



Panoche Valley Solar Blunt-nosed Leopard Lizard Survey Report

Panoche Valley Solar Project
San Benito County, California
October 15, 2013





Blunt-nosed Leopard Lizard Survey Report
Panoche Valley Solar Project

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1.0 Project Overview

This report documents the 2013 survey results for the protocol blunt-nosed leopard lizard (*Gambelia sila*; BNLL) study conducted for the proposed Panoche Valley Solar Project (Proposed Project). Duke Energy Renewables (Duke Energy) is proposing to construct the Proposed Project to operate an up to 399-megawatt (MW) solar photovoltaic energy generating facility in San Benito County, California (Figure 1).

The Proposed Project would be located approximately three-quarters of a mile north of the intersection of Panoche Road and Little Panoche Road, in eastern San Benito County. The Project site is located approximately two miles southwest of the Fresno County Line and the Panoche Hills, and approximately 15 miles west of Interstate 5 and the San Joaquin Valley (Figure 1). The Proposed Project site is comprised of approximately 2,813 acres of heavily grazed land in the Panoche Valley (Figure 2). The 2042 acre Valley Floor Conservation Lands (VFCL) are contiguous with the Proposed Project site, and are made up of primarily non-native annual grassland habitat, with some seasonal ponds and vernal and ephemeral pools, as well as segments of the seasonally dry Panoche and Las Aguilas Creeks.

The BNLL surveys described in this report were conducted on the Proposed Project site and on portions of the VFCL during the spring and summer of 2013 (May 9 through September 10, 2013) (Figure 2). These surveys were completed at the request of the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS). The purpose was to document areas that support BNLL within the Proposed Project site and on portions of the VFCL area and provide information that is to assist in design and implementation of avoidance measures that are intended to reduce the potential for impacts to the BNLL by the Proposed Project.



2.0 Background

The BNLL is currently listed as endangered by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.) and the California Endangered Species Act (Fish and Game Code §§ 2050 et seq.). It is also a Fully Protected species under California Fish and Wildlife Code Section 5050. No critical habitat has been designated for the BNLL by the USFWS. The BNLL is included in the Recovery Plan for Upland Species of the San Joaquin Valley, California (USFWS 1998). This lizard is found in Merced, Madera, Fresno, San Benito, Kings, Tulare, Kern, San Luis Obispo, Santa Barbara, and Ventura counties of the San Joaquin Valley and valleys of the coastal mountain ranges (CDPR 1997 and USFWS 2010).

This *Iguanidae* species is a relatively large lizard with a long tail, powerful hind limbs, and a short, blunt snout. The underside of this lizard is uniformly white with a variation in colors and patterns on the back. Males are typically larger in size and weight than females. Adult BNLL are between 3.4 to 4.7 inches in length (snout to vent) with a typical weight between 0.8 and 1.5 ounces. BNLL mainly utilize occupied or abandoned rodent burrows (often *Otospermophilus beecheyi* and *Dipodomys* spp.) for shelter from predators and weather. However the BNLL will construct shallow tunnels in earth berms or under rocks in areas of low mammal burrow density. The BNLL typically prefers to inhabit open, sparsely vegetated areas such as non-native grasslands and valley sink-scrub communities with low relief. Valley needlegrass grasslands and alkali playas also provide suitable habitat for BNLL (CDPR 1997 and USFWS 2010). BNLL are mainly insectivorous, eating a variety of grasshoppers, cicadas, crickets, and moths. However, they seem to feed opportunistically on animals, eating whatever is available in the size range they can overcome and swallow such as the common side-blotched lizard (*Uta stansburiana*) (USFWS 2010).

The Proposed Project and VFCL are comprised almost entirely of annual, non-native grasslands used mainly to graze cattle and sheep. The dominant vegetation found in these areas includes non-native ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis*), foxtail barley (*Hordeum murinum* ssp. *leporinum*), rat-tail fescue (*Vulpia myuros*), broad-leaved filaree (*Erodium botrys*), red-stemmed filaree (*Erodium cicutarium*), and native shining peppergrass (*Lepidium nitidum* var. *nitidum*) and vinegarweed (*Trichostema lanceolatum*). Previous studies indicated the majority of the BNLL habitat, within the Proposed Project and VFCL areas, consisted of wash/drainage habitat along Panoche and Las Aquilas Creeks and their associated alluvial terraces in combination with this non-native dominated grassland habitat.

