

Biological Assessment Letter Report
for the
First Hathaway Logistics Project
City of Banning, Riverside County

SCH # 2022040441; Project # DR 21-7015; ENV 21-1519; TPM 21 - 4002

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Revised April 23, 2024

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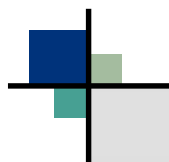


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1.0 INTRODUCTION

This report documents the findings of an evaluation of biological resources conducted by BLUE for the proposed First Hathaway redevelopment Project (Project). The proposed Project includes the re-development of approximately 95.04 acres within 6 parcels within the City of Banning, County of Riverside, California. The Project is bound by single family residential lots to the west, the Morongo Reservation to the north (undeveloped land), undeveloped land to the east and interstate 10 and industrial development is located to the south. Access to the property is on the western property line, adjacent to North Hathaway Street.

The Project is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Mead Valley Area Plan and is comprised of a total of 95.04 acres. The Project is not located within any MSHCP designated Criteria Areas or Subunits. As such, the Project is not subject to Cell Criteria compliance under the MSHCP. The Project footprint does not fall within any Public/Quasi-Public (PQP) or other MSHCP Conserved Lands.

The Biological Study Area (BSA) includes the Project parcels, plus a 200-foot buffer (500-foot buffer for owl surveys). The BSA is located within the United States Geological Survey (USGS) 7.5-minute Cabazon Topographic Map. The Project falls within Section 11, Township 3 South, Range 1 East on the Cabazon, California quadrangle map, in the city of Banning.

The subject property was naturally relatively flat-lying. Due to the completed grading, the site is now terraced with large pads and manufactured slopes. Regional topography generally slopes to the southeast. Elevation on the subject property ranges from approximately 2,225 feet above mean sea level (MSL) in the southeastern portion to approximately 2,300 feet above MSL in the northwestern portion of the subject property. Naturally, soil beneath the subject property consists of alluvial fan deposits composed of Quaternary unconsolidated sands and gravels interbedded with discontinuous clay layers (Flint 2002). Due to the completed mass grading operation, no natural soil profiles are currently present.

The Project BSA is composed of an existing industrial building, mass graded pads/slopes/roads/infrastructure disturbed areas (previously graded). The property is generally fenced and cows have been observed grazing onsite. The intended use of this document is to disclose and evaluate habitat conditions and determine the potential for occurrence of common and special-status species and their habitats within survey area limits pursuant to the MSHCP. Special-status species refers to any species that has been afforded special protection by federal, state, or local resource agencies (e.g., U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Game [CDFW]) or resource conservation organizations (e.g., California Native Plant Society [CNPS]).

The term “special-status species” excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection. The MBTA species protected by Section 10 are afforded avoidance and minimization measures per state and federal requirements.

Site Characteristics and Current Site Conditions

The following describes the existing physical setting, land use designations, and zoning of the project site and surrounding properties.

The project site is currently vacant and substantially disturbed from prior use of the site and rough grading. Approximately 30.54 acres of the project site (APNs 532-110-001 and -002) were previously developed and operated by the Orco Block and Hardscape Company with industrial buildings and staging of equipment and materials. The majority of these were demolished and removed from the site between 2011 and 2012, with the

exception of one building in the west-central portion of the project site. A retaining wall ranging from 1 to 6 feet in height and approximately 200 feet in length exists near the southern and eastern areas of the existing building. The balance of the project site (APNs 532-110-003, -008, -009, and -010), consisting of approximately 64.32 acres, was cleared and graded in 2011 for a previously approved industrial warehouse development (the former Banning Business Park Project) that was not constructed due to changes in market demand.¹ The site has remained generally fallow since 2011 and is enclosed with chain-linked fencing.

Overall, site topography generally slopes downward to the southeast at a gradient of approximately 4 percent. The existing site grades range from a maximum elevation of approximately 2,334 feet above mean sea level (AMSL) in the northwestern corner of the site to a minimum elevation of approximately 2,211 feet AMSL in the southeastern corner of the site. Additionally, prior grading of the site established six detention basins ranging from 7 to 14 feet in depth, as well as several slopes located generally along the boundaries of the six parcels composing the project site. Slope inclines range from 2h:1v (horizontal to vertical) to 5h:1v and range from 5 to 24 feet in height. Several large stockpiles of boulders and large cobbles are present generally in the northeastern portion of the site. The stockpiles range from 40 to 90 feet in width, 95 to 180 feet in length, and approximately 4 to 11 feet in height. Vegetation communities/land cover types on the project site consist of graded/disturbed grassland and developed areas composed of engineered slopes, a remnant building and paved areas of the Orco Block and Hardscape Company, and existing underground utilities and stormwater infrastructure installed as part of the previously approved industrial warehouse development that was not constructed. Overhead and underground utility lines also traverse the site and run along its perimeter.

Surrounding Land Uses

The project site is surrounded by a variety of land uses. Existing conditions surrounding the project area are as follows:

North: A narrow strip of private, vacant land approximately 340 feet wide and 4,803 feet long abuts the northern project site boundary and has been annexed to the City as part of a land swap with the Morongo Band of Mission Indians. Land north of this narrow strip is part of the Morongo Reservation and includes an electrical transmission line and guard house along Morongo Road, and a northeast/southwest-traversing road that leads from Hathaway Street to the communities of the Morongo Reservation. The Robertson's Rock and Sand Quarry, an aggregate products and mining facility, is located farther to the northwest.

East: Property adjacent to the east of the project site is vacant and undeveloped, and a portion of this area was previously graded in 2011 as part of the previously approved industrial warehouse development that was approved on the project site. Additionally, an electric distribution circuit and associated utility road extends from the project site onto the adjacent property to the east. Farther to the east is the Banning West Weigh Station and Desert Hills Inspections Facility administered by the California Highway Patrol along I-10.

South: Property adjacent to the south of the project site includes undeveloped land and a materials and equipment staging yard operated by Caltrans. Farther to the south are an automotive service and repair facility, a hardscape sales and materials yard, I-10 and the UPRR line, and Banning Municipal Airport on the south side of I-10. Additionally, the City completed improvements at Hathaway Street and Ramsey Street in proximity to the project

¹ The Banning Business Park Project (State Clearinghouse Number 2009031073) was approved as Tentative Parcel Map (TPM) No. 36056 on July 13, 2010, by the City of Banning and conditioned with general mitigation measures to be implemented during project development. Initial grading activities and utility trenching/installation occurred on the site prior to cancellation of the approved development by the developer.

site. This City-sponsored project resulted in widening of Hathaway Street to the ultimate full width per the General Plan standard for a Major Highway (four lanes) from Williams Street southbound to Ramsey Street. Additionally, the City widened Ramsey Street to the ultimate full width per the General Plan standard for a Major Highway (four lanes) from 400 feet west of Hathaway Street to 1,300 feet east of Hathaway Street. As part of the City's Public Works improvements, these segments of Hathaway Street and Ramsey Street include new curb, gutter, sidewalk, parkway landscaping, and street trees consistent with City standards and regulations.

