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# **RB INYOKERN DATA CENTER**

Application for Small Power Plant Exemption (SPPE)

*Inyokern, Kern County, California*

Docket Number - 26-SPPE-01

## **Supporting Document Appendix D**

Subsection(s):

- D.1 - Biological Report
- D.2 - Wildfire Assessment
- D.3 - Agriculture & Forestry Resources Assessment

# **RB INYOKERN DATA CENTER**

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## **Supporting Document Appendix D**

Subsection(s):

- D.1 - Biological Report

# BIOLOGICAL ANALYSIS REPORT

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## **R & L CAPITAL, INC.**

# **RB INYOKERN DATA CENTER PROJECT**

DECEMBER 2025

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# BIOLOGICAL ANALYSIS REPORT

## RB INYOKERN DATA CENTER PROJECT

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Table of Contents

***Acronyms and Abbreviations*..... iv**

***Executive Summary*..... 1**

***SECTION 1 - Introduction*..... 1-1**

1.1 - Project Location..... 1-1

1.2 - Project Description..... 1-1

1.3 - Purpose, Goals, and Objectives ..... 1-4

***SECTION 2 - Methods*..... 2-1**

2.1 - Definition of Biological Study Area ..... 2-1

2.2 - Definition of Special-Status Species..... 2-1

2.3 - Literature Review and Database Analysis..... 2-3

2.4 - Reconnaissance-Level Field Survey..... 2-4

2.5 - Protocol-Level Floristic Surveys ..... 2-4

2.6 - Additional Surveys..... 2-5

***SECTION 3 - Regulatory Setting*..... 3-1**

***SECTION 4 - Environmental Setting*..... 4-2**

4.1 - Physical Characteristics..... 4-2

    4.1.1 - Topography ..... 4-2

    4.1.2 - Climate..... 4-2

    4.1.3 - Land Use ..... 4-2

    4.1.4 - Soils..... 4-3

    4.1.5 - Hydrology..... 4-3

4.2 - Vegetation and Other Land Cover..... 4-3

    4.2.1 - Desert Scrub ..... 4-7

    4.2.2 - Alkali Desert Scrub ..... 4-7

4.3 - General Wildlife Observations ..... 4-8

***SECTION 5 - Sensitive Biological Resources*..... 5-11**

5.1 - Special-Status Species ..... 5-11

    5.1.1 - Special-Status Plant Species..... 5-13

    5.1.2 - Other Protected Plant Species..... 5-14

    5.1.1 - Special-Status Animal Species..... 5-15

    5.1.2 - Other Protected Wildlife Species ..... 5-22

5.2 - Sensitive Natural Communities ..... 5-22

    5.2.1 - Sensitive Communities..... 5-22

    5.2.2 - Critical Habitats ..... 5-22

5.3 - Jurisdictional Aquatic Resources ..... 5-23

5.4 - Wildlife Movement ..... 5-23

5.5 - Resources Protected by Local Policies and Ordinances ..... 5-23

5.6 - Habitat Conservation Plans, Natural Community Conservation Plans, or Recovery  
Plans ..... 5-23

***SECTION 6 - Impact Analysis and Recommended Mitigation Measures..... 6-1***

6.1 - Special-Status Species .....6-1

    6.1.1 - Project Impacts to Special-Status Plant Species.....6-1

    6.1.2 - Project Impacts to Special-Status Animal Species.....6-4

6.2 - Sensitive Natural Communities and Critical Habitat..... 6-12

6.3 - Jurisdictional Aquatic Resources ..... 6-13

6.4 - Wildlife Movement ..... 6-13

6.5 - Local Policies and Ordinances..... 6-13

6.6 - Adopted or Approved Plans..... 6-13

***SECTION 7 - Limitations, Assumptions, and Use Reliance ..... 7-1***

***SECTION 8 - References..... 8-1***

***SECTION 9 - List of Preparers..... 9-1***

Appendices

Appendix A Special-Status Species Evaluation Table

Appendix B Regulatory Setting

Appendix C Representative Photographs

Appendix D Plants and Wildlife Observed within the Biological Survey Area

List of Figures

Figure 1-1 Regional Map ..... 1-1  
Figure 1-2 Project Site..... 1-2  
Figure 2-1 Biological Study Area..... 2-2  
Figure 4-1 NHD and NWI Map ..... 4-4  
Figure 4-2 FEMA Flood Zone Map ..... 4-5  
Figure 4-3 California Wildlife Habitat Relationships ..... 4-6  
Figure 4-4 Small Mammal Burrows Present in BSA ..... 4-9  
Figure 4-5 Potential Desert Kit Fox Den Present in BSA ..... 4-10  
Figure 5-1 Silver Cholla Present in BSA ..... 5-16

List of Tables

Table 5-1 Special-Status Species with Potential to Occur On-Site ..... 5-11

## **ACRONYMS AND ABBREVIATIONS**

|       |   |
|-------|---|
| AMSL  | Above Mean Sea Level                            |
| APN   | Assessor Parcel Number                          |
| BAR   | Biological Analysis Report                      |
| BIOS  | Biogeography Information and Observation System |
| BSA   | Biological Study Area                           |
| CDFW  | California Department of Fish and Wildlife      |
| CEC   | California Energy Commission                    |
| CEQA  | California Environmental Quality Act            |
| CESA  | California Endangered Species Act               |
| CFGF  | California Fish and Game Code                   |
| CNDDB | California Natural Diversity Database           |
| CNDPA | California Native Desert Plants Act             |
| CNPS  | California Native Plant Society                 |
| CRPR  | California Rare Plant Rank                      |
| CUP   | Conditional Use Permit                          |
| CWHR  | California Wildlife Habitat Relationships       |
| DOC   | Department of Conservation                      |
| EIR   | Environmental Impact Report                     |
| FEMA  | Federal Emergency Management Agency             |
| FESA  | Federal Endangered Species Act                  |
| HCP   | Habitat Conservation Plan                       |
| IPaC  | Information for Planning and Consultation       |
| LAFCo | Local Agency Formation Commission               |
| MBTA  | Migratory Bird Treaty Act                       |
| M-2   | Medium Industrial                               |
| MDB&M | Mount Diablo Base and Meridian                  |
| MW    | mega watt                                       |
| NEPA  | National Environmental Policy Act               |
| NHD   | National Hydrography Dataset                    |
| NRCS  | Natural Resources Conservation Service          |
| NWI   | National Wetlands Inventory                     |
| PD    | Precise Development Combining                   |
| POI   | Point of Interconnection                        |
| RWQCB | Regional Water Quality Control Board            |
| SCE   | Southern California Edison                      |
| SPPE  | Small Power Plant Exemption                     |
| SOI   | Sphere of Influence                             |
| SR    | State Route                                     |
| USFWS | U.S. Fish and Wildlife Service                  |
| USGS  | U.S. Geological Survey                          |
| WRCC  | Western Regional Climate Center                 |

## EXECUTIVE SUMMARY

The Biological Analysis Report (BAR) evaluates the potential for sensitive biological resources to be impacted by the proposed RB Inyokern Data Center Project (Project). The Project is located in the eastern high desert region of Kern County in the unincorporated community of Inyokern, California. The Project, as proposed, would develop an approximately 50-acre site with a 24/7 continuously operational 99 megawatts (MW) Tier III data center and associated infrastructure, including a new Southern California Edison (SCE) substation that interconnects to SCE's Inyokern Substation to the east of the data center facility. The data center would be approximately 238,000 square feet, single-story, with a maximum 30 feet height and would contain six modular data suites. The project utilizes dual-sided electrical and mechanical systems for concurrent maintainability, high energy efficiency and redundancy.

QK biologists conducted reconnaissance surveys of the Project site in August and November 2025. The surveys were conducted to document current site conditions, evaluate potential biological resources onsite, and determine the suitability of the habitat to support special-status plant and wildlife species that may occur on the Project site. Database reviews were conducted to determine the potential for special-status species and other sensitive biological resources that may occur on-site that could be impacted by the Project.

The database reviews identified thirteen special-status plant species and sixteen special-status wildlife species having the potential to be on or near the Project site. Based on these database reviews, on-site reconnaissance surveys, and environmental conditions such as soil type, elevation, historical range, and other factors, it was determined that three special-status plant species, Barstow woolly sunflower (*Eriophyllum mohavense*), Charlotte's phacelia (*Phacelia nashiana*) and Latimer's woodland-gilia (*Saltugilia latimeri*) and eleven special-status wildlife species, Crotch's bumble bee (*Bombus crotchii*), desert tortoise (*Gopherus agassizii*), golden eagle (*Aquila chrysaetos*), Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Athene cunicularia* ssp. *hypugaea*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), LeConte's thrasher (*Toxostoma lecontei*), American badger (*Taxidea taxus*), desert kit fox (*Vulpes macrotis arsipus*) and Mohave ground squirrel (*Xerospermophilus mohavensis*), have the potential to occur on-site.

Direct and indirect impacts to biological resources without implementation of avoidance and minimization measures could include direct injury to or mortality of individual special-status species and interference with normal wildlife behaviors. Potential indirect impacts without implementation of avoidance and minimization measures could include loss of special-status species and/or foraging habitat. Nesting migratory birds may be impacted if Project construction activities occur during the nesting season. The Project is not expected to substantially impact wildlife movement corridors or jurisdictional aquatic resources and would not conflict with local policies, ordinances, or conservation plans. Due to the potential presence of special-status wildlife species, avoidance and minimization measures are

recommended, which, when implemented, would reduce Project impacts to biological resources to less-than-significant levels.

## **SECTION 1 - INTRODUCTION**

QK prepared this Biological Analysis Report (BAR) to evaluate the potential for sensitive biological resources to be impacted by the proposed RB Inyokern Data Center Project (Project). QK reviewed readily available technical documents and agency-maintained databases for sensitive biological resources and assessed biological conditions throughout the Project during an on-site reconnaissance survey. The results of the desktop research and field surveys are summarized in this BAR, which provides the technical basis for the analysis of potential impacts to biological resources that may result from the construction, operation, and maintenance of the Project.

### **1.1 - Project Location**

The Project site is located in the eastern high desert region of Kern County in the unincorporated community of Inyokern, California (Figure 1-1). The proposed Project is located on State Route (SR) 178, between SR 395 to the east and Brown Road to the west (Project site; Figure 1-2). The proposed Project is located north of SR 178, while the gen-tie route and SCE substation point of interconnection (POI) are located south of SR 178. The Project site consists of four separate accessor parcel numbers (APN 084-010-43, -44, -45, and -47) under ownership of the Project proponent. The POI that interconnects to Southern California Edison's (SCE) Inyokern Substation to the east of the Project site is proposed on APN 084-010-48. The proposed Project can be found within Section 29, Township 26 South, Range 39 East, Mount Diablo Base and Meridian (MDB&M).

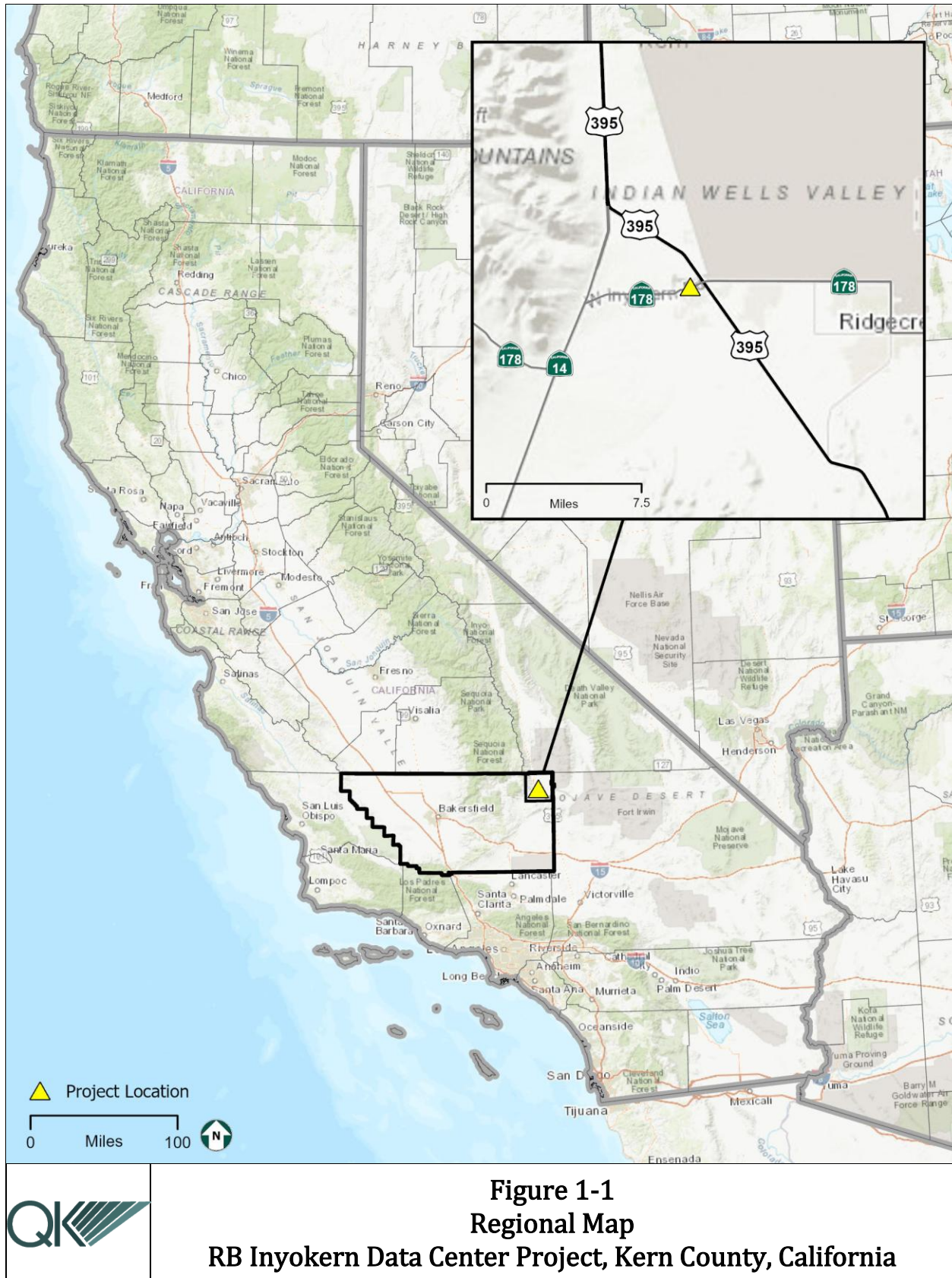
Forest, parkland, and preserve areas in the vicinity of the BSA include the Sequoia and Kings Canyon National Parks, located approximately 20 miles northwest. The Naval Air Weapons Station-China Lake military installation is located approximately 0.4 miles northeast of the BSA.

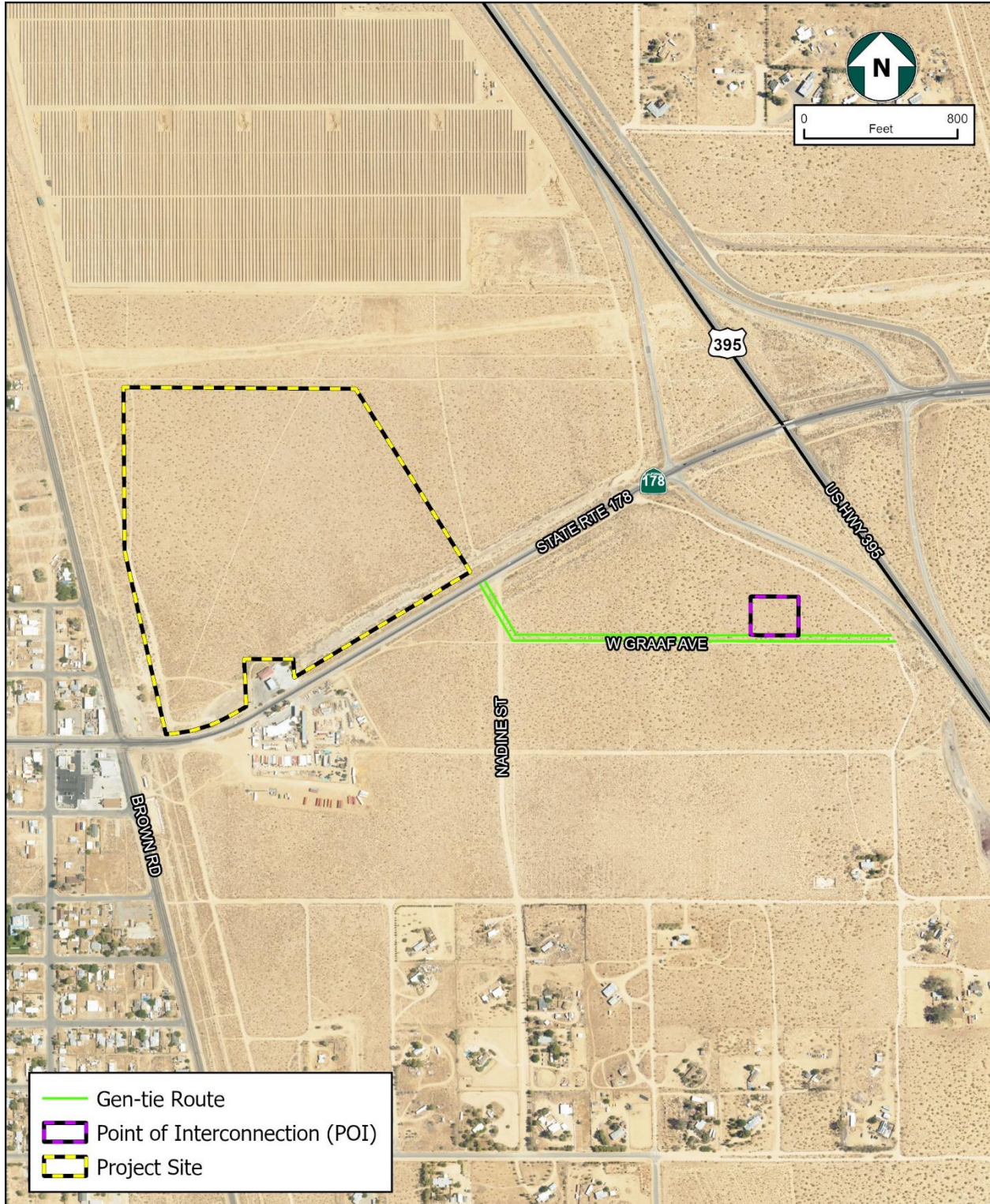
As more particularly described in this section, the trapezoid-shaped Project Site is bounded by SR 178 along the southern property line, Brown Road along the western perimeter, a 100' wide utility easement (of which a 138' wide area running west to east is degraded by vehicular use) and the RB Inyokern Solar Project along the northern boundary, and a utility easement and set back line around the entire Project Area.

### **1.2 - Project Description**

The Project, as proposed by R & L Capital, Inc., would develop an approximately 50-acre site with a 24/7 continuous operational 99 megawatts (MW) Tier III data center and associated infrastructure, including a new substation that interconnects to SCE's Inyokern Substation to the east of the data center facility (Project). The data center would be approximately 238,000 square feet, single-story, with a maximum height of 30 feet, and would contain six modular data suites. The project will be constructed in three phases (35 MW, 70 MW, and 99 MW) and will utilize dual-sided electrical and mechanical systems for concurrent maintainability and high energy efficiency.

The Project site is located within the Sphere of Influence (SOI) of the Inyokern Community Services District (Inyokern CSD, District) boundaries and is requesting annexation into the District boundaries in order to serve the Project with water and sewer services.





**Figure 1-2**  
**Project Site**  
**RB Inyokern Data Center Project, Kern County, California**

The subject parcel is zoned M-2 PD (Medium Industrial, Precise Development Combining) and pursuant to Section 19.08.085 of Kern County Zoning Ordinance, the Planning Director may authorize the filing of a conditional use permit application to allow for the establishment of a use not expressly authorized as a permitted or conditionally permitted uses of the M-2 Zoning District (M-2) pursuant to the provisions of Chapter 19.104, subject to approval of a Conditional Use Permit (CUP).

An Environmental Impact Report (EIR) has been prepared for the California Energy Commission (CEC), which is the California Environmental Quality Act (CEQA) Lead Agency, to identify and evaluate potential environmental impacts associated with implementation of the RB Inyokern Data Center (Project, RBIDC) proposed by R & L Capital, Inc. (project proponent/operator). The EIR serves as part of an application for a Small Power Plant Exemption (SPPE Application) pursuant to Public Resources Code Section 25541 and Section 1934 et seq. of the CEC regulations. The design balances grid-fed reliability with diesel-based backup emergency power and is consistent with CEC requirements for SPPE under Title 20 CCR § 1936.

The following discretionary actions are required for the proposed development:

- Small Power Plant Exemption (SPPE Application) pursuant to Public Resources Code Section 25541 and Section 1934 et seq. of the CEC
- Annexation Approval by Kern County Local Agency Formation Commission (LAFCo) into the Inyokern CSD.
- Conditional Use Permit (CUP) for a use not listed pursuant to Section 19.08.085 of Kern County Zoning Ordinance.
- Approval by the Kern County Planning Department for the proposed lot line adjustment.
- Approval by the Kern County Board of Supervisors to amend the Inyokern Specific Plan to eliminate a future secondary collector (90-foot ROW).

Associated infrastructure includes the following components:

### **General Infrastructure**

- 238,000 square feet, 30 feet in height, data center facility.
- 17,325 square feet administration office with offices, employee facilities, and loading docks.
- Internal one-way circulation roadway network, including curb, gutter, and sidewalks.
- Adequate parking on-site [155 9 feet x 20 feet, 6 ADA (including 1 ADA Van), 25 EV spaces (including 18 installed with EV chargers)].
- External security lighting features.
- Landscaping, including trees to meet Kern County requirements.
- An administration office that includes water and sewer services provided by the Inyokern CSD, an industrial septic system, and an on-site groundwater well and water treatment system for a backup water source.

- Stormwater drainage system.

### **Power Systems**

- Emergency backup uninterruptible power system (UPS) that is supported by two areas of 20 2.75MW diesel-fueled generators, with battery storage capacity.
- Six 300,000-gallon fuel storage tanks for renewable or low-sulfur diesel for generators with 72-hour capacity on-site storage.
- Two switchgear yards.
- New substation with 115 kV SCE feed, 2×60/80/100 MVA transformers (delta-wye).
- Rooftop and parking cover-mounted solar panels.

### **Water and Cooling Systems**

- Primary water source is municipal.
- Two 142,000-gallon and two 52,000-gallon water storage tanks for supplemental and fire suppression water supply.
- Hybrid (high and low temperature) cooling towers and chillers that utilize recycled water.
- Humidification system to manage data center and tower discharge network of variable refrigerant flow (VRF) split-system air conditioners for office, loading zones, storage rooms, and corridors.

### **Construction**

Construction of the proposed data center project is anticipated to begin in 2027 and would require approximately 48 months to complete, based on the integrated construction schedule for site development, structural work, major mechanical and electrical installation, data hall buildout, and commissioning activities. Construction activities for the proposed project are generally organized into the following major categories:

- Site preparation and infrastructure development.
- Structural and building shell construction.
- Mechanical, electrical, and data hall systems installation, followed by commissioning and closeout.

### **1.3 - Purpose, Goals, and Objectives**

The purpose of this BAR is to identify where potential special-status biological resources may occur within the Project site, determine how those resources may be impacted by the proposed Project, and recommend avoidance, minimization, and mitigation measures to reduce the potential for impact to a less-than-significant level. This BAR has been prepared to support an analysis of biological conditions as required by CEQA. Information contained in this BAR would, at least partially, support an analysis of project effects required by the National Environmental Policy Act (NEPA) and support regulatory permit applications, if needed.

## **SECTION 2 - METHODS**

### **2.1 - Definition of Biological Study Area**

The Biological Study Area (BSA) used for this BAR includes everything within the limits of the Project site and a 250-foot survey buffer around the Project site, where feasible (Figure 2-1).

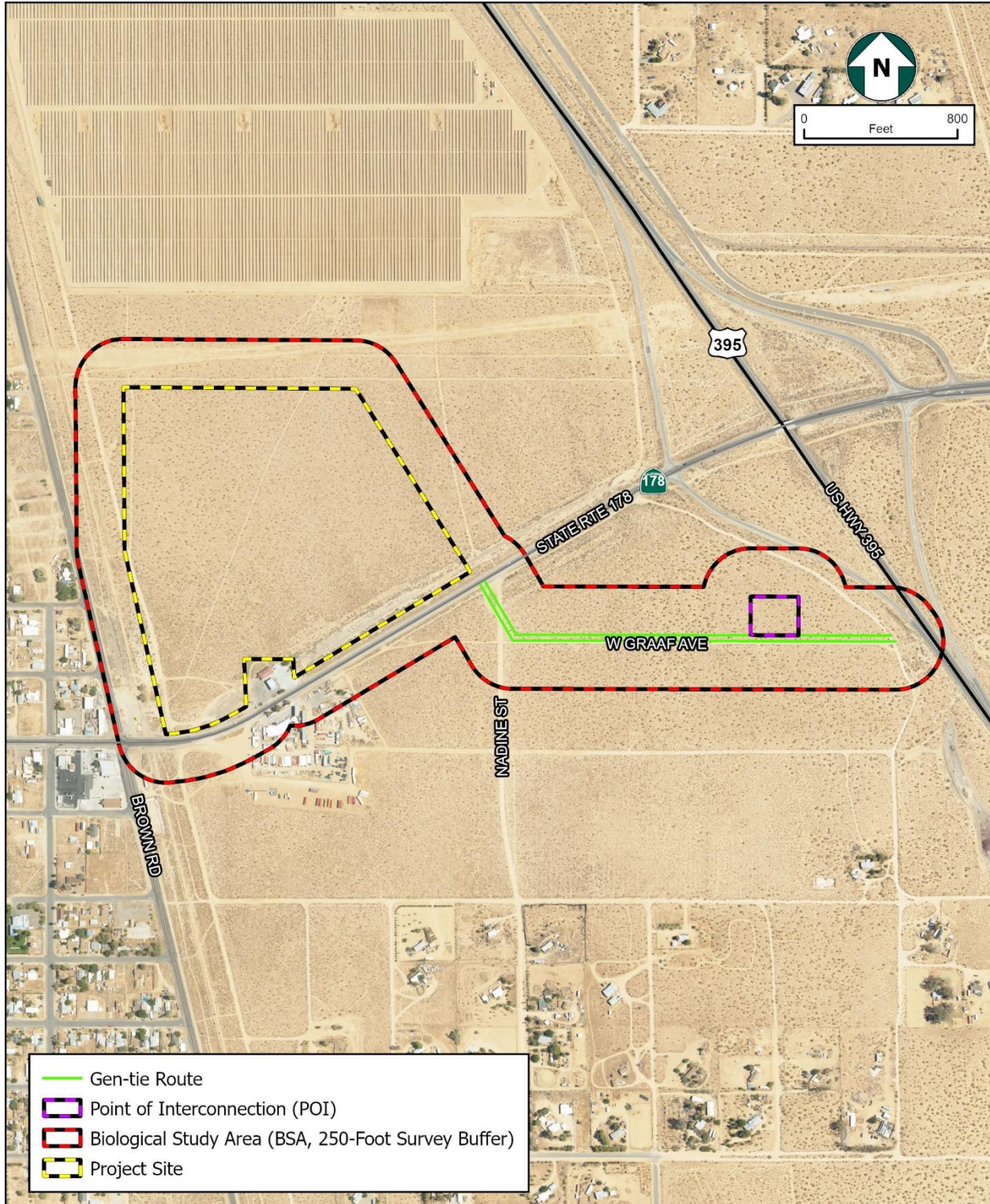
### **2.2 - Definition of Special-Status Species**


For the purpose of this report, special-status species include:

- Species listed as threatened or endangered under the Federal Endangered Species Act (FESA); species that are under review may be included if there is a reasonable expectation of listing within the life of the Project.
- Species listed as candidate, threatened, or endangered under the California Endangered Species Act (CESA).
- Species designated as Fully Protected, Species of Special Concern, or Watch List by the California Department of Fish and Wildlife (CDFW).
- Other species included on the CDFW's Special Animals List.
- Plant species with a California Rare Plant Rank (CRPR) in categories 1 or 2.
- Species designated as locally important by the Local Agency and/or otherwise protected through ordinance or local policy.

The potential for each special-status species to occur in the BSA was evaluated according to the following criteria:

- **No Potential.** Habitat on and adjacent to the Project is clearly unsuitable to meet the needs of the species (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime), and the species would have been identifiable on-site if present.
- **Potential.** Conditions on the Project may, in some way, support a portion of the species' ecology (foraging, reproduction, movement/migration). Negative survey results do not exclude the potential for a species to occur.
- **Present.** Species or diagnostic sign of the species were observed on the Project or have been recorded (e.g., databases, other reports) on the Project recently (within the last five years).



