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June 16, 2009

Kenneth Stein
Beacon Solar, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

Subject: Report Summarizing Results of the Beacon Solar Energy Project Emergency Access Route Burrowing Owl Presence/Absence Surveys (Docket No. 08-AFC-2)

Dear Mr. Stein:

This letter summarizes results of focused protocol surveys conducted by EDAW, Inc. (EDAW) to determine the presence or absence of the western burrowing owl (*Athene cunicularia*; WBO) within the proposed emergency access route for the proposed Beacon Solar Energy Project (BSEP). EDAW conducted protocol surveys on behalf of Beacon Solar, LLC in support of environmental documentation required by the California Energy Commission (CEC).

Project Description

The BSEP is located along the State Route 14 (SR-14) corridor, approximately 10 miles north-northwest of California City, approximately 15 miles north-northeast of the Town of Mojave, and approximately 24 miles northeast of the City of Tehachapi, in Kern County, California (Figure 1). The proposed project site is located south of Jawbone Canyon and to the east of SR-14 in the Fremont Valley. CEC has requested that an emergency access route to the Plant Site be incorporated into the BSEP. A potential emergency access route was identified along an existing easement from the northeast corner of the BSEP property and directed east along the north line of Section 3, connecting to Neuralia Road. The emergency access route is approximately 0.5 mile long and 12 feet wide (Figure 2). This route and required buffers were habitat assessed and surveyed in mid-May. For the purpose of this report, the proposed emergency access route plus the 500-foot WBO survey buffer around the access route will be referred to as the Project Survey Area.

Project Survey Area

The majority of the Project Survey Area has been previously disturbed by past agricultural and grazing activities, although portions of the area are gradually in the process of recolonization with native desert saltbush scrub vegetation. The soil has high salinity and capped-off irrigation pipes form a line along the northern side of the proposed emergency access route. There are sinkholes throughout the Project Survey Area, presumably created by erosion, runoff, and leaks in underground pipes at various locations. Groups of sinkholes (some over 10 feet deep) occur in various areas within the Project Survey Area.

Topography of the Project Survey Area is generally flat, with elevation approximately 2,020 feet above mean sea level. Vegetation communities that occur within and around the Project Survey Area are primarily ruderal and fallow agricultural fields with saltbush (*Atriplex* spp.) scrub, red brome (*Bromus rubens*), storksbill (*Erodium cicutarium*), and Russian thistle (*Salsola tragus*). Scattered irrigation pipes, and piles of debris occur around the Project Survey Area. The soil is primarily loose, with high clay content. Very few rodent burrows occur and they are primarily small (less than 3 inches across). The habitat is disturbed with little annual forb cover remaining and large patches of nonnative Russian thistle.

Background Information

Regulatory Status

The WBO is considered a species of special concern by the California Department of Fish and Game (CDFG) due to intensive development pressure on the habitat of species (CDFG 2009). The species is also covered under the West Mojave Plan.

Habitat Status

Habitat consists of annual and perennial grasslands, deserts, and scrublands characterized by low-growing vegetation (Zarn, 1974; California Burrowing Owl Consortium [CBOC], 1993). Suitable WBO habitat may also include trees and shrubs if the canopy covers less than 30 percent of the ground surface. Burrows are the essential component of WBO habitat, and both natural and artificial burrows provide protection, shelter, and nests for WBOs. WBOs typically use burrows made by mammals, such as ground squirrels or badgers, but also may use man-made structures, such as cement culverts, riprap, cement asphalt or wood debris piles, or openings beneath cement or asphalt pavement. WBOs may use a site for migratory stopovers, or year-round for breeding and foraging. Suitable habitat is considered occupied if there is an observation of at least one WBO observed occupying a burrow there within the last 3 years or WBO sign, including molted feathers, cast pellets, prey remains, eggshell fragments, or feces, around a burrow. WBOs tend to exhibit high site fidelity, reusing the same site year after year (Rich, 1984; Feeney, 1992).

Population Status

WBOs in California are generally nonmigratory and occur mostly in the Central and Imperial valleys, primarily in agricultural areas. Small, scattered populations occur in the Mojave Desert. The West Mojave Plan documents 53 records of WBOs in the east Mojave Desert (Campbell, 2004), only 5 of which are confirmed breeding pairs. Population density seems to be correlated with prey availability, particularly small mammals (Klute, et al. 2003).

Survey Methodology

The habitat assessment Phase I WBO survey was conducted during previous detailed vegetation mapping and habitat assessment surveys in the BSEP Plant Site and buffer zones (EDAW, 2008a, 2008b).

