

3.3 Biological Resources

This section establishes the existing conditions and provides an evaluation of potential impacts to biological resources associated with the proposed project. A Biological Resources Technical Report that provides the primary source of the following section is included in **Appendix E**. This section incorporates directly analysis prepared for the Biological Resources Technical Report prepared by BonTerra Consulting.

3.3.1 Methodology

A general survey of the project area for amphibians, reptiles, birds, and mammals was conducted simultaneously with the general survey of vegetation on January 30 and 31, 2008 by BonTerra Consulting. During the surveys, the proposed project area was evaluated for its potential to support special-status species that are known to occur or are expected to occur in the region. Vegetation types and wildlife habitats were characterized on the basis of accepted classification systems and field observations. All species observed during the course of the surveys were documented in field notes and are listed in the Plant and Wildlife Compendia A of Appendix E. Prior to the surveys, the following sources were consulted for information on biological resources within the project area:

- U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle maps: Soledad Mountain, Bissell, Rosamond, Rosamond Lake, Lancaster West, Lancaster East, Ritter Ridge, and Palmdale;
- California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDDB) record search for USGS 7.5-minute topographic quadrangle maps: Soledad Mountain, Bissell, Rosamond, Rosamond Lake, Lancaster West, Lancaster East, Ritter Ridge, and Palmdale (CDFG, 2008);
- Los Angeles County Significant Ecological Area Study prepared by England and Nelson Environmental Consultants (1976) for Los Angeles County Department of Regional Planning and Environmental Systems Research Institute;
- Various literature specific to descriptions of the habitat, vegetation types, and special status species occurring in the project region (see References); and
- Aerial photographs (Aerial Express, 2006).

For purposes of this report, taxonomy and nomenclature for wildlife generally follows Stebbins (2003) for amphibians and reptiles, American Ornithologists Union (2007) for birds, and Baker *et al.* (2003) for mammals. Plants were identified using taxonomic keys in Hickman (1993) and Munz (1974). Taxonomy follows Hickman (1993) or current scientific journals for scientific and common names. Vegetation in the study area was classified into vegetation types based on the CDFG's List of California Terrestrial Natural Communities (CDFG, 2003). It should be noted that the surveys were conducted during the winter following a regional drought, so most annual species were not observable and some shrubs could not be identified.

3.3.2 Setting

Regional Setting

The proposed project would be located in the Antelope Valley at the western end of the Mojave Desert bordered on the south by the San Gabriel Mountains and on the northwest by the Tehachapi Mountains. The proposed project spans from Rosamond to the north to the San Gabriel Mountains to the south, including the cities of Palmdale and Lancaster (Figure 2-1).

The proposed project site ranges in elevation from 2,300 feet on the valley floor to just over 3,000 feet in the vicinity of Palmdale at the base of the San Gabriel Mountains. Little Rock Creek and Amargoso Creek drain the valley toward the Rosamond Dry Lake bed.

Land uses in the project area vary, including residential, commercial, industrial, institutional, agricultural, and open space. Prominent land uses in the area include the aerospace and agricultural industries. The area surveyed for the proposed project includes all project components and immediate surrounding areas as generally shown on Figure 2-1.

Local Setting

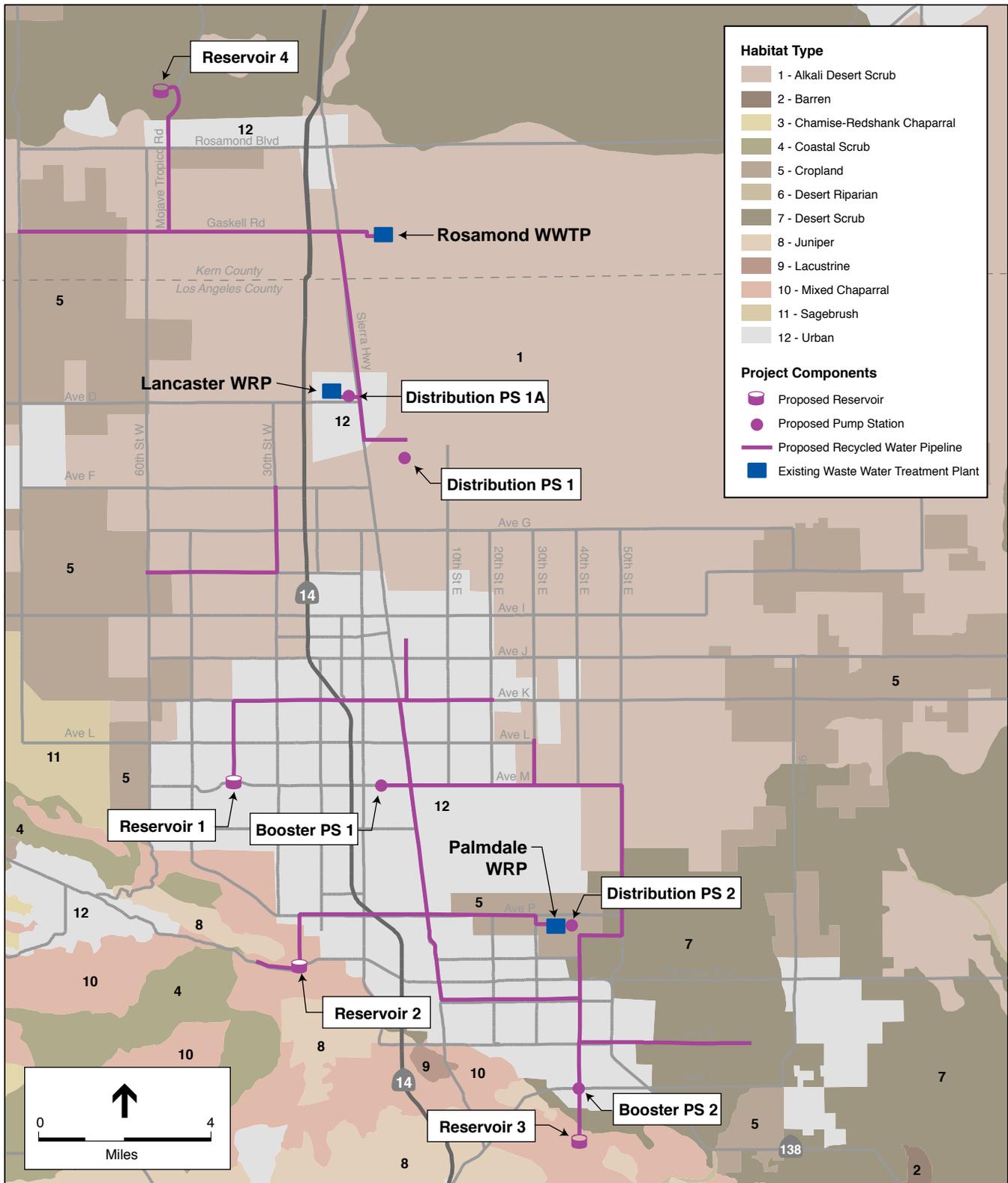
Habitat Types

The proposed project area supports 12 habitat types. **Figure 3.3-1** depicts these habitat types and a detailed description of each can be found in Appendix E within the Biological Technical Report. Wildlife habitats within the proposed project area vary in quality. High quality habitats are present where native habitat types are undisturbed and have connectivity to other open space areas. Native habitat types within the proposed project area include chaparral habitats associated with the foothills of the San Gabriel Mountains and desert scrub habitats (e.g., creosote bush scrub, Joshua tree woodland, rabbitbrush scrub, saltbush scrub, and California juniper scrub) of the valley floor. In addition, some riparian habitats exist within Amargosa Creek, especially west of Palmdale. Non-native habitats generally provide low quality wildlife habitat; though, agricultural areas can provide habitat for certain wildlife species (i.e., raptor foraging habitat discussed below). A list of plant species observed during field reconnaissance can also be found within Appendix E.