West: Land uses adjacent to the west of the project site include Hathaway Road, single- and multifamily residential uses, and associated local roadways. Hoffer Elementary School and Roosevelt Williams Park are located farther west, approximately 0.26 mile west of the project site.

Project Schedule

The anticipated construction schedule assumes that grading/construction of the proposed project would begin end of 2024 and be completed by mid-2026, a period of approximately 18 months.

2.0 METHODS

Prior to beginning the field survey, a literature review was completed to determine locations and types of biological resources having the potential to exist within the region (USFWS Critical Habitat Mapper and File data [USFWS 2019a], USFWS Information for Planning and Conservation (IPaC) [USFWS closed and not accessible], CDFW California Natural Diversity Database (CNDDDB) [CDFW, 2018], and CNPS Inventory of Rare and Endangered Plants [CNPS, 2015]). CNDDDB and CNPS file data was queried for records of occurrence of special-status species and habitats within the Cabazon quadrangle. The project site is within the Cabazon, California quadrangle but is close enough to the Beaumont, California quadrangle that database searches were conducted for both quadrangles. The MSHCP Transportation and Land Management Agency Geographic Information Services Database and Riverside County Integrated Plan Conservation Summary Report Generator was also reviewed (County of Riverside, 2012a; County of Riverside, 2012b and 2019).

In addition to utilizing on-line databases and mapping tools, the Cabazon topographic map was reviewed to determine the locations of any potential special aquatic resource areas (e.g., wetlands or other Waters of the United States or Waters of the State) under regulatory jurisdiction of the US Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB), and Riparian/Riverine habitats prior to beginning field surveys of the BSA.

Additionally, the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) on-line Web Soil Survey tool (NRCS 2015) and Figure 2-4 of the MSHCP were reviewed to determine the types and percent cover of soils within the BSA.

Lands within the BSA that were potentially suspected of being potential special aquatic resource and Riparian/Riverine habitats were then assessed by visual observation during the field survey. No potential special aquatic resource areas and riparian/riverine habitats were not observed and additional further evaluation is not required.

Michael Jefferson, senior qualified BLUE biologist, conducted a pedestrian-based biological survey to observe, document, and evaluate plant and wildlife resources and determine the potential for occurrence of special-status

plant and wildlife species. Approximately 100-foot wide meandering transects were utilized to provide visual coverage of the BSA.

Vegetation community type descriptions were based on observed dominant vegetation composition and derived from the criteria and definitions of vegetation classification systems (Holland, 1986; Sawyer and Keeler-Wolf, 1995; Sawyer et al., 2009). Plants were identified in the field to the lowest taxonomic level sufficient to determine positive identity and status. Plants of uncertain identity were subsequently identified using taxonomic keys, and scientific and common species names were recorded according to Baldwin (2012).

The presence of a wildlife species was based on direct observation or wildlife sign (e.g., tracks, burrows, nests, scat, or vocalization). Field data compiled for wildlife species included scientific name, common name, and evidence of sign when no direct observations were made. Wildlife of uncertain distinctiveness was documented and subsequently identified from field guides and related literature (Burt and Grossenheider, 1980; Halfpenny, 2000; Sibley, 2000; Elbroch, 2003; and Stebbins, 2003).

The BSA was also assessed for its potential to support special-status species, based on habitat suitability comparisons with reported occupied habitats.

The following definitions were used to determine the need for subsequent surveys and to assess project-related effects to special-status species:

- Absent (A): No habitat occurs within the survey area and no further surveys are necessary
- Habitat Present (HP): Habitat is present within the survey area
- Present (P): The species was observed within the survey area during the survey
- Critical Habitat (CH): The survey area is located within designated critical habitat

BURROWING OWL

According to the Multiple Species Habitat Conservation Plan (MSHCP), surveys for the burrowing owl are to be conducted as part of the environmental review process. The MSHCP Additional Surveys Needs and Procedures identify a specific burrowing owl survey area within the MSHCP Plan Area. The MSHCP also identifies species-specific objectives for the burrowing owl, namely species-specific objectives 5 and 6, both of which require burrowing owl surveys if suitable habitat occurs on a proposed project site. Although the MSHCP references the California Department of Fish and Game Staff report which is based on the Burrowing Owl Consortium Guidelines, the purpose of the following instructions is to clarify the methods necessary to obtain sufficient information to address consistency with; 1) specific conservation requirements of the MSHCP as identified in species-specific Objective 5, and 2) ensure direct mortality of burrowing owls is avoided through implementation of species-specific objective 6 (Pre-construction surveys). Note that surveys conducted to address burrowing owl species-specific objective 5 are necessary during the project design phase while surveys to address species-specific objective 6 are to be conducted just prior to project construction.

Surveys followed protocol as recommended by the Riverside County Environmental Programs Department (2006) and the California Burrowing Consortium (1993). Habitat assessments and burrowing owl surveys were conducted by senior biologist Mike Jefferson who knowledgeable in burrowing owl habitat, ecology, and field identification of the species and burrowing owl sign.

STEP I: HABITAT ASSESSMENT

Burrowing Owl Habitat Description: Burrowing owls use a variety of natural and modified habitats for nesting and foraging that is typically characterized by low growing vegetation. Burrowing owl habitat includes, but is not limited to, native and non-native grassland, interstitial grassland within shrub lands, shrub lands with low density shrub cover, golf-courses, drainage ditches, earthen berms, unpaved airfields, pastureland, dairies, fallow fields, and agricultural use areas. Burrowing owls typically use burrows made by fossorial (adapted for burrowing or digging) mammals, such as ground squirrels (*Spermophilus beecheyi*) or badgers (*Taxidea taxus*), they often utilize manmade structures, such as earthen berms; cement culverts; cement, asphalt, rock, or wood debris piles; or openings beneath cement or asphalt pavement. Burrowing owls are often found within, under, or in close proximity to man-made structures.

The first step in the assessment process is to walk the property to identify the presence of burrowing owl habitat on the project site. If habitat is found on the site, then walk a 150- meter (approximately 500 feet) buffer zone around the project boundary. If permission to access the buffer area cannot be obtained, do not trespass on adjacent property but visually inspect the adjacent habitat areas with binoculars and/or spotting scopes. Habitat assessments that do not include walking the property will not be accepted. Driving by a site and reporting it as disturbed or under agricultural/dairy use is not acceptable.

If burrowing owl habitat occurs on-site, both Step II (focused surveys, census, and mapping) and Preconstruction Surveys are required. If burrows are found during the habitat assessment, then suitable habitat is present and Step II is required. However, lack of identifying burrows during the habitat assessment does not negate the need for the systematic search for burrows included as part of the Step II survey instructions. If burrowing owl habitat is not present on-site (i.e. if the site is completely covered by chaparral, cement or asphalt) Step II of the survey is not necessary. No Pre-construction surveys are necessary if there is no suitable habitat on-site. A written report (with photographs of the site) detailing results of the habitat assessment should be prepared, indicating whether or not the project site contains suitable burrowing owl habitat. Simply reporting that the site is disturbed or under agricultural/dairy use is not acceptable.

