GENERAL BIOLOGICAL RESOURCES ASSESSMENT

TENTATIVE TRACT MAP 20306

APPLE VALLEY, SAN BERNARDINO COUNTY, CALIFORNIA

(Township 5 North, Range 3 West, Section 5)

Prepared for:

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Prepared by:

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RCA
ASSOCIATES, INC

Project: #2019-55

September 19, 2019

TITLE PAGE

Date Report Written: September 19, 2019

Date Field Work Completed: September 9, 10, and 11, 2019

Report Title: General Biological Resources Assessment

Assessor's Parcel Number: Tentative Tract Map 20306

Prepared for: Tom Hrubik

Principal Investigators: Randall C. Arnold, Jr., Principal Biologist

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Table of Contents

1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a parcel that is approximately 101-acres located south of Corwin Road in the City of Apple Valley, California (Township 5 North, Range 3 West, Section 5, USGS Apple Valley North, California Quadrangle, 1956) (Figures 1, 2, 3, and 4). Focused surveys were also performed for the desert tortoise and burrowing owl, and a habitat assessment was performed for the Mohave ground squirrel. The property supports a moderately dense creosote bush (*Larrea tridentata*) community typical of the region. Other species noted included burrobush (*Franseria dumosa*), brome grasses (*Bromus sp.*) and schismus (*Schismus barbatus*).

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on September 9, 10, and 11, 2019, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Focused surveys were also performed for both desert tortoise and burrowing owl and a habitat assessment was performed for the Mohave ground squirrel. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2019), Mohave ground squirrel (*Xerospermophilus mohavensis*) have been documented within approximately three miles east of the property. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is approximately 101-acres in size and is located south of Corwin Road and Waalew Road in the City of Apple Valley, California (Township 5 North, Range 3 West, Section 5, USGS Apple Valley North, California Quadrangle, 1956). The site is relatively undisturbed; however, numerous footpaths and dirt roads bisect the site (Figures 1 and 2). Vacant lands border the site on the west with residential developments located to the south and east. Creosote bush (*Larrea tridentata*) is the dominant plant on the site with brome grasses (*Bromus* sp.) and schismus (*Schismus barbatus*) the main herbaceous species.

The site is expected to support a variety of wildlife species on the site; however, only a few species were observed during the field investigations. Mammals observed on the site or which are expected to inhabit the site include jackrabbits (*Lepus californicus*), antelope ground squirrels (*Ammospermophilus leucurus*), desert cottontails (*Sylvilagus auduboni*), and California ground squirrels (*Otospermophilus beecheyi*). Coyotes (*Canis latrans*), which are very common in the region, also utilize the site during hunting activities. Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), rock pigeon *(Columba livia*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), sage sparrow (*Amphispiza bellii*), and white-crowned sparrow *(Zonotrichia leucophrys*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

Reptiles observed during the survey include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*). Table 2 provides a compendium of wildlife species.

No sensitive habitats (e.g., sensitive species critical habitats, etc.) have been documented in the immediate area according to the CNDDB (2019) and none were observed during the field investigations.

3.0 METHODOLOGIES

General biological surveys were conducted on September 9, 10, and 11, 2019, during which biologists from RCA Associates, Inc initially walked meandering transects throughout the property site. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980). Following completion of the initial reconnaissance survey, protocol surveys were conducted for the desert tortoise and burrowing owl as per agency requirements, and a habitat assessment was performed for the Mohave ground squirrel. Weather conditions consisted of wind speeds of 0 to 5 mph, temperatures in the mid 70's (°F) (AM) to mid 90's (F°) (AM) with mostly clear skies. The applicable methodologies are summarized below.

General Plant and Animal Surveys: Meandering transects were walked throughout the site and in the surrounding area (i.e., the zone of influence) at a pace that allowed for careful documentation of the plant and animal present on the site. All plants observed were identified in the field and wildlife was identified through visual observations and/or by vocalizations. Tables 1 and 2 (Appendix A) provides a comprehensive compendium of the various plant and animal species observed during the field investigations.