Common Wildlife

Amphibians

The valley floor from Palmdale northwards supports a limited community of amphibians due to the general lack of water, but the chaparral habitats in the higher altitudes south of Palmdale, especially Amargosa Creek, support a more diverse assemblage of amphibian species. Desert scrub habitats on the valley floor from Palmdale northward may provide suitable habitat for red-spotted toad (*Bufo punctatus*). Amphibian species that may occur in the chaparral habitats in the vicinity of Palmdale include the western toad (*Bufo boreas*), black-bellied salamander (*Batrachoseps nigriventris*), and California (*Pseudacris* [*Hyla*] *cadaverina*) and Pacific



SOURCE: California GAP Analysis, 1998.

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Figure 3.3-1
Habitat Type

(*Pseudacris [Hyla] regilla*) treefrogs. The introduced bullfrog (*Rana catesbeiana*) is also expected to occur throughout the proposed project area wherever permanent or even semi-permanent surface water occurs.

Reptiles

The desert scrub habitats of the valley floor of Palmdale northward provide potential habitat for a wide variety of lizards and snakes. Lizards that may occur in the proposed project area include banded gecko (*Coleonyx variegatus*), desert iguana (*Dipsosaurus dorsalis*), common chuckwalla (*Sauromalus obesus*), Great Basin collared lizard (*Crotaphytus bicinctores*), long-nosed leopard lizard (*Gambelia wislizenii*), zebra-tailed lizard (*Callisaurus draconoides*), desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), long-tailed brush lizard (*Urosaurus graciosus*), desert horned lizard (*Phrynosoma platyrhinos*), yucca night lizard (*Xantusia vigilis*), and western whiptail (*Cnemidophorus tigris*). Snake species that may occur include western blind snake (*Leptotyphlops humilis*), rosy boa (*Charina trivirgata*), spotted leaf-nosed snake (*Phyllorhynchus decurtatus*), coachwhip (*Masticophis flagellum*), western patch-nosed snake (*Salvadora hexalepis*), glossy snake (*Arizona elegans*), gopher snake (*Pituophis melanoleucus*), common kingsnake (*Lampropeltis getulus*), long-nosed snake (*Rhinocheilus lecontei*), western shovel-nosed snake (*Chionactis occipitalis*), night snake (*Hypsiglena torquata*), speckled rattlesnake (*Crotalus mitchelli*), Mojave rattlesnake (*Crotalus scutulatus*), and sidewinder (*Crotalus cerastes*).

The variety of lizard and snake species that inhabit the foothills of the San Gabriel Mountains near Palmdale are expected to differ from those found on the valley floor northward, though several species are expected to occur in both areas. Lizards that may occur in the chaparral habitats in the vicinity of Palmdale include western fence lizard (*Sceloporus occidentalis*), side-blotched lizard, western skink (*Eumeces skiltonianus*), Gilbert's skink (*Eumeces gilberti*), and southern alligator lizard (*Elgaria multicarinata*). Snakes that may occur include ring-necked snake (*Diadophis punctatus*), western yellow-bellied racer (*Coluber constrictor*), coachwhip, California whipsnake (*Masticophis lateralis*), glossy snake, gopher snake, common kingsnake, long-nosed snake, blackheaded snake (*Tantilla planiceps*), lyre snake (*Trimorphodon bisculatus*), night snake, and western rattlesnake (*Crotalis oreganus*).

Birds

A variety of bird species are expected to be residents in the proposed project area, using the habitats throughout the year. Other species are present only during certain seasons. For example, the yellow-rumped warbler (*Dendroica coronata*) and white-crowned sparrow (*Zonotrichia leucophrys*) are common in the proposed project area during the winter season and then migrate north in spring to breed north of region during the summer season.

Birds expected to be resident of the desert scrub habitats on the valley floor of the proposed project area from Palmdale northward include California quail (*Callipepla californica*), greater roadrunner (*Geococcyx californianus*), ladder-backed woodpecker (*Picoides scalaris*), common raven (*Corvus corax*), verdin (*Auriparus flaviceps*), cactus wren (*Campylorhynchus brunneicapillus*), rock wren (*Salpinctes obsoletus*), and bewick's wren (*Thryomanes bewickii*).

For the spring/summer breeding season, resident birds are joined by migratory species that arrive in spring and depart southward in fall. Migratory species expected to breed in the desert scrub habitats of the proposed project area include lesser nighthawk (*Chordeiles acutipennis*), Costa's hummingbird (*Calypte costae*), ash-throated flycatcher (*Myiarchus cinerascens*), sage sparrow (*Amphispiza belli*), blackthroated sparrow (*Amphispiza bilineata*), and Scott's oriole (*Icterus parisorum*).

The variety of resident bird species that inhabit the foothills of the San Gabriel Mountains near Palmdale are expected to differ from those found on the valley floor northward, though several species are expected to occur in both areas of the proposed project area. Birds expected to be resident along Amargosa Creek or the chaparral habitats in the vicinity of Palmdale include the California quail, Nuttall's woodpecker (*Picoides pubescens*), western scrub jay (*Aphelocoma californica*), common raven, bushtit (*Psaltriparus minimus*), Bewick's wren, California thrasher (*Toxostoma redivivum*), California towhee (*Pipilo crissalis*), spotted towhee (*Pipilo maculates*), and lesser goldfinch (*Carduelis psaltria*). Migratory species expected to breed in this portion of the proposed project area include black-chinned hummingbird (*Archilochus alexandri*), Costa's hummingbird, ash-throated flycatcher, black-chinned sparrow (*Spizella atrogularis*), and blackheaded grosbeak (*Pheucticus melanocephalus*).

The non-native habitats of the proposed project area include agricultural habitats that can provide habitat for birds at all seasons. Depending on the stage of crop rotation, agricultural fields often provide an abundance of foraging opportunities for birds of prey (raptors). Prey for raptors can include mammals, birds, reptiles, and insects. The red-tailed hawk (*Buteo jamaicensis*) is a common year-round resident in the Antelope Valley that forages primarily on mammals. Another common year-round resident is the American kestrel (*Falco sparverius*), a small species of falcon, that forages on a variety of small prey from mammals to birds to reptiles, but will also take insects such as dragonflies. The agricultural fields during the winter season often support large flocks of wintering birds such as the horned lark (*Eremophila alpestris*), mountain bluebird (*Sialia currucoides*), American pipit (*Anthus rubescens*), red-winged blackbird (*Agelaius phoeniceus*), and western meadowlarks (*Sturnella neglecta*). These species can form large wintering flocks on agricultural fields and provide abundant prey for those raptors, particularly the larger falcon species that specialize in capturing birds. The Antelope Valley has long been known for supporting a high density and diverse assemblage of raptors during the winter season.

