GENERAL BIOLOGICAL RESOURCES ASSESSMENT

BEAR VALLEY MARKETPLACE

VICTORVILLE, SAN BERNARDINO COUNTY, CALIFORNIA
(Township 5 North, Range 4 West, Section 33)

Prepared for:

Bear Valley Road & 2nd. Avenue, LLC

Prepared by:

RCA Associates, Inc.
15555 Main Street, #D4-235
Hesperia, California 92345
(760) 596-0017; (760) 956-9212

Principal Investigator:

Randall Arnold, President and Principal Biologist

Project: #2019-35

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TITLE PAGE

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Report Title:	**General Biological Resources Assessment**
Prepared for:	**Bear Valley Road & 2nd. Avenue, LLC**
Principal Investigators:	**Randall C. Arnold, Jr., Principal Biologist**
Contact Information:	**Randall C. Arnold, Jr.** **RCA Associates, Inc.** **15555 Main Street, #D4-235** **Hesperia, California 92345** **(760) 596-0017 & (760) 956-9212** rarnold@rcaassociatesllc.com **www.rcaassociatesllc.com**

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1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a 36-acre parcel located along Bear Valley Road between 2nd Avenue and 3rd. Avenue in the City of Victorville, California (Township 5 North, Range 4 and West, Section 33, USGS Victorville, California Quadrangle, 1956) (Figures 1, 2, 3, 4). Focused surveys were also performed for the desert tortoise and burrowing owl, and a habitat assessment was performed for the Mohave ground squirrel. The site has been significantly disturbed in the past and was previously cleared of most vegetation during the initial stages of a previous development which was not completed. Re-vegetation has occurred throughout most of the site with yellow-green matchweed (*Gutierrezia sarothrae*) and Russian thistle (*Salsola tragus*) plants the dominant species. Other perennial plants observed included buckwheat (*Eriogonum fasiculatum*), Anderson's thornbush (*Lycium andersonii*), and a few small creosote bush (*Larrea tridentata*). Primary herbaceous species included brome grasses (*Bromus sp.*) and schismus (*Schimus barbatus*) are the primary herbaceous species. Four Joshua trees (*Yucca brevifolia*) were observed in the northern portion of the site and these trees were probably relocated to their current location during the previous development activities.

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on October 2 and 3, 2019, during which the biological resources on the site and in the surrounding areas were documented by a biologist from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Focused surveys were also conducted for both desert tortoise and burrowing owl and a habitat assessment was performed for the Mohave ground squirrel. Based on data from U.S. Fish and Wildlife (USFWS), California Department of Fish and Wildlife (CDFW), and a search of the California Natural Diversity Database (CNDDB, 2019), desert tortoises (*Gopherus agassizii*), burrowing owls (*Athene cunicularia*), and Mohave ground squirrels (*Xerospermophilus mohavensis*) have been documented within approximately five miles of the property. Several other

special status species has also been documented and these are listed in the CNDDB table provided in Appendix A). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is located along Bear Valley Road and between 2nd. Avenue and 3rd. Avenue in the City of Victorville, California (Township 5 North, Range 4 West, Section 33, USGS Hesperia, California Quadrangle, 1956) (Figures 1, 2, 3 and 4). As noted above, the site has been significantly disturbed and was cleared of vegetation approximately ten years ago during the initial stages of development of a proposed development which was not completed. There are signs of waterlines which were installed throughout the site and the presence of building pads. There has been re-vegetation over the last several years and a few different shrubs and herbaceous species were noted during the October 2 and 3, 2019 field investigations (Figure 3). The site is bordered on the east by Desert Valley House and residential dwellings on the north and west. Vacant lands are also located west of the site and various commercial businesses are south of the site.

Plant species observed included yellow-green matchweed (*Gutierrezia sarothrae*) and Russian thistle (*Salsola tragus*), with a few creosote bushes (*Larrea tridentata*), Anderson thornbush (*Lycium andersonii*), buckwheat (*Eriogonum fasiculatum*), and wildoats (*Avena fatua*) (Figure 3). Annuals noted included brome grasses *(Bromus sp.*) and schismus (*Schismus barbatus*). Section 5.0 provides an additional discussion of the various plant species observed during the surveys. Four Joshua trees (*Yucca brevoflia*) are also present in the northern portion of the site and appeared to have been relocated to their current location during previous development activities.

