Loyal Brothers Truck/Trailer Repair and Maintenance Facility

City of Hesperia
San Bernardino County, California

BIOLOGICAL RESOURCES ASSESSMENT REPORT

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February 2022

Loyal Brothers Truck/Trailer Repair and Maintenance Facility

CITY OF HESPERIA
SAN BERNARDINO COUNTY, CALIFORNIA

Biological Resources Assessment Report

The undersigned certify that this report is a complete and accurate account of the findings and conclusions of a biological resources assessment for the above-referenced project.

Kimberly Boydstun
Senior Biologist

February 2022

Executive Summary

On behalf of Loyal Brothers, CASC Engineering and Consulting, Inc. (CASC) has prepared this Biological Resources Assessment Report for the Loyal Brothers Truck/Trailer Repair and Maintenance Facility (Project), located in Hesperia, San Bernardino County, California. The Project will construct a 12,800 square foot (sq ft) industrial building and parking lot that will be utilized as a truck/trailer repair and maintenance facility. The Project Site totals 5.08-acres of undeveloped land.

The total **Survey Area** consists of 44.65-acres, inclusive of the **Project Site** (5.08-acres) and a 500-foot buffer area (39.57-acres). One natural vegetation community, Western Joshua tree woodland, was observed and mapped within the boundaries of the Survey Area. Western Joshua tree woodland qualifies as a sensitive vegetation community by the California Department of Fish and Wildlife (CDFW). Additionally, the Survey Area contains non-vegetation land cover that would be classified as bare ground and disturbed.

Five (5) special-status plant species have the potential to occur within the region of the Project. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Survey Area has a **low potential** to support white pygmy-poppy (*Canbya candida*, CRPR 4.2) and Booth's evening primrose (*Eremothera boothii* ssp. *boothii*, CRPR 2B.3). These species were not observed during the site visit. Sagebrush loeflingia (*Loeflingia squarrosa* var. *squarrosa*, CRPR 2B.2) is **not expected** to occur due to lack of suitable habitat. At the Project Site there is suitable habitat to support short-joint beavertail (*Opuntia basilaris* var. *brachyclada*, CRPR 1B.2) but this species was not recorded during the site visit. Western Joshua tree (*Yucca brevifolia*, CDFW Listed Candidate Threatened) was **present** and recorded in abundance during the site survey.

Twelve (12) special-status wildlife species have the potential to occur within the region of the Project. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and habitat associations, it was determined that the Survey Area has a **low potential** to support pallid bat [*Antrozous pallidus*, Species of Special Concern (SSC)] and yellow warbler (*Setophaga petechia*, SSC/Bird of Conservation Concern), desert tortoise (*Gopherus agassizii*, FE/SE), and Mohave ground squirrel (*Xerospermophilus mohavensis*, ST); **moderate potential** to support Cooper's hawk (*Accipiter cooperii*, CDFW Watch List), long-eared owl (*Asio otus*, SSC), loggerhead shrike (*Lanius ludoviciarus*, SSC, Bird of Conservation Concern), Le Conte's thrasher (*Toxostoma lecontei,* SSC/Bird of Conservation Concern), gray vireo (*Vireo vicinior,* SSC/Bird of Conservation Concern), and coast horned lizard (*Phrunosoma blainvillii* SSC); **high potential** to support Western burrowing owl (*Athene cunicularia*, SSC); and **absent** is Mohave tui chub (*Siphateles bicolor mohavensis*, FE/SE). None of the special-status wildlife species were observed during the site survey.

Mohave ground squirrel (*Xerospermophilus mohavensis*; State Threatened species) habitat is present throughout the Survey Area. But the Project Site is not within a historically well-occupied part of the squirrel's range. California Natural Diversity Database (CNDDB) has a recorded sighting within 5-miles of the Project Site. During the one-day habitat assessment no sign (scat, burrows, etc.) of this species was noted.

Desert tortoise (*Gopherus agassizii*; Federally and State Threatened species) habitat is present throughout the Survey Area. But the Project Site is not within a historically well-occupied part of the tortoise's range. CNDDB has a recorded sighting within 2-miles of the Project Site. The local desert tortoise population has undergone severe declines over time and the during the one-day habitat assessment no sign (scat, burrows, etc.) of this species was noted.

Throughout the Survey Area there is opportunities for nesting birds, especially within the Western Joshua trees and shrubs observed on the Project Site. Ground nesting species, such as Western burrowing owl (*Athene cunicularia,* regionally significant species), may also nest throughout the majority of the Survey Area. CNDDB reports Western burrowing owl just south of the Project Site.

Finally, there is no U.S. Fish and Wildlife Service-designated critical habitat within the Survey Area.

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LIST OF ACRONYMS AND ABBREVIATIONS

amsl	Above Mean Sea Level
BLM	Bureau of Land Management
BMP	Best Management Practices
CASC	CASC Engineering and Consulting, Inc.
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CDNPA	California Desert Native Plants Act
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CUP	Conditional Use Permit
EIR	Environmental Impact Report
F	Fahrenheit
FESA	Federal Endangered Species Act
IPaC	Information for Planning and Consultation Online System
IS	Initial Study
ITP	Incidental Take Permit
MCV	Manual of California Vegetation
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
NWI	National Wetlands Inventory
OHWM	Ordinary High-Water Mark
Project	Loyal Brothers Truck/Trailer Maintenance Repair Facility
sq ft	square foot
SSC	Species of Special Concern
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WL	California Department of Fish and Wildlife Watch List Species

Section 1 Introduction

On behalf of Loyal Brothers, CASC has prepared this Biological Resources Assessment Report for the Loyal Brothers Truck/Trailer Maintenance Facility. This report describes the biological resources, record searches and literature review, survey methodology, and results of the biological resources survey and review conducted for the Project.

1.1 PROJECT LOCATION

The Project is located north of Muscatel Street, south of Aspen Road, and approximately 300 feet east of Caliente Road in the City of Hesperia, San Bernardino County, California (Figure 1, Regional Vicinity). The property consists of one (1) parcel, Accessor's Parcel Number: 3064-561-15, US Geological Society (USGS) *Baldy Mesa* Quadrangle (Figure 2, USGS Map).

1.2 PROJECT BACKGROUND AND DESCRIPTION

Loyal Brothers (Project Applicant) has submitted to the City of Hesperia (City) a Conditional Use Permit (CUP), to construct a 12,800 sq. ft. industrial building and parking lot that will be utilized as a truck/trailer repair and maintenance facility (Project). The Project Site is approximately 5.08 acres and is currently vacant. The proposed Project contains 12 service bays, 1,600 sq. ft. of office space, and a 1,600 sq. ft. parts department. The service garage will be located on the southern half of the site fronting Muscatel Street. Access to the service garage will be from a 50-foot-wide driveway approach off Muscatel Street. The north-half of the site will be paved, fenced, and will include 43 tractor/trailer spaces for storage. A 6-foot-high wrought iron fence/rolling gate will be across the middle of the site to separate the north and south-half of the site. A 50-foot-wide gated driveway entrance will provide secondary access to the site off Aspen Road.

The Project contains a 6-foot-high tubular steel fence across the perimeter of the site, and an 8-foot-high block wall along the rear half of the site to screen the truck storage from view. The 43 tractor/trailer spaces will be used strictly for semi-truck repair and maintenance operation. The tractor/trailer spaces will not be utilized for long-term parking or leased storage. The Project will provide forty-nine (49) conventional parking spaces on the south half of the site to satisfy the City's parking requirement of three (3) spaces per service bay, plus four (4) spaces per 1,000 square feet of non-service bay area. The truck repair facility proposes to operate from 8:00 a.m. to 8:00 p.m. Monday through Saturday. Approximately 20-25 employees are anticipated to work at the facility each day, with a maximum of 18 employees working on the largest shift.