Mammals

The desert scrub habitats of the valley floor of Palmdale northward provide potential habitat for a wide variety of small ground dwelling mammals in this portion of the proposed project area. Those species that may occur in these habitats of the proposed project area include Crawford's desert shrew (*Notiosorex crawfordi*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), Botta's pocket gopher (*Thomomys bottae*), little pocket mouse (*Perognathus longimembris*), long-tailed pocket mouse (*Chaetodipus formosus*), desert pocket mouse (*Chaetodipus penicillatus*), chiseltoothed kangaroo rat (*Dipodomys microps*), Panamint kangaroo rat (*Dipodomys panamintinus*), Merriam's kangaroo rat (*Dipodomys merriami*), western harvest

mouse (*Reithrodontomys megalotis*), cactus mouse (*Peromyscus eremicus*), deer mouse (*Peromyscus maniculatus*), canyon mouse (*Peromyscus crinitus*), and desert woodrat (*Neotoma lepida*).

The variety of small ground dwelling mammals that inhabit the foothills of the San Gabriel Mountains near Palmdale are expected to differ from those found on the valley floor northward, though several species are expected to occur in both areas of the proposed project area. Species that may occur in the chaparral habitats in the vicinity of Palmdale include ornate shrew (*Sorex ornatus*), desert shrew, broad-footed mole (*Scapanus latimanus*), brush rabbit (*Sylvilagus bachmani*), desert cottontail, Merriam's chipmunk (*Tamias merriami*), California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher, California pocket mouse (*Chaetodipus californicus*), agile kangaroo rat (*Dipodomys agilis*), western harvest mouse, cactus mouse, California mouse (*Peromyscus californicus*), deer mouse, brush mouse (*Peromyscus boylii*), pinyon mouse (*Peromyscus truei*), desert woodrat, and California vole (*Microtus californicus*).

Bats occur throughout most of southern California and a variety of species are expected to occur within the proposed project area. Foraging is expected to occur throughout the proposed project area, but potential roosting sites appear limited and include trees, mines, and buildings. Most of the bats that occur in the proposed project area are either inactive during the winter (hibernate) or migrate south to warmer climates. Bats expected to forage in the proposed project area include California myotis (*Myotis californicus*), western pipistrelle (*Pipistrellus hesperus*), big brown bat (*Eptesicus fuscus*), and the Brazilian free-tailed bat (*Tadarida brasiliensis*).

Larger mammals expected to occur within the proposed project area include the coyote (*Canis latrans*), kit fox (*Vulpes macrotis*), gray fox (*Urocyon cinereoargenteus*), ringtail (*Bassariscus astutus*), raccoon (*Procyon lotor*), long-tailed weasel (*Mjustela frenata*), western spotted skunk (*Spilogale gracilis*), striped skunk (*Mephitis mephitis*), mountain lion (*Felis concolor*), bobcat (*Felis rufus*), and mule deer (*Odocoileus hemionus*). The kit fox is the only one of these species that is restricted to the desert scrub habitats on the valley floor from Palmdale northward. Of the rest, only the coyote and western spotted skunk have the potential to occur throughout the proposed project area.

Natural Communities of Special Concern

The CNDDDB tracks the occurrence of what the CDFG terms "Terrestrial Natural Communities" that are "considered rare and worthy of consideration by CNDDDB." Joshua tree woodlands, which occur in scattered locations throughout the proposed project area, are considered "rare and worthy of consideration by CNDDDB" according to CDFG (2003).

Portions of the City of Palmdale with Joshua tree occurrences are under the jurisdiction of the Palmdale Native Desert Vegetation Ordinance. This ordinance applies to all public and private property which contains Joshua trees or other native desert vegetation including California juniper. For development in these areas, a proposal application would be necessary, including a desert vegetation preservation plan which depicts the location of each Joshua tree and California juniper, details tree age and health, and describes which can be saved and maintained on the site

or need to be relocated. A permit must be obtained from the City of Palmdale's landscape architect prior to removal of protected vegetation. Project components within the City of Palmdale must be in compliance with the Palmdale Native Desert Vegetation Ordinance.

Special-Status Species

Special-Status Plants

Eleven special-status plant species are known to occur or have the potential to occur in the proposed project region. These plants and their potential to occur within the vicinity of the proposed project are listed in Table 1 of the Biological Technical Report contained in Appendix E.

Special-Status Wildlife

A total of 35 special-status wildlife species are known to occur or potentially occur in the proposed project area. A list of these species as well as the potential for their occurrence within the proposed project area is provided in Table 2 of the Biological Technical Report contained in Appendix E.

Wildlife Movement

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species from one habitat area to another. The definition of a corridor is varied, but corridors may include such areas as greenbelts, refuge systems, underpasses, and biogeographic landbridges, for example. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix that connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. The nature of corridor use and wildlife movement patterns varies greatly among species.

Open space areas within the proposed project area are highly fragmented by existing development. Construction of the pipeline would occur mostly through existing roads and developed areas, but several reservoirs and pump stations would be located on undisturbed open space areas. Prominent features expected to convey wildlife movement include Amargosa Creek and Little Rock Wash. Amargosa Creek follows the San Andreas Rift Zone to Palmdale where it turns to the north, essentially following State Highway 14, before draining into the Piute Ponds near Rosamond Lake. This creek is severely fragmented by existing development in the surrounding cities and would not be expected to support regional wildlife movement. Little Rock wash also moves north from the San Gabriel Mountains onto the Antelope Valley floor before draining into the Rosamond dry lake bed. Little Rock Wash is expected to support some regional wildlife movement; however, the components of the proposed project fall outside of Little Rock

Wash. The foothills of the San Gabriel Mountains which surround the proposed project area to the east, west and south, are also expected to support regional wildlife movement.

