APPENDIX D

SPEEDWAY COMMERCE CENTER II

SAN BERNARDINO COUNTY, CALIFORNIA

Biological Resources Assessment and Jurisdictional Waters Evaluation

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December 2021

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SAN BERNARDINO COUNTY, CALIFORNIA

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director/Biologist

Thomas J. McGill, Ph.D.
Managing Director

December 2021

Executive Summary

ELMT Consulting (ELMT) conducted a literature review and field survey of the 522-acre Auto Club Speedway (speedway) property boundary to identify the potential for impacts to sensitive resources from a proposed project to modify the speedway grounds.

The assessment identified that approximately 99 percent of the project site is considered disturbed or developed. Within the developed portions of the site are landscaped areas that support manicured lawns and ornamental vegetation. An approximate 1.75-acre stormwater detention basin occurs on the southwest corner of the project site adjacent to the San Sevaine Channel. The stormwater detention basin contains an earthen bottom that consists of disturbed land, and side slopes that support a planted California buckwheat scrub plant community on its side slopes (which is not a sensitive plant community).

The results of this report indicate that implementation of the proposed project will have no significant impacts on federally or State listed species, sensitive plant communities, or Critical habitat. Additionally, the site was found to not support soils to support Delhi Sands Flower Loving Fly (DSF) or is the Project near known populations. Therefore, the Project will have no impact on DSF.

Even though the project site primarily supports developed land and is subject to a high level of anthropogenic disturbances, the landscaped/ornamental vegetation and structures have the potential to provide suitable nesting opportunities for a variety of resident and migratory bird species that are adapted to urban environments. Prior to project implementation, pre-construction clearance surveys are recommended to be conducted, and discussed in Section 4.4 and Section 5.

The approximately 1.75-acre stormwater detention basin in the southwest corner of the project site collects stormwater from the speedway paved areas. The basin outlets to San Sevaine Channel, which is a jurisdictional water under both the Clean Water Act (CWA) and the California Dept of Fish and Wildlife (CDFW) Fish and Game Code. Since the stormwater detention basin supports native vegetation and has a direct connection to the San Sevaine Channel, the basin would likely fall under the regulatory authority of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and/or the CDFW. If the stormwater detention basin, or San Sevaine Channel (outside of the project footprint) will be impacted from implementation of the proposed project, the Applicant will likely need to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas, Corps CWA Section 404 Permit, Regional Board CWA Section 401 Water Quality Certification, and/or CDFW Section 1602 Streambed Alteration Agreement (SAA). Once construction plans are developed, a Jurisdictional Delineation would need to be performed to determine if any impacts to Jurisdictional Waters will occur.

Table of Contents

EXHIBITS

APPENDIX

Section 1 Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources assessment and jurisdictional waters evaluation (BRA/JD) prepared for the Speedway Commerce Center II Project (Project) located in the unincorporated area of San Bernardino County, west of the City of Fontana.

The purpose of the BRA/JD is to characterize existing site conditions on the entire approximately 522-acre Project site and to assess the probability of occurrence of special-status[1] plant and wildlife species that could pose a constraint to project implementation. Special attention was given to the suitability of the Project site to support species known to occur regionally, which is primarily burrowing owl (*Athene cunicularia*), Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; DSF), and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) and other electronic databases as potentially occurring in the general vicinity of the project site.

The Project site was also evaluated for its potential to support natural drainage features, ponded areas, and/or water bodies that have the potential to fall under the regulatory authority of the of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or California Department of Fish and Wildlife (CDFW) pursuant to Sections 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Section 1600 *et seq.* of the Fish and Game Code.

Even though the Project site is not located within or downwind of any mapped Delhi fine sand soils, a DSF Suitability Assessment was conducted as part of the BRA on the undeveloped/landscaped portions of the site. The closest mapped Delhi fine sand soils are located approximately 0.66 mile southwest of the Project site and are separated by existing industrial buildings and other developments. The DSF suitability assessment was conducted out of an abundance of caution to ensure no Delhi sand soils occur onsite that could provide suitable habitat for DSF.

1.1 PROJECT LOCATION

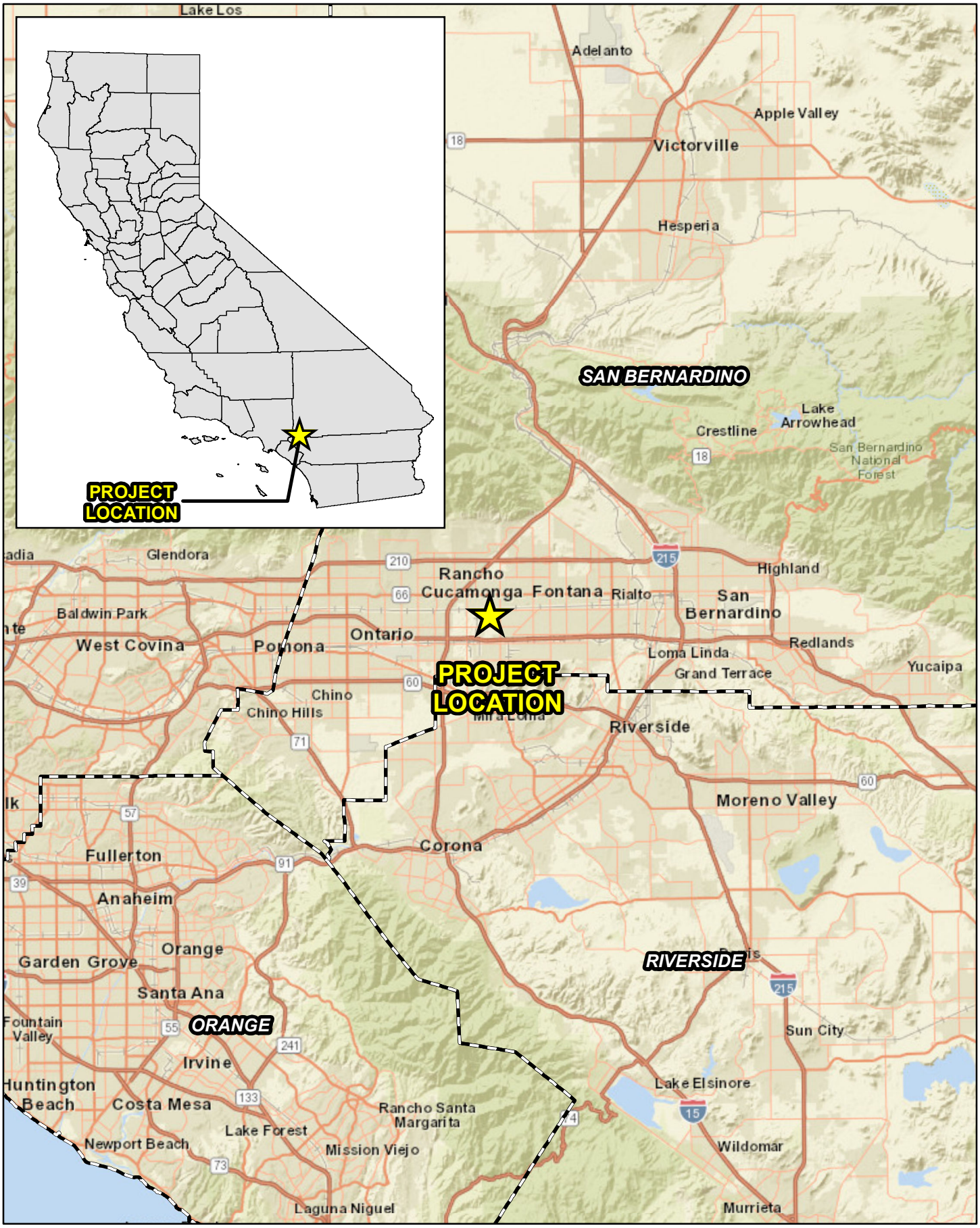
The Project site encompasses approximately 433 acres of the approximately 522-acre site that is developed within the Auto Club Speedway, formerly California Speedway, which is located in the unincorporated area of San Bernardino County, west of the City of Fontana. It is generally located north of Interstate 10, east of Interstate 15, south of State Route 210, and west of Interstate 215 approximately 0.45 mile north of San Bernardino Avenue and approximately 0.60 mile east of Etiwanda Avenue (refer to Exhibit 1, *Regional Vicinity*). The site is depicted on the *Guasti* and *Fontana* quadrangles of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Township 1 South, Range 6 West, Sections 9,

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally or State listed, proposed, or candidates; plant species that have been designated a California Native Plant Society (CNPS) Rare Plant Rank; wildlife species that are designated by the California Department of Fish and Wildlife (CDFW) as fully protected, species of special concern, or watch list species; California Department of Forestry and Fire Protection sensitive species; and International Union for Conservation of Nature Red List species.

10, 15, and 16 (refer to Exhibit 2, *Site Vicinity*). Specifically, the Project site is bounded on the east by Cherry Avenue, to the north by the Burlington Northern Santa Fe (BNSF) Railway, on the south by Entry Road/Perimeter Road and VIP Road, and on the west by railroad facilities and the San Sevaine Channel. The Project site is identified as Assessor's Parcel Numbers 0231-011-09, 0231-011-10, 0231-011-11, 0231-011-12, 0231-111-06, 0231-111-10, 0231-111-17, 0231-111-18, 0231-111-19, and 0231-111-20 (refer to Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

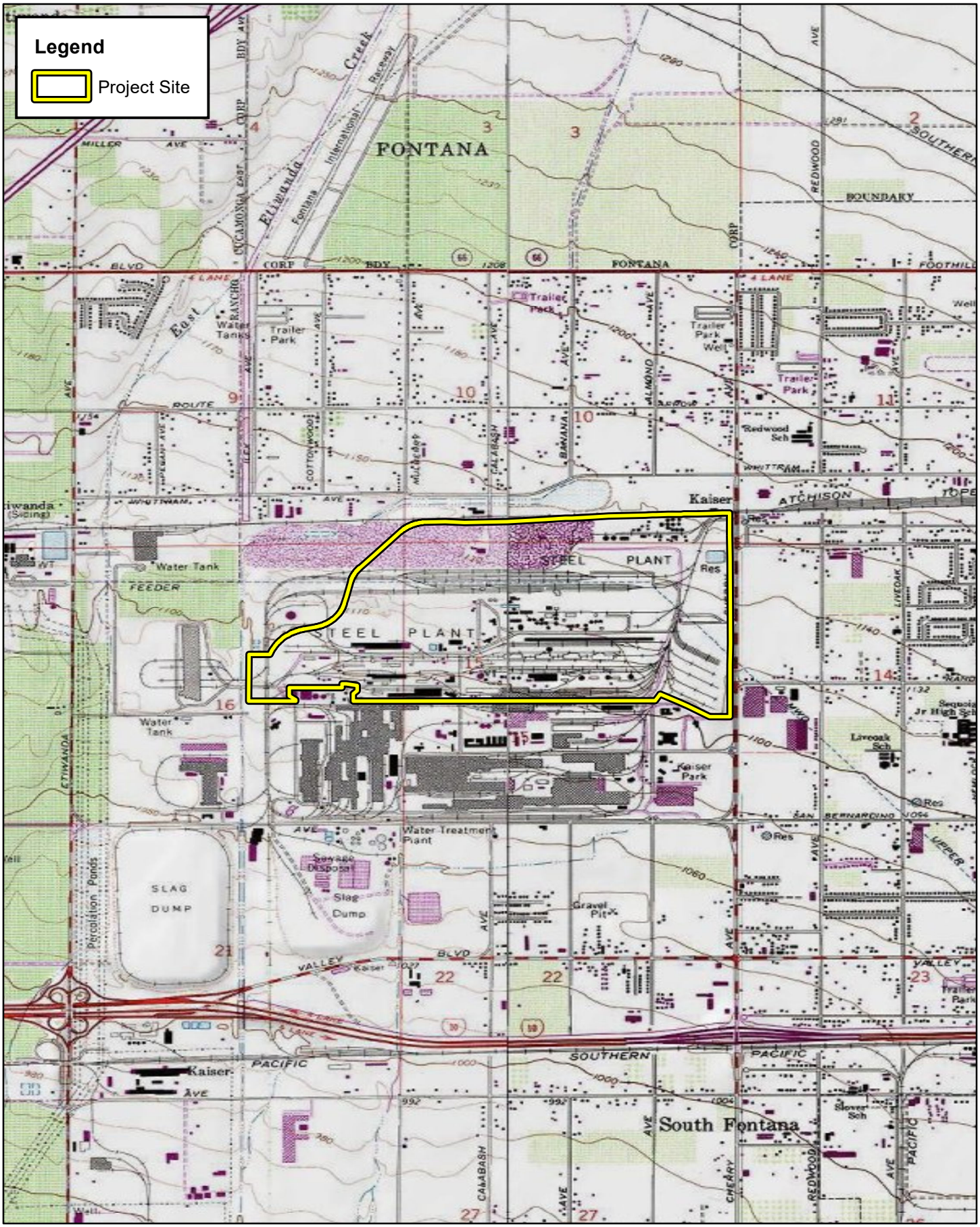
The Project proposes conceptual land uses that include, but are not limited to, up to approximately 6.6 million square feet of high cube warehouse and e-commerce uses with approximately 12 acres (261,000 sf) of accessory commercial uses that will occupy approximately 433 of the 522-acre site The Project site would also be developed with greenbelts, public roads, other support amenity features, and water detention areas. The Project would surround the proposed Next Gen in California Project approved by the County on June 7, 2021. Refer to Attachment A, *Site Plan*.



BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Regional Vicinity

Exhibit 1



BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Site Vicinity

ELMT CONSULTING

0 1,000 2,000 4,000 Feet

Source: USA Topographic Map, San Bernardino County

Exhibit 2

ELMT CONSULTING

0 500 1,000 2,000 Feet

Source: ESRI Aerial Imagery, San Bernardino County

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Project Site

Exhibit 3

Section 2 Methodology

The objective of this document is to determine whether the Project site supports special status or otherwise sensitive species and/ or their habitat, and to address the potential effects associated with the Project on those resources. The species and habitats addressed in this document are based on database information and field investigation. The entire approximately 522-acre site was the subject of this evaluation.

2.1 LITERATURE REVIEW

Prior to conducting the field study, species and habitat information was gathered from the reports related to the specific project and relevant databases for the *Guasti, Fontana, Cucamonga Peak*, and *Devore* USGS 7.5-minute quadrangles to identify species and habitats known to occur locally. These four quadrangles were queried due to the proximity of the Project site to quadrangle boundaries, surrounding development, and regional topography. The literature review sources included:

- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USFWS Designated Critical Habitat Maps;
- California Natural Diversity Database (CNDDB) *Rarefind 5*;
- International Union for Conservation of Naturae (IUCN);
- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers;
- Google Earth Pro historic aerial imagery (1985-2021);
- San Bernardino County General Plan;
- USFWS Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI); and
- *Biological Resources Assessment, Jurisdictional Waters Delineation Auto Club Speedway (ACS) Short Track, San Bernardino County, CA* report by Jericho Systems, Inc, dated July 30,2020.
- *Tentative Parcel Map 20478, Speedway Commerce Center II, Conceptual Drainage Plan.*

The literature review provided a baseline from which to inventory the biological resources potentially occurring on the subject property. The database information was used in conjunction with ArcGIS software to locate the nearest recorded occurrences of special-status species to focus field surveys on those species and habitats that could most likely be found on or adjacent to the project site.

2.2 FIELD INVESTIGATION

On September 2, 2021, ELMT biologists Travis J. McGill and Jacob H. Lloyd Davies conducted a field survey of the entire approximately 522-acre Project site to evaluate site conditions and the potential for

sensitive habitat. Special attention was given to the undeveloped areas of the Project site and species and habitats known to occur regionally.

A follow up site visit was also conducted on September 9, 2021 by ELMT biologist Thomas J. McGill, Ph.D. to assess the site for Delhi Sands Flower-loving fly (DSF), primarily within 140 acres of the undeveloped/landscaped infield of the existing 2-mile track, the stormwater detention basin, and landscaped areas throughout the site for their potential to support clean Delhi fine sand soils.

Plant communities were identified in the field by walking meandering transects through the plant community and along the boundaries between the plant communities. The plant communities were evaluated for their potential to support special-status plant and wildlife species. Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009) and delineated on an aerial photograph, and then digitized into ArcGIS. The ArcGIS application was used to compute the area of each plant community in acres.

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are fairly well standardized, scientific names are provided immediately following common names in this report (first reference only). In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area.

2.3 SOIL SERIES ASSESSMENT

On-site and adjoining soils were researched prior to the field survey using the USDA NRCS Soil Survey for San Bernardino County, Southwestern Part. In addition, the local geological conditions and historical aerial photographs were reviewed to assess the ecological changes that the Project site has undergone.

2.4 JURISDICTIONAL DRAINAGES AND WETLANDS

In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and could be subject to state and federal regulatory jurisdiction. Prior to conducting the field investigation, ELMT reviewed current and historic aerial photography in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the Corps, Regional Board, and/or

CDFW. Historical aerial photographs reviewed also provided an understanding of the impact of development on natural drainage patterns in the area. The USFWS NWI and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the Project site.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

The San Bernardino County area near the City of Fontana is subject to both seasonal and annual variations in temperature and precipitation. The local climatic conditions in the Project area are characterized by warm summers, mild winters, infrequent rainfall, and dry humidity. The average temperature range is between 44-95°F. The average maximum and minimum temperatures for the region are 80- and 52-degrees Fahrenheit (F) respectively with July and August being the hottest month (monthly averages 96° F) and December and January being the coldest (monthly average 42° F).

The rainy season begins in November and continues through March, with the quantity and frequency of rain varying from year to year. The average annual rainfall is approximately 17.31 inches.

According to the U.S. Environmental Protection Agency (EPA) Regional map, the Project site is located in the Inland Valleys Ecoregion. An Ecoregion is regional area that has similar ecosystems in terms of type, quality, and quantity of environmental resources. The Inland Valleys Ecoregion consists of alluvial San Gabriel Mountains and San Bernardino Mountains of Southern California and includes the San Jacinto and Perris Valleys toward the south. This ecoregion includes some floodplains along the Santa Ana River. The soil moisture regime is xeric which is characterized by long periods of drought in the summer. Historically, vegetation in this Ecoregion included Riversidean coastal sage scrub, valley grasslands, and riparian woodlands. Currently, much of this Ecoregion, including the project site and surrounding vicinity is heavily urbanized.

Hydrologically, the Project site is located within the Santa Ana River Watershed (HUC 18070203). Specifically, the project site is located within the Middle Santa Ana River Sub Watershed (HUC 1807020308) which comprises a 187,137-acre drainage area. Soils in this area consist of Tujunga Loamy Sand, which is found in alluvial fans and is excessively drained.

3.2 TOPOGRAPHY AND SOILS

The surface elevation on site ranges from approximately 1,080 to 1,170 feet above mean sea level, with site topography generally sloping from northeast to southwest, according to the USGS topographic map. The topography onsite is variable, including flat and gently sloping parking areas on the southwest portion of the site, and artificial hills associated with the slope of the existing racetrack.

According to the NRCS Custom Soil Resource Report, the Project site is underlain by Tujunga gravelly loamy sand (0 to 9 percent slopes) and an approximate 1.4 acre area identified as Water on the northwest portion of the site (refer to Exhibit 4, *Soils*). The Tujunga soil series consists of very deep, somewhat excessively drained soils that formed in alluvium from granitic sources. They are found on alluvial fans and floodplains, including urban areas. The NRCS identifies a small portion in the northeast corner of the Project site as “Water.” According to the NRCS, “Water” includes streams, lakes, ponds, and estuaries that are covered with water, deep enough or moving, that growth of rooted vegetation is precluded. The NRCS

area mapped as "Water" corresponds to a historic agricultural basin that was located on this portion of the Project site but was removed during the original development of the speedway. This feature no longer occurs onsite.

Soils within the Project site have been heavily disturbed and compacted by the existing speedway facilities which include concrete and pavement over nearly the entire project site. The portion of the site soils identified as "Water" have been paved over by a parking lot.

3.3 SURROUNDING LAND USES

The Project site is located within an almost entirely developed area of unincorporated San Bernardino County, just west of the City of Fontana city boundaries. Primary land uses surrounding the site include industrial, infrastructure (such as roads, bridges, flood control facilities), commercial, and residential development. Adjacent developments to the site include a waste management facility to the east, industrial and commercial developments to the west, and railway cargo transportation facilities to the north and south.

According to Figures 9.1 and 9.4 of the City of Fontana's General Plan, the Project site is not within any zones marked for open space, parkland, or conservation, or potential habitat for Sensitive Wildlife. The County of San Bernardino General Plan Biotic Resources Overlay map identifies the Project area as within an area with a potential for burrowing owl.

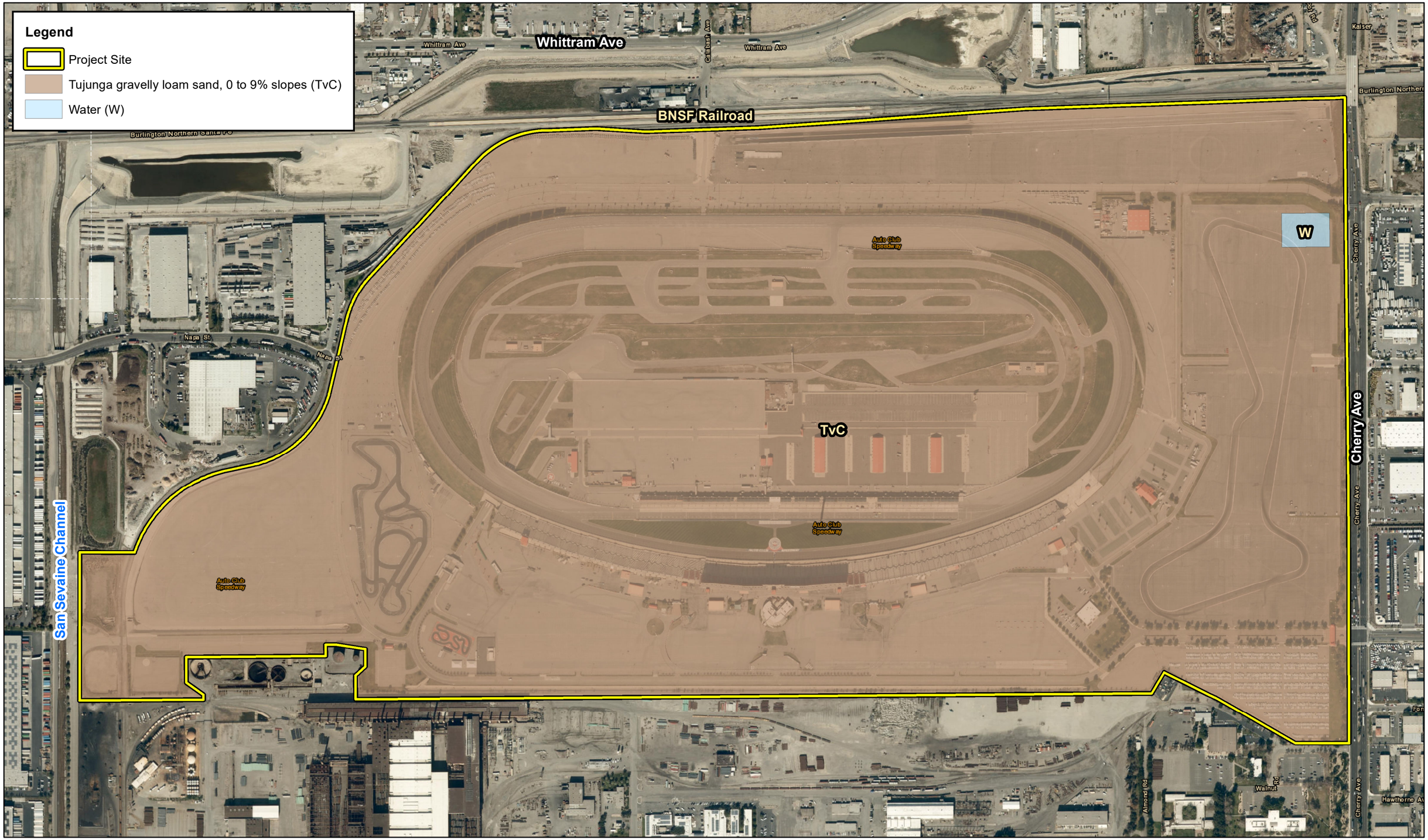
3.4 SITE CONDITIONS

The temperature during the September 2021 site visits were in the mid-70s° F with full cloud cover overhead and calm winds (less than 5 knots).