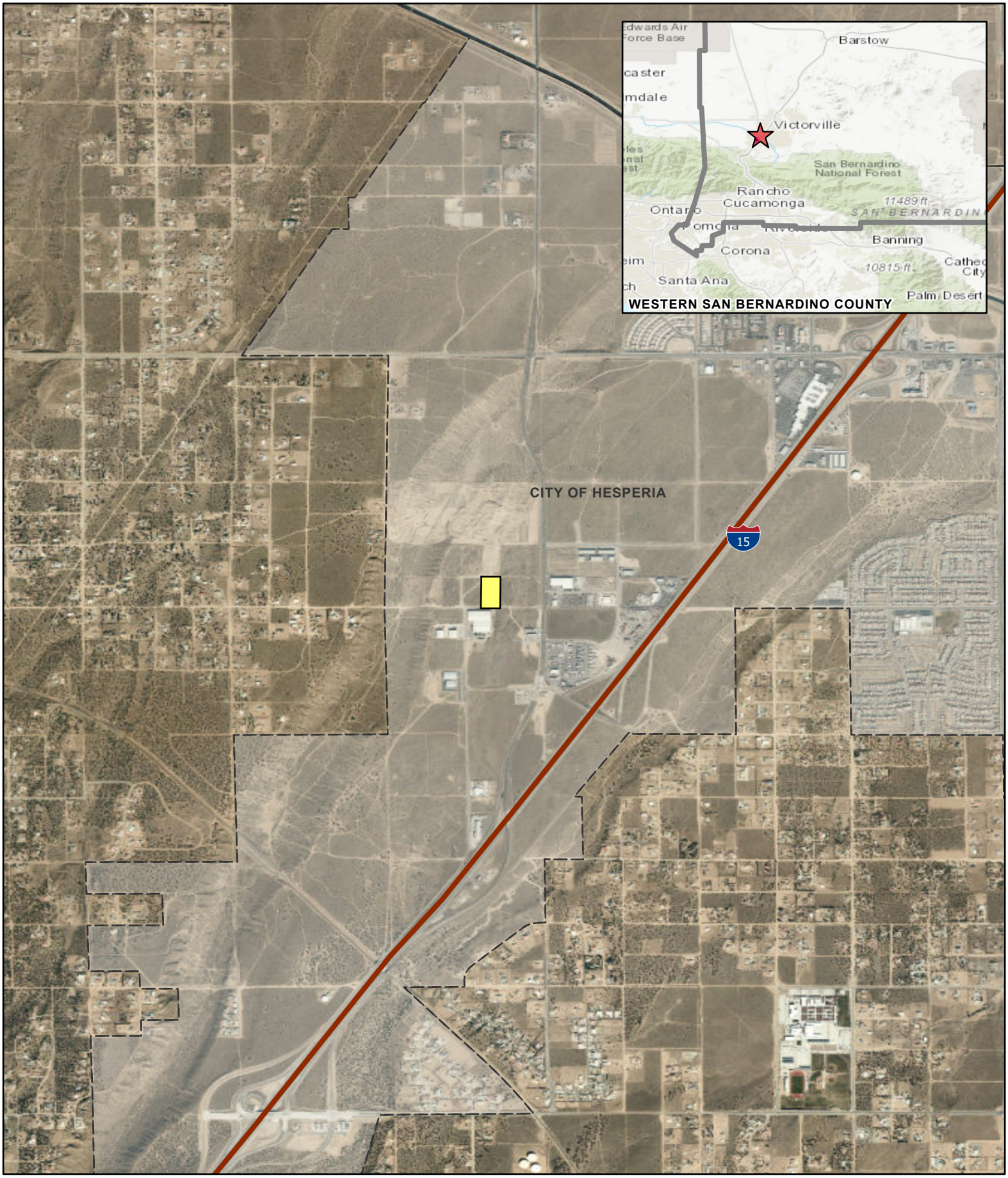
The proposed Project conforms to the policies of the City's General Plan as well as the intent of the Main Street/Freeway Corridor Specific Plan. A Categorical Exemption was previously completed for the proposed Project, and the Project Site Plan (Appendix A, Conditional Use Permit Site Plan) was approved by the City. However, during October 2020, California Department of Fish and Wildlife (CDFW) proposed the Western Joshua tree (*Yucca brevifolia*) as

a candidate threatened species. As a candidate species, the Western Joshua tree must be evaluated as a threatened species. Western Joshua tree are within the Project footprint. Therefore, the Project must apply for an Incidental Take Permit (ITP) through CDFW. An ITP requires California Environmental Quality Act (CEQA) evaluation. purpose of this Initial Study is to comply with the requirements of an ITP through CDFW. The focus of this Initial Study is to address the potential effects of the proposed Project regarding Biological Resources, specifically the Western Joshua trees located on the Project Site. All other environmental factors have been previously addressed in the Categorical Exemption. Site grading and earthwork activities are expected to include vegetation clearing, grubbing, and excavation. Grading of the Project Site would be limited to the greatest extent possible to control dust. Micro-grading would occur to maintain pile foundation tolerances and grading would be required for installation of the site roads and preparation of equipment foundation pads. Site preparation and construction would occur in accordance with all federal, State, and County zoning codes and requirements. All applicable local, State, and federal requirements and best management practices (BMPs) would be incorporated into Project construction activities. The construction contractor would be required to incorporate BMPs consistent with the County zoning ordinance and with guidelines provided in the California Stormwater Quality Association's Construction Best Management Practice Handbook, including the preparation of a Stormwater Pollution Prevention Plan and a Soil Erosion and Sedimentation Control Plan to reduce potential impacts related to construction of the Project.

1.3 PURPOSE OF DOCUMENT

This report documents all biological resources identified within the Survey Area (Project Site plus buffer totals 44.65-acres) during general biological resource surveys conducted by CASC biologists. The Survey Area, includes the Project Site plus a 500-foot buffer around the Project Site, was used to determine the likelihood of State-listed and/or federally-listed rare, threatened, or endangered species, and other special-status[1] plants, animals, and natural communities (Figure 3, Project Site). This report includes an analysis of the potential for the Survey Area to support special-status plant and wildlife species and special-status vegetation communities that have been previously recorded or are known to occur within the vicinity and that are subject to provisions of the Federal Endangered Species Act (FESA) of 1973, Migratory Bird Treaty Act (MBTA), California Endangered Species Act (CESA), California Environmental Quality Act (CEQA), California Fish and Game Code (CFGC), California Native Plant Protection Act, California Desert Native Plants Act (CDNPA), Bald and Golden Eagle Protection Act, and other local policies and ordinances protecting biological resources.

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally-/State-listed, proposed, or candidates; plant species that have been designated a California Rare Plant Rank species by the California Native Plant Society; wildlife species that are designated by the California Department of Fish and Wildlife as Fully Protected, Species of Special Concern, or Watch List species; and State/locally rare vegetation communities.



CASC Engineering and Consulting

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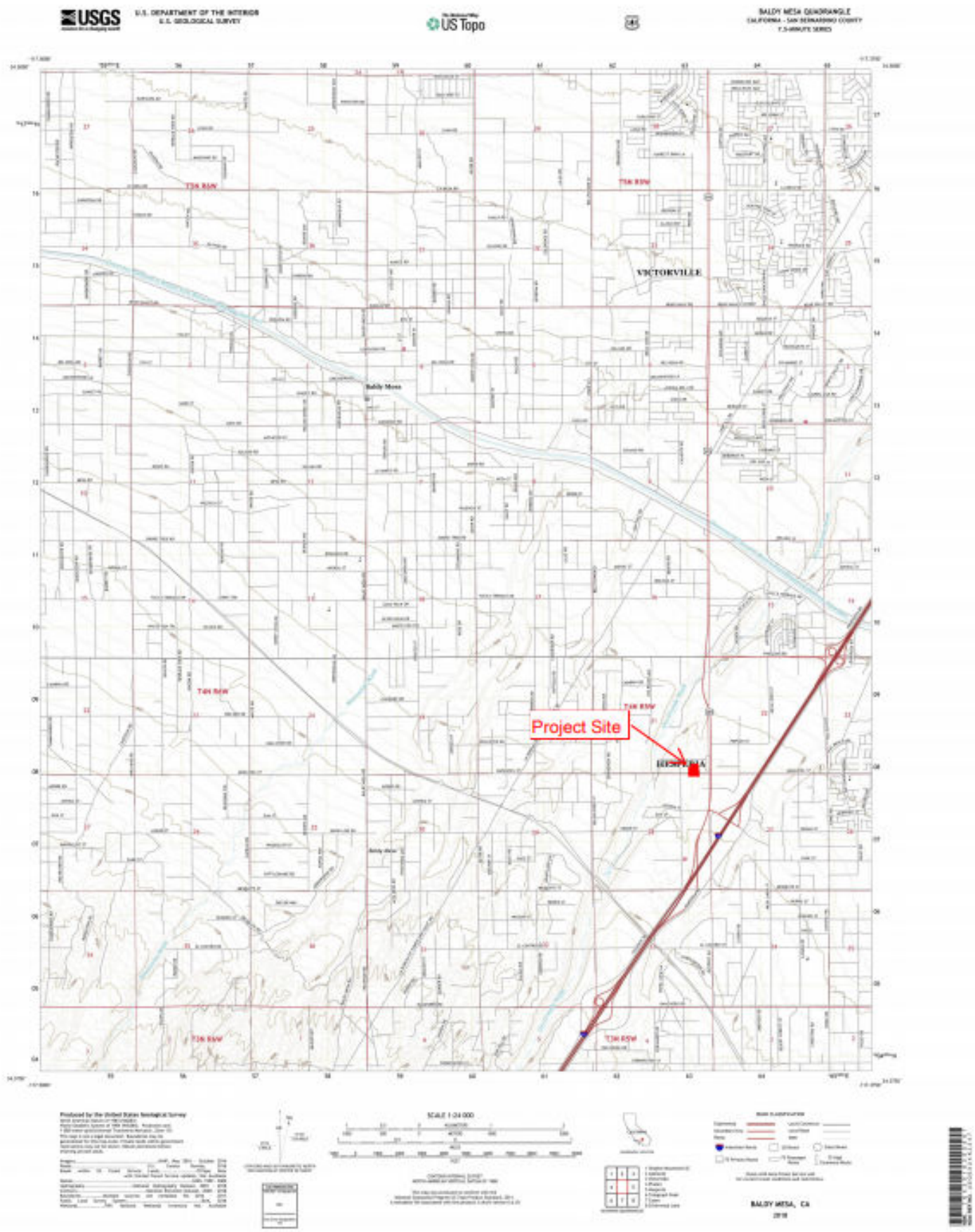
Project Boundary