 **Figure 2-1**  
**Biological Study Area**  
**RB Inyokern Data Center, Kern County, California**

### 2.3 - Literature Review and Database Analysis

The following sources were reviewed to obtain available information on sensitive biological resources in the Project vicinity:

- CDFW's California Natural Diversity Database (CNDDDB; CDFW 2025a; CDFW 2025b).
- CDFW's Biogeographic Information and Observation System (BIOS; CDFW 2025c).
- CDFW's California Wildlife Habitat Relationships (CWHR) System (Mayer and Laudenslayer 1988).
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2025).
- Calflora (Calflora 2025).
- U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) system (USFWS 2025a).
- USFWS Critical Habitat Mapper (USFWS 2025b).
- USFWS National Wetlands Inventory (NWI; USFWS 2025c).
- United States Geological Survey (USGS) National Hydrography Dataset (NHD; USGS 2025).
- Federal Emergency Management Agency (FEMA) flood zone maps (FEMA 2025).
- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2025a).
- NRCS Lists of Hydric Soils (NRCS 2025b).
- eBird Explore (eBird 2025).
- VertNet (VertNet 2025).
- Current and historical aerial imagery from Google Earth (Google LLC 2025).

All State and federal data sources listed above focused on the California USGS 7.5-minute quadrangle *Inyokern* in which the Project is located, and the surrounding eight quadrangles: *Ridgecrest North*, *Ridgecrest South*, *White Hills*, *Inyokern SE*, *Owens Peak*, *Pearsonville*, *Ninemile Canyon*, and *Freeman Junction*.

The CNDDDB provides element spatial information on the individually documented occurrences of special-status species and sensitive natural communities. Some of the information available for review in the CNDDDB is still undergoing review by the CDFW; those records are identified as unprocessed data. The CNPS database and Calflora provide similar information to the CNDDDB, but at a much lower spatial resolution. Much of the information in those databases is obtained opportunistically and is often focused on protected lands or on lands where development has been proposed. Neither database represents a comprehensive survey of special-status resources in the region. As such, the absence of recorded occurrence in those databases at any specific location does not preclude the possibility that a special-status resource may be present, which is why site-specific surveys were undertaken. The IPaC and CDFW's special-status animals list provides only lists of species that could occur in the region, with no specific records of occurrence. The NWI, NDH, and Web Soil Survey provide comprehensive spatial data, but at a low resolution that requires confirmation in the field.

The results of the database inquiries were reviewed to develop a comprehensive list of sensitive biological resources that may be present on or in the vicinity of the Project site (see Table A-1 in Appendix A). This list was then evaluated against existing site conditions observed during the biological field surveys of the BSA to determine which special-status resources have the potential to occur, and then the potential for impacts to those resources as a result of the implementation of the Project was analyzed.

## **2.4 - Reconnaissance-Level Field Survey**

A reconnaissance survey of the BSA was conducted on August 26, 2025, by QK Biologists Karissa Denney and Eric Madueno. An additional survey was conducted on November 6, 2025, by QK Biologists Eric Madueno, Dylan Burkey, and Kelli Baldwin, to survey the gen-tie and POI area. The surveys consisted of walking meandering pedestrian transects spaced 50 to 100 feet apart throughout the BSA to achieve 100 percent coverage of the Project site. Areas inaccessible to the surveyor, either due to a physical barrier or unauthorized access, were surveyed with high-powered binoculars.

Tasks completed during the survey included developing an inventory of plant and wildlife species observed, characterizing vegetation associations and habitat conditions, assessing the potential for federally and State-listed and special-status plant and wildlife species to occur, assessing the potential for bat usage habitat, and assessing the potential for migratory bird and raptor nesting within the BSA. All spatial data were recorded using ESRI Collector for ArcGIS software installed on an iPad, and site conditions were documented with representative photographs.

## **2.5 - Protocol-Level Floristic Surveys**

The BSA was evaluated for the presence of special-status plant species using standard methods described in Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018a). Three protocol-level floristic surveys were conducted on the BSA in 2024. Two surveys were conducted on the parcel containing the proposed data center on April 8 and May 10, 2024. One survey was conducted on the parcel containing the gen-tie route and POI on March 29, 2024.

The surveys consisted of walking meandering pedestrian transects spaced 30 to 100 feet apart over the entire Project and the 250-foot buffer, where feasible. One hundred percent coverage of the Project footprint was achieved. Portions of the buffer fell on private property where access was not permitted, and these areas were visually surveyed with the aid of binoculars. The intent of the surveys was to identify and record all plant communities and plant species. Special-status species were photographed, and their location was documented using ESRI Collector for ArcGIS installed on an iPad.

The literature and database search, along with 2024 floristic surveys, provide a comprehensive evaluation of the potential for special-status plant species within the BSA.

## **2.6 - Additional Surveys**

QK has conducted multiple surveys in the general vicinity of the BSA, including the solar site located approximately 500 feet north of the BSA and the SCE Inyokern substation located east of the BSA across SR 395 (QK 2023). Surveys conducted included pre-activity surveys for desert tortoise, western burrowing owl, desert kit fox, and Mohave ground squirrel. Desert tortoise and Mohave ground squirrel surveys were conducted by authorized desert tortoise and Mohave ground squirrel QK biologists Jeff Erway and Curtis Uptain.

### **SECTION 3 - REGULATORY SETTING**

Regulated or sensitive resources that were studied and analyzed include special-status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement areas, and locally protected resources such as protected trees. Regulatory authority over biological resources is shared by federal, State, and local authorities. Primary authority for the regulation of general biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the Kern County General Plan).

Regulation of biological resources on the site derives from the following list of statutes and guiding plans. Summaries of these statutes are provided in Appendix B. The significance of impacts to biological resources for purposes of CEQA was determined in the context of the Public Resources Code Section 21000 et seq.

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (FESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act
- Kern County General Plan
- Inyokern Specific Plan
- Indian Wells Valley Land Management Plan
- Desert Renewable Energy Conservation Plan
- California Desert Native Plants Act (CDNPA)

## **SECTION 4 - ENVIRONMENTAL SETTING**

This section identifies the regional and local environmental setting of the Project and describes existing baseline conditions. The environmental setting of the BSA was obtained from various sources of literature, databases, and aerial photographs. Site conditions were verified and refined based on observations made during the biological surveys described in Section 3.

### **4.1 - Physical Characteristics**

The BSA is situated on the western perimeter of the Mojave Desert, in the community of Inyokern in northeastern Kern County. The Project would develop 50 acres of property, consisting of private, undeveloped land. The BSA is not designated by the California Department of Conservation (DOC) as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The DOC designates the Project site as non-agricultural and natural vegetation, and semi-agricultural and rural commercial land. No lands within the Project site are subject to a Williamson Act Land Use contract. Physical characteristics of the Project site are described below. Representative photographs of the Project site and surrounding area are included in Appendix C.

#### **4.1.1 - TOPOGRAPHY**

The topography of the BSA is generally flat, although the terrain is slightly more variable where anthropogenic disturbances have occurred (i.e., OHV roads) or have influenced drainage patterns. The topography gently slopes from south to north, with an elevation that ranges between 2,435 and 2,416 feet above mean sea level (AMSL). The foothills of the Sierra Nevada Mountain Range are approximately four miles west of the BSA, while the El Paso Mountain Range is approximately six miles to the south.

#### **4.1.2 - CLIMATE**

The region in which the BSA is located is characterized by a typical desert climate, with hot, dry, windy summers and mild, dry winters. Average high temperatures range from 59.7°F in December to 102.7°F in July, and it is not uncommon for temperatures to exceed 100.0°F during the summer (WRCC 2025). Average low temperatures range from 30.2°F in December to 66.2°F in July. Precipitation events are variable from year to year, with an average of 4.17 inches of rain falling mainly between December and March, although the region is known to experience sudden thunderstorms in the summer months.

#### **4.1.3 - LAND USE**

The BSA is located on undeveloped, privately-owned land in the community of Inyokern. Existing development in the Project vicinity includes a gas station/convenience store and hardware store with outdoor storage to the south, undeveloped land to the north and east, and Brown Road and single-family residences to the west. Representative photographs of the BSA are included in Appendix C.

#### **4.1.4 - SOILS**

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS 2025) Web Soil Survey database contains no digital data for the region in which the BSA is located. In general, the BSA is underlain by sandy soils, which are characteristic of arid, desert environments and often formed in alluvium (sediments deposited by water) and windblown deposits from mixed sources.

#### **4.1.5 - HYDROLOGY**

The BSA is in the Grapevine Canyon watershed of the South Lahontan Hydrologic Region (HUC 12-180902050704; USGS 2025). Drainage for most of the watershed in the region is internal, which accounts for the presence of many dry lakebeds or playas in the region. Most of the perennial rivers are in the northern portion of this hydrologic region. These include the Owens River and Rush Creek in the north. In the south, the Mojave and Amargosa Rivers are present but typically dry for most of the year.

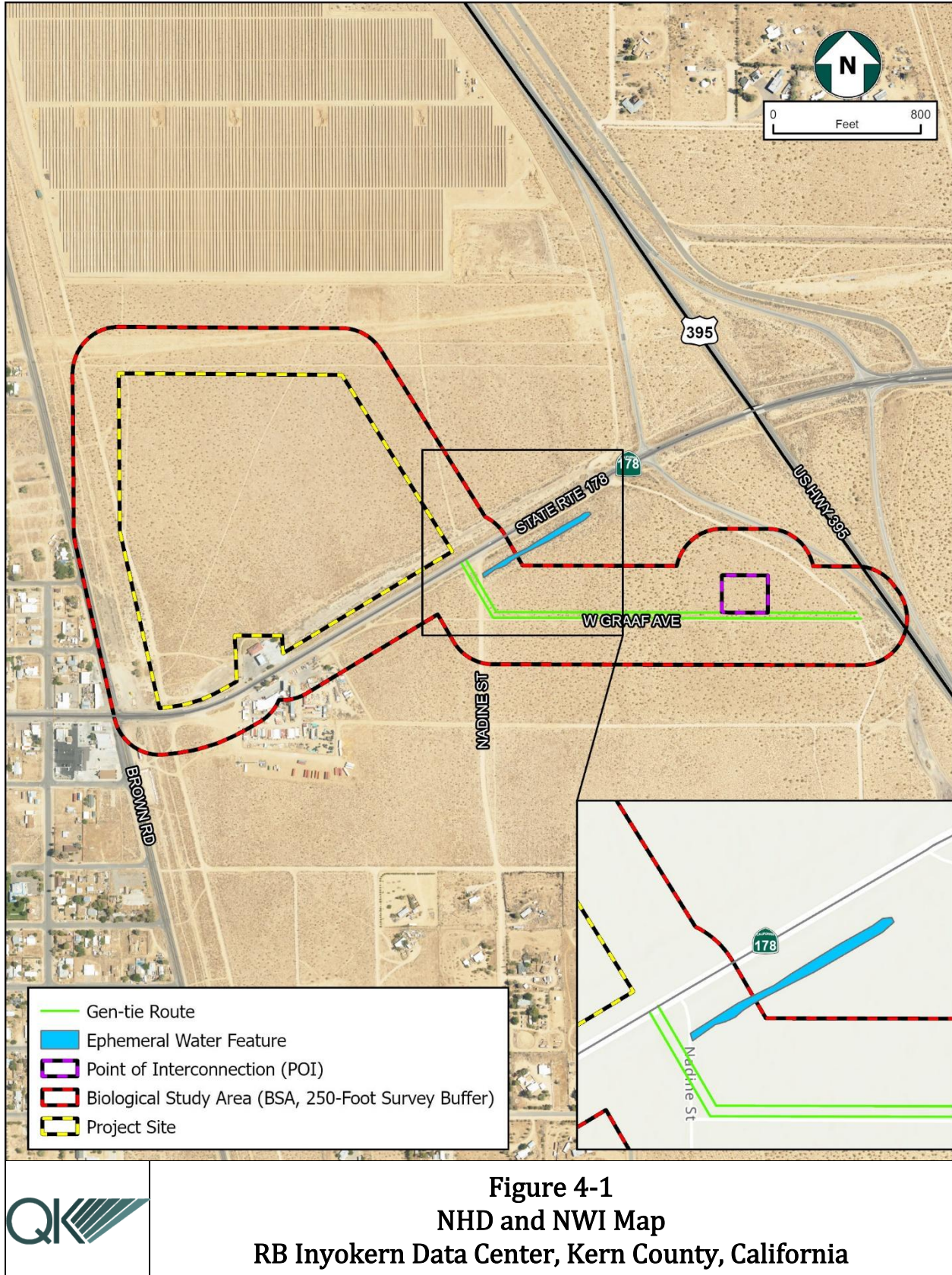
The National Hydrography Dataset (NHD) and the National Wetland Inventory (NWI) databases did not identify any water feature present in the BSA. During the survey, one water feature was identified in the BSA near the gen-tie route (Figure 4-1). The water feature did not contain any water, but indicators of water flow, including soil cracks, bed and bank, and a change in vegetation type, were present. The gen-tie route will not cross or impact the water feature.

Thirteen features were identified within one mile north of the Project site. Twelve of the thirteen features are existing “freshwater ponds” (i.e., PUSK or PUBK) located on the Inyokern Waste Water Treatment Plant operated and maintained by the Inyokern Community Services District. The remaining feature is an unnamed intermittent stream that is bisected by State Route 395 and the Inyokern Waste Water Treatment Plant. None of these features will be crossed or impacted by the Project.

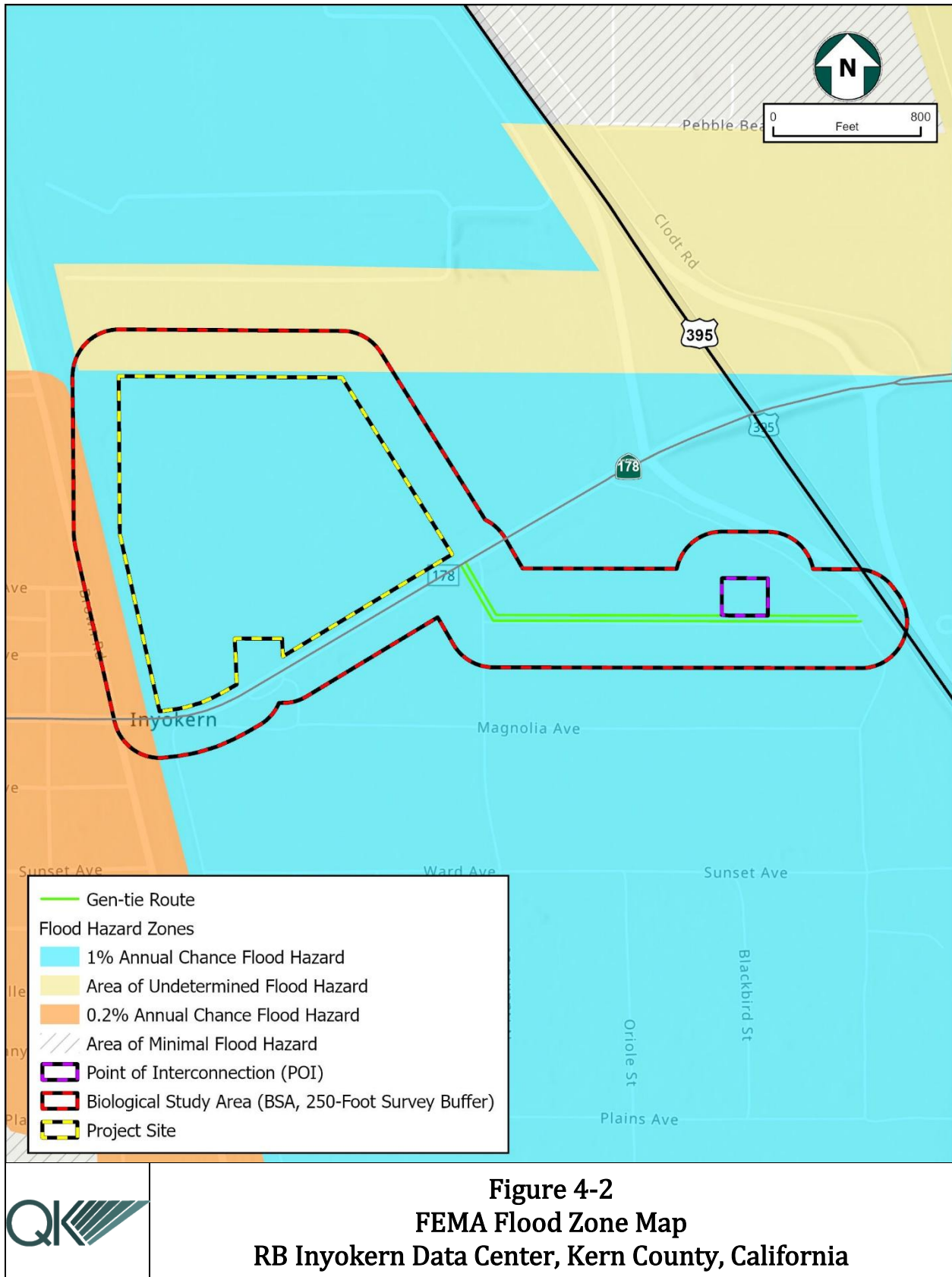
The BSA is almost entirely in an area of one percent Annual Chance Flood Hazard as designated by FEMA, and a small portion on the western boundary of the BSA is within a 0.2 percent Annual Chance Flood Hazard, and a small portion of the northern boundary is within an area of Undetermined Flood Hazard (FEMA 2025, Figure 4-2).

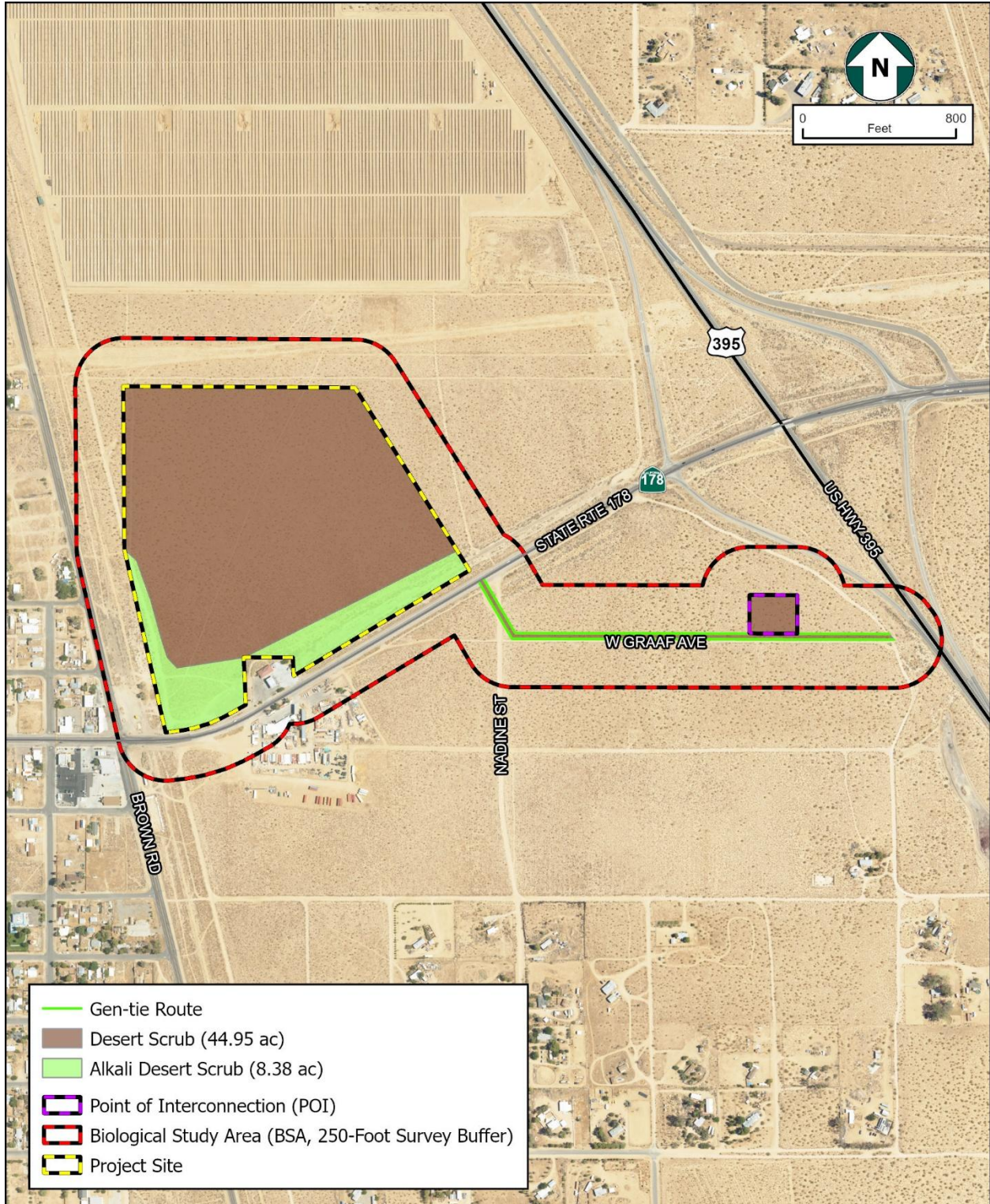
## **4.2 - Vegetation and Other Land Cover**

Based on descriptions of the habitat classification system in the CWHR (Mayer and Laudenslayer 1988), two habitat types, Desert Scrub and Alkali Desert Scrub, were present within the BSA (Figure 4-3). The most prevalent habitat type within the BSA was Desert Scrub, which covers approximately two-thirds of the BSA. A complete list of plant species observed during the reconnaissance surveys is included in Appendix D.



**Figure 4-1**  
**NHD and NWI Map**  
**RB Inyokern Data Center, Kern County, California**





**Figure 4-3**  
**California Wildlife Habitat Relationships**  
**RB Inyokern Data Center, Kern County, California**



#### 4.2.1 - DESERT SCRUB

Mayer and Laudenslayer (1988) describe Desert Scrub as a shrub dominated habitat typically consisting of open, scattered assemblages of broad-leaved evergreen or deciduous microphyll shrubs rarely exceeding three meters (10 feet). Creosote bush (*Larrea tridentata*) is often considered a dominant species owing primarily to its tall stature rather than density. Other species occurring in this habitat include catclaw acacia (*Senegalia greggii*), desert agave (*Agave deserti*), coastal bladderpod (*Cleomella arborea*), white brittlebush (*Encelia farinosa*), white bursage (*Ambrosia Dumosa*), desert globemallow (*Sphaeralcea ambigua*), and rubber rabbitbrush (*Ericameria nauseosa*). Desert Scrub supports a variety of wildlife species. The presence of standing water in winter and the growth of herbaceous plants in spring provide foraging areas and food for species typically reptiles and rodents. Common species include Couch's spadefoot toad (*Scaphiopus couchi*), desert tortoise, a variety of lizards and snakes, including the desert iguana (*Dipsosaurus dorsalis*) and common kingsnake (*Lampropeltis getula*), black-throated sparrow (*Amphispiza bilineata*), various pocket mice (*Perognathus* sp.) and kangaroo rats (*Dipodomys* sp.), desert kit fox, coyote (*Canis latrans*), and bobcat (*Lynx rufus*). Desert Scrub habitats are well developed on valley floors and lower bajadas. Soils are well drained and coarse, and salt content in the soil ranges from low to high concentrations of calcium carbonate and other salts, forming a hardpan. Desert Scrub habitats are found throughout the Mojave and Sonoran deserts at suitable elevations, generally below 1,220 m (4,000 feet), but can be found 300 m (1,000 feet) higher on south-facing slopes and occasionally reach higher elevations.

Desert Scrub habitat was present on 44.95 acres of the BSA. Within this habitat type, dominant species include creosote bush, white bursage, and cheesebush (*Ambrosia salsola*). Rubber rabbitbrush was also present in lower quantities. Common understory species were fiddleneck (*Amsinckia* sp.), clavate fruited primrose (*Chylismia claviformis*), buckwheat (*Eriogonum* sp.) goldfields (*Lasthenia californica*), non-native mustards and grasses, and some native grasses. Desert Scrub habitat within the gen-tie route and POI included a higher abundance of allscale (*Atriplex polycarpa*) as opposed to the data center.

#### 4.2.2 - ALKALI DESERT SCRUB

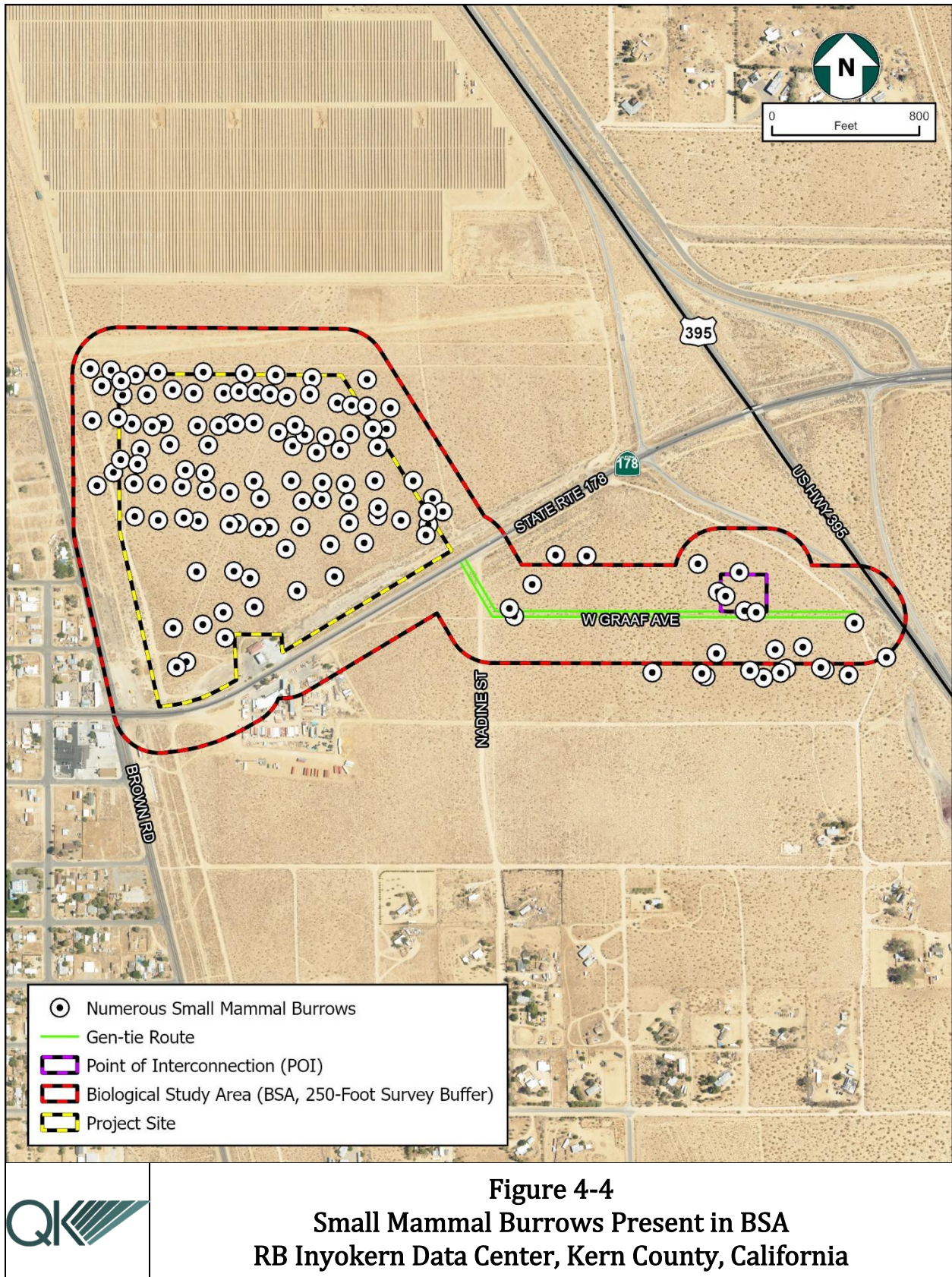
Mayer and Laudenslayer (1988) describe Alkali Desert Scrub as a shrub-dominated habitat that consists primarily of chenopods that are generally subdivided into xerophytic and halophytic phases. Some primary perennial shrub plant species of the xerophytic phase include allscale, desert holly (*Atriplex hymenelytra*), fourwing saltbush (*Atriplex canescens*), Nuttall saltbush (*Atriplex nuttallii*), big saltbush (*Atriplex lentiformis*), Parry saltbush (*Atriplex parryi*), shadscale (*Atriplex condertifolia*), Torrey salt bush (*Atriplex torreyi*), and western Mojave saltbush (*Atriplex spinifera*). Other associated shrubs include sagebrush (*Artemisia* sp.), white bursage (*Ambrosia Dumosa*), creosote bush, Nevada ephedra (*Ephedra nevadensis*), goldenbush (*Ericameria* sp.), Cooper goldenbush (*Ericameria cooperi*), and Shockley goldenhead (*Acamptopappus shockleyi*). The halophytic phase consists of arrowweed (*Pluchea sericea*), black greasewood (*Sarcobatus vermiculatus*), alkali goldenbush (*Isocoma acradenia*), kochia (*Bassia scoparia*), iodinebush