STEP II- LOCATING BURROWS AND BURROWING OWLS

Completion of the following will constitute an acceptable burrowing owl survey. A minimum of one site visit must occur, but additional visits may be warranted depending on the results of the first site visit. Surveys conducted during the breeding season March 1 - August 31 are required to describe if, when, and how the site is used by burrowing owls. Negative results during surveys outside the breeding season are not conclusive proof that owls do not use the project site and may not provide an accurate picture of the number of owls that may utilize the site. Surveys that are conducted outside the breeding season will likely need to be repeated during the breeding season; therefore, it is recommended that surveys only be conducted during the breeding season (unless conducting Preconstruction surveys). All surveys shall be conducted as described in Parts A and B below. Surveys should be conducted during weather that is conducive to observing owls outside their burrows and detecting burrowing owl sign. Surveys will not be accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. Part B surveys should be conducted in the morning one hour before sunrise to two hours after sunrise or in the early evening two hours before sunset to one hour after sunset. Count and map all burrowing owl sightings, occupied burrows, and burrows with owl sign. Record the location of all owls including numbers of

pairs and juveniles and any behavior such as courtship and mating. Map the extent of all suitable habitat. It should be noted that owl sign may not be detectable if surveys under Part A are conducted within 5 days following rain. Absence of burrowing owl sign cannot be used to confirm absence of the species if the focused burrow survey (Part A) is conducted within 5 days of rain; therefore, in this instance, completion of all four focused burrowing owl surveys (Part B) is required.

Part A: Focused Burrow Surveys

A focused burrow survey that includes natural burrows or suitable man-made structures needs to be conducted as described below. A habitat assessment for BUOW. The Project Site provides suitable foraging, dispersing and breeding habitat for the BUOW. The focused BUOW survey area included the Project Site plus a 500-foot buffer where appropriate habitat was observed. No BUOW or BUOW sign was observed during the focused surveys.

1. A systematic survey for burrows including burrowing owl sign should be conducted by walking through suitable habitat over the entire survey area (i.e. the project site and within 150 meters). Pedestrian survey transects need to be spaced to allow 100% visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approximately 100 ft.) and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To efficiently survey projects larger than 100 acres, it is recommended that two or more qualified surveyors conduct concurrent surveys.

2. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed should be recorded and mapped, including GPS coordinates. If the survey area contains natural or man-made structures that could potentially support burrowing owls, or owls are observed during the burrow surveys, the systematic surveys should continue as prescribed in Part B. If no potential burrows are detected, no further surveys are required. A written report including photographs of the project site, location of burrowing owl habitat surveyed, location of transects, and burrow survey methods should be prepared. If the report indicates further surveys are not required, then the report should state the reason(s) why further focused burrowing owl surveys are not necessary.

Part B: Focused Burrowing Owl Surveys

Focused Burrowing Owl Surveys will consist of site visits on four separate days. The first one may be conducted concurrent with the Focused Burrow Survey.

1. Upon arrival at the survey area and prior to initiating the walking surveys, surveyors using binoculars and/or spotting scopes should scan all suitable habitat, location of mapped burrows, owl sign, and owls, including perch locations to ascertain owl presence. This is particularly important if access has not been granted for adjacent areas with suitable habitat. 2. A survey for owls and owl sign should then be conducted by walking through suitable habitat over the entire project site and within the adjacent 150 m (approx. 500 feet). These "pedestrian surveys" should follow transects (i.e. Survey transects that are spaced to allow 100% visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approx 100 feet.) and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To efficiently survey projects larger than 100 acres, it is recommended that two or more qualified surveyors conduct concurrent surveys.) It is important to minimize disturbance near occupied burrows during all seasons.

3.0 RESULTS

Survey Details

The entire site, as well as a 200-foot buffer around the site, was assessed on foot by BLUE biologist Mike Jefferson on four occasions: March 1, 2021; beginning at 11:35AM and ending at 1:15PM. A second onsite follow-up survey was conducted on November 12, 2021; beginning at 9:35AM and ending at 11:15AM. Weather conditions during the second survey included 90% clear skies, with temperatures ranging from 66° to 68° Fahrenheit, and wind gusts from 10 to 15 miles per hour.

The protocol burrowing owl habitat assessment and Part A/B of the protocol of the property and the 500-foot-deep buffer area (step 1) and step 2- locating burrows and potential burrowing owls was completed on May 30, 31st, June 6th and 7th, 2022.

- May 30 survey beginning at 8:15 AM and ending at 14:30PM. Weather conditions during the second survey included 50% clear skies, with temperatures ranging from 62° to 70° Fahrenheit, and wind from 1 to 5 miles per hour.
- May 31 survey beginning at 8:30 AM and ending at 15:00PM. Weather conditions during the second survey included 80% clear skies, with temperatures ranging from 63° to 72° Fahrenheit, and wind from 1 to 5 miles per hour.
- June 6 survey beginning at 8:30 AM and ending at 14:10PM. Weather conditions during the second survey included 70% clear skies, with temperatures ranging from 62° to 75° Fahrenheit, and wind from 0 to 5 miles per hour.
- June 7 survey beginning at 8:30 AM and ending at 15:00PM. Weather conditions during the second survey included 65% clear skies, with temperatures ranging from 63° to 75° Fahrenheit, and wind from 1 to 5 miles per hour.

Rodent burrows were thoroughly examined for presence of sign (i.e., pellets, white wash, feathers, or prey remains), and suitable perches were inspected for BUOW pellets. No BUOW or BUOW sign was observed.

3.1 VEGETATION COMMUNITIES/LAND COVER TYPES

A total of two (2) vegetation community/land cover types were observed onsite; Graded/Disturbed area is the dominant habitat with the balance comprised of developed area. The graded pads and slopes (disturbed area) appear to have been hydroseeded with the native species deer weed (*Lotus scoparius*) which is typically utilized post grading to control potential erosion impacts.

Cows have been observed grazing onsite, on the graded pads and road system. The onsite developed area is comprised of the existing warehouse structure, paved areas (parking), graded roads and the stormwater infrastructure; Table 1; Figure 3). No natural ground and/or naturally occurring vegetation was observed within the survey area.

Table 1: On-Site Vegetation

Community Type	Acres
Graded/Disturbed	78.80
Developed	16.24
Total	95.04

Communities/Land Cover Types Observed Onsite

3.1.1 GRADED/DISTURBED

Developed and semi-urban areas contain numerous and varied horticultural plantings located within landscaping, residential yards, active-use parklands, and golf courses. In the older, urbanized portions of the City, tall exotic plantings, such as pepper and eucalyptus trees (*Eucalyptus* sp.) with allelopathic toxins that tend to inhibit understory growth, form well developed, and dense woodlands. Occasionally, other planted woodlands such as introduced pines, ash, and elm are present. Disturbed areas are typically located adjacent to urbanization and contain a mix of primarily weedy species, including non-native forbs, annuals, and grasses, usually found pioneering on recently disturbed soils. Characteristic weedy species include prickly sow thistle (*Sonchus asper*), common sow thistle (*Sonchus oleraceus*), bristly ox-tongue (*Picris echioides*), Russian thistle (*Salsola tragus*), giant reed, hottentot-fig (*Carpobrotus edulis*), wild lettuce (*Lactuca serriola*), tree tobacco (*Nicotiana glauca*), castor-bean (*Ricinus communis*), pampas grass (*Cortaderia selloana*), smooth cat's-ear (*Hypochoeris glabra*), red-stem filaree (*Erodium cicutarium*), short-beak filaree (*Erodium brachycarpum*) and white-stem filaree (*Erodium moschatum*). These urban lands do not typically contain native vegetation or provide essential habitat connectivity; and therefore, tend to have reduced biological value.

