BIOLOGICAL RESOURCES ASSESSMENT
FOR THE US COLD STORAGE FACILITY
HESPERIA, CALIFORNIA

Prepared for:

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SECTION 1.0 - INTRODUCTION

Jennings Environmental, LLC (Jennings) was retained by Lilburn Corporation (Lilburn) to conduct a literature review and reconnaissance-level survey for the proposed US Cold Storage Warehouse (Project). The survey identified vegetation communities, the potential for the occurrence of special status species, or habitats that could support special status wildlife species, and recorded all plants and animals observed or detected within the Project boundary. This biological resources assessment is designed to address potential effects of the proposed project to designated critical habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) or species designated as sensitive by the California Department of Fish and Wildlife (CDFW) or the California Native Plant Society (CNPS). Information contained in this document is in accordance with accepted scientific and technical standards that are consistent with the requirements of the United States Fish and Wildlife Service (USFWS) and (CDFW). Additionally, the site as surveyed for any drainage features that would meet the definition of the Waters of the US (WOUS), Waters of the State (WOS), or CDFW jurisdiction.

1.1 PROJECT LOCATION

The project is generally located in the eastern portion of the northwest portion of Section 15, Township 4 North, Range 5 West and is depicted on the *Baldy Mesa* U.S. Geological Survey's (USGS) 7.5-minute topographic map. More specifically the project is located within Assessor Parcel Numbers (APNs) 3064-421-01, -02, and -03, within the City of Hesperia, San Bernardino County, California. The Project site is located just northeast of the intersection of Yucca Terrace Dr. and US Highway 395 and is bounded to the north by Avenal Street. The site is surrounded by residential and commercial facilities to the west, with vacant parcels to the north, south, and east. The Project site is also bounded by the California Aqueduct to the northeast (Figures 1 and 2 in Appendix A).

1.2 PROJECT DESCRIPTION

The City of Hesperia ("City") received an Application from United States Cold Storage to construct and operate a cold storage warehouse for frozen and refrigerated food trucks on a 78.7-acre property located at the northeast corner of State Highway 395 (US-395) and Yucca Terrace Drive. Implementation of the Proposed Project will require the following approvals from the City:

- Approval of Conditional Use Permit (CUP19-00010)
- Approval of a Tentative Parcel Map
- Approval of Development Agreement

Regional access to the project site includes Highway 395, immediately adjacent to the west, and Interstate (I) 15, located approximately 1 mile east. Access to the site would be provided via a driveway on the south side from Yucca Terrace Drive, a driveway from the north side from Avenal Street and two exit-only/fire access driveways; one on the north edge of the property from Avenal Street and one from the south edge of the property from Yucca Terrace Drive.

The proposed cold storage warehouse would be composed of one 167,050 square-foot two-story storage, a 321,215 square-foot high bay 150'h building, with 16,241 square feet of office space on the northwest

portion of the Project Site, one 492,070 square-foot two-story building with 16,241 square feet of office space on the southwest portion of the Project Site. Each building would include loading docks for truck trailers.

The project would include 194,154 square feet of landscaping along the West of the site. There is a total of 813 parking spaces including 14 handicap spaces, 420 regular-sized spaces, and 393 truck/trailer spaces. The maximum heights of the warehouses would not exceed 150 feet. The Proposed Project also includes a bioretention basin on the northeast corner of the site. A solar array field is proposed in the east portion of the Project Site to generate approximately 2.35 MW to serve the facility; no energy generated would be sold to the grid.

The Proposed Project includes a combination of at grade detention basin and potentially subsurface catch basins to capture and treat on-site stormwater. Also, given the vacant, undeveloped nature of the project site, both dry and wet utilities, including domestic water, sanitary sewer, and electricity, would need to be extended onto the project site. The Proposed Project has an anticipated Opening Year of 2022.

2.0 – METHODOLOGY

2.1 LITERATURE REVIEW

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records of the California Natural Diversity Database (CNDDB) managed by CDFW (CDFW 2020), the USFWS Critical Habitat Mapper (USFWS 2020) and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2020) were reviewed for the following quadrangles containing and surrounding the Project site: *Baldy Mesa* and *Hesperia*, USGS 7.5 minute quadrangles. These databases contain records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise special status species or habitats that may occur within or in the immediate vicinity of the Project site.

2.2 SOILS

Before conducting the surveys, soil maps for San Bernardino County were referenced online to determine the types of soil found within the Project site. Soils were determined in accordance with categories set forth by the United States Department of Agriculture (USDA) Soil Conservation Service and by referencing the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2020).

2.3 BIOLOGICAL RECONNAISSANCE-LEVEL SURVEY

Jennings biologist, Gene Jennings, conducted the general reconnaissance survey within the Project site to identify the potential for the occurrence of special status species, vegetation communities, or habitats that could support special status wildlife species. The surveys were conducted on foot, throughout the Project site between 0800 and 1100 hours on April 4 and between 0800 and 1100 hours on April 26, 2020. Weather conditions during the April 4 survey included temperatures ranging from 55 to 60 degrees Fahrenheit, with no cloud cover, no precipitation, 10 to 15 mile per hour winds. Weather conditions during the April 26 survey included temperatures ranging from 75 to 80 degrees Fahrenheit, with no cloud cover,

no precipitation, and wind speeds ranged from 5 to 10 miles per hour. Photographs of the Project site were taken to document existing conditions (Appendix B).

2.4 JURISDICTIONAL FEATURES

A general assessment of jurisdictional waters regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW was conducted for the proposed Project area. Pursuant to Section 404 of the Clean Water Act, USACE regulates the discharge of dredged and/or fill material into waters of the United States. The State of California (State) regulates the discharge of material into waters of the State pursuant to Section 401 of the Clean Water Act and the California Porter- Cologne Water Quality Control Act (California Water Code, Division 7, §13000 et seq.). Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. The assessment was conducted by a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity. Additional discussion of the regulatory framework is provided in Appendix C.

2.4.1 VEGETATION

All plant species observed within the Project site were recorded. Vegetation communities within the Project site were identified, qualitatively described, and mapped onto a high-resolution imagery aerial photograph. Plant communities were determined in accordance with the *Manual of California Vegetation*, *Second Edition* (Sawyer et al. 2009). Plant nomenclature follows that of *The Jepson Manual, Second Edition* (Baldwin et al. 2012). A comprehensive list of the plant species observed during the survey is provided in Appendix D.

2.4.2 WILDLIFE

All wildlife and wildlife signs observed and detected, including tracks, scat, carcasses, burrows, excavations, and vocalizations, were recorded. Additional survey time was spent in those habitats most likely to be utilized by wildlife (native vegetation, wildlife trails, etc.) or in habitats with the potential to support state- and/or federally listed or otherwise special status species. Notes were made on the general habitat types, species observed, and the conditions of the Project site. A comprehensive list of the wildlife species observed during the survey is provided in Appendix D.

2.5 CITY OF HESPERIA DEVELOPMENT CODE (CHAPTER 16.24 - PROTECTED PLANTS)

The City of Hesperia has a section of development code that specifically addresses the protection of desert plants within the City. The development code was searched prior to the site visit and it states:

> The city finds that it is in the public interest to promote the continued health of this city's abundant and diverse plant resources, by providing regulations and guidelines for the management of the plant resources on property or combinations of property under private or public ownership for the following purposes:
>
> > A. To promote and sustain the health, vigor, and productivity of plant life and aesthetic values through appropriate management techniques.

B. To conserve the native plant life heritage for the benefit of all, including future generations.

C. To protect native trees and plants from indiscriminate removal, and to regulate such activity.

D. To provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable, natural resources.

E. To protect and maintain water productivity and quality in local watersheds.

F. To preserve rare plants and protect animals with limited or specialized habitats.

SECTION 3.0 – RESULTS

3.1 LITERATURE REVIEW RESULTS

According to the CNDDB, CNPSEI, and other relevant literature and databases, 13 sensitive species and 3 listed species, have been documented in the *Baldy Mesa* and *Hesperia* quads. This list of sensitive species and habitats includes any State and/or federally listed threatened or endangered species, CDFW designated Species of Special Concern (SSC) and otherwise Special Animals. "Special Animals" is a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species." The CDFW considers the taxa on this list to be those of greatest conservation need.

An analysis of the likelihood for the occurrence of all CNDDB sensitive species documented in the *Baldy Mesa* and *Hesperia* quad is provided in Table 2, in Appendix D. This analysis takes into account species range as well as documentation within the vicinity of the project area and includes the habitat requirements for each species and the potential for their occurrence on the site, based on required habitat elements and range relative to the current site conditions. According to the databases, no sensitive habitat, including USFWS designated critical habitat, occurs within or adjacent to the project site.

3.1.1 SOILS

After review of USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2020), it was determined that the Project site is located within the Mojave River Area, California area CA671. Based on the results of the database search, four (4) soils types were observed in the area (Figure 4):

Cajon Sand, 0 to 2 percent slopes. This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 1,800 to 3,200 feet amsl and is considered farmland of statewide importance.

Cajon Sand. 2 to 9 percent slopes. This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from mixed sources, typically ranges in elevation from 1,800 to 3,500 feet amsl and is considered farmland of statewide importance.

Cajon Sand, 9 to 15 percent slopes. This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 1,800 to 4,000 feet amsl and is not considered prime farmland.

Hesperia Loamy Fine Sand, 2 to 5 percent slopes. This soil is well-drained with a high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 200 to 4,000 feet amsl and is considered prime farmland if irrigated.

3.1.2 SPECIAL STATUS SPECIES BACKGROUND

Desert Tortoise

The desert tortoise is a State and federally listed threatened species. Throughout its range, it is threatened by habitat loss, domestic grazing, predation, collections, and increased mortality rates. The desert tortoise is typically found in creosote bush scrub. They are most often found on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and hillsides. Because a single tortoise may have many burrows distributed throughout its home range, it is not possible to predict the exact numbers of individuals on a site based upon burrow numbers.

In 1992 the US Bureau of Land Management issued the *California Statewide Desert Tortoise Management Policy* which included categorizing habitat into three levels of classification. The management goal for Category I areas is to maintain stable, viable populations and to increase the population where possible. The management goal for Category II areas is to maintain stable, viable populations. The management goal for Category III areas is to limit population declines to the extent feasible. In April 1993, the BLM amended the CDCA plan to delineate these three categories of desert tortoise habitat on public lands. Although habitat categories apply only to public lands administered by the BLM, regulatory agencies typically determine habitat compensation ratios based on the nearest BLM habitat categories (Desert Tortoise Compensation Team 1991). With the adoption of the West Mojave Plan (U.S. Bureau of Land Management 2005), all lands that are outside Desert Wildlife Management Areas, including the subject parcel, are characterized as Category 3 Habitat, which is the lowest priority management area for viable populations of the desert tortoise.

Mohave Ground Squirrel

The Mohave ground squirrel (MGS) is a State listed threatened species. Mohave ground squirrel is endemic to 2 million hectares in the western Mojave Desert. It typically inhabits sandy soils of alkali sink and creosote bush scrub habitat. In much of this region, the geographic range of the species is considered to lie west of the Mojave River. However, in the Victorville and Barstow areas, there are records of Mohave ground squirrel occurrence on the east side of the Mojave River. Mohave ground squirrel is listed as threatened by CDFW due to habitat loss, fragmentation, and deterioration (Brooks and Matchett 2002). CDFW does not designate critical habitat for this species.

MGS is small, grayish, diurnal squirrel measuring about 9 inches from nose to tip of tail. They forage on leaves and seeds and aestivate/hibernate for long periods of the year. Plants documented as forage for MGS include: fiddleneck (*Amsinckia tessellata*), wolfberry (*Lycium andersonii*), Joshua tree (*Yucca brevifolia*), winterfat (*Krascheninnikovia lanata*), spiny hopsage (*Grayia spinosa*), allscale (*Atriplex canescens* and *A. polycarpa*), desert holly (*A. hymenelytra*), coreopsis (*Coreopsis* sp.), and the seeds of

Joshua tree. It is suspected that Mohave ground squirrel forage on the plant species with the highest water content available at the time. The project site falls within the historic range of the MGS but is located outside, to the south, of the Mohave ground squirrel Conservation Area set forth in the West Mojave Plan (U.S. Bureau of Land Management 2005).

Mohave Tui Chub

The Mohave tui chub is a chunky, large-scaled fish with a small, terminal, slightly oblique mouth. This subspecies has a bright brassy-brown to dark olive back with a bluish-white to silver belly. The average size for adults is four to six inches, while some fish may be as large as nine inches. Mohave tui chub typically spawn from February to October. Females lay approximately 4,000 to 50,000 adhesive eggs over aquatic vegetation. Once hatched, the fry will school in the shallows, while medium-sized tui chub (1 to 3 inches) school in water one to two inches deep. Large chubs are typically solitary and found in deeper water. Mohave tui chub feed on insect larvae and detritus. Mohave tui chub is endemic to the Mojave River basin and is adapted to alkaline, mineralized waters. Historically, the Mohave tui chub occurred in deep pools and sloughs of the Mojave River. As of December 2007, the State and federally listed endangered Mohave tui chub are only known to occur at Soda Springs, China Lake Naval Air Weapons Station (Lark Seep), and Camp Cady (Mohave Tui Chub, 2016).

Burrowing Owl

The burrowing owl (BUOW) is a state and federal SSC. This owl is a mottled, brownish and sand-colored, dove-sized raptor, with large, yellow eyes, a rounded head lacking ear tufts, white eyebrows, and long legs compared to other owl species. It is a ground-dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is heavily dependent upon the presence of mammal burrows, with ground squirrel burrows being a common choice, in its habitat to provide shelter from predators, inclement weather, and to provide a nesting place (Coulombe 1971). They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows.

BUOW spends a great deal of time standing on dirt mounds at the entrance to a burrow or perched on a fence post or other low to the ground perch from which they hunt for prey. BUOW frequently hunt by hovering in place above the ground and dropping on their prey from above. They feed primarily on insects such as grasshoppers, June beetles, and moths, but will also take small rodents, birds, and reptiles. They are active during the day and night but are considered a crepuscular owl; generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31. Up to 11, but typically 7 to 9, eggs are laid in a burrow, abandoned pipe, or other subterranean hollows where incubation is complete in 28-30 days. Young BUOW fledges in 44 days. The BUOW is considered a migratory species in portions of its range, which includes western North America from Canada to Mexico, and east to Texas and Louisiana. BUOW populations in California are considered to be sedentary or locally migratory.