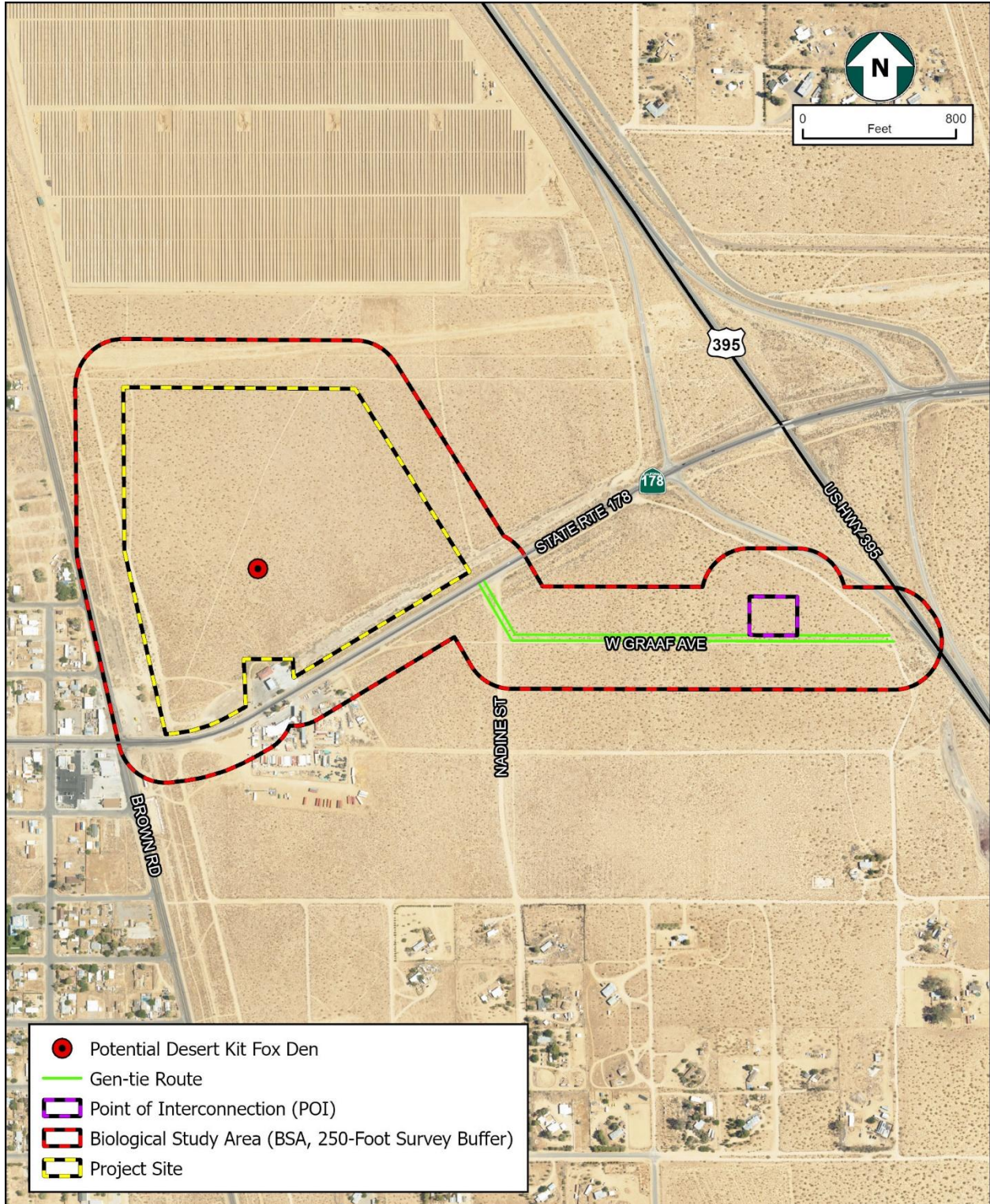
(*Allenrolfea occidentalis*), alkali rubber rabbitbrush, and alkali blite (*Suaeda* sp). Wildlife species characteristic of Alkali Desert Scrub includes the pallid kangaroo mouse (*Microdipodops pallidus*), chisel-toothed kangaroo rat (*Dipodomys microps*), Mohave ground squirrel, zebra-tailed lizard (*Callisaurus draconoides*), long-nosed leopard lizard (*Gambelia wislizenii*), and the San Emigdio blue butterfly (*Plebulina emigdionis*). Alkali Desert Scrub can generally be found surrounding the receding shores of large prehistoric lakes or alkali playas that mark the locations of dry lake beds and mainly occurs throughout the Mojave Desert, parts of the Colorado Desert, parts of the Great Basin, and in the southern San Joaquin Valley. Alkali Desert Scrub ranges from below sea level in Death Valley to over 5,900 feet in some Great Basin locations to 1825 m (6,000 ft).

Alkali Desert Scrub habitat was present on 8.38 acres of the BSA. Dominant species include allscale, burrobush, and cheesebush. Common understory species were white bursage, buckwheat, non-native mustard and grasses, and some native grasses.

### **4.3 - General Wildlife Observations**

Wildlife occurring within the BSA was typical for undeveloped areas of the western Mojave Desert. Bird species included common raven (*Corvus corax*), horned lark (*Eremophila alpestris ammophila*), and house finch (*Haemorhous mexicanus*). Mammal species included black-tailed jackrabbit (*Lepus californicus*), white-tailed antelope squirrel (*Ammospermophilus leucurus*). Reptile species included common-side-blotched lizard (*Uta stansburiana*), and western whiptail (*Aspidoscelis tigris*). One potential desert kit fox den and numerous small mammal burrows were present on the BSA (Figure 4-4 and Figure 4-5). The potential fox den did not show habitation (i.e., no tracks, scat, or prey remains). Approximately 306 small mammal burrows had a width of 2.8 to 3.7 inches, which is the suitable size to support Mohave ground squirrel (LaRue 2015, Leitner 2014), were identified throughout the BSA. Figure 4-4 depicts the locations of these potential Mohave ground squirrel burrows. Each point represents 1 to 15 potential burrows within a 50-foot radius. A list of wildlife observed during the field survey is provided in Table D-1 of Appendix D.





**Figure 4-5**  
**Potential Desert Kit Fox Den Present in BSA**  
**RB Inyokern Data Center, Kern County, California**



## SECTION 5 - SENSITIVE BIOLOGICAL RESOURCES

Local, State, and federal agencies regulate special-status species and other sensitive biological resources and require an assessment of their presence or potential for presence to be on-site prior to the approval of proposed development on a property. This section discusses sensitive biological resources observed within the BSA and evaluates the potential for the BSA to support other sensitive biological resources. Assessments for the potential occurrence of special-status species are based upon known ranges, species habitat preferences, species occurrence records from the CNDDDB, CNPS, IPaC, eBird, VertNet, and species occurrence records from other studies in the survey area, and the results of the survey of the BSA.

### 5.1 - Special-Status Species

Twenty-nine special-status species were identified in the literature and database review that are known or have the potential to occur within the surrounding nine-quadrangles centered on the Project site (Table 5-1; Special-Status Species Evaluation Table in Appendix A). Fourteen of the twenty-nine special-status species were identified as potentially occurring on the Project site and potentially being affected by the Project. Each species is discussed in the subsections below.

**Table 5-1  
Special-Status Species with Potential to Occur On-Site**

| Scientific Name<br>Common Name                           | Status<br>Fed/State ESA<br>CRPR/CDFW | Potentially Affected<br>by Project?<br>Yes/No | Viability<br>Threat?<br>Yes/No |
|--|--------------------------------------|---|--------------------------------|
| <b>Plants</b>  |                                      |   |                                |
| <i>Carlquistia muirii</i><br>Muir’s tarplant             | -/-<br>1B.3/-                        | No  | No                             |
| <i>Deinandra mohavensis</i><br>Mojave tarplant           | -/SE<br>1B.3/-                       | No  | No                             |
| <i>Delphinium purpusii</i><br>rose-flowered larkspur     | -/-<br>1B.3/-                        | No  | No                             |
| <i>Ericameria gilmanii</i><br>Gilman’s goldenbush        | -/-<br>1B.3/-                        | No  | No                             |
| <i>Erigeron aequifolius</i><br>Hall’s daisy              | -/-<br>1B.3/-                        | No  | No                             |
| <i>Eriophyllum mohavense</i><br>Barstow woolly sunflower | -/-<br>1B.2/-                        | Yes   | No                             |
| <i>Layia heterotricha</i><br>pale-yellow layia           | -/-<br>1B.1/-                        | No  | No                             |
| <i>Lomatium shevockii</i><br>Owen’s Peak lomatium        | -/-<br>1B.2/-                        | No  | No                             |
| <i>Monardella beneolens</i><br>sweet-smelling monardella | -/-<br>1B.3/-                        | No  | No                             |
| <i>Nemacladus bellus</i><br>beautiful threadplant        | -/-<br>1B.3/-                        | No  | No                             |
| <i>Phacelia nashiana</i><br>Charlotte’s phacelia         | -/-<br>1B.2/-                        | Yes   | No                             |

| Scientific Name<br>Common Name   | Status<br>Fed/State ESA<br>CRPR/CDFW | Potentially Affected<br>by Project?<br>Yes/No | Viability<br>Threat?<br>Yes/No       |
|--|--------------------------------------|---|--------------------------------------|
| <i>Phacelia novemmillensis</i><br>Nine-Mile Canyon phacelia  | -/-<br>1B.2/-                        | No  | No                                   |
| <i>Saltugilia latimeri</i><br>Latimer's woodland-gilia   | -/-<br>1B.2/-                        | Yes   | No                                   |
| <b>Invertebrates</b>   |                                      |   |                                      |
| <i>Bombus crotchii</i><br>Crotch's bumble bee  | -/SCE<br>-/-                         | Yes   | No                                   |
| <i>Danaus plexippus plexippus</i><br>monarch - California overwintering<br>population                            | FC/-<br>-/-                          | No  | No                                   |
| <b>Fish</b>  |                                      |   |                                      |
| <i>Siphateles bicolor mohavensis</i><br>Mohave tui chub  | FE/SE<br>-/FP                        | No  | No                                   |
| <b>Reptiles</b>  |                                      |   |                                      |
| <i>Anniella campi</i><br>Southern Sierra legless lizard  | -/-<br>-/SSC                         | No  | No                                   |
| <i>Gopherus agassizii</i><br>desert tortoise   | FT/SE<br>-/-                         | Yes   | No                                   |
| <b>Birds</b>   |                                      |   |                                      |
| <i>Aquila chrysaetos</i><br>golden eagle   | -/-<br>-/SFP                         | Yes   | No                                   |
| <i>Athene cunicularia ssp. hypugaea</i><br>western burrowing owl   | -/SCE<br>-/SSC                       | Yes   | No                                   |
| <i>Buteo swainsoni</i><br>Swainson's hawk  | -/ST<br>-/-                          | Yes   | No                                   |
| <i>Falco mexicanus</i><br>prairie falcon   | -/-<br>-/WL                          | Yes   | No                                   |
| <i>Lanius ludovicianus</i><br>loggerhead shrike  | -/-<br>-/SSC                         | Yes   | No                                   |
| <i>Toxostoma lecontei</i><br>LeConte's thrasher  | -/-<br>-/SSC                         | Yes   | No                                   |
| <b>Mammals</b>   |                                      |   |                                      |
| <i>Corynorhinus townsendii</i><br>Townsend's big-eared bat   | -/-<br>-/SSC                         | No  | No                                   |
| <i>Euderma maculatum</i><br>spotted bat  | -/-<br>-/SSC                         | No  | No                                   |
| <i>Taxidea taxus</i><br>American badger  | -/-<br>-/SSC                         | Yes   | No                                   |
| <i>Vulpes macrotis arsipus</i><br>desert kit fox   | -/-<br>-/FBM                         | Yes   | No                                   |
| <i>Xerospermophilus mohavensis</i><br>Mohave ground squirrel   | -/ST<br>-/-                          | Yes   | No                                   |
| <u>CRPR (California Rare Plant Rank):</u>  |                                      | <u>Federal Ranking</u>                        |                                      |
| 1A Presumed Extinct in California  |                                      | FE  | Federally Endangered                 |
| 1B Rare, Threatened, or Endangered in California and elsewhere   |                                      | FT  | Federally Threatened                 |
| 2A Plants presumed extirpated in California, but more common elsewhere   |                                      | FPT   | Federally Proposed Threatened        |
|  |                                      | <u>State Ranking</u>                          |                                      |
| 2B Plants Rare, Threatened, or Endangered in California, but more common elsewhere                               |                                      | FBM   | Furbearing Mammal (CFGC Tit.14 §460) |
|  |                                      | SE  | State Endangered                     |
|  |                                      | ST  | State Threatened                     |
| <u>CRPR Threat Code Extension:</u>   |                                      |   |                                      |
| .1 Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) |                                      | SCE   | State Candidate Endangered           |
|  |                                      | SCT   | State Candidate Threatened           |

| Scientific Name<br>Common Name  | Status<br>Fed/State ESA<br>CRPR/CDFW  | Potentially Affected<br>by Project?<br>Yes/No | Viability<br>Threat?<br>Yes/No |
|---|---|---|--------------------------------|
| .2 Fairly endangered in California (20-80% occurrences threatened)    | SFP   | State Fully Protected                         |                                |
| .3 Not very endangered in California (<20% of occurrences threatened) | SSC   | State Species of Special Concern              |                                |
|   | WL  | State Watch List                              |                                |
|   | <u>Viability Threat:</u><br>Will a species' quality of life be threatened by the development of this project? |   |                                |

**5.1.1 - SPECIAL-STATUS PLANT SPECIES**

Of the thirteen special-status plant species identified in Table 5-1, three species have the potential to occur on the Project site: Barstow woolly sunflower, Charlotte’s phacelia and Latimer’s woodland gila. The Project site does not provide suitable habitat to support Muir’s tarplant, Mojave tarplant, rose-flowered larkspur, Gilman’s goldenbush, Hall’s daisy, pale-yellow layia, Owen’s Peak lomatium, sweet-smelling monardella, beautiful threadplant, Nine Mile Canyon phacelia or Latimer’s woodland-gilia (see Appendix A). Silver cholla (*Cylindropuntia echinocarpa*) and beavertail cactus (*Opuntia basilaris*), are plant species protected under the California Desert Native Plants Act (CDNPA) and have potential to be present on the BSA.

**Barstow woolly sunflower**

*ERIOPHYLLUM MOHAVENSE*

Status: CRPR 1B.2

Barstow woolly sunflower is an annual herb endemic to California that blooms between March and May (CNPS, 2025). It is found in creosote bush scrub, chenopod scrub, Mojavean desert scrub, and playa habitats. It occurs at elevations from approximately 1,640 to 3,150 feet. It is known to occur in Kern, San Bernardino, and Los Angeles counties. This species is threatened by energy development, road improvements, vehicles, and grazing.

This species was not observed during the protocol-level floristic surveys or the reconnaissance surveys conducted within the optimal blooming period for this species (March and May). The BSA is within the known range of the species, and a suitable habitat consisting of desert scrub and alkali sink scrub is present throughout the BSA. There is one CNDDDB occurrence within 10 miles of the BSA. This occurrence (EONDX 111389) is from 2018 and is approximately nine miles southeast of the BSA.

**Charlotte’s phacelia**

*PHACELIA NASHIANA*

Status: CRPR 1B.2

Charlotte’s phacelia is an annual herb endemic to California that blooms from March to June (CNPS, 2025). It usually occurs in granitic or sandy soils within Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. It occurs at elevations from approximately 1,968 to 7,217 feet and is threatened by grazing and mining.

This species was not observed during the protocol-level floristic surveys or the reconnaissance surveys conducted within the optimal blooming period for this species (March to June). The BSA is within the known range of the species, and a suitable habitat consisting of desert scrub is present throughout the BSA. There are 14 CNDDDB occurrences of this species within 10 miles of the BSA. The closest occurrence (EONDX 18227) is approximately 5.0 miles northwest of the BSA.

**Latimer's Woodland Gila****SALTUGILIA LATIMERI**

Status: CRPR 1B.2

Latimer's woodland-gilia is an annual herb endemic to California that blooms from March to June (CNPS, 2025). It is found on rocky or sandy, often granitic, sometimes limestone, substrates and sometimes washes within chaparral, Mojavean desert scrub, or pinyon and juniper woodland. It occurs at elevations from approximately 1,310 to 6,235 feet. There have been few recent observations, and possibly threatened by off-road recreational activities.

This species was not observed during the protocol-level floristic surveys or the reconnaissance surveys conducted within the optimal blooming period for this species (March to June). The BSA is within the known range of the species, and a suitable habitat consisting of desert scrub is present throughout the BSA. There are two CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 60329) is approximately 5.0 miles northwest of the BSA. Suitable habitat is absent from the BSA that could support this species.

**5.1.2 - OTHER PROTECTED PLANT SPECIES****Silver cholla****CYLINDROPUNTIA ECHINOCARPA**

Status: Protected Under California Desert Native Plants Act

Silver cholla is a shrub native to California that blooms between March and June (CNPS, 2025). It is found in creosote bush scrub, pinyon-juniper woodland, and Joshua tree woodland habitats. It occurs at elevations from approximately 984 to 5,249 feet. This species is threatened by energy development, road improvements, vehicles, and grazing.

Silver cholla is not listed on any State or federal lists as threatened or endangered. This native desert plant is protected under the California Desert Native Plant Act (CNDPA) from harvesting or selling. Five silver cholla individuals were observed on the eastern portion of the Project site (Figure 5-1). The removal of individual silver cholla would require a California Desert Native Harvest Permit issued by the Kern County Agricultural Commissioner.

**Beavertail cactus****OPUNTIA BASILARIS**

Status: Protected Under California Desert Native Plants Act

Beavertail cactus is a shrub (stem succulent) native to California that blooms between April to June (CNPS, 2025). It is found in creosote bush scrub, pinyon-juniper woodland, and Joshua tree woodland habitats. Beavertail cactus is not listed on any State or federal lists as threatened or endangered. This native desert plant is protected under the CNDPA from harvesting or selling. The removal of individual beavertail cacti would require a California Desert Native Harvest Permit issued by the Kern County Agricultural Commissioner.

### **5.1.1 - SPECIAL-STATUS ANIMAL SPECIES**

The literature and database review identified sixteen special-status animal species known or with the potential to occur in the vicinity of the Project (see Appendix A). Five of the sixteen special-status species were determined to be absent from the BSA due to lack of suitable habitat or the BSA being outside of the species range. The BSA did not contain suitable overwintering habitat or preferred host plants to support the monarch butterfly. The BSA did not contain any ponds or moist soil to support the Mohave tui chub or Southern Sierra legless lizard. The BSA did not contain roosting habitat that can support the Townsend's big-eared bat or spotted bat. Eleven of the sixteen special-status species have the potential to occur on-site (see Table 5-1) and are discussed below.

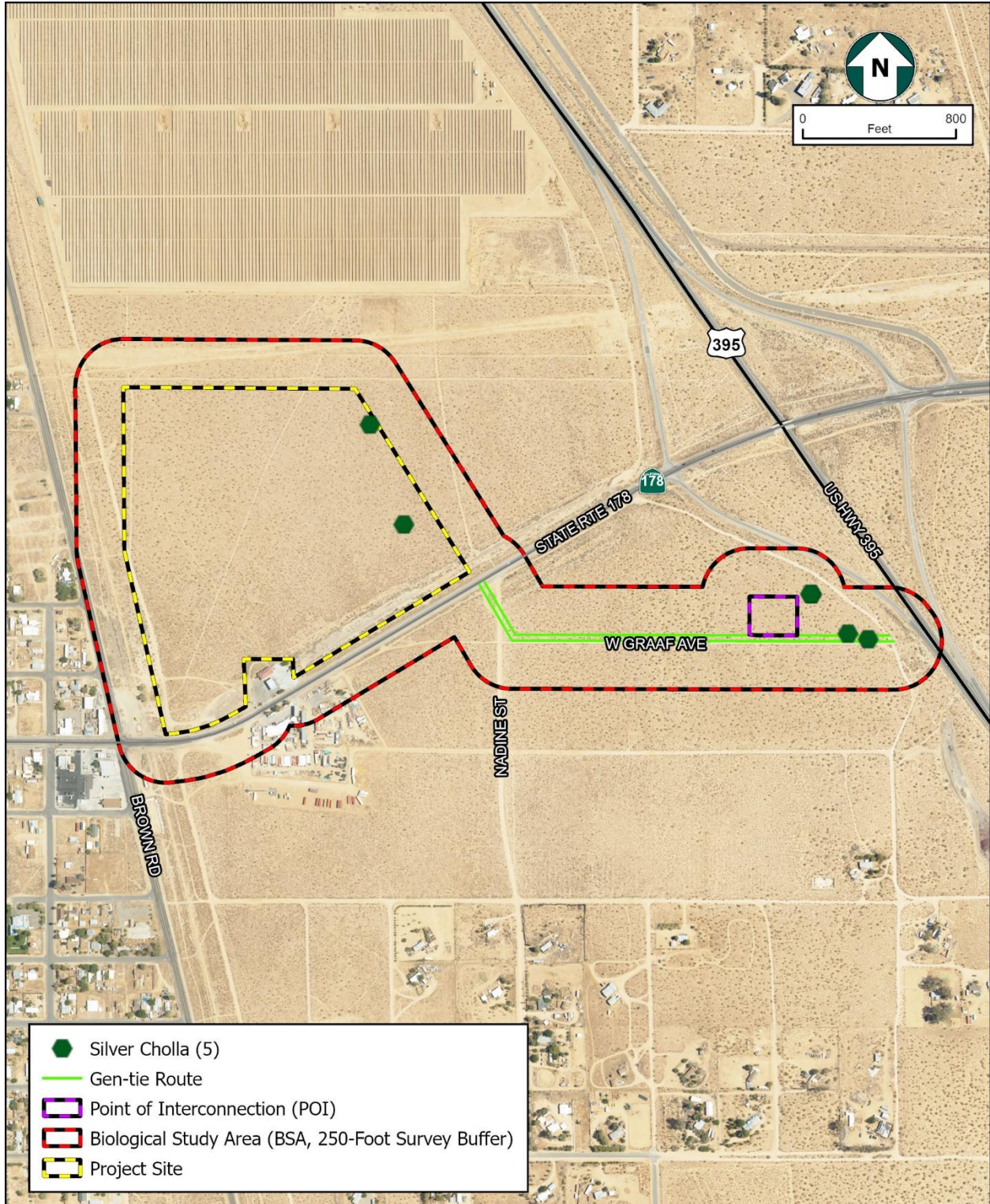
#### **Crotch's Bumble Bee**

**BOMBUS CROTCHII**

Status: State Candidate Endangered

The Crotch bumble bee occurs in relatively warm and dry environments of the inner Coast Range of California and the margins of the Mojave Desert. It inhabits grassland and scrub habitats where it nests in abandoned rodent burrows, and occasionally nests above ground in tufts of grass, rock piles, or cavities in dead trees. This species is classified as a short-tongued bumblebee whose food plants include *Asclepias*, *Chaenactis*, *Lupinus*, *Medicago*, *Phacelia*, and *Salvia*. The species is threatened by habitat loss and degradation, including agricultural intensification and rapid urbanization.

This species was not observed during the reconnaissance surveys, but the BSA is within the known range of the species, and suitable nesting habitat (small mammal burrows), and food plants (i.e., *Salvia* and *Chaenactis*) were present on the BSA. There are no CNDDB occurrences within 10 miles of the BSA. There is a low potential for this species to occur within the BSA as a resident or as a transient forager.



**Figure 5-1**  
**Silver Cholla Present in BSA**  
**RB Inyokern Data Center, Kern County, California**



**Desert Tortoise****GOPHERUS AGASSIZII**

Status: Federally Threatened, State Endangered

The desert tortoise is found throughout the Mojave Desert and south along the Colorado River and along the east side of the Salton Basin in the Sonoran Desert. It occurs in arid sandy or gravelly locations along riverbanks, washes, sandy dunes, alluvial fans, canyon bottoms, desert oases, rocky hillsides, creosote flats, and hillsides. It is most active during the day in spring, early summer, and during summer rains, typically in the early mornings or late afternoons. Winter hibernation begins in October or November. Courtship and breeding occur after emergence from their winter hibernation in March and April. The species is threatened by habitat loss and degradation, including agricultural intensification and rapid urbanization.

The BSA is within the known range of this species, and suitable habitat is present on the Project site. There are nine CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 114841) is approximately 3.5 miles west of the BSA. This occurrence is from 2019 and is presumed extant. No desert tortoises or their sign (i.e., burrows, scat, tracks) were present on the BSA during the reconnaissance surveys or protocol-level floristic surveys. No desert tortoise individuals or burrows were identified during pre-activity desert tortoise surveys conducted for the RB Inyokern Solar Project located north of the BSA (QK 2023). Based on the lack of tortoises and their sign on the BSA and surrounding area, it is unlikely that desert tortoises are present on the BSA. Additionally, the BSA is surrounded by development, and there is a low likelihood of wild tortoises entering the Project site from adjacent areas, either as transients or to establish residency.

**Golden Eagle****AQUILA CHRYSÆTOS**

Status: State Fully Protected

The golden eagle occurs in broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower and upper montane coniferous forests, pinon & juniper woodlands, valley & foothill grassland. It prefers rolling foothills, mountain areas, sage-juniper flats, and desert for foraging. Breeding occurs between late January and August (CDFW 2018b). It nests in cliff-walled canyons and in isolated large trees in open areas. The elevational range of this species is from sea level to 11,500 feet, and it may desert nest early in the incubation phase if disturbed by humans. The species is threatened by loss of nesting habitat, loss of foraging areas, lead poisoning, collision with man-made structures (i.e., wind turbines), and pesticide poisoning (CDFW 2018b).

This species was not observed during the reconnaissance surveys, and suitable nesting habitat is not present. This species may be a transient forager as the BSA is within the known range of the species, and foraging habitat is present. There are three CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 88145) is approximately 6.0 miles northwest of the BSA. This occurrence is from 2012 and is presumed extant. There is a potential for this species to occur within the BSA as a transient forager.

**Swainson's Hawk*****BUTEO SWAINSONI***

Status: State Threatened

Swainson's hawk is a State threatened-species under the CESA. The historical breeding range of Swainson's hawk in California included the Great Basin, Sacramento and San Joaquin Basins, the coast from Marin County to San Diego County, and scattered sites in the Mojave and Colorado Deserts.

The species continues to breed across its entire historical range, but in significantly lower numbers than in previous years. In the Mojave Desert, the species is known to nest in low densities in desert scrub habitat with a Joshua tree overstory. Throughout its range the species nest almost exclusively in trees, typically on the edges of woodland adjacent to grass or shrubland habitat. There are few trees in the area suitable for nesting.

Although Swainson's hawk has not been reported to the CNDBB, one was observed flying over the site to the north in April 2015 (Circle Mountain Biological Consultants, 2015). Swainson's hawk would not nest onsite and probably not forage there (as they tend to prefer fallow agricultural fields and other open areas in the desert), they have been observed resting in similar desert scrub habitats as they migrate through the region. With the general loss of farming in the area, there is a low potential Swainson's hawk would be present as a transient forager, but it is unlikely to inhabit the site.

**Western Burrowing Owl*****ATHENE CUNICULARIA SSP. HYPUGAEA***

Status: State Candidate Endangered, Species of Special Concern

The western burrowing owl is a broadly distributed, small ground-dwelling owl that can be found throughout western North America, Florida, Central and South America, Hispaniola, Cuba, and northern Lesser Antilles, and the Bahamas (Shuford and Gardali 2008). Typically, this species can be found in a variety of habitat types, including grasslands, deserts, or other open habitats where food resources are available and contain treeless areas with low vegetation cover and gently sloping terrain (Rodewald 2015).

Burrowing owls utilize earthen burrows, typically relying on other fossorial mammals to construct their burrows, such as prairie dog (*Cynomys* spp.) or American badger (USFWS 1998). In California, they are associated with California ground squirrels (Winchell 1994). They use a burrow throughout the year for temperature regulation, offspring rearing, shelter, and escape from predators. Although burrows are most often earthen, atypical burrows such as pipes, culverts, and other manmade structures will be used by burrowing owls as shelter (Shuford and Gardali 2008a). Burrowing owls can have several burrows close to one another that they may frequently use to avoid predators.

