CHAPTER 3.2
BIOLOGICAL RESOURCES

This section is based primarily upon three General Biological Resources Assessments prepared for the project by Natural Resources Assessment, Inc. (NRA), dated November 11, 2006 (Section 27), November 11, 2006 (Section 28) and November 8, 2006 (Section 22). These reports are contained in their entirety in *Appendix B* and are summarized for the project as a whole, below.

NRA, Inc. reviewed the standard field guides and texts on sensitive and non-sensitive biological resources, as well as lists and maps of sensitive biological resources provided by the California Natural Diversity Data Base; the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP); general texts and other documents identifying potential resources on the property; available graphics and documents on the distribution of desert tortoise habitat and the classification of tortoise habitats in the area; previous site assessment reports on nearby wind energy facility developments; previous work on the properties in 2001 by NRA; and California Desert Native Plants Act of 1982. A complete listing of literature review sources is contained in *Appendix B*. In addition, field surveys were conducted between April 7 through 14, 2005 (Section 28), April 26 through 28 (Section 27), 2005, and on September 19 and 21, 2006, to perform a general biological assessment of the proposed project area by NRA, Inc. The field surveys were focused on the desert tortoise, but included observations of occupied or potential habitat for other sensitive biological resources.

3.2.1 Affected Environment

Literature Review and Research

Information provided by the Bureau of Land Management (BLM) indicates that the site is not located on lands within any of three management categories for desert tortoise as delineated by the 1980 California Desert Conservation Area Plan and as amended in 1993. The site is not in U.S. Fish and Wildlife Service (USFWS) Critical Habitat for the desert tortoise. The USFWS had categorized the Section 27 property as Essential Habitat for the Coachella Valley milkvetch and had proposed designating the adjacent property on Section 28 as Critical Habitat but withdrew these proposed designations in 2006. These proposed designations are not currently in effect, but were taken into consideration in the project analysis.

Data provided by the California Natural Diversity Data Base (CNDDB) indicated a number of sensitive species were identified as occurring on the White Water, Desert Hot Springs and Palm Springs 7.5' USGS topographic quadrangles. Based on the information available from the CVMSHCP, the property is within the Whitewater Floodplain Conservation area. The *Final Coachella Valley Multiple Species Habitat Conservation Plan* was approved by the Coachella Valley Association of Governments (CVAG) on February 6, 2006 and sent to individual cities, the County of Riverside and other Permittees in the Plan Area for their approval. Since that time, one of the cities (Desert Hot Springs) has opted out of the Plan and it is now in the process of being revised

to reflect that change. Should the Plan be adopted prior to the approval of this EIR/EIS, the adopted designation for the subject property should be analyzed for consistency with the proposed project.

Field Surveys

As discussed above, field surveys were conducted for the project area between April 7 through 14, 2005 (Section 28), April 26 through 28 (Section 27), 2005, and on September 19 and 21, 2006 by NRA, Inc. The surveys were performed for general biological resources but also focused on potential for desert tortoise and other sensitive species to be present. Subsequent to field surveys the Coachella Valley Water District (CVWD) has been cleaning their groundwater recharge ponds of excess silt and sand. The CVWD has followed past policy of spreading the excess material over portions of Section 27 east of the abandoned wind energy equipment on Section 28. This excess material has resulted in a reduced shrub cover in these areas.

Vegetation

SECTION 22

There are two plant communities along the powerline alignment and the substation. Most of the southern half of the alignment is sparsely covered with a desert scrub mix of sweetbush (*Bebbia juncea*) and scalebroom (*Lepidospartum squamatum*) and an occasional sticktight plant (*Petalonyx thurberi*). The few remaining annual plants included doveweed (*Eremocarpus setigerus*), red-stemmed filaree (*Erodium cicutarium*), and desert spurge (*Chamaesyce polycarpa*). Scrub density is less than 10 percent. Further north, the plant species occurring along the alignment include desert willow (*Chilopsis linearis*), creosote bush (*Larrea tridentata*), Mormon tea (*Ephedra nevadensis*), and Emory's indigo bush (*Psorothamnus emoryii*). Scrub cover is approximately 10 percent. North of the railroad tracks, on both the substation site and the extension of the alignment, the dominant plant species is Sonoran creosote bush scrub. This plant community includes creosote bush, burrobush (Ambrosia dumosa), and Emory's indigo bush. Mediterranean grass (*Schismus barbatus*) formed the dominant ground cover at the time of the surveys, ranging from less than five percent to 30 percent.

SECTION 27

The Sonoran creosote bush scrub on site supports a sparse distribution of cheesebush (*Hymenoclea salsola*) and sweetbush (*Bebbia juncea*). Scrub density is approximately 10 percent. Average shrub height is 60 centimeters (2 feet). Mediterranean grass (*Schismus barbatus*) formed the dominant ground cover (approximately 30 percent) at the time of the surveys. Based on the CVMSHCP, the stabilized shielded sand dunes make up most of the natural community of the property. The extreme northeastern corner of the project area may extend into ephemeral sand fields.

SECTION 28

The Sonoran creosote bush scrub on site supports a sparse distribution of cheesebush (*Hymenoclea salsola*), sweetbush (*Bebbia juncea*) and Mormon tea (*Ephedra nevadensis*). Creosote bush (*Larrea tridentata*) occurs as scattered individuals. Scrub density varies from approximately one to two percent in the sandy hummocks and sheet sand areas of the site to 10 percent in areas with sandy soils. The average shrub height is 60 centimeters (2 feet). Mediterranean grass (*Schismus barbatus*) formed the dominant ground cover at the time of the surveys, ranging from less than five percent to 30 percent.

Wildlife

SECTION 22

Wildlife observations made during the surveys were dominated by mammal species. Observations of wildlife included scat, tracks, burrows, nests, calls, and individual animals. No amphibians were observed due to the limited availability of surface water. Side-blotched lizard (*Uta stansburiana*), Great Basin whiptail (*Cnemidophorus tigris tigris*) and zebra-tailed lizard (*Callisaurus draconoides*) were the only reptile species observed. The only bird species observed were mourning dove (*Zenaida macroura*) and common raven (*Corvus corax*). Common mammal species observed included black-tailed jackrabbit (*Lepus californicus*), Merriam's kangaroo rat (*Dipodomys merriami*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), and coyote (*Canis latrans*).