Southern Nevada Environmental biologists (on behalf of EDAW) conducted Phase II WBO surveys of the emergency access route using east-west transects focusing on visual signs of WBO (burrows, pellets, owl splash, etc.). All data were recorded with a Global Positioning System Garmin 60 CSx and recorded in Table 1. Since desert tortoise (*Gopherous agassizii*; DT) was known from the area, DT surveys were also conducted within the Project Survey Area. For DT surveys, biologists surveyed 100 percent of the proposed emergency access route, and Zone of Influence (ZOI) surveys occurred at 100 feet, 300 feet, 600 feet, and 1,200 feet from the center of the emergency access route. Phase II WBO surveys were conducted concurrently with DT surveys because 100 percent visual coverage of the 500-foot buffer zone was attained while surveying the 100-foot and 300-foot ZOIs for DT (CBOC, 1993).

**Table 1
 Waypoints, Lat/Long, and Notes of Potential WBO Burrows and Sign**

Type of Sign	Latitude	Longitude	Notes
Burrow 1	35.27227	-117.987	Rodent burrow, sandy soil, 0.3 x 0.2 feet
Sinkhole 1	35.27249	-117.992	Sinkhole, no sign, 0.5 x 0.2 feet
Sinkhole 2	35.27297	-117.988	Sinkhole, no sign, 2.3 x 0.6 feet
Sinkhole 3	35.27378	-117.991	Sinkhole, no sign, 2.8 x 0.7 feet
Sinkhole 4	35.26881	-117.987	Sinkhole, beehive inside, 1.0 x 0.7 feet
Sinkhole 5	35.26896	-117.988	Sinkhole, bird splash near entrance, rodent scat inside, 0.7 x 0.5 feet
Pallet 1	35.26895	-117.988	Rabbit pallet, 0.7 x 0.4 feet
Owl Pellet 1	35.26892	-117.995	Owl cough pellet full of insects near fence post southwest of access road
Owl Pellet 2	35.27189	-117.988	Owl cough pellet full of insects in open in 500-foot buffer zone
Avian Splash 1	35.27218	-117.988	Avian splash
Avian Splash 2	35.27226	-117.99	Avian splash on irrigation pipes
Avian Splash 3	35.27243	-117.99	Avian splash on irrigation pipes
Avian Splash 4	35.27244	-117.99	Avian splash on irrigation pipes
Avian Splash 5	35.27244	-117.989	Avian splash on irrigation pipes
Avian Splash 6	35.27241	-117.987	Avian splash on irrigation pipes
Avian Splash 7	35.2726	-117.992	Avian splash on irrigation pipe with wooden platform

EDAW biologists Andrew Fisher and James McMorran conducted Phase III presence/absence surveys for WBOs between June 1 and June 4, 2009. Andrew Fisher has 2.5 years of experience as a wildlife biologist in southern California and regularly conducts habitat assessments and focused surveys for various wildlife species, including raptors, WBO, and for various federally threatened and endangered song birds. James McMorran has 10 years of experience as a wildlife biologist conducting avian surveys throughout the United States, primarily in the desert southwest.

WBO surveys were performed according to the protocol established by the CBOC (1993) and accepted by CDFG. In addition to the 500-foot buffer surrounding the proposed project area required by CBOC protocol, any potential WBO sign, pellets, or burrows that were detected during DT surveys outside the 500-foot survey buffer were included in the survey. Anything found within the 600-foot or 1,200-foot ZOIs (for DT) were also surveyed for WBO. Therefore, the total Project Survey Area included the proposed emergency access route, plus a survey buffer out to 1,200 feet.

To locate WBOs, surveyors drove established paved and dirt roads, stopping at observation points that provided a wide view, and scanned for owls and burrows with 10 by 42 power binoculars. Vehicles were used as blinds, when possible, to minimize disturbance to owls. If burrows with sign were not visible from established roads, surveyors approached the burrows on foot, carefully verifying presence or absence of WBOs at the burrows. Burrows, perches, or other areas where WBOs might live and forage from were searched during each survey for new WBO sign. All WBO locations were mapped using Global Positioning Systems (GPS) units.

Results

Generally, there were very few locations at which WBO could burrow, and no burrows detected were clearly WBO. There was no whitewash, bone fragments, pellets, feathers, etc. at any of the burrow locations. Although seven burrows or sinkholes were encountered and recorded in the Project Survey Area, the likelihood of WBO using these for breeding is small. The soil is too loose for a stable WBO burrow. Soil around the sinkholes is gradually falling into them; in many cases, coyotes, foxes, or other predators could easily access the sinkholes. The sinkholes tend to have a large entrance that is not suitable for WBO because mammalian predators can crawl into the sinkholes. Table 1 describes any sign of WBO that was detected within the Project Survey Area and the locations of these resources are located in Figure 3.

Each of the waypoints in Table 1 was visited four times on four consecutive days during Phase III WBO protocol surveys (June 1–4, 2009) conducted by EDAW biologists. No WBOs were detected within the Project Survey Area. Table 2 describes the dates, pertinent survey information, and any WBOs or new sign detected during the Phase III surveys. Copies of field data sheets are provided in Appendix A.