City of Hesperia

0 0.5 1 Miles

FIGURE 1
REGIONAL VICINITY
LOYAL BROTHERS

SOURCE: San Bernardino County GIS
Basemap: Esri World Imagery, DigitalGlobe June 4, 2016, Esri World Street Map 2018



CASC Engineering and Consulting

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FIGURE 2
USGS MAP
LOYAL BROTHERS

CASC Engineering and Consulting

FIGURE 3
500-FT PROJECT BUFFER
LOYAL BROTHERS

Section 2 Methodology

2.1 LITERATURE REVIEW AND DATABASE SEARCHES

Prior to conducting the field surveys, CASC conducted a thorough literature review and records search of the Survey Area encompassing a 9-quad search of the U.S. Geological Survey (USGS) quad that the Survey Area is located in *Baldy Mesa* as well as the adjacent eight quads, *Shadow Mountain SE, Adelanto, Victorville, Phelan, Hesperia, Telegraph Peak, Cajon, and Silverwood Lake,* California. This 9-quad search was used for the CDFW Biogeographic Information and Observation System (CDFW 2021a), CDFW California Natural Diversity Database (CNDDB) RareFind 5 (CDFW 2021b), and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants (CNPS 2021). In addition, the Survey Area was used to generate a Species and Resources List from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation online system (IPaC; USFWS 2021a). This helped to identify special-status plant and wildlife species, vegetation communities, and other biological resources that have been previously documented within, near, and/or that have the potential to occur within the Survey Area. The *Special Animals List* (CDFW 2021c, *Special Vascular Plants, Bryophytes, and Lichens List* (CDFW 2021d), and CNPS California Rare Plant Ranking System (CRPR) were reviewed for the current status of rare and endangered plant and wildlife species. Other resources reviewed include the USFWS Critical Habitat for Threatened & Endangered Species Mapper (USFWS [ArcGIS Online] 2021); recent and historical aerial photography (Google Earth Pro 2021); the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA) Web Soil Survey (USDA 2021a); and USFWS National Wetland Inventory (NWI) Mapper (USFWS 2021b).

2.2 GENERAL BIOLOGICAL RESOURCES SURVEYS

Following the literature review, CASC's biologists Kimberly Boydstun and Zachariah Smith conducted a general biological resources assessment of the entire Survey Area. The Survey Area is defined as the Project Site plus a 500-foot boundary (Figure 3). The site assessment was performed on July 30, 2021, between the hours of 0615 and 1530, with weather conditions consisting of temperatures ranging from 71 to 98 degrees Fahrenheit (°F), winds approximately 0 to 3 miles per hour, and clear skies. The survey was conducted to document existing site conditions, obtain an inventory of plant and wildlife species, map vegetation communities/land uses, determine the potential for special-status plant and wildlife resources to occur within the Survey Area, and to identify any jurisdictional aquatic features. Representative photographs of the Project Site are provided at the end of this report in Appendix B, Project Site Photographs.

2.2.1 Vegetation/Land Use Mapping and Plant Species Inventory

Classification of the vegetation communities and other land uses within the Survey Area is based on the descriptions of terrestrial vegetation classification systems described in *A Manual of California Vegetation* (MCV Sawyer et al. 2009) and cross referenced with the *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986). Plant species nomenclature and taxonomy follow *The Jepson Manual: Vascular Plants of California, second edition* (Baldwin et al. 2012). All plant species encountered were noted and identified at minimum to the lowest possible taxonomic level necessary to determine rarity. Refer to Appendix C, Plant Compendia for a complete list of plant species observed within the Survey Area.

2.2.2 General Wildlife Observations

Field guides used to assist with identification of species during the habitat assessment included *The Sibley Guide to Birds* (Sibley 2014) for birds, *A Field Guide to Western Reptiles and Amphibians* (Stebbins 2003) for herpetofauna, *Bats of the United States and Canada* (Harvey et al. 2011) for bats, and *A Field Guide to Mammals of North America* (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names of wildlife species in this report (first reference only). To the extent possible, nomenclature of birds follows the most recent annual supplement of the American Ornithological Union's *Checklist of North American Birds* (Chesser et al. 2020), nomenclature of amphibians and reptiles follows *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding* (Crother 2017), and nomenclature for mammals follows the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014). All wildlife species observed and/or otherwise detected through sign (e.g., tracks, scat) were recorded. Other wildlife species may occupy the Survey Area but, in some cases, may be nocturnal and not easily detectable during the day without extensive survey efforts during the appropriate season. Some species are transients or migrants and may occupy the Survey Area other times of the year outside of the time that the field survey was conducted. Refer to Appendix D, Wildlife Compendia for a complete list of wildlife species observed or otherwise detected within the Survey Area.

2.3 OTHER FIELD STUDIES

A database search of the CDFW's CNDDB was used to identify and map all known (federally and State Threatened species) locations within one-mile to five miles of the Project Site (Appendix E, CDFW BIOS Map) as well as a comprehensive literature review of available previous biological studies and environmental documents completed for the Project and its vicinity. CASC's biologists also reviewed USFWS Critical Habitat documentation to determine the Project's location in relation to Critical Habitat (USFWS [ArcGIS Online] 2021). CASC biologists conducted 100-

percent visual coverage of the Survey Area which included efforts to record the location and general health of all Western Joshua tree on the Project Site. Additionally, CASC performed a habitat assessment and burrow search of the Project Site for Western burrowing owl (*Athene cunicularia*) and desert tortoise (*Gopherus agassizii*).

2.3.1 Jurisdictional Features Analysis

CASC conducted a thorough literature review of relevant resources to obtain an initial understanding of the environmental setting and to preliminarily identify features that could be regulated by the jurisdictional agencies. CASC reviewed the USFWS NWI Mapper (USFWS 2021b). Review of this resource concluded that no wetland features are mapped within the Project Site or the buffer area.

2.3.2 Special Status Plants

A database search of the CDFW's CNDDB and the CNPS Online Inventory of Rare and Endangered Plants was used to identify and map rare plant records from a 9-quad search within a five-mile radius of the Project Site. Based on the database search and literature review, it was determined that a total of five (5) special-status plant species have the probability of occurrence at the Project Site.

2.3.3 Special Status Wildlife

A database search of the CDFW's CNDDB and RareFind/Bios Online Inventory was used to identify and map wildlife records from a 9-quad search within a five-mile radius of the Project Site. Based on the database search and literature review, it was determined that a total of twelve (12) special-status wildlife species have the probability of occurrence at the Project Site.

Section 3 Existing Conditions

The following is a summarization of the results of the database review and general biological resources survey performed by CASC. Discussions regarding the general environmental setting, vegetation communities and other land uses present, and plant and wildlife species observed are presented below. Representative photographs of the Project Site are provided in Appendix B, and a complete list of all the plant and wildlife species observed within the Survey Area during the field survey is provided in Appendix C and D, respectively.

3.1 ENVIRONMENTAL SETTING

The Project Site is bound by Aspen Road to the north, Muscatel Street to the south, undeveloped/undisturbed area to the east, and Caliente Road to the west. The Project Site total 5.08-acres and is undeveloped consisting mainly of Joshua tree woodland and other vegetation associated with this habitat type. A narrow dirt road transects the Project Site from northwest to southeast. The 500-foot buffer area (beyond the northern Project Site boundary) is undeveloped and partially graded, east and west are undeveloped Joshua tree woodland. A large warehouse resides in the southwest buffer area and the southeast of the Project Site is undeveloped. An unnamed natural drainage transects the edge of the eastern buffer area. See Figure 3 which shows these features on an aerial map.

3.1.1 Climate

The Survey Area, located in the high desert, has an arid climate characterized by cool winters and hot summers. With an average annual high temperature typically of approximately 79 °F, highs in the summer average approximately 100 °F and lows in the winter averaging approximately 46 °F, and low humidity throughout the year. Average annual precipitation for the Hesperia, California, area is approximately 5.06 inches (U.S. Climate Data 2021).

3.2 TOPOGRAPHY AND SOILS

The Survey Area is in a region of San Bernardino County known as the “High Desert” due to its approximate elevation of 3,600 feet above mean sea level (amsl). Much of the Survey Area is relatively flat, with surface elevations varying between approximately 3,656 feet amsl in the southwest corner to approximately 3,645 feet amsl in the northeast corner.