Jurisdictional Resources

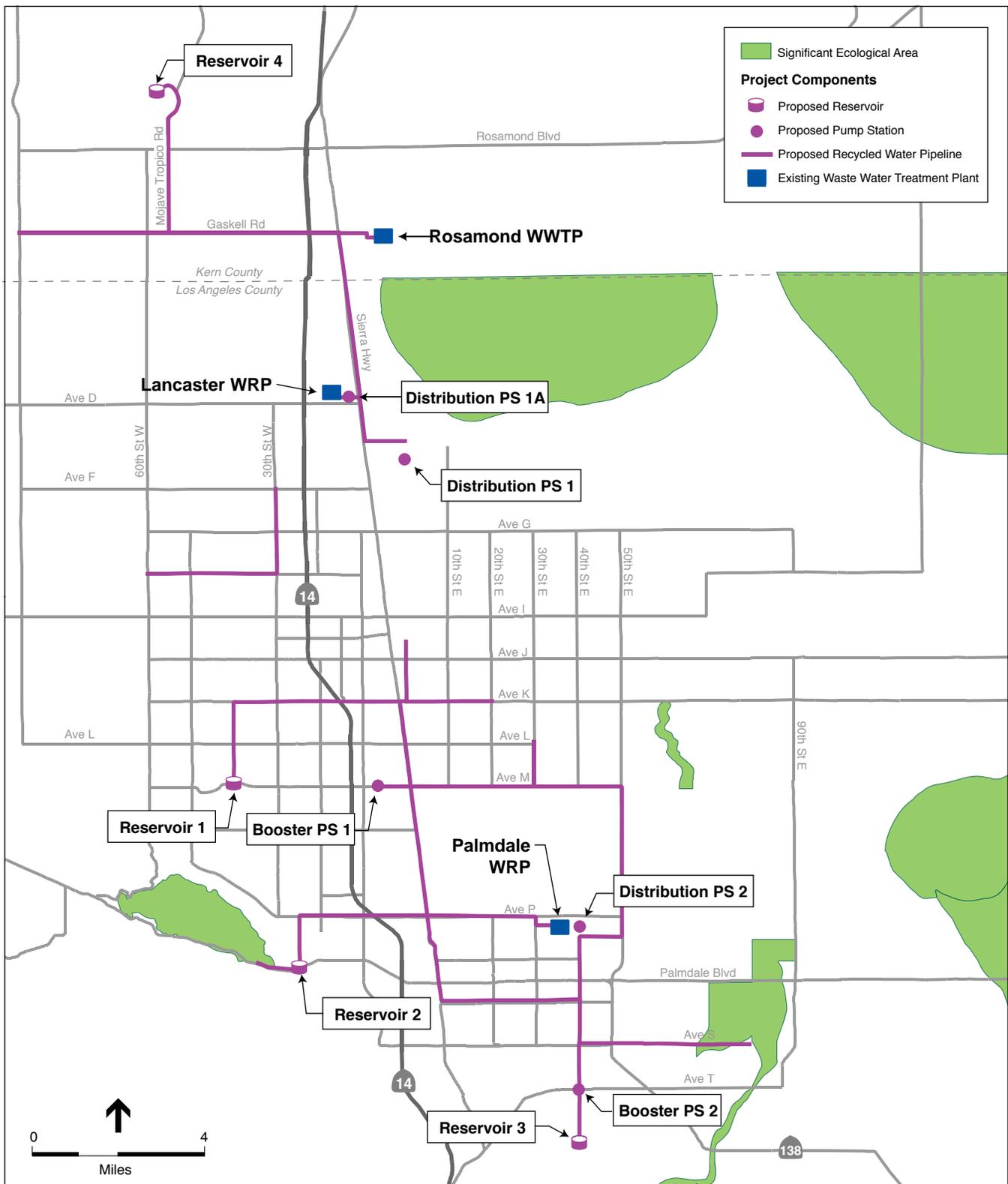
Wetlands and permanent and intermittent drainages, creeks, and streams identified as waters of the US are generally subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) under Section 404 of the Federal Clean Water Act. However, the Corps has determined that surface water features within the Antelope Valley are not considered waters of the US due to their isolation from navigable waters. Therefore, projects affecting surface waters and wetlands are not subject to Section 404 permitting.

Streambeds are subject to regulation by the CDFG under Section 1602 of the California Fish and Game Code. A stream is defined under these regulations as a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life. This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFG jurisdiction typically extends to the edge of the riparian vegetation canopy.

Other Sensitive Biological Resources

Within the proposed project area, no regional Habitat Conservation Plans or Natural Community Conservation Plans have been adopted. However, some unincorporated portions of the service area are within Los Angeles County Significant Ecological Area (SEA) general plan designations, which indicate the presence of sensitive resources and require county environmental review.

The SEA program was originally adopted in the 1970s, and currently the County of Los Angeles is reviewing the SEA program as part of the General Plan Update. A part of this update includes SEA boundary revisions in order to group smaller SEAs into larger, connected SEAs. The existing SEAs in the Antelope Valley identified in the General Plan are shown in **Figure 3.3-2**. The General Plan Update has proposed conjoining these SEAs into a single SEA covering a considerably larger area, containing the similar resources present within the existing SEA boundaries. The revised General Plan and SEA program is not expected to be adopted until late 2008. The proposed Antelope Valley SEA would cover 222,325 total acres and encompass a wide variety of topographic features. The orientation and extent of the proposed SEA recognizes the importance of the Little Rock and Big Rock Creek watershed contributions to the surface and subsurface hydrology of the Antelope Valley, and the desert dry lakes. It also encompasses the remaining undeveloped portions of Lovejoy Butte and all of Alpine, Piute, Black, and Saddleback Buttes (PCR 2000).



SOURCE: Los Angeles County GIS, 2008.

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Figure 3.3-2
Significant Ecological Areas

3.3.2 Regulatory Framework

Federal

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) in the Department of the Interior, has responsibility for administration of the federal Endangered Species Act (FESA). The FESA provides broad protection for species of fish, wildlife and plants that are listed as threatened or endangered in the United States or elsewhere. The FESA has four major components: 1) provisions are made for listing species, 2) requirements for federal agency consultation with USFWS or NMFS, 3) prohibitions against “taking” of listed species, and 4) the provisions for permits that allow incidental “take” of listed species for otherwise lawful activities. The FESA also requires the preparation of recovery plans and the designation of critical habitat for listed species.

The Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711) makes it unlawful to possess, buy, sell, purchase, barter or “take” any migratory bird listed in Title 50 of the Code of Federal Regulations Part 10. “Take” is defined as possession or destruction of migratory birds, their nests or eggs. Disturbances that cause nest abandonment and/or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the Migratory Bird Treaty Act.

Clean Water Act Section 404

Wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and floodwaters, and water recharge, filtration, and purification functions. Technical standards for delineating wetlands have been developed by the Corps which generally define wetlands through consideration of three criteria: hydrology, soils, and vegetation. Under Section 404 of the Clean Water Act (CWA), the Corps is responsible for regulating the discharge of dredged or fill material into waters of the United States. The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the Code of Federal Regulations. The Corps has indicated that the isolated washes within the Antelope Valley watershed are not considered navigable water of the U.S. as defined in the CWA and therefore are not within their jurisdiction to regulate under Section 404 of the CWA.

State

California Endangered Species Act

The California Endangered Species Act (CESA) is similar to the main provisions of the FESA and is administered by the California Department of Fish and Game (CDFG). Unlike its federal counterpart, CESA applies the take prohibitions to not only listed threatened and endangered species, but also to state candidate species for listing. Section 86 of the Fish and Game Code

defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CDFG maintains lists for Candidate-Endangered Species and Candidate-Threatened Species, which have the same protection as listed species. Under CESA the term "endangered species" is defined as a species of plant, fish, or wildlife, which is "in serious danger of becoming extinct throughout all, or a significant portion of its range" and is limited to species or subspecies native to California.

Clean Water Act Section 401 Certification or Waiver, and State Discharge Permit under the Porter-Cologne Act

The State of California (State) regulates water quality related to discharge of fill material into waters of the State pursuant to Section 401 of the Clean Water Act. Section 401 compliance is a federal mandate regulated by the State. The local Regional Water Quality Control Boards (RWQCB) have jurisdiction over all those areas defined as jurisdictional under Section 404 of the CWA. In addition, the State regulates water quality for all waters of the State, that may also include isolated wetlands as defined under the California Porter-Cologne Water Quality Control Act (Porter Cologne; Ca. Water Code, Div. 7, §13000 et seq.). The RWQCB regulates discharges that can affect water quality, even if there is no significant nexus to a traditional navigable water body required for Corps determination of jurisdiction over waters of the US. In such instances, a Waste Discharge Permit is required to comply with the Porter-Cologne Water Quality Control Act even though the federal Clean Water Act, including Section 401 water quality certifications or Section 404 permits, would not apply.