Discussion

Across all WBO surveys, no WBOs were detected anywhere within the Project Survey Area. No new WBO sign was detected, and all sign found in and around the Project Survey Area was very old. Since

the burrows observed in the Project Survey Area were small and unstable, it is unlikely that WBOs would use them for breeding. The sinkholes in the area were generally too large for WBOs to use them since the risks of predation with a large burrow entrance are high. The two cough pellets from owls that were located indicate that WBOs have used the site at some point for foraging. It is possible that some resident owls in the general area forage within the Project Survey Area, but the lack of recent sign indicates that this is rare.

Table 2
Dates, Times, Personnel, Weather Conditions, and Observations for WBO Phase III Surveys

Survey #	Date	Time	Personnel	Weather	Observations
1	06/01/2009	1755-1900	Andrew Fisher James McMorran	Start: 87°F, 30% clouds, wind N 9.0 mph End: 83°F, 5% clouds, wind N 4.3 mph	No WBOs or new sign observed
2	06/02/2009	0545-0625	Andrew Fisher James McMorran	Start: 63°F, 45% clouds, wind SE 2.7 mph End: 68°F, 75% clouds, wind SE 0.8 mph	No WBOs or new sign observed
3	06/03/2009	0545-0645	Andrew Fisher James McMorran	Start: 63°F, 100% clouds, wind 0.0 mph End: 60°F, 100% clouds, wind 0.0 mph	No WBOs or new sign observed
4	06/04/2009	0545-0630	Andrew Fisher James McMorran	Start: 49°, 75% clouds, wind SW 1.5 mph End: 48°, 75% clouds, wind SE 1.5 mph	No WBOs or new sign observed

Due to the poor soil condition and historical disturbance activities, very few fossorial mammals such as ground squirrels, foxes, or badgers use the site. Therefore, very few potential burrows are available for WBOs to use. The habitat is open enough for WBOs but lacks the presence of burrows to support breeding WBOs. There are some piles of debris and human artifacts (open irrigation pipes, concrete, rock, and wood piles) that may have potential for WBO use. However, after a close examination of all potential burrow locations, no WBO sign was found.

One sensitive wildlife species was observed during all WBO surveys throughout the Project Survey Area, the loggerhead shrike (*Lanius ludovicianus*; LOSH; CDFG Species of Special Concern). LOSH detections were mapped and displayed in Figure 4. The detections seem to reflect the movement of one pair using a large portion of the Project Survey Area as part of their territory. All other wildlife species detected during WBO surveys are listed in Appendix B.

Certification Statement

Qualified EDAW biologists who conducted WBO surveys for the BSEP emergency access road certify that the information in this survey report fully and accurately represents the work performed by EDAW biologists. Signatures of EDAW biologists (i.e., Andrew Fisher, James McMorran) who conducted

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protocol surveys are included below. The results of focused surveys for listed species are typically considered valid for one year by the resource agencies. If you have any questions or require additional information, feel free to contact Jennifer Guigliano at (619) 233-1454.

