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SUBJECT: Habitat Assessment for the Proposed At-Grade Crossing of the BNSF Railroad at 6th Street in Association with the Bridge Point Rancho Cucamonga Project

Introduction

This report contains ELMT Consulting’s (ELMT) habitat assessment for the proposed At-Grade Crossing of the BNSF Railroad at 6th Street in Accordance with the Bridge Point RC (railroad crossing site) in the City of Rancho Cucamonga, San Bernardino County, California. The biological due diligence assessment was conducted by ELMT biologist Jacob H. Lloyd Davies on September 1, 2020 to document baseline conditions and determine the potential for special-status¹ plant and wildlife species to occur on or adjacent to the proposed at-grade railroad crossing that could pose a constraint to implementation of the proposed project.

Special attention was given to the suitability of the proposed at-grade railroad crossing to support Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; DSF), burrowing owl (*Athene cunicularia*) and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

Project Location

The railroad crossing site is generally located north of Interstate 10 and the City of Ontario, west of Interstate 15, south of State Route 210, and west of Etiwanda Avenue and the City of Fontana, in the City of Rancho Cucamonga, San Bernardino County, California. The site is depicted on the Guasti quadrangle of the United States Geological Survey’s (USGS) 7.5-minute map series within section 17 of Township 1 South, Range 6 West. Specifically, the site is located at the intersection of the BNSF Railroad and 6th Street, immediately northwest of the Bridge Point Rancho Cucamonga Project Site. Refer to Exhibits 1 in Attachment A.

Project Description

The project proposes improvements to the existing 6th Street BNSF railroad crossing to create an at-grade

¹ As used in this report, “special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

crossing similar to the at-grade crossing on 4th Street (refer to Appendix B, *Site Plans*).

Methodology

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the railroad crossing site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the railroad crossing site were determined through a query of the California Departments (CDFW's) QuickView Tool in the Biogeographic Information and Observation System (BIOS), California Natural Diversity Database (CNDDDB) Rarefind 5, and the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California.

All literature detailing the biological resources previously observed on or within the vicinity of the railroad crossing site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred on the railroad crossing site that would otherwise limit the distribution of special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1994-2019);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- United States Fish and Wildlife Service (USFWS) Critical Habitat designations for Threatened and Endangered Species; and
- USFWS National Wetlands Inventory.

Habitat Assessment/Field Investigation

Following the literature review, biologist Jacob H. Lloyd Davies inventoried and evaluated the condition of the habitat within the railroad crossing site and immediately surrounding areas within 500 feet on July 24, 2020. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the railroad crossing site. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities and land cover types, and presence of potential jurisdictional drainage and/or wetland features were noted.

Topography and Soils

The railroad crossing site occurs at approximately 1,095 above mean sea level and is generally flat with no areas of significant topographic relief. Based on the NRCS USDA Web Soil Survey, the railroad crossing site is only underlain by Delhi fine sand. Soils on-site have been mechanically disturbed and heavily compacted from previous anthropogenic disturbances (i.e., historic agricultural activities, grading activities, and surrounding development) and existing development.

2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

Existing Site Conditions

Due to existing and historical land uses, no native plant communities or natural communities of special concern were observed on or immediately adjacent (within 500 feet) to the railroad crossing site. The railroad crossing site primarily consists of developed land that supports an existing railroad and paved street. The site is surrounded by existing development to the northeast, east, southeast and west, an active construction site to the southwest, and vacant, undeveloped land to the northwest. The railroad crossing site and immediately surrounding area supports land cover types that would be classified as developed and disturbed. Refer to Exhibit 2, *Vegetation*, in Attachment A, and Attachment C, *Site Photographs*, for representative photographs of the railroad crossing site. No native plant communities will be impacted from implementation of the proposed project.

The majority of the railroad crossing site is developed and is minimally vegetated or devoid of vegetation. The undeveloped portion of the site primarily supports early successional and non-native/weedy plant species. Plant species observed on-site include Mediterranean mustard (*Hirschfeldia incana*), flax-leaved horseweed (*Erigeron bonariensis*), Russian thistle (*Salsola tragus*), spurge (*Euphorbia* sp.), sunflower (*Helianthus annuus*), and telegraph weed (*Heterotheca grandiflora*).

The only avian species observed during the field investigation were American crow (*Corvus brachyrhynchos*) and house finch (*Haemorhous mexicanus*). In addition, the only reptilian species observed during the field investigation was western side-blotched lizard (*Uta stansburiana elegans*). Further, no fish, amphibian, or mammal species were observed during the field investigation. The railroad crossing site and adjacent areas within 500 feet provides minimal foraging and cover habitat for a wildlife species adapted to a high degree of anthropogenic disturbance.