Desert Tortoise: A protocol survey was conducted on September 9, 10, and 12, 2019 for the desert tortoises and tortoise sign (e.g., scats, burrows, etc.) by biologists from RCA Associates, Inc. Ten-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for any tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in areas to the east, west, and south to document the presence (or absence) of the species.

During the various biological surveys, all transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded

regarding native plant assemblages, wildlife sign, and human effects in order to determine the presence or absence of suitable tortoise foraging habitat. If tortoises are found to inhabit the site in the future, a Section 10(a) incidental take permit from the USFWS and a Section 2081 permit from CDFW will be required to mitigate for impacts to the species.

Burrowing Owl: A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species. Following completion of the habitat assessment, it was determined that the site does support suitable habitat for the burrowing owl. Therefore, a focused survey (Phase II) was conducted for burrowing owls and for the presence of occupiable (i.e., suitable) burrows which could potentially be utilized by owls. As part of the survey, transects were walked throughout the site during which any suitable burrows were evaluated for owls and owl sign. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet; therefore, the zone of influence (ZOI) surveys were performed in the vacant areas surrounding the site. If present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

Mohave Ground Squirrel: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel. If a site supports suitable habitat for the Mohave ground squirrel, CDFW may require payment of a mitigation fee for the acquisition of mitigation lands to compensate for impacts to the species. In lieu of payment of mitigation fees, the proponent may choose to conduct a live-trapping survey to definitively determine the presence/absence following consultations with CDFW.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB) search was performed. Based on this review, it was determined that ten special status species have been documented within the Apple Valley North quad of the property. The following tables provide data on each special status species which has been documented in the area.

Table 4-1: Federal and State Listed Species and State Species of Special Concern.
E = Endangered; T = Threatened; SSC = Species of special concern; CNPS = California Native Plant Society; CNDDB = California Natural Diversity Data Base

Name	Listing Status	Habitat Requirements	Presence/Absence
Desert tortoise (*Gopherus agassizii)*	Federal: T State: T IUCN: Vulnerable	Joshua tree woodland Mojavean desert scrub Sonoran desert scrub	Nearest documented observation north of the site. Not observed on site during surveys.
Burrowing owl (*Athene cunicularia*)	Federal: None State: None CDFW: SSC	Open grassland areas where the owls utilize abandoned mammal burrows.	Suitable habitat present on the site. Not expected to occur on the site and none observed during the survey.
Mohave tui chub (*Siphateles bicolor mohavensis)*	Federal: E State: E CDFW: Fully Protected	Aquatic, deep pools and ponds with vegetation.	Nearest documented observations within 4 miles north of the site. No suitable habitat on site.
Prairie falcon (*Falco mexicanus)*	Federal: None State: None CDFW: Watch List	Mojavean desert scrub Valley & foothill grassland	An infrequent visitor to the area. May occur on site infrequently.
Swainson's hawk (*Buteo swainsoni*)	Federal: None State: Threatened	Riparian forest Riparian woodland Valley & foothill grassland	An infrequent visitor to the area. May occur on site infrequently.
Le Conte's thrasher (*Toxostoma lecontei)*	Federal: None State: None CDFW: SSC	Desert wash Mojavean desert scrub Sonoran desert scrub	Not expected to occur on the site.
Mojave ground squirrel *(Xerospermophilus mohavensis)*	Federal: None State: T CDFW:SSC	Mojave desert scrub, Joshua tree woodland, chenopod scrub	Not expected to occur on the site.
Golden Eagle (*Aquila chrysaetos*)	Federal: None State: None CDFW:Fully Protected	Rolling foothills, mountain areas, sage-juniper flats, and deserts.	Infrequent visitor to area.
Mohave monkeyflower (*Diplacus mohavensis)*	Fed: None State: None CNPS: 1B.2	Desert wash Joshua tree woodland Mojavean desert scrub	Not expected to occur on the site. Not observed during surveys.

Desert cymopterus (*Cymopterus deserticola*)	Fed: None State-None CNPS: 1B.2	Mojavean desert scrub, Joshua tree woodland	Not expected to occur on the site. None observed during surveys.