The Project site is almost entirely developed and currently supports the Auto Club Speedway. The site is generally covered by existing pavement, racetrack and support facilities (grandstands, paddock, gates, etc.), existing drag strip, go-kart track, and parking facilities. Ornamental landscaping exists along the Project site's eastern perimeter (along Cherry Avenue) and in patches within various internal areas of the Project site. Refer to Appendix B, *Site Photographs*, for representative site photographs.

An approximately 90-acre infield area exists within the main racetrack area. The infield track is a mixture of asphalt/concrete parking areas and short grass, the condition of which is unchanged from the previous biological report of the infield track prepared by Jericho Systems Inc in 2020.

An approximate 1.75-acre stormwater detention basin occurs on the southwestern corner of the Project site, adjacent to San Sevaine Channel. The stormwater detention basin has an earthen bottom and side slopes that have been planted with native vegetation to stabilize the slopes, and is approximately 210 feet wide by 365 feet wide and 20 to 25 feet deep. The basin is earthen except for a concrete headwall around a culvert near the southeast corner of the basin. Stormwater from the entire speedway property collects in various culverts and ditches, finally entering the southeast corner of the basin via two 144-inch corrugated metal pipe (CMP) culverts. Water exits the basin via an underground culvert also located within the southern boundary of the basin.



Source: ESRI Aerial Imagery, Soil Survey Geographic Database, San Bernardino County

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Soils

Exhibit 4

Section 4 Discussion

4.1 LITERATURE REVIEW RESULTS

Historical Aerials and Reports

According to historic aerials, the Project site and surrounding area supported agricultural activities in the early 1900s and transitioned into industrial development in the mid- and late-1900s, with notable uses including steel processing. The existing approximately 522-acre Auto Club Speedway completed construction in 1996.

A previous biological resources report was prepared by Jericho Systems Inc in July 2020 to address proposed site redevelopment of 90 of the approximately 522 acres. The area studied was primarily the central infield area of the track and an area north of Perimeter Road to the track and infield. Jericho's report characterized the track infield as a mixture of asphalt/concrete parking areas and short grass. The grass in the infield is watered daily and manicured very frequently, with a grass height of no more than 2 inches. The areas outside of the track infield generally consisted of the track, buildings and parking. On site there were several light/speaker/electrical poles, and the paved raceway has high chain link protective fences throughout.

Database Results

The literature search identified fifty-five (55) special-status plant species and seventy-five (75) special-status wildlife species, and five (5) special-status plant communities as having the potential to occur within the *Guasti*, *Fontana*, *Cucamonga Peak*, and *Devore* quadrangles. Species determined to have the potential to occur within the general vicinity and on the Project site are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources*, provided in Appendix C.

4.2 VEGETATION AND LAND COVER

The majority of the Project site is developed with no native habitat or soil.

Only one plant community, California buckwheat scrub alliance, was observed within the southwest corner of the site, within and around the earthen water detention basin during the field survey: (refer to Exhibit 5, *Vegetation*). In addition, two (2) land cover types that would be classified as disturbed and developed cover the majority of the Project site. These areas are not plant community classifications, but rather land cover types. The vegetation community and land cover types are described in further detail below.

4.2.1 California Buckwheat Scrub Alliance

The Project site supports an isolated California buckwheat scrub alliance plant community of approximately 1.2 acres on the southwest corner of the project site, primarily in and around the 1.75-acre stormwater detention basin. While this plant community is naturally occurring in the undeveloped areas of the region, the 1.2 acres appears to have been planted in and around the basin to maintain slope integrity within the basin which was developed as part of the stormwater control system for the speedway grounds. Therefore,

the presence of plant community is not considered a remnant of an undeveloped area within the region. The plant community on-site is dominated by California buckwheat (*Eriogonum fasciculatum*) and supports a limited diversity of native species once common to the area. Common plant species observed in the California buckwheat scrub supported by the Project site include mulefat (*Baccharis salicifolia*), California sagebrush (*Artemisia californica*), tree of heaven (*Ailanthus altissima*), horseweed (*Erigeron* sp.), common sunflower (*Helianthus annuus*), jimsonweed (*Datura wrightii*), tree tobacco (*Nicotiana glauca*), telegraph weed (*Heterotheca grandiflora*), and golden crownbeard (*Verbesina encelioides*).

4.2.2 Disturbed

Disturbed areas are generally areas that are unpaved, have been subject to a high level of human disturbances from anthropogenic activities, support minimal vegetation, and no longer comprise a native plant community. Within the boundaries of the Project site, disturbed areas occur within the bottom of the stormwater detention basin on the southwest corner of the Project site (approximately 0.74 acre), and in areas that are routinely disturbed and used as storage yards and additional parking. Plant species occurring in disturbed areas on site include jungle rice (*Echinochloa colona*), cheeseweed (*Malva parviflora*), ragweed (*Ambrosia psilostachya*), Mexican sprangletop (*Leptochloa fusca*), tocalote (*Centaurea melitensis*), puncture vine (*Tribulus terrestris*), tumbleweed (*Amaranthus albus*), Mediterranean mustard (*Hirschfeldia incana*), red brome (*Bromus rubens*), and prickly lettuce (*Lactuca serriola*).

4.2.3 Developed

Developed areas generally encompass all buildings/structures, parks, ornamental landscaping, and other paved, impervious surfaces; and such areas are dominant throughout the site. Approximately 517 of the 522-acre Project site consists of developed areas, such as racetracks and parking areas that are devoid of vegetation, and landscaped areas. Ornamental landscaping accounts for the majority of vegetation found in developed areas, and includes plant species such as magnolia trees (*Magnolia* sp.), lantanas (*Lantana* sp.), palm trees (*Washingtonia* sp.), manicured grass lawns (i.e. *Cynodon dactylon*), crape myrtle (*Lagerstroemia* sp.), Peruvian pepper (*Schinus molle*), Brazilian pepper (*Schinus terebinthius*), podocarpus (*Podocarpus* sp.), bougainvillea (*Bougainvillea* sp.), and ice plant (*Delosperma* sp.).

It should be noted that the RV parking areas in the racetrack infield track were included in the developed land cover type. The RV parking area in the infield track infield was graded during initial speedway development activities and planted with grass, and it is routinely manicured and subject to RV parking and other anthropogenic activities.

4.3 WILDLIFE

Plant communities provide foraging habitat, nesting and denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed during the field survey and common species that are expected to occur within the Project site based on the literature reviews. The discussion is to be used as a general reference and is limited by the season, time of day, and weather condition in which the field survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

4.3.1 Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site.

4.3.2 Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the Project site. Therefore, no amphibians are expected to occur on the Project site and are presumed absent.

4.3.3 Reptiles

The California buckwheat scrub and ornamental landscaping found on-site have the potential to provide suitable foraging and cover habitat for a variety of reptilian species adapted to significant anthropogenic disturbance. No reptiles were observed during the field investigation. Common reptilian species that may occur on-site include common side-blotched lizard (*Uta stansburiana elegans*), San Diego alligator lizard (*Elgaria multicarinata webbii*), and Great Basin fence lizard (*Sceloporus occidentalis longipes*).

4.3.4 Birds

The California buckwheat scrub and ornamental landscaping found on-site have the potential to provide suitable foraging and nesting habitat for a variety of resident and migrant bird species adapted to significant anthropogenic disturbance. Avian species observed during the field investigation include house finch (*Haemorhous mexicanus*), Anna's hummingbird (*Calypte anna*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), American kestrel (*Falco sparverius*), lesser goldfinch (*Spinus pstalria*), Say's phoebe (*Sayornis saya*), mourning dove (*Zenaida macroura*), European starling (*Sturnus vulgaris*), Eurasian collared-dove (*Streptopelia decaocto*), killdeer (*Charadrius vociferans*), great egret (*Ardea alba*), common raven (*Corvus corax*), barn swallow (*Hirundo rustica*), northern rough-winged swallow (*Stelgidopteryx serripennis*), and Cassin's kingbird (*Tyrannus vociferans*).

4.3.5 Mammals

The California buckwheat scrub and ornamental landscaping found on-site have the potential to provide suitable foraging and denning habitat for a variety of mammalian species adapted to significant anthropogenic disturbance. Most mammal species are nocturnal and are difficult to observe during a diurnal field visit. The only mammalian species observed during the field investigation were cottontail (*Sylvilagus audubonii*) and California ground squirrel (*Otospermophilus beecheyi*). Common mammalian species that have potential to occur on-site include opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), and coyote (*Canis latrans*). Structures and ornamental tree species may provide suitable roosting opportunities for local common bat species (i.e., California myotis (*Myotis californicus*), Mexican free-tailed bat (*Tadarida brasiliensis*), and little brown bat (*Myotis lucifugus*)), but the degree and frequency of routine disturbance is likely to preclude them from roosting on-site. Most of these bats roots in caves, rock crevices, buildings, and sometimes dead trees, and the ornamental plant species found in the area do not typically provide

suitable long-term roosting or maternity habitat. None of the special-status bat species known to occur in the area are expected to occur onsite.

4.4 NESTING BIRDS

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of the avian breeding season. The vegetation found on and surrounding the project site has the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that are adapted to urban environments.

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). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

4.5 WILDLIFE CORRIDORS AND LINKAGES

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

According to the San Bernardino County General Plan, the Project site has not been identified as occurring within a Wildlife Corridor or Linkage. The site and surrounding area have been developed for decades, and nearby historic corridors, such as San Sevaine Channel and Etiwanda Creek (approximately 1.5 miles west of the San Sevaine Channel), have been converted into concrete channels for flood control purposes. This conversion of natural waterways has removed corridors that once served local wildlife species in the vicinity of the site. As designated by the San Bernardino County General Plan Open Space Element, the nearest major open spaces areas or regional wildlife corridors to the Project site include Day and Etiwanda Canyons and Cajon Pass, located approximately 5.8 miles north and 6.7 miles northwest, respectively.

The proposed Project will be confined to existing developed areas that are isolated from regional wildlife corridors and linkages, with no riparian corridors, creeks, or useful patches of stepping-stone habitat (natural areas) within or connecting the Project site to the natural, undeveloped areas. As such, implementation of the proposed Project is not expected to impact wildlife movement opportunities or prevent existing wildlife movement corridors in the region from functioning. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

4.6 STATE AND FEDERAL JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge and/or fill materials into "waters of the United States" pursuant to Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (2001) and Rapanos v. United States (2005). Of the State agencies, the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediately surrounding the project site. The NWI and USGS National Hydrography Dataset provide off-site ancillary tools to assist in jurisdictional assessments, but they are not a substitute for field investigations. NWI resources are graphic representations of potential water features that are mapped at high altitudes based on the imagery that was used.

Based on this review, three (3) freshwater ponds, one (1) freshwater emergent wetland, and three (3) riverine resources were identified within the project site (refer to Appendix D, *National Wetlands Inventory*). Two freshwater ponds were identified on the northeast corner and center of the site (imagery used in mapping predates the development of the racetrack), respectively, and one was identified in the southwest corner of the site alongside the freshwater emergent wetland that is associated with the water detention basin (these features were last mapped off 2006 imagery). Two riverine resources were documented on the southwestern portion of the project site connecting into the NWI mapped freshwater emergent wetland and correspond to concrete lined v-ditches/channels that are part of storm drain system, and the third riverine resource was documented along the southern boundary and corresponds to the trapezoidal channel on the southern boundary of the site.

Based on a review of historic aerials in 1938, the project site and surrounding area supported agricultural activities and various associated agricultural canals. From 1948 to 1959, the site had transitioned from agricultural activities to industrial development and two water detention basins appeared in the northeast and southwest corners, respectively, that corresponded to the NWI mapped freshwater ponds. By 2002, the existing Auto Club Speedway had completed construction and the northwest basin was no longer present. The NWI mapped freshwater pond on the southwest corner corresponds to the earthen water detention basin. The NWI mapped freshwater pond in the center of the site did not appear to correspond with any agricultural activities and was removed during the construction of the speedway.

During the field survey, ELMT carefully assessed the site for depressions, inundation, presence of hydrophytic vegetation, staining, cracked soil, ponding, and indicators of active surface flow and corresponding physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris. Suspected jurisdictional areas were checked for the presence of definable channels, soils, and hydrology.