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey. Although heavily disturbed, the railroad crossing site and areas within 500 feet have the potential to provide minimal foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to disturbed areas and urban environments. Additionally, the site has potential to support ground-nesting birds such as killdeer (*Charadrius vociferus*), and the ornamental trees associated with surrounding developed have the potential to provide avian nesting opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to ensure no impacts occur to birds protected under the MBTA, a nesting bird clearance survey is recommended to be conducted prior to any ground disturbance or vegetation removal activities. BIO-1 and BIO-2 will be implemented to ensure no impacts to nesting birds will occur.

Migratory Corridors and Linkages

The proposed project will be confined to existing disturbed land, which has removed natural plant communities from the railroad crossing site. Further, the railroad crossing site is largely surrounded by existing developments, which have eliminated connection to nearby wildlife movement corridors. As a

result, implementation of the proposed project will not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area.

Jurisdictional Areas

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW were observed within the proposed railroad crossing site. Based on the proposed site plan, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Guasti USGS 7.5-minute quadrangle. The field investigation evaluated the conditions of the habitat(s) within the boundaries of the railroad crossing site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified thirteen (13) special-status plant species, thirty-four (34) special-status wildlife species. No special-status plant communities are recorded as having potential to occur within the Guasti USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the railroad crossing site based on habitat requirements, availability and quality of suitable habitat, and known distributions.

No special-status plant or wildlife species, or special-status plant communities were observed onsite or within 500 feet of the site during the habitat assessment. The proposed railroad crossing site and areas within 500 feet consists of existing development and disturbed areas that have been subject to a high level of anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred on-site resulting in a majority of the railroad crossing site consisting of non-native, ruderal/weedy plant species that are surrounded by existing development that supports ornamental/landscaped areas. Based on habitat requirements for specific species and the availability and quality of on-site habitat, it was determined that no special-status plant species are expected to occur on the proposed railroad crossing site.

Based on habitat requirements for specific species and the availability and quality of onsite and surrounding habitats, it was determined that the proposed railroad crossing site and areas within 500 feet have a low potential to support Cooper's hawk (*Accipiter cooperii*) and California horned lark (*Eremophila alpestris actua*). The disturbed areas on and adjacent to the proposed railroad crossing site provides minimal foraging habitat for these species, and minimal nesting opportunities for California horned lark. Additionally, the ornamental/landscaped trees adjacent to the site provide limited nesting opportunities for Cooper's hawk.

DSF Suitability Assessment

The site was evaluated for the quality or purity of Delhi Sands and for its potential to support DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat:

1. Soils dominated by heavy deposits of alluvial material including coarse sands and gravels with little or no Delhi sand soils and evidence of soil compaction. Developed areas, non-Delhi sands soils with high clay, silt, and/or gravel content. Delhi sands extensively and deeply covered by dumping of exotic soils, rubble, trash or organic debris. *Unsuitable*.
2. Delhi sand soils are present, but the soil characteristics include a predominance of alluvial materials (Tujunga Soils and Hilmar loamy sand), or predominance of other foreign contamination. Sever and frequent disturbance (such as maintenance yard or high use roadbed). *Very Low Quality*.
3. Although not clean, sufficient Delhi sand soils are present to prevent soil compaction. Moderately contaminated Delhi sands. Delhi sands with moderate to high disturbance (such as annual disking). Sufficient Delhi sands are present to prevent soil compaction (related to contamination by foreign soils). Some sandy soils exposed on the surface due to fossorial animal activity. *Low Quality*.
4. Abundant clean Delhi sand soils with little or no foreign soils (such as alluvial material, Tujunga soils or Hilmar loamy sand) present. Moderate abundance of exposed sands on the soil surface. Low vegetative cover. Evidence of moderate degree of fossorial animal activity by vertebrates and invertebrates. May represent high quality habitat with mild or superficial disturbance. *Moderate Quality*.
5. Sand dune habitat with clean Delhi sand soils. High abundance of exposed sands on the soil surface. Low vegetative cover. Evidence (soil surface often gives under foot) of high degree of fossorial animal activity by vertebrates and invertebrates. Sand associated plant and arthropod species may be abundant. *High Quality*.

As a result of development and disturbances on and surrounding the proposed railroad crossing site, surface soils have been heavily mixed and compacted. The disturbed areas primarily support heavily mixed soils containing alluvial materials (Tujunga Soils and Hilmar loamy sand) from historic agricultural activities and surrounding development with no clean Delhi sand soils present. The proposed railroad crossing is generally surrounded by existing developments and no longer has connectivity to areas upwind containing Delhi Sands soils, areas subjected to Aeolian processes, or areas supporting DSF populations. Therefore, the soils within the disturbed portions of the proposed railroad crossing site were rated as “unsuitable quality” with a habitat quality rating of 1. The remainder of the site was not evaluated for DSF since it is developed. Therefore, it was determined that the site does not support clean Delhi Sand soils needed for suitable habitat for DSF and DSF is presumed absent from the project site. No further actions or focused surveys are recommended.