Throughout its range, the BUOW is vulnerable to habitat loss, predation, vehicular collisions, and destruction of burrow sites and the poisoning of ground squirrels (Grinnell and Miller 1944, Zarn 1974, Remsen 1978). BUOW has disappeared from significant portions of their range in the last 15 years and, overall, nearly 60% of the breeding groups of owls known to have existed in California during the 1980s had disappeared by the early 1990s (Burrowing Owl Consortium 1993). The BUOW is not listed under the state or federal Endangered Species Act but is considered both a federal and state Species of Special

Concern. The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

western Joshua Tree

Joshua tree, *Yucca brevifolia,* is a member of the Agave family. (Until recently, it was considered a giant member of the Lily family, but DNA studies led to the division of that formerly huge family into 40 distinct plant families.) Like the California fan palm, *Washingtonia filifera,* the Joshua tree is a monocot, in the subgroup of flowering plants that also includes grasses and orchids. The Joshua tree can be confused with its close relative, Mojave yucca (*Yucca schidigera*). The Mojave yucca can be distinguished by its longer, wider leaves and fibrous threads curling along leaf margins. The Joshua tree provides a good indicator that you are in the Mojave Desert, but you may also find it growing next to a saguaro cactus in the Sonoran Desert in western Arizona or mixed with pines in the San Bernardino Mountains.

The Joshua tree's life cycle begins with the rare germination of a seed, its survival dependent upon well-timed rains. Look for sprouts growing up from within the protective branches of a shrub. Young sprouts may grow quickly in the first five years, then slow down considerably thereafter. Judging the age of a Joshua tree is challenging: these "trees" do not have growth rings like you would find in an oak or pine. You can make a rough estimate based on height, as Joshua trees grow at rates of one-half inch to three inches per year. Some researchers think an average lifespan for a Joshua tree is about 150 years, but some of our largest trees may be much older than that.

Spring rains may bring clusters of white-green flowers on long stalks at branch tips. Like all desert blooms, Joshua trees depend on just the perfect conditions: well-timed rains, and for the Joshua tree, a crisp winter freeze. Researchers believe that freezing temperatures may damage the growing end of a branch and stimulate flowering, followed by branching. You may notice some Joshua trees grow like straight stalks; these trees have never bloomed—which is why they are branchless! In addition to ideal weather, the pollination of flowers requires a visit from the yucca moth. The moth collects pollen while laying her eggs inside the flower ovary. As seeds develop and mature, the eggs hatch into larvae, which feed on the seeds. The tree relies on the moth for pollination and the moth relies on the tree for a few seeds for her young. The Joshua tree is also capable of sprouting from roots and branches. Being able to reproduce vegetatively allows a much quicker recovery after damaging floods or fires, which may kill the main tree.

3.1.3 JURISDICTIONAL WATERS

Aerial imagery of the site was examined and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated from topographic changes, blue-line features, or visible drainage patterns. The U.S. Fish and Wildlife Service National Wetland Inventory and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas had been documented within the vicinity of the site. Similarly, the Soil maps from the U.S. Department of Agriculture (USDA) - Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2018) were reviewed to identify the soil series on-site and to check if they have been identified regionally as hydric soils. Upstream and downstream connectivity of waterways (if present) was reviewed in the field, on aerial imagery, and topographic maps to determine jurisdictional status. No obvious signs of jurisdictional features were observed during the literature review.

3.1.4 CITY OF HESPERIA'S DEVELOPMENT CODE

Chapter 16.24 of the City's development code details the different native desert plant species that are protected under the code. It also lists the different requirements that must be followed in order for a project to receive approval under the development code. As such, a contractor on the City's approved list was hired to conduct a Joshua tree survey.

3.2 FIELD STUDY RESULTS

3.2.1 HABITAT

The habitat on-site consists of a mix of *Atriplex canescens* Shrubland Alliance (fourwing saltbush scrub), *Amsinckia* (*menziesii*, *tessellata*) - *Phacelia* spp. Herbaceous Alliance (fiddleneck – phacelia fields), with scattered Joshua trees (*Yucca brevifolia*). The fourwing saltbush scrub community consists of Joshua trees (*Yucca brevifolia*), fourwing saltbush (*Atriplex canescens*), and a mix of ruderal non-native vegetation such as ripgut (*Bromus diandrus*) and common storksbill (*Erodium cicutarium*). The fiddleneck – phacelia fields consist primarily of bristly fiddleneck (*Amsinckia tessellata*) and a mix of ruderal non-native vegetation. Table 1 in Appendix D contains a list of all plants found on-site. The site has been subject to historic human disturbances and showed signs of off-road vehicle use and dumping. The site is bordered by established residences, two dirt roads (Avenal Street and Yucca Terrace Drive) and the California Aqua Duct. Surrounding land uses include: undeveloped parcels, residential developments, and water supply infrastructure.

3.2.2 WILDLIFE

Several birds and one mammal were seen during the surveys. Species observed or otherwise detected on or in the vicinity of the project site during the surveys included; common raven (*Corvus corax*), cactus wren (*Campylorhynchus brunneicapillus*), house sparrow (*Passer domesticus*), house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), red-tailed hawk (*Buteo jamaicensis*), and black-tailed jackrabbit (*Lepus californicus*).

The project site is located within a relatively undeveloped area of the city of Hesperia. Portions of the project site have been disturbed by humans and are surrounded by a mixture of residential development and disturbed undeveloped land. Also, portions of the site have been previously disturbed by grading and off-road vehicle use, making it unsuitable for most burrowing animals. There is some habitat within the proposed project footprint, as well as the immediate surrounding area, that is marginally-suitable for some sensitive species identified in the CNDDB search (Table 2).

3.2.3 SPECIAL STATUS SPECIES

On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened or endangered under CESA may be warranted. This commenced a one-year status review of the species and the Commission will make a final decision at a future meeting. During the status review, the western Joshua tree is protected under CESA as a candidate species. Listing of the species is not yet included in the CNDDB. No other State and/or federally listed threatened or endangered plant species or other sensitive species were observed on-site during field surveys.

Desert Tortoise

No suitable habitat for desert tortoise exists within the project site or surrounding area. There are no documented desert tortoise occurrences within the project site or the surrounding area and this species are not expected to occur within the project area. The project site is situated west of the I-15, and south the California Aqueduct, both of which provide an impermeable barrier to potential desert tortoise movement. Due to the high level of human disturbance as well as the presence of ravens, the project site and immediate vicinity is no longer considered suitable habitat for the desert tortoise. Therefore, no potential direct or indirect impacts to desert tortoise can be identified, and presence/absence surveys for this species are not warranted or recommended.

Mohave Ground Squirrel

Although a focused MGS trapping survey was not performed, Jennings conducted an MGS habitat assessment of the proposed project site. The habitat assessment for MGS included a pedestrian field assessment, a review of reported occurrences of the MGS in the region (CNDDB, 2020), and adherence to CDFW's criteria for assessing potential impacts to the Mohave ground squirrel. The criteria questions are as follows:

1. *Is the site within the range of the MGS?;*
2. *Is there native habitat with a relatively diverse shrub component?; and*
3. *Is the site surrounded by development and therefore isolated from potentially occupied habitat?*

The subject parcel falls within the historic range of the MGS but is located outside, to the south, of the MGS Conservation Area set forth in the West Mojave Plan (U.S. Bureau of Land Management 2005). According to the CNDDB, MGS was historically documented (2005) within 1-mile northwest of the project site on the opposite side of the California Aqueduct. Numerous protocol MGS trapping grids were sampled in the vicinity of the project area between 1998 and 2007. MGS was not detected and were considered absent during those protocol trapping sessions (Leitner 2008). Additionally, no ground squirrels of any species were observed on-site or within the project buffer.

As previously stated, the project site is situated south of the California Aqueduct, which provides an impermeable barrier to potentially occupied habitat located far north of the city of Hesperia. The findings of a focused Habitat Assessment prepared by Philippe Vergne (a Permitted MGS Biologist) {see Appendix E} also confirm the site is not suitable for the species. Therefore, it is assumed that the site is not occupied by MGS and no potential direct or indirect impacts to MGS can be identified. Focused presence/absence surveys for this species are not warranted or recommended.

Mohave Tui Chub

Mohave tui chub has been extirpated from the Mojave River and its tributaries. The only documented occurrence for this species within the project vicinity, according to the CNDDB, is a historic record from 1967. The project site does not contain suitable habitat for this species, as no water is present on-site,

and evidence of surface flow was not found. Therefore, this species is considered absent from the project site and no potential direct or indirect impacts to Mohave tui chub can be identified.

Burrowing owl

Although the site is partially disturbed, the conditions present onsite are marginally suitable for BUOW. The assessment survey was structured, in part, to detect BUOW, which has been observed in the near vicinity of the project site (within 2 miles). The survey consisted of walking transects spaced to provide 100% visual coverage of the project site. The result of the survey was that no evidence of BUOW was found in the survey area. No burrows of appropriate size, aspect, or shape were located and no BUOW pellets, feathers, or whitewash were found. No burrowing owl individuals were observed.

According to the CNDDB, there are nine (9) documented occurrences of BUOW within the *Baldy Mesa* quad. The nearest documented BUOW occurrences, 1989 and 2006, are approximately 1.8 miles south and north of the project site, respectively. Although no BUOW individuals were observed on either survey date, the Project site and adjacent area surrounding area does contain some habitat that would be considered suitable for BUOW. Therefore, a preconstruction BUOW survey is recommended to avoid any potential project-related impacts to this species.

western Joshua tree

This species is present on site. As detailed in Protected Plant Preservation Plan in Appendix F, there are currently 135 individuals present on site. As mentioned above, this species is temporarily afforded the same protections as if it were fully listed.

Designated Critical Habitat

The site is not located within or adjacent any USFWS designated Critical Habitat nor is it within a Desert Wildlife Management Area as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish and Wildlife Service 1994b) and formally adopted in March 2006 as a result of the West Mojave Plan (U.S. Bureau of Land Management 2005). No further action is required.

Nesting Birds

The Project site and immediate surrounding areas does contain habitat suitable for nesting birds. Nesting bird surveys should be conducted prior to any construction activities taking place, including Joshua tree transplanting, during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15th to September 15th), and conducting a worker awareness training. However, if all work cannot be conducted outside of the nesting season, a project-specific Nesting Bird Management Plan can be prepared to determine suitable buffers.

3.2.4 JURISDICTIONAL WATERS

Waters of the United States and Waters of the State

The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. under Section 404 CWA. While the Regional Water Quality Board has authority over the discharge of dredged or

fill material in Waters of the State under Section 401 CWA as well as the Porter-Cologne Water Quality Control Act. The Project area was surveyed with 100 percent visual coverage and no drainage features were present on site. As such, the subject parcel does not contain any wetlands, waters of the U.S., or Waters of the State.

Fish and Game Code Section 1602 - State Lake and/or Streambed

The CDFW asserts jurisdiction over any drainage feature that contains a definable bed and bank or associated riparian vegetation. The Project area was surveyed with 100 percent visual coverage and no definable bed or bank features exist on the project site. As such, the subject parcel does not contain any areas under CDFW jurisdiction.

3.2.5 CITY OF HESPERIA'S PROTECTED PLANTS

The site does contain plants that are subject to the city of Hesperia's Development Code, Chapter 16.24 – Protected Plants. More specifically, the site contains Joshua trees. Because the site falls within City limits an approved contractor on the City's list was hired to provide a Protected Plant Preservation Plan in accordance with the City's development code. Their report indicated that there are 135 Joshua trees present on-site and 69 of the trees are suitable for relocation/transplantation. A copy of the report from RSA Associates, Inc. is included in Appendix F.

Section 4.0 - CONCLUSIONS AND RECOMMENDATIONS

Based on the literature review and personal observations made in the immediate vicinity, one candidate for listing species (western Joshua tree) is present within the Project site. Joshua trees are currently protected by the County of San Bernardino and the City of Hesperia. Additionally, they are candidate for listing under CESA. In the event Joshua trees cannot be avoided on-site, a consultation (incidental take permit) with the CDFW would be required due to the species' candidate listing status. The attached Protected Plant Preservation Plan was prepared in accordance with the City of Hesperia's Development Code and details the number of Joshua trees that are healthy enough to transplant. This report can be used by CDFW to help determine impacts to this species.

No other State and/or federally listed threatened or endangered species are documented/or expected to occur within the Project site. No other sensitive species were observed within the project area or buffer area. BUOW has been documented in the vicinity and historical evidence of BUOW presence has been detected within the project area. However, no BUOW individuals or signs were observed onsite during the survey. The site and adjacent area does contain some habitat that would be considered suitable for BUOW. Therefore, a preconstruction BUOW survey is recommended before the commencement of any project-related work activities to avoid any potential project-related impacts to this species.

Additionally, since there is some habitat within the project site and adjacent area that is suitable for nesting birds in general, a preconstruction nesting bird survey is recommended before the commencement of any project-related work activities to avoid any potential project-related impacts to nesting birds.

Please do not hesitate to contact me at 909-534-4547 should you have any questions or require further information.

Sincerely,

Gene Jennings
Principal/Regulatory Specialist

Appendices:

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- Appendix E – Mohave Ground Squirrel Memo
- Appendix F – Protected Plant Preservation Plan

Section 5 – REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, and D.H. Wilken (editors) 2012 *The Jepson Manual: Vascular Plants of California, Second Edition.* University of California Press, Berkeley, CA.

Barbour, M.G., J.H. Burk, W.D. Pitts, F.S. Gilliam, and M.W. Schwartz. 1999 *Terrestrial Plant Ecology, Third Edition.* Addison Wesley Longman, Inc. Menlo Park, CA.

California Department of Fish and Wildlife (CDFW) 2020 California Natural Diversity Database (CNDDB). RareFind Version 3.1.0. Database Query for the *Baldy Mesa and Hesperia*, California USGS 7.5 minute quadrangles. Wildlife and Habitat Data Analysis Branch. [Accessed April 2020]

California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation. Memo from C.F. Raysbrook, Interim Director to Biologist, Environmental Services Division, Department of Fish and Game. Sacramento, CA.

