28 ([www.californiaherps.com/lizards/pages/p.mcallii.html](http://www.californiaherps.com/lizards/pages/p.mcallii.html), accessed August 2015). As  
29 such, this species has a low to moderate potential to occur within the Project area.

30 Also not identified during the literature review, but observed within the survey area, was  
31 the loggerhead shrike (*Lanius ludovicianus*). This species is a CDFW SSC (during  
32 nesting) and a USFWS Bird of Conservation Concern (BCC). The loggerhead shrike is  
33 a widely distributed species, but not common anywhere within its range. It tends to  
34 prefer open habitats with scattered large bushes or small trees, such as savannahs,  
35 sparse woodlands, and open deserts. This species is known to nest within 10 miles of  
36 the Project area, and was found present during the field surveys in habitats it is known  
37 to nest in. Therefore, it is considered present and has a high potential to nest onsite.

**Table 3.4-1. Special Status Species Potentially Occurring within Project Area**

Species Name	Status	Habitat Requirements	Potential for Occurrence
<b>BIRDS</b>			
<b>Burrowing owl</b> (burrow sites and some wintering sites) <i>Athene cunicularia</i>	Federal: <b>BCC</b> State: None CDFW: <b>SSC</b>	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	<b>Moderate.</b> Suitable habitat is found in Project area, and this species is not uncommon in the Project vicinity.
<b>California black rail</b> <i>Laterallus jamaicensis coturniculus</i>	Federal: <b>BCC</b> State: <b>ST</b> CDFW: <b>FP</b>	Salt marshes, freshwater marshes, and wet meadows that serve for breeding, foraging and overwintering.	<b>Absent.</b> A few records exist 3 to 5 miles from Project area, but no suitable habitat occurs within Project area.
<b>Mountain plover</b> (wintering) <i>Charadrius montanus</i>	Federal: <b>BCC</b> State: None CDFW: <b>SSC</b>	Wintering habitats include desert flats and fallowed or plowed agricultural fields.	<b>Low.</b> Limited suitable habitat for wintering occurs in Project area.
<b>Southwestern willow flycatcher</b> (nesting) <i>Empidonax traillii extimus</i>	Federal: <b>FE</b> State: <b>SE</b> CDFW: None	Breeds in dense riparian tree and shrub communities associated with rivers, swamps, and wetlands, including lakes and reservoirs.	<b>Absent.</b> Suitable habitat does not occur within Project area.
<b>Yellow warbler</b> (nesting) <i>Setophaga petechia</i>	Federal: <b>BCC</b> State: None CDFW: <b>SSC</b>	Breeds in shrubby thickets and woods, particularly along watercourses and in wetlands.	<b>Absent.</b> Suitable habitat does not occur within Project area.
<b>'Yuma' Ridgway's rail</b> <i>Rallus obsoletus</i>	Federal: <b>FE</b> State: <b>ST</b> CDFW: <b>FP</b>	Emergent wetlands and brackish wetland areas often dominated by cattails and bulrush. May also occur within vegetated irrigation canals.	<b>Absent.</b> Suitable habitat does not occur within Project area.
<b>FISH</b>			
<b>Razorback sucker</b> <i>Xyrauchen texanus</i>	Federal: <b>FE</b> State: <b>SE</b> CDFW: <b>FP</b>	Typically associated with large rivers and found at depths of 4-10 feet. Adults prefer strong currents and backwaters.	<b>Absent.</b> Suitable habitat does not occur within Project area.
<b>MAMMALS</b>			
<b>Couch's spadefoot toad</b> <i>Scaphiopus couchii</i>	Federal: None State: None CDFW: <b>SSC</b>	Desert and arid regions of grassland, prairie, mesquite, creosote bush, thorn forest, and sandy washes.	<b>Low.</b> Limited suitable habitat occurs in Project area; known occurrences are within 5 miles.
<b>Pocketed free-tailed bat</b> <i>Nyctinomops femorosaccus</i>	Federal: None State: None CDFW: <b>SSC</b> WBWG: <b>M</b>	Inhabits semi-arid desert lands using day-roosts in caves, crevices in cliffs, and under the roof tiles of buildings.	<b>Moderate for foraging; Absent for roosting.</b> Limited suitable roosting habitat occurs within Project area; foraging bats may occasionally use Project area.
<b>Western mastiff bat</b> <i>Eumops perotis californicus</i>	Federal: None State: None CDFW: <b>SSC</b>	Large open areas of the desert southwest. Requires roosts with at least 20 feet of vertical drop in order to take	<b>High for foraging; Absent for roosting.</b> Suitable foraging