5.0 RESULTS

5.1 General Biological Resources

The site supports a moderately dense creosote bush (*Larrea tridentata*) plant community which covers the entire property (Figure 3). A few additional shrub species were observed and included burrobush (*Franseria dumosa*) and annual bursage (*Ambrosia acanthicarpa*). The herbaceous layer was composed of brome grasses (*Bromus* sp.) and schismus (*Schismus barbatus*). Table 1 provides a compendium of all plants occurring on the site, as well as those noted in the zone of influence.

Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), rock pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), sage sparrow (*Amphispiza bellii*), white-crowned sparrow (*Zonotrichia leucophrys*), and Costa's hummingbird (*Calypte costae*). California ground squirrels (*Spermophilus beecheyi*), black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus auduboni*), and Antelope ground squirrels (*Ammospermophilus leucurus*) were observed on the site. Coyotes (*Canis latrans*) are known to occur in the area and traverse the site during hunting activities. Merriam's kangaroo rats (*Dipodomys merriamii*) may also occur on the site given their wide-spread distribution in the Mojave Desert. Tables 1 and 2 (Appendix A) provides a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

Reptiles common in the region which is expected to inhabit the site include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), western whiptail lizard (*Cnemidophorus tigris*), and Mohave rattlesnake (*Crotolus cerastes*). Table 2 provides a compendium of wildlife species observed during the various surveys and those likely to occur in the area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

5.2 Federal and State Listed Species

Desert Tortoise: The site is located within documented tortoise habitat according to CNDDB with the nearest documented sighting about four miles northwest of the property (CNDDB, 2019). The property supports habitat for the desert tortoise based on the presence of a creosote bish community; however, no tortoises or tortoise sign (burrows, scats, etc.) were observed anywhere within the property boundaries or in the zone of influence during the September 2019 surveys. The species is unlikely to move onto the site in the near future based on the absence of any tortoise sign, absence of any recent observations in the immediate area, and the presence of busy roadways and developments in the immediate area which may act as barriers to migration of tortoises. The protocol survey results are valid for one year as per CDFW and USFWS requirements.

Mohave Ground Squirrel: The site does occur within the known distribution of the Mohave Ground Squirrels, and the nearest documented observation is about three miles to the east of the property. However, there are no recent observations of Mojave ground squirrels within the immediate area. It is the opinion of RCA Associates, Inc. that the habitat is unlikely to support populations of the species based on the following criteria:

1. No recent documented observations in the general region.
2. The presence of existing residential developments in the immediate area.

Mohave Tui Chub: The Mohave tui chub populations have been documented in the area with the nearest population about three miles southwest of the property (Occurrence #16, USGS Apple Valley North., California Quad., CNDDB, 2019). This population was recorded in 1967. Habitats associated with this species include deep ponds with vegetation. The site does not support any habitat suitable for the species, and the species is not expected to occur on the site.

Swainson's Hawk: The Swainson's hawk inhabits open grassland habitats and the species was identified in the area surrounding the site in 1932 (CNDDB, 2019). However, given the lack of recent documented observations in the general region and the fact that the species is an infrequent visitor to the Mohave Desert, the species is unlikely to utilize the site during hunting activities.

5.3 Wildlife Species of Special Concern

Burrowing Owl: The site is located within documented burrowing owl habitat according to CNDDB with the nearest documented sighting about 1.5 miles northeast of the property (CNDDB, 2019). No owls or owl sign (whitewash, etc.) were seen on the property during the focused survey, and only a few burrows were observed which appeared to be suitable (i.e., "occupiable") for use by the species. The probability of owls moving onto the site in the future is relatively low based on the low population levels of the species in the High Desert.

Golden Eagle: Golden eagle populations have been documented in the general region; however, observations of golden eagles are infrequent (CNDDB, 2019). The species is associated with rolling foothills habitats, as well as mountain areas, sagebrush communities, and desert scrub areas. There is a low probability of the species utilizing the site during hunting activities.