California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency. March 7, 2012.

California Native Plant Society (CNPS) 2020 Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). Rare Plant Scientific Advisory Committee, California Native Plant Society, Sacramento, California. Website http://www.rareplants.cnps.org for the *Baldy Mesa and Hesperia*, California USGS 7.5 minute quadrangles; [Accessed April 2020].

County of San Bernardino. 2004. Standards for assessing impacts to the desert tortoise and Mohave ground squirrel. Unpublished protocol provided by the County of San Bernardino, Public and Support Services Group, Land Use Services Department, Advance Planning Division, dated December 2004. San Bernardino, CA.

Desert Tortoise Compensation Team. 1991. Compensation for the desert tortoise. An unpublished report prepared for the Desert Tortoise Management Oversight Group by the Desert Tortoise Compensation Team, and approved by the Desert Tortoise Management Oversight Group on 13 November 1991.

Leitner, P. 2008. Current status of the Mohave ground squirrel. Transactions of the Western Section of the Wildlife Society 44: 11−29.

Leitner, P. 2015. Current status of the Mohave ground squirrel (*Xerospermophilus mohavensis*): A five-year update (2008–2012). Endangered Species Recovery Program, California State University, Stanislaus, One University Circle, Turlock, California 95382. Published in Western Wildlife 2: 9–22.

Mohave Tui Chub (*Siphateles bicolor mohavensis*), 2016, California Department of Fish and Wildlife, Retrieved from: https://www.wildlife.ca.gov/Regions/6/Desert-Fishes/Mohave-Tui-Chub

Sawyer, J.O., Jr., T. Keeler-Wolf, J. Evens

2009 *A Manual of* California *Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA.

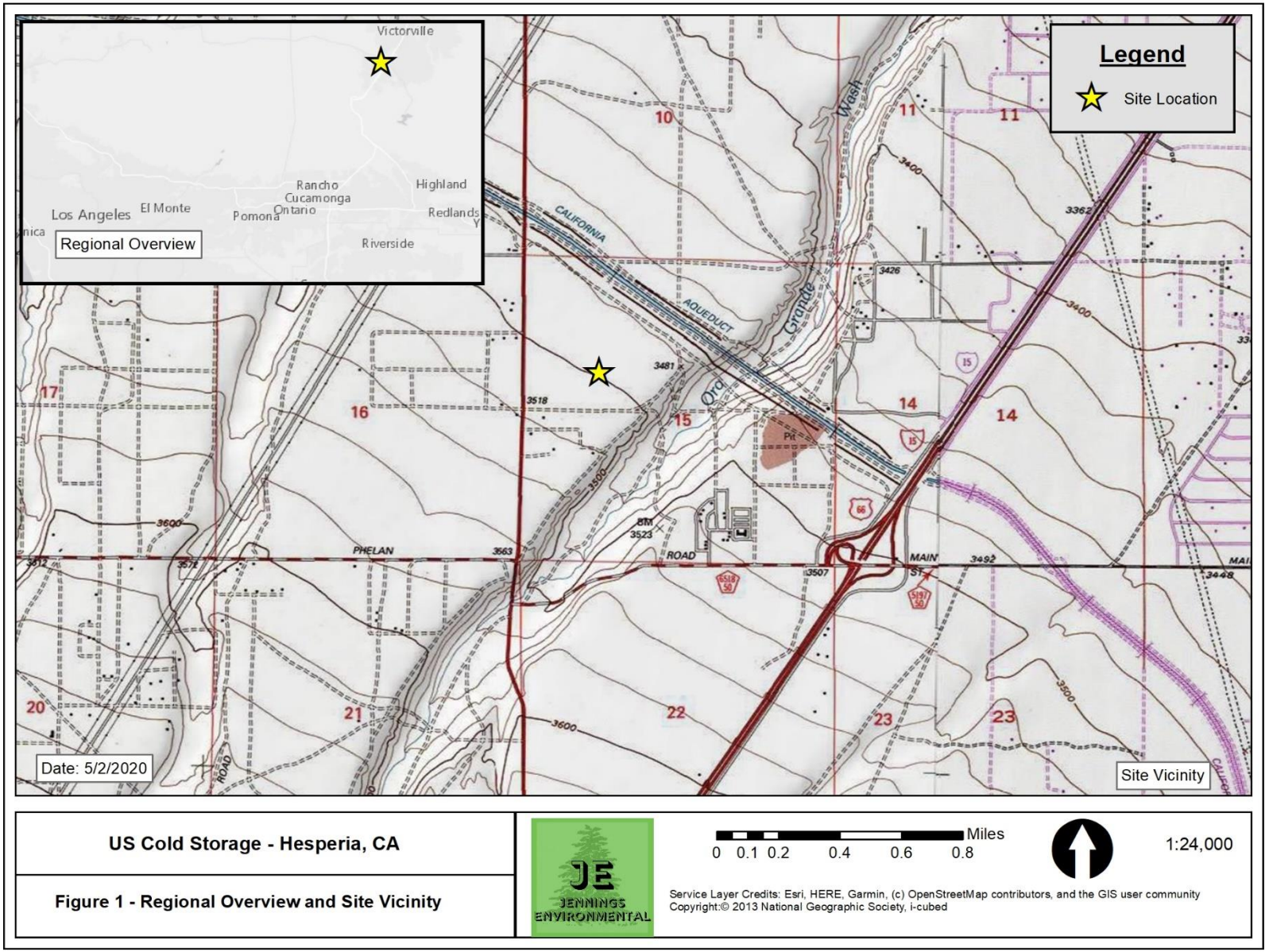
U.S. Department of Agriculture (USDA)

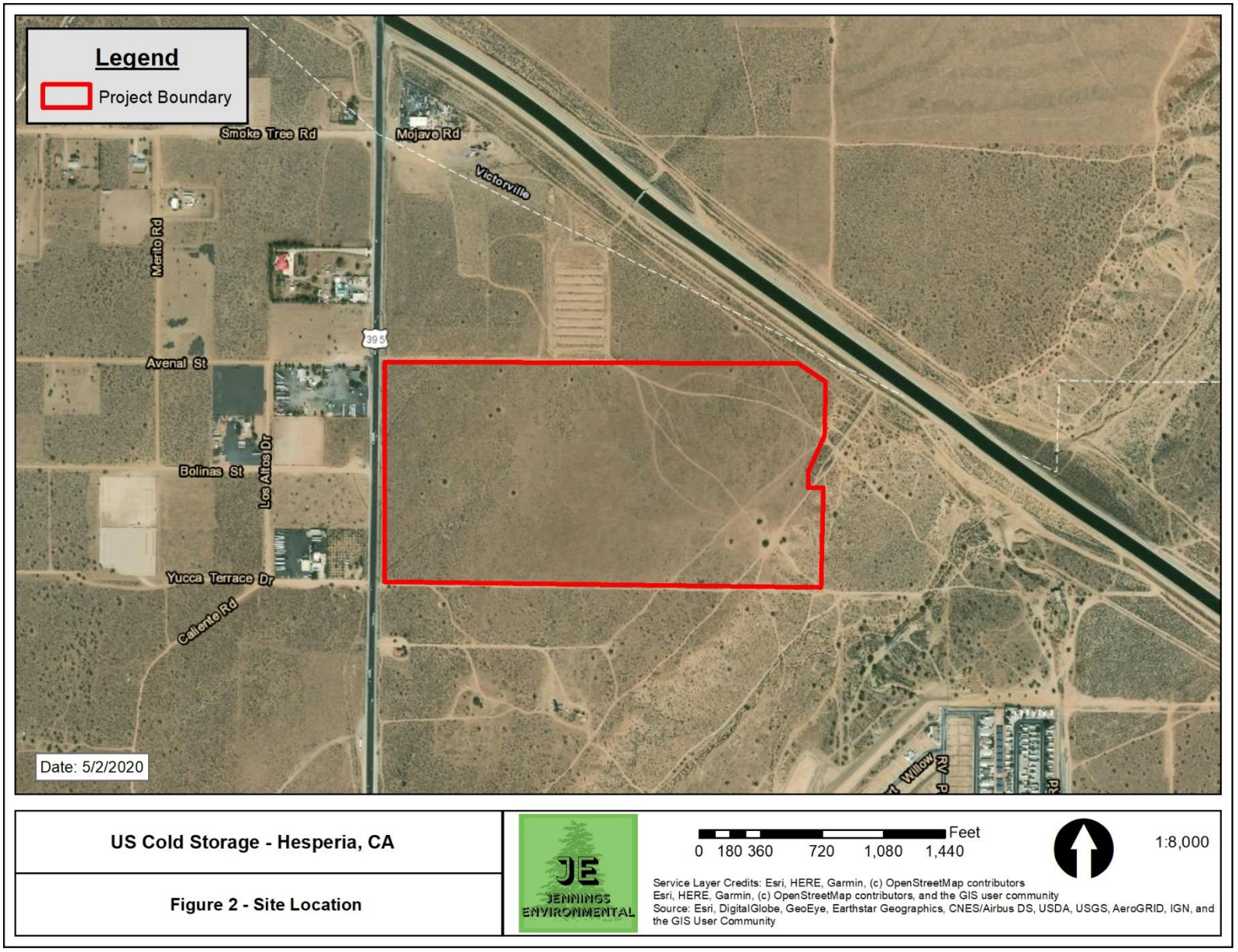
2020 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions [Online Edition]. Website https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx [Accessed April 2020].

U.S. National Park Service (NPS)

Joshua Trees, https://www.nps.gov/jotr/learn/nature/jtrees.htm

Appendix A - Figures


Legend
Site Location
Regional Overview
Victorville
Los Angeles
El Monte
Pomona
Rancho Cucamonga
Ontario
Highland
Redlands
Riverside
CALIFORNIA AQUEDUCT
Oro Grande Wash
PHELAN ROAD
MAIN ST
Pit
Date: 5/2/2020
Site Vicinity
US Cold Storage - Hesperia, CA
Figure 1 - Regional Overview and Site Vicinity
JENNINGS ENVIRONMENTAL
Miles
0 0.1 0.2 0.4 0.6 0.8
1:24,000
Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Copyright:© 2013 National Geographic Society, i-cubed


Legend
Project Boundary
Smoke Tree Rd
Mojave Rd
Victorville
Merito Rd
395
Avenal St
Bolinas St
Los Altos Dr
Yucca Terrace Dr
Caliente Rd
Willow
Date: 5/2/2020
US Cold Storage - Hesperia, CA
Figure 2 - Site Location
JE
JENNINGS ENVIRONMENTAL
Feet
0 180 360 720 1,080 1,440
1:8,000
Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Appendix B - Photos

	Photo 1 – Southwest portion of parcel. Facing northwest. Showing saltbush scrub and presence of Joshua trees.
	Photo 2 – Near cent of parcel, facing west. Showing saltbush scrub.

	Photo 3 – Western portion of parcel, facing west. Showing previous disturbance on-site.
	Photo 4 – Center of parcel facing south. Showing Joshua trees in saltbush scrub.

	Photo 5 – Center of parcel, facing east showing fiddleneck – phacelia fields.

Appendix C – Regulatory Framework

1.1 FEDERAL JURISDICTION

1.1.1 United States Army Corps of Engineers

Pursuant to Section 404 of the CWA, the United States Army Corps of Engineers (USACE) regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined by 33 Code of Federal Regulations (CFR) Part 328 and currently includes: (1) all navigable waters (including all waters subject to the ebb and flow of the tide), (2) all interstate waters and wetlands, (3) all other waters (e.g., lakes, rivers, intermittent streams) that could affect interstate or foreign commerce, (4) all impoundments of waters mentioned above, (5) all tributaries to waters mentioned above, (6) the territorial seas, and (7) all wetlands adjacent to waters mentioned above. Waters of the United States do not include (1) waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (CWA), and (2) prior converted cropland. Waters of the United States typically are separated into two types: (1) wetlands and (2) "other waters" (non-wetlands) of the United States.

Wetlands are defined by 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support … a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987, USACE published a manual (1987 Wetland Manual) to guide its field personnel in determining jurisdictional wetland boundaries. This manual was amended in 2008 to the USACE 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (2008 Arid West Supplement). Currently, the 1987 Wetland Manual and the 2008 Arid West Supplement provide the legally accepted methodology for identification and delineation of USACE-jurisdictional wetlands in southern California.

In the absence of wetlands, the limits of USACE jurisdiction in nontidal waters, including intermittent Relatively Permanent Water (RPW) streams, extend to the Ordinary High Water Mark (OHWM), which is defined by 33 CFR 328.3(e) as:

> … that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

On January 9, 2001, the U.S. Supreme Court ruled (in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers) (SWANCC) that USACE jurisdiction does not extend to previously regulated isolated waters, including but not limited to isolated ponds, reservoirs, and wetlands. Examples of isolated waters that are affected by this ruling include vernal pools, stock ponds, lakes (without outlets), playa lakes, and desert washes that are not tributary to navigable or interstate waters or to other jurisdictional waters. A joint legal memorandum by EPA and USACE was signed on January 15, 2003.

In May 2007, USACE and EPA jointly published and authorized the use of the Jurisdictional Determination Form Instructional Guidebook (USACE 2007). The form and guidebook define how to determine if an area is USACE jurisdictional and if a significant nexus exists per the Rapanos decision. A nexus must have more than insubstantial and speculative effects on the downstream TNW to be considered a significant nexus. This guidebook is updated by the 2008 Arid West Supplement, the 2010 Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States, and the 2011 Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region.

A joint guidance by EPA and USACE was issued on June 5, 2007, and revised on December 2, 2008, is consistent with the Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States (126 S. Ct. 2208 [2006]) (Rapanos), which addresses the jurisdiction over waters of the United States under the CWA (33 U.S.C. §1251 et seq.). A draft guidance was circulated in April 2011 to supercede both the 2003 SWANCC guidance and 2008 Rapanos decision; however, this guidance is not finalized and lacks the force of law.

USACE will continue to assert jurisdiction over Traditionally Navigable Waters (TNWs), wetlands adjacent to TNW, non-navigable tributaries of TNW that are Relatively Permanent Waters (RPW) where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months), and wetlands that directly abut such tributaries.