**Table 3.4-1. Special Status Species Potentially Occurring within Project Area**

Species Name	Status	Habitat Requirements	Potential for Occurrence
	WBWG: <b>H</b>	flight.	habitat exists within the Project area; roost sites are restricted to areas outside of the Project area.
<b>Yuma hispid cotton rat</b> <i>Sigmodon hispidus eremicus</i>	Federal: None State: None CDFW: <b>SSC</b>	Found along margins of watercourses in the region of the Colorado River and near the Salton Sea	<b>Absent.</b> Suitable habitat does not occur within Project area.
<b>REPTILES &amp; AMPHIBIANS</b>			
<b>Desert tortoise</b> <i>Gopherus agassizii</i>	Federal: <b>FT</b> State: <b>ST</b>	Arid sandy or gravelly locations along riverbanks, washes, sandy dunes, alluvial fans, canyon bottoms, desert oases, rocky hillsides, creosote flats, and hillsides.	<b>Low.</b> Limited suitable habitat is found within the Project area, and there are no recent records, but this species is known to occur in contiguous surrounding habitat well to the north.
<b>Lowland leopard frog</b> <i>Lithobates yavapaiensis</i>	Federal: None State: None CDFW: <b>SSC</b>	Slackwater aquatic habitats dominated by bulrushes, cattails, and riparian grasses near or under an overstory of Fremont's cottonwoods and willows. Also documented in canals, roadside ditches, and ponds.	<b>Absent.</b> Suitable habitat does not occur within Project area. Species may be extirpated in California.
<b>Sonoran Desert toad</b> <i>Incilius alvarius</i>	Federal: None State: None CDFW: <b>SSC</b>	Inhabits grasslands, arid desert lowlands, mountain canyons with oaks and sycamores, and pinyon-oak-juniper mountain forests. Found in washes, river bottoms, springs, reservoirs, canals, irrigation ditches, streams temporary pools, and away from water.	<b>Absent.</b> Limited suitable habitat occurs within Project area; however, species may be extirpated in California.
<b>PLANTS</b>			
<b>Glandular ditaxis</b> <i>Ditaxis claryana</i>	Federal: None State: None CRPR: <b>2B.2</b>	Perennial herb that occurs in sandy soils of creosote bush scrub. Blooms Dec. – Mar. Elevation: 0-100 m.	<b>Moderate.</b> Suitable habitat is present within Project area.
<b>Gravel milk-vetch</b> <i>Astragalus sabulonum</i>	Federal: None State: None CRPR: <b>2B.2</b>	Annual herb that occurs in sandy or gravelly areas of the desert. Blooms Nov. – Apr. Elevation: -50-900 m.	<b>Moderate.</b> Suitable habitat is present within Project area.
<b>Harwood's milk-vetch</b> <i>Astragalus insularis</i> var. <i>harwoodii</i>	Federal: None State: None CRPR: <b>2B.2</b>	Annual herb that occurs in sandy or gravelly areas of the desert. Blooms Jan.- May. Elevation: 0-500 m.	<b>Moderate.</b> Suitable habitat is present within Project area.
<b>Munz's cholla</b> <i>Cylindropuntia munzii</i>	Federal: None State: None CRPR: <b>1B.3</b>	Perennial stem succulent that occurs in gravelly or sandy soils of washes and canyon walls in the Sonoran Desert and northern Baja California. Blooms Mar. – May. Elevation: 150-600 m.	<b>Low.</b> Limited suitable habitat is present within Project area.