Previous studies performed on the Proposed Project and portions of the VFCL consisted of abridged protocol-level surveys for both adult and hatchling BNLL on the central portions of the Project site and VFCL during the 2009 and 2010 survey protocol periods. The adult BNLL surveys conducted in 2009 were completed between June 10th and July 15th, 2009. The 2009 hatchling/sub-adult BNLL surveys were completed between August 3 and September 1, 2009. The surveys conducted in 2009 consisted of sampling portions of the Proposed Project and VFCL areas that were judged to have high potential and



suitability for BNLL. In 2010, BNLL surveys were conducted one section (640 acres) of the Project site and the VFCL, and dynamic occupancy sampling was utilized within 135 sample locations spread over the Project site and VFCL using the CDFW BNLL protocol (2004) as a guide (LOA 2010).

One hundred and five observations of BNLL were recorded during the 2009/2010 surveys (Figure 2). The data included adult and hatchling/sub-adult observations within protocol parameters, as well as miscellaneous/out of survey protocol observations. This previous data indicated that a majority of the BNLL observations were associated with Panoche and Las Aguilas Creeks (LOA 2010).



3.0 Methodology

The adult season BNLL survey was conducted on the Proposed Project area and portions of the VFCL (Figure 1). Survey methodology was based on the CDFW Approved Survey Methodology for the Blunt-nosed Leopard Lizard (CDFG 2004), the letter "Updated Blunt-nosed Leopard Lizard Survey Methodology" dated May 2, 2013 to CDFW, verbal conversations with Dave Hacker of CDFW and Patrick Golden of Energy Renewal on June 26, 2013, and email correspondence between CDFW and Duke Energy Renewables on June 27, 2013.

Adult BNLL season surveys on the Proposed Project area and portions of the VFCL were conducted between May 9 and July 13, 2013, which is within the approved survey window of April 15 to July 15. The adult BNLL surveys were accomplished by completing 12 iterations of preset 30 meter transects within the Proposed Project area and portions of the VFCL. The adult BNLL surveys consisted of 58 days of fieldwork. Iterations of the survey were tracked by transect completions.

Hatchling season surveys on the Proposed Project area and portions of the VFCL were conducted August 2 through September 10, 2013, which is within the approved survey window of August 1 to September 15. The hatchling BNLL surveys were accomplished by completing 5 iterations of preset parallel transects spaced 30 meters apart within the Proposed Project area and portions of the VFCL. The hatchling BNLL surveys consisted of 35 days of field work.

Surveys were conducted within the protocol's temperature window of 77.0 degrees Fahrenheit (°F) to 95°F or 25° - 35° Celsius, with the exception of four occasions during the entire survey (from July 4 to July 7, 2013). During these four days, the standard temperature protocol was exceeded after verbal discussions with CDFW on June 26, 2013 (followed with email correspondence) to allow surveys to continue to 97°F as long as a reference BNLL was located by a Level II surveyor and observed between 95°F and 97°F. Survey activities that took place during exceeded temperatures were limited to short time periods (generally less than one hour) on each of the four days. Surveys were not conducted when weather conditions onsite were outside of other protocol limits (i.e. 90% cloud cover, sustained winds >10 miles-per-hour).

The BNLL survey crews consisted of no more than 3 Level I field surveyors for every Level II field surveyor. This requirement reduced the potential for incorrect or missed identifications. Level I field surveyors demonstrated the ability to distinguish BNLL from other common lizard species that may occur on the Proposed Project site. Level II field surveyors demonstrated the ability to distinguish BNLL from other common lizard species that may occur on the Proposed Project site and had participated previously in at least 50 survey days for BNLL with a minimum of one confirmed identification in the field. Additionally, as per the protocol, surveyors walked preset parallel transects at a width of approximately 30 meters throughout the study area to insure 100% coverage.