USACE generally will not assert jurisdiction over swales or erosional features (e.g., gullies or small washes characterized by low volume, infrequent, or short duration flow) or nontidal drainage ditches (including roadside ditches) that are (1) excavated wholly in and draining only uplands and (2) that do not carry a relatively permanent flow of water. USACE defines a drainage ditch as:

> A linear excavation or depression constructed for the purpose of conveying surface runoff or groundwater from one area to another. An "upland drainage ditch" is a drainage ditch constructed entirely in uplands (i.e., not in waters of the United States) and is not a water of the United States, unless it becomes tidal or otherwise extends the ordinary high water line of existing waters of the United States.

Furthermore, USACE generally does not consider "[a]rtificially irrigated areas which would revert to upland if the irrigation ceased" to be subject to their jurisdiction. Such irrigation ditches are linear excavations constructed for the purpose of conveying agricultural water from the adjacent fields. Therefore, such agricultural ditches are not considered to be subject to USACE jurisdiction.

USACE will use fact-specific analysis to determine whether waters have a significant nexus with (1) TNW for nonnavigable tributaries that are not relatively permanent (non-RPW); (2) wetlands adjacent to nonnavigable tributaries that are not relatively permanent; and (3) wetlands adjacent to, but that do not directly abut, a relatively permanent nonnavigable tributary. According to USACE, "a significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to

determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters," including consideration of hydrologic and ecologic factors. A primary component of this determination lies in establishing the connectivity or lack of connectivity of the subject drainages to a TNW.

1.2 STATE JURISDICTION

The State of California (State) regulates discharge of material into waters of the State pursuant to Section 401 of the CWA as well as the California Porter-Cologne Water Quality Control Act (Porter-Cologne; California Water Code, Division 7, §13000 et seq.). Waters of the State are defined by Porter-Cologne as "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code Section 13050(e)). Waters of the State broadly includes all waters within the State's boundaries (public or private), including waters in both natural and artificial channels.

1.2.1 Regional Water Quality Control Board

Under Porter-Cologne, the State Water Resources Control Board (SWRCB) and the local Regional Water Quality Control Boards (RWQCB) regulate the discharge of waste into waters of the State. Discharges of waste include "fill, any material resulting from human activity, or any other 'discharge' that may directly or indirectly impact 'waters of the state.'" Porter-Cologne reserves the right for the State to regulate activities that could affect the quantity and/or quality of surface and/or groundwaters, including isolated wetlands, within the State. Wetlands were defined as waters of the State if they demonstrated both wetland hydrology and hydric soils. Waters of the State determined to be jurisdictional for these purposes require, if impacted, waste discharge requirements (WDRs).

When an activity results in fill or discharge directly below the OHWM of jurisdictional waters of the United States (federal jurisdiction), including wetlands, a CWA Section 401 Water Quality Certification is required. If a proposed project is not subject to CWA Section 401 certification but involves activities that may result in a discharge to waters of the State, the project may still be regulated under Porter-Cologne and may be subject to waste discharge requirements. In cases where waters apply to both CWA and Porter-Cologne, RWQCB may consolidate permitting requirements to one permit.

1.2.2 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other

aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation" (California Code of Regulations, Title 14, Section 1.72). The jurisdiction of CDFW may include areas in or near intermittent streams, ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams that are indicated on USGS maps, watercourses that may contain subsurface flows, or within the flood plain of a water body. CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW limits of jurisdiction typically include the maximum extents of the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

In a CDFW guidance of stream processes and forms in dryland watersheds (Vyverberg 2010), streams are identified as having one or more channels that may all be active or receive water only during some high flow event. Subordinate features, such as low flow channels, active channels, banks associated with secondary channels, floodplains, and stream-associated vegetation, may occur within the bounds of a single, larger channel. The water course is defined by the topography or elevations of land that confine a stream to a definite course when its waters rise to their highest level. A watercourse is defined as a stream with boundaries defined by the maximal extent or expression on the landscape even though flow may otherwise be intermittent or ephemeral.

Artificial waterways such as ditches (including roadside ditches), canals, aqueducts, irrigation ditches, and other artificially created water conveyance systems also may be under the jurisdiction of CDFW. CDFW may claim jurisdiction over these features based on the presence of habitat characteristics suitable to support aquatic life, riparian vegetation, and/or stream-dependent terrestrial wildlife. As with natural waterways, the limit of CDFW jurisdiction of artificial waterways includes the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

CDFW does not have jurisdiction over wetlands but has jurisdiction to protect against a net loss of wetlands. CDFW supports the wetland criteria recognized by USFWS; one or more indicators of wetland conditions must exist for wetlands conditions to be considered present. The following is the USFWS accepted definition of a wetland:

> Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the lands supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated withwater or covered by shallow water at some time during the growing season of each year (Cowardin et al. 1979).

In A Clarification of the U.S. Fish and Wildlife Service's Wetland Definition (Tiner 1989), the USFWS definition was further clarified "that in order for any area to be classified as wetland by the Service, the area must be periodically saturated or covered by shallow water, whether wetland vegetation and/or hydric soils are present or not; this hydrologic requirement is

addressed in the first sentence of the definition." When considering whether an action would result in a net loss of wetlands, CDFW will extend jurisdiction to USFWS-defined wetland conditions where such conditions exist within the riparian vegetation that is associated with a stream or lake and does not depend on whether those features meet the three-parameter USACE methodology of wetland determination. If impacts to wetlands under the jurisdiction of CDFW are unavoidable, a mitigation plan will be implemented in coordination with CDFW to support the CDFW policy of "no net loss" of wetland habitat.

Appendix D – Tables

Table 1. Species Observed On-Site

Common Name	Scientific Name
Plants	
bristly fiddleneck	*Amsinckia tessellata*
coastal heron's bill	*Erodium cicutarium*
Joshua trees	*Yucca brevifolia*
rubber rabbitbrush	*Ericameria nauseosa*
yellow-green matchweed	*Gutierrezia sarothrae*
ripgut brome	*Bromus diandrus*
California juniper	*Juniperus californica*
creosote bush	*Larrea tridentata*
California poppy	*Eschscholzia californica*
Nevada Mormon tea	*Ephedra nevadensis*
silver cholla	*Cylindropuntia echinocarpa*
California buckwheat	*Eriogonum fasciculatum*
four-winged saltbush	*Atriplex canescens var. angustifolia*
manna tree	*Alhagi sparsifolia*
Birds	
common raven	*Corvus corax*
American crow	*Corvus brachyrhynchos*
house sparrow	*Passer domesticus*
house finch	*Haemorhous mexicanus*
songs sparrow	*Melospiza melodia*
cactus wren	*Campylorhynchus brunneicapillus*
red-tailed hawk	*Buteo jamaicensis*
Mammals	
black-tailed jackrabbit	*Lepus californicus*

Table 2 – CNDDB Potential to Occur

Scientific Name	Common Name	Federal and State Status	Other Status	Habitat	Occurrence Potential
Accipiter cooperii	Cooper's hawk	None, None	G5, S4, CDFW-WL	Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Antrozous pallidus	pallid bat	None, None	G5, S3, CDFW-SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Asio otus	long-eared owl	None, None	G5, S3?, CDFW-SSC	Riparian bottomlands grown to tall willows and cottonwoods; also, belts of live oak paralleling stream courses. Require adjacent open land, productive of mice and the presence of old nests of crows, hawks, or magpies for breeding.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Athene cunicularia	burrowing owl	None, None	G4, S3, CDFW-SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Suitable habitat for this species does exist within the project area. Occurrence potential for this species is **moderate**. However, no individuals were observed during either site survey.
Canbya candida	white pygmy-poppy	None, None	G3G4, S3S4, 4.2	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Gravelly, sandy, granitic places. 600-1460 m.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.

Scientific Name	Common Name	Federal and State Status	Other Status	Habitat	Occurrence Potential
Eremothera boothii ssp. boothii	Booth's evening-primrose	None, None	G5T4, S3, 2B.3	Joshua tree woodland, pinyon and juniper woodland. 285-2290 m.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Gopherus agassizii	desert tortoise	Threatened, Threatened	G3, S2S3	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Lanius ludovicianus	loggerhead shrike	None, None	G4, S4, CDFW-SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub & washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Loeflingia squarrosa var. artemisiarum	sagebrush loeflingia	None, None	G5T3, S2, 2B.2	Great Basin scrub, Sonoran desert scrub, desert dunes. Sandy flats and dunes. Sandy areas around clay slicks w/Sarcobatus, Atriplex, Tetradymia, etc. 700-1615 m.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Opuntia basilaris var. brachyclada	short-joint beavertail	None, None	G5T3, S3, 1B.2	Chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Sandy soil or coarse, granitic loam. 425-2015 m.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.

Scientific Name	Common Name	Federal and State Status	Other Status	Habitat	Occurrence Potential
Phrynosoma blainvillii	coast horned lizard	None, None	G3G4, S3S4, CDFW-SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Setophaga petechia	yellow warbler	None, None	G5, S3S4, CDFW-SSC	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Siphateles bicolor mohavensis	Mohave tui chub	Endangered, Endangered	G4T1, S1, CDFW-FP	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Toxostoma lecontei	Le Conte's thrasher	None, None	G4, S3, CDFW-SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.

Scientific Name	Common Name	Federal and State Status	Other Status	Habitat	Occurrence Potential
Vireo vicinior	gray vireo	None, None	G4, S2, CDFW-SSC	Dry chaparral; west of desert, in chamise-dominated habitat; mountains of Mojave Desert, associated with juniper & Artemisia. Forage, nest, and sing in areas formed by a continuous growth of twigs, 1-5 ft above ground.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.
Xerospermophilus mohavensis	Mohave ground squirrel	None, Threatened	G2G3, S2S3	Open desert scrub, alkali scrub & Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	Suitable habitat for this species does not exist within the project area. Occurrence potential for this species is **low**.

Appendix E – Mohave Ground Squirrel Memo

ENVIRA
Aquaculture Fisheries Environmental
P.O. Box 2612, Ramona, California, USA 92065
Phone 619-885-0236 E-mail PHVERGNE@AOL.COM

May 26, 2020

Mohave Ground Squirrel -MGS (*Xerospermophilus mohavensis)* Habitat Assesment Survey Results for US Cold StorageProject, Hesperia, Ca.

The Mohave ground squirrel (MGS) is a state listed threatened species under the California Endangered Species Act.

The proposed project site is located at the southern edge of the historic geographic range of the MGS. The closest recent capture of MGS to the site based on Leitner is 8.7 miles to the northeast (Figure One).

Summary of Habitat Assessment Surveys

A habitat assessment for the Mohave ground squirrel was conducted on the US Cold Storage proposed development project to be located in Hesperia, California at the junction of Avenal Street and US 395 (Figure Two).

The habitat assessment survey was conducted by Philippe Vergne who holds a California Department of Fish and Game MOU to trap the MGS.

Survey Targeted Species Background

The MGS occurs in sandy to rocky soils of relatively flat, sparse, desert scrub habitat, including creosote brush scrub, desert salt-brush scrub, desert sink scrub, desert greasewood scrub, shadscale scrub, and Joshua tree woodland (Gustafson 1993). It can occur in abandoned agricultural lands located adjacent to MGS populations.

Unless a certain circumstance applies, the Department of Fish and Game (Department) requires a survey to be undertaken for the Mohave ground squirrel on a project site, if the proposed site has potential habitat of this species and the presence of the species on the project site is unknown.

Potential habitat is land supporting desert shrub vegetation within or adjacent to the geographic range of the species.

A project is an action that results in temporary or permanent removal or degradation of potential habitat. The Department considers a project site to be an area of land controlled by the project proponent, including but not limited to the portion proposed for removal or degradation of potential habitat. The Department considers a project site to be occupied by the Mohave ground squirrel, if an individual of this species is observed, or is captured on any sampling grid, on the project site.

If suitable habitat is found on a project site, visual surveys to determine Mohave ground squirrel activity and habitat quality shall be undertaken the period of 15 March through 15 April. All potential habitat on a project site shall be visually surveyed during daylight hours by a biologist who can readily identify the Mohave ground squirrel and the white-tailed antelope squirrel (*Ammospermophilus leucurus*)-WTAG.

If visual surveys do not reveal the presence of the Mohave ground squirrel on the project site,

than focused standard small-mammal trapping shall be conducted per the established protocol within potential Mohave ground squirrel habitat on site.

Habitat Assessment Findings for Hesperia US Cold Storage Site

Survey Date: May 14, 2020

Acreage 78.7 Acres

Survey Times 07:30 to 11:45

Temperature: 62-76 F, Clear, winds 05-10 MPH

Vegetation Type: fiddleneck and brome dominated disturbed annual grass-land, sparse Joshua Trees, Saltbush, California Juniper, and isolated creosote bush (Pictures One and Two). A list of plant species prepared by Jennings Environmental is given in Table 1.

Adequate cover and forage for MGS appeared to be extremely limited within and around the study site. . No winterfat (*Eurotia lanata*), nor spiny hopsage (*Grayia spinosa*) were found on the study site. These two species are considered important forage for MGS. Dr. Leitner postulated based on trapping surveys in the southern portion of the MGS range that densities of < 24/ha for spiny hopsage and < 100/ha of winterfat on a site was considered poor forage and may be related to the absence of MGS. No streams or washes were noted on the study site. Absence of this habitat feature further lessens the likelihood of MGS presence on the study site or their ability to persist during long term drought conditions (Logan 2016). No wildlife corridors are expected to exist between the closest core MGS population and the project site. The maximum documented movement of MGS is 3.9 miles (Harris and Leitner 2005).

MGS reproduction appears to be tied to adequate rainfall and forage. In low rainfall years (e.g., less than 6.5 cm [2.6 in.]), they may forego breeding (MGSWG 2011), and breeding may not occur for several years during prolonged drought (Best 1995). Because of the small geographic range of the species, low rainfall can lead to reproductive failure throughout the range (MGSWG 2011, Dudek, 2012). Given the short life span of MGS, approximately 5 to 7 years, if too many years pass with less than 2.6 inches of rainfall this reproductive strategy may cause the extirpation of local populations.

With the lack of rainfall in the past six years, would be expected to inhibit reproduction and immigration of MGS. Based on all these factors, Mohave ground squirrels are not expected to be present on site. No protection measures are recommended for Mojave ground squirrels.

No white-tailed antelope ground squirrels were observed on site although several animals were detected to the east of the site along the railroad track.