Critical Habitat

The railroad crossing site is not located with federally designated Critical Habitat. The nearest designated Critical Habitat is located approximately 3.5 miles north of the site for San Bernardino kangaroo rat (*Deipodomys merriami parvus*) and 4.3 miles southeast of the site for coastal California gnatcatcher (*Poliophtila californica californica*). Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

Heritage Trees

Under the Rancho Cucamonga Municipal Code (17.16.080), certain trees may qualify as Heritage Trees and require a permit for removal. A heritage tree is defined as any tree which meets at least one of the following criteria:

1. All eucalyptus windrows; or
2. Any tree in excess of 30 feet in height and having a single trunk diameter at breast height (DBH) of 20 inches or more as measured 4½ feet from ground level; or
3. Multi-trunk trees having a total diameter at breast height (DBH) of 30 inches or more as measured 4½ feet from ground level; or
4. A stand of trees the nature of which makes each dependent upon the others for survival; or
5. Any other tree as may be deemed historically or culturally significant by the planning director because of age, size, condition, location, or aesthetic qualities.

A total of 12 trees were identified adjacent to the railroad crossing site during the Tree Inventory (Psomas 2020). Tree species identified on and adjacent to the railroad crossing site include jacaranda (*Jacaranda mimosifolia*), goldenrain tree (*Koelreuteria paniculata*), southern magnolia (*Magnolia grandiflora*), and Peruvian peppertree (*Schinus mole*). One (1) Peruvian peppertree was determined to qualify as a heritage tree as defined by the City's Development Code. A tree removal permit will need to be acquired from the City to remove any heritage trees from the railroad crossing site.

Conclusion

The railroad crossing site has been routinely disturbed by human activity for several decades. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project. Therefore, it was determined that implementation of the project will have "no effect" on federally or State listed species known to occur in the general vicinity of the railroad crossing site. Additionally, the development of the project will not impact designated Critical Habitats or regional wildlife movement corridors/linkages.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513.

BIO-1: All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Compliance with the MBTA shall be accomplished by completing the following:

Construction activities involving vegetation removal shall be conducted between September 1 and January 31. If construction occurs inside the peak nesting season (between February 1 and August

31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.

If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

BIO-2: All construction activities shall comply with Sections 3503, 3503.5, 3511 and 3513 of the *California Fish and Game Code*, which protect active nests of any raptor species, including common raptor species. Compliance with these codes shall be accomplished by completing the following:

If vegetation is to be cleared during the potential raptor nesting season (December 1 to August 31), all suitable habitat within 500 feet of the construction impact area shall be thoroughly surveyed for the presence of nesting raptors by a qualified Biologist within 72 hours prior to clearing. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.

If any active nests are detected, the area shall be flagged and mapped on the construction plans with a buffer. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nest of non-listed species and 500 feet from the nests of raptors and listed species. The buffer area shall be avoided until the nesting cycle is complete or until it is determined that the nest has failed. Results of the preconstruction survey and any subsequent monitoring shall be provided to the Property Owner/Developer, CDFW and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

Although presumed absent, prior to development of the railroad crossing site, a pre-construction

burrowing owl clearance survey shall be conducted to ensure burrowing owls remain absent from the construction impact area. The clearance survey shall be conducted in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation which requires that two clearance surveys be conducted 14 – 30 days and 24 hours prior to any grading or vegetation removal on the railroad crossing site. If burrowing owls are observed on the railroad crossing site during the pre-construction surveys, a burrowing owl relocation plan shall be prepared and submitted to CDFW for review and approval prior to commencement of vegetation clearing/grubbing, grading, and construction activities on the railroad crossing site. The burrowing owl relocation plan shall outline methods to relocate any burrowing owls occurring on the railroad crossing site and ensure compliance with the MBTA and *California Fish and Game Code*. If an active burrow is found during the breeding season (February 1 through August 31) occupied burrows will not be disturbed and will be provided with a protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on the time of year and level of disturbance as outlined in the CDFW Staff Report.

Rancho Cucamonga Municipal Code 17.16.080

A total of 12 trees were identified adjacent to the railroad crossing site during the tree inventory that meet the minimum requirements for inclusion as a heritage tree. A tree removal permit will need to be acquired from the City for any heritage trees removed as part of the proposed project.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions.

Sincerely,



Thomas J. McGill, Ph.D.
Managing Director



Travis J. McGill
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Plan*
- C. *Site Photographs*