Prairie Falcon: Prairie falcons have been documented in the region and maybe occasionally observed in the area (CNDDB, 2019). Falcons are sometimes associated with open grassland habitats and desert scrub habitats. Although the Prairie falcons may occasionally be seen in the area, there is a low probability of the falcon utilizing the site on a frequent bases during hunting activities.

Desert Cymopterus: The cymopterus is typically found in desert scrub communities and Joshua tree woodland habitats and has been documented within about one mile of the site (CNDDB, 2019). The species is readily identifiable if present; however, no cymopterus plants were observed during the field investigations conducted in September 2019.

Le Conte's thrasher: Le Conte's thrashers have been documented in the region (Occurrence #19, Apple Valley North, California Quad, 2019), with the most recent observation in 1963 about one mile east of the property (CNDDB, 2019). Thrashers could potentially occur on the site; although, the use of the site by thrashers may be very infrequent given the low population levels in the region as well as the lack of any recent sightings according to the CNDDB (2019).

Mohave Monkeyflower: The Mohave Monkeyflower is associated with Mojavean desert scrub, desert washes, and Joshua tree woodland habitats, and has been documented in the surrounding region (CNND, 2019). The species has been documented in the region; however, no monkeyflowers were observed on the site and there is a low probability of the species occurring on the site in the future.

5.4 Jurisdictional Waters and Riparian Habitat

No jurisdictional areas, riparian habitat or any riparian vegetation (e.g., cottonwoods, willows, etc.) were observed on the site.

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will impact the general biological resources present on the site, and most of the vegetation will likely be removed during future construction activities. Wildlife will also be impacted by development activities and those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of about 101-acres of desert vegetation is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding region. As noted above, no sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, riparian areas, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the Mohave ground squirrel and desert tortoise. In addition, there are no documented observations of these species either on the site or in the immediate area (CNDDB, 2019). The site is not expected to support populations of the desert tortoise or Mohave ground squirrel at the present time based on the results of the field investigations. As per CDFW protocol, the burrowing owl survey results are valid for 30 days; therefore, CDFW may require a 30-day pre-construction survey be performed prior to any future clearing/grading activities to determine if owls have moved on to the site since the September 2019 surveys.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Future development activities are expected to result in the removal of vegetation from the parcel; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on the presence of habitat on the site which is very common throughout the Mojave Desert. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises based on the results of the protocol survey, and the probability of any Mohave ground squirrels inhabiting the site is very low. In addition, burrowing owls do not currently inhabit the site; however, CDFW will require a 30-day pre-construction survey be performed immediately prior to the start of future grading/clearing activities.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any sensitive species and can approve the implementation of any applicable mitigation measures.

8.0 BIBLIOGRAPHY

Baldwin, Bruce G, et. al.
2002. The Jepson Desert Manual. Vascular Plants of Southeastern California. University of California Press, Berkeley, CA.

Bureau of Land Management
January 2005. Final Environmental Impact Report and Statement for the West Mojave Plan. Vol. 1A.

California Burrowing Owl Consortium
1993. Burrowing Owl Survey Protocol and Mitigation Guidelines.

California Department of Fish and Game
1990. California Wildlife: Volume 1 (Amphibians and Reptiles), Volume II (Birds), and Volume III (Mammals).

California Department of Fish and Game
2003. Mohave Ground Squirrel Survey Guidelines.

California Department of Fish and Game
2019. Rarefind 3 Natural Diversity Database. Habitat and Data Analysis Branch. Sacramento, CA.

California Department of Fish and Game
March 7, 2013. Staff Report on Burrowing Owl Mitigation. 34 pp.

California Native Plant Society
2001. Inventory of Rare and Endangered Plants of California (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA x + 388 pp.

Ehrlich, P., Dobkin., Wheye, D.
Birder's Handbook. A Field Guide to the Natural History of North American Birds. Simon & Schuster Building Rockefeller Center 1230 Avenue of the Americas. New York, New York 10020.

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

Jaeger, Edmund C.
1969. Desert Wild Flowers. Stanford University Press, Stanford, California. 321 pp.

Kays, R. W. & Wilson, D. E.
Mammals of North America. Princeton University Press, Princeton, New Jersey. 2002.