All BNLL observations were recorded using handheld global positioning system (GPS) devices and observations were categorized by sex (male or female, if characteristic features observed) and age class. Hatchlings consisted of the young of the year. An attempt was not made to differentiate between hatchlings and juveniles. All other BNLL were classified as adults. Additional information such as temperature, wind speed, and surrounding habitat descriptions were noted, if available (Tables 1 and 2).

4.0 Analysis and Results

Survey crews consisted of between 5 to 30 surveyors per day with an average of 15 throughout the adult survey season, and an average of approximately 14 surveyors per day throughout the hatchling and sub-adult survey season. As per the protocol, the surveyors walked preset parallel transects at a width of approximately 30 meters. The final (12th) iteration was completed on July 13, 2013 for the adult BNLL survey and the final (5th) iteration was completed on September 10, 2013 for the hatchling and sub-adult survey, resulting in 100% coverage of the Proposed Project area and a significant portion of the VFCL.

No BNLL were found within the Project footprint during the 2013 adult season surveys (May 9 to July 13, 2013). There were a total of 27 observations of BNLL in the VFCL (Tables 1 and 2, Figure 2) with a majority of the observations associated with the wash and floodplain habitats along Panoche Creek. Of those 27 observations, 19 were found during protocol surveys with those observations consisting of 19 adults (Table 1). At least one of these adults may have been a yearling (hatchling from previous season) based on its small size. The remaining 8 observations (7 adults and 1 hatchling) were made outside of protocol parameters. Of the out of protocol/incidental observations, 7 (adults) were recorded during BNLL Level I field surveyor training. The remaining out of protocol/incidental observation was a hatchling found above protocol temperature limits (Table 2). Also included on Figure 2 are the 105 observations of BNLL from previous surveys completed in 2009 and 2010 (LOA 2010). None of the previous observations are located in the Project footprint, but are fully located within the VFCL.

Surveys were conducted within the protocol's standard temperature window with the exception of four occasions during both the BNLL surveys (from July 4 to July 7, 2013). During these four days, the standard temperature protocol was exceeded. However, as stated above, after verbal discussions with CDFW surveys were allowed to continue to 97°F because a reference BNLL was located and observed by a Level II surveyor between 95°F and 97°F. The survey activities that took place during the 95°F and 97°F temperatures were limited to short time periods (generally less than one hour) on those four days.

The 2013 hatchling and sub-adult season surveys were completed between August 2 and September 10, 2013. There were a total of 13 observations of BNLL made during the surveys (Tables 1 and 2, Figure 2). Of those 13 observations, 10 were found during protocol surveys, with those observations consisting of 3 adults and 7 hatchlings. The remaining 3 observations, which were all identified as hatchlings, were recorded during out of protocol temperature limits (temperatures above 97°F) and were considered incidental sighting. A majority of the observations made during the hatchling and sub-adult season surveys were associated with the wash and floodplain habitats along Panoche Creek in the VFCL (Figure 2). However, there was 1 observation of a BNLL hatchling made outside the VFCL and within the Proposed Project footprint. This BNLL hatchling observation was found just north of the VFCL boundary that encompasses Las Aguilas Creek (Figure 2).



5.0 Summary

The BNLL surveys conducted on the Proposed Project site and on portions of the VFCL during the survey period (May 9 through September 10, 2013) were completed to provide locations of BNLL presence within the study area and provide information that is needed to assist in design and implementation of avoidance measures that are intended to reduce the potential for impacts to the BNLL by the Proposed Project. The BNLL season surveys, both adult and hatchling, on the Proposed Project site and portions of the VFCL were conducted between May 9 through September 10, 2013, with 12 iterations of adult BNLL surveys and 5 iterations of hatchling and sub-adult BNLL surveys. The protocol surveys resulted in 100% coverage of the Proposed Project area and a significant portion of the VFCL for the 2013 survey season.