The site is expected to support a few wildlife species given the past disturbances and the absence of any significant native plant communities. The only species observed during the October 2019 surveys were common ravens (*Corvus corax*), mourning doves (*Zenaida macroura*), California ground squirrels (*Otospermophilus beecheyi*), and western meadowlark (*Sturnella neglecta*). Mammals which could potentially occur on the site include jackrabbits (*Lepus californicus*) and desert cottontails (*Sylvilagus auduboni*), and coyotes (*Canis latrans*) may also traverse the site occasionally during hunting activities. Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

The only reptiles observed during the survey included side-blotched lizards (*Uta stansburiana*); although, desert spiny lizard (*Sceloporus magister*) and western whiptail lizard (*Cnemidophorus tigris*) may also inhabit the site. Table 2 (Appendix A) provides a compendium of wildlife species

known to occur in the area. No sensitive habitats (e.g., critical habitats for listed species, drainage channels, riparian habitats, etc.) have been documented in the immediate area according to the CNDDB (2019) and none were observed on the site during the field investigations.

3.0 METHODOLOGIES

General biological surveys were conducted on October 2 and 3, 2019, during which a biologist from RCA Associates, Inc. initially walked meandering transects throughout the property site. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980).

Following completion of the initial reconnaissance survey, protocol surveys were conducted for the desert tortoise and burrowing owl as per agency requirements, and a habitat assessment was performed for the Mohave ground squirrel. Weather conditions during the two days of field work consisted of wind speeds of 0 to 5 mph, temperatures in the mid-70's to mid-80's (°F) with mostly clear skies. The applicable methodologies are summarized below. During the various biological surveys, all transects were walked in a north-south direction at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human effects in order to determine the presence or absence of suitable tortoise foraging habitat.

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

Desert Tortoise: A habitat assessment was conducted on the site for the desert tortoises and an initial survey was also performed for the presence of any potential tortoise burrows by biologists from RCA Associates, Inc. Following completion of the initial habitat assessment, a protocol survey was conducted as per CDFW and USFWS requirements. Ten-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for any tortoise

sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in the vacant area directly west of the site. No tortoises or tortoise sign (i.e., burrows, tracks scats, etc.) were identified on the site or zone of influence. If tortoises are found to inhabit the site in the future, a Section 10(a) incidental take permit from the USFWS and a Section 2081 permit from CDFW will be required to mitigate for impacts to the species.

Burrowing Owl: A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species. Following completion of the habitat assessment, it was determined that the site does support suitable habitat for the burrowing owl and about fifteen ground squirrel burrows which could be utilized by owls were also noted. Therefore, a focused survey (Phase II) was conducted for burrowing owls and all occupiable burrows were closely inspected for the presence of any owl sign (e.g., whitewash, castings, feathers, etc.) which might indicate the presence of owls. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet where possible; therefore, zone of influence (ZOI) surveys were performed in the vacant lands west of the site. If owls are present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

Mohave Ground Squirrel: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel. As noted above, the site was previously approved for development and clearing activities did occur and various infrastructures were installed (e.g., water lines, etc.) resulting in the removal of all native vegetation. Some re-vegetation has occurred but the site des not support prime habitat for the species. Due to the low population levels in the region, the absence of prime native vegetation due to past disturbances, and the fact that the site is basically surrounded by existing development, it is the opinion of RCA Associates, Inc. the Mohave ground squirrel does not inhabit the site nor is it expected to occur on the site in the future.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB) search was performed. Based on this review, it was determined there are numerous special status species which have been documented within about five miles of the site. The CNDDB Summary table in Appendix A lists twelve birds, five mammals, seven plants, five reptiles, one fish and one insect which have been documented in the general region within a 5-mile radius. The habitat requirements of each of the special status species is summarized in the Summary Table. The results of the field investigations for special status species and their potential presence on the site is discussed in Section 5.0.

5.0 RESULTS

5.1 General Biological Resources

Dominant perennials included yellow-green matchweed (*Gutierria sarothare*) and Russian thistle (*Salsola tragus*) with a few creosote bush (*Larrea tridentata*), Anderson thornbush (*Lycium andersonii*), and buckwheat (*Eriogonum fasiculatum*) also noted. Herbaceous species included brome grasses (*Bromus* sp.), wild oats (*Avena fatua*), and schismus (*Schismus barbatus*). Four Joshua trees (*Yucca brevifolia*) were observed in the northern portion of the site. Table 1 provides a compendium of all plants occurring on the site and/or in the immediate surrounding area.