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

Tugel, Arlene J., Woodruff, George A.
Soil Conservation Service, 1978. Soil Survey of San Bernardino County California, Mojave River Area.

Sibley, David Allen.
National Audubon Society. The Sibley guide to Birds. Alfred A Knopf, Inc. 2000.

Stebbins, Robert C.
A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Company. 2003.

U.S. Fish and Wildlife Service
2010 Desert Tortoise Survey Protocol.

Whitaker, John O.
The Audubon Society Field Guide to North American Mammals. Alfred A Knopf, Inc. 1980.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, presents the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by Randall Arnold and other biologists under his direction. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 9-19-2019 Signed: Randall Arnold

Randall Arnold

Field Work Performed By: Randall Arnold

Principal Biologist

Appendix A

Tables and Figures

Table 1 - Plants observed on the site and known to occur in the immediate surrounding area.

Common Name	Scientific Name	Location
Creosote bush	*Larres tridentata*	On-site & surrounding area
Brome grass	*Bromus* sp.	"
Burrobush	*Franseria dumosa*	"
Annual Bursage	*Ambrosia acanthicarpa*	"
Schismus	*Schismus barbatus*	"
Buckwheat	*Eriogonum fasciculatum*	Surrounding area
Mustard	*Descurainia pinnata*	"
Filaree	*Erodium cicutarium*	"
Rabbitbrush	*Chrysothamnus nauseosus*	"
Paperbag plant	*Salazaria mexicana*	"
Ephedra	*Ephedra nevadensis*	"
Yellow-green matchweed	*Gutierrezia sarothrae*	"
Lycium	*Lycium cooperi*	"
Anderson's thornbush	*Lycium andersonii*	"
Burrobush	*Ambrosia dumosa*	"
Fiddleneck	*Amsinckia tessellata*	"

Note: The above list is not intended to be a comprehensive list of every plant which may occur on the site or in the zone of influence.

Table 2 - Wildlife observed on the site during the field investigations.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site and in the surrounding area.
California ground squirrel	*Spermophilus beecheyi*	"
Sage sparrow	*Amphispiza belli*	"
Song sparrow	*Melospiza melodia*	"
Rock pigeon	*Columba livia*	"
White-crowned sparrow	*Zonotrichia leucophrys*	"
House finch	*Carpodacus mexicanus*	"
Costa's hummingbird	*Calypte costae*	"
Mourning dove	*Zenaida macroura*	"
Jackrabbit	*Lepus californicus*	"
Desert cottontail	*Sylvilagus auduboni*	"
Gambel's quail	*Callipepla californicus*	Surrounding area
Turkey vulture	*Cathertes aura*	"
Coyotes	*Canis latrans*	On-site and surrounding area
Western whiptail lizard	*Cnemidophorus tigris*	"
Side-blotched lizard	*Uta stansburiana*	"
Desert spiny lizard	*Sceloporus magister*	"
Mojave rattlesnake	Crotolus cerastes	Surrounding area.

Note: The above Table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.