Other species or sign observed were kangaroo rat (*Dipodomys sp*) burrows and scat, Botta's pocket gopher (*Thomomys bottae),* potential kit fox(*Vulpes macrotis*) burrows, jack-rabbits (*Lepus californicus),* Mourning dove *(Zenaida macroura*), Horned lark *(Eremophila alpestris),* Common raven *(Corvus corax),* Side-blotched lizard *(Uta stansburiana)* .

Figure One

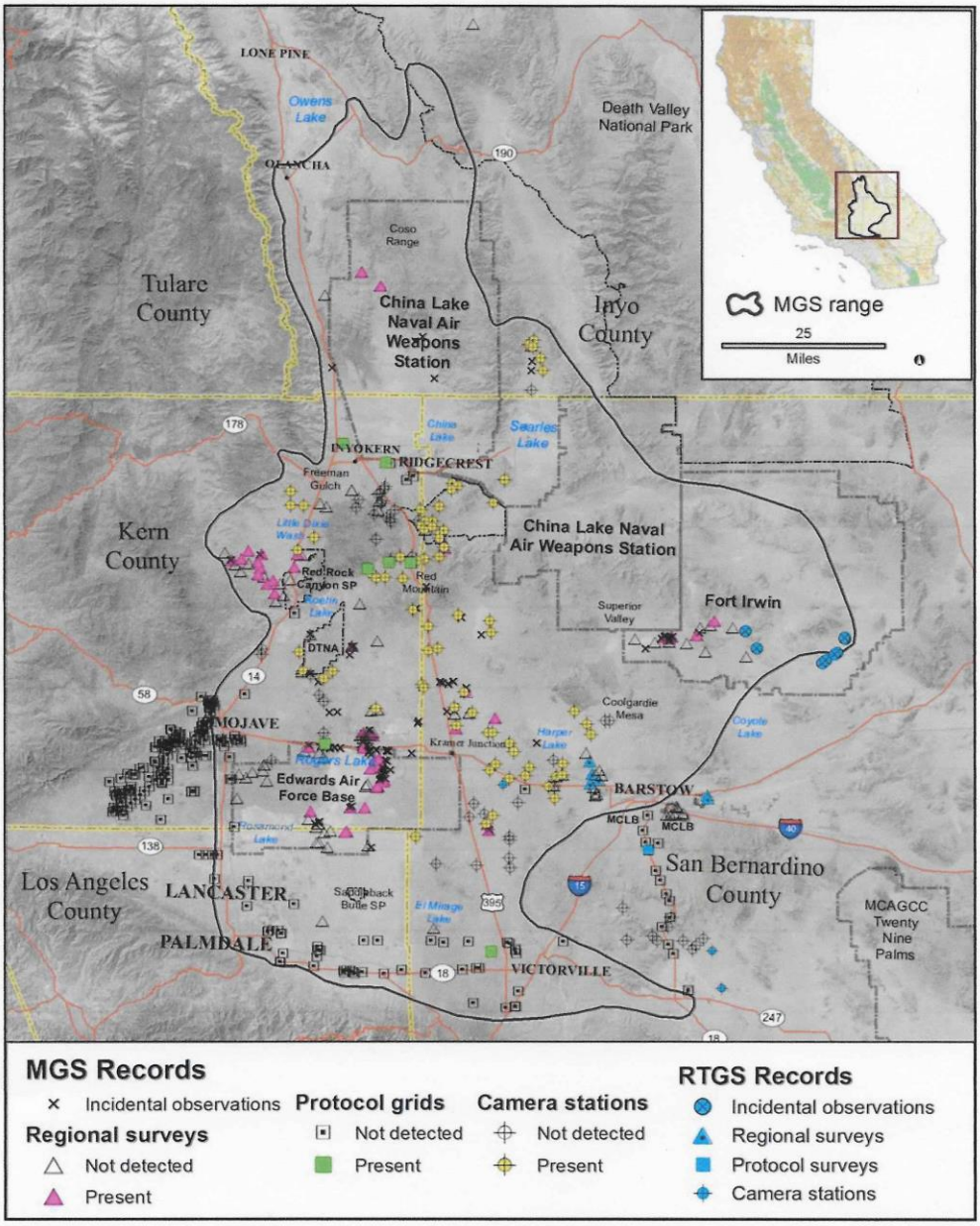


FIGURE 1. The geographic distribution of all Mohave Ground Squirrel (*Xerospermophilus mohavensis*) records for the period 2008–2012. Occurrences of the Round-tailed Ground Squirrel (*Xerospermophilus tereticaudus*) in the contact zone between the two species are also shown.

Figure Two Proposed Project Footprint and Location

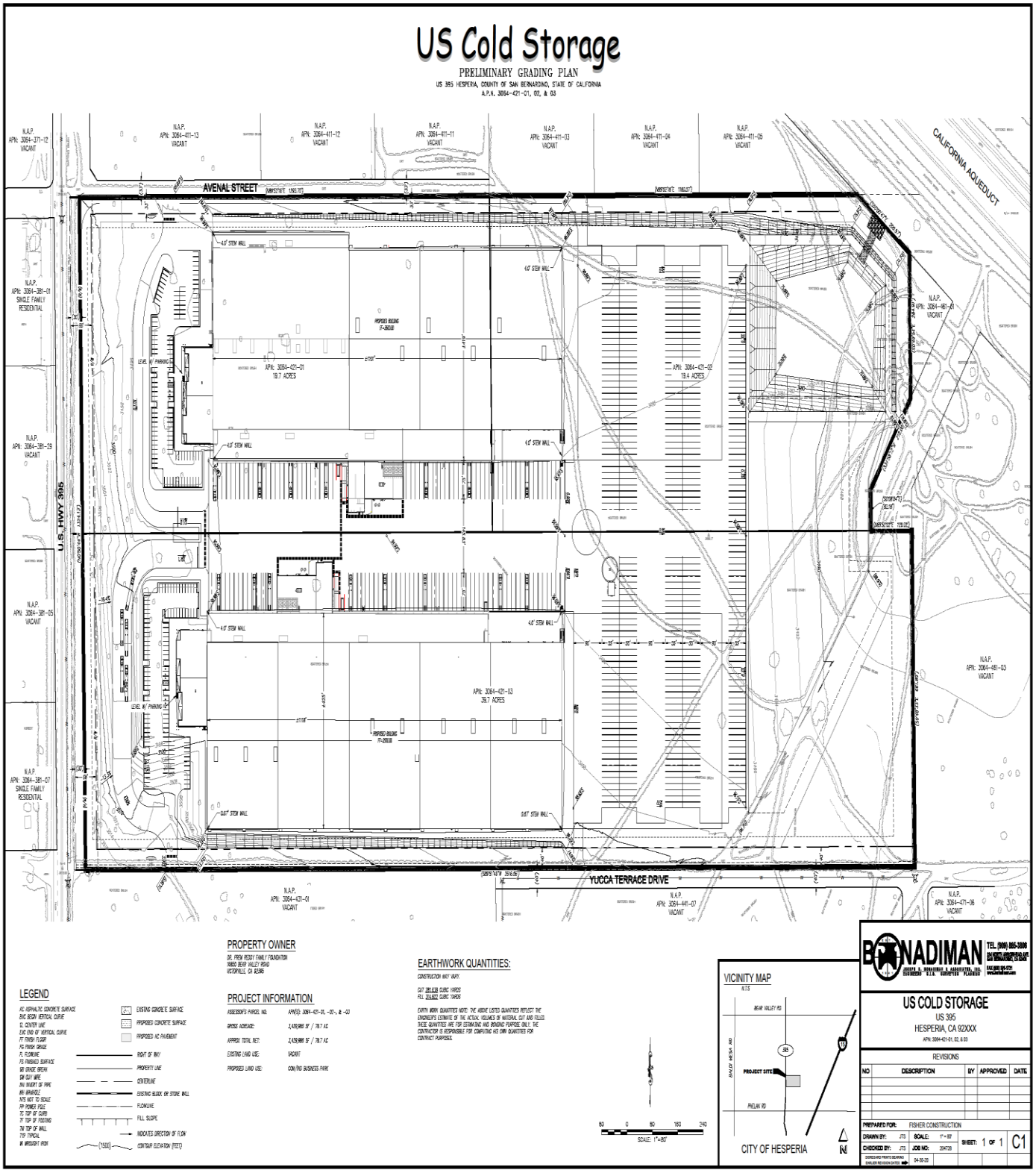


Table One Site Vegetation (Jennings Environmental)

Plants	
bristly fiddleneck	*Amsinckia tessellata*
coastal heron's bill	*Erodium cicutarium*
Joshua trees	*Yucca brevifolia*
rubber rabbitbrush	*Ericameria nauseosa*
Baker's goldfield	*Lasthenia californica*
ripgut brome	*Bromus diandrus*
California juniper	*Juniperus californica*
creosote bush	*Larrea tridentata*
California poppy	*Eschscholzia californica*
Mormon tea	*Ephedra aspera*
silver cholla	*Cylindropuntia echinocarpa*
California buckwheat	*Eriogonum fasciculatum*
four-winged saltbush	*Atriplex canescens var. angustifolia*
manna tree	*Alhagi sparsifolia*

Picture One Site Overview Looking Southwest

Picture Two Site Overview looking West Towards US Highway 395

Appendix F – Protected Plant Preservation Plan

PROTECTED PLANT PRESERVATION PLAN

APN 3064-421-01,02,03

CITY OF HESPERIA

Prepared for:

Mr. Gene Jennings
Jennings Environmental LLC.
35414 Acacia Ave
Yucaipa, California 92399

Prepared by:

RCA Associates, LLC
15555 Main Street, #D4-235
Hesperia, CA 92345
(760) 956-9212
Biologists: Randall Arnold
Ryan Hunter
Lisa Cardoso

Project No: RCA#2020-25JT

April 22, 2020

TITLE PAGE

Date Report Prepared:	**April 22, 2020**
Field Work Completed:	**April 21, 2020**
Report Title:	**Protected Plant Preservation Plan**
Project Location:	**Intersection of Yucca Terrace Dr. and US Highway 395 City of Hesperia**
Prepared for:	**Mr. Gene Jennings Jennings Environmental LLC. 35414 Acacia Ave Yucaipa, California 92399**
Principal Investigators:	**Randall C. Arnold, Jr., Principal Biologist Ryan Hunter, Biologist Lisa Cardoso, Biologist**
Contact Information:	**Randall C. Arnold, Jr. RCA Associates LLC 15555 Main Street, #D4-235 Hesperia, CA 92345 (760) 956-9212 rarnold@rcaassociatesllc.com www.rcaassociatesllc.com**

Table of Contents

1.0 SUMMARY

At the request of the project proponent, RCA Associates, Inc. surveyed a property located the northeast of intersection between Yucca Terrace Drive and US Highway 395 in Hesperia, California (Figures 1 and 2). The property site corridor is located in the City of Hesperia, County of San Bernardino, California in Section 15, Township 4 North, Range 5 West.

The purpose of the survey was to evaluate the Joshua trees present on the site, and determine which trees were suitable for relocation and which trees could be discarded prior to site clearing activities. This report provides the results of the Joshua tree survey performed on April 21, 2020. Following completion of the survey, RCA Associates, Inc. prepared this Protected Plant Preservation Plan to assist the project proponent with future relocation of the Joshua Trees. Information on the Joshua trees which will need to be relocated-transplanted in the future is provided in Section 4.0. The City of Hesperia has established a Native Desert Vegetation Ordinance (Municipal Code: Chapter 16.24) to help protect and preserve desert vegetation, including Joshua trees, and the requirements of the Ordinance are provided in this report (Appendix B).

Based on the results of the field investigations there are 135 Joshua trees which occur within the boundaries of the property (Figures 1 and 2). Based on the evaluation and analysis of each tree, it was determined that 69 of the 135 Joshua trees (51%) are suitable for transplanting. These trees are marked in red in Table 4-1. The remaining 66 Joshua trees (49%) were determined to be unsuitable for transplanting due to a variety of factors such as size, condition, damage, possibly disease, clonal, etc. No other plants protected by the California Desert Native Plants Act and the City of Hesperia Protected Plant Ordinance (e.g., smoketree, mesquite, century plant, nolinas, yuccas, and cacti) were observed on the site. In addition, no creosote rings were identified on the site.

2.0 INTRODUCTION AND PROJECT LOCATION

The area surveyed is located at the northeast corner of Yucca Terrace Drive and US Highway 395 in Hesperia, California (Figures 1, 2, and 3). The biological resources on the site consist of a desert scrub community typical of the area with fiddleneck (*Amsinckia tessellata*), yellow-green matchweed (*Gutierrezia sarothrae*), Joshua trees (*Yucca brevifolia*), ephedra (*Ephedra nevadensis*), creosote bush (*Larrea tridentata*), and California junipers (*Juniperus californica*) observed on the site. Residential dwellings are located to the west across US Highway 395 with open land to the north, east, and south. RCA Associates, Inc. conducted field investigations on April 21, 2020 during which each Joshua tree was evaluated.

Joshua trees occur throughout the Mojave Desert in Southern California and are typically found at an elevation of 400 to 1,800 meters (~1,200 to ~5,400 feet). Joshua trees within the western portion of the Mojave Desert typically receive more annual precipitation during "normal" years; consequently, cloning occurs more often resulting in numerous trunks sprouting from the same root system (Rowland, 1978). Joshua tree habitats provide habitat for a variety of wildlife species including desert wood rats (*Neotoma* sp.) and night lizards (*Xantusia* sp.) both of which utilize the base of the trees. A variety of birds also utilize Joshua trees for nesting such as hawks, common ravens, and cactus wrens. CDFW consider Joshua tree woodlands as areas that support relatively high species diversity and as such are considered to be a sensitive desert community. Joshua trees are also considered a significant resource under the California Environmental Quality Act (CEQA) and are included in the Desert Plant Protection Act, Food and Agricultural Code (80001 – 80006).

3.0 METHODOLOGIES

Pedestrian surveys were walked throughout the site and biologists from RCA Associates, Inc. evaluated each Joshua tree to determine which trees were suitable for relocation/transplanting based on a general health assessment. Each Joshua tree received a metal numbered tag which was affixed on the north side of each tree for orientation purposes during future transplanting. Surveyor flagging was also placed around all of the trees that were eligible for transplanting to facilitate future identification. The precise location of each tree was recorded using a Garmin GPS unit and dirt roads provided a clear indication on site boundaries. Those Joshua trees which occur on the property site are presented in Table 4-1 and the locations are provided in Figure 3.