SECTION 27

Wildlife observations made during the surveys on site were dominated by reptile and mammal species. Observations of wildlife included scat, tracks, burrows, nests, calls, and individual animals. No amphibians were observed due to the limited availability of surface water. Side-blotched lizard (*Uta stansburiana*), Great Basin whiptail (*Aspidoscelis tigris tigris*) and desert horned lizard (*Phrynosoma platyrhinos*) were some of the reptile species observed. Bird species observed included horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), mourning dove (*Zenaida macroura*) and common raven (*Corvus corax*).

At the time of the survey, there was ponded water in the levee near the western boundary. This pond provided temporary foraging habitat for mallard (*Anas platyrhynchos*), cinnamon teal (*Anas cyanoptera*), and other water birds. The drying mudflats around the pond provided foraging habitat for killdeer (*Charadrius vociferus*) and least sandpiper (*Calidris minutilla*). The water appears to have been a result of the heavy winter rains from 2004 to 2005. A site survey by Dudek in February 2006 confirmed that there was still water remaining behind the levee at that time as shown in the project site photos (*Figure 3.2-1*).

Common mammal species observed included Audubon's cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), Merriam's kangaroo rat (*Dipodomys merriami*), white-tailed antelope squirrel (*Ammospermophilus leucurus*, and coyote (*Canis latrans*).

PHOTO 1: VIEW OF THE LEVEE FACING NORTH

PHOTO 2: VIEW OF THE LEVEE FACING SOUTH

PHOTO 3: VIEW OF THE LEVEE FACING NORTH

PHOTO 4: VIEW OF THE LEVEE FACING SOUTH

SOURCE: Dudek

Mountain View IV Wind Energy Project EIS/EIR

Levee Photos

FIGURE 3.2-1

SECTION 28

Wildlife observations made during the surveys on site were dominated by reptile and mammal species. Observations of wildlife included scat, tracks, burrows, nests, calls, and individual animals. No amphibians were observed due to the limited availability of surface water. Side-blotched lizard (*Uta stansburiana*), Great Basin whiptail (*Cnemidophorus tigris tigris*) and desert horned lizard (*Phrynosoma platyrhinos*) were some of the reptile species observed.

Bird species observed included horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), mourning dove (*Zenaida macroura*) and common raven (*Corvus corax*). Common mammal species observed included Audubon's cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), Merriam's kangaroo rat (*Dipodomys merriami*), white-tailed antelope squirrel (*Ammospermophilus leucurus*, and coyote (*Canis latrans*). All wildlife species observed on both parcels are listed in Appendix B.

Sensitive Plant and Animal Species

Sensitive resources are those plants, animals and habitats occurring or potentially occurring within the project study area that are endangered, threatened, rare, or determined to be declining rapidly at a local, regional, State or national level. Legal protection for these resources varies widely, ranging from the comprehensive protection extended to endangered species, to no legal status at present. Based on the data sources discussed above including the CNDDB, a number of sensitive species were identified as occurring on the White Water, Desert Hot Springs and Palm Springs 7.5' USGS topographic quadrangles.

Sensitive Plant Species

Research of available data sources indicated the potential presence of three sensitive plant species within the project area. Each of the three is described below, along with their presence or absence on either parcel:

1. **The triple-ribbed milkvetch** *(Astragalus tricarinatus)* is a perennial herb that is found in the northwestern Colorado Desert and south central Mojave Desert. Very few individuals of this species have ever been discovered. Those that have been encountered were found on rocky soils above one thousand feet in elevation suggesting that this species might not be expected on site. Triple-ribbed milkvetch is listed as endangered by the USFWS and a List 1b plant by the California Native Plant Society. The CDFG does not currently list this species. The surveys were conducted during the flowering period for this species. No individuals or evidence of this species were found during the course of any of the field surveys and none are expected to occur due to absence of suitable rocky slopes or canyon wall habitat preferred by this species.

2. The **Coachella Valley milkvetch** (*Astragalus lentiginosus* var. *coachellae*) is a winter annual and sometimes short-lived biennial found only in the Coachella Valley. It is found in sandy places, such as sand dunes and sand sheets, below 1,200 feet in elevation. It occurs in creosote bush scrub, desert wash and sand dune communities. The milkvetch is currently listed as endangered by the USFWS and as a List 1b plant by the California Native Plant Society. The CDFG does not currently list this species. The USFWS had categorized the Section 27 property as Essential Habitat for the Coachella Valley milkvetch and had proposed designating the adjacent property on Section 28 as Critical Habitat but withdrew these proposed designations in 2006. The sand sheets and sand dunes preferred by this species do not exist within Section 27 and no plants were observed. It should be noted however, that sand dunes and sand sheets are dynamic in nature. They move and shift in small ways in response to local winds, as well as reacting more strongly over time to larger, seasonal wind patterns. Plants and animals respond to the changes, moving back and forth with the sand movement. Several hundred plants of this species were observed within Section 28. Suitable habitat occurs within the northern portion of Section 22, but surveys were conducted at a time of year when it could not be observed. Since it is known to occur on suitable habitat in adjacent properties, it is likely to occur along the northern power line alignment.

3. The **Arizona spurge** (*Chamaesyce arizonica*) is a perennial plant growing from a tap root. It is found primarily in Sonoran desert scrub on sandy soils. Arizona spurge occurs at elevations ranging from 150 to 900 feet. The California Native Plant Society lists this species as List 2. This plant is not currently listed by the USFWS or the CDFG. The only *Chamaesyce* sp. seen on site was desert spurge (*Chamaesyce polycarpa*). The sand sheets and sand dunes preferred by this species do not exist in large amounts within Section 27 and no Arizona spurge was observed during the survey. The sand sheets and sand hummocks preferred by this species are present within Sections 22 and 28 and this species could potentially be present although none were observed during the course of field surveys.

Sensitive Invertebrate Species

1. The **Coachella Valley giant sand treader cricket** (*Macrobaenetes valgum*) is known from sand dune ridges in the Coachella Valley. The population size is regulated by the amount of rainfall. The habitat requirements for this species seem to include areas where springs dampen the sand year round. No individuals of this species were observed, and no year round springs exist within the development area; therefore, this species is not expected to occur within the area of disturbance.