Sincerely,



Jennifer Guigliano
Project Director



Andrew Fisher
Wildlife Biologist



James McMorran
Wildlife Biologist

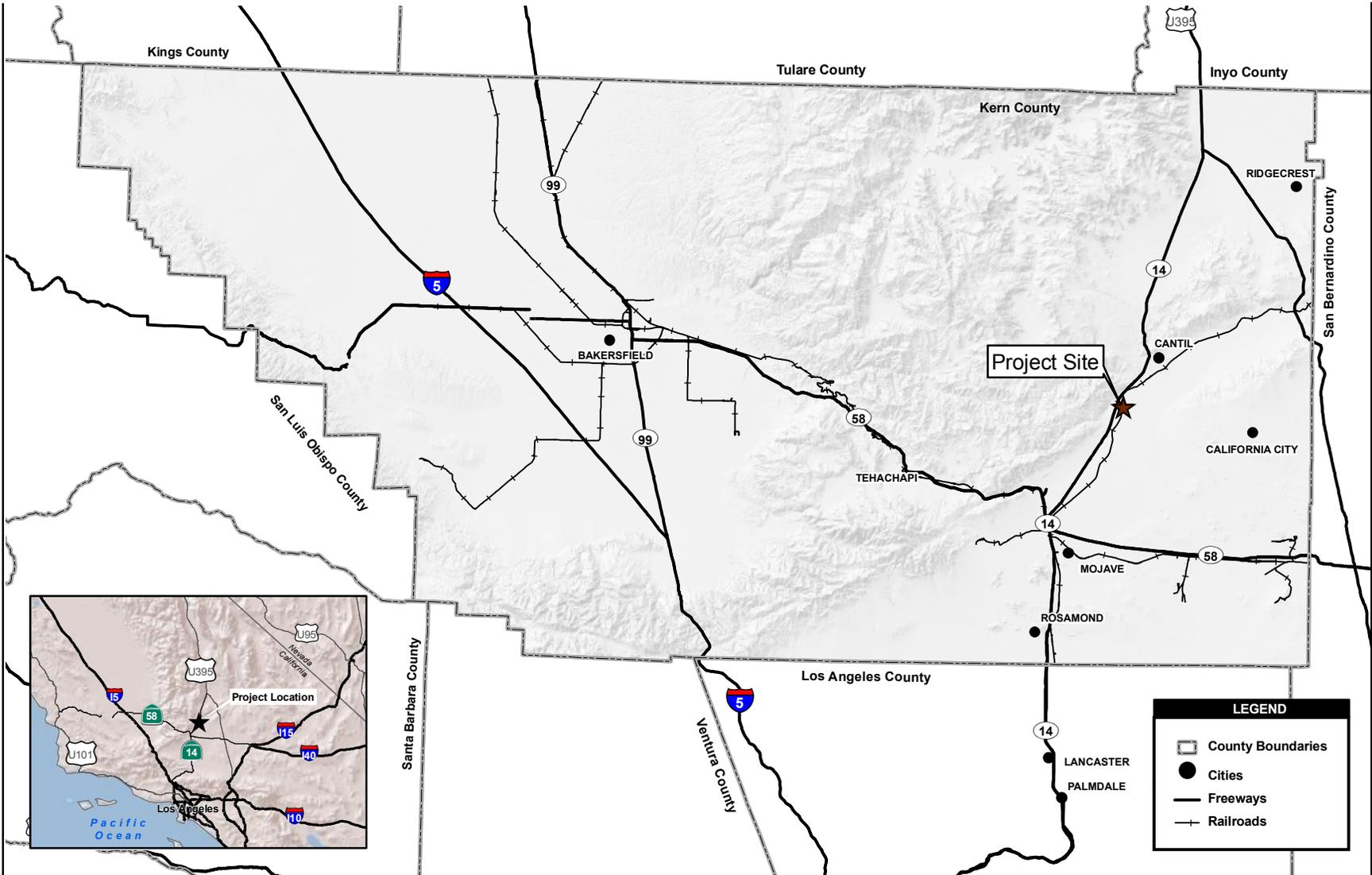
Attachments: Figure 1 – Regional Map
Figure 2 – Vicinity Map
Figure 3 – Burrowing Owl Resources
Figure 4 – Sensitive Wildlife Species Detected
Appendix A – Field Data Sheets
Appendix B – Wildlife Species Detected during Burrowing Owl Surveys