The factors utilized to determine which Joshua trees were suitable for transplanting include the following factors:

1. Trees from 2 feet in height up to approximately 12 feet,
2. No visible signs of damage to the tree such as absence of bark due to rodent or other animals,
3. Minimal number of branches (No more than 2 to 3 branches),
4. No excessive leaning of the tree,
5. No yellow or brown fronds,
6. Proximity to other Joshua trees (i.e., clonal), and
7. No exposed roots at the base of the tree.

4.0 RESULTS

There are 135 Joshua trees on the property and the GPS locations of the Joshua trees are provided in Table 4-1. A total of 69 Joshua trees (51%) are suitable for relocation/transplanting based on the seven factors listed in Section 3.0 (Table 4-1). The Joshua trees suitable for transplanting should be relocated/transplanted on-site, which is the preferable option, or to an off-site area approved by the City of Hesperia. Those Joshua trees that are not suitable for relocation/transplanting due to size, health of the tree, presence of damage, excessive branches, and exposed roots should be disposed of as per City requirements.

Table 4-1: Census of Joshua trees to be transplanted. **(Note: The GPS locations [approximate] of the Joshua trees are provided below, and those trees which will be transplanted at some future date are highlighted in red.**

Total Number of Joshua Trees On-site	Joshua Trees to be Relocated/Transplanted	Number of Clonal Trees		Number of Non-clonal Trees	
135	69	47		88	

Tag Number	Height (Ft.)	Latitude/ Longitude	Healthy	Fair/Poor	Clonal	Transplant	Discard
1701	7	34.26.220 117.23.955	X			X	
1702	2	34.26.219 117.23.956	X			X	
1703	2	34.26.159 117.23.958	X		X		X
1704	3	34.26.155 117.23.957	X		X		X
1705	4	34.26.149 117.23.959	X		X		X
1706	8	34.26.139 117.23.957	X		X		X
1707	5	34.26.131 117.23.960	X		X		X
1708	6	34.26.058 117.23.948	X		X		X
1709	6	34.26.056 117.23.947	X			X	
1710	6	34.26.068 117.23.951	X			X	
1711	6	34.26.074 117.23.950	X			X	
1712	8	34.26.094 117.23.948		X			X
1713	10	34.26.137 117.23.952	X			X	

Table 4-1, continued

Tag Number	Height (Ft)	Latitude/ Longitude	Healthy	Fair/Poor	Clonal	Transplant	Discard
1714	7	34.26.140 117.23.947	X			X	
1715	10	34.26.142 117.23.951	X		X		X
1716	2	34.26.161 117.23.948	X			X	
1717	18	34.26.255 117.24.940	X		X		X
1718	9	34.26.258 117.23.937	X			X	
1719	8	34.26.186 117.23.936	X			X	
1720	9	34.26.184 117.23.934	X				X
1721	6	34.26.182 117.23.936		X	X		X
1722	10	34.26.178 117.2.937	X			X	
1723	7	34.26.177 117.23.939	X			X	
1724	4	34.26.171 117.23.932	X			X	
1725	6	34.26.167 117.23.929	X		X		X
1726	5	34.26.165 117.23.941		X			X
1727	7	34.26.158 117.243.927	X			X	
1728	6	34.26.155 117.23.930	X		X		X
1729	5	34.26.157 117.23.936	X			X	
1730	6	34.26.156 117.23.941	X			X	
1731	1	34.26.157 117.23.942	X				X
1732	2	34.26.155 117.23.942	X			X	
1733	6	34.26.153 117.23.944	X			X	
1734	5	34.26.154 117.23.939	X		X		X
1735	12	34.26.150 117.23.927	X			X	
1736	7	34.26.150 117.23.941	X		X		X
1737	6	34.26.136 117.23.941		X			X
1738	5	34.26.132 117.23.941	X			X	
1739	10	34.26.134 117.23.932	X				X
1740	12	34.26.129 117.23.925	X		X		X
1741	11	34.26.118 117.23.924	X			X	
1742	12	34.26.115 117.23.937	X			X	

Tag Number	Height (ft)	Latitude/ Longitude	Healthy	Fair/Poor	Clonal	Transplant	Discard
1743	8	34.26.111 117.23.942	X			X	
1744	4	34.26.111 117.23.931	X			X	
1745	6	34.26.060 117.23.939	X		X		X
1746	6	34.26.055 117.23.938	X			X	
1747	3	34.26.052 117.23.941	X		X		X
1748	3	34.26.046 117.23.938	X		X		X
1749	6	34.26.056 117.23.932		X			X
1750	6	34.26.055 117.23.923	X		X		X
1751	10	34.26.055 117.23.923	X		X		X
1752	8	34.26.073 117.23.928	X			X	
1753	7	34.26.090 117.23.912	X		X		X
1754	11	34.26.108 117.23.912	X		X		X
1755	14	34.26.115 117.23.910	X		X		X
1756	7	34.26.118 117.23.916	X		X		X
1757	21	34.26.122 117.23.916	X		X		X
1758	7	34.26.129 117.23.915	X		X		X
1759	3	34.26.144 117.23.910	X			X	
1760	6	34.26.150 117.23.911	X			X	
1761	7	34.26.158 117.23.896	X		X		X
1762	10	34.26.169 117.23.897	X			X	
1763	9	34.26.168 117.23.899	X		X		X
1764	6	34.26.168 117.23.902	X			X	
1765	4	34.26.172 117.23.920	X		X		X
1766	6	34.26.177 117.23.908	X			X	
1767	7	34.26.175 117.23.899	X			X	
1768	5	34.26.174 117.23.897	X		X		X
1769	7	34.26.169 117.23.891	X		X		X
1770	4	34.26.189 117.23.891		X			X
1771	8	34.26.189 117.23.880	X		X		X
1772	4	34.26.206 117.23.888	X			X	
1773	8	34.26.194 117.23.931	X		X		X
1774	7	34.26.209 117.23.920	X			X	
Tag	Height	Latitude/	Healthy	Fair/Poor	Clonal	Transplant	Discard

Number	(ft)	Longitude					
1775	6	34.26.218 117.23.919	X			X	
1776	6	34.26.238 117.23.929	X			X	
1777	10	34.26.241 117.23.904	X			X	
1778	11	34.26.247 117.23.914	X			X	
1779	3	34.26.246 117.23.924	X		X		X
1780	7	34.26.250 117.23.926	X			X	
1781	7	34.26.243 117.23.874	X			X	
1782	3	34.26.237 117.23.869	X		X		X
1783	5	34.26.233 117.23.877	X			X	
1784	12	34.26.233 117.23.882	X				X
1785	7	34.26.232 117.23.891	X			X	
1786	9	34.26.228 117.23.869	X			X	
1787	8	34.26.214 117.23.869	X		X		X
1788	12	34.26.214 117.23.859	X		X		X
1789	7	34.26.184 117.23.856	X			X	
1790	21	34.26.177 117.23.862	X				X
1791	12	34.26.717 117.26.856	X		X		X
1792	7	34.26.163 117.23870	X		X		X
1793	6	34.26.158 117.23.882	X			X	
1794	8	34.26.135 117.23.885	X			X	
1795	5	34.26.131 117.23.894	X			X	
1796	5	34.26.114 117.23.894	X			X	
1797	6	34.26.127 117.23.866	X			X	
1798	8	34.26.125 117.23.868	X			X	
1799	9	34.26.119 117.23.869	X				X
1800	7	34.26.110 117.23.890		X			X
1801	3	34.26.106 117.23.882	X		X		X
1802	6	34.26.106 117.23.880	X			X	
1803	11	34.26.100 117.23.880	X			X	
1804	11	34.26.086 117.23.880	X		X		X
1805	6	34.26.085 117.23.883	X			X	
1806	3	34.26.077 117.23.891	X		X		X
1807	6	34.26.065 117.23.901	X		X		X

Tag Number	Height (ft)	Latitude/ Longitude	Healthy	Fair/Poor	Clonal	Transplant	Discard
1808	14	34.26.059 117.23.904	X				X
1809	7	34.26.049 117.23.905	X			X	
1810	10	34.23.048 117.23.904	X				X
1811	7	34.26.064 117.23.886	X			X	
1812	9	34.26.062 117.23.878	X			X	
1813	9	34.26.063 117.23.874	X				X
1814	12	34.26.047 117.23.867	X				X
1815	11	34.26.087 117.23.843		X			X
1816	8	34.26.085 117.23.866	X			X	
1817	11	34.26.105 117.23.866	X				X
1818	15	34.26.105 117.23.859	X				X
1819	15	34.26.099 117.23.849	X				X
1820	8	34.26.100 117.23.836	X			X	
1821	8	34.26.119 117.23.812	X			X	
1822	5	34.26.125 117.23.808		X	X		X
1823	4	34.26.145 117.23.831	X			X	
1824	4	34.26.156 117.23.831	X			X	
1825	9	34.26.173 117.23.824	X			X	
1826	6	34.26.188 117.23.828	X			X	
1827	8	34.26.223 117.23.772	X		X		X
1828	9	34.26.253 117.23.798	X			X	
1829	4	34.26.251 117.23.844	X		X		X
1830	3	34.26.238 117.23.591	X			X	
1831	1	34.26.242 117.23.591	X				X
1832	2	34.26.246 117.23.600	X		X		X
1833	5	34.26.249 117.23.592	X		X		X
1834	3	34.26.245 117.23.588	X			X	
1835	6	34.26.258 117.23.546	X			X	

(Note: The Tag numbers correspond to the numbers placed on the Joshua trees.)

5.0 CONCLUSIONS

There are 135 Joshua trees located on the property and 69 of the trees are suitable for relocation/transplanting. This conclusion was based on: (1) trees which were two feet or greater in height and less than twelve feet tall (approximate); (2) in good health; (3) two branches or less; (4) No excessive leaning; (5) No yellow or brown fronds; (6) density of trees (i.e., no clonal trees); (7) no exposed roots. The City of Hesperia's Municipal Code (Chapter 16.24) requires preservation of Joshua trees given their importance in the desert community. A qualified City-approved biologist should be retained to conduct any future relocation/transplanting activities, and should follow the protocol of the City's Municipal Code (Appendix B: Chapter 16.24). The following criteria will be utilized by the contractor when conducting any future transplanting activities.

A. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the City where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

B. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

C. Each tree will be moved to a pre-selected location which has already been excavated, and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees was also flagged with surveyor's flagging.

D. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

6.0 REFERENCES

Brittingham, S. and W. Lawrence.
2000. Facilitation of *Yucca brevifolia* Recruitment by Mojave Desert Shrubs. Western North American Naturalist 60(4), pp. 374-383.

Hickman, James C.
The Jepson Manual Higher Plants of California. University of California Press. Berkeley, CA. 3rd Edition. 1996.

Holland, Robert F.
1986 Preliminary Description of the Terrestrial Natural Communities of California. Prepared for the California Natural Diversity Data Base. California Department of Fish and Game. Sacramento, California. 160 pp.

Johnson, H.
1976 vegetation and Plant Communities of Southern California Deserts- a functional view. In Symposium proceedings: Plant communities of Southern California. June Latting, editor. California Native Plant Society, Spec. No. 2 Berkeley, CA.

Munz, Philip A.
1974. A Flora of Southern California. University of California Press, Berkeley, California. 1086 pp.

7.0 CERTIFICATION

I hereby certify the statements furnished above and in the attached exhibits, present the data and information required for this Joshua tree survey and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this survey was performed by Lisa Cardoso, Ryan Hunter, and Randall Arnold.

Date: April 22, 2020 Signed: Randall Arnold

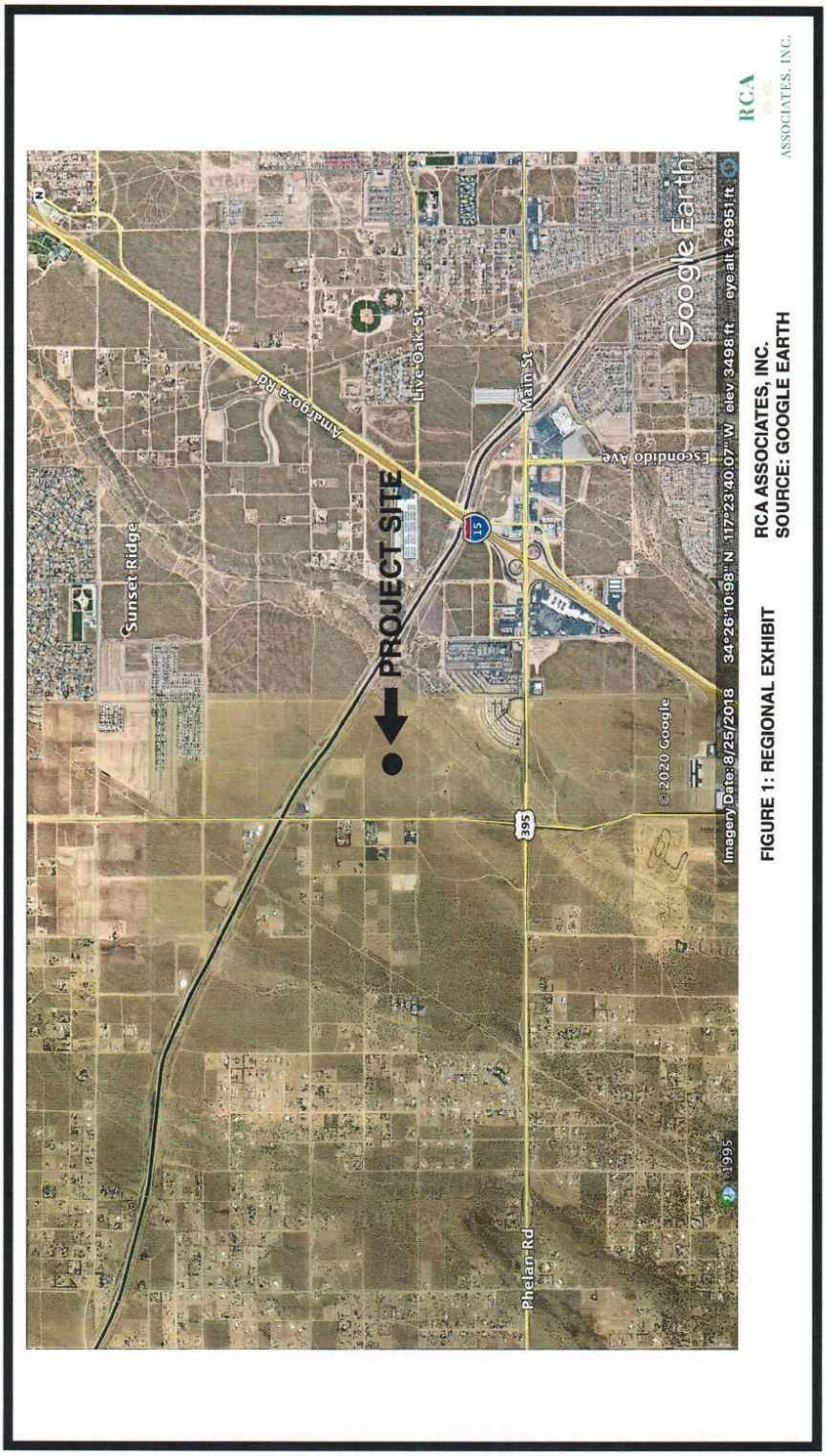
Field Work Performed by: Randall Arnold
President & Senior Biologist