Adjacent to the southwest corner of the site, San Sevaine Channel exists as a concrete channel and flows from north to south. According to the existing drainage facilities identified by the Applicant's proposed drainage plans, storm flows from the northern and western half of the Project site are conveyed into storm

drains and concrete lined v-ditches located in various areas of the site and flow into two 144-inch CMP culverts that connect to the stormwater detention basin on the southwest corner of the site. It should also be noted that while the parking areas in the western portions of the site bear evidence of water staining, these areas only receive flows during storm events, and such flows are conveyed across the parking lots to the v-ditches via sheet flow and are not considered jurisdictional. Additionally, a concrete lined trapezoidal stormwater conveyance channel extends east to west along the site's southern boundary and conveys storm flows from the southern and eastern portions of the site. The trapezoidal channel, near the southwest portion of the site, becomes an underground storm drain box culvert and flows to the north for a short reach before turning west and extending through and open concrete ditch/open channel that is part of the parking lot. From the open concrete ditch/open channel storm flows connect into the stormwater detention basin on the southwest corner of the site via the same two 144-inch CMP culverts.

The stormwater detention basin in the southwest corner of the site supported minimal standing water during the field survey, primarily from runoff on the concrete portion of the basin, and sparse stands of narrowleaf willow (*Salix exigua*) and mulefat (*Baccharis salicifolia*). The southern boundary of the stormwater detention basin connects into an underground culvert that conveys flow off-site and into the San Sevaine Channel during large storm events. The basin is designed to allow most stormwater to percolate into the ground, releasing high storm event flows into an underground culvert that outlets to the San Sevaine Channel.

San Sevaine Channel, outside of the project footprint, and the stormwater detention basin on the southwest corner of the project site (refer to Exhibit 6, *Jurisdictional Areas*) would fall under the regulatory authority of the Corps, Regional Board, and/or CDFW because the basin supports native vegetation, and captures all of the storm flows from the project site and has a direct connection into San Sevaine Channel. If any impacts to San Sevaine Channel or the undevelped portion of the stormwater detention basin will occur from Project implementation, the Applicant will likely need to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas, Corps CWA Section 404 Permit, Regional Board CWA Section 401 Water Quality Certification, and/or CDFW Section 1602 Streambed Alteration Agreement (SAA).

The trapezoidal channel along the southern boundary of the project site, the underground box culverts, open concrete ditch/open channel that is part of the parking lot, concrete lined v-ditches, and concrete portion of the stormwater detention basin are all part of the existing storm drain infrastructure that were constructed wholly in the uplands for the speedway to manage storm flows. These storm facilities will not fall under regulatory authority of the Corps, Regional Board, and/or CDFW because were constructed in the uplands and did not replace any blueline streams or riparian/riverine features, do not support any vegetation (in particular riparian or Riversidean Alluvial Fan Sage Scrub habitat), are maintained (i.e., cleared of debris/trash), and have to flow through the stormwater detention basin before connecting into San Sevaine Channel. Impacts to these features will not require regulatory approvals.

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

Special-status plant and wildlife species identified in the literature review were evaluated during the field survey for their potential to occur within the project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species identified by the literature review to

potentially occur within the vicinity of the project site are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources*, provided in Appendix C.

4.7.1 Special-Status Plants

According to the CNDDB and CNPS, fifty-five (55) special-status plant species have been recorded in *Guasti, Fontana, Cucamonga Peak*, and *Devore* quadrangles (refer to Appendix C). No special-status plant species were observed during the field investigation. While the field investigation was conducted outside of the blooming period for most of these special-status plant species, the site and surrounding area have not supported natural plant communities for decades due to historic agricultural activities, industrial development, and existing land uses, therefore, no special plant species are anticipated to occur.

The Project site is primarily composed of developed land that that does not support native vegetation or natural plant communities. It should be noted that the California buckwheat scrub alliance on the southwest corner of the Project site, associated with the stormwater detention basin, is not a naturally occurring plant community, as it was installed to maintain the integrity of the slopes on the basin. The heavy disturbances from historic development and continual use of the site have eliminated the ability of the project site to provide suitable habitat for special-status plant species and seed sources for special-status plant species known to occur in the area. Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the Project site does not have the potential to support any of the special-status plant species known to occur within the vicinity of the site and are presumed absent.

4.7.2 Special-Status Wildlife

According to the CNDDB, seventy-five (75) special-status wildlife species have been reported in the *Guasti, Fontana, Cucamonga Peak*, and *Devore* quadrangles (refer to Appendix C). The only special-status wildlife species observed during the field investigation was great egret, which does not have any formal status, but is listed in the CNDDB as a California Department of Forestry and Fire Protection (CDF) "sensitive species" and International Union for Conservation of Naturae (IUCN) as a "least concern." Based on habitat requirements for specific species, the availability and quality of on-site habitats, and isolation of the Project site from suitable habitats, it was determined that the proposed Project site has a potential to support the following species that are found regionally:

- Cooper's hawk (*Accipiter cooperii*), a CDFW Watch List Species, high potential to support
- sharp-shinned hawk (*Accipiter striatus*), a CDFW Watch List Species, high potential to support
- California horned lark (*Eremophila alpestris actia*), a CDFW Watch List Species, high potential to support
- California gull (*Larus californicus*), a CDFW Watch List Species, high potential to support
- great blue heron (*Ardea herodias*), a CDF sensitive species and an IUCN least concern species, a moderate potential to support
- burrowing owl (*Athene cunicularia*), a CDFW Species of Special Concern, low potential to support
- snowy egret (*Egretta thula*), an IUCN least concern species, low potential to support.

None of the aforementioned special-status wildlife species are federally or state listed as endangered or threatened.

It was further determined that the project site does not have the potential to support any of the other special-status wildlife species known to occur in the vicinity of the Project site. While the ornamental vegetation and 1.2 acre isolated area of California buckwheat scrub within the stormwater detention basin may provide suitable foraging and cover habitat for a limited number of migratory special-status wildlife species, the Project site is almost entirely composed of and surrounded by developed land, sufficiently isolating potential on-site habitat from natural areas through which most special-status wildlife species might gain access to the site.

None of the aforementioned special-status wildlife species are state or federally listed as threatened or endangered. In order to ensure impacts to these avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to special-status avian species will be less than significant and no mitigation will be required.

Based on regional significance, the potential occurrence of burrowing owl is described in further detail below:

Burrowing Owl

The burrowing owl is currently listed as a California Species of Special Concern. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Portions of the project site, primarily the RV parking area located in the racetrack infield, is unvegetated and/or vegetated with a variety of low-growing plant species (landscaped/manicured grass lawns) that allow for line-of-sight observation favored by burrowing owls. The infield also was identified in the Jericho 2020 survey and the 2021 field survey to contain minimal suitable burrows (>4 inches in diameter) capable of providing roosting and nesting opportunities. Additionally, the stormwater detention basin on the southwest corner of the project site provides minimal habitat for burrowing owls since it is one of the only undeveloped portions of the site; however, the basin did not support any suitable burrows and burrowing owl are not expected to occur within the basin. Further, the site supports and is surrounded by tall structures, light poles, and fences that offer perching opportunities for larger raptor species (i.e., red-tailed hawk) that prey on burrowing owls. In addition, due to the predominance of developed land in the vicinity of the site, the site is fairly isolated from more suitable habitat in the vicinity. Further, the intensity

and frequency of routine anthropogenic disturbance associated with on-site landscaping maintenance (i.e. grass mowing and watering) and RV parking are likely to preclude burrowing owls from occurring on-site.

Based on the results of the field investigation, it was determined that the Project site has a low potential to support burrowing owls. The suitable burrows observed in the middle of the racetrack infield were occupied by ground squirrels and did not have any recent or old sign of burrowing owl use, and the stormwater detention basin did not support any suitable burrows. Due to routine anthropogenic disturbances onsite and lack of undeveloped land on and immediately surrounding the project site, focused surveys for burrowing owl are not recommended. Out of an abundance of caution a pre-construction burrowing owl clearance survey is recommended to be conducted on the racetrack infield and stormwater detention basin prior to development to ensure burrowing owl remain absent from the project site.

4.7.3 Special-Status Plant Communities

According to the CNDDB, five (5) special-status plant communities has been reported in the *Guasti*, *Fontana, Cucamonga Peak*, and *Devore* quadrangles: Mixed Montane Chaparral, Semi Desert Chaparral, Southern Sycamore Alder Riparian Woodland, Southern Willow Scrub, and Westside Ponderosa Pine Forest. Based on the results of the field investigation, no special-status plant communities were observed on-site. Therefore, no special-status plant communities will be impacted by project implementation.

4.8 CRITICAL HABITAT

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the United States Fish and Wildlife Service (USFWS) regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a CWA Permit from the Corps). If a there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.
The project site is not located within federally designated Critical Habitat (refer to Exhibit 7, *Critical Habitat*). The nearest Critical Habitat to the site occurs approximately 2.63 miles to the south for coastal California gnatcatcher (*Polioptila californica californica*) and 3.02 miles to the north for San Bernardino kangaroo rat (*Dipodomys merriami parvus*). Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed Project.

4.9 DELHI SANDS FLOWER-LOVING FLY SUITABILITY ASSESSMENT

In addition to the general biological resources assessment, ELMT conducted a Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; DSF) suitability assessment. Even though the Project site is not located within or downwind of any mapped Delhi fine sand soils (refer to Exhibit 8, *DSF Recovery Units/Habitat Suitability*), the habitat suitability assessment consisted of a visual and tactile inspection of all of the undeveloped areas on the Project site to ensure no Delhi sand soils occur onsite that could provide suitable habitat for DSF. 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.

The habitat ratings that were developed (Osborne, Ballmer and McGill 2003) are well described and breakdown in the first tier between (1) Unsuitable and the other tiers (2 through 5) Suitable. Among the Suitable tiers, (developed not to predict DSF occurrence but to provide an objective means for developing mitigation rates for DSF occupied lands – for any Suitable habitat should be surveyed for presence/absence determination) habitat qualities are judged (Very Low, Low, Moderate, and High) by consideration of many factors including degree and frequency of disturbance, degree of exotic soils contaminations, size of a site and its degree of isolation or proximity to other lands with DSF habitat or DSF populations, presence of typical sand associated insects with weight given to particular insect indicator species, and consideration of sand associated plant species. No one of these factors precludes DSF, nor does it alone preclude High Quality habitat.

The rating system categories are as follows:

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. Severe 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*.

The criteria discussed in detail above were used to rate the relative abundance of clean Delhi Sand soils verses the amount of Cieneba, Tujunga, or other alluvial soils, to rate the suitability of the Project site to support DSF. Soils high in gravel and alluvial materials, or high in fine materials such as silts and clays, were rated low, while soils that appear to be high in Aeolian deposited sands were rated high. This qualitative assessment of DSF habitat was further refined by considering the relative degree of soil compaction. Alluvial soils tend to solidify to a hard surface pavement, while Aeolian soils are easier to penetrate and provide good substrate for DSF.

4.9.1 Background of General DSF County Mapping Efforts

It has been generally acknowledged that DSF occur in Delhi sand soils, particularly clean dune formations composed of Aeolian sands. Conversely, soils and sands deposited by fluvial processes from the surrounding alluvial fans do not support DSF. These alluvial soils are composed of coarse sands, cobble and gravel (Tujunga soils) or coarse sands, silts and clays (Cieneba soils). In this part of San Bernardino County, the separation of soil types has been lost due to the mixing and cross contamination from years of agricultural activities, development, and other man-made disturbances such as surface mining/storage activities. Depending on the extent of mixing and contamination, some areas formally mapped in 1970 as Delhi sand soils no longer have potential to support DSF populations. Conversely, some areas formally mapped as Cieneba soils may now be composed of Delhi sand soils and have potential to support DSF. Six DSF experts (Ken Osborne, Greg Ballmen, Rudy Matoni, Karen Cleary-Rose, Alison Anderson and Tom McGill) originally created this criterion, the relative abundance of clean Delhi sand soils versus the amount of Cienba or other alluvial soils, to rate the suitability of the habitat on the Project site for its potential to support DSF (Michael Brandman Associates, 2003).

Additionally, although it has been common to attribute the presence of the four common plant species California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), deer weed (*Acmispon glaber*), and telegraph weed (*Heterotheca grandiflora*) as indicators of habitat suitability, for the DSF suitability assessment, vegetation composition was not given much weight in making this habitat evaluation. These dominant plant species, and plant species composition of habitats, may not be directly relevant to larval development (due to likely predatory or parasitic habitat of DSF larvae) (Osborne, et al. 2003). The known immature life histories of the nine asiloid fly families, including that to which the DSF is classified, are primarily predatory and/or parasitic on other invertebrate species (mainly insects) and the presence or absence of plant species appears not to be relevant to the life history of these flies.