Onsite, Graded/Disturbed areas (pads/manufactured slopes/roads) are the dominant 'habitat' within the BSA. These areas were part of a mass grading operation that ran between 2011-2013. The plant community within the graded areas is comprised of by *erodium* spp., deer weed, Russian thistle (*Salsola tragus*) and prickly lettuce (*Lactuca serriola*), all non-native species. No native and/or naturally occurring herbaceous layer was present.

3.1.2 DEVELOPED

Developed lands within the BSA consist of paved western frontage roadway, the warehouse structure and parking area located on the western property line as well as the graded roads into the site and the infrastructure below/surrounding them. No native vegetation is present within this land cover type.

3.1.3 OFFSITE (Alluvial Fan Scrub - disturbed)

Offsite, to the east, south and north, within the 200-foot-deep general biological survey area Catclaw Alluvial Fan Scrub was observed. This offsite area was observed with evidence of grazing cows and is considered disturbed. Catclaw alluvial fan scrub is unique to the Banning-Cabazon area and does not fall under a specific Holland classification.

Onsite, this community can be defined as an upland shrubland composed of monotypic stands of low-stature catclaw acacia (*Acacia greggii*) with a sparse understory consisting of small, herbaceous species and succulents. Secondary species occurring in this community include fiddleneck (*Amsinckia* sp.), Russian thistle (*Salsola tragus*), and California croton (*Croton californicus*). Beavertail (*Opuntia basilaris* var. *basilaris*) and common prickly pear (*O. phaeacantha*) are also represented. Alluvial Fan Scrub (catclaw) is not considered a sensitive habitat and impacts

would not require compensatory mitigation.

3.2 PLANT AND WILDLIFE SPECIES

Plant and wildlife species observed within the survey area were typical of developed and disturbed habitats. All plant and wildlife species observed within the survey area are listed in Table 2 and Table 3, respectively.

Table 2: Plant Species Observed Onsite within the Survey Area

Species	Common Name
<i>Erodium cicutarium</i> *	red-stem erodium
<i>Lactuca serriola</i> *	prickly lettuce
<i>Lotus scoparius</i> *	deer weed
<i>Nicotiana glauca</i> *	tree tobacco
<i>Salsola tragus</i> *	Russian thistle
* non-native species	

Table 3: Wildlife Species Observed within the Survey Area

Scientific Name	Common Name
Birds	
Columbidae	Pigeons and Doves
<i>Columba livia</i>	rock dove (pigeon)
Corvidae	Jays and Crows
<i>Corvus corax</i>	common raven
Tyrannidae	Tyrant Flycatchers
<i>Sayornis saya</i>	Say's phoebe
Mammals	
<i>Lepus californicus</i>	Black-tailed jackrabbit

3.2.1 SPECIAL-STATUS PLANTS

The Project site is designated as a rare survey area for many-stemmed dudleya (*Dudleya multicaulis*) and Marvin's onion (*Allium marvinii*). However, neither of the species was found during the 2021 surveys. Prior to the completed grading, there was a low potential for either species to occur on site due to the lack of clay soils within the Project site, as both of these species are found in areas of clay soils.

As a result of the grading and the destruction of the appropriate soil structure and composition, there is no potential for the presence of Special Status plant species. Similarly, occurrence of other rare plants on the Project site is low and the Project site does not provide suitable habitat for other Cell Criteria Species as well as Narrow Endemic Plant Species (NEPS) (CBC 2006 & MBA 2009a).

3.2.2 SPECIAL-STATUS WILDLIFE

During the biological assessment, one special-status wildlife species, black-tailed jackrabbit was observed onsite; a

total of 3 individuals of the same species were observed. However, the biology report prepared for the mass grading project (Michael Brandman Associates, 2009) suggests that the subspecies of black-tailed jackrabbit occurring in the Project site is not the special-status subspecies (CB 2006).

Some of the western Riverside County area does include the distributional area for the special-status subspecies of black-tailed jackrabbit. However, since Banning is in the eastern-most portion of the MSHCP area, the animals detected may not be of the special-status subspecies of the black-tailed jackrabbit (*Lepus californicus*). Notwithstanding, since only three individual jackrabbits were observed, the impact will not be expected to substantially affect any local or regional population of the Subspecies.

The project site is within the MSHCP habitat assessment area for Western Burrowing Owl (*Athene cunicularia*) (BUOW). One record of BUOW occurred in the general vicinity (7-miles) of the Project site. The closest BUOW was reported 5.5 miles southwest of the Project site (CNDBB 2020).

A burrowing owl assessment and protocol focused surveys (part A) were completed according to the Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area (County of Riverside 2006). No potential burrows, burrowing owls or burrowing owl sign/indicators were observed. Due to the graded and compacted nature of the onsite area, and lack of mammal burrows, the area is not expected to support burrowing owls.

Two additional special-status wildlife species were considered; loggerhead shrike and California homed lark (*Eremophila alpestris*). However, neither of these species was observed on site. In addition, ideal nesting habitat is not present on the Project site for neither of these species. As a result, these species are considered to have a low potential for occurrence onsite.

Due to a lack of riparian habitat on or adjacent to the site, no bird species associated with riparian areas was observed and none are expected to occur.

3.2.3 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Project is located within the Banning Area Plan outside of any MSHCP designated Criteria Cells or Cell Groups (Table 4) (County of Riverside, 2012a). The Project is not subject to Cell Criteria compliance under the MSHCP. The Project does not include any MSHCP Conserved Lands or PQP lands. Public and private development projects that are carried out within the Mead Valley Area Plan, but outside of the Criteria Areas and Public/Quasi-Public Lands (e.g., such as this Project), are permitted under the MSHCP subject to compliance with MSHCP policies that apply outside Criteria Areas.

Although the project is not within any Criteria Cell, it is within a special linkage area as shown in Volume I of the MSHCP (Figure 3-21, p. 3-261). The MSHCP (p. 3-259) has the following requirement for projects within this linkage area.