08080001 Beacon BUOW Rpt.doc

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FIGURES

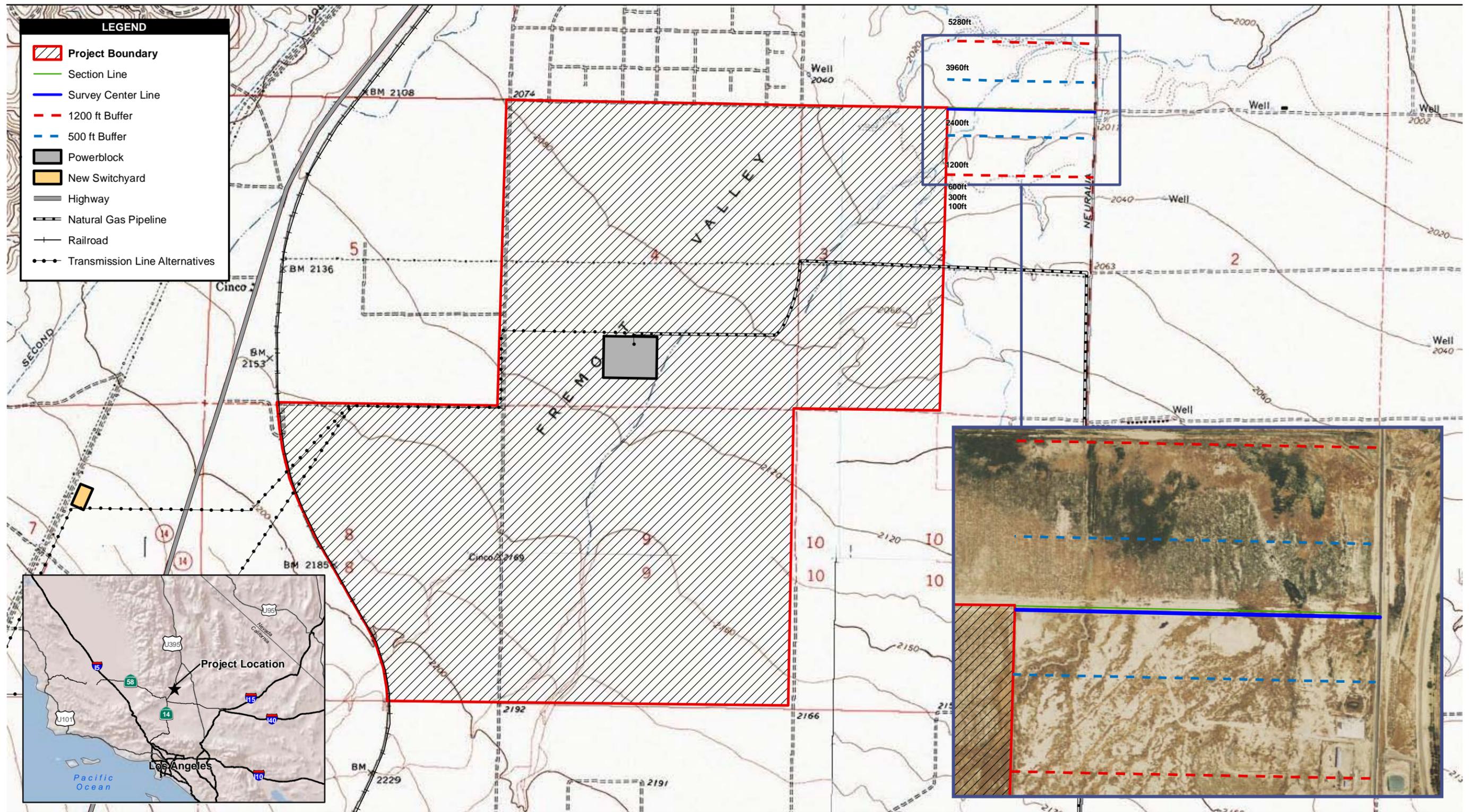


LEGEND	
	County Boundaries
	Cities
	Freeways
	Railroads

Source: ESRI 2007; Kern County 2007



Figure 1
Regional/Vicinity Location Map



Source: TetraTech 2007; Kern County 2007; USGS 2007; CNDDDB 2007; Peggy Wood 2007; EDAW 2007

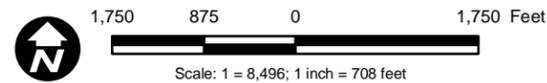
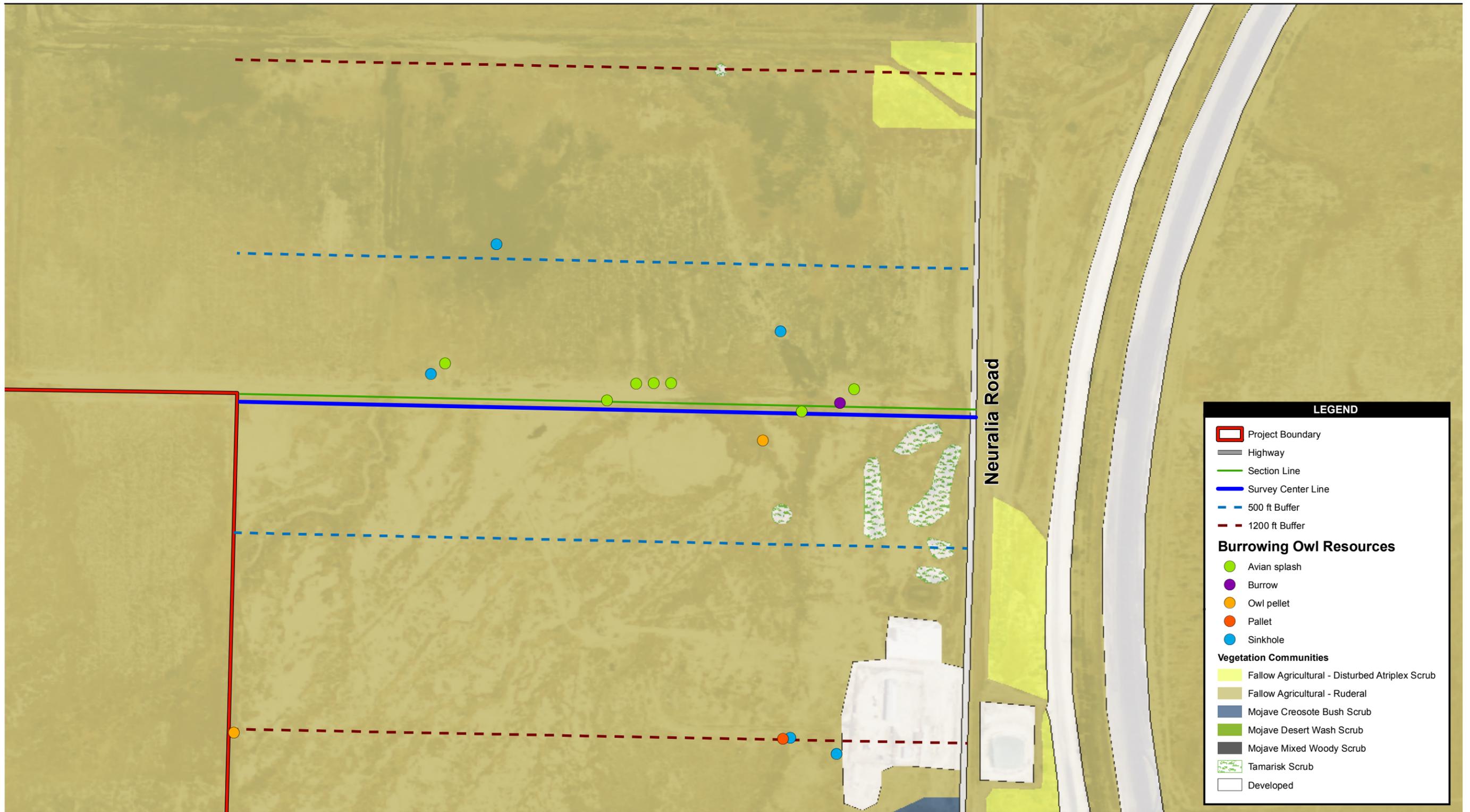