Birds observed included ravens (*Corvus corax*), mourning dove (*Zenaida macroura*), and western meadowlark (*Sturnella neglecta*). Other birds which were seen in the surrounding area included house finch (*Carpodacus mexicanus*), Costa's hummingbird (*Calypte costae*), and horned lark (*Eremophila alpestris*), European starling (*Sturnus vulgaris*), and savannah sparrow (*Passerculus sandwichensis*). California ground squirrels (*Spermophilus beecheyi*) were frequently seen during the field investigations and desert cottontails (*Sylvilagus auduboni*) and jackrabbits (*Lepus californicus*) may also occasionally occur on the site. Antelope ground squirrels (*Ammospermophilus leucurus*) and Merriam's kangaroo rats (*Dipodomys merriamii*) are known to occur in the area and may occur on the site given their wide-spread distribution in the region. Tables 1 and 2 (Appendix A) provides a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

The only reptiles observed during the survey included side-blotched lizard (*Uta stansburiana*); although, desert spiny lizard (*Sceloporus magister*) and western whiptail lizard (*Cnemidophorus tigris*) may also inhabit the site (Appendix A, Table 2). No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

The following are the listed and special status species that have been documented in the region; however, none of these species were observed during the October 2 and 3, 2019 field investigations, including protocol surveys for the desert tortoise and burrowing owl. The

comprehensive list of all special status species in the area are provided in the CNDDB Summary Table (Appendix A).

5.2 Federal and State Listed Species

Desert Tortoise: The site is located within the documented tortoise habitat according to CNDDB with the nearest documented sighting about 6-miles northwest of the property (CNDDB, 2019). The property supports very marginal habitat for the desert tortoise based on the location of the site in a developed area of Victorville and past disturbances which have occurred, including removal of the native vegetation about ten years ago (Figure 3). No tortoises or tortoise sign (burrows, scats, etc.) were observed anywhere within the property boundaries during the October 2019 protocol surveys. The species is not expected to move onto the site in the near future based on the absence of any sign, absence of any recent observations in the immediate area, and the presence of busy roadways and developments immediately adjacent to the site. The protocol survey results are valid for one year as per CDFW and USFWS requirements.

Mohave Ground Squirrel: The site does occur within the known distribution of the Mohave Ground Squirrels, and the nearest documented observation is about 4-miles to the southwest of the property. There are no recent observations of Mojave ground squirrel within the immediate area. It is the opinion of RCA Associates, Inc. that Mohave ground squirrels do not occur on the site and the property is very unlikely to support populations of the species based on the following criteria:

1. No recent documented observations in the immediate area;
2. No connectivity with habitat which may support the species given the presence of developments and busy roadways (i.e., Bear Valley Road) immediately adjacent to the site; and
3. Absence of native vegetation due to past clearing activities.

Swainson's Hawk: The Swainson's hawk inhabits open grassland habitats and the species was identified in the area surrounding the site in 2005 (CNDDB, 2019). However, the species is an infrequent visitor to the Mohave Desert, and may only utilize the site infrequently during hunting activities.

5.3 Wildlife Species of Special Concern

Burrowing Owl: There are documented owl colonies in the area (CNDDB, 2019) with the nearest documented sighting about 4-miles west of the property (CNDDB, 2019). No owls or owl sign (whitewash, etc.) were seen on the property during the survey, and although there were several suitable (i.e., "occupiable") burrows scattered throughout the site, no owl sign was noted at any of the burrows. The probability of owls moving onto the site in the future is relatively low based on the results of the field investigations; although, a pre-construction survey will be required 30-dys prior to the start of any future ground clearing activities to make sure no owls have moved onto the site since the October 2019 surveys were completed.

Le Conte's Thrasher: The thrasher is an uncommon resident in Southern California and is infrequently seen in the Mohave Desert (CNDDB, 2019). It is primarily associated with open desert washes, desert scrub, and Joshua tree woodland habitats. The property site does not provide potential habitat for the species, nor was the species observed on the site during the field investigations. It is very unlikely that thrasher will occur on the site in the future.

5.4 Jurisdictional Waters and Riparian Habitat

No riparian vegetation (e.g., cottonwoods, willows, etc.) exist on the site or in the adjacent habitats, and no drainage channels, wetlands, or vernal pools were observed on the site during the surveys.

5.5 Protected Plants

Four Joshua trees were observed on the site and these trees were likely relocated to their current locations during previous development activities about ten years ago. The City may require preparation of a "protected plant plan" to determine if any of the trees can be utilized for on-site landscaping activities or transplanted off-site.

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will impact the general biological resources present on the site, and most of the existing vegetation will be removed during future construction activities and replaced with various plants as part of on-site landscaping. Wildlife will also be impacted by development activities and those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase.

More mobile species (i.e., birds, mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Loss of a disturbed plant community is not expected to have a significant cumulative impact on the overall biological resources in the region. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the desert tortoise, burrowing owl, and Mohave ground squirrel. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of any tortoise sign (e.g., burrows, scats, tracks, etc.), and absence of prime native vegetation. Likewise, the site does not support populations of the Mohave ground squirrel given the absence of suitable vegetation and the fact the site is surrounded by developments.