Historical data showed 105 BNLL observations during the 2009/2010 surveys seasons, all of which were located within the proposed VFCL. A total of 40 observations of BNLL were recorded during the 2013 survey season for an overall total of 145 BNLL observations during the two studies. Of those observations, all but 1 (less than 1% of all observations) were made within the VFCL. The single BNLL observed with the project footprint was found just north of the VFCL boundary that encompasses Las Aguilas Creek.



6.0 References

California Department of Fish and Game [CDFG]. 2004. Approved Survey Methodology for the Blunt-nosed Leopard Lizard. May 2004

California Department of Pesticide Regulation [CDPR]. 1997. Blunt-Nosed Leopard Lizard Fact Sheet. Accessed online October 2013. www.cdpr.ca.gov/docs/endspec/espdfs/bnll1.pdf.

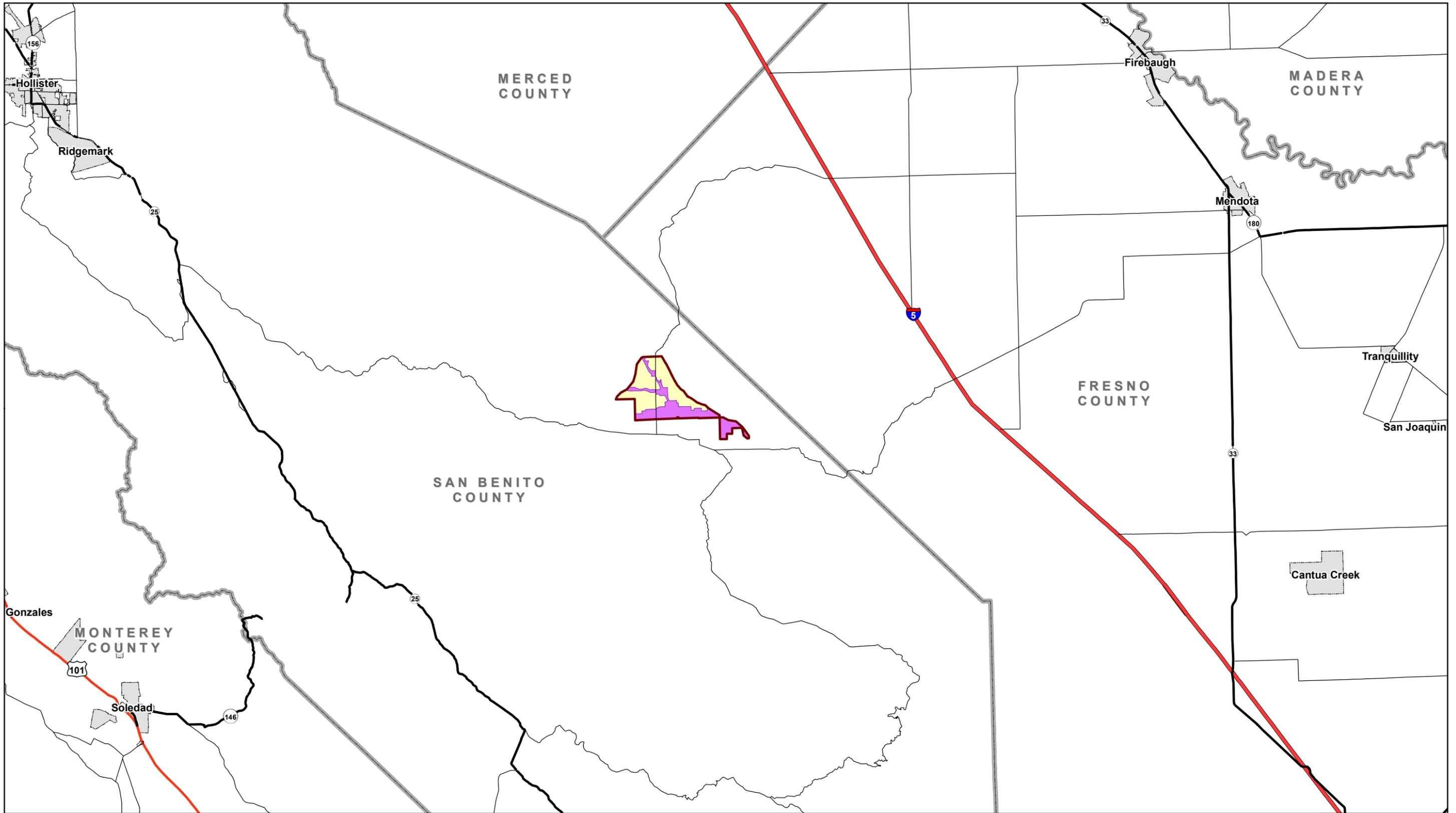
Live Oak Associates, Inc. [LOA]. 2010. Results of 2010 Adult and Juvenile BNLL Surveys Conducted on Section 16 of Township 15S, Range 10E for Solargen Energy's Panoche Valley Solar Farm. September 22, 2010.