2. The **Coachella Valley Jerusalem cricket** (*Stenopelmatus cahuilaensis*) is known from a small segment of the sand and dune areas of the Coachella Valley, in the vicinity of Palm Springs. This species appears to be limited to large, undulating dunes piled up at the north base of the San Jacinto Mountains. This species is not currently listed by the CDFG or the USFWS. No

sand dunes exist within Section 27; therefore, this species is not expected to be present on that portion of the project site. Sand hummocks suitable for this species exist within Section 22 and 28; therefore, the Coachella Valley Jerusalem cricket could potentially be present within the project area.

S*ensitive Reptile Species*

1. The **desert tortoise** (Gopherus agassizii) is a desert dwelling reptile that occurs throughout the Mojave and Sonoran deserts. It is found in California, Arizona, Nevada and Utah, occurring in almost every type of habitat except dry lakes or playas, sand dunes and sand sheets and rocky slopes. Desert tortoises construct underground burrows as living quarters, and spend most of the year down in the burrows. They come out to forage in the early spring (February and March) and remain active above ground until early June, when they retreat to their burrows for most of the summer, fall and winter months. They will emerge and be active during the fall months of September and October, depending upon late summer weather conditions. Although they stay underground for most of the year, tortoises can be found active above ground at all times of the year. The California Department of Fish and Game lists the tortoise as threatened. The tortoise is listed as threatened by the U.S. Fish and Wildlife Service. Desert tortoise surveys were conducted using standard survey techniques following protocols recommended by the U.S. Fish and Wildlife Service. Within Section 27, one old scat belonging to tortoise was found on site. However, since no other evidence of the species was found, it was determined that it most likely washed onto the site from a location upstream of the Whitewater River during previous flooding. Based on the lack of evidence within Sections 22 and 28 and in the Zone of Influence, desert tortoise is not expected to be present on site.

2. The **Coachella Valley fringe-toed lizard** (*Uma inornata*) is restricted to fine, wind blown sand of dunes, flats, riverbanks and washes in the Coachella Valley. This species is found in creosote bush scrub, and other sparse scrub habitats with suitable sandy soils. They occur from near sea level up to 1600 feet elevation in suitable habitat. This species is active at temperatures between 95˚ to 110˚ F. The Coachella Valley fringe-toed lizard is listed as threatened by the USFWS and endangered by the CDFG. No Coachella Valley fringe-toed lizards were observed within Section 27. The sand sheets and sand dunes preferred by this species do not exist on site. Based on the lack of sightings during the survey and the absence of good habitat, this species is not expected to be present on site, or is present only rarely. Within Section 28, at least two individuals were observed in sandier soils that are not present in the adjacent property. Suitable habitat exists in the sand dunes and sandy hummocks south of the railroad tracks in Section 22.

3. The **San Diego horned lizard** (*Phrynosoma coronatum blainvillei*) is found in a wide variety of habitats. Habitats preferred by this species include annual grassland, coastal sage scrub, alluvial fan scrub, broadleaf woodland and coniferous forest. It is common in lowland areas

along sandy washes with low scattered shrubs, such as found in alluvial fan scrub. Fragmentation and loss of habitat to urban development and agricultural practices have seriously contributed to the reduction in populations for this species. As a result, the San Diego horned lizard is listed as a species of special concern by the CDFG. It is not listed by the USFWS. Suitable habitat exists within the entire project area for the San Diego horned lizard. No individuals were observed, but horned lizards are known to be present immediately south of the project area. This species is expected to be present.

4. The **Flat-tailed horned lizard** (*Phrynosoma mcallii*) is restricted to windblown sand. It is found only on dunes and sandy flats in the lower deserts, from the Coachella Valley south to the head of the Gulf of California and into extreme northeastern Baja and southeastern Arizona. The flat-tailed horned lizard is described as being found from below sea level up to around 600 feet elevation. The flat-tailed lizard is listed as a Species of Special Concern by the CDFG. It is not listed by the USFWS. The flat-tailed horned lizard was not observed during the 2005 surveys. Previous surveys conducted in 2001 identified this species as present in Section 28; however, at least one individual described in 2001 as a flat-tailed horned lizard was later found to be misidentified. Because of the ambiguity and the lack of documentation for the additional sightings, and the lack of historical presence of the flat-tailed horned lizard in this area, this species is presumed absent from the site.

Sensitive Bird Species

1. The **burrowing owl** (*Athene cunicularia*) is a resident species in lowland areas of southern California. It prefers open areas for foraging and burrowing, and is found widely scattered in open desert scrub. The largest remaining numbers are in the Imperial Valley, where it is common in the agricultural fields. Burrowing owls generally forage low to the ground, skimming just above the vegetative cover. This behavior allows the burrowing owls to avoid collisions with tall wind turbines. The burrowing owl is listed as a Species of Special Concern by the CDFG and is not listed by the USFWS. A single burrowing owl and burrow was found within Section 27. No burrowing owls or burrows were found within Sections 22 or 28.

2. The **Le Conte's thrasher** (*Toxostoma lecontei*) is an uncommon and local resident in low desert scrub habitats throughout most of the Mojave Desert, extending up into the southwestern corner of the San Joaquin Valley. Breeding range extends from these areas into eastern Mojave, north into the Owens Valley and south into the lower Colorado Desert. This species is also recorded from southern Nevada and Utah, as well as western Arizona and New Mexico. The Le Conte's thrasher is listed as a Species of Special Concern by the CDFG. This species was not observed during any of the site surveys. This species may forage on site, but it is unlikely to nest on site, since the scrub habitat is very open with short shrubs, and this species prefers taller, thicker scrub.