Section 1602 Lake and Streambed Alteration Agreement

Jurisdictional authority of the CDFG over the bed, bank, or channel of a river, stream, or lake is established under Section 1600 *et. seq.* of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. The Fish and Game Code stipulates that it is unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream, or lake resulting in a substantial effect on a fish or wildlife resource without notifying the CDFG and completing the Streambed Alteration Agreement process.

Local

Los Angeles County Significant Ecological Areas (SEAs)

As part of the General Plan Conservation/Open Space and Land Use elements, the County had identified and adopted policies for SEAs. The purpose of establishing an SEA is to maintain biological diversity by establishing natural biological parameters, including species, habitat types, and linkages. The County General Plan includes recommended management practices for each SEA. The Antelope Valley SEA is located in the vicinity and generally to the east of the proposed project area. Figure 3.3-2 shows the existing SEAs in the project area.

Palmdale Native Plant Ordinance

The Joshua Tree and Native Desert Vegetation Preservation Ordinance (Chapter 14.04 of Title 14 of the Palmdale Municipal Code) applies to all public and private property which contains Joshua trees or other desert vegetation including California juniper. For development in these areas, a proposal application would be necessary, including a desert vegetation preservation plan which depicts the location of each Joshua tree and California juniper, details tree age and health, and describes which can be saved and maintained on the site or relocated. A permit must be obtained from the City of Palmdale's landscape architect prior to removal of protected vegetation.

3.3.3 Impacts and Mitigation Measures

Significance Criteria

To determine the level of significance of an identified impact, the criteria outlined in the CEQA Guidelines were used. The following is a discussion of the approaches to, and definitions of, significance of impacts to biological resources drawn from several distinct guidelines sections.

CEQA Guidelines Section 15065 directs lead agencies to find that a project may have a significant effect on the environment if it has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory. CEQA Guidelines Section 15206 further specify that a project shall be deemed to be of statewide, regional, or area-wide significance if it would substantially affect sensitive wildlife habitats including, but not limited to, riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species as defined by the Fish and Game Code Section 903. CEQA Guidelines (Section 15380) provide that a plant or animal species, even if not on one of the official lists, may be treated as "rare or endangered" if, for example, it is likely to become endangered in the foreseeable future. Additional criteria to assess significant impacts to biological resources due to the proposed project are specified in CEQA Guidelines Section 15382 (Significant Effect on the Environment) "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

Appendix G of the *CEQA Guidelines* (as revised) indicates that a project would have a significant effect on the environment 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 CDFG or USFWS;
- 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 CDFG or USFWS;

- 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.

Impacts Discussion

Wildlife Movement

The proposed pipeline construction would be temporary, generally within city streets, and would occur in short segments. Once constructed, the pipelines would be underground and would not impede wildlife movement. Therefore wildlife movement would not be adversely affected. The construction of reservoirs and pump stations would result in permanent structures. These structures would not affect regional movement because their locations would not be within canyon bottoms or drainages where such movement normally occurs. In addition, the size of the above ground structures are relatively small and wildlife would be expected to easily travel around them. No impacts on wildlife movement would occur and no mitigation would be required.

Habitat Conservation Plans

The proposed project area does not fall within the jurisdiction of an adopted habitat conservation plan or natural community conservation plan and therefore would not conflict with any such provisions. No impact would occur and no mitigation would be required.

Project-level Impacts

Special-Status Species

Impact 3.3-1: Construction of the pipeline could have a substantial adverse effect on listed, candidate or special-status ground dwelling wildlife species including the California red-legged frog and Mohave ground squirrel. Less than Significant with Mitigation.

There is potential for six species listed as state and/or federally Threatened and Endangered to occur within the vicinity of the proposed project. These include two ground dwelling species, the California red-legged frog and Mohave ground squirrel; the other four are avian species and are discussed below under Impact 3.3-2. USFWS Critical Habitat for one of these species, the California red-legged frog, is located at least partially within the proposed project area along Amargosa Creek. Although no direct impacts would be expected to be incurred by this species, there is the potential for indirect impacts such as noise and dust during construction of the proposed project components in Amargosa Creek. Impacts on the California red-legged frog

would be reduced to less than significant with implementation of Mitigation Measure 3.3-1a through 3.3-1d. Implementation of the mitigation measures would ensure that the California red-legged frog would not be affected.

The Mohave ground squirrel and burrowing owl have the potential to occur in the native habitats of the proposed project area. Any impacts to these species would be considered significant and mitigation would be required. Implementation of Mitigation Measure 3.3-1e and 3.3-1f would reduce these impacts to less than significant.

Mitigation Measures

Mitigation Measure 3.3-1a: The implementing agencies shall have a qualified biologist conduct a pre-construction field reconnaissance survey for special-status ground-dwelling species within the construction right-of-way. If potential for special-status ground-dwelling species is identified then presence/absence protocol surveys shall be conducted. If protocol surveys identify the presence of special-status ground-dwelling species, the implementing agencies shall consult with CDFG to determine further required mitigation.

Mitigation Measure 3.3-1b: The implementing agencies shall avoid impacts on California red-legged frog by eliminating construction activities within areas where the species may occur. Implementing agencies shall employ tunneling or jack and bore construction methods under drainages that may support California red-legged frog in order to avoid impacting the species.

Mitigation Measure 3.3-1c: The implementing agencies shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project near areas that may support California red-legged frogs as determined by a qualified biologist.

Mitigation Measure 3.3-1d: The implementing agencies shall install a silt fence or some other impermeable barrier to exclude small wildlife species from entering the active work areas. Exclusion fencing can be limited to areas of documented occurrences of special-status wildlife as determined during pre-construction surveys by a qualified biologist.

Mitigation Measure 3.3-1e: Prior to project implementation, a habitat assessment shall be conducted by a qualified biologist to determine the potential for the Mohave ground squirrel to occur within construction zones. If the habitat assessment determines that potential habitat for the Mohave ground squirrel is present in the impact zone or within 300 feet of the construction zone, then the implementing agencies have two options: 1) assume the Mohave ground squirrel is present and either take the steps necessary to avoid any potential direct or indirect impacts (i.e., construction noise and dust) that may be incurred by the Mohave ground squirrel or 2) arrange for a qualified biologist with the necessary permits to implement a trapping program in accordance with CDFG's trapping protocol to determine the presence or absence of the Mohave ground squirrel. If Mohave ground squirrel is identified as present or assumed present, implementing agencies shall obtain an incidental take permit from CDFG pursuant to Section 2081 of the California Fish and Game Code and provide compensation at a ratio determined by CDFG.

Mitigation Measure 3.3-1f: Prior to project implementation, a burrowing owl presence/absence survey shall be conducted by a qualified biologist in accordance with

CDFG's 1995 *Staff Report on Burrowing Owl Mitigation* and the *Burrowing Owl Consortium's 1992 Burrowing Owl Protocol and Mitigation Guidelines* to determine the potential for the burrowing owl to occur within impacted areas and construction zones. If the survey results in discovery of burrowing owl, sign, or potential burrow sites in the impact zone, then additional surveys shall be performed during the breeding season (April 15 to July 15) in accordance with the *1992 Guidelines* to determine use of the site by burrowing owl. Following this survey, the implementing agencies shall consult with CDFG to determine avoidance or mitigation measure to minimize project impacts to burrowing owl.