Figure 2
Project Boundary and
Survey Area



Source: USDA NAIP Orthophotos 2005; EDAW 2007

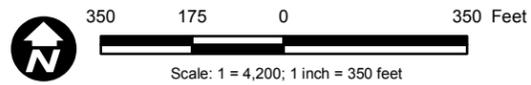
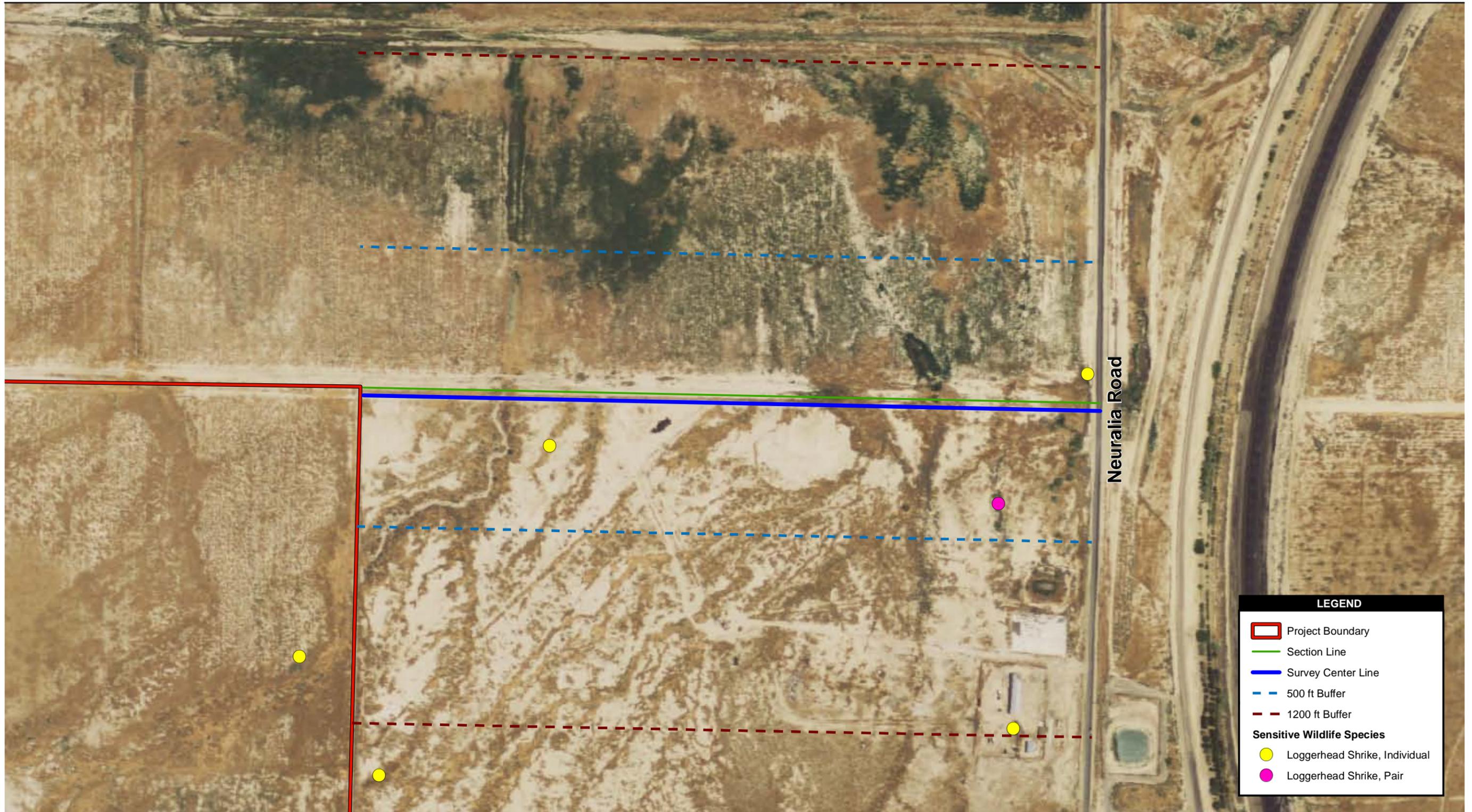