U.S. Fish and Wildlife Service [USFWS]. 2010. Blunt-nosed leopard lizard (*Gambelia sila*) 5-year review, summary and evaluation. USFWS, Sacramento Fish and Wildlife Office, Sacramento, CA. Feb 2010. 79 pp.

U.S. Fish and Wildlife Service [USFWS]. 1998. Recovery Plan for Upland Species of the San Joaquin Valley, California.



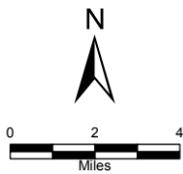
FIGURES



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Legend

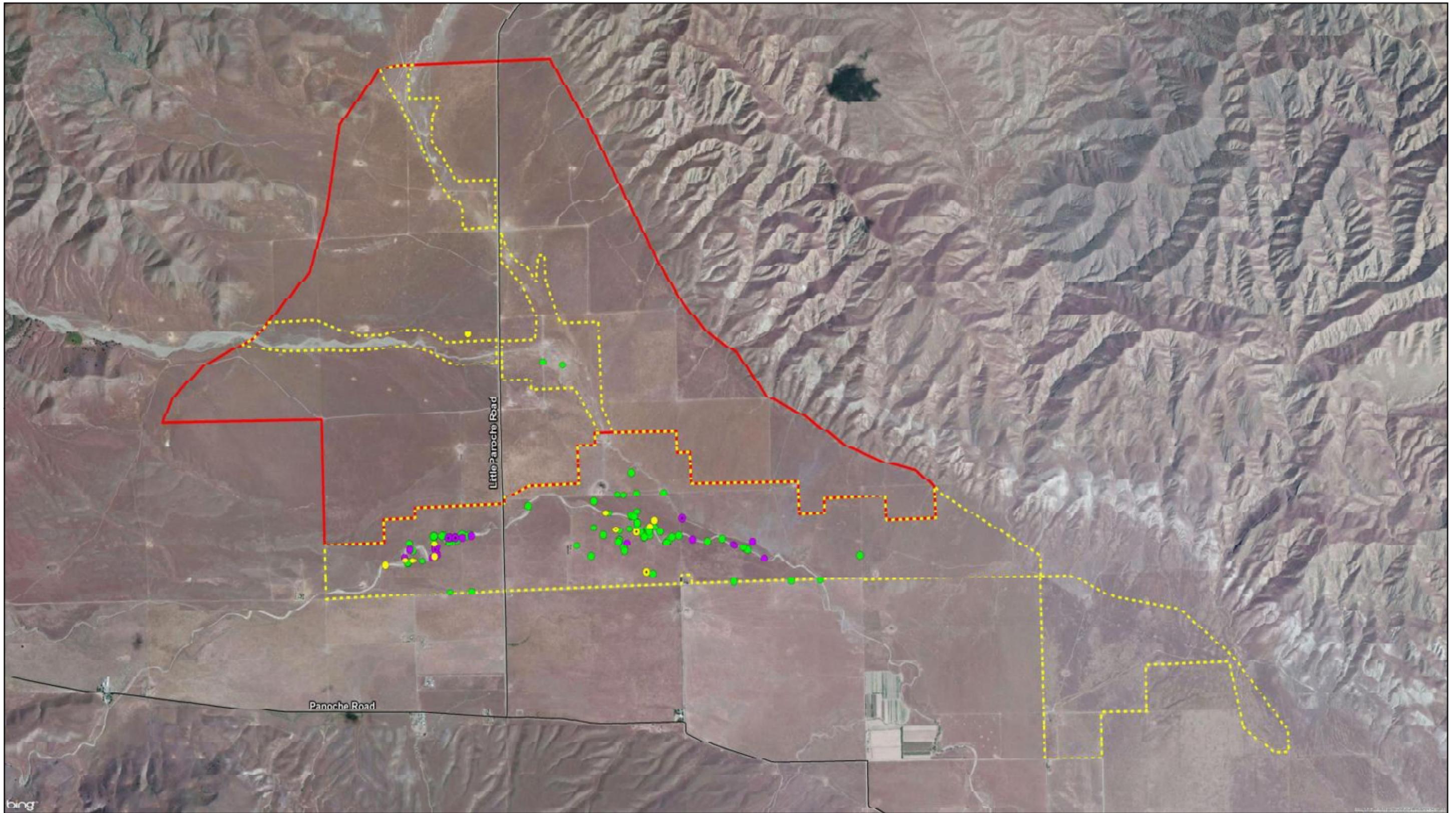
- County Line
- City Limit
- Approximate Project Boundary
- Valley Floor Conservation Lands