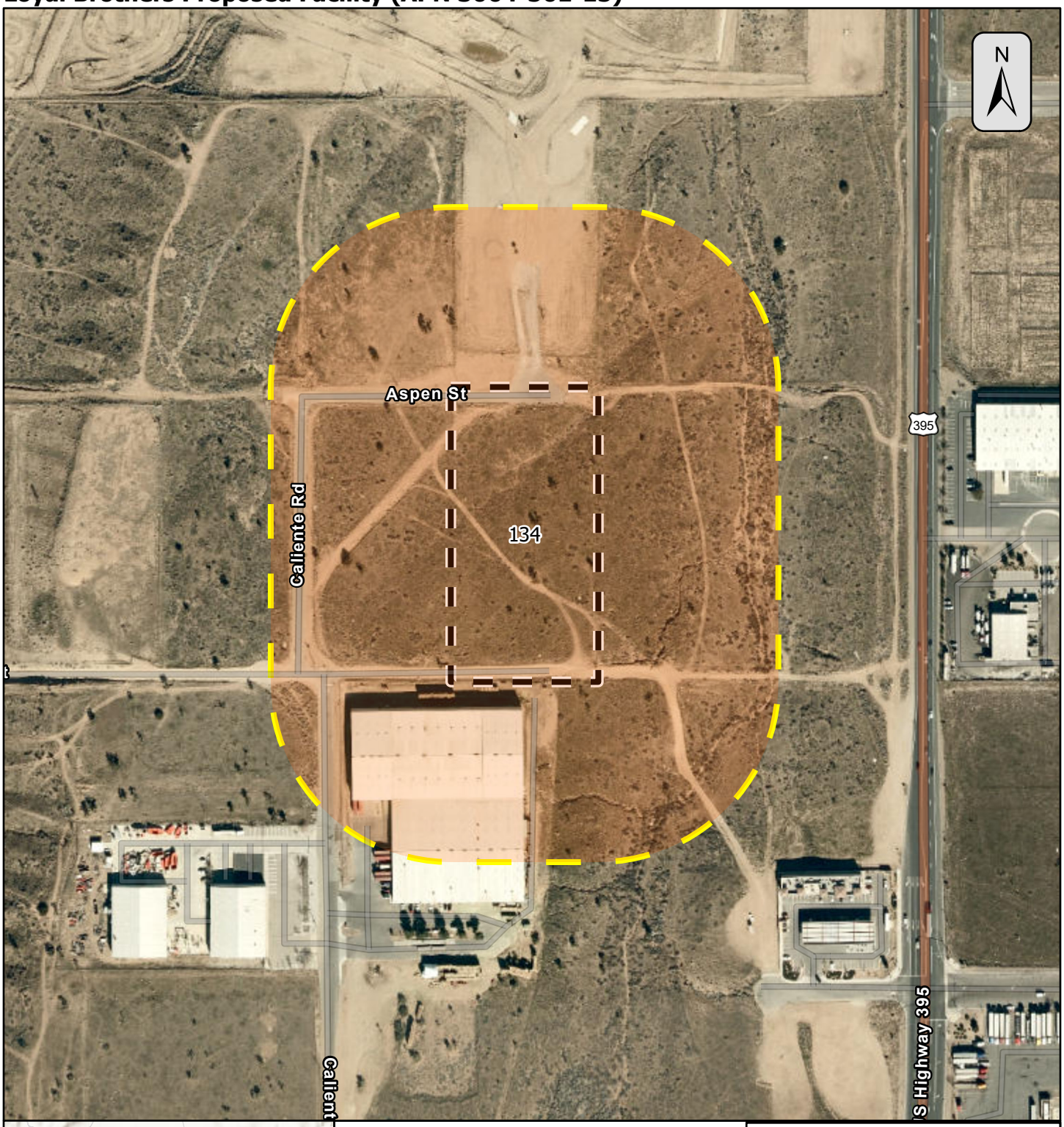
Soils within the Survey Area and in adjoining areas were reviewed prior to the field survey using the Web Soil Survey (USDA 2021a) (Figure 4, USDA Soils Map). Mapped soils within the Survey Area include the following:

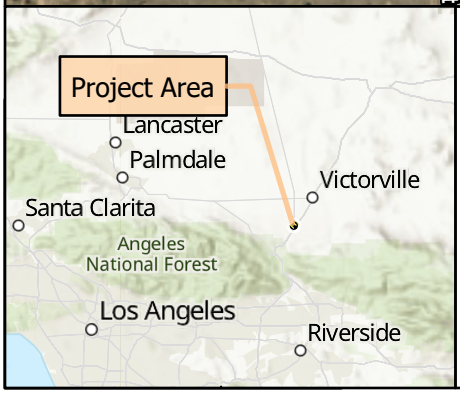
Hesperia Loamy Fine Sand, 2 to 5 Percent Slopes

USDA Soils

Loyal Brothers Proposed Facility (APN 3064-561-15)

Center: 117°24'8"W 34°24'46"N





Soil Classification

Soil Type

Hesperia Loamy Fine Sand, 2 to 5 Percent Slopes

Project Boundary

500 ft Buffer

0 175 350 700 Ft

FIGURE 4
SOILS MAP

CASC Engineering and Consulting

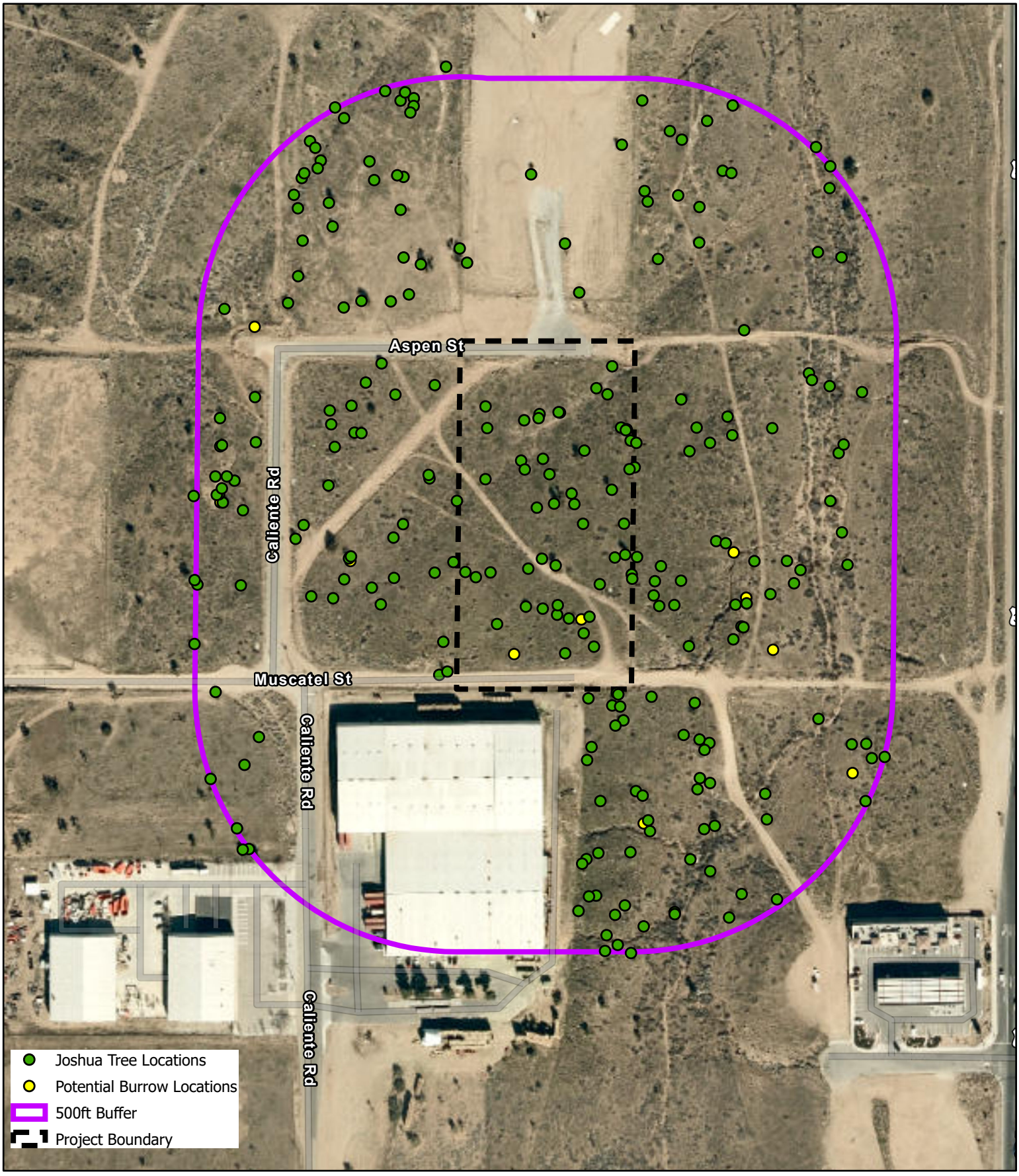
San Bernardino County, Maxar, Esri Community Maps Contributors, City of Hesperia, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Esri, CGIAR, USGS, Esri, HERE, Garmin, FAO, METI/NASA, USGS, Esri, USGS, County of Los Angeles, Esri, HERE, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS

3.3 VEGETATION COMMUNITIES AND OTHER LAND USES

The site is undeveloped and still retains significant native vegetation. A single dirt road bisects the Project Site from southeast to northwest and there are no permanent structures on site. However, there is an abandoned mobile home on the northern Project Site boundary and a small homeless camp located in the center of the Project Site. The adjacent buffer area is also undeveloped with the exception of the property directly to the southwest of the Project Site where a large warehouse is located. The location of the warehouse can be seen in the aerial photograph presented in Figure 3.