1 The literature review resulted in a list of four sensitive plant species with the potential to  
2 occur within the Project area (see Table 3.4-1 above; a complete list of plant species  
3 observed is included in Appendix A, Environmental, Cultural, and Other Clearance  
4 Surveys). The field survey effort and habitat assessment was conducted outside of the  
5 typical blooming period for all sensitive plant species identified during the literature  
6 review. Suitable habitat and elevation ranges for each species were observed, but a  
7 focused survey effort was not conducted to determine the presence or absence of  
8 targeted sensitive plant species. However, Munz's cholla is a perennial stem succulent  
9 and would have been potentially observed during the field effort based on growth form.  
10 As such, this species is considered to have the potential to occur, albeit low. The  
11 remaining three species are herbaceous species unlikely to have been observed given  
12 the survey timing and extended drought occurring within Southern California. As such,  
13 these species are considered to have a moderate potential to occur.

#### 14 **Existing Conditions Analysis for Salvation Mountain and East Jesus Parcels**

##### 15 ***Salvation Mountain Parcel***

16 Existing conditions within the proposed 160-acre Salvation Mountain parcel include  
17 occasional and scattered encampments generally associated with decommissioned  
18 facilities from U.S. Marine Corps (USMC) Camp Dunlap (see Section 2.3, Area  
19 Background/History). The Salvation Mountain structure occurs within the site and  
20 consists of a small, developed and disturbed area devoid of native plant communities.  
21 Evidence of human disturbances are prevalent throughout and include trash piles, dump  
22 sites, vehicle tracks, ammunition casing, art, and temporary structures. Natural  
23 vegetation communities occurring are generally sparse, absent in areas, and stunted by  
24 repeated vehicular traffic and off-highway vehicle (OHV) use. Topographically, the site  
25 is generally flat with soils consisting of fine to coarse sands and gravel. The Project  
26 occurs within the Imperial Fault Zone. Within the central portion of the site, a small bluff-  
27 like formation extends from a fault line from the desert floor to approximately 60 feet  
28 amsl, near Salvation Mountain and running northwest-southeast, separating the  
29 relatively flat terrains from lower elevations in the west to higher elevations in the  
30 eastern mesa. Previous land uses include a decommissioned water retention system,  
31 levees, and water tanks. Beal Road bisects the parcel running northeast and southwest.  
32 The northern section of the parcel is bisected by a series of braided washes composing  
33 a second wash that generally drains to the west and south towards Salton Sea.

##### 34 ***East Jesus Parcel***

35 The majority of the 30-acre East Jesus parcel is currently occupied by a small group of  
36 individuals several encampments within the site. Evidence of human disturbance  
37 includes trash piles, dump sites, vehicle tracks, ammunition casing, and temporary  
38 structures. Natural vegetation communities occurring within the East Jesus parcel are

1 generally sparse and, in some areas, stunted by repeated vehicular traffic.  
 2 Topographically, the site is generally flat with soils consisting of fine to coarse sands.  
 3 Previous land uses include a decommissioned section of Beal Road and levees. The  
 4 northern section of the parcel is bisected by an un-named wash, which generally drains  
 5 to the west towards Salton Sea. The area to the north of the unnamed wash is  
 6 unoccupied by humans but is highly disturbed from vehicular activity.

7 The proposed purchasers of the School Lands parcels plan to continue the existing  
 8 uses (current baseline conditions) associated with the respective parcels. Any other  
 9 uses and potential impacts are too speculative for evaluation.

10 **3.4.2 Regulatory Setting**

11 Federal and State laws and regulations pertaining to this issue area and relevant to the  
 12 Project are identified in Table 3.4-2.