Special Linkage Area: This Special Linkage Area will contribute to assembly of a portion of the San Gorgonio River/San Bernardino-San Jacinto Mountains Linkage. Tribal coordination regarding American Indian Lands will be necessary in this area. The San Gorgonio River/San Bernardino-San Jacinto Mountains Linkage includes locations within and outside the MSHCP Plan Area. Features of the entire linkage area are described in Missing Linkages: Restoring Connectivity to the California Landscape (Penrod, K., November 2, 2000). A copy of this report is attached as Exhibit 24 to Comment Letter D in Volume V of the MSHCP. Local Permittees will apply the following rebuttable presumption of significance, taken from Appendix G to the 1998 State CEQA Guidelines, in CEQA review of

proposed public and private projects within this Special Linkage Area and apply mitigation measures as appropriate: "Would the 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?" Draft and Final CEQA documentation prepared by Local Permittees for projects within this Special Linkage Area will be forwarded to the RCA for informational purposes to provide for MSHCP coordination regarding this area.

In addition, there is a requirement for Tribal coordination and the need to forward draft and final CEQA documentation to the Regional Conservation Authority (RCA).

3.2.4 RIPARIAN/RIVERINE

Section 6.1.2 of the MSHCP defines Riparian/Riverine areas as "lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year." Riparian/Riverine areas as defined by the MSHCP are not present within the survey area and will not be impacted by the Project.

No riparian/riverine and/or jurisdictional features were observed within the survey area. Due to a lack of riparian habitat on or adjacent to the site, no bird species associated with riparian areas was observed and none are expected to occur.

3.2.5 VERNAL POOL AND FAIRY SHRIMP

Vernal pools, vernal swales, alkali scalds or flats, or other seasonal wet habitats were not identified within the BSA during field surveys conducted in January by a qualified biologist.

The BSA lacks suitable habitat for fairy shrimp species or other vernal pool species, including plants. None are expected to occur.

As part of the prior approved development of the property in early 2011, the site was developed. This included mass grading, rough road installation and the installation of significant portions of the storm water infrastructure (detention basins and the collection/conveyance system). Some of these basins can be seen inundated in aerial photos (Google Earth 3/2013, 4/2014, 3/2015, 2/2016, 4/2017, 2/2018, and 12/2019).

An evaluation of the suitability of these basins for vernal pool fairy shrimp (*Branchinecta lynchi*) and Riverside fairy shrimp (*Streptocephalus woottoni*) was conducted. While the detention basins do hold water after rain events, as designed, the developed and maintained detention basins quickly drain and the underlying substrate is gravel and rock; and not the required soft bottom substrate required for vernal pool fairy shrimp and their cysts.

As a result of the inappropriate substrate, hydrological conditions (too short and variable standing water duration, as designed) and maintenance within the developed detention basins, it is not expected that vernal pool fairy shrimp and Riverside fairy shrimp persist onsite. No additional surveys are recommended at this time.

3.3 AQUATIC RESOURCES

Due to the mass graded and improved nature of the property, the BSA does not contain any special aquatic resource area such as wetlands or areas under the regulatory jurisdiction of the USACE, CDFW, and RWQCB.

3.4 WILDLIFE MOVEMENT CORRIDORS

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by resource and conservation agencies.

The fenced and historically developed Property is now in a rough graded and partially developed condition and adjacent/within a fully developed area that is not situated between areas of natural habitat. Crossing the property visibly leads to the housing on the west side and the highway to the south. Cows have been observed grazing onsite, on the graded pads and road system.

The fenced Property is not within a recognized USFWS, California Department of Fish and Wildlife (CDFW) or City wildlife corridor and does not support the appropriate hydrological conditions and/or habitat(s) which would be required. As a result, the Project would not 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 (not present).

3.5 MSHCP URBAN/WILDLIFE INTERFACE GUIDELINES

When the prior approved project for the property was planned, approved, implemented and developed around 2011, the MSHCP Urban/Wildlife Interface Guidelines were adhered to. The re-development of the property development and site design will maintain the integrity of the urban/wildlife interface in regards to the Drainage, Toxics, Lighting, Noise, Invasives, Barriers and Grading/Land Development and the avoidance of potentially significant direct and indirect impacts.

As a result of the Project implementing the MSHCP Urban/Wildlife Interface Guidelines (above), the re-development of the property and Project will not conflict with the MSHCP urban/wildlife interface guidelines.

3.6 COMPLIANCE WITH PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN

The Project is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Mead Valley Area Plan. The Project is not located within any MSHCP designated Criteria Areas or Subunits. As such, the Project is not subject to Cell Criteria compliance under the MSHCP. The Project footprint does not fall within any Public/Quasi-Public (PQP) or other MSHCP Conserved Lands. The Property is not within a designated US Fish and Wildlife (USFWS) Critical Habitat area.

As described above, the development of the property and Project will not conflict with the stated provisions, goals and objectives of any adopted NCCP/HCP.

3.7 COMPLIANCE WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES

The required Tribal coordination as well as the submittal of the draft and final CEQA documentation to the Regional Conservation Authority (RCA) will be completed. As a result, the as-designed project would not conflict with any local policies or ordinances protecting biological resources.

3.8 SAND TRANSPORT

The northeast corner of the MSHCP Plan Area was designated as part of the Sand to Snow National Monument by President Obama on February 11, 2016. The Sand to Snow National Monument spans 154,000 acres in San

Bernardino and Riverside counties. The closest Monument boundary is approximately 9.4 miles north/north-east of the project site (Sand to Snow National Monument, USFS; 2016).

The Coachella Valley MSHCP Sand Transport and Sand Source map identifies two (2) offsite areas to the east of the property. The area 1.76 miles east and south of Interstate 10 is within the Cabazon Conservation Area and identified as a Sand Transport Area. The area 2.86 mile east and north of Interstate 10 is within the Cabazon Conservation Area and identified as both a Sand Source and a Sand Transport Area. No Sand Source/Sand Transport area(s) are mapped on or adjacent to the property (Figure 4).

As a result of the graded, disturbed and maintained nature of the property, the property does not support active sand dunes or ephemeral sand fields. No jurisdictional wetlands, waters or channels were observed. There is no indication of sand transport occurring through and/or off of the property. As a result, no sand source/transport impacts can potentially occur with the re-development of the property.

4.0 CONCLUSIONS

No sensitive riparian/riverine, upland vegetation and/or special aquatic resource areas were discovered within the BSA and none are expected to be impacted by the potential Project.

The literature review and field assessment data confirm that no special-status species currently utilize the BSA. The BSA lacks suitable hydrological conditions and/or habitat(s) that would typically support special-status species or receive state or federal Endangered Species Act (ESA) protections. Consequently, there is no reasonable presumption of adverse impact to any special status species or their habitats as a result of Project implementation.

No Narrow Endemic Plant Species/Criteria Area plant species were observed on site during the habitat assessment. Given the site's exposure to recurring surface disturbances associated with vegetation management, these species are not expected to occur on site. The BSA supports no riparian/riverine/vernal pool habitats or species associated with these habitat types were observed on site.

Due to existing fencing, grazing, development, maintenance and a lack of appropriate hydrology and habitat(s), the property does not currently support wildlife movement or nursery sites. As a result, the proposed Project would not 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.