Land with suitable DSF habitat include those areas with open, undisturbed Delhi Series soils that have not been permanently altered by residential, commercial, or industrial development, or other human actions. Areas known to contain Delhi sand soils and/or to be occupied by DSF have been divided by USFWS into three recovery units (Colton, Jurupa, and Ontario Recovery Units [USFWS, 1997]). These recovery units

are defined as large geographic areas based on geographic proximity, similarity of habitat, and potential genetic exchange. Within these three recovery units, several areas have been protected by conservation easements:

- Colton: Eight sites have been permanently protected in the Colton recovery unit. In the USFWS five-year review of the DSF Recovery Plan (USFWS, 2008) the USFWS acknowledge that 8 sites had been identified as supporting DSF within the Colton Recovery Unit. These sites have been permanently protected in the Colton Recovery Unit. Within the Colton Recovery unit, the Slover/Pepper population is partially protected through the establishment of a 7.5-acre Colton Transmission Facility Reserve at the eastern terminus of Santa Ana Ave in Colton and 150-acre Conservation Bank. There are about 160-acres of undeveloped DSF habitat contiguous with these conservation areas (USFWS, 2008).

- Jurupa: Approximately 21 ha (52-acres) of DSF habitat have been protected for this population along the Jurupa Hills. Approximately 12 ha (30-acres) are protected under a conservation easement within Riverside County ("I-15/Galena" Biological Opinion; FWS-WRIV-774). An additional 9 ha (22-acres) will be placed under a conservation easement and managed in San Bernardino County as a result of interagency consultation between the USFWS and the U. S. Army Corps of Engineers (Corps) ("Fontana Business Center" Biological Opinion; FWS-SB-1788.9), in accordance with section 7 of the Endangered Species Act.

- Ontario: In 2000, 4 ha (10-acres) of DSF habitat near the intersection of Greystone and Milliken Avenues in the City of Ontario, San Bernardino County, were acquired for conservation and an additional 1.2 ha (3-acres) of contiguous habitat was avoided, but not permanently conserved. At that time, these properties were surrounded by undeveloped land with some characteristics of DSF habitat, and the USFWS anticipated that a larger DSF reserve would be created that could sustain a robust DSF population. However, most of the surrounding property has subsequently been developed for commercial or industrial uses, and it is unlikely that the existing population can be sustained over the long term.

The Project site is located within the Ontario Recovery Unit, outside the areas protected under the conservation easements. The Ontario Recovery Unit includes all areas of the Delhi Sand soils within the cities of Rancho Cucamonga, Ontario, Chino, and Fontana.

4.9.2 Suitability Assessment

On September 9, 2021, ELMT biologist Thomas J. McGill, Ph.D. performed a field assessment of the Project for DSF, primarily within 140 acres of the undeveloped/landscaped infield of the existing 2-mile track, the stormwater detention basin, and landscaped areas throughout the site for their potential to support clean Delhi fine sand soils. Dr. McGill has been working within the DSF ecosystem, including the Colton Dunes Conservation Bank and the West Valley Conservation Area in the City of Colton, for over 25 years.

Based on his years of experience with DSF and occupied DSF ecosystems, the information provided in this report, and information based on the referenced DSF habitat suitability scale (Ballmer, Osborne, McGill),

Dr. McGill rated the project site as being unsuitable for DSF with a habitat suitability rating of 1 due to the following:

- As a result of previous land uses and on-site development, surface soils have been heavily mixed with alluvial soils (Tujunga gravelly loamy sand) and compacted. In addition, the southwest corner of the site, which is the only portion of the site that occurs near mapped Delhi Sands soils (refer to Exhibit 8: *DSF Recovery Units/Habitat Suitability*), supports existing paved surfaces and a stormwater detention basin.

- There are no known extant DSF populations in the immediate vicinity. It is improbable that a dispersing DSF individual would temporarily occupy the undeveloped areas within the Project site. The Project site is surrounded by existing developments and no longer has connectivity to upwind areas containing Delhi Sands soils, areas subjected to Aeolian processes, or areas supporting DSF populations.

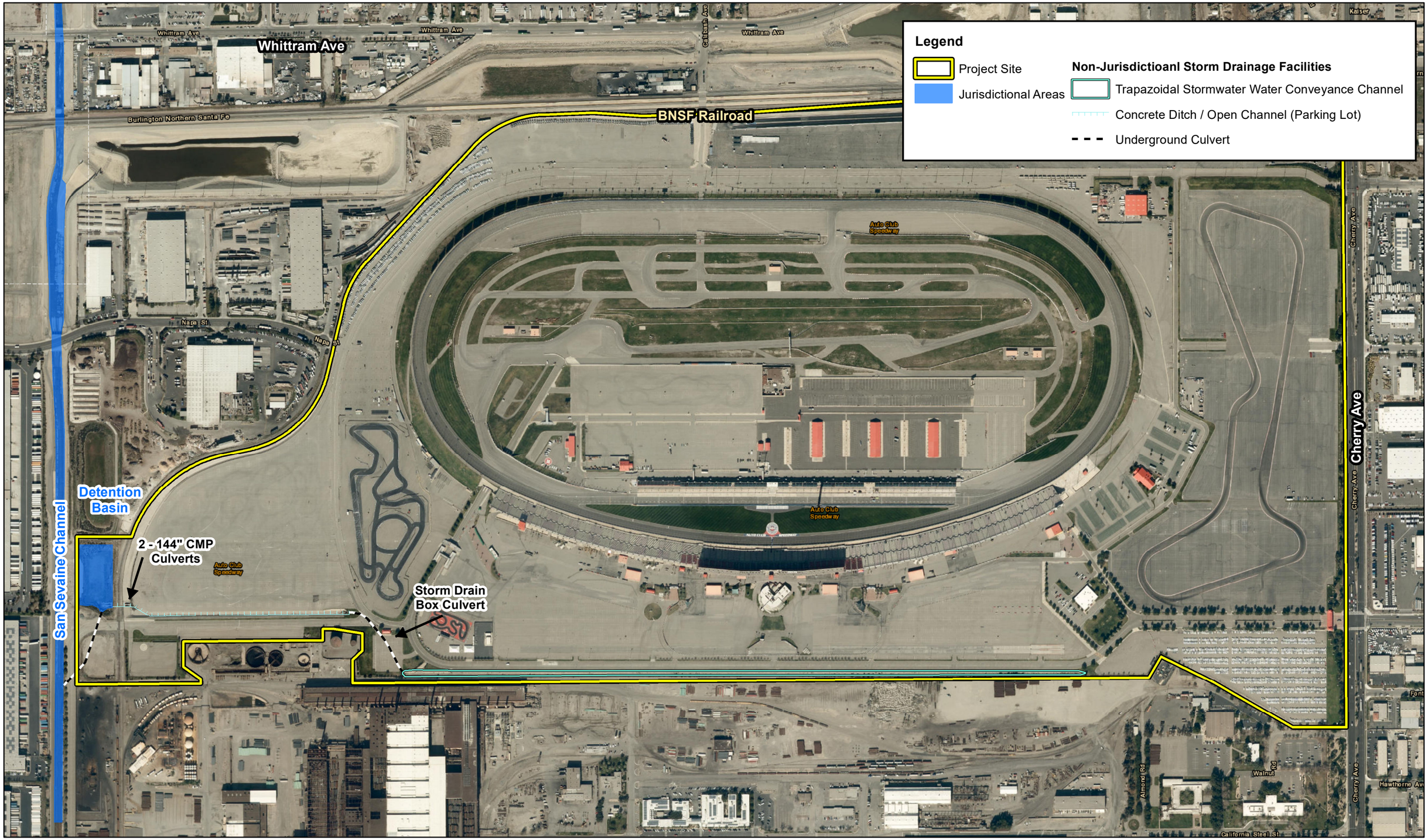
Therefore, given the unsuitable rating of Delhi sand soils, the general lack of DSF sightings in this area, the recognized adverse changes in soil chemistry of Delhi sand soils in areas subjected to previous development and anthropogenic activities, DSF is presumed absent from the project site. Additionally, it is highly unlikely that the Project site can become occupied in the near future. No further actions or focused surveys are recommended.

Source: ESRI Aerial Imagery, San Bernardino County

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Vegetation

Exhibit 5



0 500 1,000 2,000 Feet

Source: ESRI Aerial Imagery, San Bernardino County

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

Jurisdictional Areas

Exhibit 6

BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

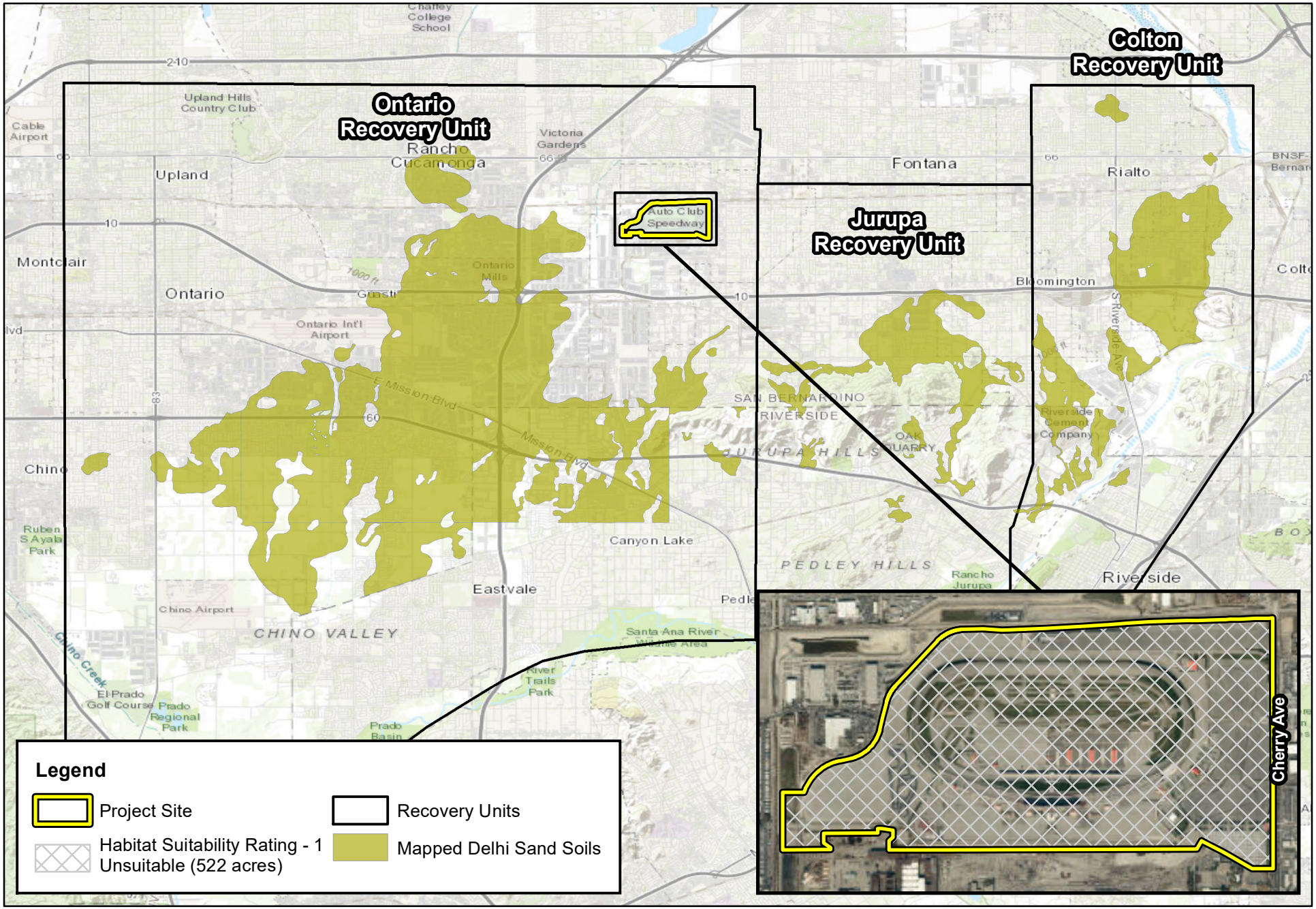
Critical Habitat

ELMT CONSULTING

0 0.625 1.25 2.5 Miles

Source: ESRI Aerial Imagery, USFWS Critical Habitat, San Bernardino County

Exhibit 7



BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL EVALUATION
SPEEDWAY COMMERCE CENTER II

DSF Recovery Units/Habitat Suitability

ELMT CONSULTING

0 1.25 2.5 5 Miles

Source: ESRI World Topographic Map, Soil Survey Geographic Database, USFWS DSF Recovery Unitts, San Bernardino County

Exhibit 8

Section 5 Conclusion and Recommendations

The discussion below provides a summary of survey results; avoidance and minimization efforts; direct, indirect, and cumulative project impacts; and compensatory mitigation measures for each biological resource area required to be analyzed according to CEQA, based on Appendix G (Environmental Checklist Form) of the CEQA Guidelines:

CEQA Threshold*: Would the proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

Special-Status Plant Species

No special-status plant species were observed during the 2020 or 2021 field investigation. Based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the project site does not have the potential to support any of the special-status plant species known to occur in the vicinity of the site. The proposed Project will be confined to existing developed areas and areas that primarily support landscaped areas. As a result, no impacts to special-status plant species are expected to occur. No additional surveys are recommended.