Significance After Mitigation: Less than significant.

Impact 3.3-2: Construction of the pipeline could have a substantial adverse effect on listed, candidate or special-status bat and avian species including the Swainson's hawk, American peregrine falcon, southwestern willow flycatcher, and least Bell's vireo. Less than Significant with Mitigation.

The federal Migratory Bird Treaty Act (16 USC, Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior, including take of bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Project impacts to these species would not be considered significant unless they are known or have a high potential to nest in the project area or to rely on it for primary foraging.

Four listed special-status avian species with potential to occur in the project area include the Swainson's hawk, American peregrine falcon, southwestern willow flycatcher, and least Bell's vireo. Although rare in the proposed project area, there is potential for the Swainson's hawk to nest in the vicinity of the proposed project wherever there are clumps of trees adjacent to open space habitats (native and non-native). Any direct or indirect impacts on nesting Swainson's hawk would be considered as potentially significant. Implementation of Mitigation Measure 3.3-2a through 3.3-2c, 3.3-2e, and 3.3-2f would reduce impacts on Swainson's hawk to less than significant. The American peregrine falcon is expected to occur as a rare migrant and not expected to nest. Potential project impacts on this species would not be considered significant and no mitigation would be required. Willow riparian habitats along Amargosa Creek provide potentially suitable habitat for the southwestern willow flycatcher and least Bell's vireo and both species may occur. Any impacts on these species would be considered significant. Implementation of Mitigation Measure 3.3-2a through 3.3-2c, 3.3-2e, and 3.3-2f would reduce impacts on the southwestern willow flycatcher and least Bell's vireo to less than significant.

Implementation of the proposed project may result in loss of foraging habitat for thirteen special-status raptor species, both temporary and permanent, through construction of the project

components. These 13 raptor species are Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, Swainson's hawk (addressed above for potential impacts on nesting), northern harrier, white-tailed kite, merlin, prairie falcon, American peregrine falcon, short-eared owl, long-eared owl, and burrowing owl. Construction of the pipeline components would result in temporary loss of foraging habitat for these species. This impact would represent an incremental loss of foraging habitat for these species that is adverse, but not substantial enough to warrant a finding of significance.

Although the burrowing owl is not an Endangered or Threatened species, potential impacts on this species through loss of an occupied burrow would meet the significance criteria in Section 15380 of the CEQA guidelines, and mitigation would be required. Impacts on the burrowing owl would be reduced with implementation of Mitigation Measure 3.3-2a through 3.3-2c, 3.3-2e, and 3.3-2f. In addition, the loss of an active raptor nest would also be considered a violation of the California Fish and Game Code 3505.5. Mitigation Measures 3.3-2a through 3.3-2f ensure that implementing agencies avoid impacts on raptor nests and bat roost sites, resulting in a less than significant impact.

Mitigation Measures

Mitigation Measure 3.3-2a: Prior to any ground-disturbing activities, the implementing agencies shall have a qualified biologist conduct a pre-construction spring/summer active season reconnaissance survey for nesting/roosting special-status mobile bird and bat species, and other nesting birds within 300 feet (500 feet for raptors) of the construction limits of each project element to determine and map the location and extent of special-status species occurrence(s) that could be affected by the project.

Mitigation Measure 3.3-2b: The implementing agencies shall avoid direct impacts on any nesting birds located within the limits of construction. This could be accomplished by establishing the construction right of way and removal of plant material outside of the typical breeding season (February 1 through August 31).

Mitigation Measure 3.3-2c: If construction and vegetation removal is proposed for the bird nesting period February 1 through August 31, then preconstruction surveys for nesting/roosting bird and bats species shall begin 30 days prior to construction disturbance with subsequent weekly surveys, the last one being no more than three days prior to work initiation. The surveys shall include habitat within 300 feet (500 feet for raptors) of the construction limits. Active nest sites located during the pre-construction surveys shall be avoided and a non-disturbance buffer zone established dependent on the species and in consultation with the USFWS and CDFG. This buffer zone shall be delineated in the field with flagging, stakes or construction fencing. Nest sites shall be avoided with approved non-disturbance buffer zones until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist. For species with high site fidelity, such as Swainson's hawk, if direct take of nests outside of the breeding seasons is required, the implementing agency shall contact CDFG to determine appropriate mitigation measures.

Mitigation Measure 3.3-2d: If a natal bat roost site is located within the limits of construction during pre-construction surveys, it shall be avoided with non-disturbance

buffer zone established by a qualified biologist in consultation with the USFWS and CDFG until the site is abandoned.

Mitigation Measure 3.3-2e: The implementing agencies shall minimize impacts on documented locations of special-status species and any nesting birds to the extent feasible and practicable by reducing the construction right-of-way through areas of occurrences to either avoid the occurrence or reduce impacts to the minimum necessary to complete the project.

Mitigation Measure 3.3-2f: The implementing agencies shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on special-status avian and bat species.

Mitigation Measure 3.3-2g: The implementing agencies shall instruct construction personnel on the importance of buffer zones and sensitivity of the delineated areas.

Significance After Mitigation: Less than significant.

Impact 3.3-3: Construction of the pipeline could have a substantial effect on special-status plant species and habitat types. Less than Significant with Mitigation.

The precise location of vegetation types within construction zones has not been delineated and the precise location of project impacts has not been determined. Based on general information regarding the vegetation occurring in the proposed project area, it is assumed that much of the proposed project would be located in areas not supporting native vegetation (i.e., developed areas or roads within Lancaster and Palmdale). Most pipeline impacts are expected to occur within areas along existing roadways that do not support native vegetation; however, some soil removal would be necessary and the proposed pipeline construction could impact minor amounts of native desert scrub vegetation adjacent to the roadways. Impacts on special status vegetation types would be reduced to less than significant with implementation of Mitigation Measures 3.3-3a through 3.3-3e.

Mitigation Measures

Mitigation Measure 3.3-3a: The implementing agencies shall have a qualified biologist conduct a pre-construction spring/summer floristic inventory and rare plant survey of the proposed project areas in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*, (revised May 8, 2000) to determine and map the location and extent of special-status plant species populations within the construction right-of-way. The survey shall be conducted during the appropriate flowering time for target plant species.

Mitigation Measure 3.3-3b: If not possible to avoid, the implementing agencies shall minimize impacts on special-status plant species by reducing the construction right-of-way through areas with potential occurrences of special-status plant species. For unavoidable

direct impacts to special-status species, consultation with CDFG shall be required to determine the impact area and further mitigation, which could include acquisition of habitat of equal or superior value at a ratio of at least 2:1.

Mitigation Measure 3.3-3c: The implementing agencies shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on special-status plant species.

Mitigation Measure 3.3-3d: The implementing agencies shall restore all disturbed areas back to pre-construction conditions and a restoration plan shall be developed and implemented that contains the following items: responsibilities and qualifications of the personnel to implement and supervise the plan; site preparation and planting implementation; schedule; maintenance plan/guidelines; and monitoring plan..