This species was not observed in the BSA during the reconnaissance survey, but the BSA is within the known range of the species, and both suitable foraging and nesting habitat are present. There are seven CNDDDB occurrences within 10 miles of the BSA. The closest

occurrence (EONDX 114375) is approximately four miles west of the BSA. This occurrence is from 2017 and is presumed extant. Two nesting pairs of burrowing owls were identified approximately 1,000 feet northeast of the proposed Project during a survey conducted in April 2023 for the RB Inyokern Solar Project (Circle Mountain 2023).

**Prairie Falcon***FALCO MEXICANUS*

Status: State Watch List

Prairie falcons are large falcons with muted cream, brown, and gray plumage (Cornell 2017). They breed in open country through the West wherever they can find bluffs and cliffs to nest on, including in alpine habitat to about 11,000 feet. Breeding habitats include grasslands, areas of mixed shrubs and grasslands, savannahs, rangeland, some agricultural fields, desert scrub, and alpine meadows that support abundant ground squirrel or pika populations.

Prairie falcons in California are non-migratory and wander through the region during the year in response to changing food availability (Steenhof 2013). Prairie falcons search for prey from perches, when soaring, and most often take prey by gliding on a low approach to grab a small mammal or bird in their talons.

During courtship, the male and female spend a month or more visiting potential nest sites together (Cornell 2017). Prairie falcons nest primarily on cliffs, but also in trees, power line structures, buildings, mine highwalls, and inside caves or stone quarries (Steenhof 2013). They also use stick nests built by other species and artificial nests that have been built as part of conservation measures.

This species was not observed during the reconnaissance survey, but the BSA is within the known range of the species. The BSA contains suitable foraging habitat and some low-quality nesting habitat in power pole structures. There are four CNDDDB occurrences within 10 miles of the BSA. The nearest occurrence (EONDX 26078) is approximately 3.5 miles west of the BSA, although it is mapped generally as the exact location has been suppressed from the record. This occurrence is from 1977 and is presumed extant. There is a potential for this species to occur in the BSA as a transient forager.

**Loggerhead Shrike***LANIUS LUDOVICIANUS*

Status: Species of Special Concern

The loggerhead shrike is a small predatory bird with a large head, gray above with a black facial mask, black hooked bill, and white below with black legs and feet. Females are smaller than males and tend to have browner primaries (Yosef 1996). Loggerhead shrikes mainly feed on small to medium-sized reptiles, amphibians, arthropods, and small mammals and birds. They often forage in open landscapes characterized by well-spaced, often spiny, shrubs and low trees, interspersed with short grasses, forbs, and bare ground. Their tomial tooth aids in killing their prey by damaging the spinal cord to induce paralysis. Loggerhead shrikes hunt from perches and impale their prey on sharp objects such as thorns and barbed-

wire fences. This impaling behavior probably evolved as a feeding adaptation to enable shrikes to immobilize larger prey than they could otherwise handle.

Loggerhead shrikes can be found all over North America, extending up into Canada during the breeding season and as far south as Central America during the non-breeding season (Yosef 1996). Populations that primarily inhabit the northern regions are migratory, moving south from areas that have 10-30 days per year of snow cover. Shrikes who primarily occupy southern regions reside year-round, usually living in pairs on permanent territories. Loggerhead shrikes that occupy southern California are primarily residents and breed between January and July (Shuford and Gardali 2008b).

This species was not observed during reconnaissance surveys, but the BSA is within the known range of the species. Both suitable nesting and foraging habitats are present. There are no CNDDDB occurrences within 10 miles of the BSA; however, QK staff have observed this species in the vicinity of the BSA during a previous survey on a nearby site just north of the Project site.

### **LeConte's Thrasher**

*TOXOSTOMA LECONTEI*

Status: Species of Special Concern

LeConte's thrasher is an uncommon, year-round resident in southern California deserts and the San Joaquin Valley, preferring sparsely vegetated desert flats, alluvial fans, or gently rolling hills, typically with a high proportion of saltbush or shadscale species or cholla cactus (Sheppard 2020). Preferred habitat includes shrubs that are usually well scattered with contiguous or closed cover and typically eight feet or less in height. The species rarely occurs in habitats where creosote is the sole shrub species. This species forages on the ground for insects, arthropods, seeds, small lizards, and other small vertebrates. They typically nest in shrubs or cacti in desert wash habitat. The LeConte's thrasher is not migratory and mates for life (USFWS 1998). Nests are constructed on cholla or within dense, thorny shrubs, most frequently saltbush.

This species was not observed during the reconnaissance survey, but the BSA is within the known range of the species. Both suitable nesting and foraging habitats are present. There are four CNDDDB occurrences within 10 miles of the BSA. There is one occurrence (EONDX 24544) that overlaps with the BSA. This occurrence is from 1946 and is presumed extant. This species may occur either as an inhabitant or as a transient forager.

### **American Badger**

*TAXIDEA TAXUS*

Status: Species of Special Concern

The American badger is a common resident at lower elevations throughout California except for the northern North Coast (Zeiner et al., 1988). They can typically be found in grasslands, deserts, and drier habitats. Badgers are typically nocturnal and hunt or forage at night while spending daylight hours below ground. Normally, they have a single den entrance that is approximately 8 to 12 inches in width, in an elliptical or half-moon shape, similar to their

body shape. Dens are usually found in friable soils, which are easier to dig in. American badgers spend most of their time near a den; however, they may have multiple dens in an area that can be used at the same time. American badgers are known to be able to dig a new den each night. During cooler nights, the entrance to the den may be partially plugged with soil to help regulate temperatures.

There are three CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 57415) is three miles southwest of the BSA. This occurrence is from 1970 and is presumed extant. Suitable denning and foraging habitats are present within the BSA. A prey abundance (e.g., rodents) is present that can sustain a foraging individual. This species is highly mobile and could be present at any time.

### **Desert Kit Fox**

#### ***VULPES MACROTIS ARSIPUS***

Status: CFGC Protected

Desert kit foxes are found in the southeastern deserts of California and occur most often in the open desert, creosote bush flats, and sand dunes (NPS 2015). Desert kit foxes use subterranean dens year-round for shelter, pup-rearing, and protection from predators. They are nocturnal but may be visible above ground near their dens during the day. They have become well-adapted to desert life, obtaining water from their diet, and seldom needing to drink water. They feed primarily on Merriam's kangaroo rat (*Dipodomys merriami*), but also feed on black-tailed jackrabbits, desert cottontails (*Sylvilagus audubonii*), birds, lizards, and insects. Coyotes appear to be their only natural predator, although many suffer mortality due to vehicular strikes.

The CNDDDB does not track this species because it is not listed as threatened or endangered by the federal government or by the State, and it is not a State Species of Concern or a Fully Protected species. However, as a fur-bearing mammal, the CDFW cannot issue a trapping permit for the desert kit fox because it is prohibited from "take" by the CFGC (§460). The CDFW has interpreted this as meaning that no "take" of any form can occur, and by default, categorized the species as Fully Protected even though it is not listed as a Fully Protected species in the CFGC.

One potential desert kit fox den was identified on the BSA (Figure 4-5) during the surveys. Potential kit fox scat was also present at the den entrance. Known desert kit fox dens occur near the solar facility north of the Project site. This species is relatively wide-ranging and could potentially be present within the BSA at any time, either as a resident or a transient forager.

### **Mohave Ground Squirrel**

#### ***XEROSPERMOPHILUS MOHAVENSIS***

Status: State Threatened

This squirrel species is rare throughout its range and is only found in the Mojave Desert in San Bernardino, Los Angeles, Kern, and Inyo counties. It occupies open desert scrub, alkali

desert scrub, Joshua tree, and annual grassland habitats. This species is diurnal, that is, active above ground in the spring and early summer. It enters aestivation in July or August and emerges for the active season between March and June. It utilizes burrows at the base of shrubs for cover and aestivation, and it feeds on a variety of green vegetation, seeds, fruits, fungi, and arthropods.

There are 42 CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 110847) is approximately 1,263 feet north of the BSA. This occurrence is from 2015 and is presumed extant. The BSA is within the known range of this species, and suitable habitat is present. No Mohave ground squirrels were observed during the reconnaissance survey, and no winter fat or spiny hopsage (two of their preferred food plants) were identified on the BSA. However, the Project site contains approximately 306 small mammal burrows (Figure 4-4), many were of suitable size for Mohave ground squirrels. Previously, during Mohave ground squirrel protocol level trapping conducted in 2015 on a nearby site, one pregnant Mohave ground squirrel was captured (Circle Mountain Biological Consultants, Inc. 2015). Although the Project contains very low quality habitat to support this species, there is a low potential for Mohave ground squirrel to be present on the Project site as a transient or an established resident.

### **5.1.2 - OTHER PROTECTED WILDLIFE SPECIES**

#### **Nesting Birds**

Habitat within the BSA supports nesting native birds that are protected by the federal MBTA and the CFGC. The reconnaissance surveys were conducted outside the nesting bird season (February 1 to September 15). Although the surveys included conducting searches for inactive bird nests, none were found. Bird species may construct nests within the BSA before or even after construction activities begin. Various species of birds will construct nests in a variety of substrates and structures, and nests may become established in trees or shrubs, in manmade structures, and directly on the ground. The BSA supports several types of habitats, substrates, and structures suitable for nesting birds, and there is a high potential that birds will nest within the BSA during the nesting season.

### **5.2 - Sensitive Natural Communities**

#### **5.2.1 - SENSITIVE COMMUNITIES**

The database and literature review did not identify any sensitive plant communities known to occur or with the potential to occur within the vicinity of the BSA, and none were present during the reconnaissance surveys.

#### **5.2.2 - CRITICAL HABITATS**

The Project does not overlap with any federally designated critical habitat, and there is no identified critical habitat within 10 miles of the BSA.

### **5.3 - Jurisdictional Aquatic Resources**

Based on the NHD, NWI, and on-site ground confirmation, there are no identified aquatic resources within the Project site. However, one ephemeral water feature is present within the BSA along the edge of the roadway. (Figure 4-1). The proposed Project activities will not impact the existing water feature and, therefore, will not require any additional permitting or consultation. If impacts to the water feature are anticipated, a formal jurisdictional delineation for submittal to State and federal agencies should be conducted, and additional permitting may be required.

The thirteen features identified by NHD within one mile of the Project site will not be crossed or impacted by the Project.

### **5.4 - Wildlife Movement**

Wildlife movement corridors, also referred to as dispersal corridors or landscape linkages, are generally defined as linear features along which animals can travel from one habitat or resource area to another. Wildlife movement corridors can be large tracts of land that connect regionally important habitats that support wildlife in general, such as stopover habitat that support migrating birds or large contiguous natural habitats that support animals with very large home ranges (e.g., coyotes, mule deer [*Odocoileus hemionus californicus*]). They can also be small-scale movement corridors, such as riparian zones, that provide connectivity and cover to support movement at a local scale.

The Project is situated within the Pacific Flyway, which is a significant avian migration route that covers a wide swath of land along the western Americas from Patagonia to Alaska.

### **5.5 - Resources Protected by Local Policies and Ordinances**

The Project site is located within unincorporated Kern County and is subject to the County of Kern General Plan and the Inyokern Specific Plan, which contains policies aimed at the preservation of biological resources and promotes coordination with federal and State resource agencies. These policies are listed in Appendix B. The General Plan and Specific Plan also outlines a work plan with implementation measures by which to uphold these policies, including a biological resource review for proposed projects and the development of mitigation measures for these projects.

### **5.6 - Habitat Conservation Plans, Natural Community Conservation Plans, or Recovery Plans**

The Project is within the planning areas of the draft West Mojave Plan and the Desert Renewable Energy Conservation Plan (DRECP). The DRECP was finalized in 2016, and this first Phase of the DRECP concerns only BLM-managed lands within the planning area. As such, DRECP requirements do not apply to the Project.

## **SECTION 6 - IMPACT ANALYSIS AND RECOMMENDED MITIGATION MEASURES**

This section provides an analysis of the potential for sensitive biological resources to be impacted by the Project. This section also provides avoidance and minimization measures to prevent and/or reduce Project impacts to sensitive biological resources. The impact analysis focuses on the construction phase of the Project.

### **6.1 - Special-Status Species**

In accordance with Appendix G of the CEQA Guidelines, the proposed Project would have a significant effect on biological resources if it would:

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

Avoidance and minimization measures are designed to reduce or eliminate impacts to special-status species through Project construction and operation. Detailed specific measures are outlined below for each special-status species that may occur on the Project site or within potential alternative routes.

#### **6.1.1 - PROJECT IMPACTS TO SPECIAL-STATUS PLANT SPECIES**

##### **Silver Cholla**

Five silver cholla individuals were identified during the survey. The cholla were located near the eastern boundary of the Project site and along the gen-tie route. It is anticipated that this species will be avoided to the extent possible. However, a permit issued by the Kern County Agricultural Commissioner will be required for the removal of individual silver cholla individuals if they cannot be avoided.

Implementation of Measures BIO-1 and BIO-2, listed below, would reduce impacts to this species to a less-than-significant level. It is assumed there would be no impacts to this species during the operational phase. It is anticipated that this species would not colonize the Project areas during the operational phase of the Project, and it is assumed that there would be no additional impacts to this species during the operational phase.

##### **Beavertail Cactus**

This species was not present during the protocol-level floristic plant surveys conducted on the BSA within the optimal blooming period of the Barstow woolly sunflower (which is from April to June). However, the BSA is within the known range of this species, and the species could potentially be present within the desert scrub and alkali scrub habitat within the BSA. A permit issued by the Kern County Agricultural Commissioner will be required for the removal of individual beavertail cactus individuals if they cannot be avoided.

Implementation of Measures BIO-1 and BIO-2, listed below, would reduce impacts to this species to a less-than-significant level. It is assumed there would be no impacts to this species during the operational phase. It is anticipated that this species would not colonize the Project areas during the operational phase of the Project, and it is assumed that there would be no additional impacts to this species during the operational phase.

### ***Barstow Woolly Sunflower***

The Barstow woolly sunflower was not present during the protocol-level floristic plant surveys conducted on the BSA within the optimal blooming period of the Barstow woolly sunflower (which is from March to May). However, the BSA is within the known range of this species, and the species could potentially be present within the desert scrub and alkali scrub habitat within the BSA.

Direct impacts from construction activities could include the destruction or injury of individual plants if present. During the growth and blooming period, the spread of dust during construction could cause an indirect impact on the species, as could the spread of non-native or invasive species caused by Project activities. Competition with invasive plants would have an indirect impact on this species.

If present, implementation of Measures BIO-1 and BIO-2, listed below, would reduce impacts to this species to a less-than-significant level. It is assumed there would be no impacts to this species during the operational phase. It is anticipated that this species would not colonize the Project areas during the operational phase of the Project, and it is assumed that there would be no additional impacts to this species during the operational phase.

### ***Charlotte's Phacelia***

Charlotte's phacelia was not present during the protocol-level floristic plant surveys conducted on the BSA within the optimal blooming period of the Charlotte's phacelia (which is from March to June). However, the BSA is within the known range of this species, and the species could potentially be present within the desert scrub and alkali scrub habitat within the BSA.

Direct impacts from construction activities could include the destruction or injury of individual plants if present. During the growth and blooming period, the spread of dust during construction could cause an indirect impact on the species, as could the spread of non-native or invasive species caused by Project activities. Competition with invasive plants would have an indirect impact on this species.

If present, implementation of Measures BIO-1 and BIO-2, listed below, would reduce impacts to this species to a less-than-significant level. It is assumed there would be no impacts to this species during the operational phase. It is anticipated that this species would not colonize the Project areas during the operational phase of the Project, and it is assumed that there would be no additional impacts to this species during the operational phase.

**Latimer's Woodland-gilia**

Latimer's woodland-gilia was not present during the protocol-level floristic plant surveys conducted on the BSA within the optimal blooming period of the Latimer's woodland-gilia (which is from March to June). However, the BSA is within the known range of this species, and the species could potentially be present within the desert scrub habitat within the BSA.

Direct impacts from construction activities could include the destruction or injury of individual plants if present. During the growth and blooming period, the spread of dust during construction could cause an indirect impact on the species, as could the spread of non-native or invasive species caused by Project activities. Competition with invasive plants would have an indirect impact on this species.

If present, implementation of Measures BIO-1 and BIO-2, listed below, would reduce impacts to this species to a less-than-significant level. It is assumed there would be no impacts to this species during the operational phase. It is anticipated that this species would not colonize the Project areas during the operational phase of the Project, and it is assumed that there would be no additional impacts to this species during the operational phase.

**Avoidance and Minimization Measures**

Implementation of the avoidance and minimization measures listed below would reduce Project impacts to special-status plant species to a level that would be less than significant. The following measures are recommended to avoid and minimize impacts to the Barstow woolly sunflower and silver cholla.

**BIO-1: Pre-Construction Special-Status Plant Surveys.** Prior to the issuance of a grading permit or ground disturbance, a qualified biologist knowledgeable on the identification of plant species should conduct a pre-construction survey to determine the exact locations of silver cholla, and beavertail cactus, and determine presence or absence of Barstow woolly sunflower, Charlotte's phacelia, and Latimer's woodland gilia onsite. If special-status plants are not identified during the survey(s), no further action is required. Locations of any special-status plant species or regulated cacti species observed should be mapped and described in a clearance survey report that would be submitted to Kern County. Silver cholla and beavertail cactus that cannot feasibly be avoided during construction would require a California Desert Native Harvest Permit issued by the Kern County Agricultural Commissioner.

**BIO-2: Avoidance of Listed Special-Status Plants.** No incidental take or relocation of any plant listed under the Federal Endangered Species Act, the California Endangered Species Act, or the California Native Plant Protection Act may occur unless the incidental take is authorized by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife in a permit or other authorization. If focused plant surveys detect the presence of any listed plant, the plant populations shall be buffered from disturbance activities by implementing applicable impact avoidance protocols established by the United States Fish

and Wildlife Service and/or the California Department of Fish and Wildlife, unless incidental take authority is obtained. Projects covered under the incidental take authority shall conduct activities in accordance with the take authorization. The California Department of Fish and Wildlife may be contacted to determine the appropriate buffer required to prevent incidental take of a listed plant if avoidance protocols have not been established for the species. The qualified biologist shall confirm that all applicable listed plant buffers have been implemented prior to the commencement of any disturbance activity.

### **6.1.2 - PROJECT IMPACTS TO SPECIAL-STATUS ANIMAL SPECIES**

#### **Crotch's Bumble Bee**

The Crotch's bumblebee was not present during the reconnaissance or protocol-level rare plant surveys. The BSA is within the known range of the species, and known food plants of the species (*Saliva*) were present on the Project site, although not in large numbers to support a colony. They may be on site as a transient forager. Direct impacts to the Crotch bumble bee could include mortality or injury caused by Project construction activities. The Project could also result in the loss of suitable habitat. Implementation of Avoidance and Minimization Measures BIO-2, BIO-3, BIO-10 and BIO-11, would reduce impacts to the species.

#### **Desert Tortoise**

No desert tortoises or positive signs of the species (burrows, scat) were present during the reconnaissance survey, protocol-level rare plant surveys, or additional surveys conducted in the general vicinity. The Desert Scrub and alkali scrub habitats within the BSA provide suitable but minimal burrowing and foraging habitat for this species, and it is possible that the species could become established in these areas or be present as a transient forager anywhere within the Project site. However, based on the lack of tortoise sign on the Project site and the relatively disturbed surrounding area, it is unlikely that the desert tortoise is present on the Project site. Additionally, the BSA is surrounded by developed land, including a solar facility to the north, residential to the west, commercial and SR 178 to the south, and SR 395 to the east. There is a low likelihood of wild tortoises entering the Project site from adjacent areas.

Direct impacts to the desert tortoise could include mortality or injury caused by Project construction activities. Noise, vibration, and increased human activity could alter the normal behaviors of tortoises, affecting overall fitness and reproductive success, making them more vulnerable to predation or causing them to void their water stores. The Project could also result in loss of suitable habitat if the species is determined to be present. Implementation of Measures BIO-4, BIO-8, BIO-10, and BIO-11 would reduce impacts to the species.

#### **Golden Eagle**

Golden eagle was not observed during reconnaissance surveys, but the BSA is within the known range of the species, and suitable habitat for foraging is present. Direct impacts to the

golden eagle could include mortality or injury caused by Project construction activities. Noise, vibration, and increased human activity could alter normal behaviors, resulting in reduced foraging success and displacing individuals from established territories. Loss of suitable habitat could impact the species.

Implementation of Avoidance and Minimization Measures BIO-9 through BIO-11 would reduce impacts to this species.

### **Swainson's Hawk**

Swainson's hawks were not observed during reconnaissance surveys, although it was reported that one was observed flying over the site to the north in April 2015 (Circle Mountain Biological Consultants, 2015). Swainson's hawk would not nest onsite and probably not forage there but may be present as a transient forager. Implementation of Avoidance and Minimization Measures BIO-4, BIO-5, BIO-8, BIO-9, BIO-10 and BIO-11, listed below, would reduce impacts to the species.

### **Western Burrowing Owl**

The burrowing owl or associated sign was not present during reconnaissance surveys. The BSA is within the known range of the species, and suitable habitat is present. The burrowing owl has been identified in the general vicinity of the BSA, and there is a high potential for this species to occur on the BSA either as a transient or resident. Direct and/or indirect impacts to the burrowing owl could occur if there is an active burrow within the Project area during the period of construction activities. Construction activities could result in crushing or destroying a burrow, with or without a burrowing owl inside. Noise, vibration, and increased human activity resulting from Project construction activities could alter the daily behaviors of individual owls and affect foraging success, displace owls from their burrows, or lead to nest failure. Operational activities have the potential to impact burrowing owls in the same way but to a lesser degree than construction activities. Suitable nesting and foraging habitat would be lost as a result of the Project. Implementation of Avoidance and Minimization Measures BIO-4, BIO-5, BIO-8, BIO-9, BIO-10 and BIO-11, listed below, would reduce impacts to the species.

### **Prairie Falcon**

Prairie falcon was not observed during reconnaissance surveys, but the BSA is within the known range of the species, and suitable habitat for foraging is present. Direct impacts to the prairie falcon could include mortality or injury caused by Project construction activities. Noise, vibration, and increased human activity could alter normal behaviors, resulting in reduced foraging success and displacing individuals from established territories. Loss of suitable habitat could impact the species.

Implementation of Avoidance and Minimization Measures BIO-9 through BIO-11 would reduce impacts to this species.

**Loggerhead Shrike**

There were no observations of loggerhead shrike during reconnaissance surveys, but open areas of scrub habitat within the BSA provide suitable nesting and foraging habitat for loggerhead shrike. The species may use fence posts, utility lines, or scrubs within the BSA as perches and nest in areas of dense foliage. Direct impacts to this species could include the destruction of active nests resulting from Project construction activities. Noise, vibration, and increased human activity could alter normal behaviors, resulting in nest failure, reducing foraging success, and displacing individuals from established territories. Loss of suitable habitat could impact the species.

Implementation of Avoidance and Minimization Measures BIO-9 through BIO-11 would reduce impacts to this species.

**LeConte's Thrasher**

There were no observations of LeConte's thrasher during reconnaissance surveys, but the BSA provides suitable nesting and foraging habitat. The species may forage in areas of saltbush habitat and use saltbushes as nesting sites. Direct impacts to this species could include the destruction of active nests resulting from Project construction activities. Noise, vibration, and increased human activity could alter normal behaviors, resulting in nest failure, reducing foraging success, and displacing individuals from established territories. Loss of suitable habitat could impact the species.

Implementation of Avoidance and Minimization Measures BIO-9 through BIO-11 would reduce impacts to this species.

**American Badger**

The American badger was not observed during reconnaissance surveys, but there are suitable denning and foraging habitats within the BSA. Direct impacts to this species could include mortality or injury caused by entrapment or crushing of individuals within dens and vehicle strikes. Indirect impacts to the species could be caused by noise, vibration, and the presence of construction workers that could alter normal behaviors. Altering normal behaviors could affect reproductive success, foraging success, or displacement from active dens if they were present within or adjacent to the Project area during construction. Operational activities could impact the species in many of these same ways because it is assumed that this species could be present from time to time during the operational phase of the Project.

Implementation of Avoidance and Minimization Measures BIO-4, BIO-6, BIO-8, BIO-10, and BIO-11 listed below would reduce impacts to the species.

**Desert Kit Fox**

Suitable habitat to support the desert kit fox occurs throughout most of the BSA. One potential kit fox den was found on the Project site along with potential scat at the den entrance. This species could be present anywhere within the BSA at any time, including during the operational phase of the Project, either as a resident or transient forager.

Direct impacts to this species could include mortality or injury caused by entrapment or crushing of individuals within dens or from vehicle strikes. Indirect impacts caused by noise, vibration, and the presence of construction workers could alter the normal behaviors of desert kit foxes, which could affect reproductive success, foraging success, or displacement from active dens. Loss of foraging habitat could impact the species. The use of herbicides and pesticides can impact desert kit foxes due to the killing off of prey from the herbicides and pesticides. Impacts to this species during the operational phase will be minimal or less than significant since limited operational and maintenance employees.

Implementation of Avoidance and Minimization Measures BIO-4, BIO-6, BIO-8, BIO-10, and BIO-11 listed below would reduce impacts to the species.

**Mohave Ground Squirrel**

Mohave ground squirrels have been documented near the BSA. The BSA contains suitable habitat to support the Mohave ground squirrel, and multiple burrows suitable for this species were present throughout the BSA.

Direct impacts to this species could include, but are not limited to, mortality or injury caused by entrapment or crushing individuals within burrows or from vehicle strikes. Indirect impacts caused by noise, vibration, and the presence of construction workers could alter the normal behaviors of the Mohave ground squirrel, which could affect reproductive success, foraging success, or displacement from active burrows. Loss of foraging habitat could impact the species. Implementation of Avoidance and Minimization Measures BIO-7, BIO-8, BIO-10, and BIO-11, would reduce impacts to Mohave ground squirrel.

**Nesting Birds**

The entire Project area contains habitat suitable to support a wide variety of nesting native and non-native bird species. Depending on the timing of construction, eggs and nestlings of bird species with small, well-hidden nests could be subject to loss. This action would result primarily during habitat clearing, earth removal, grading, digging, and equipment movement. If nesting occurs in the Project area during construction, an Environmentally Sensitive Area (ESA) may be established to reduce or eliminate potential impacts to nesting birds, eggs, and nestlings.

Noise, vibration, and increased human activity resulting from Project construction activities could alter the daily behaviors of individuals and affect foraging success or lead to nest failure. Access roads will be utilized during the construction phase, and there exists a

potential for mortality due to vehicle collisions, although this risk is minimal as highly mobile species like birds are expected to disperse to nearby habitat.

Implementation of Avoidance and Minimization Measures BIO-9, BIO-10, and BIO-11 would reduce impacts to nesting birds.

### **Avoidance and Minimization Measures**

Implementation of the avoidance and minimization listed below would reduce Project impacts to special-status wildlife species to levels that would be less than significant. The following measures are recommended to avoid and minimize impacts to Crotch's bumble bee, western burrowing owl, Mohave ground squirrel, desert tortoise, loggerhead shrike, American badger, LeConte's thrasher, desert kit fox, and migratory and nesting birds.

**BIO-3: Pre-Construction Surveys for Crotch's Bumble Bee.** Prior to the issuance of grading permits or ground disturbance, a qualified biologist would conduct pre-construction clearance surveys for special-status species. Preconstruction surveys would be conducted within 30 days before the beginning of ground disturbance or construction activities. The surveys would identify any potential evidence of species occupancy (including colony nests). If feasible, overwintering queen surveys and spring surveys should be completed to minimize the potential of directly impacting this species. If active nests or overwintering sites are discovered within the project footprint, they would be avoided by a minimum 100-foot radius. A biological monitor would be present during the proposed work if work occurs near active nest locations or overwintering sites. If any listed special-status species are detected within the project limits, and biologists determine there is potential for take, then USFWS and/or CDFW would be consulted (as applicable), and a take authorization could be obtained.

**BIO-4: Pre-Construction Surveys for Burrowing Owl, Desert Tortoise, American Badger, and Desert Kit Fox.** Within 14 days prior to the start of Project construction or ground disturbance activities, a pre-construction clearance survey should be conducted by a qualified biologist knowledgeable in the identification of these species. The timing of the pre-construction surveys may need to be phased to ensure appropriate timing before project activities begin.