No burrowing owls were observed and the site does not currently support any owls. As per CDFW protocol, the burrowing owl survey results are valid for only 30 days; therefore, CDFW will require a 30-day pre-construction survey be performed prior to any clearing/grading activities to determine if owls have moved on to the site since the October 2019 surveys.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Future development activities are expected to result in the removal of vegetation from the parcel; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be minimal. This assumption is based on the presence of a disturbed plant community on the site. In addition, future development activities are not expected to have any impact on any State or federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises, burrowing owls, or Mohave ground squirrels or any other special status species. In addition, burrowing owls do not currently inhabit the site and are not expected to be impacted. The only mitigation measure recommended is a pre-construction survey for burrowing owls, 30-days prior to the start of any site clearing activities as per CDFW requirements.

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

8.0 BIBLIOGRAPHY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

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

Date: 10/8/2019 Signed: Randall Arnold

Field Work Performed By: Randall Arnold
President and Principal Biologist

Appendix A

Tables and Figures

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

Common Name	Scientific Name	Location
Creosote bush	*Larrea tridentata*	On-site
Brome grass	*Bromus* sp.	"
Russian thistle	*Salsola tragus*	"
Yellow-green matchweed	*Gutierrezia sarothrae*	"
Brome grasses	*Bromus sp.*	"
Indian ricegrass	*Oryzopsis hymenoides*	Surrounding area
Rabbitbrush	*Chrysothamnus nauseosus*	"
Ephedra	*Ephedra nevadensis*	"
Mustard	*Descurainia pinnata*	"
Schismus	*Schismus barbatus*	"
Fiddleneck	*Amsinckia tessellata*	"
Paperbag plant	*Salazaria mexicana*	"
Filaree	*Erodium cicutarium*	"
Buckwheat	*Eriogonum fasiculatum*	On-site and surrounding area
Anderson's thornbush	*Lycium andersonii*	"
Wild oats	*Avena fatua*	"
Joshua tree	*Yucca brevifolia*	"

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

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

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site and in the surrounding area.
California ground squirrel	*Spermophilus beecheyi*	"
Song sparrow	*Melospiza melodia*	Surrounding area
House sparrow	*Passer domesticus*	"
House finch	*Carpodacus mexicanus*	"
Northern mockingbird	*Mimus polyglottus*	"
Mourning dove	*Zenaida macroura*	On-site
Side-blotched lizard	*Uta stansburiana*	
Western whiptail lizard	*Cnemidophorus tigris*	Surrounding area
Desert spiny lizard	*Sceloporus magister*	"
Antelope ground squirrel	*Ammospermophilus leucurus*	"
Desert cottontail	*Sylvilagus auduboni*	"
Jackrabbit	*Lepus Californicus*	"
Coyotes		"
Costa's hummingbird	*Calypte costae*	Surrounding area
Horned lark	*Eremophila alpestris*	"
European starling	*Sturnus vulgaris*	"
Savannah sparrow	*Passerculus sandwinchensis*	"
Merriam's kangaroo rat	*Dipodomys merriamii*	"