**Duke Energy Renewables
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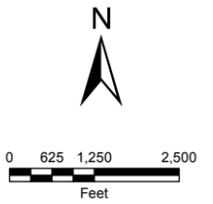
Site Location

Figure
1



Legend

- ▭ Approximate Project Boundary
- - - Valley Floor Conservation Land
- 2009/2010 BNLL Observation
- 2013 Adult BNLL Observation (In Protocol)
- 2013 Adult BNLL Observation (Incidental)
- 2013 Hatchling/Sub-Adult Observation (In Protocol)
- 2013 Hatchling/Sub-Adult Observation (Incidental)



**Duke Energy Renewables
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2009, 2010, and 2013 BNLL Observations

Figure
2



Table 1. BNLL Observed During Protocol Conditions

| BNLL Point | UTM | Detection Date | Sex | Age Class | Temperature | Wind | Description |
|---|---------------------|----------------|---------|-------------------|-------------|---------|--|
| Adult Survey (May 9 through July 13, 2013) | | | | | | | |
| BNLL6 | 10 S 692115 4054924 | 5/14/2013 | Female | Adult | 92.8°F | 9.3 mph | Breeding colors apparent, Flushed from flat surface just outside of a burrow. On the south facing bank. |
| BNLL7 | 10 S 691942 4054896 | 5/10/2013 | Unknown | Adult | 90.1°F | 6.6 mph | Darted into burrow, on south-aspect wall of wash, head exposed in burrow entrance |
| BNLL8 | 10 S 691577 4054940 | 5/10/2013 | Unknown | Adult | 90.1°F | 6.6 mph | Ran quickly into a burrow |
| BNLL9 | 10 S 692220 4054773 | 5/14/2013 | Male | Adult | 92.5°F | 5.6 mph | Breeding colors. Sunning on side of burrow. |
| BNLL10 | 10 S 689276 4054847 | 6/3/2013 | Unknown | Adult | 90.5°F | 0.9 mph | One meter from east wall of wash, small individual, probably young from last year, has salmon blotches on throat, but no spots on top of neck, detection distance was 5 meters |
| BNLL11 | 10 S 689292 4054806 | 6/3/2013 | Unknown | Adult | 91.0°F | 4.2 mph | BNLL 15m from wash, all white on ventral side, no breeding colors, 9:55am, 10-foot detection distance |
| BNLL12 | 10 S 689277 4054847 | 6/6/2013 | Female | Adult | 93.0°F | 1.0 mph | Breeding colors in wash bottom next to burrow |
| BNLL13 | 10 S 689274 4054846 | 6/6/2013 | Unknown | Adult | 93.0°F | 1.0 mph | Salmon colored splotches on neck went down into burrow in wash bottom |
| BNLL14 | 10 S 689453 4054955 | 6/6/2013 | Female | Adult | 96.7°F | 3.3 mph | Ran to burrow, had salmon colored splotches on neck, above wash was below 95°F |
| BNLL15 | 10 S 689046 4054843 | 6/11/2013 | Unknown | Most Likely Adult | 95.5°F | 5.2 mph | BNLL in wash, not associated with a burrow, small individual, likely a first-year individual, no breeding colors, ran away out of the wash onto plateau area to the south, temperature up out of wash was 90°F |
| BNLL16 | 10 S 689245 4054778 | 6/11/2013 | Unknown | Adult | 95.0°F | 3.3 mph | Ran across the wash and up the vertical into the grass on top. Distance to detection was around 5 meters |
| BNLL17 | 10 S 689454 4054955 | 6/11/2013 | Female | Adult | 90.5°F | 6.0 mph | Possibly same female as BNLL14 and BNLL4, light body shade |
| BNLL18 | 10 S 691954 4054885 | 6/13/2013 | Female | Adult | 91.0°F | 1.3 mph | BNLL female, adult, 44 feet off transect #60, sticking out of a burrow, 12:08 pm |