The single dominant vegetation community within the Survey Area was identified as Joshua tree woodland. This desert scrub community generally consists of open stands of Western Joshua tree along with the dominant shrub creosote (*Larrea tridentata*), smaller shrubs such as buckwheat (*Eriogonum* sp.) and occurs in well-drained soils below 4,000 feet above mean sea level (amsl).

Vegetation on site consists of Western Joshua tree, creosote bush, box-thorn (*Lycium andersonii*), interior California buckwheat (*Erigonum fasciculatum* var. *polifolium*), slender buckwheat (*Eriogonum gracile*), desert tea (*Ephedra californica*), hoary saltbush (*Atriplex canescens*), Russian thistle (*Salsola tragus*), Mexican elderberry (*Sambucus Mexicana*), rubber rabbitbush (*Ericameria nauseosa*), and alkali goldenbush (*Isocoma arcadenia*). A complete list of all species recorded within the Survey Area can be found in Appendix C. CASC's biologists recorded a total of 48 Western Joshua tree within the Project boundary. Western Joshua tree were also recorded within the Project buffer. GPS was used to record the location of all dead and viable Western Joshua trees on the Project Site (Figure 5, Joshua Tree and Potential Burrow Locations).



CASC Engineering and Consulting

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0 250 500 Feet

FIGURE 5
JOSHUA TREE LOCATIONS AND POTENTIAL BURROW LOCATIONS
LOYAL BROTHERS

SOURCE: San Bernardino County GIS
Basemap: Esri World Imagery, DigitalGlobe June 4, 2016, Esri World Street Map 2018

3.4 GENERAL WILDLIFE OBSERVATIONS

The Survey Area is dominated by native vegetation and friable soils necessary to support various wildlife species. However, wildlife diversity during the field survey was generally low likely due to the low diversity of the plant assemblage and the brevity of the survey itself. A single-reconnaissance site assessment was performed for this report. The most commonly observed species within the Survey Area was mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*), common raven (*Corvus corax*), and cactus wren (*Campylorhynchus brumeicapillus*). Refer to Appendix D for a complete list of wildlife species observed during the field survey.

3.5 REGULATORY SETTING

3.5.1 Federal Regulations

Federal Endangered Species Act of 1973

As defined within the FESA of 1973, an endangered species is any animal or plant listed by regulation as being in danger of extinction throughout all or a significant portion of its geographical range. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future throughout all or a significant portion of its geographical range. Without a special permit, federal law prohibits the "take" of any individuals or habitat of federally-listed species. Under Section 9 of the FESA, take is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." The term "harm" has been clarified to include "any act which actually kills or injures fish or wildlife and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife." Enforcement of FESA is administered by the USFWS.

Under the definition used by the FESA, "Critical Habitat" refers to specific areas within the geographical range of a species that were occupied at the time it was listed that contain the physical or biological features that are essential to the survival and eventual recovery of that species and that may require special management considerations or protection, regardless of whether the species is still extant in the area. Areas that were not known to be occupied at the time a species was listed can also be designated as Critical Habitat if they contain one or more of the physical or biological features that are essential to that species' conservation and if the occupied areas are inadequate to ensure the species' recovery. If a project may result in take or adverse modification to a species' designated Critical Habitat and the project has a federal nexus, the project proponent may be required to provide suitable mitigation. Projects with a federal nexus may include projects that occur on federal lands, require federal permits (e.g., Clean Water Act Section 404 permit), or receive any federal oversight or funding. If there is a federal nexus, then

the federal agency that is responsible for providing funds or permits would be required to consult with the USFWS under the FESA.

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

Migratory Bird Treaty Act

Pursuant to the MBTA (16 U.S. Government Code [USC] 703) of 1918, as amended in 1972, federal law prohibits the taking of migratory birds or their nests or eggs (16 USC 703; 50 CFR 10, 21). The statute states:

“Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill...any migratory bird, any part, nest, or egg of any such bird...included in the terms of the [Migratory Bird] conventions…”

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

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

Executive Order 13112 – Invasive Species

On February 3, 1999, President William J. Clinton signed Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health." Federal Highway Administration guidance issued August 10, 1999 directs the use of the State’s

invasive species list, maintained by the California Invasive Species Council to define the invasive plants that must be considered as part of the NEPA analysis for a proposed project. Under the Executive Order, federal agencies cannot authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless all reasonable measures to minimize risk of harm have been analyzed and considered.

3.5.2 State Regulations

California Environmental Quality Act

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

California Endangered Species Act

In addition to federal laws, the State of California has its own CESA, enforced by the CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

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

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

if its present environment worsens. State threatened and endangered species are protected against take, as defined above, in the absence of incidental take permits.

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

As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

California Fish and Game Code

Sections 3503, 3503.5, 3511, and 3513

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

Section 4150

Section 4150 of the CFGC protects nongame mammals, defined as any naturally-occurring mammal in California that is not a game mammal, fully protected mammal, or fur-bearing mammal. Nongame mammals, which includes bats and bat roosts, may not be taken or possessed except as provided by the CFGC or in accordance with applicable regulations.

Native Plant Protection Act

Sections 1900–1913 of the CFGC were developed to preserve, protect, and enhance Rare and Endangered plants in the State of California. The act requires all State agencies to use their

authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Desert Native Plants Act

Division 23 of the California Food and Agriculture Code consists of the CDNPA. The CDNPA was developed to protect certain species of California desert native plants from unlawful harvesting on both public and privately-owned lands. The CDNPA only applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. Within these counties, the CDNPA prohibits the harvest, transport, sale, or possession of specific native desert plants unless a person has a valid permit or wood receipt, and the required tags and seals. The appropriate permits, tags and seals must be obtained from the sheriff or commissioner of the county where collecting will occur, and the county will charge a fee.

3.5.3 Local Policies and Ordinances

San Bernardino County Countywide Plan

The Conservation Element of the County of San Bernardino General Plan identifies measures to preserve the unique environmental features and natural resources of the desert region, including native wildlife and vegetation. One role of the Conservation Element involves the identification of a community's natural resources and the adoption of policies for their preservation, development, and wise use.

Section 4 Results

The following discusses the potential for special-status plant and wildlife species and special-status vegetation communities to occur within the Survey Area. The CNDDB and CNPS Online Inventory were queried for reported locations of special-status plant and wildlife species as well as special-status natural vegetation communities within the 9-quad search radius. All CNDDB occurrences, documentation of special-status species and vegetation communities, and USFWS-designated Critical Habitat within a 5-mile radius of the Project Site are shown in Appendix E, CDFW BIOS Map. An evaluation of the potential for each species identified in the database records search to occur within the Survey Area is presented in the following section.

4.1 SPECIAL-STATUS SPECIES

The field survey was conducted to assess the conditions of the habitat(s) within the boundaries of the Survey Area to determine if the existing vegetation communities, at the time of the field survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species. Additionally, the potential for special-status species to occur within the Survey Area was determined based on the reported locations in the CNDDB and CNPS Online Inventory and the following:

- **Present**: the species was observed or detected within the Survey Area during the field survey.
- **High**: Recent occurrence records indicate that the species has been known to occur on or within 1 mile of the Survey Area and the Survey Area is within the normal or expected range of this species. Intact, suitable habitat preferred by this species occurs within the Survey Area and/or there is viable landscape connectivity to a local known extant population(s) or sighting(s).
- **Moderate**: Recent occurrence records indicate that the species has been known to occur within 1 mile of the Survey Area and the Survey Area is within the normal expected range of this species. There is suitable habitat within the Survey Area but the site is ecologically isolated from any local known extant populations or sightings.
- **Low**: Recent occurrence records indicate that the species has been known to occur within 5 miles of the Survey Area, but the Survey Area is outside of the normal expected range of the species and/or there is poor quality or marginal habitat within the Survey Area.
- **Not Expected**: There are no occurrence records of the species occurring within 5 miles of the Survey Area, there is no suitable habitat within the Survey Area, and/or the Survey Area is outside of the normal expected range for the species.
- **Absent**: The species has been determined to conclusively be absent from the Survey Area.

The literature search identified five (5) special-status plant species and twelve (12) special-status wildlife species as having been reported to occur within the 9-quad search radius. Special-status plant and wildlife species were evaluated for their potential to occur within the Survey Area based on habitat requirements, availability and quality of suitable habitat, and known distributions. Special-status biological resources identified during the literature review as having the potential to occur within the 9-quad search radius.

4.1.1 Special-Status Plant Species

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Survey Area has a **low potential** to support white pygmy-poppy (*Canbya candida*, CRPR 4.2) and Booth's evening primrose (*Eremothera boothii* ssp. *boothii*, CRPR 2B.3). These species were not observed during the site visit. Sagebrush loeflingia (*Loeflingia squarrosa* var. *squarrosa*, CRPR 2B.2) is **not expected** to occur due to lack of suitable habitat. At the Project Site there is suitable habitat to support short-joint beavertail (*Opuntia basilaris* var. *brachyclada*, CRPR 1B.2) and according to the CNDDB there is a known occurrence within 1-mile of the Project Site (Appendix E). This species is conspicuous and was not recorded during the site visit. Western Joshua tree (*Yucca brevifolia*, State Listed Candidate Threatened) was **present** and recorded in abundance within the Project Site and within the Survey Area.