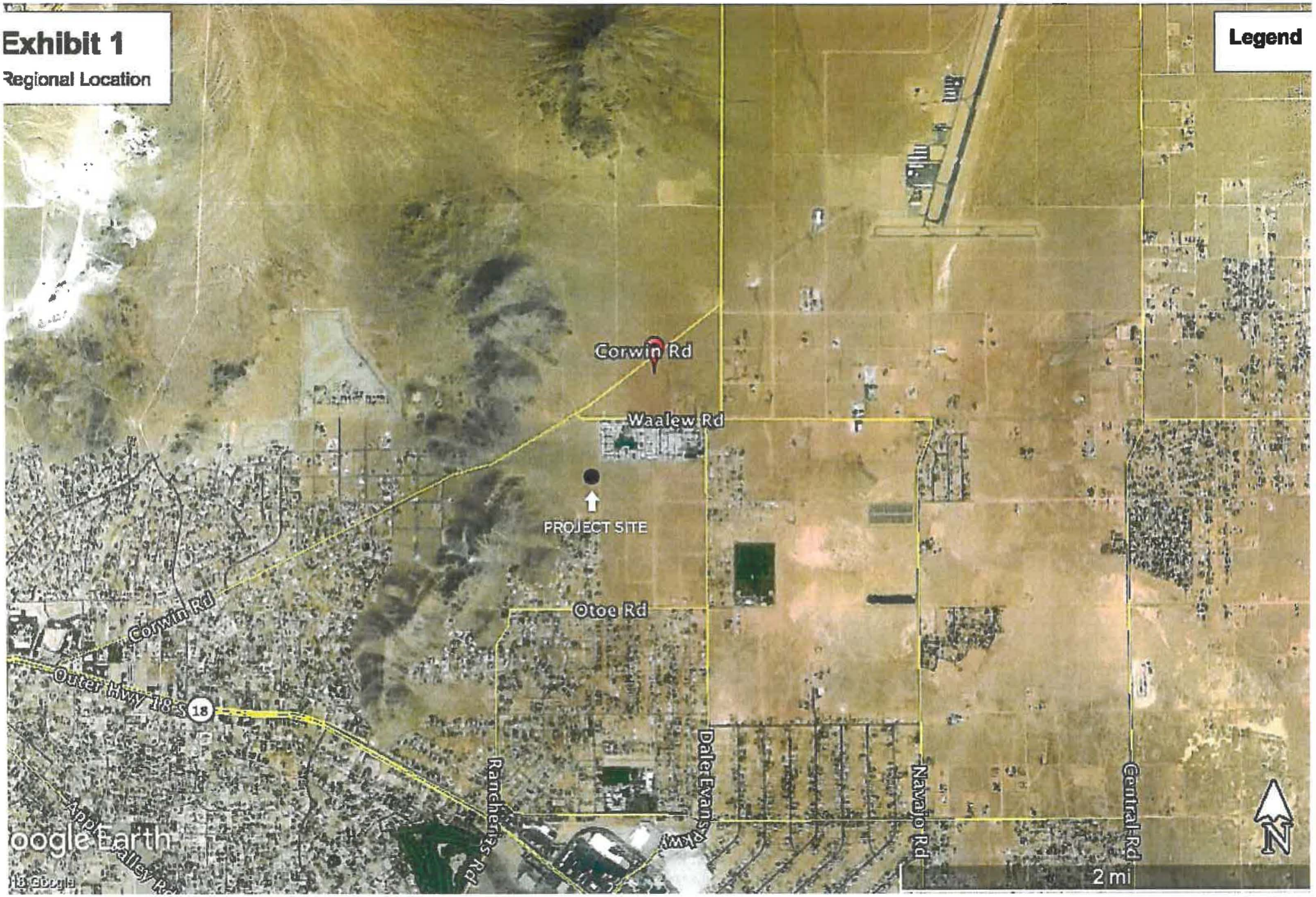
Exhibit 1
Regional Location
Legend
Corwin Rd
Waalew Rd
PROJECT SITE
Otoe Rd
Corwin Rd
Outer HWY 18 S
18
Apple Valley Rd
Ranchero Rd
Dale Evans Pkwy
Navajo Rd
Central Rd
N
2 mi
oogle Earth