If greater than 14 days elapse between the survey and the start of activities, an additional survey may be required. The pre-activity survey shall include walking transects to identify the presence of burrowing owls and their burrows, American badgers and their dens, and desert kit foxes and their dens. The pre-activity survey shall be walked using transects spaced at intervals of not greater than 30 feet, which will provide 100 percent coverage of the Project site and a 250-foot buffer for desert tortoise, American badger, desert kit fox, and a 500-foot buffer for burrowing owl. Some areas of the buffer may not be accessible, so transects within the buffer will only be walked where feasible. If no evidence of these special-status species is detected, no further action is required. If no desert tortoises or their burrows are located, no further action is warranted. If the species is present on-site, the Project proponent may pursue an Incidental Take Permit through the CDFW, pursuant to

Fish and Game Code section 2081, and through the USFWS, pursuant to the Endangered Species Act Section 10(a)(1)(B).

**BIO-5: Avoidance of Burrowing Owl Burrows and Burrowing Owl ITP.** If burrows that could support this species are discovered during the pre-construction clearance survey conducted under Measure BIO-4, the avoidance buffers outlined below should be established, and burrow monitoring will be conducted in accordance with the California Department of Fish and Game (CDFG) *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). No work would occur within these buffers. If occupied burrowing owl burrows cannot be avoided by the appropriate buffer below, an ITP issued by the CDFW under the California Endangered Species Act (CESA) to authorize "take" that is incidental to an otherwise lawful activity, may be required before any work within the buffer.

| Location      | Time of Year    | Level of Disturbance |       |       |
|---------------|-----------------|----------------------|-------|-------|
|               |                 | Low                  | Med   | High  |
| Nesting sites | April 1 -Aug 15 | 200 m*               | 500 m | 500 m |
| Nesting sites | Aug 16 – Oct 15 | 200 m                | 200 m | 500 m |
| Nesting sites | Oct 16- Mar 31  | 50 m                 | 100 m | 500 m |

\*Meters (m)

**BIO-6: Avoidance of American Badger and Desert Kit Fox Dens.** If dens or burrows that could support any of these species are discovered during the pre-construction clearance survey conducted under Measure BIO-4, the avoidance buffers outlined below should be established, and den or burrow monitoring will be conducted in accordance with the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011b). No work would occur within these buffers unless the biologist approves and monitors the activity.

#### American Badger and Desert Kit Fox Natal/Pupping Season

- American Badger
  - Breeding Season: Late Summer – Early Fall
  - Pregnancy (Delayed Implantation): December through February
  - Pups are Born: March through April
  - Pup Dispersal: June through August
- Desert Kit Fox
  - Mate Pairing: October through November
  - Mating: December through January (possibly into February)
  - Pups are Born: February or March
  - Pup Dispersal: July

American Badger and Desert Kit Fox

Potential or Atypical den: 50 feet

Known den: 100 feet

Natal or pupping den: 200 feet

Burrows and dens may be excavated by a qualified biologist once it is determined that the burrow or den is not occupied. To determine occupation, each den should be monitored for three consecutive days/nights using tracking medium and/or remote cameras fitted with a motion detector and/or infrared triggering system. In addition, prior to excavation of burrows or dens, one-way doors may be installed (only in the non-breeding season), and the burrows or dens will be scoped with optic cameras to ensure no wildlife is present. All excavations would be accomplished by hand or backhoe under the direct supervision of a qualified biologist.

**BIO-7: Mohave Ground Squirrel ITP.** Mohave ground squirrel is assumed to be present on Project site. Therefore, the Project must comply with the measures detailed below.

- a. A California Department of Fish and Wildlife 2081 incidental take permit shall be required prior to the issuance of grading permits or ground disturbance.
- b. The Project proponent or developer will provide compensatory habitat-based mitigation for loss of suitable habitat at a ratio determined by the California Department of Fish and Wildlife prior to issuance of a grading permit from the county. Compensatory mitigation for the loss of habitat will be provided through compliance with Senate Bill 34 and either the advance purchase of mitigation properties acceptable to the California Department of Fish and Wildlife or the contribution of in lieu fees to the California Department of Fish and Wildlife.

**BIO-8: Avoidance and Minimization Measures for Desert Tortoise, Burrowing Owl, American Badger, Desert Kit Fox, and Mohave Ground Squirrel.** The following avoidance and minimization measures should be implemented during construction of the Project to reduce the potential for impacts. These are modified from the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011), but they can be applied equally to protect all three species.

- a. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on County roads and State and federal highways.
- b. All Project activities should occur during daylight hours, but if work must be conducted at night, then a nighttime construction speed limit of 10 mph should be established.
- c. Off-road traffic outside of designated Project areas should be prohibited.
- d. To prevent inadvertent entrapment of kit foxes or other animals during construction of the project, all excavated, steep-walled holes or trenches more than two feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps spaced at a minimum distance of 100 feet and constructed of earthen-fill or wooden planks should be installed.

- e. Before holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the CDFW should be contacted before proceeding with the work.
- f. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape.
- g. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes, American badgers, and burrowing owls before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the animal vacates the pipe of its own accord. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox, badger, or burrowing owl has escaped.
- h. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
- i. No pets, such as dogs or cats, should be permitted on the Project site unless permitted in accordance with the Americans with Disabilities Act.
- j. Project-related use of rodenticides and herbicides should be restricted.
- k. A representative should be appointed by the Project proponent, who will be the contact source for any employee or contractor who might inadvertently kill or injure one of these species or who finds a dead, injured, or entrapped animal. The representative should be identified during the employee education program, and their name and telephone number should be provided to the CDFW.
- l. Upon completion of the Project, all areas subject to temporary ground disturbances (including storage and staging areas, temporary roads, pipeline corridors, etc.) should be recontoured and revegetated to promote restoration of the area to pre-project conditions following a revegetation plan approved by the County. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion, will not be subject to further disturbance and has the potential to be revegetated.
- m. Any Project personnel who are responsible for inadvertently killing or injuring one of these species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox, American badger, or western burrowing owl.
- n. New sightings of American badger or western burrowing owl shall be reported to the CNDDDB.

**BIO-9: Pre-Construction Surveys for Nesting Birds.** If Project construction activities must occur during the nesting season (February 1 to September 15), pre-construction nesting bird surveys for Swainson's hawk, golden eagle, prairie falcon, loggerhead shrike, Le Conte's thrasher and migratory birds should be conducted 14 days prior to the start of construction at the construction site plus a 250-foot buffer (avoidance buffer) for songbirds and a 500-

foot buffer for raptors. The surveys should be phased with the construction of the Project. If no active nests are found, no further action is required. However, existing nests may become active, and new nests may be built at any time prior to and throughout the nesting season, including when construction activities are in progress. If active nests are found during the survey or at any time during construction of the Project, an avoidance buffer ranging from 250 feet to 500 feet may be required, with the avoidance buffer from any specific nest being determined by a qualified biologist. Full-time monitoring of an active nest may be needed when activities are occurring at the fringe of a buffer to determine whether activities are affecting nesting birds. Results of the monitoring may indicate a need to expand the size of avoidance buffer areas. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the adults or the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist, but full-time monitoring may be required. The biologist should have the ability to stop construction if nesting adults show any sign of distress.

**BIO-10: Biological Monitoring.** A qualified biologist should monitor all ground-disturbing and vegetation removal activities occurring during all construction activities. The qualified biologist should be present at all times during ground-disturbing activities (including drilling holes and trenching) within and adjacent to habitats with the potential to support special-status wildlife species, including Crotch's bumblebee, Mohave ground squirrel, desert tortoise, burrowing owl, American badger, desert kit fox, and nesting birds. If a special-status species is found within the construction area, all construction shall cease immediately, and the animal will be allowed to leave the area of its own accord or relocated by an authorized biologist to a suitable habitat outside of the Project area.

**BIO-11: Worker Environmental Awareness Training.** Prior to the initiation of construction activities, all personnel should attend a Worker Environmental Awareness Training program developed by a qualified biologist. The program should include information on the life histories of special-status species wildlife species, including Crotch's bumblebee, Mohave ground squirrel, desert tortoise, burrowing owl, American badger, desert kit fox, and nesting birds with the potential to occur on the Project, their legal status, the course of action should these species be encountered on-site, and avoidance and minimization measures to protect these species. All attendees at WEATs should signify that they have received and understand the training material by signing an attendance sheet, which will be maintained on-site. All attendees will be provided with summary training materials that they can carry while on the job and can reference while working on the Project.

**Significance After Mitigation.** Implementation of the avoidance, minimization, and mitigation measures above will reduce impacts to special-status wildlife species to a less-than-significant level.

## **6.2 - Sensitive Natural Communities and Critical Habitat**

The proposed Project would have a significant effect on biological resources if it would:

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

The Project does not support any riparian or other sensitive natural communities, nor does it overlap with any designated critical habitat. The Project would have no impacts on these resources, and no measures are warranted.

### **6.3 - Jurisdictional Aquatic Resources**

The proposed Project would have a significant effect on biological resources if it would:

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

One ephemeral water feature is present in the BSA (Figure 4-1). The proposed Project activities will not impact the existing water feature, and no measures are warranted.

### **6.4 - Wildlife Movement**

The proposed Project would have a significant effect on biological resources if it would:

- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors or impede the use of wildlife nursery sites.*

Although the Project is located within the Pacific Flyway, the Project is low-lying and is not expected to impact avian migratory movements within the flyway. The Project would not have any impacts on wildlife movement corridors, and no measures are warranted.

### **6.5 - Local Policies and Ordinances**

The proposed Project would have a significant effect on biological resources if it would:

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

The Project does not conflict with the County of Kern General Plan or the Inyokern Specific Plan. The Project would not result in impacts related to local policies and ordinances and no measures are warranted.

### **6.6 - Adopted or Approved Plans**

The proposed Project would have a significant effect on biological resources if it would:

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.*

The Project is within the boundaries of the draft West Mojave Plan, the Indian Wells Land Management Plan and DRECP. Because the Project is composed entirely of privately owned parcels, it is not subject to the jurisdiction of the draft West Mojave Plan or to Phase I of the DRECP, which both apply only to BLM-managed lands. Therefore, the Project would not conflict with any adopted HCP or NCCP; there will be no impacts, and no measures are warranted.

**SECTION 7 - LIMITATIONS, ASSUMPTIONS, AND USE RELIANCE**

This Biological Analysis Report has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The findings and opinions conveyed in this report are based on on-site field examinations, jurisdictional areas, and specified historical and literary sources. The biological investigation is limited by the scope of work performed. Biological surveys conducted as part of this assessment may not have been performed during a particular blooming period, nesting period, or particular portion of the season when positive identification of certain taxa would be expected if present and, therefore, cannot be considered definitive. The biological surveys are also limited by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile animal species could occupy the site on a transient basis or re-establish populations in the future. No other guarantees or warranties, expressed or implied, are provided.

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**APPENDIX A**

**SPECIAL-STATUS SPECIES EVALUATION TABLE**

| Scientific Name<br>Common Name                       | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur | Rationale   |
|--|---|---|-----------------------|---|
| <b>Plants</b>  |   |   |                       |   |
| <i>Carlquistia muirii</i><br>Muir's tarplant         | -/-<br>1B.3/-                           | This is a perennial rhizomatous herb that blooms from July to August, sometimes as late as October. It occurs in granitic soils in montane chaparral, lower and upper montane coniferous forest, and yellow pine forest. It occurs at elevations ranging from approximately 3,609 to 8,202 feet. This species is possibly threatened by recreational activities.  | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA, and the BSA is below the elevation range of this species.  |
| <i>Deinandra mohavensis</i><br>Mojave tarplant       | -/SE<br>1B.3/-                          | This is an annual herb that has a typical bloom period of June to October, but can bloom from May through January. It occurs in chaparral, coastal scrub, and riparian scrub habitats; it grows on moist sites, openings in chaparral, desert scrub, and woodland. It occurs at elevations ranging from approximately 2,099 to 5,249 feet. This species is threatened by development, grazing, hydrological alterations, recreational activities, road maintenance, and vehicles. | No<br>Potential       | There are three CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 78949) is 7.0 miles northwest of the BSA. This occurrence is from 2010 and presumed extant. Suitable habitat (moist sites, riparian) is absent from the BSA that could support this species. |
| <i>Delphinium purpusii</i><br>rose-flowered larkspur | -/-<br>1B.3/-                           | This is a perennial herb that blooms from April, sometimes as early as March, to May. It occurs in chaparral, cismontane woodland, and pinyon/juniper woodland, on rocky and often carbonate substrates. This species is endemic to California. It occurs at elevations ranging from approximately 984 to 4,396 feet.   | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA that could support this species.  |

| Scientific Name<br>Common Name                           | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements   | Potential<br>to Occur | Rationale   |
|--|---|--|-----------------------|---|
| <i>Ericameria gilmanii</i><br>Gilman's goldenbush        | -/<br>1B.3/-                            | This is a perennial shrub that blooms from August to September. It occurs in subalpine coniferous forest and upper montane coniferous forest habitats. It grows on granitic soils in rocky open conifer forest, generally on limestone. It occurs at elevations ranging from approximately 6,889 to 11,154 feet.   | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA that could support this species.  |
| <i>Erigeron aequifolius</i><br>Hall's daisy              | -/<br>1B.3/-                            | This is a perennial rhizomatous herb that blooms from June to August. It occurs in rocky, granitic soils in broad-leaf upland forest, lower montane coniferous forest, pinyon-juniper woodland, and upper montane coniferous forest habitats. This species is endemic to California. It occurs at elevations ranging from approximately 4,921 to 8,005 feet.   | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA that could support this species.  |
| <i>Eriophyllum mohavense</i><br>Barstow woolly sunflower | -/<br>1B.2/-                            | This is an annual herb endemic to California that blooms between March and May. It typically occurs in creosote bush scrub, chenopod scrub, Mojavean desert scrub, and playa habitats. It occurs at elevations from approximately 1,640 to 3,150 feet. It is threatened by energy development, road improvements, vehicles, and grazing.   | Potential             | There is one CNDDDB occurrence within 10 miles of the BSA. This occurrence (EONDX 111389) is approximately 9.0 miles southwest of the BSA. The record is from 2018 and presumed extant. Creosote bush scrub habitat is present within the BSA and could provide suitable habitat for the species. |
| <i>Layia heterotricha</i><br>pale-yellow layia           | -/<br>1B.1/-                            | This is an annual herb endemic to California that blooms between March and June. It occurs on alkaline and clay soils in cismontane woodland, coastal scrub, pinyon and juniper woodland, and valley and foothill grassland. It occurs at elevations from approximately 980 to 5,595 feet and is mainly found in western mountains and foothills of the San Joaquin Valley from Fresno and San Benito Counties | No<br>Potential       | There is one CNDDDB occurrence within 10 miles of the BSA. This occurrence (EONDX 81990) is approximately 8.0 miles southwest of the BSA. The record is from 2010 and presumed extant. Suitable habitat is absent from the BSA that could support this species.                                   |

| Scientific Name<br>Common Name                           | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements   | Potential<br>to Occur | Rationale  |
|--|---|--|-----------------------|--|
|  |   | south to Ventura and possibly Los Angeles Counties, and also in the Tehachapi Mountains. It is threatened by agriculture, vehicles, and competition from non-native plants.  |                       |  |
| <i>Lomatium shevockii</i><br>Owen's Peak lomatium        | -/-<br>1B.2/-                           | This perennial herb is endemic to California and blooms between April and May. It occurs in rocky habitats in lower and upper montane coniferous forests at elevations between approximately 5,805 and 8,315 feet. It is documented at Owens Peak in Kern County.  | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA, and the BSA is below the elevation range of this species. |
| <i>Monardella beneolens</i><br>sweet-smelling monardella | -/-<br>1B.3/-                           | This is a perennial rhizomatous herb endemic to California that blooms from June to September. It occurs on granitic substrate within alpine boulder and rock fields, subalpine coniferous forests, and upper montane coniferous forests. It occurs at elevations from approximately 8,120 to 11,482 feet and is known only from the eastern Sierra crest. It is documented to hybridize with flaxleaf monardella ( <i>M. linoides</i> ssp. <i>linoides</i> ) and pallid mountain monardella ( <i>M. odoratissima</i> ssp. <i>pallida</i> ). The remoteness of occurrences limits the potential disturbance. | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat is absent from the BSA, and the BSA is below the elevation range of this species. |
| <i>Nemacladus bellus</i><br>beautiful threadplant        | -/-<br>1B.3/-                           | This annual herb is endemic to California and blooms between May and July. It occurs in granitic gravel and sandy flats at elevations between approximately 2,624 and 5,905 feet. It is documented at Owens Peak in Kern County.   | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable habitat (granitic gravel) is absent from the BSA.   |

| Scientific Name<br>Common Name                              | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur | Rationale   |
|---|---|---|-----------------------|---|
| <i>Phacelia nashiana</i><br>Charlotte's phacelia            | -/-<br>1B.2/-                           | This is an annual herb endemic to California that blooms from March to June. It usually occurs in granitic or sandy soils within Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. It occurs at elevations from approximately 1,968 to 7,217 feet and is threatened by grazing and mining.  | Potential             | There are 14 CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 18227) is approximately 5.0 miles northwest of the BSA. Suitable habitat that could support this species is present in the BSA.                             |
| <i>Phacelia novemmillensis</i><br>Nine Mile Canyon phacelia | -/-<br>1B.2/-                           | This is an annual herb endemic to California that that can bloom as early as February but typically blooms from May to June. It occurs in sandy or gravelly substrate and often in leaf litter under canyon live oak ( <i>Quercus chrysolepsis</i> ) in broad-leafed upland forest, pinyon and juniper woodland, upper montane coniferous forest, and cismontane. It occurs at elevations from approximately 5,364 to 8,300 feet and is threatened by grazing and recreation. | No<br>Potential       | There are two CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 64695) is approximately 7.5 miles northwest of the BSA. Suitable habitat is absent from the BSA, and the BSA is below the elevation range of this species. |
| <i>Saltugilia latimeri</i><br>Latimer's woodland-gilia      | -/-<br>1B.2/-                           | This is an annual herb endemic to California that blooms between March and June. It is found on rocky or sandy, often granitic, sometimes limestone, substrates and sometimes washes within chaparral, Mojavean desert scrub, or pinyon and juniper woodland. It occurs at elevations from approximately 1,310 to 6,235 feet. There have been only a few recent collections, and it is possibly threatened by recreation.   | Potential             | There are two CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 60329) is approximately 5.0 miles northwest of the BSA. Suitable habitat that could support this species is present in the BSA.                            |
| <b>Invertebrates</b>  |   |   |                       |   |

| Scientific Name<br>Common Name  | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur | Rationale  |
|---|---|---|-----------------------|--|
| <i>Bombus crotchii</i><br>Crotch's bumble bee   | -/SCE<br>-/-                            | This bee occurs in relatively warm and dry environments, including the inner Coast Range of California and the margins of the Mojave Desert. It inhabits grassland and scrub habitats, where it nests in abandoned rodent burrows, occasionally nesting above ground in tufts of grass, rock piles, or cavities in dead trees. This species is classified as a short-tongued species whose food plants include <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> , and <i>Salvia</i> . The species is threatened by habitat loss and degradation, including agricultural intensification and rapid urbanization.  | Potential             | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable nesting habitat (small mammal burrows) and food plants were present. Low number of food plants will not support a colony but species could be on site as transient forager. |
| <i>Danaus plexippus plexippus</i><br>monarch - California<br>overwintering population | FC/<br>-/-                              | This butterfly species occurs in various open habitats, including fields, meadows, weedy areas, marshes, and roadsides. Adults make massive migrations from August to October, flying thousands of miles south to hibernate along the California coast and in central Mexico. Eggs are laid, and larvae feed on plants in the milkweed family, primarily <i>Asclepias</i> sp., but also other genera, including <i>Calotropis</i> , <i>Cynanchum</i> , <i>Gonolobus</i> , and <i>Sarcostemma</i> . Adult butterflies typically live from two to six weeks, but overwintering individuals may live as long as nine months. Overwintering migratory adults will roost in large colonies in forested sites in California and Mexico, which must provide protection from the elements and assist with thermoregulation. | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable overwintering habitat is absent, and preferred host plants were not observed.   |
| <b>Fish</b>   |   |   |                       |  |
| <i>Siphateles bicolor mohavensis</i><br>Mohave tui chub                               | FE/SE<br>-/-FP                          | This subspecies is a hardy, chunky, large-scaled fish with short, rounded fins. This subspecies is native to the Mojave River basin and is  | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. Suitable   |

| Scientific Name<br>Common Name                          | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur | Rationale   |
|---|---|---|-----------------------|---|
|   |   | specifically adapted to alkaline, mineralized waters. It is now found only in ponds in San Bernardino County, mainly at Soda Springs and Lake Seep Lagoon. It requires deep pools or ponds, and will inhabit both natural and artificial waters, and flowing or standing waters. Spawning takes place in waters less than 5 feet deep, typically over vegetation or algae-covered substrates. It feeds opportunistically on invertebrates, zooplankton, plant matter, and occasionally other smaller fish.  |                       | habitat is absent from the BSA that could support this species.   |
| <b>Reptiles</b>   |   |   |                       |   |
| <i>Anniella campi</i><br>Southern Sierra legless lizard | -/-<br>-/SSC                            | This lizard is only found in three locations within the Mojave Desert, Kern, and Inyo counties. These include the Big Spring, Nine Mile Canyon Road in southern Inyo County (north of Big Spring), and south of Big Spring in Kern County. It is found in moist, warm, loose soil with vegetation cover on beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. It can be found under rocks, boards, driftwood, logs, and leaf litter under bushes and trees. Breeding occurs between early spring and July, with the young born between September and November. | No<br>Potential       | There are two CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDx 113898) is approximately 7.0 miles southwest of the BSA. This occurrence is from 2019 and is presumed extant. Suitable habitat is absent from the BSA that could support this species. |

| Scientific Name<br>Common Name   | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur                                       | Rationale   |
|--|---|---|---|---|
| <i>Gopherus agassizii</i><br>desert tortoise                               | FT/SE<br>-/-                            | This tortoise is found throughout the Mojave Desert and south along the Colorado River and along the east side of the Salton Basin in the Sonoran Desert. It occurs in arid sandy or gravelly locations along riverbanks, washes, sandy dunes, alluvial fans, canyon bottoms, desert oases, rocky hillsides, creosote flats, and hillsides. It is most active during the day in spring, early summer, and during summer rains, typically in the early mornings or late afternoons. Winter hibernation begins in October or November. Courtship and breeding occur after emergence from their winter hibernation in March and April. | Potential   | There are nine CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 114841) is approximately 3.5 miles west of the BSA. This occurrence is from 2019 and is presumed extant. Suitable habitat is present within the BSA that could support the species.   |
| <b>Birds</b>   |   |   |   |   |
| <i>Aquila chrysaetos</i><br>golden eagle                                   | -/-<br>- /FP                            | This eagle occurs in broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower and upper montane coniferous forests, pinon & juniper woodlands, valley & foothill grassland. It prefers rolling foothills, mountain areas, sage-juniper flats, and desert for foraging. It nests in cliff-walled canyons and isolated large trees in open areas. The elevational range of this species is from sea level to 11,500 feet, and it may desert nest early in the incubation phase if disturbed by humans.  | Foraging –<br>Potential<br><br>Nesting –<br>No<br>Potential | There are three CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 88145) is approximately 6.0 miles northwest of the BSA. This occurrence is from 2012 and is presumed extant. Suitable foraging habitat is present within the BSA that could support the species. No suitable nesting habitat is present within the BSA that could support the species. |
| <i>Athene cunicularia</i> ssp.<br><i>hypugaea</i><br>western burrowing owl | -/SCE<br>-/SSC                          | This species occupies a variety of open, semi-arid, and arid habitats throughout central and southern California, including desert regions. It prefers open habitats with few shrubs or trees and low-growing vegetation. It is most active around sunrise and sunset and utilizes burrows constructed by mammals year-round for shelter  | Potential   | There are seven CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 114375) is approximately 4.0 miles west of the BSA. This occurrence is from 2017 and is presumed extant. The occurrence indicated that two adults  |

| Scientific Name<br>Common Name            | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements   | Potential<br>to Occur | Rationale  |
|---|---|--|-----------------------|--|
|   |   | and nesting. This species is well documented in urban areas where patches of undeveloped areas are present (e.g., canals, airports, drainage basins) and in areas of dense agricultural development, particularly where canals provide burrow habitat. It forages primarily for rodents and insects within several miles of its burrow, usually in open grassy habitats if available. It has been observed hunting bats and insects around parking lot lights. Threats to this species include development resulting in habitat loss/fragmentation.  |                       | were flushed from a burrow with whitewash present. There were no burrowing owls observed during the reconnaissance surveys, but suitable habitat for foraging and burrowing is present within the BSA.   |
| <i>Buteo swainsoni</i><br>Swainson's hawk | -/ST<br>-/-                             | This species occurs in grassland, desert and agricultural landscapes in the Central Valley and Antelope Valley. These hawks may be resident or migrant, and nest and breed in stands with few trees in juniper-sage flats, riparian areas, and oak savannah habitats. This species has also been observed nesting and breeding in large eucalyptus trees along freeways and in trees over rural residences surrounded by agriculture. Nests are a platform of sticks, bark, and fresh leaves at or near the top of trees. This species breeds from late March to late August. It forages in grassland, open scrub, and grain fields, primarily for rodents | Potential             | Although Swainson's hawk has not been reported to the CNDBB, one was observed flying over the site to the north in April 2015 (Circle Mountain Biological Consultants, 2015). Although Swainson's hawk would not nest onsite and probably not forage there (as they tend to prefer fallow agricultural fields and other open areas in the desert), they have been observed resting in similar desert scrub habitats as they migrate through the region. They may be transient foragers in the area, but unlikely to inhabit the site as there are no suitable trees. |

| Scientific Name<br>Common Name                  | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur                                       | Rationale  |
|---|---|---|---|--|
| <i>Falco mexicanus</i><br>prairie falcon        | -/-<br>-/WL                             | This falcon is primarily found in annual grasslands, savannahs, rangeland, some agricultural fields, and desert scrub. It breeds throughout the open county in the West. Nests are built on bluffs and cliffs at elevations ranging from alpine habitat to 11,000 feet. Breeding occurs in grasslands, areas of fixed shrubs, or alpine tundra. It is threatened by pesticides (reproduction failure) and degradation of habitat due to agricultural development.   | Foraging –<br>Potential<br><br>Nesting –<br>No<br>Potential | There are four CNDDDB occurrences within 10 miles of the BSA. This occurrence (EONDX 26078) is approximately 3.5 miles west of the BSA, although it is mapped generally as the exact location has been suppressed from the record. This occurrence is from 1977 and is presumed extant. The BSA lacks suitable nesting habitat, such as bluffs and cliffs, but supports suitable foraging habitat, and the species may occur as a transient. |
| <i>Lanius ludovicianus</i><br>loggerhead shrike | -/-<br>-/SSC                            | This species is a common resident in lowlands and foothills throughout California. It prefers open grassland and pasture habitats with scattered trees, fence posts, utility lines, shrubs, and other perches. This species primarily consumes large insects but will prey upon other small animals. It nests in densely foliated and/or thorny shrubs and trees less than 50 feet above the ground.  | Potential   | There are no CNDDDB occurrences within 10 miles of the BSA; however, staff have observed this species in the vicinity of the BSA. Suitable foraging and nesting habitat is present in the BSA.   |
| <i>Toxostoma lecontei</i><br>LeConte's thrasher | -/-<br>-/SSC                            | This species is an uncommon-to-rare local resident in southern California deserts. It occurs in open desert wash, desert scrub, alkali desert scrub, desert succulent scrub, and Joshua tree habitat with scattered shrubs. It occurs from Mono County south to the Mexican border and in the western and southern San Joaquin Valley. It has rarely been recorded north of Kern County after the 1950s. It feeds on insects and occasionally on seeds, small lizards, and other small vertebrates. It is threatened by loss of habitat due to oil and gas production, overgrazing, and pesticides (DDT). | Foraging<br>and<br>Nesting<br>Potential                     | There are four CNDDDB occurrences within 10 miles of the BSA. There is one occurrence (EONDX 24544) that overlaps with the BSA. This occurrence is from 1946 and is presumed extant. The Project is located within the known range of the species, and both suitable nesting and foraging habitats are present.  |

| Scientific Name<br>Common Name                             | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements  | Potential<br>to Occur | Rationale   |
|--|---|---|-----------------------|---|
| <b>Mammals</b>   |   |   |                       |   |
| <i>Corynorhinus townsendii</i><br>Townsend's big-eared bat | -/-<br>-/SSC                            | This species occurs in coniferous forests, mixed mesophytic forests, deserts, native prairies, riparian communities, active agricultural areas, and coastal habitat types. Its distribution is correlated with the availability of caves and cave-like roosting habitat (e.g., mines, tunnels, buildings, or other manmade structures). It occurs in open areas for roosting and typically does not tuck itself into cracks and crevices like many other bat species. It feeds primarily on moths but may also eat beetles and soft-bodied insects. This species is extremely sensitive to disturbance of roosting sites. | No<br>Potential       | There are no CNDDDB occurrences within 10 miles of the BSA. No suitable foraging or roosting habitat is present within the BSA to support the species.  |
| <i>Euderma maculatum</i><br>spotted bat                    | -/-<br>-/SSC                            | This species occurs in a wide variety of habitats from arid deserts and grasslands through mixed conifer forests within British Columbia, Canada, south through the western United States and into Mexico. It feeds almost entirely on moths foraging over water and along washes. This species needs rock crevices in cliffs or caves for roosting. Mating occurs in the fall, and the young are born before mid-June.   | No<br>Potential       | There is one CNDDDB occurrence within 10 miles of the BSA. This occurrence (EONDX 66330) is approximately 7.0 miles east of the BSA. This occurrence is from 1956 and is presumed extant. No suitable foraging or roosting habitat is present within the BSA to support the species.  |
| <i>Taxidea taxus</i><br>American badger                    | -/-<br>-/SSC                            | This species occurs mostly in open, drier stages of shrub, forest, and herbaceous habitats, with friable soils. It feeds mostly on fossorial rodents. It digs burrows for cover and reproduction, and can dig a new den each night. Litters are typically born in March and April. This species can be somewhat tolerant of human activities but generally avoids cultivated agricultural habitats.   | Potential             | There are three CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDX 57415) is 3.0 miles southwest of the BSA. This occurrence is from 1970 and is presumed extant. Suitable denning and foraging habitats are present within the BSA. A prey abundance (e.g., rodents) is present that can sustain a foraging individual. This |

| Scientific Name<br>Common Name                               | Status<br>Fed/State<br>ESA<br>CRPR/CDFW | Habitat Requirements   | Potential<br>to Occur | Rationale  |
|--|---|--|-----------------------|--|
|  |   |  |                       | species is highly mobile and could be present at any time.   |
| <i>Vulpes macrotis arsipus</i><br>desert kit fox             | -/-<br>-/FBM                            | This species occurs on open desert, creosote bush flats, and sand dunes. Species preys on kangaroo rats, black-tailed jackrabbits, birds, reptiles, and insects. They are nocturnal and will forage near the den during the evening.   | Potential             | There is a suitable habitat on the Project, and several potential dens were found on adjacent lands. The CNDDDB does not track this species.   |
| <i>Xerospermophilus mohavensis</i><br>Mohave ground squirrel | -/ST<br>-/-                             | This squirrel species is rare throughout its range and is only found in the Mojave Desert in San Bernardino, Los Angeles, Kern, and Inyo counties. It occupies open desert scrub, alkali desert scrub, Joshua tree, and annual grassland habitats. This species is diurnal, that is, active above ground in the spring and early summer. It enters aestivation in July or August and emerges for the active season between March and June. It utilizes burrows at the base of shrubs for cover and aestivation, and it feeds on a variety of green vegetation, seeds, fruits, fungi, and arthropods. | Potential             | There are 42 CNDDDB occurrences within 10 miles of the BSA. The closest occurrence (EONDx 110847) is approximately 1,263 feet north of the BSA. This occurrence is from 2015 and is presumed extant. Suitable albeit low quality habitat to support the species is present within the BSA. |

**APPENDIX B**  
**REGULATORY SETTING**

## **Regulatory Setting**

### **Federal Laws and Regulations**

#### **FEDERAL ENDANGERED SPECIES ACT OF 1973 (USC, TITLE 16, SECTIONS 1531 -1543)**

The Federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The FESA defines species as threatened or endangered and provides regulatory protection for listed species. The FESA provides a program for the conservation and recovery of threatened and endangered species, as well as the protection of designated critical habitat that the USFWS determines is required for the survival and recovery of listed species.