Sensitive Mammal Species

1. The **Palm Springs round-tailed ground squirrel** (*Spermophilus tereticaudus chlorus*) prefers sandy arid sites in low flat desert areas. This animal is often found on sand dunes, and will also dig into fine sand collected on banks and around shrubs. Typical habitat sites include floodplains and alluvial fans. The Palm Springs round-tailed ground squirrel is found in creosote bush scrub, mesquite shrub, saltbush scrub and palo verde wherever sandy soils accumulate. It is typically found along floodplains and alluvial fans. The ground squirrel is currently listed as a candidate species by the USFWS and as a Species of Special Concern by the CDFG. Within Section 27, ground squirrel burrows were not observed on site. In addition, the site lacks the sand dunes, sand flats and sandy mounds preferred by this species. Based on the field surveys, Palm Springs ground squirrel does not appear to be present on site. Within Sections 22 and 28, ground squirrel burrows were observed on site, and the site supports sand hummocks, sand flats and sandy mounds preferred by this species. Although no trapping was conducted, based on the habitat type and the presence of ground squirrel burrows this species is expected to be present on site.

2. The **Palm Springs pocket mouse** (*Perognathus longimembris bangsi*) prefers sandy soil for burrowing. It is found in creosote bush scrub and Joshua tree woodland. This species occurs throughout the upper Coachella Valley in suitable habitat. This species is active primarily at night from late spring to later summer. The Palm Springs pocket mouse is currently listed as a Species of Special Concern by the CDFG. Burrows belonging to a pocket mouse species were observed throughout all of the parcels comprising the project site. Palm Springs pocket mice were previously trapped northwest of the site and are known to occur further south. In addition, the only pocket mouse species recorded from this area of the Coachella Valley is the Palm Springs pocket mouse. Therefore, the burrows observed most likely belong to this species.

3. The **grasshopper mouse** (*Onychomys torridus ramona*) is a small rodent found in the more arid regions of southern California. This species is found in sandy habitats in both the Mojave and Sonoran deserts, in areas with low to moderate shrub cover. It prefers friable soils for digging burrows. Individuals of this species were trapped two miles southwest of the site in sandy areas just north of Palm Springs (California Natural Diversity Data Base 2005). This species is listed as a CSC by the CDFG. It is not listed by the USFWS. Although no species were observed, there is a high probability that this species occurs on site as suitable sandy soils (Carsitas sand) are found throughout the project area.

3.2.2 Regulatory Environment

Federal Guidelines

Federal Endangered Species Act (ESA)

The ESA extends legal protection to plants and animals listed as endangered or threatened by the USFWS, and authorizes the USFWS to review proposed federal actions to assess potential impacts to listed species. Listed species are those that are threatened or endangered (in danger of extinction throughout all or a significant portion of their range) and have been the subject of final regulation and listing in the Federal Register. Those species officially proposed for listing in a Federal Register notice are also represented. The ESA prohibits the take of federally-listed species. "Take" includes not only direct mortality but includes other actions that may result in adverse impacts such as loss of habitat. Sections 7 and 10 of the ESA allow "incidental take" of a listed species via a federal or private action, respectively, through formal consultation with the USFWS. In lieu of a separate permit, an applicant may be included in a local Habitat Conservation Plan (HCP) instead. Also related to the ESA is the establishment of "critical habitat" which are areas that USFWS has determined are essential to the survival of an endangered or threatened species and may require special management and protection. The USFWS has categorized the Section 27 property as Essential Habitat for the Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae*) and proposed but subsequently withdrew designating the adjacent property on Section 28 as Critical Habitat.

Federal Clean Water Act

For the purposes of this document, the term waters of the United States is an encompassing term used by the U.S. Army Corps of Engineers (COE) for areas that would qualify for federal regulation under the federal Clean Water Act (CWA) Section 404. Waters of the United States are categorized as wetlands or other waters of the United States. Each of these categories is described below.

Wetlands

The COE defines wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3[b]; 40 CFR 230.3). For a wetland to qualify as a jurisdictional aquatic site, and therefore be subject to regulation under CWA Section 404, it must support a prevalence of hydrophytic (growing in water) vegetation, hydric soils, and wetland hydrology. Pursuant to 404(b)(1) guidelines, the EPA oversees the administration of the COE's Section 404 Clean Water Act permit program. EPA reviews activities requiring a 404 permit to discharge dredged or fill material into waters of the United States to ensure only the least environmentally damaging practicable alternative is authorized as required under the 404(b)(1) guidelines.

Waters of the United States

Waters of the United States are sites that typically lack one or more of the three wetland indicators identified above. The term "waters of the U.S." has a broad meaning and incorporates both deep water aquatic habitats and special aquatic sites, including wetlands. The COE assumes discretionary approval over proposed projects that impact greater than 0.1 acre of wetlands issuing either a Nationwide Permit or an Individual Permit. An Individual Permit is automatically required where at least 0.5-acres of wetland are affected by a project. The COE typically considers U.S. Geology Survey (USGS) 7.5 - minute quadrangle map "blue line" drainages as jurisdictional waters.

California Desert Conservation Act

The goal of the California Desert Conservation Act (CDCA) is to develop and implement plans to ensure long-term successful maintenance of areas of special concern in the California desert. Biological resources managed by the CDCA include fish and wildlife, vegetation, wilderness areas, wild horses and burrows. The CDCA divides these protected areas into 4 multiple-use classes which are described in detail in *Section 3.7, Land Use*. The project site is included within Multiple Use Class L (Limited Use) lands which are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. *Section 3.7* of this document outlines the five Multiple Use classifications for BLM lands.

State Guidelines

California Fish and Game Code

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. Section 5050 lists protected amphibians and reptiles. Section 3515 prohibits take of fully protected fish species. Eggs and nests of all birds are protected under Section 3503, nesting birds (including raptors and passerines) under Sections 3503.5 and 3513, birds of prey under Section 3503.5, and fully protected birds under Section 3511. Migratory non-game birds are protected under Section 3800. Mammals are protected under Section 4700. The California Fish and Game Code defines take as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Except for take related to scientific research, all take of fully protected species is prohibited.

Section 3503 of the California Fish and Game Code prohibits the killing of birds or the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests. CDFG has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under Sections 1600–1607. CDFG has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a

river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

State CEQA Guidelines

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines § 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in ESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFG (i.e., candidate species) would occur. Thus, CEQA provides a lead agency with the ability to protect a species from a project's potential impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

Local Guidelines

City of Palm Springs General Plan

The Environmental Resources Element of the General Plan acknowledges that the City contains unique plant and animal species as well as distinct habitats and encourages the preservation of ecologically important areas including undeveloped areas through appropriate land use designations. An important goal of the Element is protection and preservation of the City's biological resources especially those threatened, rare or endangered species of plants and animals and their associated habitat and to encourage a balance between nature and human development.