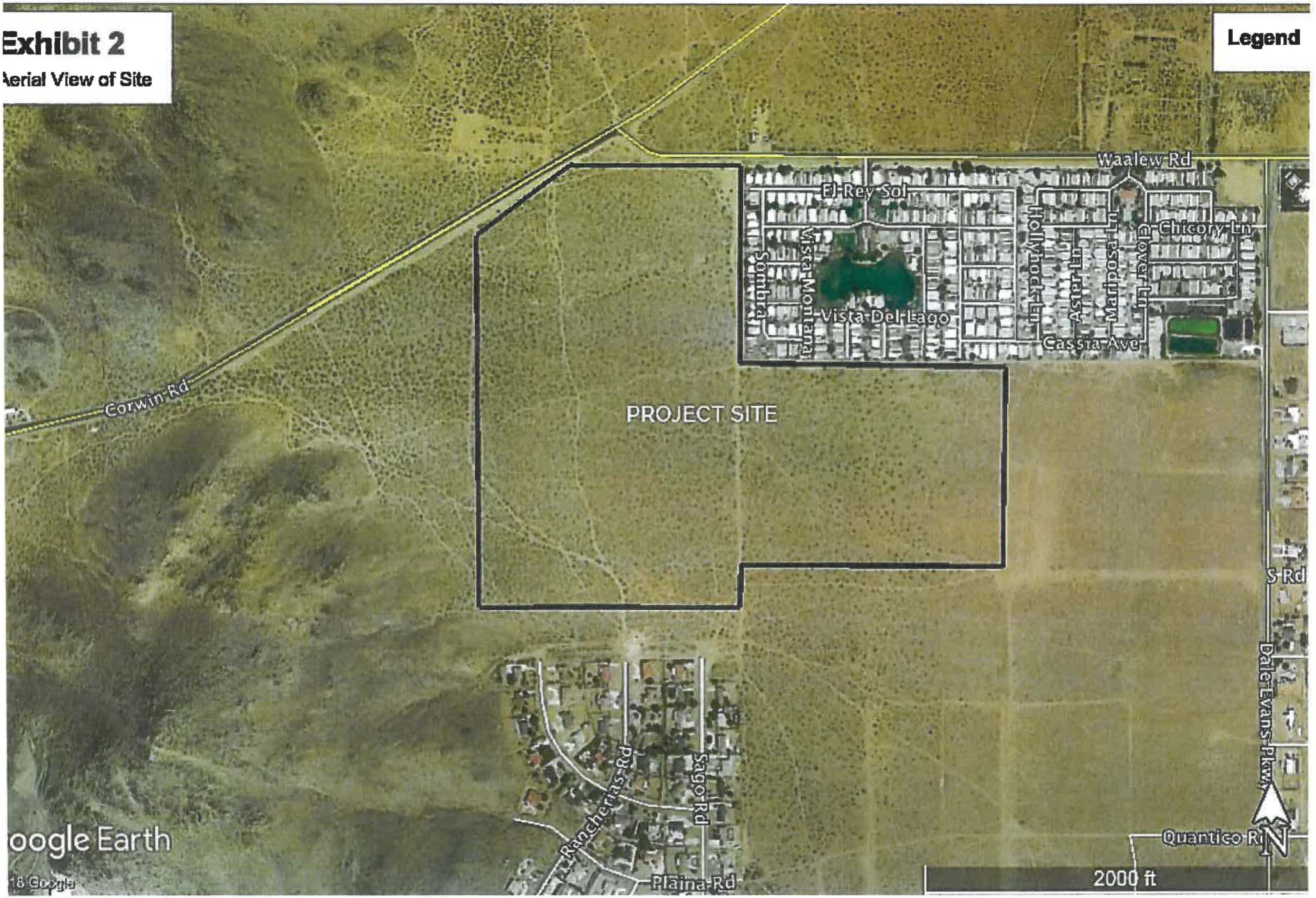
Exhibit 2
Aerial View of Site
Legend
Waalew Rd
El Rey Sol
Vista Montana
Sombra
Vista Del Lago
Hollyhock Ln
El Prado Ln
Marigosa Ln
Clover Ln
Chicory Ln
Cassia Ave
PROJECT SITE
Corwin Rd
S Rd
Dale Evans Pkwy
Quantico Rd
Rancherias Rd
Sago Rd
Plaina Rd
oogle Earth
18 Google
2000 ft
N