Figure 3
Burrowing Owl Resources



Source: TetraTech 2007; Kern County 2007; USGS 2007; CNDDDB 2007; Peggy Wood 2007; EDAW 2007

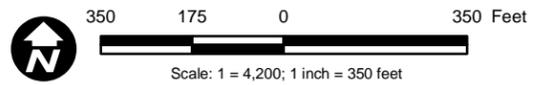


Figure 4
Other Sensitive Wildlife Species Detected

APPENDIX A
FIELD DATA SHEETS

BURROWING OWL SURVEYS

Surveyor: AFI Add'l Person: JMC GPS Unit: _____
 Project: Beaver Survey Section: _____ Map #: 1
 Date: 6-01-2009 Survey Type: Burrowing Owl Survey 1 of 4
 Time Start: 1735 Time End: 1900

Start: T: 87°F CC: 30% Wind Sp/Dir: 9.0 mph N General Weather Condition: Sunny, breezy

Map/ GPS #	Time	Species	Age	Sex	Point Type	Comments
		GRRO	AJU	MFU		
<i>on map</i>		COSH	AJU	MFU	paid	
		MOPO	AJU	MFU		
		Deer Spring Lizard	AJU	MFU		
<i>WAT/Burrow 1</i>		<i>no sign</i>	AJU	MFU		<i>no sign/scat/rotting {rodent burrows}</i>
15		"	AJU	MFU	"	" " "
x 10			AJU	MFU		<i>nothing</i>
9			AJU	MFU		<i>very old pellet - not necessarily a BO</i>
14			AJU	MFU		<i>very old whitewash - not " "</i>
13			AJU	MFU	" " " " " "	" " " "
12			AJU	MFU	" " " " " "	" " " "
11			AJU	MFU	" " " " " "	" " " "
10			AJU	MFU	" " " " " "	" " " "
		HOLA	AJU	MFU		
2			AJU	MFU		<i>covered in small burrow ~ 5 in wide + 8 in deep.</i>
4			AJU	MFU		<i>sink hole w/ burrow 8x10" + deep.</i>
3			AJU	MFU		<i>Large sink hole - no BO sign</i>
		Long-tailed brush lizard	AJU	MFU		
6			AJU	MFU		<i>old burrow in side of wood 5x3 in collapsed in at least 2 ft.</i>
x 7			AJU	MFU		<i>could not find any sign whatsoever.</i>
		Byote	AJU	MFU		<i>jet burrowing @ us.</i>
x 5			AJU	MFU		<i>sink hole w/ active bee hive</i>
8			AJU	MFU		<i>old pellet by post</i>
		antelope ground sq	AJU	MFU		
<i>on map</i>		COSH	AJU	MFU		
		B.T. jackrabbit	AJU	MFU		
		W. whiptail	AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		

} could be raven scat
 } some old rabbit teeth on fence post

End: T: 83°F CC: 5% Wind Sp/Dir: 4.3 mph N General Weather Condition: Sun setting

BURROWING OWL SURVEYS

Surveyor: AFI Add'l Person: JMC GPS Unit: _____
 Project: Beacon Survey Section: _____ Map #: _____
 Date: 6-2-09 Survey Type: Burrowing Owl Survey 2 of 4
 Time Start: 0545 Time End: 0625

Start: T: 63 CC: 45% Wind Sp/Dir: 2.7 ~~W~~ SE General Weather Condition: Sun coming up, nice/calm

Map/ GPS #	Time	Species	Age	Sex	Point Type	Comments
		GAQU	AJU	MFU		
<u>NPT 15</u>		<u>no new sign</u>	AJU	MFU		
<u>1</u>		" "	AJU	MFU		<u>burrow too small for owl 3x3m & gets</u>
<u>3</u>		" "	AJU	MFU		<u>large sub hole</u>
<u>10</u>		" "	AJU	MFU		<u>white wash on ground</u>
<u>12</u>		" "	AJU	MFU		
<u>13</u>		" "	AJU	MFU		
<u>14</u>		" "	AJU	MFU		
<u>11</u>		" "	AJU	MFU		
<u>4</u>		" "	AJU	MFU		
<u>16</u>		" "	AJU	MFU		
<u>2</u>		" "	AJU	MFU		
<u>5</u>		" "	AJU	MFU		
<u>6</u>		" "	AJU	MFU		
<u>7</u>		" "	AJU	MFU		
<u>8</u>		" "	AJU	MFU		
<u>9</u>		" "	AJU	MFU		
<u>on map</u>		<u>LOSH</u>	AJU	MFU		
		<u>SASP</u>	AJU	MFU		<u>Sage sp.</u>
		<u>HOLA</u>	AJU	MFU		
		<u>b.T. Jaderabbit</u>	AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		
			AJU	MFU		