Multiple Species Habitat Conservation Plan

The *Final Coachella Valley Multiple Species Habitat Conservation Plan* (CVMSHCP) and Final EIR for the Plan was approved by the Coachella Valley Association of Governments (CVAG) on February 6, 2006. The CVMSHCP was sent to the cities of the Coachella Valley, the County of Riverside and other Permittees for their consideration, but was not approved by one of the cities, Desert Hot Springs. The CVMSHCP will be updated to reflect this change and resubmitted to the various agencies for final approval. The current Plan identifies 11 protected species in the valley and 16 others that could become threatened in the next 75 years. The Plan includes habitat for the 27 species and divides it into 21 conservation areas over 747,400 acres of the 1.1 million-acre planning area. About 534,200 acres are already protected because they are public land or owned by conservation groups. The Plan identifies an additional 180,000 acres designated for conservation. Management and administration of the conservation area would be paid in part by collection of fees for development within the Plan Area. The project site occurs within the proposed Whitewater

Floodplain Conservation Area of the Plan as currently delineated.

3.2.3 Environmental Consequences

The following section describes the impacts to biological resources that are expected to occur as a result of project implementation.

Methodology and Significance Criteria

CEQA Significance Criteria

The following significance criteria are based on the effects normally considered significant as identified in Appendix G of the CEQA Guidelines:

- Substantially affect a rare, threatened, or endangered species of animal or plant or the habitat of the species.
- Contribute to endangerment or interfere with the recovery of an endangered species.
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- Substantially diminish habitat for fish, wildlife or plants.

Proposed Project Impacts and Mitigation Measures

Direct Impacts

Direct biological impacts are defined as the removal and permanent loss of native plant communities which function as wildlife habitat as well as losses of individual wildlife which result from project implementation.

Habitat Fragmentation

Wildlife movement and the fragmentation of wildlife habitat have come to be recognized as important wildlife issues that must be considered in assessing impacts to wildlife. In summary, habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Wildlife movement (more properly recognized as species movement) is the temporal movement of species along various types of corridors. Wildlife corridors are especially important for connecting fragmented wildlife habitat areas. The Whitewater River floodplain functions as a wildlife corridor. It has been somewhat affected by the various types of land uses along the river, but still provides a large amount of open space for movement including within the project site. Project facilities (i.e., wooden power poles, turbine towers, gravel based roads, and ancillary structures including a substation site) would not significantly alter free movement of wildlife or result in substantial removal of habitat.

Wind Turbine Impacts with Birds

The potential for bird collisions with wind turbines exists with a proposed wind project. The relatively high number of losses at Altamont Pass in central California has received substantial public attention, to the effect that the U.S. Fish and Wildlife Service (1994) has issued a policy statement regarding their response to this issue (*Interim Guidelines to Avoid and Minimize Wildlife Impacts From Wind Turbines*, May 2003). USFWS personnel may become involved in reviewing potential wind energy developments on public lands through the NEPA process and may provide recommendations for avoiding impacts to wildlife through proper siting of wind energy facilities, proper location and design of turbines, and pre- and post construction research and monitoring. The project's biological technical reports cite a number of studies which have looked at incidences of bird collisions with wind turbines, particularly in the San Gorgonio Pass Wind Resource Area where the project is located. These data show very low levels of bird mortality (associated with wind turbines in the San Gorgonio Pass). The evidence suggests that end turbines and the locations of wind energy facilities within narrow canyon areas (such as the Altamont Pass) would appear to be influences affecting collisions with turbines.

In the report titled *Avian Monitoring and Risk Assessment at Tehachapi Pass and San Gorgonio Pass Wind Resource Areas, California: Phase 1 Preliminary Results* (September 2004), 830 carcass searches were conducted by the California Energy Commission on 180 sites in the San Gorgonio Pass over a large geographic area during all four seasons of the year. Over the four seasons, 31 bird mortalities were found within 400 meters (0.25 miles) of wind turbines, and nine mortalities were found greater than 400 meters from wind turbines. The nine mortalities are not believed to be related to wind turbines. This data indicates that some mortalities occur on sites even if there are no wind turbines.

Approximately half of the 31 mortalities were migratory birds (nine were not identified as to species). Of these mortalities, 25 percent occurred in the fall. Based on these figures, approximately four bird mortalities per year were migratory birds found in the fall within 0.25 miles of 180 wind turbine sites searched. The studies indicate that Bird Risk was lowest during the fall season, about half the average level for the year. In addition, Bird Risk was also at or below average for spring, also a high migratory bird use time of the year. These low Bird Risk figures support the conclusion that project impacts to migratory birds are not significant. Additionally, topography on and adjacent to the site does not provide opportunities for raptors to soar or use updrafts because the site and surrounding terrain are relatively flat. These features of the site further reduce the probability of bird strikes, and support a less than significant finding regarding the project's potential impacts to migratory birds.

The above referenced report did not address the amount of migratory bird use that occurs in the San Gorgonio Wind Resource Area. However, a report titled *Nocturnal Avian Migration Assessment of the San Gorgonio Wind Resource Study Area, Fall 1982* (McCrary, et al (1982), found that approximately 37 million birds flew through the Coachella Valley during the fall of 1982, based on

the valley's average width of 16 km. This data indicates that the very large number of migrating birds (approximately 37 million) which have been estimated as passing through the Coachella Valley in the fall, result in very few mortalities (approximately 4 mortalities over 180 wind turbine sites).

Sand Transport

The build-out of additional wind turbines at the proposed site has the potential to reduce the amount of blowsand to areas downwind of the site to the east. If this were to occur, there is the possibility that the project could adversely affect sand transport to the Whitewater Floodplain Reserve, which contains Coachella Valley fringe-toed lizard and Coachella Valley milk vetch habitat, located just east of the project site on the east side of North Indian Canyon Drive in Section 26. A blowsand technical report and an addendum to that report were prepared by AeroVironment in March 2000 to analyze combined effects of the previously approved WECS 103 wind energy project and the WECS 107 wind energy project. Those projects are located on very similar property situated between approximately 1 1/2 and 2 ½ miles northwest of the proposed project. That study analyzed wake effects on sand transport for MHI 1000 wind turbines comparable to those proposed for the Mountain View IV project. The WECS 107 information contained in the *Addendum to Final Report* would also be a worst case estimate of effects because that analysis used 8 rows of wind turbines that are also more closely spaced, which results in greater array loss and increased impacts as compared to the 7 rows of turbines proposed for the Mountain View IV project.