No suitable burrowing owl burrows are present within the survey area and no direct observations or burrowing owl sign (feathers, pellets, fecal material, prey remains, etc.) were made during the site assessment and protocol surveys. No potentially suitable burrows were present on site due to extensive disturbances associated with mass grading activities, which can reduce the site's suitability to support small mammal colonies (e.g. ground squirrel) which may provide potentially suitable burrows for burrowing owl. No ground squirrels (an important indicator species) were observed on site.

Burrowing owl has historically been observed in the general project vicinity; however, no evidence of burrowing owl was observed within the survey area. The nearest previously-documented burrowing owl occurrences were located approximately 5.5 miles southwest of the BSA and were observed in 2009.

Although no burrowing owl was observed, they could potentially inhabit the survey area in areas that were previously determined to be unoccupied. Per MSHCP Section 6.3.2, this Project is within a mandatory Burrow Survey Area and is obligated to survey for burrowing owls during the environmental review process as indicated in the MSHCP "Additional Survey Needs and Procedures." As such, a pre-construction protocol survey for burrowing

owls following the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (County of Riverside 2006) should be conducted to determine whether burrowing owls are subsequently occupying the survey area.

Surveys must be conducted within at least 30-days prior to any ground disturbance.

5.0 MITIGATION MEASURES (MM-Bio)

MM Bio 1: In order to avoid violation of the Burrowing Owl Protocol and the California Fish and Game Code, a pre-activity field survey and findings report will be required to be completed, regardless of what time of year construction begins, and provided to City of Banning.

In addition, the Project will comply with the requirement for Tribal coordination and will forward draft and final CEQA documentation to the Regional Conservation Authority (RCA).

6.0 REFERENCES

- California Department of Fish and Wildlife (CDFW), 2015. RareFind California Department of Fish and Game Natural Diversity Database (CNDDDB) Cabazon and Banning USGS 7.5-Minute Quadrangles. Sacramento, CA: California Department of Fish and Game, Biogeographic Data Branch.
- California Native Plant Society (CNPS), 2015. CNPS Electronic Inventory of Rare and Endangered Plants. Available at: <http://www.cnps.org/cnps/rareplants/inventory/>
- City of Banning. March 2010. Banning Business Park (Previously Banning Gateway Project; SCH No. 2009031073).
- County of Riverside. 2003. Final Western Riverside County Multiple Species Habitat Conservation Plan. June. Review of information and species accounts from RCIP website.
- County of Riverside. 2006. Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area (E.P. Department, ed), p. 4. Riverside, CA: County of Riverside.
- County of Riverside. RCIP Conservation Summary Report Generator: County of Riverside.
- County of Riverside. The Riverside County Land Information System: County of Riverside.
- Holland, R.F., 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California (California Department of Fish and Game. The Resources Agency, ed.), p. 156. Sacramento, CA.
- Natural Resource Conservation Service (NRCS). 2015. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.
- United States Geological Service (USGS), 1979. 7.5-Minute Quadrangle Map, Banning, California.

7.0 CERTIFICATION

The following qualified Biologist completed the stated field survey(s) and preparation of this report:

Michael Jefferson – Senior Biologist, BLUE Consulting Group

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

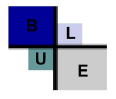
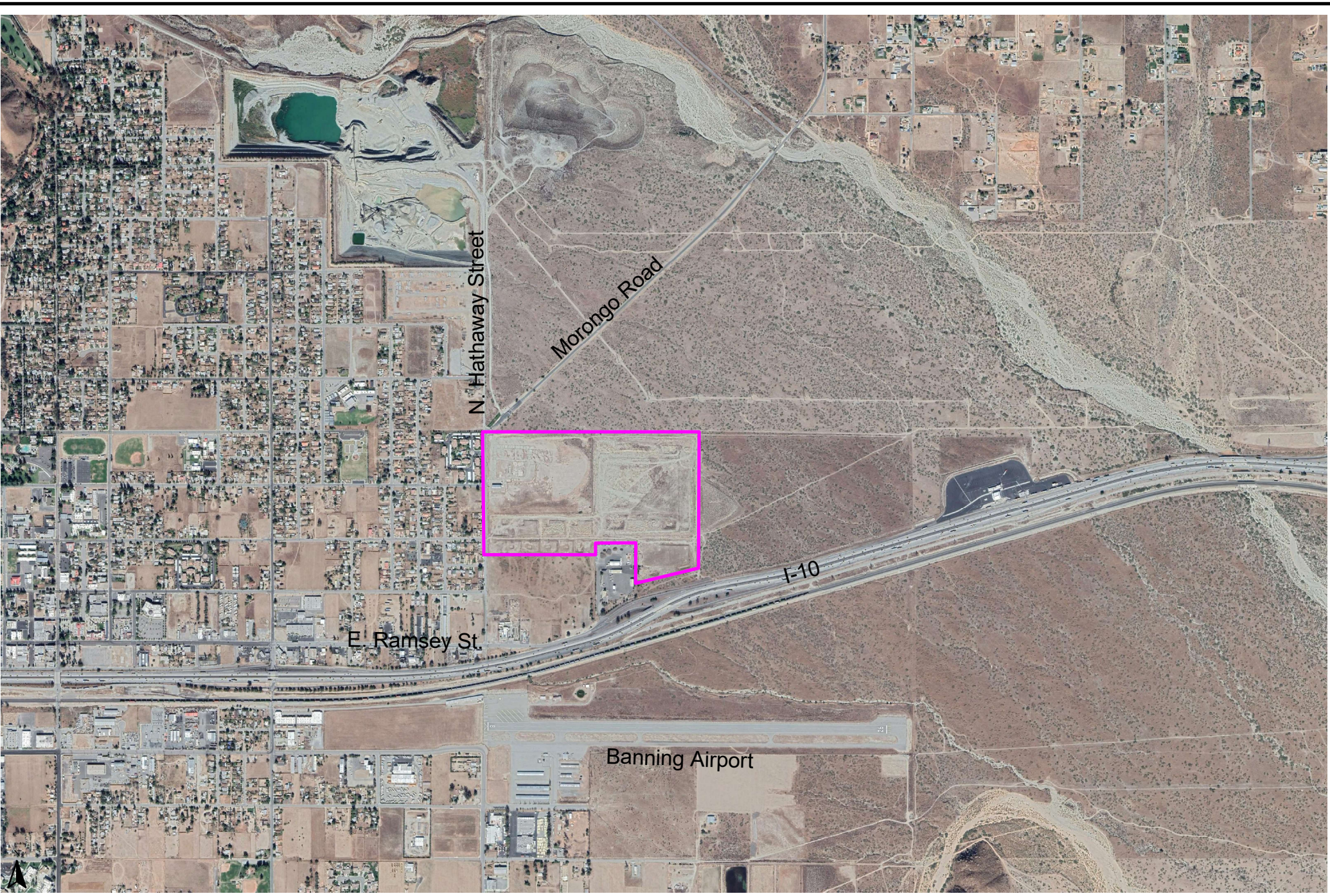
Signed:



Michael K. Jefferson
BLUE Consulting Group
Senior Biologist

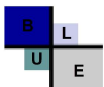
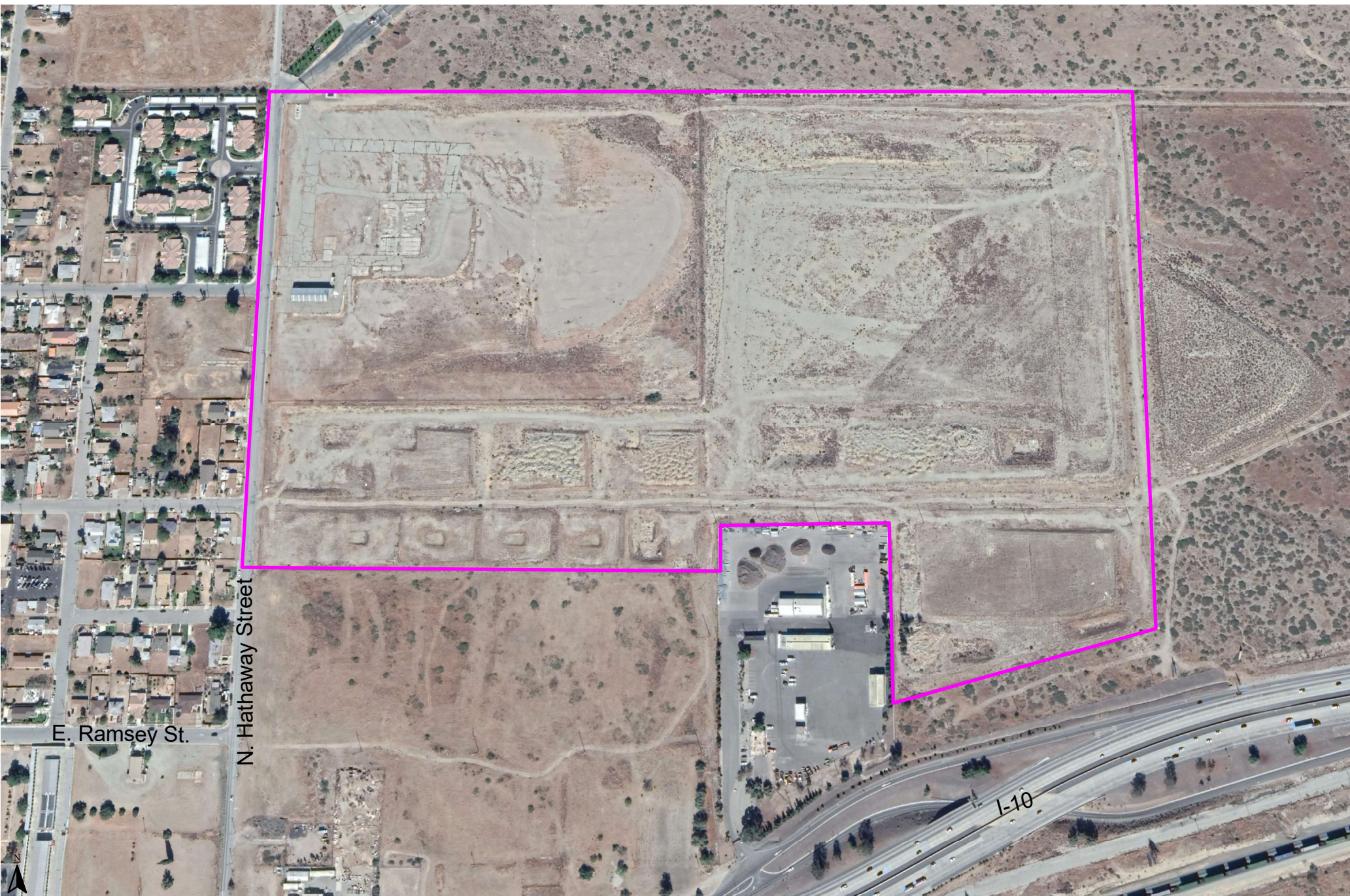
Mike@BLUEConsulting.com

858-391-8145



 Property

FIGURE 1
Regional Location



Property

FIGURE 2
Property Aerial

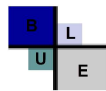
Reservation Property

E. Nicolet St

N. Hathaway Street

I-10

300 feet



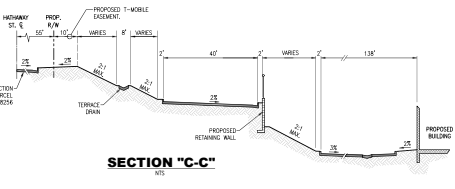
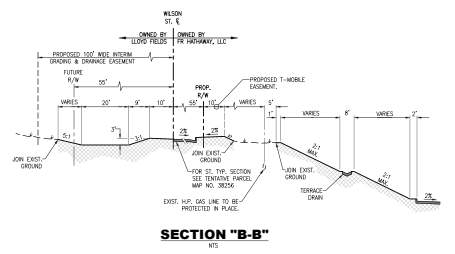
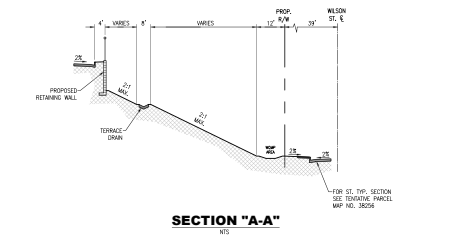
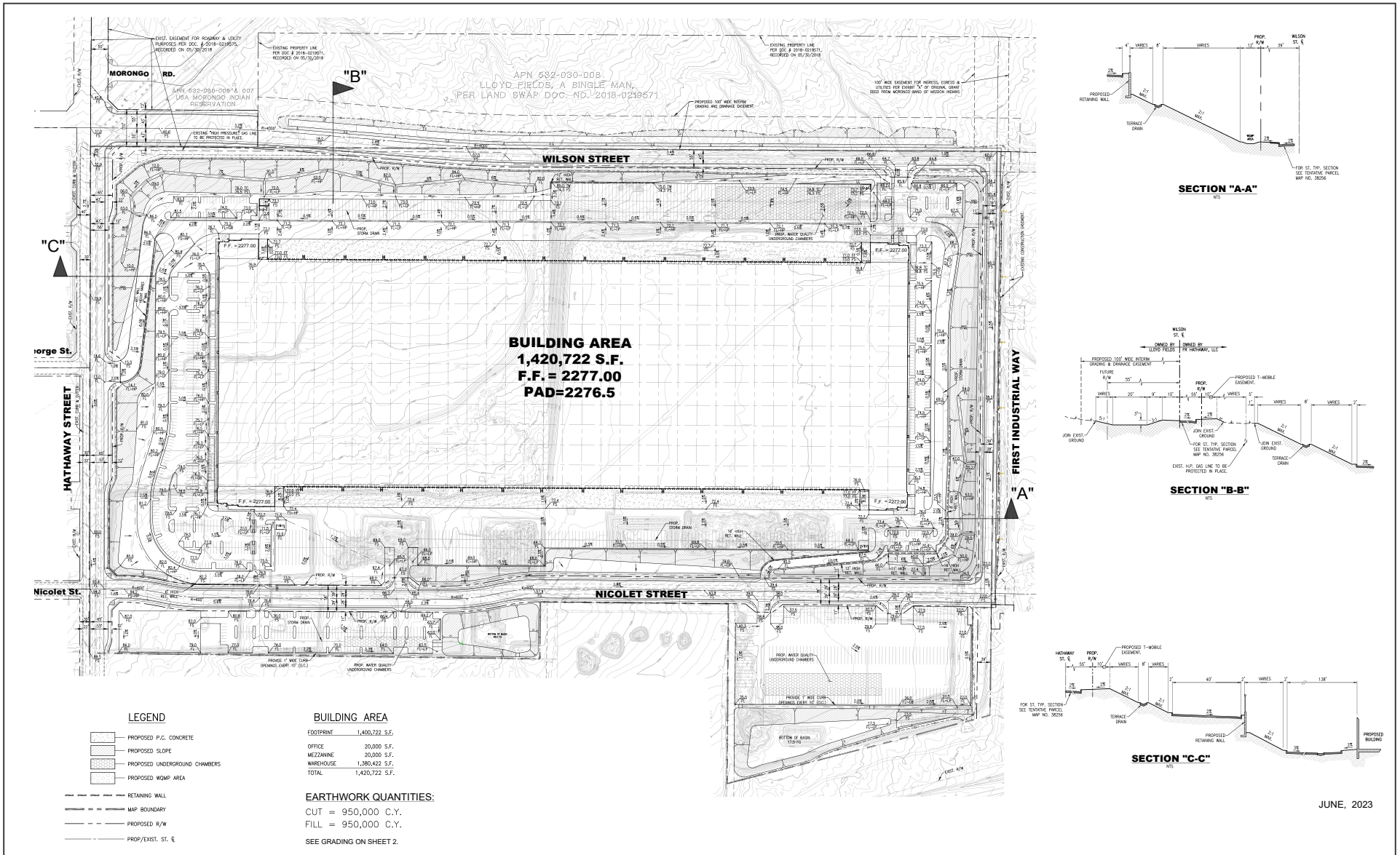
Property