Western Joshua Tree

CASC's biologist performed an inventory of all Western Joshua trees within the Survey Area (Project Site and the 500-foot buffer). At the Project Site, a total of 48 trees (both dead and alive) were recorded during the July 2021 site visit. Data on Western Joshua tree within the buffer was recorded as required by CDFW but are not presented in Table 1 (Figure 5). All data collected will be utilized to assess direct and indirect Project impacts to the vegetative community surrounding the Project.

The 48 Western Joshua trees on-site vary in shapes (clonal or non-clonal), height, and health (Table 1, Joshua Tree Inventory). Of the 48 Western Joshua trees on-site, only 21 trees meet the criteria as transplantable based on the factors presented below in Section 4.1.2 Criteria for Relocation. The remaining 27 trees were recorded as too large, clonal, damaged, had multiple branches or were dead (Appendix B, Photos 5, 7, and 8). Western Joshua trees larger than approximately 12 feet tall, have multiple branches, panicles (a loose branching cluster of flowers), or exposed roots tend to have a very low survival rate during transplanting. Likewise, clonal trees are difficult to transplant and have a low survival rate due to multiple root systems (CDFW). See Appendix B, Photograph 5 for an example of a clonal Western Joshua tree on the Project Site.

Per CDFW reporting requirements, each Western Joshua tree in Table 1 was photographed, a general health assessment performed (height, branching, clonal, etc.), and GPS location of each tree with scale (CASC's biologist was used in the photographs for scale) was noted (Appendix B, Photos 3, 5, and 6). Data was not collected on the presence of panicles at the time the Western Joshua tree inventory was performed as it was late in the blooming season.

Sololocator was used to correspond the photographs and GPS locations of all trees on the Project Site and within the buffer. Photographs of each Western Joshua tree on the Project Site are available upon request. A photograph of each tree (with scale) will be included in the final Incidental Take Permit application (ITP) to be submitted to CDFW.

Highlighted in green in Table 1 are those Western Joshua trees deemed appropriate for relocation according to the CDFW criteria (see below, Section 4.1.2 Criteria for Relocation). Avoidance or relocation of Western Joshua trees will reduce the mitigation obligation with avoidance being the preferred strategy followed by on-site relocation of Western Joshua trees. Since 21 of the Western Joshua tree meet the criteria for relocation, the very best specimens can be selected to improve the chances of survival and overall success If Western Joshua tree can be incorporated into the Project Site landscape or avoided this would help to reduce the mitigation obligation. Avoidance and relocation are highly valued by the California Department of Fish and Wildlife. Table 1 shows the GPS location of all Western Joshua tree on-site, their approximate height and a general health assessment.

Table 1. Western Joshua Tree Inventory

Tree Number	Approx Height inches/feet	Health/Notes	Location/GPS Coordinate
1	10-feet	Good; single trunk	117°24'9"W 34°24'26"N
2	1-foot	Dead	117°24'10"W 34°24'46"N
3	7-feet	Good; 3 trunks, clonal	117°24'9"W 34°24'48"N
4	6-feet	Good; single trunk	117°24'9"W 34°24'49"N
5	1-foot	Good; single sprout	117°24'9"W 34°24'49"N
6	4-feet	Good; single trunk	117°24'7"W 34°24'49"N
7	2-feet	Good; single sprout	117°24'8"W 34°24'48"N
8	1-foot	Good; single sprout	117°24'8"W 34°24'48"N
9	8-inchs	Good; single sprout	117°24'9"W 34°24'48"N
10	3-feet	Good; single trunk	117°24'8"W 34°24'47"N
11	Dead	Dead	117°24'9"W 34°24'46"N
12	1 trunk @ 10-feet 2 trunks @ 4-feet	Good, 3-trunks, clonal	117°24'9"W 34°24'45"N
13	1-trunk @15feet 1-trunk dead	Moderate; two trunks, 1-alive & 1-dead; a lot of litter around the tree, clonal	117°24'8"W 34°24'45"N
14	6-feet	Good; single trunk	117°24'8"W 34°24'45"N

15	1-trunk @6-feet 1-trunk @ 4-feet	Good; two trunks; clonal	117°24’8”W 34°24’44”N
16	Dead	Dead	117°24’7”W 34°24’45”N
17	Dead	Dead	117°24’7”W 34°24’45”N
18	1-sprout @ 2-feet 1-sprout @8-inches 1-sprout @1-foot	Good; clonal	117°24’7”W 34°24’45”N
19	2-trunks; both approx., 8-feet	Good, clonal, very large	117°24’7”W 34°24’45”N
20	6-feet	Good; single trunk	117°24’8”W 34°24’45”N
21	8-feet	Good; single trunk	117°24’8”W 34°24’45”N
22	2-trunks both approx. 25-feet	Good; very large tree, clonal	117°24’8”W 34°24’46”N
23	6-feet	Good, single trunk, leaning over	117°24’8”W 34°24’46”N
24	10-feet	Good, single trunk	117°24’8”W 34°24’46”N
25	2-feet	Good; single trunk surrounded by several Dead trees	117°24’8”W 34°24’47”N
26	7-trunks; Multi-trunk approx. 20-feet	Good; 7-trunks, clonal Multiple sprouts at base of tree	117°24’8”W 34°24’47”N
27	2-trunks; 1 @ 5-feet 1 dead/dying	Moderate; portion of tree on ground but alive	117°24’7”W 34°24’48”N
28	Dead	Dead	117°24’7”W 34°24’47”N
29	Dead	Dead	117°24’8”W 34°24’48”N
30	2-4-feet	Good; 1-trunk with 3 branches	117°24’8”W 34°24’48”N
31	15-feet	Moderate; 1-trunk dead, 2-trunks leaning or fallen over, 1-healthy, clonal	117°24’7”W 34°24’48”N
32	2-feet	Good; 1-trunk	117°24’8”W 34°24’49”N
33	4-feet	Good; 1-trunk	117°24’8”W 34°24’49”N
34	1-6-feet	Good; 4 trunks, clonal	117°24’7”W 34°24’49”N
35	3-5-feet	Good; multi branches, 1-trunk	117°24’6”W 34°24’50”N
36	8-inches	Good; single sprout	117°24’7”W 34°24’49”N
37	4-feet	Good; single trunk	117°24’6”W 34°24’49”N
38	Dead	Dead	117°24’6”W 34°24’49”N
39	2 @ 7-feet 2 @ 15-feet	Good; 4 trunks, clonal	117°24’6”W 34°24’49”N
40	4-feet	Good; single trunk with sprouts at base; clonal	117°24’6”W 34°24’48”N

41	20-feet	Good; single trunk with Dead trunk beside tree	117°24’6”W 34°24’48”N
42	Dead	Dead	117°24’7”W 34°24’47”N
43	6-feet	Moderate; multi branched 1 alive and 1 dead	117°24’6”W 34°24’47”N
44	20-23-feet and Dead	Good; multi trunk, 2-trunks alive and 1 dead, clonal	117°24’6”W 34°24’46”N
45	9-feet	Good; single trunk; with cactus wren nest	117°24’6”W 34°24’46”N
46	Dead	Dead	117°24’7”W 34°24’46”N
47	7’-feet with multiple 1-foot sprouts	Good; single trunk with 3-sprouts in close proximity; one dead trunk in close proximity	117°24’6”W 34°24’46”N
48	4’-feet main trunk with Multiple sprouts	Good; main trunk 4’; 13 sprouts < 1’ around main trunk; 3 trunks yellow and in poor health; clonal	117°24’6”W 34°24’46”N

4.1.2 Criteria for Relocation

Each Western Joshua tree was evaluated for suitability of potential relocation and transplanting based on the following criteria which is provided on research completed by California Department of Fish and Wildlife:

- Trees from approximately 2-feet in height to approximately 12-feet.
- No visible sign of damage to the tree such as absence of bark due to rodents, vandalism, etc.
- Tree has minimal number of branches (between 2-3 branches).
- Tree is not excessively leaning.
- Tree does not have yellow or brown fronds.
- Proximity to other Western Joshua trees (i.e., clonal).
- Tree does not have exposed roots at the base.
- Presence of branches with panicles.

4.1.3 Special-Status Wildlife Species

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and habitat associations, it was determined that the Survey Area has a **low potential** to support pallid bat [*Antrozous pallidus*, Species of Special Concern (SSC)] and yellow warbler (*Setophaga petechia*, SSC/Bird of Conservation Concern), desert tortoise (*Gopherus agassizii*, FE/SE), and Mohave ground squirrel (*Xerospermophilus mohavensis*, ST); **moderate potential** to support Cooper's hawk (*Accipiter cooperii*, CDFW Watch List), long-eared owl (*Asio otus*, SSC), loggerhead shrike (*Lanius ludoviciarus*, SSC, Bird of Conservation Concern), Le Conte's thrasher (*Toxostoma lecontei,* SSC/Bird of Conservation Concern), gray vireo (*Vireo vicinior,* SSC/Bird of Conservation Concern), and coast horned lizard (*Phrunosoma blainvillii* SSC); **high potential** to support Western burrowing owl (*Athene cunicularia*, SSC and locally significant species); and **absent** is Mohave tui chub (*Siphateles bicolor mohavensis*, FE/SE) due to the lack of suitable habitat for this species at the Project Site.