CENTER OF SITE LOOKING NORTH

CENTER OF SITE LOOKING SOUTH

FIGURE 3
PHOTOGRAPHS OF SITE

TENTATIVE TRACT MAP NO. 20306

OWNER/DEVELOPER
TOM HILBRN
P O BOX 2611
APPLE VALLEY, CA 92307
760-409-2382

ENGINEER
DAVID EVANS & ASSOCIATES
14297 CAJON AVENUE SUITE 101
VICTORVILLE CA 92392
760-524-8160

ASSESOR'S PARCEL NUMBER

LEGAL DESCRIPTION

ZONING
EXISTING: EQUESTRIAN RESIDENTIAL
PROPOSED: EQUESTRIAN RESIDENTIAL

LAND USE DESIGNATION
SINGLE FAMILY RESIDENTIAL

UTILITY COMPANIES
ELECTRICITY
SOUTHERN CALIFORNIA EDISON CO
17293 HESPERIA RD
VICTORVILLE, CA 92392
760-951-3241

WATER
APPLE VALLEY RANCHOS UTILITY UTILITIES
PO BOX 7002
APPLE VALLEY, CA 92307
760-247-5484

GAS
SOUTHWEST GAS
13471 MARIPOSA RD
VICTORVILLE, CA 92395
760-951-4166

CABLE
CHARTER COMMUNICATIONS
12280 BUSINESS CENTER DR #1
VICTORVILLE, CA 92392
760-843-2362

TELEPHONE
FRONTIER COMMUNICATIONS
9 SOUTH 4TH STREET
REDLANDS, CA 92373
909-748-5940

SEWER
TOWN OF APPLE VALLEY
14955 DALE EVANS PKWY
APPLE VALLEY, CA 92307
760-240-7000

SITE SUMMARY
TOTAL ACREAGE: 163.69 ACRES
NO. OF SUBDIVIDED LOTS: 103
NO. OF RETURNED LOTS: 1
MINIMUM LOT SIZE: 18,129 SF
MAXIMUM LOT SIZE: 49,922 SF
AVERAGE LOT SIZE: 21,184 SF

NOTES
1. NO NATIVE TREES GREATER THAN FOUR (4) INCHES IN DIAMETER ARE LOCATED ON SITE.
2. NO VALLEY DRAINAGE COURSES PASS THROUGH THE SITE.
3. NO ABOVE GROUND STRUCTURES EXIST ON SITE.
4. NO EXISTING WELLS, SEPTICS, CISTERNS, BRIDGES, DRAINPIPES OR FIRE HYDRANTS EXIST WITHIN THE SUBDIVISION.
5. SAND, GRAVEL AND OTHER EXCAVATIONS TO BE SHOWN ON PRELIMINARY GRADING PLANS.
6. STREET CENTERLINE ELEVATIONS TO BE SHOWN ON PRELIMINARY GRADING PLAN.

Figure 4

				DAVID EVANS AND ASSOCIATES INC. 14297 Cajon Avenue Suite 101 Victorville California 92392-2393 Phone: 760.524.8160	TOWN OF APPLE VALLEY TENTATIVE TRACT MAP No. 20306 APN: 0441-021-11 CORWIN RD & WAALEW RD
NO.	DESCRIPTION	DATE	BY		SCALE: 1"=80' DATE: 08/05/2016 DRAWN BY: DEA DESIGNED BY: DEA SHEET: 1 of 1
	REVISIONS				

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resource, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines "take" as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Federal regulation 50CFR17.3 defines the term "harass" as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines "harm" as an act that either kills or injures a listed species. By definition, "harm" includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is "incidental to, and not the purpose of, the carrying out of another wise lawful activity." Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA,

or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, the Section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other "take" that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFG has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Game Code. Section 2080 prohibits the take of a species listed by CDFG as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA. Proponents of a project affecting a state-listed species must consult with CDFG and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFG coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into "Waters of the United States" under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as "areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP's) are general permits issued to cover particular fill activities. All NWP's have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fills material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction storm water management plan to insure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Game Code, Sections 1600-1616

Under the California Fish and Game Code, Sections1600-1616 CDFG regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFG and enter into streambed alteration agreement with them.

Section 1602 of the California Fish and Game Code requires a state or local government agency, public utility, or private entity to notify CDFG before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFG issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Game Code, Section 3503.5

Under the California Fish and Game Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and flacons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term "take" is defined as "to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires." Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA.

This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term "sensitive natural community" includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinas, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project site contains many types of native desert plants which are protected under the County of San Bernardino Development Code Desert Native Plant Protection Ordinance. The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site. No protected plants were present on the site.