Special-Status Wildlife Species

The only special-status wildlife species observed during the field investigation was great egret. Based on habitat requirements for specific species, the availability and quality of on-site habitats, and isolation of the Project site from suitable habitats, it was determined that the proposed project site has a high potential to support Cooper's hawk, sharp-shinned hawk, California horned lark, and California gull; a moderate potential to support great blue heron; and a low potential to support burrowing owl, and snowy egret.

None of the aforementioned species are federally- or state-listed as endangered or threatened. In order to ensure impacts to Cooper's hawk, sharp-shinned hawk, great egret, great blue heron, California horned lark, California gull, burrowing owl, and snowy egret do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey, is recommended to be conducted prior to project implementation. With implementation of the recommended pre-construction nesting bird clearance survey impacts to the aforementioned special-status wildlife species will be less than significant.

Recommendations for avoidance and minimization:

1. Bird nesting season generally extends from February 1 through August 31 in southern California and specifically. To avoid impacts to nesting birds (common and special-status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) three (3) days prior to project-related disturbance to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance.

The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

2. All disturbed areas of the project site, that were determined to have a low potential to provide suitable habitat for burrowing owls, which includes primarily the existing track infield grassy area and the stormwater detention basin area in the southwestern portion of the site, require a pre-construction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls. I

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

Riparian Habitat and Special-Status Natural Communities

The stormwater detention basin on the southwest corner of the Project site, and San Sevaine Channel, outside of the project footprint will fall under the regulatory authority of the Corps, Regional Board, and CDFW. If the stormwater detention basin and/or San Sevaine Chanel will be impacted from implementation of the proposed Project, the Applicant will need to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas: Corps CWA Section 404 Permit; Regional Board CWA Section 401 Water Quality Certification; and CDFW Section 1602 Streambed Alteration Agreement (SAA). Based on the propoesd site plan, impacts to the storme water basin will only occur within the existing concrete poriton of the baisn. As a resut, no impacts to jurisdictional waters are expected to occur.

Further, no sensitive habitats were identified within the Project site. Thus, no sensitive natural communities will be impacted from Project implementation. It should be noted that the California buckwheat scrub alliance on the southwest corner of the project site, associated with the stormwater detention basin, is not a naturally occurring plant community, as it was installed to maintain the integrity of the slopes on the basin. California buckwheat scrub alliance has a global rank of G5 (common, widespread and abundant) and a State rank of S5 (common, widespread, and abundant in the State), and, therefore, is not considered a sensitive natural plant community.

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Federally Protected Wetlands

No inundated areas, wetland features, or wetland plant species that would be considered wetlands as defined by Section 404 of the Clean Water Act occur within the proposed Project footprint. As a result, implementation of the proposed Project would not result in any impacts or have substantial adverse effect on federally protected wetlands.

CEQA Threshold: *Would the proposed Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Wildlife Corridors

The Project site is separated from regional wildlife corridors and linkages by existing development and there are no riparian corridors or creeks connecting the project site to these areas. Moreover, potential nearby corridors such as San Sevaine Channel and Etiwanda Creek (approximately 1.5 miles west of the Project site) have been channelized in association with flood control efforts and no longer supports plant communities suitable for use as wildlife corridors. Therefore, the Project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the proposed Project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, no mitigation is required. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

CEQA Threshold: *Would the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Local Policies or Ordinances

The San Bernardino County Development Code, Chapter 88.01 (Plant Protection and Management areas of the County pertains to the proposed project. A regulated tree or plant shall be any of those trees or plants identified in: (1) Section 88.01.060(c) (Regulated desert native plants), (2) Section 88.01.070(b) (Regulated trees), or (3) Section 88.01.080(b) (Regulated riparian plants). No regulated trees or plants identified in Section 88.01.060(c) or 88.01.070(b) occur onsite. Therefore, impacts to local polices or ordinances are not expected to occur from development of the proposed project, and mitigation is not required.

CEQA Threshold: *Would the proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?*

Local, Regional, and State Plans

The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the proposed Project, and mitigation is not required.

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Appendix A Site Plan

PENDING

Appendix B Site Photographs

Photograph 1: From the northeast corner of the project site looking west along the northern boundary at the existing drag strip.

Photograph 2: From the northeast corner of the project site looking south along the eastern boundary.

Photograph 3: Looking south towards the eastern end of the existing racetrack.

Photograph 4: Looking southwest towards the northeast corner of the existing racetrack.

Photograph 5: Looking east across developed land in the northern portion of the project site.

Photograph 6: Looking north across developed land along the eastern boundary of the project site.

Photograph 7: Looking southwest across developed land in the southeast portion of the project site.

Photograph 8: Looking west across developed land along the southern boundary of the site.

Photograph 9: Looking northeast across developed land in the western portion of the project site. Direct precipitation collects in this area is conveyed to the basin in the southwest corner via sheet flow.

Photograph 10: Looking north across the northern portion of the water detention basin in the southwest corner of the project site.

Photograph 11: Looking south across the southern portion of the water detention basin in the southwest corner of the project site.

Photograph 12: A culvert in the water detention basin in the southwest corner of the project site that conveys flows off-site to San Sevaine Channel.

Photograph 13: A concrete v-ditch that flows along the southwestern portion of the project site.

Photograph 14: From within the concrete-lined trapezoidal channel that parallels the southern boundary of the project site. Looking west towards the culvert that conveys flows from the western portion of the project site into San Sevaine Channel.

Photograph 15: The culvert that serves as the eastern terminus of the channel that parallels the southern boundary of the project site.

Photograph 16: From the middle of the RV parking are in the middle of the 2 mile track looking west at the mowed lawns.