4.2 SPECIAL-STATUS VEGETATION COMMUNITIES

Joshua tree woodland (*Yucca brevifolia* Alliance, G4 S3)[2] was recorded within the Survey Area and is a CDFW special-status habitat/vegetation community. On the list of California Sensitive Natural Communities, natural communities with ranks of S1-S3 are considered sensitive by CDFW (CDFW 2020). These communities need to be addressed in the CEQA review process. As such, any impacts to these sensitive natural communities may be considered significant under CEQA and require further mitigation to ensure compliance with the federal, State, and local regulations. These mitigation requirements are typically determined during the CEQA review and approval process.

4.3 NESTING BIRDS AND WILDIFE MOVEMENT

The abundance of shrubs and Western Joshua tree located within the Survey Area provide nesting habitat for a number of nesting bird species. Several nests of cactus wren (*Campylorhynchus brumeicapillus)* were found during the site survey. Other avian species with potential to nest on the Project Site included mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), and house finch (*Carpodacus mexicanus*). Turkey vulture (*Cathartes aura*) was also noted during the survey and can utilize the site for foraging and thermoregulation. Black-tailed jackrabbit (*Lepus californicus*) is expected to nest and forage on site. And coyote (*Canis latrans*) was observed foraging as evidenced by the presence of sign (scat and tracks). The site is undeveloped as are the adjacent properties. It is possible that wildlife moves readily throughout the site to access adjacent habitat.

[2]Global Ranking G4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to decline or other factors. State Ranking S3 = Vulnerable – Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer) recent or wide-spread declines, or other factors making it vulnerable to extirpation from the State.

4.4 REGIONAL CONNECTIVITY

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. A wildlife corridor is generally represented by a linear patch of habitat that provides a connection between two core areas of the same habitat, allowing for the large-scale movement of species within their native habitats. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provides corridors for wildlife travel. Wildlife movement corridors are important because they provide access for breeding opportunities, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. The Project Site is not identified within the San Bernardino County General Plan as a Wildlife Corridor or Linkage, San Bernardino County Corridor Locations. The County identifies Wildlife Corridors and Areas of Critical Environmental Concern in their open space element of the General Plan.

4.5 CRITICAL HABITAT

No USFWS-designated critical habitats (proposed or final) have been mapped within the Survey Area.

4.6 JURISDICTIONAL AQUATIC FEATURES

Non-Wetland Features

The Survey Area was surveyed for the presence of aquatic features including ephemeral drainage features. Given that the Project Site is located in the arid to semi-arid desert region, the Survey Area was assessed more specifically for ephemeral features (watercourses that flow only during and shortly after precipitation events). Within the eastern buffer area, there is an unnamed drainage feature that can be seen on the aerial photograph shown in Figure 3. This drainage feature will not be directly or indirectly affected by Project actions as it is a significant distance from the eastern boundary of the Project Site. It is only mentioned here because it was within the 500-foot buffer area. This feature will not be discussed further in this document as it is outside of the Project impact area.

There are no blueline drainage features or other features on the Project Site that would be considered jurisdictional. The site has not been graded or developed other than a dirt road that bisects the site from southeast to northwest (Figure 3). An erosion rill was noted on site and is located at the northwestern project boundary where the dirt road transects the western project boundary. There is evidence of minor surface scouring but none significant enough to be considered jurisdictional. Surface flow presumably follows this erosion rill across the dirt road and continues in a northerly direction. The erosion rill is anticipated to only support surface flow from the dirt road during high storm events. There was lack of an Ordinary High-Water Mark (OHWM) and lack of vegetation or other features to indicate this erosion rill would be jurisdictional.

Wetland Features

No wetland features were noted within the Project boundary during the site visit.

Section 5 Conclusion and Recommendations

The following sections discuss the potential impacts to biological resources that may occur from Project development and outline appropriate mitigation measures that would reduce potential impacts to less than significant levels.

5.1 SPECIAL-STATUS PLANT SPECIES

Development of the Project has the potential to impact these special-status plants: short-joint beavertail cactus (CRPR 1B.2), Booth's evening primrose (CRPR 2B.3), sagebrush loeflingia (CRPR 2B.3), and white pygmy poppy (CRPR 4.2). Impacts to special-status species with a CRPR of 1 or 2 would require disclosure under CEQA. Impacts to CRPR 3 and 4 species are not considered significant under CEQA and warrant no legal protection but may simply require CEQA disclosure. Western Joshua tree is addressed below in Section 5.4 Special-Status Vegetation Communities.

5.1.1 Avoidance and Minimization Measures

Construction activities would involve site grading, mowing, and other soil-disturbing activities. Short-term impacts to vegetation would result from the removal or alteration of physical habitats that can be re-vegetated and reclaimed after Project construction. The removal or alteration of native habitat within the Project Site could result in the temporary or permanent displacement of plants and habitat. The following avoidance and minimization measures are recommended to reduce potential impacts to special-status plant species.

BIO-1: Presence/Absence Surveys for Special-Status Plants

Prior to construction, a qualified botanist shall conduct a pre-construction rare plant survey within the Project Site, particularly focusing on areas with suitable habitat to support special-status plant species. The survey shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of, at a minimum, areas proposed for disturbance.

If individual or populations of special-status plant species are found along the edges of areas that are proposed for disturbance, measures to avoid and minimize impacts to these plants, including but not limited to flagging and/or fencing, shall be recommended and implemented, as appropriate. The surveys and reporting shall follow 2018 CDFW and/or 2001 CNPS guidelines.

The results of the survey shall be documented in a letter report that will be submitted to San Bernardino County and the California Department of Fish and Wildlife.

If State- and/or federally-listed plant species are present and avoidance is infeasible, consultation with the requisite resource agency will be conducted and an Incidental Take Permit may be warranted prior to the commencement of Project activities.

5.2 NESTING BIRDS AND WILDLIFE MOVEMENT

The Survey Area is surrounded by undeveloped land to the north, south, east, and west, and implementation of the Project will not inhibit wildlife from moving to adjacent open space which surrounds the Project Site. Abundant suitable bird nesting habitat is present throughout the Project Site and buffer area. Development of the Project has the potential to impact these special-status birds: yellow warbler (SSC/Bird of Conservation Concern), Cooper's hawk (CDFW Watch List), long-eared owl (SSC), loggerhead shrike (SSC, Bird of Conservation Concern), Le Conte's thrasher (SSC/Bird of Conservation Concern), gray vireo (SSC/Bird of Conservation Concern). and Western burrowing owl (SSC) (which will be discussed in detail below in Section 5.3).

5.2.1 Avoidance and Minimization Measures

Pursuant to the MBTA (16 U.S. Government Code [USC] 703) of 1918, as amended in 1972, federal law prohibits the taking of migratory birds or their nests or eggs (16 USC 703; 50 CFR 10, 21). The following avoidance and minimization measure is recommended to reduce potential impacts to nesting birds to a less than significant level.

Impacts to special-status species designated as endangered, threatened, rare, or a candidate species would require disclosure under CEQA. Impacts to SSC species are not considered significant under CEQA and warrant no legal protection but may simply require CEQA disclosure.

BIO-2: Nesting Bird Preconstruction Surveys

If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or directly adjacent to the Project Site. If active nests are located, the extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

5.3 SPECIAL-STATUS WILDLIFE SPECIES

Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the Survey Area has a low potential to support pallid bat (SSC), desert tortoise (FE/SE), and Mohave ground squirrel (ST); moderate potential to support coast horned lizard (SSC); and high potential to support Western burrowing owl (SSC and locally significant within the County of San Bernardino).

CEQA requires Project proponents to analyze and disclose potential environmental impacts associated with Project development. Any potentially significant impact must be mitigated to the extent feasible. CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Impacts to special-status species designated as endangered, threatened, rare, or a candidate species would require disclosure under CEQA. Impacts to SSC species are not considered significant under CEQA and warrant no legal protection but may simply require CEQA disclosure.

5.3.1 Avoidance and Minimization Measures

The following avoidance and minimization measures are recommended to reduce potential impacts to desert tortoise, Mohave ground squirrel, and Western burrowing owl to a less than significant level.

BIO-3: Presence/Absence Survey for Desert Tortoise

Presence/absence surveys shall be conducted by a USFWS approved biologist and follow the USFWS approved Presence/Absence Survey Guidelines which are only outlined below (USFWS 2009. *Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise*).

Surveys should be conducted during the desert tortoise's most active periods (April through May or September through October) (Nussear and Tracy 2007; Inman 2008; USFWS 2009). Surveys outside these time periods may be approved by USFWS, and CDFG in California (e.g., warm weather in March or rainfall in August stimulating increased desert tortoise activity).

Desert tortoises utilize burrows to avoid daily and annual thermal extremes. Therefore, surveys should take place when air temperatures are below 40 degrees C (104 degrees F) (Zimmerman et al. 1994; Walde et al. 2003; Inman 2008). Air temperature is measured ~5-cm from the soil surface in an area of full sun, but in the shade of the observer.