Typically wind turbines extract energy from the wind flow causing a decrease in wind speed at surface level (3 feet above ground level) immediately downstream of the wind turbines, followed by a gradual return to normal some further distance down-wind, as the wind turbines' wake diffuses. The land over which wind speed is affected by the wind turbine is referred to as the "wake velocity deficit area." The projected wake velocity deficit area was calculated by considering the combined effect of the two adjacent projects with a total of eight rows of wind turbines (including two upwind rows adjacent to WECS 103). The report calculates that with a 20 mph surface wind condition upstream (frequently occurring during the blowsand season), the wake velocity deficit model calculates that surface wind conditions will decrease from 20 mph to 15 mph a few hundred feet downwind of each row of wind turbines (sand movement will be reduced or halt at wind speeds below 15 mph) and then gradually increase back to the original 20 mph speed approximately one and one-half miles downwind of the last row of wind turbines. When a 25 mph wind speed was used with the model, the wake velocity deficit model calculates that wind speeds down wind of the turbines never drop to 15 mph or below at any point downwind of the turbines.

The results of the report indicated that the winds would have to drop and stay below 20 mph over the blowsand season for sand to settle out and remain in the vicinity of the wind turbines and not continue to move down wind of the site. This would not occur because the winds in the project location are frequently greater than 20 mph. The project applicant indicates that winds at the site are projected to exceed 20 mph at 3 feet above ground level approximately 2,500 hours each year.

Based on these conditions at the project site, blow sand will continue to move through the site and be deposited on downwind properties as it has historically. Furthermore, the findings indicate that:

- The airflow through San Gorgonio is so massive that wind turbines have no effect on the large-scale wind characteristics of the area.

- Large wind turbines would have no effect on processes governing the pick-up of sand by wind, its movement over the ground, or its settlement. The wind turbine rotor blades take up a very small percentage of the area that interferes with the wind flow, and the wind turbine towers take up very little ground area.

Therefore, it can be concluded from the results of the blowsand technical report, that the project would have no significant impact on the movement and depositing of blowsand in the Whitewater Floodplain Reserve Area.

Drainages and Wetlands

Army Corps of Engineers

The Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the United States. These waters include wetlands and non-wetland bodies of water that meet specific criteria. Corps regulatory jurisdiction pursuant to Section 404 of the Clean Water Act is founded on a connection or nexus between the water body in question and interstate (waterway) commerce. This connection may be direct, through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the Corps regulations.

State Water Resources Control Board

The Corps has delegated the authority for use of 404 permits to each individual state. The use of a 404 permit in California is regulated by the State Water Resources Board (Board) under Section 401 of the Clean Water Act. The Board has authority to issue a 401 permit that allows the use of a 404 permit in the state, with the authority in the state being vested in regional offices referred to as Regional Water Quality Control Boards.

California Department of Fish and Game

The California Department of Fish and Game (CDFG), through provisions of the State of California Administrative Code, is empowered to issue agreements for any alteration of a river, stream or lake where fish or wildlife resources may adversely be affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. CDFG regulates wetland areas only to the extent that those wetlands are part of a river, stream or lake as defined by CDFG.

The project's biological consultant looked at regional aerial photos of the project site and surrounding area, and evaluated the site conditions. There are several small drainages that flow through Section 28 and a single drainage that flows through Section 27. These drainages eventually die out in the Whitewater floodplain east of North Indian Canyon Drive. In Section 22 there are no drainages along the powerline alignment south of the railroad tracks. Garnet Wash crosses under the powerline extension connecting the substation to the existing 115 kV power line. There are two existing access roads that cross Garnet Wash. These roads service a high pressure gas line and a petroleum pipeline running parallel to the railroad tracks.

In addition, the site is located on the former floodplain of the Whitewater River, but is well outside the current boundaries of the river flow and has no active connection to the Whitewater River. Based on the location and site conditions, the project does not come under the jurisdiction of the U.S. Army Corps of Engineers. Because it is anticipated that no Corps permit will be required, no 401 permit is required from the State Water Quality Control Board's regional office for the Colorado River region. However, the smaller drainages may meet the jurisdictional requirements under CDFG as outlined above and should be reviewed by that agency to determine whether streambed alteration agreements are required.

Sensitive Plants and Animals

Sensitive Plant species observed within the project area include the following:

Coachella Valley milkvetch - The project's biological survey team did not locate any milkvetch plants within Section 27 and no suitable habitat exists within that portion of the site. The survey team found several hundred milkvetch plants within Section 28. Section 22 contains suitable habitat for this species, although individual plants could not be observed due to the timing of surveys. Project construction will impact habitat and could potentially impact individual plants. According to Table 2.6-1, the project's maximum area of disturbance would be 15.7 acres which represents less than one percent of the total project area of approximately 1,659 acres. Although impacts to habitat for this species are not expected to be significant, mitigation measures will be implemented to protect this species during construction as part of the overall mitigation for sand dwelling species.

Sensitive Animal species observed within the project area include the following:

Coachella Valley fringe-toed Lizard **-** The field survey team did not observe any fringe-toed lizards during the surveys and no suitable habitat is present within Section 27. The field survey team observed at least two fringe-toed lizards and suitable habitat within Sections 22 and 28. Therefore, the siting of turbines, powerpoles and project construction activity will impact occupied habitat for this species. The Coachella Valley Fringe-toed Lizard Habitat Conservation Plan has addressed impacts to this species for most potential development within the plan boundary. Projects that lie

within the Habitat Conservation Plan boundary must pay a standard mitigation fee which will be overseen by a representative as outlined in *Mitigation Measure 3.2-1*, below.