Appendix C Potentially Occurring Special-Status Biological Resources

Table C-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
SPECIAL-STATUS WILDLIFE SPECIES				
Accipiter cooperii Cooper's hawk	Fed: None CA: WL	Common yearlong resident of California. Typically forages in broken woodland and habitat edges with dense stands of coast live oak (*Quercus agrifolia*), riparian deciduous, or other forest habitat near water. Usually nests in dense riparian areas, usually near streams.	No	**High** The project site provides suitable foraging opportunities, but no nesting opportunities are present. This species is adapted to urban environments and occurs commonly.
Accipiter striatus sharp-shinned hawk	Fed: None CA: WL	Found in pine, fir and aspen forests. They can be found hunting in forest interior and edges from sea level to near alpine areas. Can also be found in rural, suburban and agricultural areas, where they often hunt at bird feeders. Typically found in southern California in the winter months.	No	**High** The project site provides suitable foraging opportunities, but no nesting opportunities are present. This species is adapted to urban environments and occurs commonly.
Agelaius tricolor tricolored blackbird	Fed: None CA: **THR**/SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [*Schoenoplectus* sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (*Artemisia californica*), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Anniella stebbinsi southern California legless lizard	Fed: None CA: SSC	Occurs in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine-oak woodland, desert scrub, open grassland, and riparian areas. Requires sandy or loose loamy substrates conducive to burrowing.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aquila chrysaetos golden eagle	Fed: None CA: FP; WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Ardea alba great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh, and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	Yes	**Present** Observed foraging in the landscaped grass lawns onsite.
Ardea herodias great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills.	No	**Moderate** The project site provides minimal foraging opportunities, but no nesting opportunities are present.
Arizona elegans occidentalis California glossy snake	Fed: None CA: SSC	Occurs in a wide variety of habitat types including open desert, grasslands, shrublands, chaparral, and woodlands. Prefers areas where the soil is loose and sandy which allows for burrowing.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Artemisiospiza belli belli Bell's sparrow	Fed: None CA: WL	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral and coastal sage scrub. Less common in tall dense, old chaparral.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Asio otus long-eared owl	Fed: None CA: SSC	Hunts mostly at night over grasslands and other open habitats. Nesting occurs in dense trees such as oaks and willows where it occupies stick nests of other species, particularly raptors or corvids.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aspidoscelis hyperythra orangethroat whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aspidoscelis tigris stejnegeri coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Athene cunicularia burrowing owl	Fed: None CA: SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	**Low** The landscaped lawn areas, especially within the RV park, provide line-of-sight opportunities favored by burrowing owls and several suitable burrows (>4 inches) were observed within and surrounding ornamental landscaping. However, the majority of the site supports tall structures, light poles, and fences that provide perching opportunities for large raptor species (i.e. red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls. In addition, existing on-site land uses present significant routine disturbance.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Batrachoseps gabrieli San Gabriel slender salamander	Fed: None CA: None	Known from select localities in the San Gabriel Mountains and the Mt. Baldy area of Los Angeles County and the western end of the San Bernardino Mountains in San Bernardino Co., with an elevation range of 1,200- 5,085 feet. Occurs on talus slopes surrounded by a variety of conifer and montane hardwood species, including bigcone spruce, pine, white fir, incense cedar, canyon live oak, black oak, and California laurel.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Bombus crotchii Crotch bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Buteo regalis ferruginous hawk	Fed: None CA: WL	Occurs primarily in open grasslands and fields, but may be found in sagebrush flats, desert scrub, low foothills, or along the edges of pinyon-juniper woodland. Feeds primarily on small mammals and typically found in agricultural or open fields.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Buteo swainsoni Swainson's hawk	Fed: None CA: **THR**	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calypte costae Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Catostomus santaanae Santa Ana sucker	Fed: **THR** CA: None	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Steams that Santa Ana Sucker inhabit are generally perennial streams with water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus fallax pallidus pallid San Diego pocket mouse	Fed: None CA: SSC	Occurs in sandy herbaceous areas, usually in association with rocks or coarse gravel in desert wash, desert scrub, desert succulent scrub, and pinyon-juniper communities.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Cicindela tranquebarica viridissima greenest tiger beetle	Fed: None CA: None	Normally occurs in sand flats along streams but can occur in sandy areas with active irrigation. Known from a few small colonies within the Santa Ana River watershed.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Circus hudsonius northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Coleonyx variegatus abbotti San Diego banded gecko	Fed: None CA: SSC	Occurs in coastal and cismontane southern California from interior Ventura County south, although it is absent from the extreme outer coast. It is uncommon in coastal scrub and chaparral, most often occurring in granite or rocky outcrops in these habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Contopus cooperi olive-sided flycatcher	Fed: None CA: SSC	Uncommon to common, summer resident in a wide variety of forest and woodland habitats below 9,000 ft throughout California exclusive of the deserts, the Central Valley, and other lowland valleys and basins. Preferred nesting habitats include mixed conifer, montane hardwood-conifer, Douglas-fir, redwood, red fir, and lodgepole pine.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Crotalus ruber red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Diadophis punctatus modestus San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys merriami parvus San Bernardino kangaroo rat	Fed: **END** CA: CE/SSC	Primarily found in Riversidean alluvial fan sage scrub (RAFSS) and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May also occur at lower densities in Riversidean upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to RAFSS habitat. Tends to avoid rocky substrates.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys nitratoides brevinasus short-nosed kangaroo rat	Fed: None CA: SSC	Occurs on friable sandy or silty soils in areas with no to moderate shrub cover and scattered herbaceous plants, including sparsely vegetated alkali sink communities where soils are generally sandy or silty, valley grassland, saltbush, and sink scrub.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys simulans Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys stephensi Stephens' kangaroo rat	Fed: **END** CA: **THR**	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Egretta thula snowy egret	Fed: None CA: None	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	**Low** The site provides limited foraging opportunities. No nesting opportunities are present.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Elanus leucurus white-tailed kite	Fed: None CA: FP	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Empidonax traillii willow flycatcher	Fed: None CA: **END**	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Empidonax traillii extimus southwestern willow flycatcher	Fed: **END** CA: **END**	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water or are at least moist.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Eremophila alpestris actia California horned lark	Fed: None CA: WL	Occurs in meadows, grasslands, open fields, prairie, and alkali flats. This subspecies is typically found in coastal regions.	No	**High** The project site provides suitable foraging habitat, but no nesting opportunities are present.
Eumops perotis californicus western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	**Presumed Absent** The project site provides limited foraging habitat; however, no suitable roosting habitat is present.
Falco columbarius merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Falco mexicanus prairie falcon	Fed: None CA: WL	Commonly occur in arid and semiarid shrubland and grassland community types. Also occasionally found in open parklands within coniferous forests. During the breeding season, they are found commonly in foothills and mountains which provide cliffs and escarpments suitable for nest sites.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Gila orcuttii arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Icteria virens yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Common yearlong resident of California. Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Larus californicus California gull	Fed: None CA: WL	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	**High** The project site provides suitable foraging habitat, but no nesting opportunities are present.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Occurs in valley/foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts under palm trees and feeds in, and near, palm oases and riparian habitats.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Laterallus jamaicensis coturniculus California black rail	Fed: None CA: **THR**/FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lepus californicus bennettii San Diego black-tailed jackrabbit	Fed: None CA: SSC	Occupies many diverse habitats, but primarily is found in arid regions supporting short-grass habitats, agricultural fields, or sparse coastal scrub.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Microtus californicus mohavensis Mohave river vole	Fed: None CA: SSC	Found in moist habitats including meadows, freshwater marshes and irrigated pastures in the vicinity of the Mojave River. Suitable habitat it associated with ponds and irrigation canals along with the Mojave River proper. Alfalfa fields may also provide habitat.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Neolarra alba white cuckoo bee	Fed: None CA: None	Found in dry, sandy areas (particularly deserts) in the American southwest near the host plants for *Perdita* bee species, of which it is a nest parasite.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Neotoma lepida intermedia San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nycticorax nycticorax black-crowned night heron	Fed: None CA: None	Common in wetlands across North America, including saltmarshes, freshwater marshes, swamps, streams, rivers, lakes, ponds, lagoons, tidal mudflats, and wet agricultural fields. They require aquatic habitat for foraging and terrestrial vegetation for cover.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nyctinomops femorosaccus pocketed free-tailed bat	Fed: None CA: SSC	Often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Oncorhynchus mykiss irideus pop. 10 steelhead – southern California DPS	Fed: **END** CA: None	Found in permanent coastal streams from San Diego to the Smith River.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Onychomys torridus ramona southern grasshopper mouse	Fed: None CA: SSC	Inhabits alkali desert scrub and other desert scrub habitats, and to a lesser extent succulent shrubs, desert washes, desert riparian, coastal scrub, mixed chaparral, and sagebrush habitats. Generally rare in valley foothill and montane riparian habitats. Prefers low to moderate shrub cover and requires friable soils.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Ovis canadensis nelsoni Peninsular bighorn sheep	Fed: None CA: FP	Preferred habitat is near mountainous terrain above the desert floor that is visually open, as well as steep and rocky. Most Mojave Desert mountain ranges satisfy these requirements well. Surface water is another element that is considered important to population health. Found mainly in the Peninsular Ranges.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Pandion haliaetus osprey	Fed: None CA: WL	Associated strictly with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. Uses large trees, snags, and dead-topped trees in open forest habitats for cover and nesting. Requires open, clear waters for foraging and uses rivers, lakes, reservoirs, bays, estuaries, and surf zones.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Perognathus longimembris brevinasus Los Angeles pocket mouse	Fed: None CA: SSC	Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phalacrocorax auritus double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.		**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Common yearlong resident of southern California in sage scrub habitats that are dominated by California sagebrush (*Artemisia californica*). Prefers scrub habitat with more low-growing vegetation. Species generally occurs below 750 feet above mean sea level (msl) along the coast and below 1,500 feet above msl within inland regions.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Pyrocephalus rubinus vermilion flycatcher	Fed: None CA: SSC	Occupies desert riparian habitat, particularly cottonwoods, willows, mesquite, and other large desert riparian trees, in habitat adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas where it can forage.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Rana muscosa southern mountain yellow-legged frog	Fed: **END** CA: **END**; WL	Occurs in lower elevation habitats characterized by rocky streambeds and wet meadows, while higher elevation habitats include lakes, ponds, and streams. Occupy streams in narrow, rock-walled canyons. Often found along rock walls or vegetated banks and always within a few feet of the water.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Rhaphiomidas terminatus abdominalis Delhi Sands flower-loving fly	Fed: **END** CA: None	DSF habitat is limited to areas that include Delhi fine sand, an aeolian (wind-deposited) soil type. The highest density of DSF have been found in habitat that includes a variety of plants including California buckwheat, California croton, deerweed, and telegraph weed.	No	**Presumed Absent** Delhi fine sand soils have not been mapped on-site and are not present within or adjacent to the project site. The site and surrounding area are almost entirely developed and have been for several decades. As such, the site is not subject to aeolian processes required for suitable soil deposition.
Rhinichthys osculus* ssp. *8 Santa Ana speckled dace	Fed: None CA: SSC	Requires permanent flowing streams within summer water temperatures of 17 – 20 degrees Celsius. Inhabits shallow cobble and gravel riffles and small streams that flow through steep, rocky canyons with chaparral covered walls.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Salvadora hexalepis virgultea coast patch-nosed snake	Fed: None CA: SSC	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains. Requires friable soils for burrowing.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Selasphorus rufus rufous hummingbird	Fed: None CA: None	Breed in open or shrubby areas, forest openings, yards, and parks. During migration they are commonly found in disturbed areas where its food flowers are in bloom. Breeds in the northeastern United States and Canada.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Setophaga petechia yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spea hammondii western spadefoot	Fed: None CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spinus lawrencei Lawrence's finch	Fed: None CA: None	Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spizella breweri Brewer's sparrow	Fed: None CA: None	Habitats include sagebrush and brushy plains.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Strix occidentalis occidentalis California spotted owl	Fed: None CA: SSC	Breeds and roosts in forests and woodland with large old trees and snags, high basal areas of trees and snags, dense canopies, multiple canopy layers, and downed woody debris. Large old trees are key as they provide nest sites and cover from weather.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Taxidea taxus American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Thamnophis hammondii two-striped garter snake	Fed: None CA: SSC	Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Vireo bellii pusillus least Bell's vireo	Fed: **END** CA: **END**	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Xanthocephalus xanthocephalus yellow-headed blackbird	Fed: None CA: SSC	Uncommon yearlong resident of southern California throughout freshwater emergent wetlands, and moist, open areas along agricultural areas, and mudflats of lacustrine habitats. Prefers to nest in dense wetland vegetation characterized by cattails, tules, or other similar plant species along the border of lakes and ponds.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
Ambrosia monogyra singlewhorl burrobush	Fed: None CA: None CNPS: 2B.2	Found in sandy soils within chaparral and Sonoran desert scrub habitat. Found at elevations ranging from 33 to 1,640 feet. Blooming period is from August to November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Arctostaphylos glandulosa* ssp. *gabrielensis San Gabriel manzanita	Fed: None CA: None CNPS: 1B.2	Habitat includes rocky chaparral. Found at elevations ranging from 1,952 to 4,921 feet above msl. Blooming period is March.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Arenaria paludicola marsh sandwort	Fed: **END** CA: **END** CNPS: 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Asplenium vespertinum western spleenwort	Fed: None CA: None CNPS: 4.2	Occurs on rocky soils in chaparral, cismontane woodland, and coastal scrub habitats. Found at elevations ranging from 590 to 3,280 feet above msl. Blooming period is from February to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calochortus catalinae Catalina mariposa-lily	Fed: None CA: None CNPS: 4.2	Grows in chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 49 to 2,297 feet. Blooming period is from March to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Calochortus plummerae Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley and foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. From 328 to 5,577 feet in elevation. Blooming period is from May to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calochortus weedii* var. *intermedius intermediate mariposa-lily	Fed: None CA: None CNPS: 1B.2	Prefers rocky, calcareous soils in chaparral, valley and foothill grassland, and coastal sage scrub habitats. From 360 to 2,265 feet in elevation. Blooming period is from May to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chloropyron maritimum* ssp. *maritimum salt marsh bird's-beak	Fed: **END** CA: **END** CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 99 feet. Blooming period is from May to October.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Chorizanthe parryi* var. *parryi Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chorizanthe xanti var. leucotheca white-bracted spineflower	Fed: None CA: None CNPS: 1B.2	Found in sandy or gravelly soils within coastal scrub (alluvial fans), Mojavean desert scrub, pinyon and juniper woodland habitats. Found at elevations ranging from 984 to 3,937 feet. Blooming period is from April to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Cladium californicum California saw-grass	Fed: None CA: None CNPS: 2B.2	Found in meadows and seeps, marshes and alkaline swamps or freshwater habitats. Found at elevations ranging from 197 to 5,249 feet. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Claytonia peirsonii* ssp. *peirsonii Peirson's spring beauty	Fed: None CA: None CNPS: 1B.2	Occurs on talus or rocky north-facing slopes with alkaline soils within mixed woodland habitats. Found at elevations ranging from 5,170 to 8,530 feet. Blooming period is from February to March.		**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Cryptantha incana Tulare cryptantha	Fed: None CA: None CNPS: 1B.3	Occurs in lower montane coniferous forest (gravelly or rocky). Found at elevations ranging from 4,692 to 7,054 feet above msl. Blooming period is from June to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Deinandra paniculata paniculate tarplant	Fed: None CA: None CNPS: 4.2	Typically found in vernally mesic, sometimes sandy soils in coastal scrub, valley and foothill grasslands, and vernal pools. Found at elevations ranging from 82 to 3,084 feet. Blooming period is from April to November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Diplacus johnstonii Johnston's monkeyflower	Fed: None CA: None CNPS: 4.3	Grows within lower montane coniferous forest (scree, disturbed areas, rocky or gravelly, roadside) habitat. Found at elevations ranging from 3,199 to 9,580 feet. Blooming period is typically from May to August and can begin as early as April.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Dodecahema leptoceras slender-horned spineflower	Fed: **END** CA: **END** CNPS: 1B.1	Chaparral, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes. Found at elevations ranging from 1,181 to 2,690 feet. Blooming period is from April to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Eriastrum densifolium* ssp. *sanctorum Santa Ana River woollystar	Fed: **END** CA: **END** CNPS: 1B.1	Grows in sandy or gravelly soils within chaparral and coastal scrub habitat. Found at elevations ranging from 299 to 2,001 feet. Blooming period is from April to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Eriogonum microthecum* var. *alpinum alpine slender buckwheat	Fed: None CA: None CNPS: 4.3	Associated with alpine dwarf scrub and great basin scrub. Found at elevations ranging from 8,202 to 10,862 feet above msl. Blooming period is from July to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Eriogonum microthecum var. johnstonii Johnston's buckwheat	Fed: None CA: None CNPS: 1B.3	Grows in rocky soils within subalpine coniferous forest and upper montane coniferous forest habitats. Found at elevations ranging from 6,000 to 9,600 feet. Blooming period is from July to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Eriogonum umbellatum* var. *minus alpine sulphur-flowered buckwheat	Fed: None CA: None CNPS: 4.3	Occurs in gravelly soils within subalpine coniferous forest and upper montane coniferous forests. Found at elevations ranging from 5,906 to 10,066 feet above msl. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Eriophyllum lanatum* var. *obovatum southern Sierra woolly sunflower	Fed: None CA: None CNPS: 4.3	Found in sandy loam soils within lower and upper montane coniferous forests. Found at elevations ranging from 3,655 to 8,202 feet above msl. Blooming period is from June to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Fritillaria pinetorum pine fritillary	Fed: None CA: None CNPS: 4.3	Associated with granitic and metamorphic soils within chaparral, lower montane coniferous forest, upper montane coniferous forest, subalpine coniferous forest, pinyon and juniper woodland. Found at elevations ranging from 5,692 to 10,826 feet above msl. Blooming period is from May to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Galium angustifolium* ssp. *gabrielense San Antonio Canyon bedstraw	Fed: None CA: None CNPS: 4.3	Grows in granitic, sandy or rocky soils within chaparral and lower montane coniferous forests. Found at elevations ranging from 3,937 to 8,694 feet above msl. Blooming period is from April to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Galium jepsonii Jepson's bedstraw	Fed: None CA: None CNPS: 4.3	Found in granitic, rocky or gravelly soils within lower montane coniferous forest and upper montane coniferous forest habitats. Found at elevations ranging from 5,052 to 8,202 feet above msl. Blooming period is from July to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Galium johnstonii Johnston's bedstraw	Fed: None CA: None CNPS: 4.3	Preferred habitats include chaparral, riparian woodland, lower montane coniferous forest, pinyon and juniper woodland. Found at elevations ranging from 4,003 to 7,546 feet above msl. Blooming period is from June to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Heuchera caespitosa urn-flowered alumroot	Fed: None CA: None CNPS: 4.3	Grows in rocky soils within cismontane woodland, lower montane coniferous forest, riparian forest, and upper montane coniferous forest. Found at elevations ranging from 3,789 to 8,694 feet above msl. Blooming period is from May to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Horkelia cuneata* var. *puberula mesa horkelia	Fed: None CA: None CNPS: 1B.1	Occurs on sandy or gravelly soils in chaparral, woodlands, and coastal scrub plant communities. Found at elevations ranging from 230 to 2,657 feet. Blooming period is from February to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Juglans californica southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Juncus duranii Duran's rush	Fed: None CA: None CNPS: 4.3	Habitats include lower and upper montane coniferous forests, meadows and seeps. Found at elevations ranging from 5,801 to 9,199 feet above msl. Blooming period is from July to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Lepechinia fragrans fragrant pitcher sage	Fed: None CA: None CNPS: 4.2	Occurs in chaparral habitat. Found at elevations ranging from 66 to 4,298 feet above msl. Blooming period is from March to October.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lepidium virginicum* var. *robinsonii Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lilium humboldtii* ssp. *ocellatum ocellated humboldt lily	Fed: None CA: None CNPS: 4.2	Found in openings within chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland habitats. Found at elevations ranging from 98 to 5,906 feet in elevation above msl. Blooming period is from March to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lilium parryi lemon lily	Fed: None CA: None CNPS: 1B.2	Prefers lower montane coniferous forest, riparian forests, upper montane coniferous forests, meadows and seeps. Found at elevations ranging from 4,003 to 9,006 feet above msl. Blooming period is from July to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Linanthus concinnus San Gabriel linanthus	Fed: None CA: None CNPS: 1B.2	Occurs in rocky, openings within chaparral, lower montane and upper montane coniferous forests. Found at elevations ranging from 4,987 to 9,186 feet above msl. Blooming period is from April to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Lycium parishii Parish's desert-thorn	Fed: None CA: None CNPS: 2B.3	Habitats include coastal scrub and Sonoran desert scrub. Found at elevations ranging from 443 to 3,281 feet. Blooming period is from March to April.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Malacothamnus parishii Parish's bush-mallow	Fed: None CA: None CNPS: 1A	Grows in chaparral and coastal scrub habitats. Found at elevations ranging from 1,001 to 1,493 feet. Blooming period is from June to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Monardella australis* ssp. *jokerstii Jokerst's monardella	Fed: None CA: None CNPS: 1B.1	Habitat includes chaparral and lower montane coniferous forest. Found on steep or talus slopes between breccia, secondary alluvial benches along drainages and washes. Found at elevations ranging from 4,429 to 5,741 feet above msl. Blooming period is from July to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Monardella pringlei Pringle's monardella	Fed: None CA: None CNPS: 1A	Prefers sandy soils within coastal scrub habitat. Found at elevations ranging from 984 to 1,312 feet. Blooming period is from May to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Monardella saxicola rock monardella	Fed: None CA: None CNPS: 4.2	Found in rocky, usually serpentinite, soils within closed-cone coniferous forest, chaparral, and lower montane coniferous forest habitats. Found at elevations ranging from 1,640 to 5,906 feet. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Muhlenbergia californica California muhly	Fed: None CA: None CNPS: 4.3	Found in mesic, seeps, and streambanks within chaparral, coastal scrub, lower montane coniferous forest, and meadows and seeps. Found at elevations ranging from 328 to 6,562 feet. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Muhlenbergia utilis aparego grass	Fed: None CA: None CNPS: 2B.2	Grows in wet habitats, including riverbanks and meadows, sometimes alkaline soils. Found at elevations ranging from 80 to 7,630 feet. Blooming period is from October to March.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Navarretia prostrata prostrate vernal pool navarretia	Fed: None CA: None CNPS: 1B.2	Found in mesic soils in coastal scrub, meadows and seeps, valley and foothill grasslands (alkaline), and vernal pools. Found at elevations ranging from 65 to 2,100 feet. Blooming period is from April to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Opuntia basilaris var. brachyclada short-joint beavertial	Fed: None CA: None CNPS: 1B.2	Habitats include chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodlands. Found at elevations ranging from 1,394 to 5,906 feet. Blooming period is from April to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Oreonana vestita woolly mountain-parsley	Fed: None CA: None CNPS: 1B.3	Associated with gravel and talus soils within lower montane coniferous forest, subalpine coniferous forest, and upper montane coniferous forest. Found at elevations ranging from 5,299 to 11,483 feet above msl. Blooming period is from March to September.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Phacelia mohavensis Mojave phacelia	Fed: None CA: None CNPS: 4.3	Occurs in sandy or gravelly soils within cismontane woodland, lower montane coniferous forest, meadows and seeps, pinyon and juniper woodland. Found at elevations ranging from 4,593 to 8,202 feet above msl. Blooming period is from April to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Phacelia stellaris Brand's star phacelia	Fed: None CA: None CNPS: 1B.1	Occurs in coastal dunes and coastal sage scrub habitats. In western Riverside County this species is restricted to sandy benches along the Santa Ana River. Grows in elevations ranging from 3 to 1,312 feet. Blooming period is from March to June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Pseudognaphalium leucocephalum white rabbit-tobacco	Fed: None CA: None CNPS: 2B.2	Grows in sandy, gravelly soils within chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 0 to 6,890 feet. Blooming period is from July to December.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Quercus durata* var. *gabrielensis San Gabriel oak	Fed: None CA: None CNPS: 4.2	Grows in chaparral and cismontane woodland habitats. Found at elevations ranging from 1,476 to 3,280 feet. Blooming period is from April to May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Sagittaria sanfordii Sanford's arrowhead	Fed: None CA: None CNPS: 1B.2	Grows in freshwater marshes and swamps. Found at elevations ranging from 0 to 2,132 feet above msl. Blooming period is from May to November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Senecio aphanactis chaparral ragwort	Fed: None CA: None CNPS: 2B.2	Found in sometimes alkaline soils in chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 425 to 2,165 feet. Blooming period is from January to April.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Senecio astephanus San Gabriel ragwort	Fed: None CA: None CNPS: 4.3	Grows in chaparral, cismontane woodland, and coastal scrub habitat. Found at elevations ranging from 49 to 2,625 feet. Blooming period is from January to April.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Sphenopholis obtusata prairie wedge grass	Fed: None CA: None CNPS: 2B.2	Prefers cismontane woodland, meadows and seeps. Found at elevations ranging from 984 to 6,562 feet. Blooming period is from April to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Streptanthus bernardinus Laguna Mountains jewelflower	Fed: None CA: None CNPS: 4.3	Associated with chaparral and lower montane coniferous forest. Found at elevations ranging from 2,198 to 8,202 feet above msl. Blooming period is from May to August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
Symphyotrichum defoliatum San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Grows in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic). Can be found growing near ditches, streams, and springs within these habitats. Found at elevations ranging from 7 to 6,693 feet. Blooming period is from July to November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Viola pinetorum* ssp. *grisea grey-leaved violet	Fed: None CA: None CNPS: 1B.2	Associated with upper montane coniferous forest, subalpine coniferous forest, meadows and seeps. Found at elevations ranging from 4,921 to 11,155 feet above msl. Blooming period is from April to July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
SPECIAL-STATUS PLANT COMMUNITIES				
California Walnut Woodland	CDFW Sensitive Habitat	Occurs on valley slopes and in valley bottoms, as well as around rocky outcrops. This habitat usually occurs in areas with relatively moist, fine soils. It can intergrade with coast live oak woodland and coast live oak forest in more mesic areas. The canopy is relatively open and is dominated by California walnut with a grassy understory.	No	**Absent**
Coastal and Valley Freshwater Marsh	CDFW Sensitive Habitat	Found along the coast and in coastal valleys near river mouths and around the margins of lakes and springs. Site lacks significant current and is permanently flooded by fresh water. Prolonged saturation permits accumulations of deep, peaty soils.	No	**Absent**
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring, but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	**Absent**
Southern Riparian Forest	CDFW Sensitive Habitat	Dense riparian forests found along streams and rivers. Characteristic plant species include western sycamore, cottonwood, and many other wetland plants.	No	**Absent**
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Below 2,000 meters in elevation, sycamore and alder often occur along seasonally-flooded banks; cottonwoods and willows also are often present. Poison-oak, mugwort, elderberry and wild raspberry may be present in the understory.	No	Absent