Developed Area

Disturbed Area - Prior Grading Footprint

Alluvial Fan Scrub (uplands)

FIGURE 3
Habitat Map



JUNE, 2023

LSA

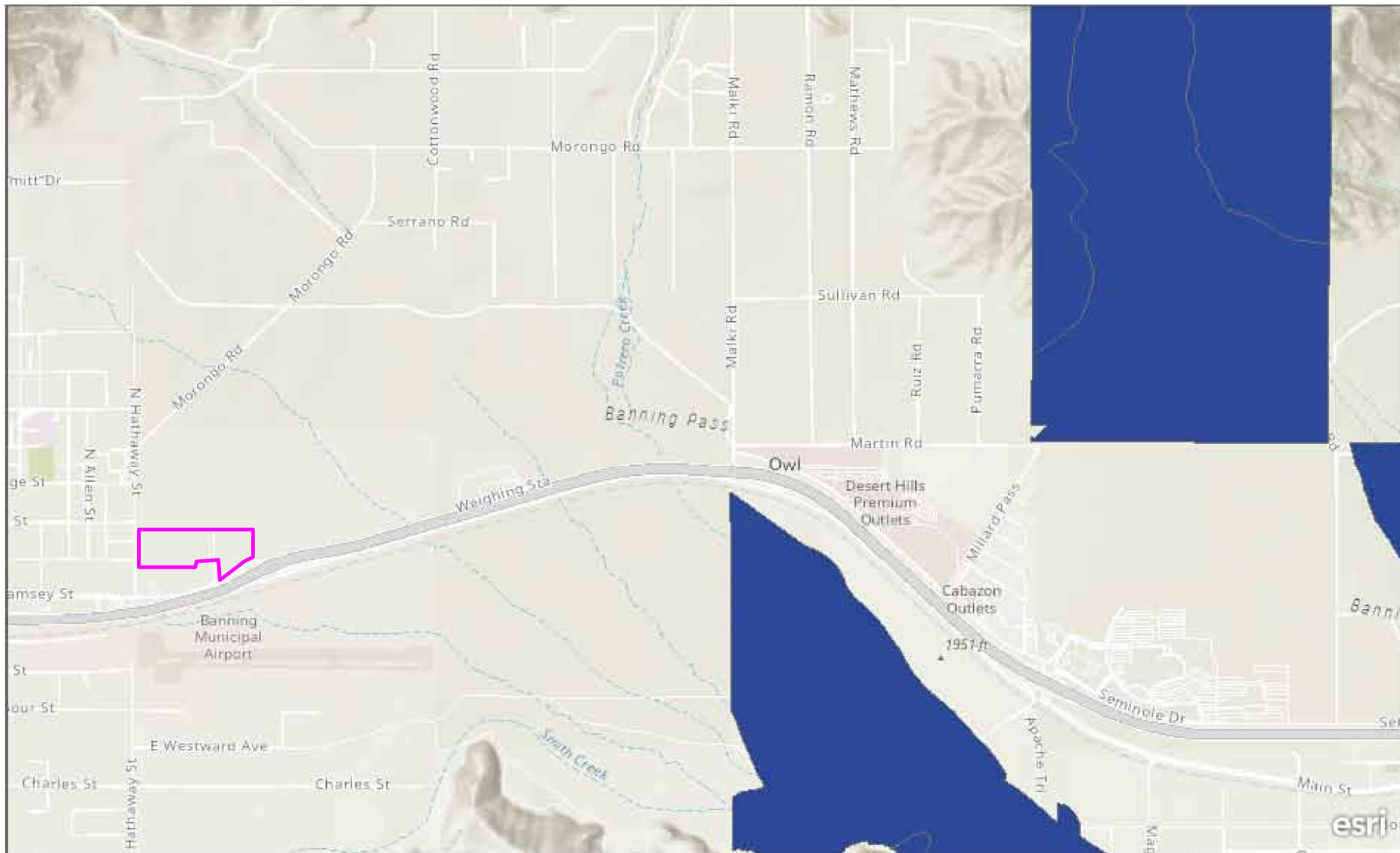


SOURCE: Stantec

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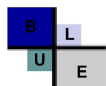
FIGURE 3-9

First Hathaway Logistics Project
 Proposed Grading Exhibit



This layer contains the boundaries of the sand source and sand transport areas described in the Coachella Valley Multiple Species Conservation Plan.

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS |



 Property

 CVMSHCP Sand Transport/Source

FIGURE 4
Sand Transport
Map



Photograph 1 South West Portion of the Property - Developed infrastructure; one of many basins through the site



Photograph 2 Looking North over Center of Property - Graded pads, slopes and roads. Hydroseeded



Photograph 1 - eastern property line



Photograph 2 - NW corner of strip of Indian land



Photograph 3 - remnant draiange channel, now animal trail



Photograph 4 - cow grazing (cow patties)