Flat-tailed Horned Lizard **-** No individuals of this species were observed within Section 27 and the preferred habitat for this species, sand dunes and sand sheets, are absent from that portion of the project site. Suitable habitat for this species occurs in Section 22 and Section 28, but no individuals were observed. Impacts to individuals are not expected to be significant due to the absence of this species from the project site.

Burrowing Owl **-** At least one burrowing owl was observed and one burrow was found within Section 27. No individuals of this species were found within Sections 22 or 28. Due to the presence of this species a number of recommendations were made by the project biologist to minimize potential impacts including, focused surveys prior to construction, and development of a mitigation program should any individuals be found. Should any individuals be found by the focused survey, a mitigation program for either avoidance or passive relocation will be developed by the project biologist. Implementation of these measures will ensure that no significant impact to this species will occur.

Palm Springs Round-tailed Ground Squirrel **-** Ground squirrel burrows were not found within Section 27 which lacks suitable sandy soils for this species and is therefore, not expected to be present on this portion of the site. Ground squirrel burrows were found within Sections 22 and 28, and those parcels provide suitable sandy soils for this species. Although construction may impact individuals and habitat, the relatively small amount of habitat lost is not expected to be significant. The number of individual animals that could potentially be impacted would be small, and therefore are not considered significant.

Palm Springs Pocket Mouse **-** The siting of turbines and project construction activity may impact occupied habitat for this species within the entire property, and may impact individual animals. The proposed project design has a minimal loss of occupied habitat, but may impact individual animals. Due to the small number of individuals that could potentially be impacted and the extent of habitat to be preserved, the project's potential impacts to this species would not be significant.

Grasshopper Mouse **-** This species may be present on site, and may be impacted by the construction and operation of the project. However, the proposed project design is expected to have a minimal loss of habitat for this species, although individual animals may be affected. This impact would not be significant due to the small area of impact expected (one percent) and the small numbers of animals that could potentially be affected during construction.

Protected Native Plant Species

Silver cholla and Engelmann's hedgehog cactus are present in low numbers on the site. Project construction may result in the removal of some protected individuals. Recommended mitigation is

to avoid removal of cactus specimens during construction of turbines and roads. All protected cactus species to be removed will be flagged and transplanted back on site in an undisturbed area prior to construction. Permits would be required from the County Agricultural Commission, should the project require complete removal of any of these plants.

Coachella Valley Multiple Species Habitat Conservation Plan

As discussed under *Section 3.2.2*, the site is within the proposed Whitewater Floodplain Conservation Area designated under the Draft Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The goals for the Conservation Area are overall preservation of the Whitewater Floodplain (Coachella Valley Association of Governments 2004). The Draft CVMSHCP shows the site as having "Excellent" Wind Energy Potential, but does not specifically address wind energy development in this area and does not provide an exemption for this type of development. However, the biological consultant for this project has determined that the development and presence of wind energy project is compatible with these goals for the following reasons:

- The native ecosystem types or natural communities will be substantially maintained in their natural range of variation on site.
- The protection of the area through fencing and patrol will help to "maintain or restore self-sustaining populations or metapopulations of the species included in the Plan".
- The preservation of approximately 98 percent of the site in natural open space will serve to "sustain ecological and evolutionary processes necessary to maintain the functionality of the conserved natural communities and habitats for the species included in the Plan". The construction of the WECS site will not substantially alter the fluvial sand transportation system across the floodplain and areas to the east.
- Site fencing will be designed to "maximize connectivity among populations and avoid habitat fragmentation within Conservation Areas to conserve biological diversity, ecological balance, and connected populations of Covered Species." The towers and roads do not add substantially to habitat fragmentation.
- The protection of the area through fencing and patrol will help to "Minimize adverse impacts from off-highway vehicle (OHV) use, illegal dumping, edge effects, exotic species, and other disturbances" by limiting access both to vehicles and to dumping of garden litter, a substantial source of weeds.
- Joint access or use of the site may be possible to "manage the Conservation Areas adaptively to be responsive to short-term and long-term environmental change and new science." The issue of compatibility would need to be discussed with the responsible agencies, and would have to be negotiated under the Habitat Acquisition and Negotiation Strategy (HANS) process.

Indirect Impacts

Indirect impacts are those impacts that result in decreased use of the site and/or adjacent habitats by wildlife due to increases in human activity. These potential impacts are discussed below:

- Construction related impacts, including a temporary increase in human activity. This impact will be temporary during construction, which is estimated to take up to six months. Since there is already a low level of human presence in the vicinity because of the ongoing maintenance of the adjacent wind energy facilities, maintenance of ground water recharge facilities by the Coachella Valley Water District, and use of the site by off-road users, this impact is not expected to add substantially to the existing levels of human activity in the area. Therefore, this impact is not significant.

- Human related intrusion. The site is adjacent to two wind energy facilities that experience a low level of human presence. There will be an incremental increase in permanent human presence in the area. Overall human activity on the wind energy facility site is expected to decrease after construction, and will be limited to occasional maintenance visits (two to six visits per day, usually a light truck with a two person crew). Therefore, this impact is not considered to be significant.

- Noise. There will be an increase in noise level due to turbine operation. Ambient noise on site is lowest in the center of the site, with a moderate increase towards the north, east and west (due to the existing wind energy facilities and adjacent roads). The wind energy facility is not expected to add significantly to the noise levels in regards to disruption of wildlife activity, and therefore this impact is not considered to be significant.
- Vibration. There may be in an increase in ground vibration due to turbine operations. At present, the only ground vibration is due to traffic on the dirt roads and operating wind turbines on adjacent properties. It is possible that when operational, the wind towers pass on some vibration from movement into the ground. Small mammals, such as kangaroo rats, use ground vibration to sense predator movement and avoid foraging aboveground at the time. There may be some impact to small mammals as a result; however, this impact is not expected to be significant.

- Facility lighting. No nighttime lighting is proposed for this project and therefore no impacts are expected to occur. The Federal Aviation Administration requires lighting of a portion of the wind turbines with flashing red strobe lights to provide warnings to air traffic. Since these lights are of low intensity (red spectrum), directed well above the ground surface, and are intermittent, they are not expected to have a significant impact on wildlife.

- Non-native, invasive plant species. No landscaping is proposed for this site. In addition, due to the limited extent of disturbance and the minimal use of this site by humans (possibly further

reduced because of restricted access to the site), the introduction of exotic and non-native plant species is expected to be minimal.