Section 9 lists actions that are prohibited under the FESA. Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity. Section 9 prohibits take of listed species of fish, wildlife, and plants without a special exemption. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction of, or adverse modification of critical habitat for these species. The USFWS and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in the California Code of Regulations (CCR) Title 50, Part 402. If an activity could result in "take" of a listed species as an incident of an otherwise lawful activity, then a biological opinion can be issued with an incidental take statement that exempts the activity from FESA's take prohibitions.

Section 10 provides a means whereby a nonfederal action with the potential to result in take of a listed species can be allowed under an incidental take permit. Application procedures are found at CFR Title 50, Sections 13 and 17 for species under the jurisdiction of USFWS and CFR, Title 50, Sections 217, 220, and 222 for species under the jurisdiction of NMFS. Section 10 would apply to the project if take of a species (as defined in Section 9) were determined to occur.

Section 4(a)(3) and (b)(2) of the FESA requires the designation of critical habitat to the maximum extent possible and prudent based on the best available scientific data and after considering the economic impacts of any designations. Critical habitat is defined in Section 3(5)(A) of the FESA: 1) areas within the geographic range of a species that are occupied by individuals of that species and contain the primary constituent elements (physical and biological features) essential to the conservation of the species, thus warranting special

management consideration or protection; and 2) areas outside of the geographic range of a species at the time of listing but that are considered essential to the conservation of the species.

### ***MIGRATORY BIRD TREATY ACT (USC, TITLE 16, SECTIONS 703 - 711)***

The MBTA, first enacted in 1918, is a series of treaties that the United States has with Great Britain (on behalf of Canada), Mexico, Japan, and the former Soviet Union that provide for international migratory bird protection. The MBTA authorizes the Secretary of the Interior to regulate the taking of migratory birds. The act provides that it shall be unlawful, except as permitted by regulations, “to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird” (U.S. Code Title 16, Section 703). The MBTA currently includes several hundred species and includes all native birds.

### ***BALD AND GOLDEN EAGLE PROTECTION ACT OF 1940 (USC, TITLE 16, SECTION 668)***

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 protects bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) by prohibiting the taking, possession, and commerce of these species and establishing civil penalties for violation of this act. Take of bald and golden eagles includes to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” To disturb means to agitate or bother a bald or golden eagle to the degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. (Federal Register [FR], volume 72, page 31132; 50 CFR 22.3).

### ***FEDERAL CLEAN WATER ACT (USC, TITLE 33, SECTIONS 1521 - 1376)***

The Federal Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires that a project applicant that is pursuing a federal license or permit allowing a discharge to waters of the U.S. to obtain State Certification of Water Quality, thereby ensuring that the discharge will comply with provisions of the CWA. The Regional Water Quality Control Board administers the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the U.S. Section 404 establishes a permit program administered by the United States Army Corps of Engineers (USACE) that regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. The USACE implementing regulations are found in CFR, Title 33, Sections 320 and 330. Guidelines for implementation are referred to as Section 404(b)(1) Guidelines, which were developed by the United States Environmental Protection Agency (EPA) in conjunction with USACE (40 CFR 230). The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

## ***Applicable State Laws and Regulations***

### ***CALIFORNIA ENVIRONMENTAL QUALITY ACT (CALIFORNIA PUBLIC RESOURCES CODE, SECTIONS 21000 - 21178, AND TITLE 14 CCR, SECTION 753, AND CHAPTER 3, SECTIONS 15000 - 15387)***

The California Environmental Quality Act (CEQA) is California's broadest environmental law. CEQA helps guide the issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a State, County, or city agency, including private projects requiring discretionary government approval.

The purpose of CEQA is to disclose to the public the significant environmental effects of a proposed discretionary project; prevent or minimize damage to the environment through the development of project alternatives, mitigation measures, and mitigation monitoring; disclose to the public the agency decision-making process to approve discretionary projects; enhance public participation in the environmental review process; and improve interagency coordination.

State CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or State list of Protected Species, nonetheless, may be considered rare or endangered for the purpose of CEQA if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals.

### ***CALIFORNIA ENDANGERED SPECIES ACT (CALIFORNIA FISH AND GAME CODE SECTION 2050 ET SEQ.)***

The California Endangered Species Act (CESA) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would result in take of a species listed under the CESA, a project proponent would need to obtain a take permit under Section 2081(b). Alternatively, the CDFW has the option of issuing a Consistency Determination (Section 2080.1) for projects that would affect a species listed under both the CESA and the FESA, as long as compliance with the FESA would satisfy the “fully mitigate” standard of CESA, and other applicable conditions.

### ***PORTER-COLOGNE WATER QUALITY CONTROL ACT***

Under Section 401 of the CWA, the Regional Water Quality Control Board (RWQCB) must certify that actions receiving authorization under Section 404 of the CWA also meet State water quality standards. The RWQCB regulates waters of the State under the authority of the Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The RWQCB requires projects to avoid impacts to wetlands whenever feasible and requires that projects not result

in a net loss of wetland acreage or a net loss of wetland function and values. The RWQCB typically requires compensatory mitigation for impacts to wetlands and/or waters of the State. The RWQCB has jurisdiction over waters deemed 'isolated' or not subject to Section 404 jurisdiction under the Solid Waste Agency of Northern Cook County (SWANCC) decision. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste into waters of the State, and such discharges are authorized through an Order of Waste Discharge (or waiver of discharge) from the RWQCB.

## ***VARIOUS SECTIONS OF THE CALIFORNIA STATE FISH AND GAME CODE***

### ***Section 460 and Sections 4000-4003***

Chapter 5 of the California Fish and Game Code (FGC) describes regulations concerning the take of fur-bearing mammals, including defining methods of take, seasons of take, bag and possession limits, and areas of the State where take is allowed. Section 4000–4003 defines fur-bearing mammals and the issuance of permits by the Department. Sections 460 and 4000 identify fisher, marten, river otter, desert kit fox, and red fox as fur-bearing mammals, and Section 460 prohibits take of these species at any time. This section of the California Fish and Game Code (FGC) has historically been interpreted to apply to restrictions on furbearer trapping permits, but has recently been expanded by CDFW to apply to any form of take and treated as if these species were listed under CESA.

### ***Sections 1600 through 1616***

Under these sections of the FGC, a project operator is required to notify CDFW prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Pursuant to the California Code of Regulations, a “stream” is defined as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supporting fish or other aquatic life. Based on this definition, a watercourse with surface or subsurface flows that has supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial watercourses valuable to fish and wildlife are subject to CDFW jurisdiction. CDFW also has jurisdiction over dry washes that carry water during storm events. Preliminary notification and project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement.

### ***Sections 3511, 4700, 5050, and 5515***

The protection of fully Protected Species is described in Sections 3511, 4700, 5050, and 5515 of the FGC. These statutes prohibit take or possession of fully Protected Species. CDFW is unable to authorize incidental take of fully Protected Species, except as allowed for in an approved Natural Communities Conservation Plan (NCCP) or through direct legislative action.

## **Sections 1900 through 1913 - Native Plant Protection Act**

California’s Native Plant Protection Act (NPPA) requires all State agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provision of the NPPA prohibits the taking of listed plants from the wild and requires notification of CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that otherwise would be destroyed. A project proponent is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of this act and sections of CEQA that apply to rare or endangered plants.

## **Local and Regional Laws, Regulations, and Policies**

### **COUNTY OF KERN GENERAL PLAN**

The County of Kern General Plan identifies the federal, State, and local statutes, ordinances, and policies that govern the conservation of biological resources that must be considered by Kern County during the decision-making process for any Project that could affect biological resources.

The Land Use, Open Space, and Conservation Element of the Kern County General Plan states that the element provides for a variety of land uses for future economic growth while also ensuring the conservation of the County’s agricultural, natural, and resource attributes. Section 1.10, “General Provisions,” provides goals, policies, and implementation measures that apply to all types of discretionary Projects. In addition, the Kern County General Plan includes specific policies for threatened and endangered species.

**Table 1**  
**Chapter 1 – Land Use, Open Space, and Conservation Element**

| <b>Goal</b>     |  |
|-----------------|--|
| Goal 1:         | Ensure that the County can accommodate anticipated growth and development while maintaining a safe and healthful environment and a prosperous economy by preserving valuable natural resources, guiding development away from hazardous areas, and assuring the provision of adequate public services. |
| <b>Policies</b> |  |
| Policy 27:      | Threatened or endangered plant and wildlife species should be protected in accordance with State and Federal laws. Threatened or endangered plant and wildlife species should be protected in accordance with State and Federal laws.  |
| Policy 28:      | The County should work closely with State and Federal agencies to ensure that discretionary Projects avoid or minimize impacts on fish, wildlife, and floristic resources.   |
| Policy 29:      | The County will seek cooperative efforts with local, State, and Federal agencies to protect listed threatened and endangered plant and wildlife species through the use of   |

| <b>Goal</b> |  |
|-------------|--|
|             | conservation plans and other methods promoting management and conservation of habitat lands.   |
| Policy 30:  | The County will promote public awareness of endangered species laws to help educate property owners and the development community of local, State, and Federal programs concerning endangered species conservation issues.                 |
| Policy 31:  | Under the provisions of CEQA, the County, as lead agency, will solicit comments from the CDFW and USFWS when an environmental document (Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report) is prepared. |
| Policy 32:  | Riparian areas will be managed in accordance with the USACE and the CDFW rules and regulations to enhance the drainage, flood control, biological, recreational, and other beneficial uses while acknowledging existing land use patterns. |

| <b>Implementation Measures</b> |   |
|--------------------------------|---|
| Measure Q:                     | Discretionary Project shall consider effects to biological resources as required by CEQA.   |
| Measure R:                     | Consult and consider the comments from responsible and trustee wildlife agencies when reviewing a discretionary Project subject to CEQA. Consult and consider the comments from responsible and trustee wildlife agencies when reviewing a discretionary Project subject to CEQA. |
| Measure S:                     | Pursue the development and implementation of conservation programs with State and federal wildlife agencies for property owners desiring streamlined endangered species mitigation programs.  |

| <b>1.10.5 Threatened and Endangered Species</b> |   |
|---|---|
| Policy COS. 27:                                 | Threatened or endangered plant and wildlife species should be protected in accordance with state and federal laws.  |
| Policy COS. 28:                                 | The County should work closely with state and federal agencies to ensure that discretionary Projects avoid or minimize impacts on fish, wildlife, and floristic resources.  |
| Policy COS. 29                                  | The County will seek cooperative efforts with local, state, and federal agencies to protect listed threatened and endangered plant and wildlife species through the use of conservation plans and other methods promoting management and conservation of habitat lands. |
| Policy COS. 30:                                 | The County will promote public awareness of endangered species laws to help educate property owners and the development community of local, State, and federal  |

| <b>Goal</b>                    |  |
|--------------------------------|--|
|                                | programs concerning endangered species conservation issues.  |
| Policy COS. 31:                | Under the provisions of CEQA, the County, as lead agency, will solicit comments from the CDFG and the USFWS when an environmental document (Negative Declaration, Mitigated Negative Declaration, or EIR) is prepared.                     |
| Policy COS. 32:                | Riparian areas will be managed in accordance with the USACE and the CDFG rules and regulations to enhance the drainage, flood control, biological, recreational, and other beneficial uses while acknowledging existing land use patterns. |
| <b>Implementation Measures</b> |  |
| Measure Q:                     | Discretionary Projects shall consider effects to biological resources as required by CEQA.   |
| Measure R:                     | Consult and consider the comments from responsible and trustee wildlife agencies when reviewing a discretionary Project subject to CEQA.   |

*Source: (Kern County 2009)*

### ***INYOKERN SPECIFIC PLAN***

The entire project site is subject to the provisions of the Inyokern Specific Plan, which contains goals, policies, and standards that are compatible with those of the Kern County General Plan, but are unique to the specific needs of the Inyokern Area. The Land Use, Open Space, and Conservation Element of the Inyokern Specific Plan has the purpose of identifying biological resources within the Plan area. The Inyokern Specific Plan contains additional policies, goals, and implementation measures that are more general in nature and are not specific to development, such as the project. Therefore, they are not listed below, but all policies, goals, and implementation measures in the Inyokern Specific Plan are incorporated by reference.

### ***Land Use, Open Space, and Conservation Element***

#### **1.5 Industrial**

##### ***Policy***

Policy 7: Direct development away from “sensitive biological resource” areas unless effective mitigation can be implemented.

##### ***Implementation Measure***

Measure 6: Any discretionary industrial project that disturbs property not previously developed/disturbed or is not substantially surrounded by urban density development, as determined by the Director of the Kern County Department of Planning and Development

Services, shall require submittal of a biological survey for plants and animals as part of the application/permit process; said survey shall be completed in accordance with the most current guidelines prepared by the U.S. Fish and Wildlife Service and/or the State Department of Fish and Game. Any submittal shall also include mitigation measures satisfactory to the requirements of said agencies and the Kern County Department of Planning and Development Services.

## **1.6 Resource**

### ***Policy***

Policy 3: Habitats of threatened or endangered species should be protected to the greatest extent possible.

### ***Implementation Measure***

Measure 4: Surveys to determine the location, extent, and population sizes of sensitive plants and animals shall be conducted prior to approval of any discretionary land development permits. Mitigation measures identified for species protection shall be incorporated into development proposals

### ***DESERT RENEWABLE ENERGY CONSERVATION PLAN***

The California Energy Commission (CEC), CDFW, BLM, and USFWS prepared the Desert Renewable Energy Conservation Plan (DRECP), which was finalized in 2016. The DRECP plan area encompasses the Mojave and Colorado Desert regions in California, including all or a portion of Kern, Los Angeles, San Bernardino, Inyo, Riverside, Imperial, and San Diego counties.

The DRECP is a joint State and federal NCCP and part of one or more HCPs that are intended to provide for effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy Projects. It is anticipated to provide long-term endangered species permit assurances to renewable energy developers and provide a process for conservation funding to implement the DRECP. It would also serve as the basis for one or more HCPs under the FESA. The final plan is still in the development stage and has not been adopted by any agency.

### ***CALIFORNIA DESERT NATIVE PLANTS ACT***

The California Native Desert Native Plants Act protects certain species of native desert plants from unlawful harvesting on both public and private lands within the Counties of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego. In order to harvest, transport, or possess any of the protected species, a person must possess a valid permit and required tags.

**APPENDIX C**

**REPRESENTATIVE PHOTOGRAPHS**



**Photograph 1:** Representative view of the Project site from southwest corner.  
GPS coordinates: 35.647624, -117.811611, facing northeast.  
Photograph taken by Karissa Denney on August 26, 2025.



**Photograph 2:** Representative view of the Project site from northeast corner.  
GPS coordinates: 35.651917, -117.808365, facing southwest.  
Photograph taken by Eric Madueno on August 26, 2025.



**Photograph 3:** Representative view of the Project site from the northwest corner.  
GPS coordinates: 35.652080, -117.812308, facing southeast.  
Photograph taken by Karissa Denney on August 26, 2025.



**Photograph 4:** Representative view of the Project site from the southeast corner.  
GPS coordinates: 35.651917, -117.808365, facing northwest.  
Photograph taken by Eric Madueno on August 26, 2025.



**Photograph 5:** Representative view of alkali desert scrub habitat and commercial development along the southern portion of the Project site.

GPS coordinates: 35.648326, -117.809066, facing west.  
Photograph taken by Karissa Denney on August 26, 2025.



**Photograph 6:** Representative view of desert scrub habitat.

GPS coordinates: 35.651917, -117.808365, facing west.  
Photograph taken by Eric Madueno on August 26, 2025.



**Photograph 7:** Representative view of RB Inyokern solar field north of the Project site.  
GPS coordinates: 35.652080, -117.812308, facing southeast.  
Photograph taken by Karissa Denney on August 26, 2025.



**Photograph 8:** Representative view of residential development west of the Project site.  
GPS coordinates: 35.652080, -117.812308, facing southeast.  
Photograph taken by Karissa Denney on August 26, 2025.



**Photograph 9:** Representative view of potential MGS burrow.  
GPS coordinates: 35.651992, -117.812011, facing south.  
Photograph taken by Eric Madueno on August 26, 2025.



**Photograph 10:** Representative view of potential desert kit fox den.  
GPS coordinates: 35.649410, -117.809972, facing south.  
Photograph taken by Eric Madueno on August 26, 2025.



**Photograph 11:** View of proposed gen-tie route from POI.  
GPS coordinates: 35.648463, -117.801197, facing west.  
Photograph taken by Eric Madueno on November 5, 2025.



**Photograph 12:** View of proposed POI location.  
GPS coordinates: 35.648463, -117.801197, facing north.  
Photograph taken by Eric Madueno on November 5, 2025.



**Photograph 13:** View of ephemeral water feature.  
GPS coordinates: 35.649005, -117.805684, facing east.  
Photograph taken by Eric Madueno on November 5, 2025.

**APPENDIX D**

**PLANT AND ANIMAL SPECIES OBSERVED WITHIN THE BIOLOGICAL SURVEY AREA**

**Table D-1**  
**Plant Species Observed within the Biological Study Area**  
**RB Inyokern Data Center Project, Kern County, California**

| Scientific Name                 | Common Name          | Status              | Native or Introduced | Site Observed Data Center           | Gen-tie and POI                     |
|---------------------------------|----------------------|---------------------|----------------------|-------------------------------------|-------------------------------------|
| <b>Shrubs</b>                   |                      |                     |                      |                                     |                                     |
| <i>Ambrosia dumosa</i>          | burrobush            |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Ambrosia Salsola</i>         | cheesebush           |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Atriplex polycarpa</i>       | allscale saltbush    |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Ericameria nauseosa</i>      | rubber rabbitbrush   |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Larrea tridentata</i>        | creosote bush        |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>Herbs</b>                    |                      |                     |                      |                                     |                                     |
| <i>Ambrosia acanthicarpa</i>    | annual bursage       |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Amsinckia sp.</i>            | fiddleneck           |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Artemisia ludoviciana</i>    | white sagebrush      |                     | Native               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <i>Camissonia campestris</i>    | field sun cup        |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Chaenactis carphoclinia</i>  | pebble pincushion    |                     | Native               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <i>Chylismia claviformis</i>    | brown eyed primrose  |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Cryptantha barbiger</i>      | Bearded cryptantha   |                     | Native               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <i>Cryptantha nevadensis</i>    | Nevada forget me not |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Cryptantha pterocarya</i>    | Wingnut cryptantha   |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Datura wrightii</i>          | jimsonweed           |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Erodium cicutarium</i>       | red-stemmed filaree  | CAL-IPC:<br>Limited | Introduced           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Eriophyllum wallacei</i>     | Wallace eriophyllum  |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Eschscholzia minutiflora</i> | pygmy poppy          |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Lasthenia gracillis</i>      | needle goldfields    |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Lycium cooperi</i>           | Cooper's box thorn   |                     | Native               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Salsola tragus</i>           | Russian thistle      | CAL-IPC:<br>Limited | Introduced           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>Salvia carduacea</i>         | thistle sage         |                     | Native               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>Grasses</b>                  |                      |                     |                      |                                     |                                     |
| <i>Bromus tectorum</i>          | downy chess          | CAL-IPC:<br>High    | Introduced           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Eriogonum sp.</i>            | buckwheat            |                     | Native               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <i>Schismus arabicus</i>        | Arabian schismus     | CAL-IPC:<br>Limited | Introduced           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

\*Cal-IPC = California Invasive Plant Council.

**Rating system:** **High** = several ecological impacts; **Moderate** = substantial but not severe ecological impacts; **Limited** = minor ecological impacts or not enough information to justify higher score; **Alert** = species ranked as High or Moderate with limited distribution, but potential to spread; **Watch** = could pose a high risk of becoming invasive in the future.

**Table D-2**  
**Animal Species Observed within the Biological Study Area**  
**RB Inyokern Data Center Project, Kern County, California**

| Scientific Name                       | Common Name                    | Native or Introduced | Site Observed |                 |
|---------------------------------------|--------------------------------|----------------------|---------------|-----------------|
|                                       |                                |                      | Data Center   | Gen-tie and POI |
| <b>Birds</b>                          |                                |                      |               |                 |
| <i>Corvus corax</i>                   | Raven                          | Native               | ☒             | ☒               |
| <i>Eremophila alpestris ammophila</i> | Mohave horned lark             | Native               | ☐             | ☒               |
| <i>Haemorhous mexicanus</i>           | house finch                    | Native               | ☐             | ☒               |
| <b>Reptiles</b>                       |                                |                      |               |                 |
| <i>Aspidoscelis tigris</i>            | western whiptail               | Native               | ☒             | ☐               |
| <i>Uta stansburiana</i>               | side-blotched lizard           | Native               | ☐             | ☒               |
| <b>Mammals</b>                        |                                |                      |               |                 |
| <i>Ammospermophilus leucurus</i>      | White-tailed antelope squirrel | Native               | ☒             | ☐               |
| <i>Lepus californicus</i>             | Black-tailed jackrabbit        | Native               | ☒             | ☒               |
| <i>Vulpes macrotis arsipus</i> *      | desert kit fox                 | Native               | ☒             | ☒               |
| <i>Canis latrans</i> *                | coyote                         | Native               | ☐             | ☒               |
| <i>Ovis aries</i> *                   | domestic sheep                 | N/A                  | ☐             | ☒               |

\*Observed sign only, i.e., scat, tracks, prey remains, den, burrow, etc.

FE Federally Endangered  
 SE State Endangered  
 ST State Threatened  
 SCT State Candidate Threatened  
 SSC State Species of Special Concern  
 SFP State Fully Protected

# **RB INYOKERN DATA CENTER**

Application for Small Power Plant Exemption (SPPE)

*Inyokern, Kern County, California*

Docket Number - 26-SPPE-01

## **Supporting Document Appendix D**

Subsection(s):

- D.2 - Wildfire Assessment

## **RB Inyokern Data Center Wildfire Assessment**

### **1.0 Introduction**

This Wildfire Assessment has been prepared for the RB Inyokern Data Center (RBIDC or “Project”) in support of a Small Power Plant Exemption (SPPE) application to the California Energy Commission (CEC), pursuant to Title 20, California Code of Regulations (CCR), Appendix B, Section (g)(19). The Project is a hyperscale data center campus with an approximate electrical demand of 99 megawatts (MW) located near the community of Inyokern in unincorporated Kern County, California.

This assessment evaluates the potential for the Project to be impacted by, or contribute to, wildfire hazards. The analysis is based on review of Project design features, local and regional fire hazard mapping, applicable codes and regulations, and the environmental setting of the Project site. This report addresses the wildfire-related questions from Appendix G of the CEQA Guidelines and provides a framework for a project-specific Fire Protection Plan (FPP) to be implemented during Project construction and operation.

### **1.1 Project Description (Updated)**

The RBIDC Project involves construction and operation of a single-story data center building of approximately 238,000 square feet, supporting a total IT load of approximately 70 MW and a total facility load of approximately 99 MW. The facility will be located on an approximately 50-acre portion of a larger site zoned for Medium Industrial (M-2) use.

The Project includes emergency backup power provided by diesel-fired emergency standby generators, a hybrid cooling system, on-site water storage, and an on-site stormwater retention basin. Photovoltaic (PV) solar, if installed, is an ancillary efficiency feature anticipated to consist primarily of rooftop PV and parking canopy PV within the developed campus footprint; PV is not proposed as a utility-scale solar generation facility and does not change the primary purpose of the Project.

The Project will be annexed into the Inyokern Community Services District (CSD) for domestic water and sanitary sewer service. Fuel and other regulated materials will be stored and managed in designated areas with secondary containment and operational

procedures intended to reduce spill and ignition risk. The site is located between US-395 and North Brown Road, north of SR-178/Inyokern Road.

## **2.0 Regulatory Framework**

The Project is subject to federal, state, and local laws, ordinances, regulations, and standards (LORS) related to wildfire protection. Applicable wildfire-related LORS are also summarized in the Project's LORS Compliance Matrix (see Project LORS Compliance Matrix) and implemented through permitting, design, and operating requirements.

### **2.1 State**

- **California Public Resources Code (PRC) Sections 4201–4204 (Fire Hazard Severity Zones).** Requires CAL FIRE to map fire hazard severity in State Responsibility Areas (SRAs).
- **California Government Code Sections 51175–51189 (Very High Fire Hazard Severity Zones).** Requires local agencies to designate Very High Fire Hazard Severity Zones (VHFHSZ) within their jurisdictions.
- **Title 20 CCR, Appendix B.** Requires a wildfire assessment as part of SPPE applications, including mapping and description of fire prevention measures and analysis of potential wildfire-related impacts.
- **California Fire Code (CFC), Title 24, Part 9.** Establishes minimum standards for fire prevention and building construction to control outbreak and spread of fire, including fire apparatus access, water supplies, and vegetation management.
- **CEQA Guidelines Appendix G (Environmental Checklist).** Provides wildfire checklist questions related to emergency response, exacerbation of fire risk, infrastructure, and post-fire hazards.