**Table 3.4-2. Laws, Regulations, and Policies (Biological Resources)**

<b>U.S.</b>	Endangered Species Act (FESA) (7 USC 136, 16 USC 1531 et seq.)	<p>The FESA, which is administered in California by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), provides protection to species listed as threatened or endangered, or proposed for listing as threatened or endangered. Section 9 prohibits the “take” of any member of a listed species.</p> <ul style="list-style-type: none"> <li>• Take is defined as “...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”</li> <li>• Harass is “an intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering.”</li> <li>• Harm is defined as “...significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.”</li> </ul> <p>When applicants are proposing projects with a Federal nexus that “may affect” a federally listed or proposed species, the Federal agency is required to consult with the USFWS or NMFS, as appropriate, under Section 7, which provides that each Federal agency must ensure that any actions authorized, funded, or carried out by the agency are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of areas determined to be critical habitat.</p>
<b>U.S.</b>	Migratory Bird Treaty Act (MBTA) (16 USC 703-712)	<p>The MBTA was enacted to ensure the protection of shared migratory bird resources. The MBTA prohibits the take, possession, import, export, transport, selling, purchase, barter, or offering for sale, purchase, or barter, of any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit. The responsibilities of Federal agencies to protect migratory birds are set forth in Executive Order (EO) 13186. The USFWS is the lead agency for migratory birds. The USFWS issues permits for takes of migratory birds for activities such as scientific research, education, and depredation control, but does not issue permits for incidental take of migratory birds.</p>
<b>U.S.</b>	Other	<ul style="list-style-type: none"> <li>• The Bald and Golden Eagle Protection Act makes it illegal to import, export, take (including molest or disturb), sell, purchase or barter any bald eagle or golden eagle or parts thereof.</li> </ul>

**Table 3.4-2. Laws, Regulations, and Policies (Biological Resources)**

		<ul style="list-style-type: none"> <li>• Clean Water Act (33 USC 1251 et seq.) (<i>see Section 3.9, Hydrology and Water Quality</i>).</li> </ul> <p>Executive Order 13112 requires Federal agencies to use authorities to prevent introduction of invasive species, respond to and control invasions in a cost-effective and environmentally sound manner, and provide for restoration of native species and habitat conditions in invaded ecosystems.</p>
<b>CA</b>	California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.)	<p>The CESA provides for the protection of rare, threatened, and endangered plants and animals, as recognized by the California Department of Fish and Wildlife (CDFW), and prohibits the taking of such species without its authorization. Furthermore, the CESA provides protection for those species that are designated as candidates for threatened or endangered listings. Under the CESA, the CDFW has the responsibility for maintaining a list of threatened species and endangered species (Fish &amp; G. Code, § 2070). The CDFW also maintains a list of candidate species, which are species that the CDFW has formally noticed as under review for addition to the threatened or endangered species lists. The CDFW also maintains lists of Species of Special Concern that serve as watch lists. Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project site and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may affect a candidate species. The CESA also requires a permit to take a State-listed species through incidental or otherwise lawful activities (§ 2081, subd. (b)).</p>
<b>CA</b>	Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616)	<p>The CDFW regulates activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. These regulations require notification of the CDFW for lake or stream alteration activities. If, after notification is complete, the CDFW determines that the activity may substantially adversely affect an existing fish and wildlife resource, the CDFW has authority to issue a Streambed Alteration Agreement.</p>
<b>CA</b>	Other relevant California Fish and Game Code sections	<ul style="list-style-type: none"> <li>• The California Native Plant Protection Act (Fish &amp; G. Code, § 1900 et seq.) is intended to preserve, protect, and enhance endangered or rare native plants in California. This Act includes provisions that prohibit the taking of listed rare or endangered plants from the wild and a salvage requirement for landowners. The Act directs the CDFW to establish criteria for determining what native plants are rare or endangered. Under section 1901, a species is endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. A species is rare when, although not threatened with immediate extinction, it is in such small numbers throughout its range that it may become endangered.</li> <li>• The California Species Preservation Act (Fish &amp; G. Code, §§ 900-903) provides for the protection and enhancement of the amphibians, birds, fish, mammals, and reptiles of California.</li> <li>• Fish and Game Code sections 3503 &amp; 3503.5 prohibit the taking and possession of native birds' nests and eggs from all forms of needless take. These regulations also provide that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nests or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.</li> <li>• Fish and Game Code sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), &amp; 5515 (fish) designate certain species as "fully protected." Fully protected species, or parts thereof, may not be taken or possessed at any time without permission by the CDFW.</li> <li>• Fish and Game Code section 3513 does not include statutory or regulatory</li> </ul>