- Fire and hazardous waste. During construction and after project completion, fire incidents (cigarettes) and hazardous waste dumping (accidental or otherwise) may decrease the quality of the remaining habitat in the vicinity of the project site. The decrease in habitat quality will further impact wildlife species through the loss of habitat. The equipment and material used on site will be made of nonflammable material, decreasing the risk of fire. In addition, since the construction of the wind energy facility will require clean up of numerous trash piles, the site may actually experience an improvement in habitat quality. Therefore, this impact is not considered to be significant.

- Trash. Trash degrades habitat value and encourages the introduction of pest species. The wind energy facility should experience a decrease in trash because of pre-construction clean up requirements and ongoing site maintenance clean up. In addition, the site will be fenced against illegal access, with a resulting decrease in trash accumulation by outside persons. AES SeaWest, Inc. has established procedures with the on site personnel to ensure that no trash accumulation is created by their activities. Therefore, this impact is not expected to be significant.

3.2.4 Mitigation Measures

The following mitigation measures are recommended to avoid future impacts resulting from construction and operation of the project.

Sand Dwelling Species

3.2-1. The right of way holder (ROW Holder) shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective measures for the Coachella Valley fringe-toed lizard (CVFTL) and the Coachella Valley milkvetch involved in compliance coordination with the BLM, and shall be authorized to halt any construction related actions that may be in violation of protective measures for threatened or endangered species.

3.2-2. Prior to initiating any surface disturbing activities, ROW Holder shall prepare and present an endangered species education program to all employees/contractors involved in any construction activities. The program will be conducted using the CVFTL and CV milkvetch program already approved by the USFWS. The program will contain, at a minimum, the following topics for the Coachella Valley fringe-toed lizard and Coachella Valley milkvetch:
   - Distribution and occurrence

- General behavior and ecology
- Species sensitivity to human activities
- Legal protection
- Penalties for violation of State or Federal Laws
- Reporting requirements
- Project protection mitigation measures.

Education programs previously prepared and approved by BLM and USFWS for wind energy development projects in the area may also be used without further approval, provided the program has incorporated the required topics as noted above.

3.2-3. Locations of poles, guy anchors, and trenches, shall be chosen to avoid habitat suitable for CVFTL and CV milkvetch to the maximum extent possible utilizing the existing project design and layout. Work area boundaries shall be conspicuously staked, flagged or marked to minimize surface disturbance to surrounding habitat.

3.2-4. Poles and guy wires installed shall be completed by avoiding crushing or removing perennial vegetation to the maximum extent possible.

3.2-5. All vehicles shall be confined to existing access routes or previously disturbed areas to the maximum extent possible.

3.2-6. The ROW Holder shall hire a qualified biological monitor (as defined in the FTHL Rangewide Management Strategy) to be present during construction. The biological monitor may also function as the FCR, and shall perform the functions specified in the Flat-tailed Horned Lizard Rangewide Management Strategy (2003 Revision).

3.2-7. Not more than thirty days prior to construction activity in the area to be disturbed, the biological monitor/FCR shall survey the construction area for CV milkvetch. Any CV milkvetch plants present shall be marked with a flagged stake and protected from damage, by avoiding any surface impacts within five (5) meters of the plant to the extent possible.

3.2-8. Desert willow hummocks shall be avoided, with no disturbance to occur within five (5) meters, to the extent possible.

3.2-9. If any triple-ribbed milkvetch are found, the ROW Holder shall suspend operations in the vicinity, and notify BLM to determine whether the plants may be affected by the ROW Holder's actions.

3.2-10. The FCR/biological monitor shall maintain a record of the date, time and location of all fringe-toed lizards, milkvetch species, and FTHL found in the right of way. Any damage, injury or death to any of these species shall be recorded.

3.2-11. Within 90 days of completion of the work, the FCR shall prepare and submit (to BLM and USFWS) a brief report summarizing the project. Five color photographs will be taken by the FCR or biological monitor before, during and after construction to be included in the report. The report shall include a description of the project and compliance with the biological mitigations.

3.2-12. All trash and food items shall be properly contained and regularly removed from the Project site.

3.2-13. No pets shall be permitted on the Project site.

Burrowing Owl

The following measures will apply to construction within Section 27 only as no individuals of this species were found within Sections 22 or 28.

3.2-14. A focused survey for burrowing owl shall be conducted within Section 27 prior to project construction-related ground disturbance. The survey should be conducted according to the recommended guidelines of the Burrowing Owl Consortium (1993) and in consultation with the CDFG and the USFWS. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

3.2-15. If animals are present which could be affected by project construction, the approved biologist shall develop a program to mitigate impacts to this species either through avoidance or by passive relocation. Suggested measures for either of these methods are contained in Appendix B, Section 5.2.8 of the Section 27 Report. The program shall be developed according to the 1993 Mitigation Guidelines of the Burrowing Owl Consortium and in consultation with the CDFG and the USFWS.

Drainages and Wetlands

3.2-16. The applicant shall consult with the California Department of Fish and Game (CDFG), prior to project construction to determine whether a streambed alteration agreement is required by that agency for the smaller drainages located throughout the project site.

3.2.5 Reduced Development Alternative

As outlined in *Section 2.9*, this alternative assumes development only within BLM managed lands within Section 28, and extension of utility lines and a substation within a portion of Section 22. No site disturbance would occur within Section 27, as planned for the proposed project. This alternative would utilize existing access roads from a previous wind energy operation, thus minimizing site disturbance. Overall disturbance would be reduced by approximately six acres (between 5.8-6.3 acres, depending on type of turbines used) within the proposed Whitewater Floodplain Conservation Area of the CVMSHCP (see *Section 3.2.2*). However, site disturbance from any of the development scenarios would be minimal and continue to allow free movement of wildlife; therefore, this alternative is not viewed as substantially superior to the project (preferred alternative).

3.2.6 No Action Alternative

Under the no action alternative, no biotic resources would be affected since there would be no project built and no disturbance of the site would occur. This is viewed as slightly superior to the project in that no removal of species would occur in the project area. However, any of the development scenarios would involve minor disturbance and continue free movement of wildlife.