& gets burrow quickly

End: T: 68% CC: 75% Wind Sp/Dir: 08 SE General Weather Condition: Sunny, clear

BURROWING OWL SURVEYS

Surveyor: AFJ Add'l Person: JMO GPS Unit: _____
 Project: Beacon Survey Section: _____ Map #: _____
 Date: 6-4-09 Survey Type: Burrowing Owl Survey 4 of 4
 Time Start: 0545 Time End: 0630

Start: T: 49% CC: 75% Wind Sp/Dir: 1.5 mph SW General Weather Condition: Cold.

Map/ GPS #	Time	Species	Age	Sex	Point Type	Comments
		<u>CORA</u>	<u>AJU</u>	<u>MFU</u>		<u>* RAINED LATER night in a low</u>
		<u>WOOD</u>	<u>AJU</u>	<u>MFU</u>		<u>pressure cell over desert.</u>
	<u>9</u>	<u>NO NEW SIGN</u>	<u>AJU</u>	<u>MFU</u>		
	<u>10</u>		<u>AJU</u>	<u>MFU</u>		
	<u>5</u>		<u>AJU</u>	<u>MFU</u>		
	<u>6</u>		<u>AJU</u>	<u>MFU</u>		
	<u>7</u>		<u>AJU</u>	<u>MFU</u>		
	<u>8</u>		<u>AJU</u>	<u>MFU</u>		
	<u>1</u>	<u>NO NEW SIGN</u>	<u>AJU</u>	<u>MFU</u>		
	<u>15</u>		<u>AJU</u>	<u>MFU</u>		
	<u>3</u>		<u>AJU</u>	<u>MFU</u>		
	<u>14</u>		<u>AJU</u>	<u>MFU</u>		
	<u>13</u>		<u>AJU</u>	<u>MFU</u>		
	<u>12</u>		<u>AJU</u>	<u>MFU</u>		
	<u>11</u>		<u>AJU</u>	<u>MFU</u>		
	<u>4</u>		<u>AJU</u>	<u>MFU</u>		
	<u>16</u>		<u>AJU</u>	<u>MFU</u>		
	<u>2</u>		<u>AJU</u>	<u>MFU</u>		
		<u>SASP</u>	<u>AJU</u>	<u>MFU</u>		
		<u>KILL</u>	<u>AJU</u>	<u>MFU</u>		
		<u>ECOO</u>	<u>AJU</u>	<u>MFU</u>	<u>European</u>	<u>Colored Dove</u>
<u>ON MAP</u>		<u>LOSH</u>	<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		
			<u>AJU</u>	<u>MFU</u>		

End: T: 48% CC: 75% Wind Sp/Dir: 1.5 SE General Weather Condition: SUN coming out, cold

APPENDIX B

WILDLIFE SPECIES DETECTED DURING BURROWING OWL SURVEYS

Appendix B
Wildlife Species Detected during Burrowing Owl Surveys 2009

Scientific Names	Common Names
Reptiles	
Order Squamata	
Family Phrysonomatidae	
<i>Sceloporus magister</i>	desert spiny lizard
<i>Urosaurus graciosus</i>	long-tailed brush lizard
Family Teiidae	
<i>Cnemidophorus tigris</i>	western whiptail
Birds	
Order Galliformes	
Family Odontophoridae	
<i>Callipepla californica</i>	California quail
Order Charadriiformes	
Family Charadriidae	
<i>Charadrius vociferus</i>	killdeer
Order Columbiformes	
Family Columbidae	
<i>Zenaida macroura</i>	mourning dove
<i>Streptopelia decaocto</i>	Eurasian collared dove
Order Cuculiformes	
Family Cuculidae	
<i>Geococcyx californianus</i>	greater roadrunner
Order Passeriformes	
Family Laniidae	
<i>Lanius ludovicianus</i>	loggerhead shrike *
Family Corvidae	
<i>Corvus corax</i>	common raven
Family Alaudidae	
<i>Eremophila alpestris actia</i>	California horned lark *
Family Emberizidae	
<i>Amphispiza belli</i>	sage sparrow
Family Fringillidae	
<i>Carpodacus mexicanus</i>	house finch
Mammals	
Order Carnivora	
Family Canidae	
<i>Canis latrans</i>	coyote
Order Lagomorpha	
Family Leporidae	
<i>Lepus californicus</i>	black-tailed jackrabbit
Order Rodentia	
Family Sciuridae	
<i>Ammospermophilus leucurus</i>	whitetail antelope ground squirrel

*CDFG Species of Special Concern (CDFG 2009)