| BNLL20 | 10 S 689277 4054864 | 6/30/2013 | Female | Adult | 95.6°F | 5.6 mph | Breeding colors, this female up while a team was finishing their lines between 95°F and 97°F in Block 5 |
| BNLL22 | 10 S 688998 4054778 | 7/5/2013 | Female | Adult | 90.1°F | 5.6 mph | BNLL in wash |
| BNLL23 | 10 S 689271 4054852 | 7/5/2013 | Female | Adult | 90.1°F | 5.6 mph | Possibly same individual as BNLL21 (Table 2), no weather information taken |
| BNLL24 | 10 S 689516 4054954 | 7/6/2013 | Female | Adult | 96.0°F | 2.3 mph | Some breeding colors, ran from wash bottom to burrow on S side of wash, used as a reference from 1107-1118 until the rest of the crew finished transects, left her at 96°F |
| BNLL25 | 10 S 690991 4054908 | 7/6/2013 | Female | Adult | 85.0°F | 2.8 mph | Basking in sun in wash |



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|---|---------------------|-----------|---------|-----------|--------|---------|---|
| BNLL26 | 10 S 689596 4054969 | 7/7/2013 | Female | Adult | 96.8°F | 3.2 mph | Basking in sun on south side of wash, ran out to middle of wash bottom to back on a rock, used as reference BNLL until 97°F |
| Hatchlings and Sub-adult (August 2 through September 10, 2013) | | | | | | | |
| BNLL28 | 10 S 689003 4054750 | 8/2/2013 | Female | Adult | 90.6 | 9.3 mph | Very thin female, basking in the sun. |
| BNLL29 | 10 S 689267 4054791 | 8/2/2013 | Unknown | Hatchling | 88.0 | 6.3 mph | Detection was 20 minutes after detection of BNLL30 and was in the same general area at 10:50am. |
| BNLL30 | 10 S 689264 4054899 | 8/2/2013 | Unknown | Hatchling | 88.0 | 6.3 mph | 10:30am hatchling detection. |
| BNLL31 | 10 S 690799 4055175 | 8/5/2013 | Unknown | Hatchling | 92.3 | 2.0 mph | Basking outside of a burrow, ducked quickly back into burrow in middle of wash |
| BNLL32 | 10 S 691195 4055055 | 8/11/2013 | Unknown | Hatchling | 92.0 | 8.6 mph | Middle of wash, ran to northern bank. Vent to snout length is estimated at 2 to 3 inches. Distance from BNLL was approximately 2 feet. |
| BNLL33 | 10 S 689079 4054748 | 8/16/2013 | Unknown | Adult | 87.0 | 1.2 mph | 9:20am detection of adult just inside burrow about 30 meters south of wash wall. Observation lasted approximately 15 minutes |
| BNLL34 | 10 S 691234 4055109 | 8/22/2013 | Unknown | Hatchling | 92.0 | 9.6 mph | 10:40am detection. Distance from BNLL was approximately 4 feet, vent to snout estimated at 2.5 inches, around 150 feet north of wash |
| BNLL35 | 10 S 689068 4054748 | 8/27/2013 | Female | Adult | 89.0 | 5.0 mph | 10:40am detection. Basking in sun near log directly south of the wash in VFCL with breeding colors |
| BNLL36 | 10 S 689566 4056769 | 9/3/2013 | Unknown | Hatchling | 82.0 | 1.5 mph | 9:35am detection. Sunning and ran as surveyor approached. There was an absence of burrows and lizard was using dried cow manure as cover. |
| BNLL37 | 10 S 688827 4054702 | 9/4/2013 | Unknown | Hatchling | 86.6 | 6.1 mph | Observed at 10:25am on south side of wash bed sunning. |