### **2.2 Local**

- **Kern County Fire Department (KCFD).** Provides fire protection and emergency services to the Project area. The Project will comply with KCFD requirements for fire apparatus access, water supply/fire flow, and fire prevention.
- **Kern County Zoning Ordinance.** The Project site is zoned M-2 (Medium Industrial) and will comply with applicable development standards.

**3.0 Environmental Setting**

**3.1 Project Location and Site Characteristics**

The Project site is located in the northwestern Mojave Desert, in an arid climate with average annual precipitation of approximately 4.17 inches. The topography is relatively flat, with elevations ranging from approximately 2,420 to 2,430 feet above mean sea level. The site is currently vacant and consists of disturbed desert terrain with limited, sparse vegetation. Soils are characterized as Hydrologic Soil Group A, indicating high infiltration rates and low runoff potential.

Surrounding land uses include vacant and undeveloped lands, commercial uses along SR-178, residential areas to the west and south, Naval Air Weapons Station (NAWS) China Lake to the north, and the Inyokern Airport nearby.

**3.2 Fire Hazard Severity Zone Designations (Updated)**

According to CAL FIRE mapping, the Project site is located within a **Local Responsibility Area (LRA)**, meaning fire protection is primarily the responsibility of the Kern County Fire Department. The site is **not** located within a designated **State Responsibility Area (SRA)** or a **Very High Fire Hazard Severity Zone (VHFHSZ)**.

CAL FIRE Fire Hazard Severity Zone maps (effective April 1, 2024) indicate that SRA lands surrounding the Inyokern area are generally classified as **Moderate** Fire Hazard Severity Zone (FHSZ).

**Summary Table – Fire Hazard Designations**

| Jurisdiction/Area     | Fire Hazard Designation         | Source      |
|-----------------------|---------------------------------|-------------|
| Project Site          | Local Responsibility Area (LRA) | CAL FIRE    |
| Project Site          | Not in VHFHSZ                   | Kern County |
| Surrounding SRA Lands | Moderate FHSZ                   | CAL FIRE    |

**3.3 Project Wildfire Design Features (New – Reviewer-Focused)**

The following design and operational features are incorporated into the Project and/or will be required through permitting and detailed design in coordination with KCFD and applicable codes:

| Topic                        | Design Feature / Commitment   |
|------------------------------|---|
| Fire apparatus access        | Site access and internal circulation will be designed to meet KCFD/CFC fire apparatus access requirements (e.g., width, turning radii, clearance, and emergency access).                              |
| Water supply / fire flow     | Project will provide fire suppression water supply consistent with KCFD/CFC requirements, including on-site water storage and distribution as required by final fire-flow determinations.             |
| Defensible space             | Defensible space/vegetation management will be maintained around structures and equipment areas consistent with KCFD requirements and good fire-safe practices.                                       |
| Non-combustible construction | Data center building constructed of non-combustible or fire-resistive materials as required by code and design standards.   |
| Fuel systems                 | Fuel storage/handling areas will include secondary containment and operational procedures to minimize ignition and spill risk; fueling activities will be controlled and managed per site procedures. |
| Electrical infrastructure    | Electrical facilities (substation/equipment/duct banks) will be designed and installed per applicable safety standards to minimize ignition risk (including applicable utility and code standards).   |
| Battery/UPS safety           | UPS/battery systems will be designed with appropriate fire detection/suppression and emergency response features consistent with applicable codes and manufacturer standards.                         |

| Topic                            | Design Feature / Commitment   |
|----------------------------------|---|
| Construction wildfire prevention | Construction will implement wildfire prevention measures (hot work controls, equipment maintenance/spark arrestors where applicable, fire extinguishers, housekeeping, smoking restrictions, and emergency access maintenance). |
| Emergency procedures             | Emergency response procedures, site evacuation protocols, and employee training will be addressed in the Fire Protection Plan and site emergency planning.  |
| Post-fire drainage resiliency    | Stormwater management features (including on-site retention) are designed to manage runoff and reduce downstream discharge during storm events, including potential post-fire conditions.                                       |

**4.0 Impact Discussion (CEQA Appendix G Checklist)**

This section analyzes the Project’s potential wildfire-related impacts based on the checklist questions in Appendix G of the CEQA Guidelines.

**a) Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than Significant Impact.** The Project is not expected to substantially impair emergency response or evacuation plans. Construction activities will be managed by a Construction Traffic Control Plan to maintain access for emergency vehicles on surrounding roadways (including SR-178 and US-395). During operations, the Project will generate a limited number of vehicle trips and is not anticipated to significantly impact traffic flow or evacuation capacity on regional routes. The Project access and internal circulation will be designed to meet KCFD/CFC standards for emergency vehicle access and on-site movement of emergency apparatus. Therefore, impacts are considered less than significant.

**b) Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose occupants to pollutant concentrations from a wildfire or uncontrolled fire spread?**

**Less than Significant Impact.** The Project site is relatively flat, eliminating slope as a contributing factor to fire spread. Prevailing winds could influence direction of a regional fire; however, limited vegetation on and around the Project reduces the potential for a large, wind-driven wildfire originating at the site. The Project incorporates fire risk reduction features including non-combustible construction, defensible space/vegetation management, code-compliant electrical and fuel system design, and on-site fire suppression water supply consistent with KCFD/CFC requirements. While occupants could be exposed to smoke from a regional wildfire, this is a region-wide condition and would not be exacerbated by the Project. Therefore, impacts are considered less than significant.

**c) Would the Project require installation or maintenance of associated infrastructure (roads, power lines, utilities) that may exacerbate fire risk or result in temporary or ongoing impacts to the environment?**

**Less than Significant Impact.** The Project will connect to utilities including electrical facilities, domestic water, and sanitary sewer (through annexation into Inyokern CSD). Electrical infrastructure will be designed and installed to meet applicable safety standards to minimize ignition risk. The Project's emergency generators and fuel storage systems will be located in secured areas and managed with secondary containment and operational procedures to minimize fire risk. Infrastructure will be maintained as part of routine operations and preventive maintenance. Therefore, impacts are considered less than significant.

**d) Would the Project expose people or structures to significant risks, including downslope/downstream flooding or landslides, due to runoff, post-fire slope instability, or drainage changes?**

**Less than Significant Impact.** The Project site and surrounding area are relatively flat; therefore, risk of landslides or post-fire slope instability is negligible. Stormwater management includes an on-site retention basin sized to retain Project runoff and designed consistent with County drainage standards. The retention basin will be designed to limit ponding depth (conceptually not exceeding 18 inches) and to drain within a prescribed period (conceptually within seven days), and the site will grade to drain to the retention basin; no underground storm drain infrastructure is planned as part of the Project drainage concept. These features reduce downstream discharge and help manage runoff

during storm events, including potential post-fire conditions. Therefore, impacts are considered less than significant.

**e) For a Project located in or near SRAs or VHFHSZ, would the Project expose people or structures to significant risk of loss, injury, or death involving wildland fires?**

**Less than Significant Impact.** The Project site is not located within an SRA or a VHFHSZ. Surrounding SRA lands are generally classified as Moderate FHSZ. The Project will comply with applicable fire code requirements and KCFD standards for fire apparatus access, water supply/fire flow, and fire prevention. The Project will also develop and implement a Fire Protection Plan (Section 5.0). Therefore, the risk of loss, injury, or death involving wildland fires is considered less than significant.

**5.0 Fire Protection Plan (FPP) Framework (Updated)**

A project-specific Fire Protection Plan (FPP) will be developed in coordination with the Kern County Fire Department. The FPP will address construction and operational phases and will include, at a minimum, the following elements:

- **Emergency Contact Information:** emergency contacts and coordination protocols.
- **Site Plans:** site plans showing access routes, fire lanes, hydrants and fire water connections, fire department connections, hazardous materials storage areas, and key equipment locations.
- **Fire Apparatus Access:** confirmation of access widths, turning radii, gate dimensions, and on-site circulation standards.
- **Water Supply / Fire Flow:** documentation of fire-flow requirements and the Project's water supply/fire suppression storage and distribution system.
- **Vegetation Management:** defensible space and vegetation management practices and maintenance responsibilities.
- **Fire Suppression Systems:** description of on-site systems (automatic suppression, alarms/detection, and water storage where applicable).
- **Emergency Procedures / Training:** evacuation procedures, drills/training, and coordination with KCFD.

- **Hazardous Materials and Fuel Systems:** safe storage/handling procedures for fuel and other regulated materials; spill prevention; housekeeping/combustible control.
- **Construction-Phase Fire Prevention:** hot work controls, equipment maintenance, extinguisher availability, and response protocols.

## 6.0 Mitigation Measures

Based on the analysis in this assessment, no significant and unavoidable wildfire-related impacts have been identified. Compliance with applicable LORS and implementation of the Fire Protection Plan will reduce wildfire-related impacts to a less-than-significant level. Therefore, no additional mitigation measures are required beyond those incorporated through compliance and Project plans.

## 7.0 Cumulative Impacts

The Project, in combination with other existing and planned development in the Inyokern area, may contribute incrementally to the number of people and structures present in the region. However, the Project is located in an LRA and is not in an SRA or VHFHSZ, and it incorporates fire-safe site planning and operational features consistent with applicable codes and KCFD requirements. The Project's incremental contribution to cumulative wildfire risk is not considered cumulatively considerable. Therefore, cumulative wildfire impacts are considered less than significant.

## 8.0 References

- California Department of Forestry and Fire Protection (CAL FIRE). Fire Hazard Severity Zone Maps (effective April 1, 2024).
- California Environmental Quality Act (CEQA) Guidelines, Appendix G (Wildfire).
- California Fire Code (CFC), Title 24, Part 9.
- Kern County Fire Department (KCFD) requirements and standards.
- Kern County Zoning Ordinance.

# **RB INYOKERN DATA CENTER**

Application for Small Power Plant Exemption (SPPE)

*Inyokern, Kern County, California*

Docket Number - 26-SPPE-01

## **Supporting Document Appendix D**

Subsection(s):

- D.3 - Agriculture & Forestry Resources Assessment

## **RBIDC - Agriculture & Forestry Resources Assessment**

### **1.0 Introduction**

This Agriculture and Forestry Resources Assessment has been prepared for the RB Inyokern Data Center (RBIDC or “Project”) in support of a Small Power Plant Exemption (SPPE) application to the California Energy Commission (CEC). This assessment evaluates the Project’s potential impacts to agricultural and forestry resources, consistent with the CEQA Guidelines Appendix G checklist.

### **1.1 Project Description (Updated)**

The Project consists of construction and operation of a hyperscale data center campus supported by on-site emergency backup generation and related infrastructure in unincorporated Kern County near the community of Inyokern. Emergency backup generators are intended for utility outage conditions and limited testing/maintenance and are not proposed for export to the transmission or distribution grid. Photovoltaic (PV) solar, if installed, is an ancillary efficiency feature anticipated to consist primarily of rooftop PV and parking canopy PV within the developed campus footprint and is not proposed as a utility-scale solar generation facility.

The Project will be annexed into the Inyokern Community Services District (CSD) for domestic water and sanitary sewer service. Stormwater controls include on-site retention and implementation of a Storm Water Pollution Prevention Plan (SWPPP) pursuant to the State Water Resources Control Board (SWRCB) Construction General Permit.

### **2.0 Regulatory Framework**

Agricultural resources are protected and regulated through a combination of local land use planning and state-level programs. Key programs and policies relevant to agricultural resources include:

- **California Department of Conservation – Farmland Mapping and Monitoring Program (FMMP).** FMMP classifies land according to agricultural productivity (e.g., Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, and Other Land). FMMP classifications are commonly used in CEQA analyses to evaluate conversion of important agricultural lands. FMMP mapping for the Project vicinity is provided in **Exhibit AFR-1**.

## RBIDC - FMMP Map 2026

- **Williamson Act (California Land Conservation Act of 1965).** The Williamson Act enables local governments to enter into contracts with landowners to restrict land to agricultural or open space use in exchange for reduced property tax assessments. Williamson Act mapping for the Project vicinity is provided in **Exhibit AFR-2**.

## Inyokern Williamson Act Map

- Forest Practice Act / Timberland / Timberland Production Zones (TPZ). Timberland and TPZ lands are regulated to preserve forest resources.

### **3.0 Environmental Setting**

#### **3.1 Existing Conditions**

The Project site is located in the Mojave Desert region and consists of previously disturbed and/or vacant land zoned for industrial use. The Project site does not support active agricultural operations and is not used for timber production.

The Natural Resources Conservation Service (NRCS) Web Soil Survey indicates that soils within the Project area are classified as “Not prime farmland,” supporting the conclusion that the site does not contain important farmland soils typically associated with Prime Farmland or Farmland of Statewide Importance.

#### **3.2 FMMP Classification (Exhibit Included)**

FMMP land classification mapping for the Project vicinity is provided in Exhibit AFR-1 (RBIDC – FMMP Map 2026, dated 3/2/2026).

The FMMP map depicts agricultural land classifications in the Inyokern area and surrounding communities. The Project’s industrial setting, existing disturbance, and NRCS soil classification (“Not prime farmland”) support the conclusion that development of the Project site would not result in conversion of important farmland.

#### **3.3 Williamson Act Contract Status**

Williamson Act mapping for the Project vicinity is provided in **Exhibit AFR-2 (Inyokern Williamson Act Map, dated 3/2/2026)** prepared by the Kern County Planning and Natural Resources Department.

#### Inyokern Williamson Act Map

Based on Exhibit AFR-2, the Project site is not depicted within mapped Williamson Act contract areas in the vicinity. Accordingly, the Project is not expected to conflict with Williamson Act contract restrictions.

### **3.4 Forestry Resources**

The Project site does not contain forest land, timberland, or Timberland Production Zone (TPZ) lands and does not support commercial timber resources. The Mojave Desert setting and sparse vegetation at the site are not characteristic of forestry resource areas. Therefore, the Project would not affect forestry resources.

### **4.0 Impact Analysis (CEQA Guidelines Appendix G)**

#### **a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (FMMP) to non-agricultural use?**

**Less than Significant Impact.** Based on NRCS soil classification (“Not prime farmland”), the Project’s industrial setting, and FMMP mapping for the vicinity (Exhibit AFR-1), the Project is not expected to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

#### **b) Would the Project conflict with existing zoning for agricultural use or a Williamson Act contract?**

**Less than Significant Impact.** The Project is located on land zoned for industrial use. Williamson Act mapping for the vicinity is provided in Exhibit AFR-2; based on Exhibit AFR-2, the Project site is not depicted within mapped Williamson Act contract areas. Therefore, the Project would not conflict with agricultural zoning or Williamson Act restrictions.

#### **c) Would the Project conflict with existing zoning for forest land use, timberland, or a Timberland Production Zone (TPZ)?**

**No Impact.** The Project site is not zoned for forest land use, is not timberland, and is not within a TPZ. No impacts would occur.

**d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact. The Project site does not contain forest land. No loss or conversion of forest land would occur.

**e) Would the Project involve other changes in the existing environment that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

**Less than Significant Impact.** The Project's utility service approach and related infrastructure are not expected to induce conversion of off-site farmland or forest land. The Project will be annexed into the Inyokern CSD for domestic water and sanitary sewer service and therefore does not require construction of independent, regional-scale water or wastewater infrastructure that would facilitate agricultural land conversion. Stormwater management includes on-site retention and SWPPP implementation, and does not involve construction of major off-site drainage infrastructure intended to serve unrelated development. PV solar, if installed, is anticipated primarily as rooftop and parking canopy PV within the developed campus footprint and does not represent a utility-scale solar field that would drive broader land conversion. Accordingly, indirect conversion effects are not expected.

**5.0 Mitigation Measures**

No mitigation measures are required because the Project would not result in significant impacts to agricultural or forestry resources. Exhibits AFR-1 and AFR-2 provide supporting documentation for farmland classification and Williamson Act mapping in the Project vicinity.

**6.0 Cumulative Impacts**

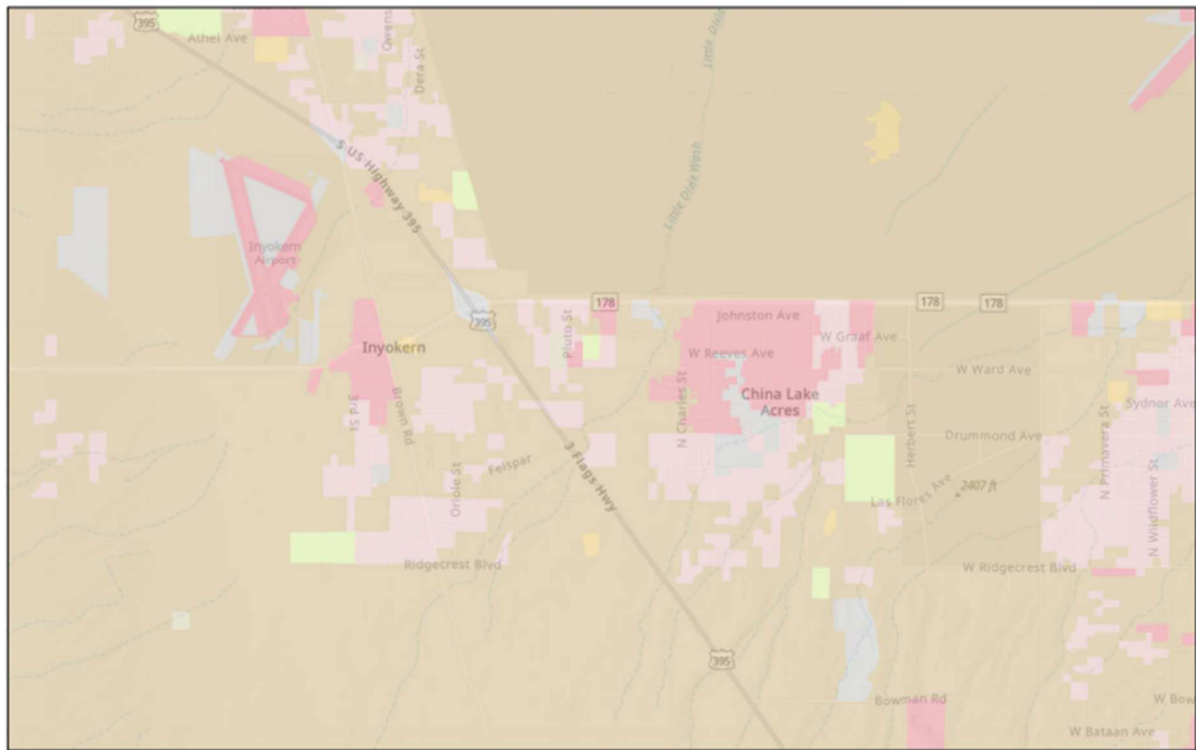
The Project is located in an industrial land use context and does not involve conversion of important farmland or forestry resources. In combination with other development in the region, the Project's incremental contribution to cumulative agricultural or forestry resource impacts is not considered cumulatively considerable. Therefore, cumulative impacts to agriculture and forestry resources would be less than significant.

**7.0 Conclusion**

Based on NRCS soil classifications, the Project’s setting, FMMP mapping for the vicinity (Exhibit AFR-1), and Williamson Act mapping for the vicinity (Exhibit AFR-2), the Project would not convert important farmland or forestry resources and would not conflict with Williamson Act or forestry-related zoning. Impacts to agriculture and forestry resources would be less than significant, and no mitigation measures are required.

**Exhibit AFR-1 - RBIDC – FMMP Map 2026**

**Inyokern FMMP Map**



3/2/2026  
 2022

|                        |                                       |   |
|------------------------|---------------------------------------|---|
| Unique Farmland        | Nonagricultural or Natural Vegetation | Semi-agricultural and Rural Commercial Land |
| Grazing Land           | Vacant or Disturbed Land              | Urban and Built-Up Land                     |
| Rural Residential Land |                                       |   |

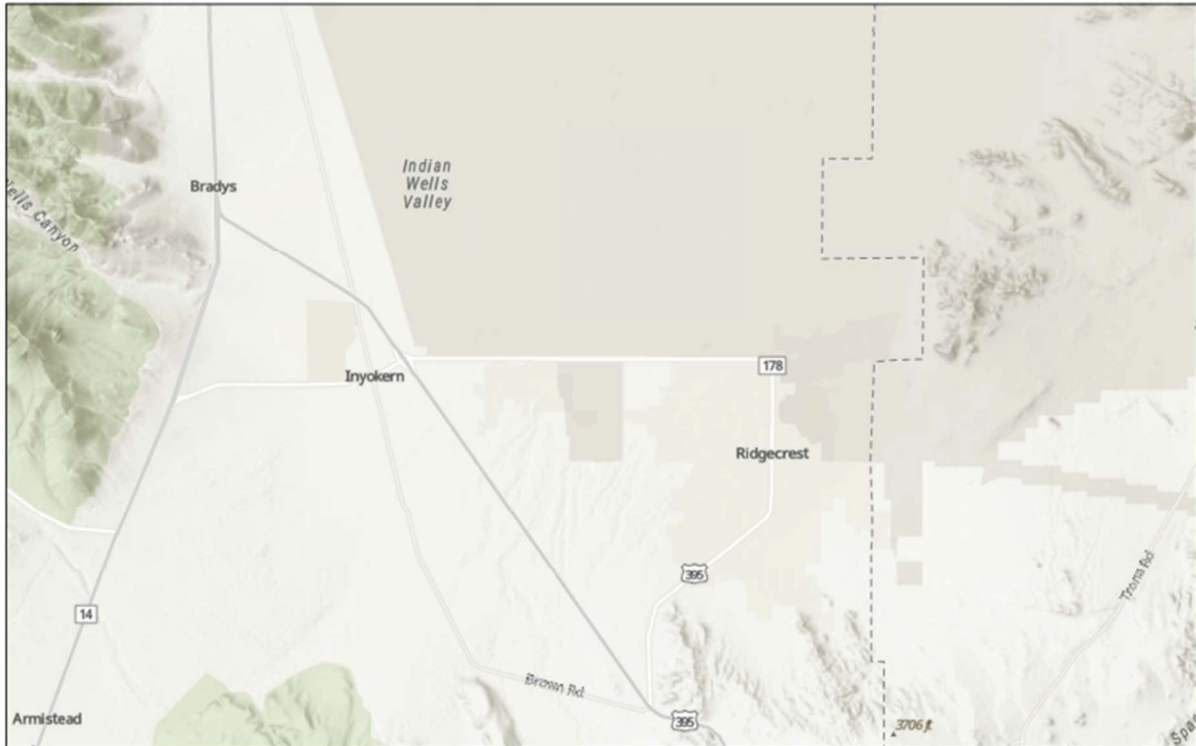
World\_Hillshade

1:71,095  
 0 0.5 1 2 mi  
 0 0.75 1.5 3 km

Farmland Mapping and Monitoring Program, Division of Land Resource Protection, California Department of Conservation. Sources: Esri, TomTom.

**Exhibit AFR-2 - Inyokern Williamson Act Map**

**Inyokern Williamson Act Map**

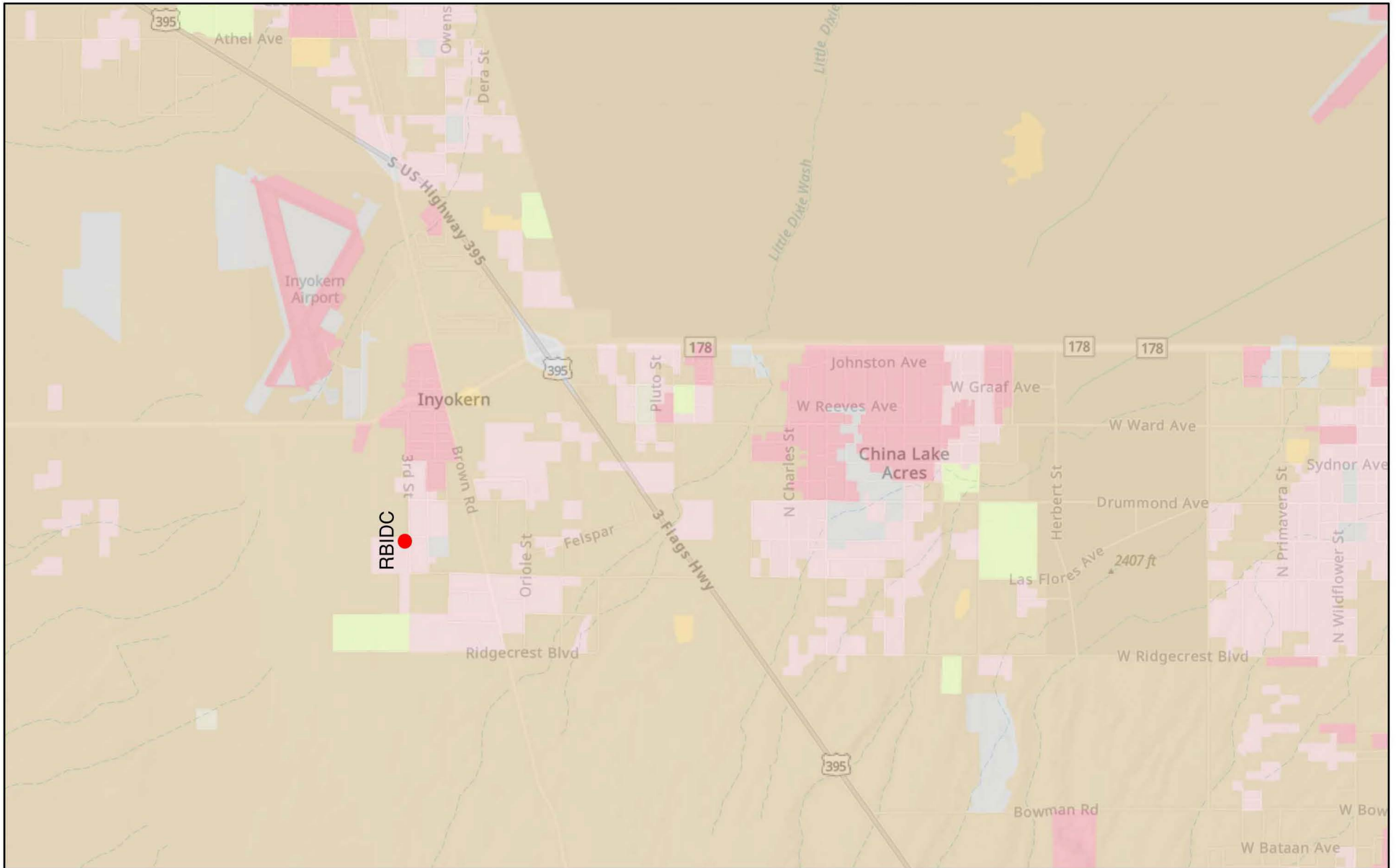


3/2/2026

World\_Hillshade

1:185,904  
0 1.25 2.5 5 mi  
0 2 4 8 km  
Kern County Planning and Natural Resources Department, Contact Julie Williams at 661-862-5584 or williamsj@kerncounty.com, Sources: Esri.