Ryan Hunter
Biologist

Lisa Cardoso
Biologist

APPENDIX A

Figures


RCA ASSOCIATES, INC.
PROJECT SITE
Sunset Ridge
Amargosa Rd
Live Oak St
Main St
Escondido Ave
15
395
Phelan Rd
Google Earth
© 2020 Google
Imagery Date: 8/25/2018 34°26'10.98" N 117°23'40.07" W elev 3498 ft eye alt 26951 ft
1995
FIGURE 1: REGIONAL EXHIBIT
RCA ASSOCIATES, INC.
SOURCE: GOOGLE EARTH

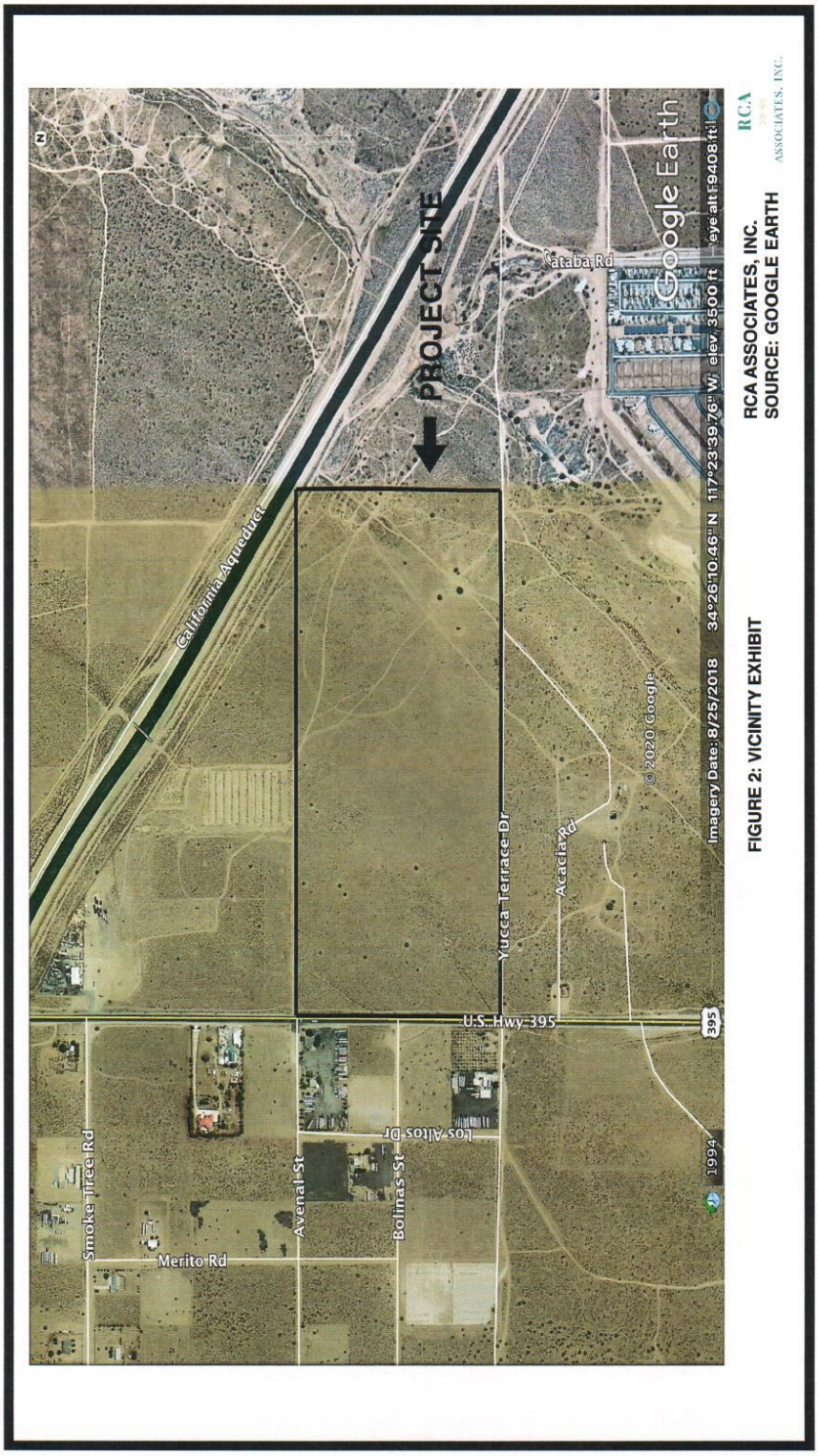


FIGURE 2: VICINITY EXHIBIT

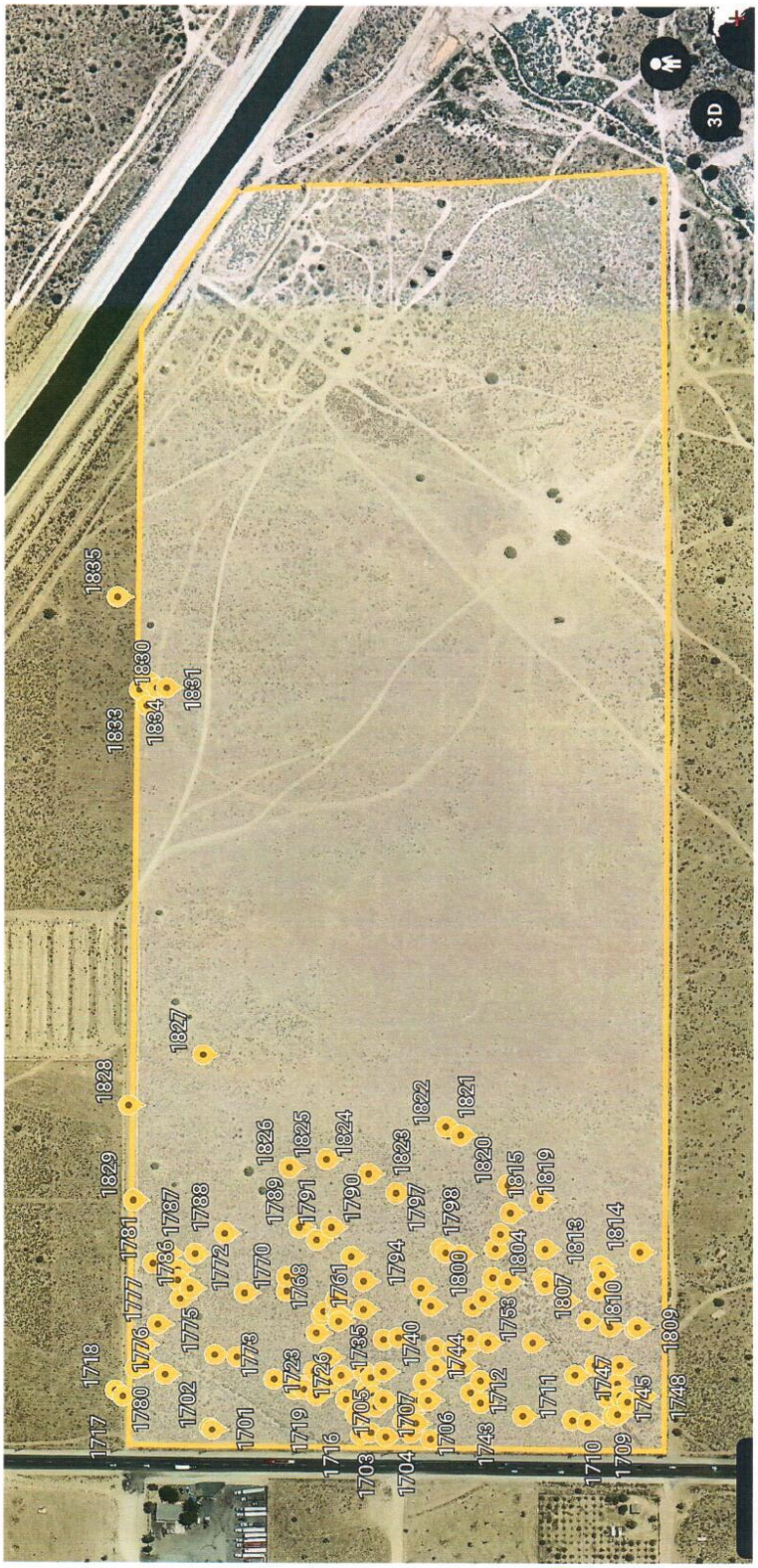


Figure 3. Locations of 135 Joshua Trees with tag number

APPENDIX B

City of Hesperia
Municipal Code: Chapter 16.24

Chapter 16.24 - PROTECTED PLANTS

Sections:

ARTICLE I. - GENERAL PROVISIONS

16.24.010 - Purpose of provisions.

The city finds that it is in the public interest to promote the continued health of this city's abundant and diverse plant resources, by providing regulations and guidelines for the management of the plant resources on property or combinations of property under private or public ownership for the following purposes:

A. To promote and sustain the health, vigor and productivity of plant life and aesthetic values through appropriate management techniques;

B. To conserve the native plant life heritage for the benefit of all, including future generations;

C. To protect native trees and plants from indiscriminate removal, and to regulate such activity;

D. To provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable, natural resources;

E. To protect and maintain water productivity and quality in local watersheds;

F. To preserve rare plants and protect animals with limited or specialized habitats.

(Ord. 250 (part), 1997; SBCC § 811.0101)

16.24.020 - Intent of provisions.

The general provisions established by this article shall apply to all subsequent articles of this chapter, unless specifically exempted.

(Ord. 250 (part), 1997; SBCC § 811.0105)

16.24.030 - Scope of provisions.

A. The provisions of this chapter shall apply to all private land within the city and to public lands owned by the city except as specified by the provisions of this chapter.

B. Exceptions. The provisions of this chapter except those of Article II are not applicable to the removal of any regulated native tree or desert native plant when such are removed in accordance with any of the following listed situations, provided they do not remove or provide adequate substitutes for perch trees within identified American Bald Eagle habitat.

1. Removal as part of a timber operation conducted under the Forest Practice Act of 1973, (California Public Resources Code, Division 4, Part 2, Chapter 8);

2. Removal from lands owned by the United States Government, state of California or local governmental entity, excluding special districts;

3. Removal by any public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised cable TV where to establish or maintain safe operation of facilities under their jurisdiction, trees are pruned, topped or braced;

4. Removal by the California Department of Forestry and Fire Protection;

5. Removal under the authority of:
   a. Forest improvement program,
   b. California Forest Improvement Program,
   c. Agricultural conservation program;
6. Removal required by other codes, ordinances or laws of San Bernardino County, the state of California or the United States;
7. Removal of native trees and plants which are an immediate threat to the public health, safety or welfare and require emergency removal to prevent probable damage to a structure or injury to people or fenced animals;
8. Removal as part of a stocking control program prepared by a California Registered Professional Forester;
9. Removal as part of a fire hazard reduction program approved by the county fire warden and/or a local fire authority;
10. Removal as part of a bona fide agricultural activity as determined by the agricultural commissioner which is:
    a. Conducted under a land conservation contract, and/or
    b. An existing agricultural activity, including expansions of such activity onto undisturbed contiguous land, and/or
    c. A proposed bona fide agricultural activity if the agricultural commissioner is given thirty (30) days' written notice of the removal describing the location of the land, the nature of the proposed activity, and the proposed sources of water for the activity. The county agricultural commissioner shall notify the landowner in writing prior to the elapse of the thirty (30) day period if, in the opinion of the county agricultural commissioner, the activity is not a bona fide agricultural activity, or else the activity shall be deemed bona fide.

    A bona fide agricultural activity is one which is served by a water distribution system adequate for the proper operation of such activity;
11. Removal on lots that have a net area of twenty thousand (20,000) square feet or less, which are developed with a primary structure, other than a sign structure;
12. Any regulated native plant or tree that is within twenty (20) feet of a structure on the lot that was constructed or set down under a county development permit;
13. Removal of two or fewer regulated native trees in the mountain or valley area per year per acre for private fuel wood purposes. The year shall be measured as the last twelve (12) consecutive months.

C. Conditions. The permits authorized by this chapter may be subject to conditions required by the reviewing authority. Such conditions may specify criteria, methods and persons authorized to conduct the proposed activities which are subject to the permit. Where applicable regulated trees and plants may be required to be transplanted and/or stockpiled for future transplanting.

(Ord. 250 (part), 1997; SBCC § 811.0110)

16.24.040 - Removal permit.

A. A removal permit shall be required for the removal of any native tree or plant that is subject to the provisions of this chapter.

B. A land use application, a building permit and all other development permits (e.g., grading, mobile home set downs, etc.), shall consider and include a review of any proposed native tree or plant removal. Any

approved land use application and/or development permit shall be a permit for the removal of native trees or plants, if such land use application or development permit specifically reviews and approves such removals. Such reviews shall consider and require compliance with the provisions of this chapter.