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

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Victorville (3411753))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Accipiter cooperii Cooper's hawk	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	2,860 2,860	118 S:1	0	0	0	0	0	1	1	0	1	0	0
Agelaius tricolor tricolored blackbird	G2G3 S1S2	None Threatened	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_EN-Endangered NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	2,665 2,665	955 S:1	0	0	0	0	0	1	0	1	1	0	0
Anaxyrus californicus arroyo toad	G2G3 S2S3	Endangered None	CDFW_SSC-Species of Special Concern IUCN_EN-Endangered	2,660 2,700	139 S:2	0	0	0	0	0	2	2	0	2	0	0
Aquila chrysaetos golden eagle	G5 S3	None None	BLM_S-Sensitive CDF_S-Sensitive CDFW_FP-Fully Protected CDFW_WL-Watch List IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,760 2,760	321 S:1	0	0	0	0	0	1	1	0	1	0	0
Athene cunicularia burrowing owl	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	100 3,650	1987 S:18	0	5	9	1	2	1	1	17	16	1	1
Buteo swainsoni Swainson's hawk	G5 S3	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,700 2,700	2510 S:1	0	0	0	0	1	0	1	0	0	1	0
Canbya candida white pygmy-poppy	G3G4 S3S4	None None	Rare Plant Rank - 4.2 SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	2,700 2,700	30 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Chaetodipus fallax pallidus pallid San Diego pocket mouse	G5T34 S3S4	None None	CDFW_SSC-Species of Special Concern	2,700 2,700	79 S:2	0	0	0	0	0	2	2	0	2	0	0
Coccyzus americanus occidentalis western yellow-billed cuckoo	G5T2T3 S1	Threatened Endangered	BLM_S-Sensitive NABCI_RWL-Red Watch List USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	2,800 2,800	156 S:1	0	0	0	0	1	0	1	0	0	1	0
Corynorhinus townsendii Townsend's big-eared bat	G3G4 S2	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	2,630 2,630	635 S:1	0	0	0	0	0	1	1	0	1	0	0
Diplacus mohavensis Mojave monkeyflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,800 3,500	61 S:2	0	1	0	0	0	1	2	0	2	0	0
Empidonax traillii extimus southwestern willow flycatcher	G5T2 S1	Endangered Endangered	NABCI_RWL-Red Watch List	2,740 2,740	70 S:1	0	1	0	0	0	0	1	0	1	0	0
Emys marmorata western pond turtle	G3G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable USFS_S-Sensitive	780 2,760	1376 S:2	0	2	0	0	0	0	1	1	2	0	0
Eremothera boothii ssp. boothii Booth's evening-primrose	G5T4 S3	None None	Rare Plant Rank - 2B.3	2,600 2,800	35 S:5	0	0	1	1	0	3	3	2	5	0	0
Gopherus agassizii desert tortoise	G3 S2S3	Threatened Threatened	IUCN_VU-Vulnerable	2,690 3,175	968 S:7	0	5	2	0	0	0	0	7	7	0	0
Helminthoglypta mohaveana Victorville shoulderband	G1 S1	None None	IUCN_NT-Near Threatened	2,640 2,800	2 S:2	0	0	0	0	0	2	2	0	2	0	0
Icteria virens yellow-breasted chat	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,740 2,740	99 S:1	0	1	0	0	0	0	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Lanius ludovicianus loggerhead shrike	G4 S4	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,719 2,940	110 S:3	0	1	2	0	0	0	0	3	3	0	0
Lasiurus cinereus hoary bat	G5 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority		238 S:1	0	0	0	0	0	1	1	0	1	0	0
Microtus californicus mohavensis Mohave river vole	G5T1 S1	None None	CDFW_SSC-Species of Special Concern	2,600 2,700	6 S:3	0	0	0	0	0	3	2	1	3	0	0
Pediomelum castoreum Beaver Dam breadroot	G3 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,657 2,657	26 S:2	0	0	0	1	0	1	1	1	2	0	0
Phrynosoma blainvillii coast horned lizard	G3G4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,600 2,600	780 S:1	0	0	0	0	0	1	1	0	1	0	0
Piranga rubra summer tanager	G5 S1	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	2,670 2,780	21 S:2	0	1	0	0	0	1	2	0	2	0	0
Plebulina emigdionis San Emigdio blue butterfly	G1G2 S1S2	None None	USFS_S-Sensitive	2,450 2,702	11 S:4	0	0	2	0	0	2	2	2	4	0	0
Rana draytonii California red-legged frog	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	2,750 2,750	1531 S:1	0	0	0	0	0	1	1	0	1	0	0
Scutellaria bolanderi ssp. austromontana southern mountains skullcap	G4T3 S3	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	2,700 2,700	43 S:1	0	0	0	0	0	1	1	0	1	0	0
Setophaga petechia yellow warbler	G5 S3S4	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	2,700 2,700	73 S:1	0	1	0	0	0	0	0	1	1	0	0
Siphateles bicolor mohavensis Mohave tui chub	G4T1 S1	Endangered Endangered	AFS_EN-Endangered CDFW_FP-Fully Protected	2,660 2,750	24 S:4	0	0	0	0	3	1	3	1	1	1	2
Symphyotrichum defoliatum San Bernardino aster	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	2,730 2,730	102 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

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California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Toxostoma lecontei Le Conte's thrasher	G4 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern NABCI_RWL-Red Watch List USFWS_BCC-Birds of Conservation Concern	2,698 2,750	238 S:2	0	0	1	0	0	1	1	1	2	0	0
Vireo bellii pusillus least Bell's vireo	G5T2 S2	Endangered Endangered	IUCN_NT-Near Threatened NABCI_YWL-Yellow Watch List	2,590 2,760	501 S:6	0	5	0	0	0	1	0	6	6	0	0
Xerospermophilus mohavensis Mohave ground squirrel	G2G3 S2S3	None Threatened	BLM_S-Sensitive IUCN_VU-Vulnerable	2,700 2,900	432 S:6	0	1	0	0	0	5	5	1	6	0	0