Mitigation Measure 3.3-3e: Earth-moving equipment will avoid maneuvering in areas outside the identified limits of construction in order to avoid disturbing open space areas that will remain undeveloped. Prior to construction, the natural open space limits will be marked by the construction supervisor and a qualified biologist. These limits will be identified on the construction drawings. The implementing agencies will submit a letter to the appropriate agencies verifying that construction limits have been flagged and clearly delineated in the field. No earth-moving equipment will be allowed outside demarcated construction zones.

Significance After Mitigation: Less than significant.

Local Policies and Ordinances

Impact 3.3-4: Construction of the pipeline could conflict with the Joshua Tree and Native Desert Vegetation Preservation Ordinance. Less than Significant with Mitigation.

Joshua trees and native desert vegetation are found throughout the proposed project area and removal of Joshua trees for construction of the proposed pipeline within the City of Palmdale is subject to provisions of the Palmdale Native Desert Vegetation Ordinance, which prohibits removal of desert vegetation (Joshua and juniper trees). Adherence to, and implementation of, the applicable measures specified in the Palmdale Native Desert Vegetation Ordinance will reduce this impact to less than significant.

Mitigation Measures

Mitigation Measure 3.3-4a: The implementing agencies shall attempt to place all project components in areas exhibiting absence or a low density of Joshua trees and other native desert vegetation.

Mitigation Measure 3.3-4b: Prior to the commencement of grading activities for any component of the proposed project, within the City of Palmdale, a qualified biologist/arborist shall be consulted to determine the biological/aesthetic value of

potentially impacted trees under the jurisdiction of the Palmdale Native Desert Vegetation Ordinance. For protected vegetation located within the final impact areas, a proposal application would be necessary, including a desert vegetation preservation plan which depicts the location of each Joshua tree and California juniper, details tree age and health, and describes which can be saved and maintained on the site or relocated. A permit must be obtained from the City of Palmdale's landscape architect prior to removal of protected vegetation in Los Angeles County, which may require mitigation in the form of replacement plantings of all impacted vegetation. Prior to the removal of protected vegetation in Kern County, the Kern County Environmental Health Services shall be contacted.

Mitigation Measure 3.3-4c: If avoidance of Joshua tree woodlands or other special-status vegetative community is not feasible, the implementing agencies shall acquire off-site habitat of equal or superior quality at a no less than a 2:1 ratio within remaining habitat in the Antelope Valley. Location, terms and conditions for habitat acquisition, protection, and maintenance shall be determined through consultation with resource agencies, including CDFG.

Significance After Mitigation: Less than significant.

Impact 3.3-5: Construction of the pipeline could conflict with designated Significant Ecological Areas. Less than Significant.

The proposed project involves construction of a pipeline within the boundaries of the proposed Antelope Valley SEA (Figure 3.3-2). A portion of the pipeline traveling along Avenue S and a portion along Palmdale Boulevard, both are within the Antelope Valley SEA. Although the SEA has not been adopted, the County has developed and made available the proposed SEA locations to be used for planning purposes.

The Los Angeles County General Plan specifies policies for development within SEAs relating to the protection of biotic resources. The policies call for the protection of core populations of sensitive species and rare communities and the preservation of habitat linkages.

A project within an SEA will be subject to one of two regulatory processes; Minor Conditional Use Permit for SEA (Minor SEA-CUP) without Significant Ecological Area Technical Advisory Committee (SEATAC) review or a Conditional Use Permit for SEA (SEA-CUP) with SEATAC review. A SEA-CUP is required before any building or grading permits are issued for any project in an SEA (County Code 22.56.215). Public utilities are not exempt from SEA-CUPs. The implementing agencies could be required to obtain a SEA-CUP for construction of all project components within a proposed SEA if the SEA is adopted prior to the start of construction. The SEA-CUP application would be submitted to SEATAC for review and comment. SEATAC would provide recommended measures in support of the County's SEA policies. SEATAC's recommendations would be submitted to the County Planning Commission for consideration

prior to approval of the SEA-CUP. With issuance of the SEA-CUP, no conflicts with the County SEA land use policies would be anticipated for construction of any project component.

Mitigation Measures

None required.

Wetlands

Impact 3.3-6: Construction of the pipeline could have a substantial adverse effect on wetlands considered waters of the state. Less than Significant with Mitigation.

Construction of pipelines through areas with wetland features would require RWQCB and CDFG approval. The Corps has determined that Amargosa Creek is not defined as a water of the United States because it flows to a closed internal dry lake basin (Rosamond Dry Lake), which is wholly within the State of California. For similar reasons, the Lahontan RWQCB has determined that other dry washes in the Antelope Valley (e.g., Big Rock Creek and Little Rock Creek) are not defined as waters of the United States (Lahontan RWQCB, 2004). Implementation of Mitigation Measure 3.3-6 would ensure compliance with state and federal regulations.

Features within the proposed project area which could potentially be jurisdictional include: along the proposed pipeline, an existing city-owned reservoir filled with water and ringed with nonnative ornamental vegetation, located at the southwest corner of Division Road and Milling Street; along the proposed pipeline and at Storage Reservoir 2, Amargosa Creek riparian drainage and debris basin are located on the north side of Elizabeth Lake Road; existing culverts along the proposed pipeline on Rancho Vista Boulevard between 25th Street and 20th Street, on Avenue R east of Sierra Highway, and on 40th Street south of Avenue R; along the proposed pipeline where 40th Street (south of Pearblossom Highway) crosses the California Aqueduct; drainages vegetated with rabbitbrush and saltbush scrub in the two large southern-most parcels being considered for Storage Reservoir 3; alkali meadows at parcels being considered for Distribution Pump Station 1; existing oxidation ponds within the Palmdale Water Reclamation Plant at a parcel being considered for Distribution Pump Station 2; and, a small existing debris basin next to residential development at a parcel being considered for Booster Pump Station 2.

After project designs are finalized and actual impact areas are decided, exact locations and acreages of jurisdictional areas within the impact areas would be determined through a jurisdictional delineation.

In compliance with existing regulations, the implementing agencies will obtain California Fish and Game Code Section 1602 compliance in the form of a completed Streambed Alteration Agreement or written documentation from the CDFG that an agreement is not required. The implementing agencies will implement all the terms and conditions of the CDFG Streambed Alteration Agreement.

Mitigation Measures

Mitigation Measure 3.3-6: Prior to construction, the implementing agencies shall retain a qualified biologist to survey proposed construction zones including staging areas and access roads. If wetlands would be affected by construction, the qualified biologist would prepare a report outlining mitigation and compensation requirements to be implemented prior to construction. The mitigation requirements shall include the following at a minimum:

- Implementing agencies shall avoid impacting previously undisturbed areas where possible. This would include employing tunneling or jack and bore methods under drainages.
- If avoidance is not feasible for engineering or cost reasons, the implementing agencies shall conduct jurisdictional delineation of wetland features.
- Implementing agencies shall obtain WDRs from the RWQCB for impacts to waters of the state including wetland areas.

Significance After Mitigation: Less than significant.

Program-level Impacts

Special-Status Species

Impact 3.3-7: Construction of the pump stations and reservoirs could have a substantial effect on special-status wildlife species including the California red-legged frog and Mohave ground squirrel. Less than Significant with Mitigation.