C. The reviewing authority may require certification from an appropriate tree expert or desert native plant expert that such tree removals are appropriate, supportive of a healthy environment and are in compliance with the provisions of this article.

D. Removals of native trees or plants that are not requested in conjunction with a land use application or development permit may be accomplished only under a permit issued by either the county agricultural commission or the fire marshal, subject to the provisions of this article.

E. The building official shall require a preconstruction inspection prior to approval of development permits.

F. The duration of a plant or tree removal permit when issued in conjunction with a land use application and/or a development permit shall be coterminous with the duration of the associated application or permit, unless otherwise specified. The reviewing authority shall specify the expiration date for all other tree and/or plant removal permits.

(Ord. 250 (part), 1997; Ord. 75 § 2 (part), 1990; SBCC § 811.0115)

16.24.050 - Findings for removal.

The reviewing authority shall authorize the removal of a native tree or plant subject to provisions of this article only if the following findings are made:

A. The removal of the native tree or plant does not have a significant adverse impact on any proposed mitigation measures, soil retention, soil erosion and sediment control measures, scenic routes, flood and surface water runoff and wildlife habitats (flora and fauna), especially those with limited habitats (e.g., eagles).

B. The removal of the native tree or plant is justified for one of the following reasons:

1. The location of the native tree or plant and/or its drip line interferes with the reasonable improvement of the site with an allowed structure, sewage disposal area, paved area or other approved improvement or ground disturbing activity. Also such improvements have been designed in such a manner as to save as many healthy native trees and/or plants as reasonably practicable in conjunction with the proposed improvements;

2. The location of the native tree or plant and/or its drip line interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property;

3. The location of the native tree or plant is hazardous to pedestrian or vehicular travel or safety as determined by the director of transportation, flood control and airports or other county reviewing authority;

4. The native tree or plant or its presence interferes with or is causing excessive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures, or municipal improvements;

5. The condition or location of the native plant or tree is adjacent to and in such close proximity to existing or proposed structure that the native plant or tree has or will sustain significant damage.

C. Joshua trees that are proposed to be removed have been transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling the permittee has posted a bond to insure such Joshua trees are transplanted appropriately.

(Ord. 250 (part), 1997; SBCC § 811.0120)

16.24.060 - Plot plan requirements.

Prior to the issuance of a native tree or plant removal permit in conjunction with a development permit and/or approval of a land use application which authorizes such removal, a plot plan or grading plan shall be approved by the appropriate city review authority for each site indicating exactly which trees or plants are authorized to be removed. The required information can be added to any other required site plan. Prior to issuance of development permits in areas with native trees or plants that are subject to the provisions of this chapter, a preconstruction inspection shall be conducted by the appropriate authority. Such preconstruction inspections may be combined with any other required inspection.

(Ord. 250 (part), 1997; SBCC § 811.0125)

16.24.070 - Construction standards.

During construction and prior to final inspection under a development permit, the following standards shall apply unless otherwise approved in writing by a tree expert:

A. Native tree trunks and plants shall not be enclosed within roof lines or decking;

B. Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live native tree or plant;

C. Grade Alterations. There shall be no grade alterations which buries any portion of a native tree or plant or significantly undercuts the root system within the drip line.

(Ord. 250 (part), 1997; SBCC § 811.0130)

16.24.080 - Fees.

Where permits or reviews are required by this chapter and they are not incorporated into other review or permit procedures, fees shall be paid in accordance with the city's fee schedule.

(Ord. 250 (part), 1997; SBCC § 811.0135)

16.24.090 - Enforcement.

A. The provisions of this chapter shall be enforced by any authorized member of the community development department, the county agriculture commissioner, the county forestry and fire warden department, and may be enforced by the California Department of Forestry, where applicable.

B. The following establishes the primary lead responsibility for review and enforcement of the provisions of this chapter for the listed activities and/or areas:

1. Community development, all plants/trees removed in conjunction with a land/use application or development permit;

2. County agricultural commissioner.

C. Extension of Time. If any of the land governed by this chapter shall be subject to snow, flooding, or other condition which shall render compliance with the provisions of this chapter within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.

D. A peace officer or any authorized enforcement officer may, in the enforcement of this article, make arrests without warrant for a violation of this article which he or she may witness, and may confiscate

regulated native trees or plants, or parts thereof which are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this article. Also any designated enforcement officer is hereby authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within or entering the state, which is suspected of containing or having present therein or thereon native plants in violation of this chapter in order to examine permits and wood receipts and observe tags and seals and to otherwise enforce the provisions of this article.

E. When any power or authority is given by any provision of this article to any person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. Any person in whom the enforcement of any provision of this article is vested has the power of a peace officer as to that enforcement, which shall include state or federal agencies with which cooperative agreements have been made by the county to enforce the provisions of this article.

F. No person shall remove or damage all or part of any native tree or plant on another property without first obtaining notarized written permission from the landowner and any required permits, wood receipts or tags and seals. Also it is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to harvest all or parts of a native tree or plant, whether it be alive or dead.

G. No person, except as provided in this article, shall harvest, offer for sale, destroy, dig up or mutilate or have in his or her possession any regulated native plant or tree, or the living or dead parts of such unless the plant or tree was harvested under a valid permit, and where applicable, a valid wood receipt on his or her person. Any such person shall exhibit the permit, wood receipt, tags and/or seals upon request for inspection by any duly authorized county enforcement officer or any peace officer. No wood receipt or tag and seal is valid unless it is issued with a valid permit and the permit bears the tag number or wood receipt number on its face. Any required tags and seals shall be attached securely to a regulated desert native plant.

H. No person, except as provided in this article, shall cause a disturbance of land which results in the removal of any regulated native trees or plants (e.g. grading, or land clearing) and which is not in conjunction with any other development permit without first obtaining a native plant harvesting or tree removal permit issued by the appropriate reviewing authority.

(Ord. 250 (part), 1997; SBCC § 811.0140)

16.24.100 - Penalties.

Penalties shall be those specified in Chapter 1.12 of this code, and shall include the following and any other penalties specified by individual articles of this chapter.

A. When one or more plants or trees are removed in violation of the provisions of this chapter, the removal of each such separate plant or tree shall be a new and separate offense. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the condition resulting from the violation.

B. Illegally Removed Native Tree or Desert Native Plant Replacement Penalty.

1. In addition to other penalties imposed by this code or other law, any person, firm, or corporation convicted of violating the provisions of this chapter regarding improper removal of regulated native trees or plants shall be required to retain as appropriate, a tree or desert native plant expert to develop and implement a replacement program. Such expert shall determine the appropriate number, size, species, location and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.

If it is inappropriate to revegetate the illegally disturbed area another appropriate location (e.g., public parks) may be substituted at the direction of the court.

2. The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of such a replacement program and failed within two years.

C. Revocation of Permits. Upon conviction of a violation of this chapter, all native trees or desert native plant removal permits issued to the person, firm or corporation convicted shall be revoked and no new or additional removal permits shall be issued to the permittee for a period of one year from the date of conviction and additionally in the desert area the permittee shall be required to surrender any unused tags and seals or wood receipts to the agricultural commissioner.

(Ord. 250 (part), 1997; SBCC § 811.0145)

ARTICLE II. - DESERT NATIVE PLANT PROTECTION

16.24.110 - Purpose of provisions.

The city finds that it is in the public interest to preserve and protect specified desert native plants and provide for the conservation and wise use of our desert resources, through regulation, guidelines and enforcement that manage the removal or harvesting of such plants. They are also necessary to augment and coordinate with the State Department of Food and Agriculture in its efforts to implement and enforce the Desert Native Plant Act.

(Ord. 250 (part), 1997; SBCC § 811.0401)

16.24.120 - Scope of provisions.

A. The provisions of this article shall apply to all desert native plants growing on private land within the city and to desert native plants growing on public land owned by the city, county of San Bernardino or the state of California, except as specified by Article I of this chapter and as specified by this section.

B. Except as otherwise provided by this chapter, any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the county to do so in accordance with the procedures set forth in Sections 16.24.040 or 16.24.110 et seq.

(Ord. 250 (part), 1997; SBCC § 811.0405)

16.24.130 - Commercial harvesting or transplanting of desert native plants.

A. The commercial harvesting of desert native plants shall be prohibited, except as permitted and authorized by the State Department of Food and Agriculture and as specified in the Desert Native Plant Act of 1983, as amended. The San Bernardino County Agricultural Commissioner shall be responsible for the issuance of the appropriate tags, seals and permits required by the state.

1. Protected desert native plants as specified by Section 16.24.150(B) may only be removed by a scientific or educational institution which has obtained a permit from the county agricultural commissioner for a specified number and species of these plants.

2. Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the county agricultural commissioner prior to issuance of the permit.

B. An application for a desert native plant commercial harvesting permit shall be filed with the county agricultural commissioner for review and processing. If it is determined that the proposed harvesting would not require an environmental impact report, the agricultural commissioner shall process the permit application in accordance with the provisions of this article. If an environmental impact report is

required, the agricultural commissioner shall proceed only after an environmental impact report is certified, the concerns and issues are addressed, and findings made pursuant to law.

(Ord. 250 (part), 1997; SBCC § 811.0410)

16.24.140 - Findings for commercial harvesting or transplanting of desert native plants.

The county agricultural commissioner or other reviewing authority shall only authorize the commercial harvesting or transplanting of desert native plants listed in Section 16.24.150(B) subject to the provisions of this article only if one or more of the following findings are made:

A. The desert native plants are to be transplanted or harvested in a manner approved by the county agricultural commissioner or other reviewing authority, including any requirement for the issuance of plant tag seals and/or wood receipts;

B. The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a desert native plant expert and the removal of such plant will not adversely affect the desert environment on the subject site;

C. Any desert native plant on the site which is determined by the agricultural commissioner or other reviewing authority as requiring transplanting has or will be transplanted or stockpiled for transplanting in accordance with methods approved by the county agricultural commissioner. A desert native plant expert shall supervise and manage any required transplanting of desert native plants;

D. The harvesting operation has incorporated all mitigation measures, if any, establish by the environmental review action;

E. The harvesting operator has been notified of the availability of all known plants that are proposed to be removed by construction activity within the vicinity so that these may be used in lieu of those proposed to be harvested.

(Ord. 250 (part), 1997; SBCC § 811.0415)

16.24.150 - Subject desert native plants.

The following desert native plants are subject to the regulations specified by this chapter. In all cases the botanical names shall govern the interpretation of this article.

A. Regulated Desert Native Plants. The following desert native plants, or any part thereof except the fruit, shall not be harvested or removed except under a permit issued by the agricultural commissioner or other applicable reviewing authority:

   1. The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

      a. Dalea, Spinosa (smoketree);

      b. All species of the family Agavaceae (century plants, nolinas, yuccas);

      c. All species of the genus Prosopis (mesquites).

   2. Creosote Rings, ten feet or greater in diameter.

   3. All Joshua trees (mature and immature).

B. All plants protected or regulated by the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.) shall be required to comply with the provisions of those statues prior to the issuance of any county development permit or land use application approval. The county

agricultural commissioner is the responsible agency for the issuance of any required wood tags, seals or permits.

(Ord. 250 (part), 1997; SBCC § 811.0420)

16.24.160 - Subject area.

This article is applicable only within the city in which these desert native plants grow in a natural habitat.

(Ord. 250 (part), 1997; SBCC § 811.0425)

16.24.170 - Enforcement.

In addition to the enforcement provisions and penalties prescribed in Article I of this chapter and/or the State Food and Agricultural Code, Division 23, Chapter 7, the following shall apply:

A. Upon conviction of a violation of this article, all desert native plant harvesting permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the agricultural commissioner and no new or additional permits shall be issued to the permittee for a period of one year from the date of conviction.

B. Upon the second conviction, all permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the agricultural commissioner and no new or additional permits shall be issued to the permittee at any time in the future from the date of such second conviction.

C. The reviewing authority may revoke any permit, tags, or seals issued for the purpose of harvesting if the permittee willfully fails to comply with all of the conditions or stipulations of the permit.

D. Each permit authorizing the harvesting, or possessing of desert native plants or live or dead mesquite, palo verde, or ironwood species of trees which are harvested for wood shall be accompanied by a sufficient number of tags and seals or wood receipt. Such tags, seals, or wood receipts shall be issued, transported, and may be transferred to other parties in accordance with the California Desert Native Plant Act, as amended.

(Ord. 250 (part), 1997; SBCC § 811.0430)

16.24.180 - Definitions.

Terms and phrases used within this article shall be defined by Chapter 16.08 and/or as defined by the Food and Agricultural Code. The Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this code.

(Ord. 250 (part), 1997; SBCC § 811.0435)

ARTICLE III. - RIPARIAN PLANT CONSERVATION

16.24.190 - Purpose of provisions.

The city finds that it is in the public interest to promote healthy and abundant riparian habitats. Riparian habitats are located along the sides of canyon bottoms, streams and rivers, providing watershed protection as well as control transmission and storage of natural water supplies. Riparian areas provide a unique wildlife habitat and contribute to an attractive environment. Riparian areas also provide natural soil erosion and sedimentation control protecting stream banks subject to erosion and undercutting. In addition riparian areas provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this article are designed to augment and coordinate with the responsibilities of the California Department of Fish and Game.

(Ord. 250 (part), 1997; SBCC § 811.0501)

16.24.200 - Scope of provisions.

A. The provisions of this article shall apply to all riparian areas growing on private land within the city and to riparian areas growing on public land owned by the city or county of San Bernardino, except as specified by this chapter.

B. Exceptions. The provisions of this article are not applicable to emergency flood control district operations or water conservation measures established and authorized by an appropriate independent special district with such responsibility.

(Ord. 250 (part), 1997; SBCC § 811.0505)

16.24.210 - Subject areas and plants.

Except as otherwise provided or excepted by the provisions of this chapter, the removal of any vegetation within two hundred (200) feet of the bank of a stream indicated as a blue line on a United States Geological Survey Quadrangle (topographic) map or indicated as a protected riparian area on a community or specific plan, shall be subject to a tree or plant removal permit in accordance with the procedures detailed by this chapter for each respective regional area and shall be subject to environmental review. Any necessary conditions of approval for removal of riparian vegetation may be imposed in addition to and in combination with any condition imposed pursuant to this chapter.

(Ord. 250 (part), 1997; SBCC § 811.0510)