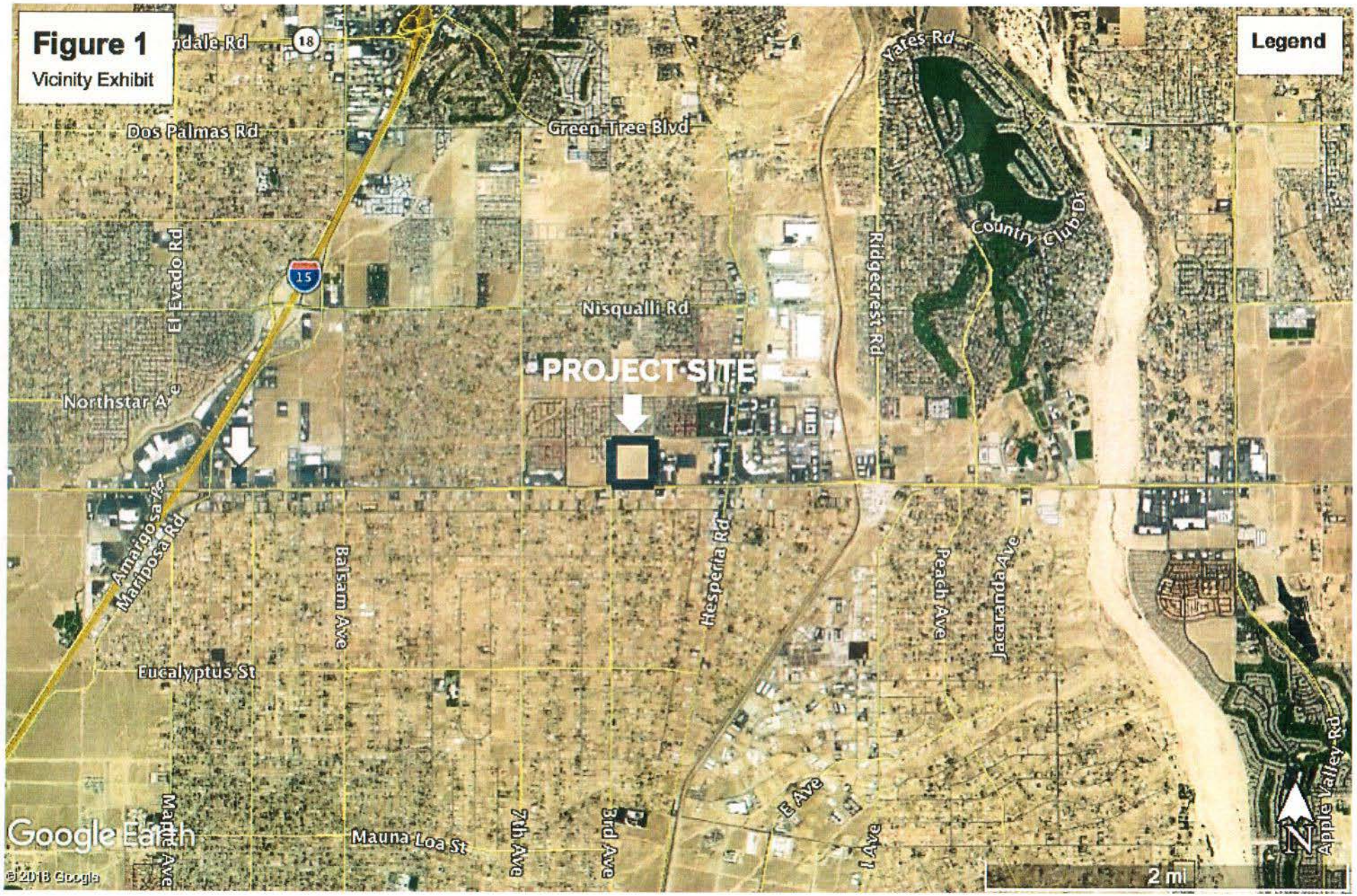
Figure 1
Vicinity Exhibit
Legend
PROJECT SITE
Dos Palmas Rd
Green Tree Blvd
Yates Rd
Country Club Dr
Ridgecrest Rd
El Evado Rd
Nisqualli Rd
Northstar Ave
Amargosa Rd
Mariposa Rd
Balsam Ave
Hesperia Rd
Peach Ave
Jacaranda Ave
Eucalyptus St
Mauna Loa St
7th Ave
3rd Ave
E Ave
1 Ave
Apple Valley Rd
Google Earth
© 2018 Google
2 mi