**Table 3.4-2. Laws, Regulations, and Policies (Biological Resources)**

		mechanism for obtaining an incidental take permit for the loss of non-game, migratory birds.
CA	Porter-Cologne Water Quality Control Act	<ul style="list-style-type: none"> <li>Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) (See Section 3.9, Hydrology and Water Quality)</li> </ul>

1 There are no local goals, policies, and/or regulations applicable to this issue area.

2 **3.4.3 Impact Analysis**

3 **a) Have a substantial adverse effect, either directly or through habitat**  
 4 **modifications, on any species identified as a candidate, sensitive, or special**  
 5 **status species in local or regional plans, policies, or regulations, or by the**  
 6 **California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

7 **No Impact.** The proposed sale of the School Lands parcels will not have a substantial  
 8 adverse effect, either directly or through habitat modifications, on any species identified  
 9 as a candidate, sensitive, or special status species in local or regional plans, policies, or  
 10 regulations, or by the CDFW or USFWS. The Project consists of the proposed sale of  
 11 State-owned School Lands to private entities.

12 **b) Have a substantial adverse effect on any riparian habitat or other sensitive**  
 13 **natural community identified in local or regional plans, policies, regulations or by**  
 14 **the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

15 **No Impact.** The proposed sale of the School Lands parcels will not have a substantial  
 16 adverse effect on any riparian habitat or other sensitive natural community identified in  
 17 local or regional plans, policies, and regulations or by the CDFW or USFWS. The  
 18 Project consists of the proposed sale of State-owned School Lands to private entities.  
 19 There will not be any adverse effect on any riparian habitat or other sensitive natural  
 20 community identified in local or regional plans, policies, regulations on any riparian  
 21 habitat or other sensitive natural community identified in local or regional plans, policies,  
 22 and regulations effect to the parcels as a result of the proposed sale

23 **c) Have a substantial adverse effect on federally protected wetlands as defined by**  
 24 **Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal**  
 25 **pool, coastal, etc.) through direct removal, filling, hydrological interruption, or**  
 26 **other means?**

27 **No Impact.** The proposed sale of the School Lands parcels will not have a substantial  
 28 adverse effect on federally protected wetlands as defined by Clean Water Act (CWA)  
 29 Section 404 through direct removal, filling, hydrological interruption, or other means.

1 The Project consists of the proposed sale of State-owned School Lands to private  
2 entities. There will not be any substantial adverse effect on federally protected wetlands  
3 as defined by CWA Section 404 through any proposed physical changes. There are no  
4 recognized federally protected wetlands on the proposed sale sites.

5 ***d) Interfere substantially with the movement of any native resident or migratory***  
6 ***fish or wildlife species or with established native resident or migratory wildlife***  
7 ***corridors, or impede the use of native wildlife nursery sites?***

8 **No Impact.** The proposed sale of the School Lands parcels will not Interfere  
9 substantially with the movement of any native resident or migratory fish or wildlife  
10 species or with established native resident or migratory wildlife corridors, or impede the  
11 use of native wildlife nursery sites. The Project consists of the proposed sale of State-  
12 owned School Lands to private entities. There are no native resident or migratory fish or  
13 wildlife species with established native resident or migratory wildlife corridors within the  
14 proposed sale of the Project parcels.

15 ***e) Conflict with any local policies or ordinances protecting biological resources,***  
16 ***such as a tree preservation policy or ordinance?***

17 **No Impact.** The proposed sale of the School Lands parcels will not conflict with any  
18 local policies or ordinances protecting biological resources, such as a tree preservation  
19 policy or ordinance. The Project consists of the proposed sale of State-owned School  
20 Lands to private entities. There are no conflicts with local ordinances or regulations  
21 protecting biological resources.

22 ***f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural***  
23 ***Community Conservation Plan, or other approved local, regional, or State habitat***  
24 ***conservation plan?***

25 **No Impact.** The proposed sale of the School Lands parcels will not conflict with the  
26 provisions of an adopted Habitat Conservation Plan, Natural Community Conservation  
27 Plan, or other approved local, regional, or State habitat conservation plan.

#### 28 **3.4.4 Summary**

29 Based upon the above considerations, no impacts to biological resources are expected  
30 to occur as a result of the proposed sale of School Lands.