Construction of the pump stations and reservoirs has the potential to impact several special-status wildlife species. In addition, there is potential for two ground dwelling wildlife species listed as state and/or federally Threatened and Endangered to occur within the vicinity of the proposed project. These species are the California red-legged frog and Mohave ground squirrel. USFWS Critical Habitat for one of these species, the California red-legged frog, is located at least partially within the proposed project area along Amargosa Creek. All potential impacts to the two listed species are explained in detail in Impact 3.3-1 and all apply to the construction of the pump stations and reservoirs. Implementation of Mitigation Measures 3.3-1a through 3.3-1f would reduce such impacts to a less than significant level.

Mitigation Measures

Implement Mitigation Measures 3.3-1a through 3.3-1f.

Significance After Mitigation: Less than significant.

Impact 3.3-8: Construction of the pump stations and reservoirs could have a substantial effect on special-status bat and avian species including the Swainson's hawk, American peregrine falcon, southwestern willow flycatcher, and least Bell's vireo. Less than Significant with Mitigation.

Construction of the pump stations and reservoirs could potentially impact several special-status bat and avian species. There is potential for four avian species listed as State and/or Federally Threatened and Endangered to occur within the vicinity of the proposed project including the Swainson's hawk, American peregrine falcon, southwestern willow flycatcher, and least Bell's vireo. Implementation of Mitigation Measures 3.3-2a through 3.3-2g would reduce such impacts to a less than significant level.

Implementation of the proposed project may result in loss of foraging habitat for thirteen special-status raptor species, both temporary and permanent, through construction of the project components. These 13 raptor species are Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, Swainson's hawk (addressed above for potential impacts on nesting), northern harrier, white-tailed kite, merlin, prairie falcon, American peregrine falcon, short-eared owl, long-eared owl, and burrowing owl. Construction of above ground structures such as storage reservoirs and pump stations would result in the permanent loss of potential foraging habitat for these and other species. All potential impacts to the 13 raptor species are explained in detail under Impact 3.3-2 and all apply to the construction of the pump stations and reservoirs. Implementation of Mitigation Measures 3.3-2a through 3.3-2g would reduce these impacts to a less than significant level.

Mitigation Measures

Implement Mitigation Measures 3.3-2a through 3.3-2g.

Significance After Mitigation: Less than significant.

Impact 3.3-9: Construction of the pump stations and reservoirs could have a substantial effect on special-status plant species. Less than Significant with Mitigation.

Construction of proposed storage reservoirs and pump stations will likely present a greater impact to native vegetation, but the type and extent must be determined after the final parcel selection is complete. Within the proposed project area, the precise location of special-status vegetation types has not been delineated and the precise location of impacts has not been determined. Based on general information regarding the special-status vegetation occurring in the region and the general location of proposed project components, it is assumed that special-status vegetation types (i.e., Joshua tree woodlands) may be impacted. Due to the rarity of these vegetation types and the potentially large amount of vegetation to be removed as part of the entire project, this impact may be substantially adverse and is considered potentially significant. Impacts on special-status

vegetation types would be reduced to less than significant with implementation of Mitigation Measures 3.3-3a through 3.3-3e.

The presence or absence of special-status plants within the proposed project area has not been determined due to the lack of finalized impact areas. Based on existing information, many special-status plant species have the potential to be impacted. Due to the special status of these species, this impact may be substantially adverse and is therefore considered potentially significant. Impacts to these species would be reduced to less than significant with implementation of Mitigation Measure 3.3-3a through 3.3-3e.

Mitigation Measures

Implement Mitigation Measures 3.3-3a through 3.3-3e.

Significance After Mitigation: Less than significant.

Local Policies and Ordinances

Impact 3.3-10: Construction of the pump stations and reservoirs could conflict with the Joshua Tree and Native Desert Vegetation Preservation Ordinance. Less than Significant with Mitigation.

Any Joshua trees and California junipers located within the City of Palmdale which may be impacted by the construction of the proposed pump stations and reservoirs are under the jurisdiction of the Palmdale Native Desert Vegetation Ordinance.

The proposed location for Storage Reservoir 2 contains Joshua trees and California junipers, while Storage Reservoir 3 is covered with California juniper scrub. Booster Pump Station 1 contains undeveloped parcels east of Sierra Highway that are completely covered with Joshua tree woodlands, and some Joshua trees occur on the parcels west of the Sierra Highway. The rabbitbrush scrub habitat which would be affected by the construction of Booster Pump Station 2 contains a few Joshua trees also. Implementation of Mitigation Measures 3.3-4a through 3.3-4c would reduce impacts to Joshua trees and native vegetation within the City of Palmdale to less than significant.

Mitigation Measures

Implement Mitigation Measures 3.3-4a through 3.3-4c.

Significance After Mitigation: Less than significant.

Impact 3.3-11: Construction of the pump stations and reservoirs could conflict with designated Significant Ecological Areas. Less than Significant.

Once all project components have been decided, and the design and locations have been finalized, an evaluation regarding SEAs should be conducted to determine if any of the new project components are located within an SEA. As depicted in Figure 3.3-2, none of the proposed pump stations and reservoirs would be located within an existing SEA. Although the proposed SEA has not been adopted, the County has developed and made available the proposed SEA locations to be used for planning purposes.

The Los Angeles County General Plan specifies policies for development within SEAs relating to the protection of biotic resources. The policies call for the protection of core populations of sensitive species and rare communities and the preservation of habitat linkages.

A project within an SEA will be subject to one of two regulatory processes; Minor Conditional Use Permit for SEA (Minor SEA-CUP) without Significant Ecological Area Technical Advisory Committee (SEATAC) review or a Conditional Use Permit for SEA (SEA-CUP) with SEATAC review. A SEA-CUP is required before any building or grading permits are issued for any project in an SEA (County Code 22.56.215). Public utilities are not exempt from SEA-CUPs. The implementing agencies could be required to obtain a SEA-CUP for construction of all project components within a proposed SEA if the SEA is adopted prior to the start of construction. The SEA-CUP application would be submitted to SEATAC for review and comment. SEATAC would provide recommended measures in support of the County's SEA policies. SEATAC's recommendations would be submitted to the County Planning Commission for consideration prior to approval of the SEA-CUP. With issuance of the SEA-CUP, no conflicts with the County SEA land use policies would be anticipated for construction of any project component.

Mitigation Measures

None required.

Wetlands

Impact 3.3-12: Construction of the pump stations and reservoirs could have a substantial adverse effect on wetlands considered waters of the state. Less than Significant with Mitigation.

Once the design and locations of project components have been finalized, and prior to the construction of any phase or component of the project, a jurisdictional wetland delineation must be conducted by a qualified biologist in order to assess the effects on wetlands and other waters of the state.

The Corps has determined that Amargosa Creek is not defined as a water of the US because it flows to a closed internal dry lake basin (Rosamond Dry Lake), which is wholly within the State

of California. For similar reasons, the Lahontan RWQCB has determined that other dry washes in the Antelope Valley (e.g., Big Rock Creek and Little Rock Creek) are not defined as waters of the United States (Lahontan RWQCB, 2004). Implementation of Mitigation Measure 3.3-6 would ensure compliance with state and federal regulations.

Mitigation Measures

Implement Mitigation Measure 3.3-6.

Significance After Mitigation: Less than significant.