Table 2. Incidental BNLL Observations

| BNLL Point | UTM | Detection Date | Sex | Age Class | Temperature | Wind | Description |
|---|---------------------|----------------|---------|-----------|-------------|---------|---|
| Adult Survey (May 9 through July 13, 2013) | | | | | | | |
| BNLL1 | 10 S 689272 4054862 | 5/9/2013 | Unknown | Adult | Unknown | Unknown | In wash prior to survey-west of Little Panoche Rd., seen out of protocol during training. |
| BNLL2 | 10 S 689285 4054871 | 5/9/2013 | Unknown | Adult | Unknown | Unknown | In wash prior to survey-west of Little Panoche Rd., seen out of protocol during training |
| BNLL3 | 10 S 689405 4054955 | 5/9/2013 | Unknown | Adult | Unknown | Unknown | In wash prior to survey-west of Little Panoche Rd., seen out of protocol during training |
| BNLL4 | 10 S 689454 4054955 | 5/9/2013 | Unknown | Adult | Unknown | Unknown | In wash prior to survey-west of Little Panoche Rd., seen out of protocol during training |
| BNLL5 | 10 S 689391 4054954 | 5/9/2013 | Unknown | Adult | Unknown | Unknown | In wash prior to survey-west of Little Panoche Rd., seen out of protocol during training |
| BNLL19 | 10 S 689453 4054954 | 6/25/2013 | Male | Adult | 94.0°F | Unknown | Observed leaving burrow at 10:40am, stayed on the berm of the burrow for 15 min, seen out of protocol during training for new technicians |
| BNLL21 | 10 S 689273 4054845 | 7/4/2013 | Female | Adult | 96.8°F | 1.2 mph | BNLL with breeding colors on face and side, 5 feet to detection, 8:45am, 96.8°F, 1.2 mph wind, reference lizard over 95°F |
| BNLL27 | 10 S 691484 4055128 | 7/14/2013 | Unknown | Hatchling | 100.6°F | 9.4 mph | Likely a hatchling from this year, observed during GKR surveys |
| Hatchlings and Sub-adult (August 2 through September 10, 2013) | | | | | | | |
| BNLL38 | 10 S 690890 4055028 | 9/9/2013 | Unknown | Hatchling | 97.5 | 3.3 mph | Observed at 10:30am sunning near burrow. |
| BNLL39 | 10 S 691074 4055004 | 9/9/2013 | Unknown | Hatchling | 99.0 | 1.6 mph | No color, sunning on a burrow, cloud cover <50%, wind coming from the west northwest |
| BNLL40 | 10 S 691164 4054651 | 9/9/2013 | Unknown | Hatchling | 99.1 | 4.3 mph | Ran from under dried cow manure into burrow. Wind from east northeast. |



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APPENDIX A



Photo 1. General view of Valley Floor Conservation Lands (VFCL) and Project Site looking north.



Photo 2. General view of wash within the VFCL and Project in the background looking north/northwest.



Photo 3. General view of wash within the VFCL looking southeast.



Photo 4. General view of wash within the VFCL looking west.



Photo 5. Female adult blunt-nosed leopard lizard observed in VFCL.



Photo 6. Hatchling/sub-adult blunt-nosed leopard lizard observed in VFCL.