U.S. Fish and Wildlife Service (USFWS) - Federal
END - Federally Endangered
THR - Federally Threatened

California Department of Fish and Wildlife (CDFW) - California
END - State Endangered
CEND - State Candidate Endangered
SSC - Species of Special Concern
WL - Watch List
FP - Fully Protected

California Native Plant Society (CNPS)
California Rare Plant Rank
1A Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
4 Plants of Limited Distribution – A Watch List

Threat Ranks
0.1 - Seriously threatened in California
0.2 - Moderately threatened in California
0.3 - Not very threatened in California

Appendix D National Wetlands Inventory

U.S. Fish and Wildlife Service

National Wetlands Inventory

Speedway Commerce Center II

October 19, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Appendix E Regulations

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits "take" of threatened or endangered species. "Take" under the ESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered "take." This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines "endangered" and "rare" species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, "endangered" species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while "rare" species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in "take" of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") are regulated by CDFW. Habitat degradation or modification is not included in the definition of "take" under CESA. Nonetheless, CDFW has interpreted "take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

2A- Plants Presumed Extirpated in California, But More Common Elsewhere

2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Local Policies

The San Bernardino County Development Code, Chapter 88.01 (Plant Protection and Management areas of the County pertains to the proposed project. A regulated tree or plant shall be any of those trees or plants identified in: (1) Section 88.01.060(c) (Regulated desert native plants), (2) Section 88.01.070(b) (Regulated trees), or (3) Section 88.01.080(b) (Regulated riparian plants).

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

On October 22, 2019, the Environmental Protection Agency and U.S. Army Corps of Engineers (the agencies) published a final rule to repeal the 2015 Clean Water Rule defining and re-codify the regulatory text that existed prior to the 2015 Rule. On January 23, 2020, the agencies finalized the "Navigable Waters Protection Rule (NWPR)," which established a new definition of "waters of the U.S." under the CWA. On September 3, 2021, following a court order vacating the NWPR, the agencies halted implementation of the NWPR and began to interpret "waters of the U.S." consistent with the pre-2015 regulatory regime. On Dec 7, 2021, the agencies published a proposed rule to return generally to the pre-2015 definition of waters of the U.S. (86 FR 69372).

The agencies are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice. The term waters of the United States means:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    . Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    a. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    b. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers

The term "isolated waters" is generally applied to waters/wetlands that are not connected by surface water to a river, lake, ocean, or other body of water. In the presence of isolated conditions, the Regional Board and CDFW take jurisdiction through the application of the OHWM/streambed and/or the 3-parameter wetland methodology utilized by the Corps. The Corps does not have jurisdiction over "isolated waters"

Rapanos v. United States

The Corps will assert jurisdiction over non-navigable, not relatively permanent tributaries and their adjacent wetlands where such tributaries and wetlands have a significant nexus to a TNW. The flow characteristics and functions of the tributary itself, in combination with the functions performed by any wetlands adjacent to the tributary, determine if these waters/wetlands significantly affect the chemical, physical, and biological integrity of the TNWs. Factors considered in the significant nexus evaluation include:

(1) The consideration of hydrologic factors including, but not limited to, the following:

- volume, duration, and frequency of flow, including consideration of certain physical characteristics of the tributary
- proximity to the TNW
- size of the watershed average annual rainfall
- average annual winter snow pack

(2) The consideration of ecologic factors including, but not limited to, the following:

- the ability for tributaries to carry pollutants and flood waters to TNWs
- the ability of a tributary to provide aquatic habitat that supports a TNW
- the ability of wetlands to trap and filter pollutants or store flood waters
- maintenance of water quality

Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow) and ditches (including roadside ditches) excavated wholly in, and draining only, uplands and that do not carry a relatively permanent flow of water, are generally not considered jurisdictional waters.

In the presence of Rapanos drainage conditions, the Regional Board and CDFW take jurisdiction via the OHWM and/or the 3-parameter wetland methodology utilized by the Corps.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality

standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

(1) substantially obstruct or divert the natural flow of a river, stream, or lake;
(2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
(3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state's authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.