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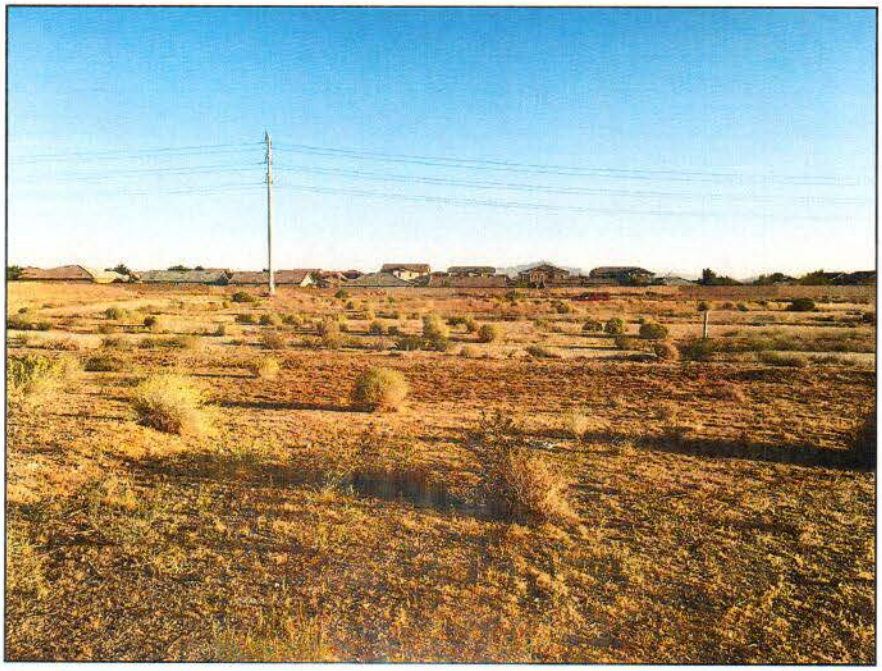
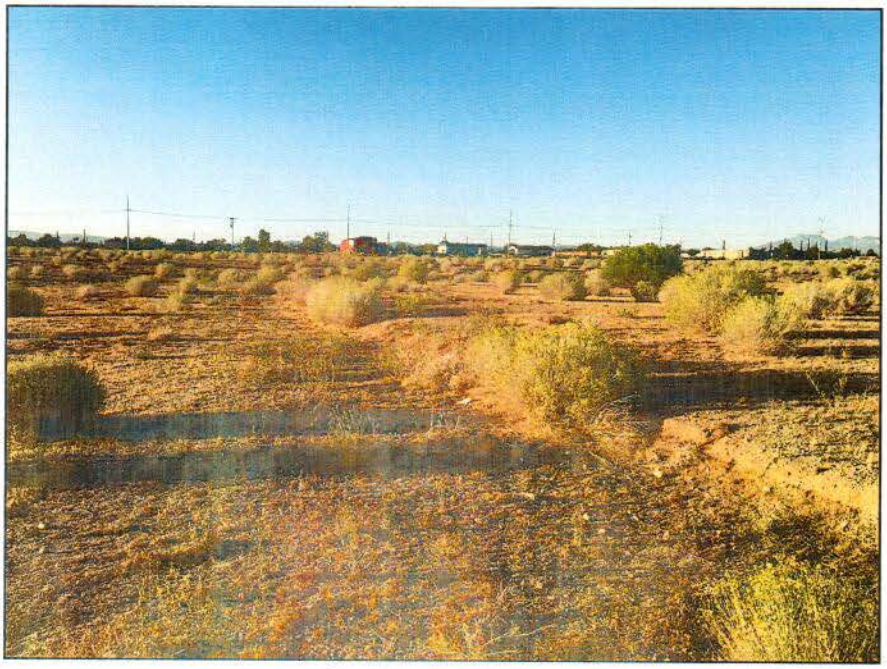
Figure 2
Aerial View of Site
Legend
Don Quijote Ln
Highgate Cir
Jasmine St
Mayapan Ln
Softwind Dr
Nuevo Rd
Nuevo Ct
Jasonia Ln
PROJECT SITE
2nd Ave
1st Ave
Bornite Ave
Bear Valley Rd
2nd Ave Thrift Store
3rd Ave
Google Earth
© 2018 Google
1000 ft
N



CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING SOUTH

FIGURE 3
PHOTOS OF SITE

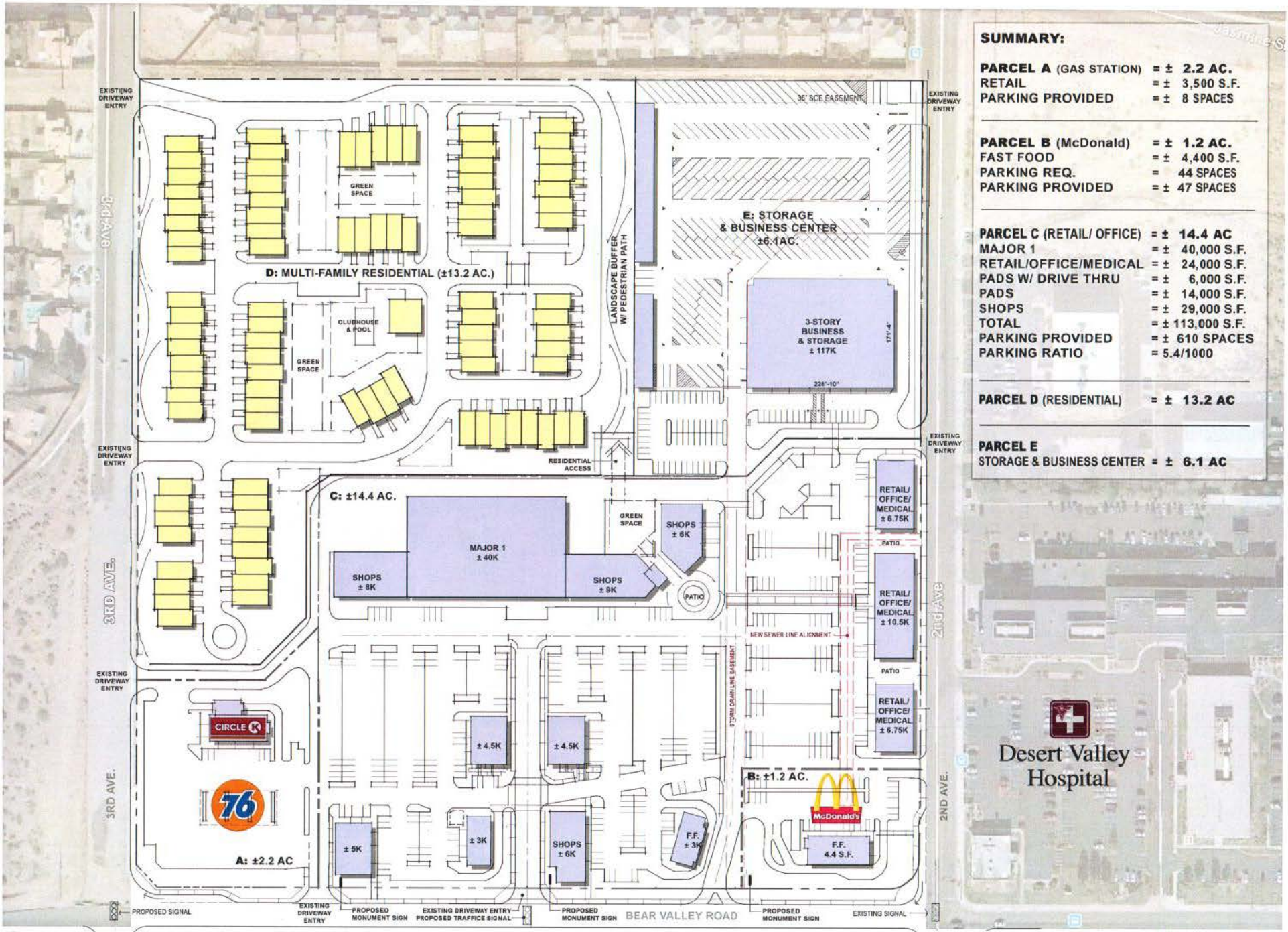


Figure 4

PROPOSED SITE PLAN
Conceptual Design | SCALE: 1" = 50' -0"

BEAR VALLEY MARKETPLACE

VICTORVILLE, CA

AUG. 29, 2019

DLR Group

APPENDIX B

REGULATORY

REGULATORY CONTEXT

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

Federal Endangered Species Act

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

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

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

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

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

California Endangered Species Act

CDFW has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Wildlife Code. Section 2080 prohibits the take of a species listed by CDFW as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFW and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFW coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

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

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

Clean Water Act, Section 401

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

California Fish and Wildlife Code, Sections 1600-1616

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

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

California Fish and Wildlife Code, Section 3503.5

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

Migratory Bird Treaty Act

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

Sensitive Natural Communities

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

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

Protected Plants

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

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

Four Joshua trees were present on the site and therefore will be subject to the California Desert Native Plant Act and the City's Protected Plant Ordinance.