# Inyokern FMMP Map



3/2/2026

2022

Unique Farmland

Grazing Land

Nonagricultural or Natural Vegetation

Vacant or Disturbed Land

Rural Residential Land

Semi-agricultural and Rural Commercial Land

Urban and Built-Up Land

World\_Hillshade

1:71,095

0 0.5 1 2 mi

0 0.75 1.5 3 km

Farmland Mapping and Monitoring Program, Division of Land Resource Protection, California Department of Conservation, Sources: Esri, TomTom,

# FARMLAND MAPPING AND MONITORING PROGRAM (FMMP) — KERN COUNTY, CALIFORNIA

Agriculture and Forestry Resources | CEQA / CEC Small Power Plant Exemption (SPPE) Environmental Review

RB Inyokern Data Center | Inyokern, Kern County, CA | Source: CA DOC FMMP 2022 — [gis.conservation.ca.gov/server/rest/services/DLRP/CaliforniaImportantFarmland\\_2022/FeatureServer](https://gis.conservation.ca.gov/server/rest/services/DLRP/CaliforniaImportantFarmland_2022/FeatureServer)

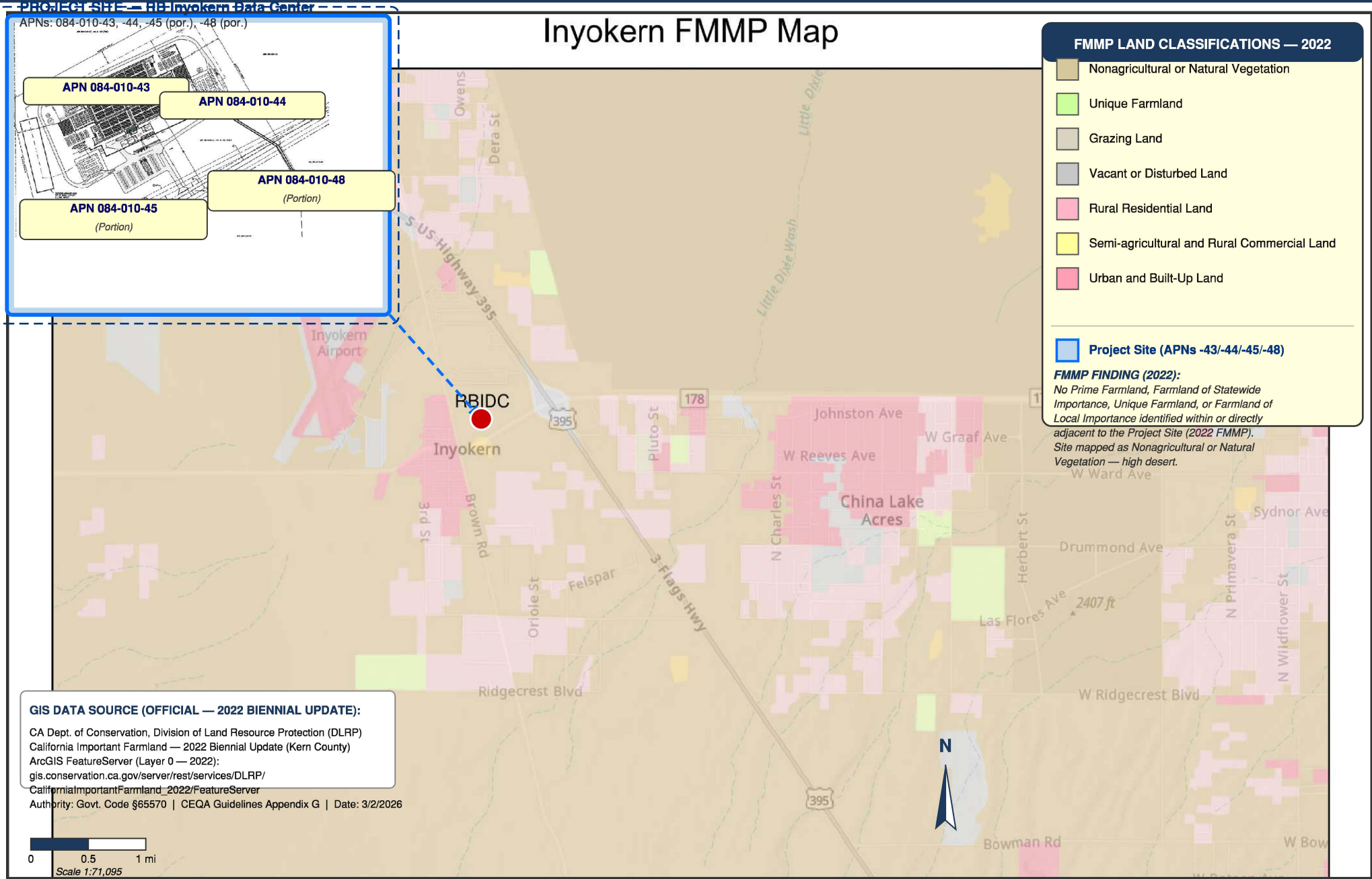


FIGURE NO.: FMMP-1

PROJECT: RB Inyokern Data Center

APNs: 084-010-43 | 084-010-44 | 084-010-45 (por.) | 084-010-48 (por.)

Data: CA Dept. of Conservation FMMP 2022 Biennial Update (Kern County); USDA-NRCS SSURGO; Kern County Assessor; Esri, TomTom; Site plan provided by project applicant.

COORDINATE SYSTEM: GCS WGS 1984 (EPSG:4326)

LOCATION: Inyokern, Kern County, California

SITE CENTROID: 35.6469°N | 117.8125°W | Scale: 1:71,095

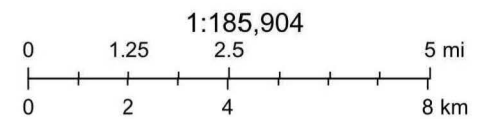
CEQA Lead Agency: California Energy Commission (CEC)

# Inyokern Williamson Act Map



3/2/2026

World\_Hillshade



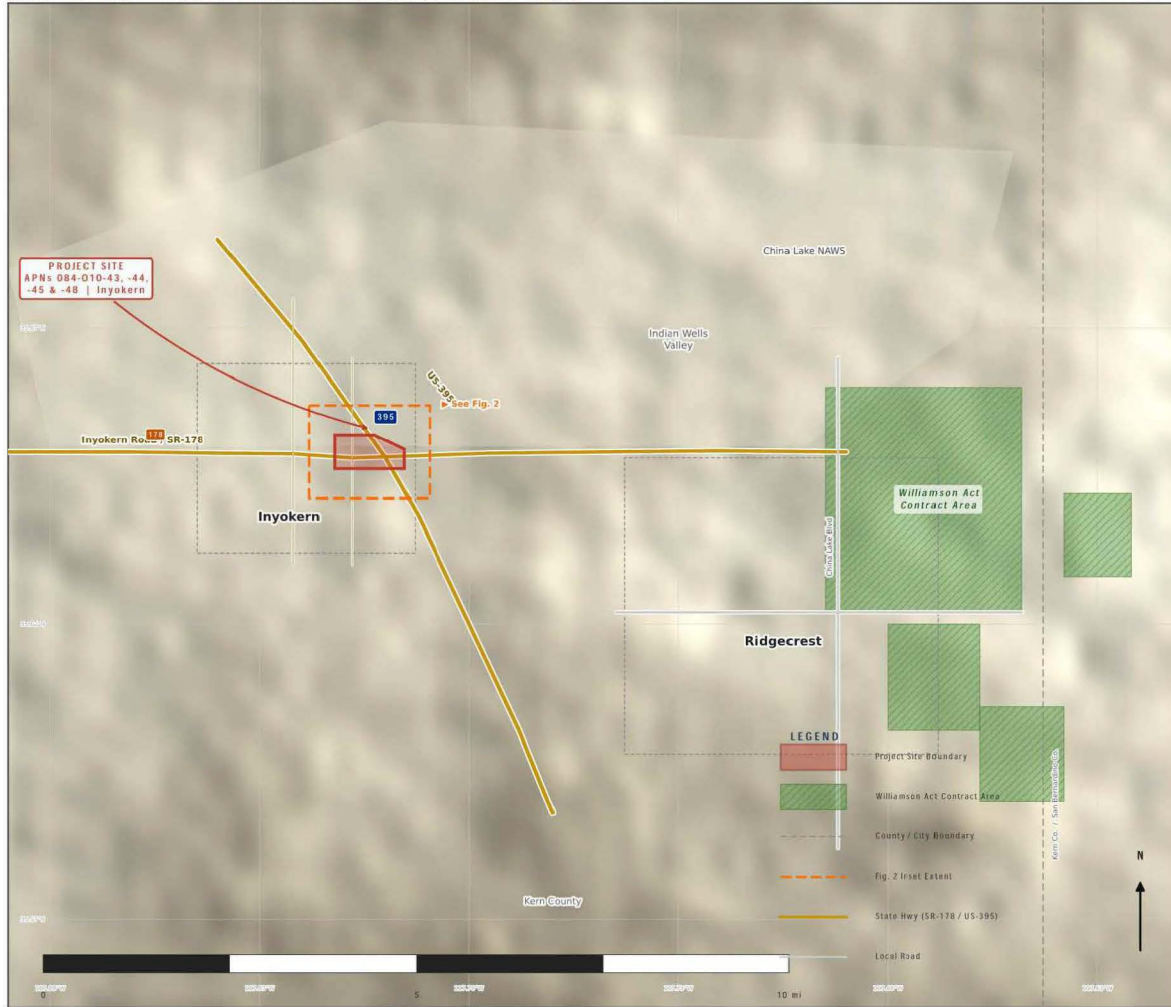
Kern County Planning and Natural Resources Department, Contact Julie Williams at 661-862-8884 or [williamsj@kerncounty.com](mailto:williamsj@kerncounty.com), Sources: Esri,

# WILLIAMSON ACT BOUNDARY MAP - PROJECT SITE LOCATION

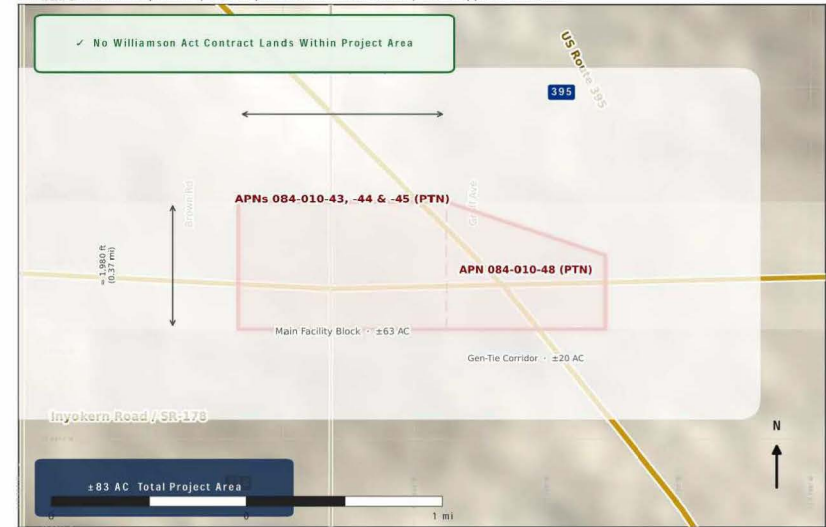
INYO KERN DATA CENTER - R&L Capital, Inc. - Inyokern, Kern County, CA - APNs: 084-010-43, -44, -45 & -48 (PTN) T26S R39E Sec. 29, MDM

Prepared for:  
**CEC Small Power Plant Exemption (SPPE) Application**  
 Project No. 160268 Date: March 2026  
 Coordinate System: WGS84 / NAD83 1 of 1

**FIGURE 1 - Regional Williamson Act Boundary Map**  
 Source: Kern County Planning & Natural Resources Dept. (3/2/2026) | Scale approx. 1:175,000



**FIGURE 2 - Project Parcel Detail**  
 Kern Co., Assessor Map 84-01 | R&L Capital Site Plan 160268-05 | Scale approx. 1:18,000



✓ **FINDING:** The project site (APNs 084-010-43, -44, -45 & -48) is NOT located within a Williamson Act Contract Area.

As depicted on the Kern County Williamson Act Boundary Map (Figure 1 above), the project parcels located in Inyokern, Kern County, California fall entirely outside all designated Williamson Act contract lands in the Indian Wells Valley region. The nearest Williamson Act contract area is located approximately 7.5 miles east of the project site, near Ridgecrest.

The project is NOT subject to Williamson Act cancellation requirements (Gov. Code §51282), and no agricultural land conservation contract compatibility review is required. This map is submitted as a supporting exhibit for the CEC Small Power Plant Exemption (SPPE) application for the Inyokern Data Center facility.

# TIMBER PRODUCT ZONE MAP — AGRICULTURE & FORESTRY RESOURCES

USFS Timber Zones · CAL FIRE TPZ Verification (PRC §4526) · CA DOC FMMP 2022 · CEQA Appendix G Section II · Kern County Lead Agency

**PROJECT SITE — RB INYOKERN DATA CENTER**  
 35.6469°N / 117.8125°W | Inyokern, Kern County, CA  
 APNs: 084-010-43 | -44 | -45 (por.) | -48 (por.)

FIGURE A — REGIONAL CONTEXT

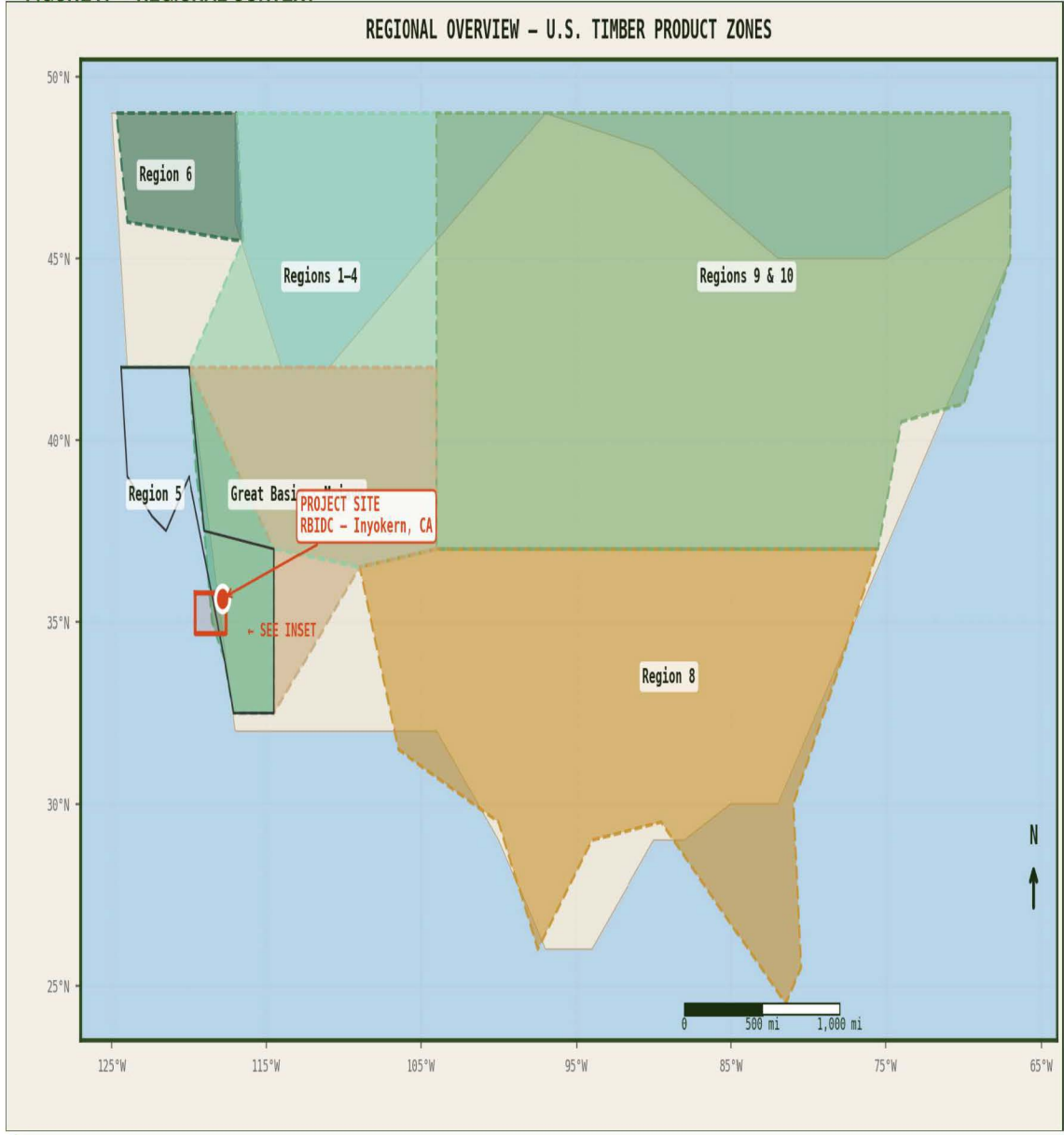
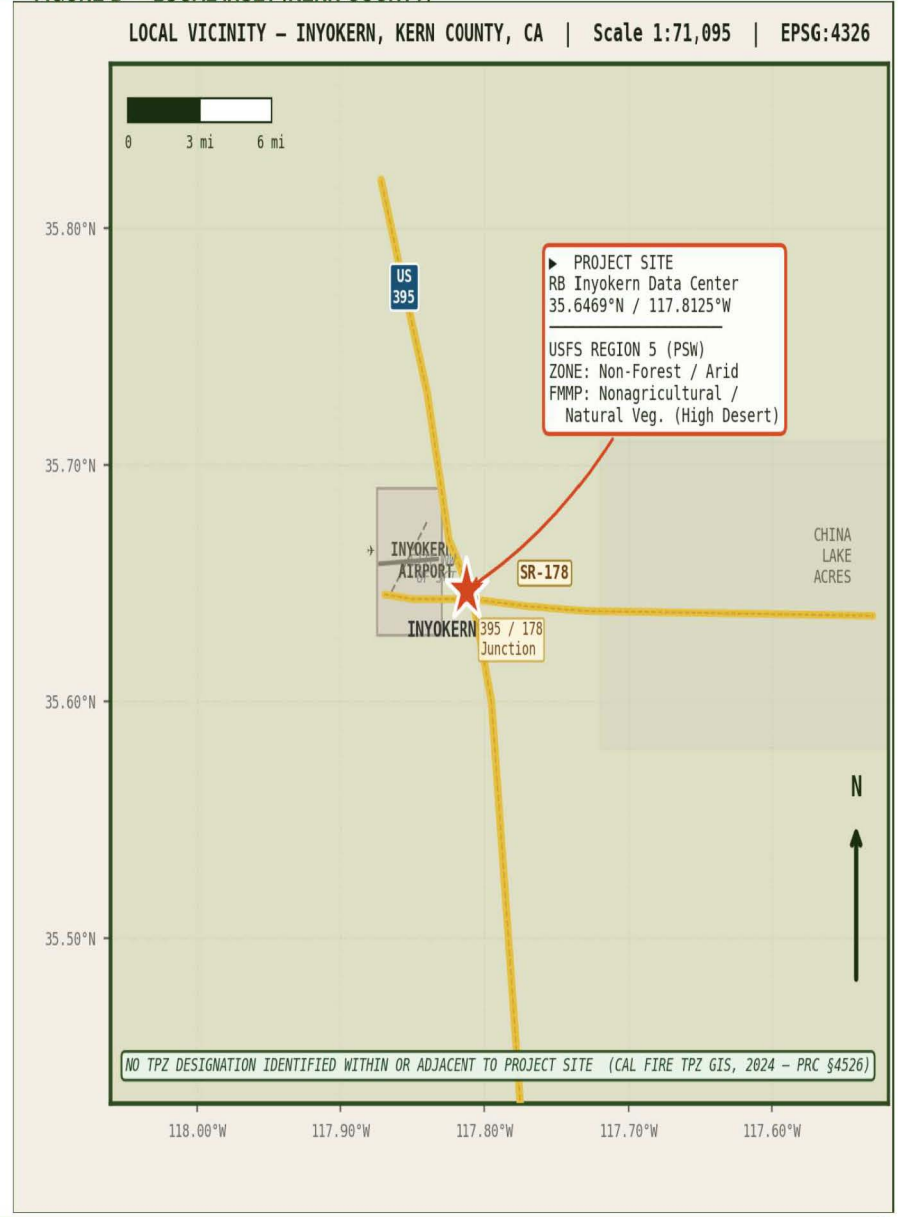


FIGURE B — LOCAL VICINITY (KERN COUNTY)



**LEGEND — TIMBER PRODUCT ZONES**

|  |   |  |  |  |   |  |
|--|---|--|--|--|---|--|
|  |   |  |  |  |   |  |
| <b>Pacific Northwest (R6)</b><br>Douglas Fir · W. Hemlock · Sitka Spruce<br><i>Lumber · Plywood · Pulpwood</i> | <b>Pacific Southwest / CA (R5)</b><br>Ponderosa Pine · Sugar Pine · Redwood<br><i>Lumber · Poles · Veneer · Biomass</i> | <b>Rocky Mountain (R1-4)</b><br>Lodgepole Pine · Engelmann Spruce · Aspen<br><i>Lumber · Poles · Engineered Wood</i> | <b>Southern (R8)</b><br>Loblolly · Longleaf · Slash Pine<br><i>Pulpwood · Lumber · Plywood · OSB</i> | <b>Northeastern / Lake States</b><br>White Pine · Sugar Maple · Yellow Birch<br><i>Hardwood Lumber · Pulpwood · Veneer</i> | <b>Non-Forest / Arid Zone</b><br>Pinyon Pine · Utah Juniper · Desert Willow<br><i>Minimal commercial timber (limited)</i> | <b>Project Site (RBIDC)</b><br>Non-Forest / Arid Transition Zone<br><i>No TPZ Designation — NO IMPACT (CEQA)</i> |

# TIMBERLAND PRODUCTION ZONE (TPZ) MAP — AGRICULTURE & FORESTRY R

CAL FIRE TPZ Verification (PRC §4526) · Kern County Zoning · CEQA Appendix G Section II(c) · Kern County Lead Agency · No Impact Finding

■ **PROJECT SITE — RB INYOKERN DATA CENTER**

35.6469°N / 117.8125°W | Inyokern, Kern County, CA

APNs: 084-010-43 | -44 | -45 (por.) | -48 (por.)

FIGURE A — CALIFORNIA TPZ DISTRIBUTION

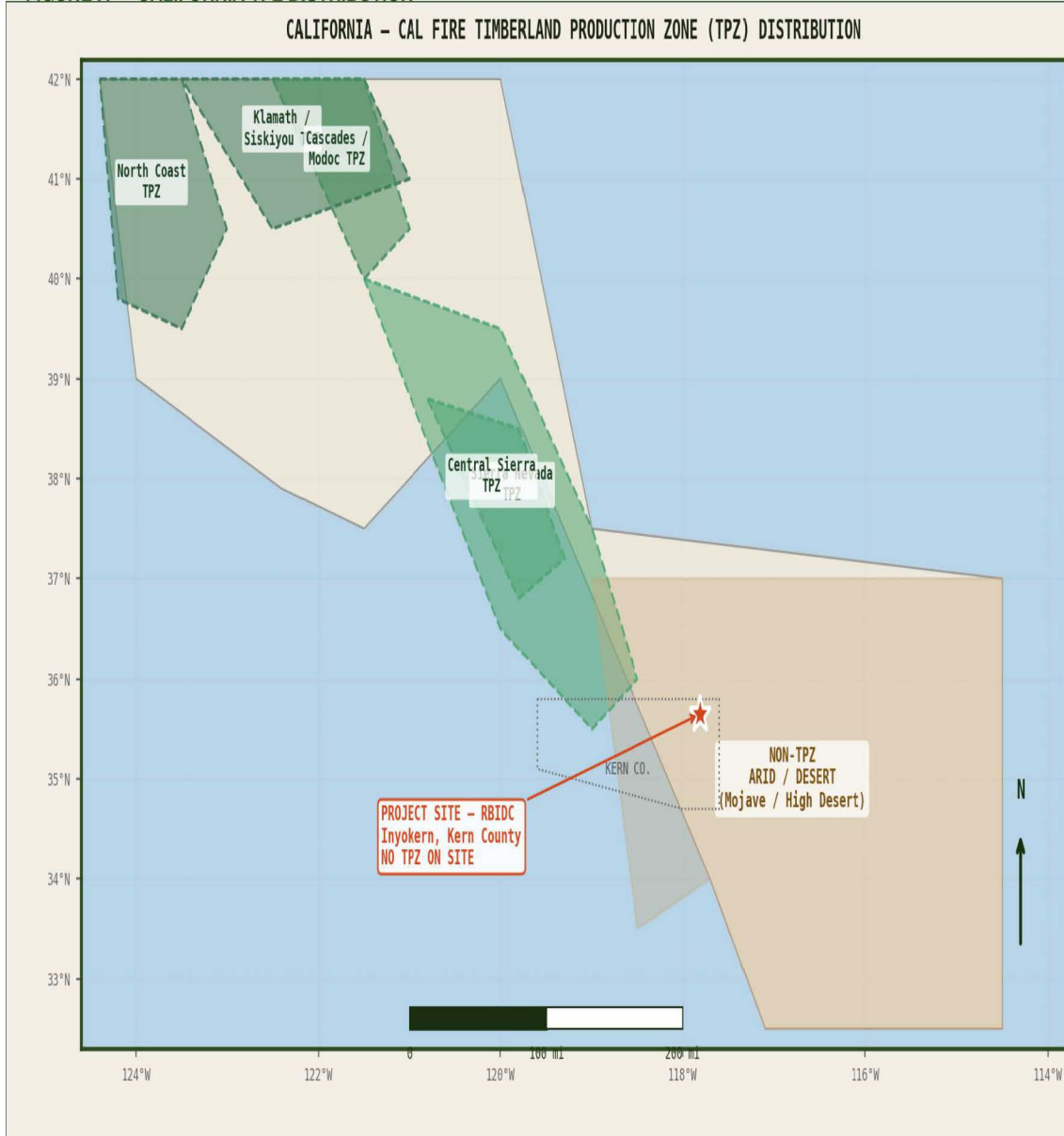
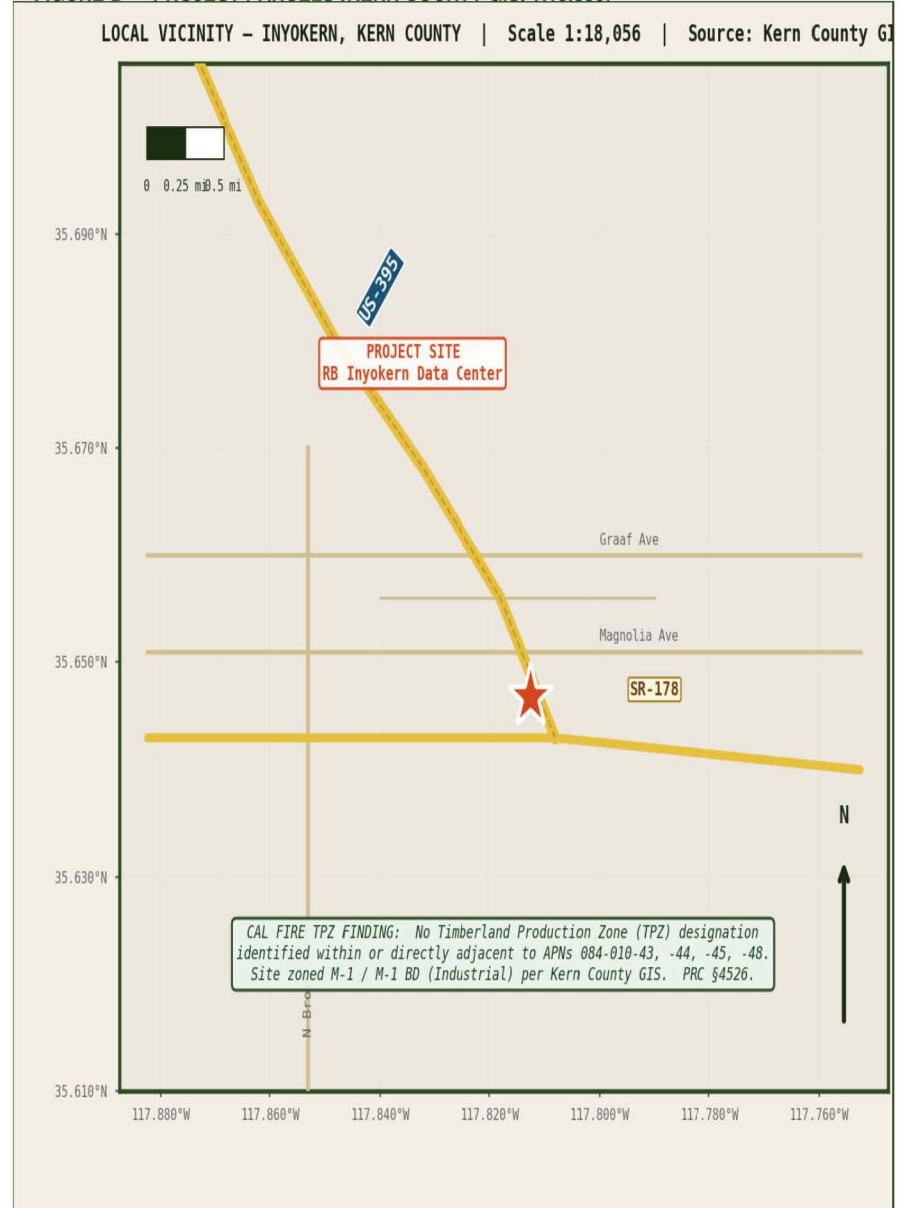


FIGURE B — PROJECT PARCELS (KERN COUNTY GIS, 11/2022)



## LEGEND — TIMBERLAND PRODUCTION ZONE (TPZ) VERIFICATION

- **CA TPZ Designated Areas**  
 CAL FIRE designated Timberland Production Zones (PRC §4526) — primarily N. Coast, Klamath, Sierra
- **Non-Forest / Arid Zone**  
 Non-TPZ desert & arid lands — no commercial timber production; includes Mojave / High Desert
- ★ **Project Site (RBIDC)**  
 RB Inyokern Data Center — 35.6469°N / 117.8125°W  
 APNs: 084-010-43 | -44 | -45 (por.) | -48 (por.)
- **US-395 / SR-178**  
 Primary roadways — US Highway 395 (diagonal NW-SE) and State Route 178 (E-W); site NW of junction
- **TPZ FINDING: NO IMPACT**  
 No Timberland Production Zone identified per CAL FIRE TPZ GIS (2024). CEQA Appendix G §II(c): No Impact.