Ten-meter (~30-ft) wide belt transects should be used during surveys. For all projects, surveys which cover the entire project area with the 10-m belt transects (100 percent coverage) are always an acceptable option. Transects should be completed in a random order, oriented in a logistically convenient pattern (e.g., lines, squares, or triangles). Any sampling design other than simple systematic or random sampling must be approved by USFWS (e.g. stratification).

Occurrence of either live desert tortoises or desert tortoise sign (burrows, scats, and carcasses) in the action area indicates desert tortoise presence and therefore requires formal consultation with USFWS.

If neither desert tortoises nor sign are encountered during the action area surveys, as well as project perimeter surveys where appropriate, please contact your local USFWS office. Informal consultation with the USFWS may be required even though no desert tortoises or sign are found during surveys.

BIO-4: Presence/Absence Survey for Mohave Ground Squirrel

Presence/absence surveys shall be conducted by a CDFW approved biologist and follow the CDFW approved Mohave Ground Squirrel Survey Guidelines (January 2003; minor process and contact changes in July 2010). Mohave ground squirrel (*Xerospermophilus mohavensis*) is known in the region of the Project and has been observed within 5-miles of the Project Site. A habitat assessment with possible focused protocol level trapping surveys may be necessary prior to Project build out. .

CDFW qualified biologist shall perform a one-day habitat assessment to determine if suitable habitat is present on the Project Site. Visual surveys to determine Mohave ground squirrel activity and habitat quality shall be undertaken during the period of March 15 through April 15. All potential habitat on a Project site shall be visually surveyed during daylight hours by a biologist who can readily identify the Mohave ground squirrel and the white-tailed antelope squirrel (*Ammospermophilus leucurus*). If visual surveys do not reveal presence of the Mohave ground squirrel on the Project Site, standard small-mammal trapping grids shall be established in potential Mohave ground squirrel habitat.

BIO-5: Protocol Level Surveys for Western Burrowing Owl

Project-specific CEQA mitigation is important for burrowing owls because most populations exist on privately owned parcels that, when proposed for development or other types of modification, may be subject to the environmental review requirements of CEQA. Additionally, *Western burrowing owls are locally significant within the County of San Bernardino as they are in severe decline.*

Surveys for Western burrowing owl shall be performed by a qualified biologist. A qualified biologist is a biologist who has demonstrated pertinent field experience in identifying owls in varying habitats and who is recognized by CDFW to work without supervision. Surveys shall follow *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).

Breeding Season Surveys Number of Visits and Timing

Conduct 4 survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Note: many burrowing owl migrants are still present in southwestern California during mid-March, therefore, exercise caution in assuming breeding occupancy early in the breeding season. Survey method. Rosenberg et al. (2007) confirmed walking line transects were most effective in smaller habitat patches. Conduct surveys in all portions of the project site that were identified in the Habitat Assessment. Conduct surveys by walking straight-line transects spaced 7 m to 20 m apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey.

Weather conditions: Poor weather may affect the surveyor's ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is >20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are >20º C, less than 12km/hr, and cloud cover is less than 75%.

Time of day: Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM

and two hours before sunset until evening civil twilight provide the highest detection probabilities (Barclay pers. comm. 2012, Conway et al. 2008).

BIO-6: Pre-Construction Western Burrowing Owl Clearance Surveys

If more than 30-days pass after focused surveys for Western burrowing owl are conducted, then it will be necessary to conduct pre-construction burrowing owl clearance surveys. All surveys shall be conducted by a qualified biologist to ensure that burrowing owls remain absent from the Project Site and impacts to burrowing owls do not occur.

In accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), two (2) pre-construction clearance surveys should be conducted 14-30 days and 24 hours prior to any vegetation removal or ground disturbing activities. Once surveys are completed, the qualified biologist shall prepare a final report documenting surveys and findings. If no burrowing owls or occupied burrows are detected, Project construction activities may begin. If an occupied burrow is found within the Project Site during pre-construction clearance surveys, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to the County, which may consult with CDFW for review, prior to initiating Project construction activities.

BIO-7: Passive and Active Relocation of Western Burrowing Owls

If Western burrowing owls are observed on the Project Site during preconstruction surveys, CDFW shall be immediately notified to determine if avoidance of the nest is appropriate until the nest is vacated or to gain concurrence from CDFW on active or passive relocation actions. All passive or relocation activities shall be in concurrence with CDFW guidelines (Staff Report on Burrowing Owl Mitigation 2012).

If burrowing owls are present and nesting on-site the following steps shall be necessary to reduce impacts to less than significant. These steps may be augmented by recommendations from CDFW:

a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that: (1) owls have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

b. A qualified biologist shall exclude all owls from active burrows using one-way doors. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.
c. Following and 24 to 48-hour observation period, all vacated burrows shall be collapsed.
d. A qualified biologist shall conduct a post-exclusion survey confirming the absence of burrowing owls on the Project Site. Should newly occupied burrows be discovered on the Project Site the exclusion activities shall be repeated.

5.4 SPECIAL-STATUS VEGETATION COMMUNITIES

The Western Joshua tree is a candidate species in the initial stages of consideration for listing as threatened under the California Endangered Species Act (CESA) (Office of Administrative Law's Notice ID #Z2019-1112-01 and Z2020-0924-01 Petition to list Western Joshua Tree (*Yucca brevifolia*) as a Threatened Species). CDFW regulates all "take" of listed or candidate species. In preparation for Project development, an Incidental Take Permit (ITP) application will need to be completed with supporting documentation and an application fee paid to CDFW.

5.4.1 Avoidance and Minimization Measures

The following avoidance and minimization measure is recommended to reduce potential impacts and lessen mitigation obligation for special-status Western Joshua tree woodland to a less than significant level.

Mitigation can consist of avoidance, removal, on-site relocation, off-site relocation, and purchase of credits in a CDFW approved mitigation bank. In the instance of relocation of Western Joshua tree, the Project proponent will be responsible for preparation of long-term maintenance, monitoring, watering, and weeding plan to ensure the health of the transplanted tree, the placement of fencing and signage around transplanted trees, and if requested by CDFW, an endowment to maintain the relocated trees. Purchase of credits in a CDFW approved mitigation bank can be an option once bank approval is finalized.

San Bernardino County Countywide Plan Policy NR-5.6 Mitigation Banking supports the proactive assemblage of lands to protect biological resources and facilitate development through private or public mitigation banking. The County does require public and private conservation lands or mitigation banks to ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.

BIO-8: Incidental Take Permit from CDFW

An Incidental Take Permit (ITP) application and supporting documentation shall be submitted to CDFW for review and approval for removal of Western Joshua trees on the Project Site. An ITP establishes a performance standard requiring that the impacts be "minimized and fully mitigated" with "measures that are roughly proportional in extent to the impact of the authorized taking on the species." [3] Therefore, additional mitigation measures, such as the purchase of credits from an approved conservation or mitigation bank, land acquisition, or entry into a conservation easement, will be determined in consultation with CDFW to meet ITP requirements. Because the Western Joshua tree was designated as a candidate species in October 2020 and is still subject to a status review by CDFW, it is impractical to determine the specific details of mitigation, beyond compliance with the ITP.

A completed application requires a completed CEQA document to accompany the ITP application and fee. CDFW requires the CEQA document have a state clearing house number, show proof of filing fees, and that the document has been circulated. CDFW will then review the ITP and CEQA document and make a determination of mitigation.

BIO-9: Desert Native Plant Protection and Relocation Plan

A *Desert Native Plant Protection and Relocation Plan* (Plan) for the proposed Project shall be composed that will provide detailed specifications for the proposed treatment, avoidance, or relocation of all smoke trees (Cotinus sp.), species in the Agavacea family, mesquite (Prosopis sp.), large creosote bushes (Larrea sp.), Western Joshua trees, and any other plants protected by the State Desert Native Plant Act. Further, the Protected Desert Plant Plan will provide measures to meet the requirements of Chapter 16.24 of the City of Hesperia's (City) Municipal Code to protect, preserve, and mitigate impacts to Western Joshua tree. The City's Protected Plant Policy (HMC 16.24) states the following for commercial and industrial projects:

- The Plan shall be certified by an arborist or registered botanist.
- An application and fee shall be completed and paid to the City of Hesperia.
- Healthy, transplantable Western Joshua trees shall be relocated on-site or may be placed in an adoption program.

[3] Fish & G. Code § 2081(b); Cal. Code Regs., tit. 14, §§ 783.2-783.8

The *Desert Native Plant Protection and Relocation Plan* will address requirements of the City's Protected Plant Policy and provide details from the initial survey of the site's Western Joshua trees and other sensitive desert plant species, detailed specifications for the protection of trees to be preserved on site, and relocation/salvage requirements for those trees or bushes requiring removal and relocation. Specifically, the Plan will include site location and characteristics; relocation requirements including Western Joshua tree and other sensitive desert plant species report and removal/relocation and transplanting specifics; success criteria and associated necessary fees, protective measures prior to, during and after construction, and maintenance after construction.

5.5 CRITICAL HABITAT

There is no USFWS-designated critical habitat mapped within the Survey Area. Therefore, no impacts to critical habitat are expected to occur as a result of the Project, and no further recommendations or avoidance and minimization measures are warranted.

Section 6 References

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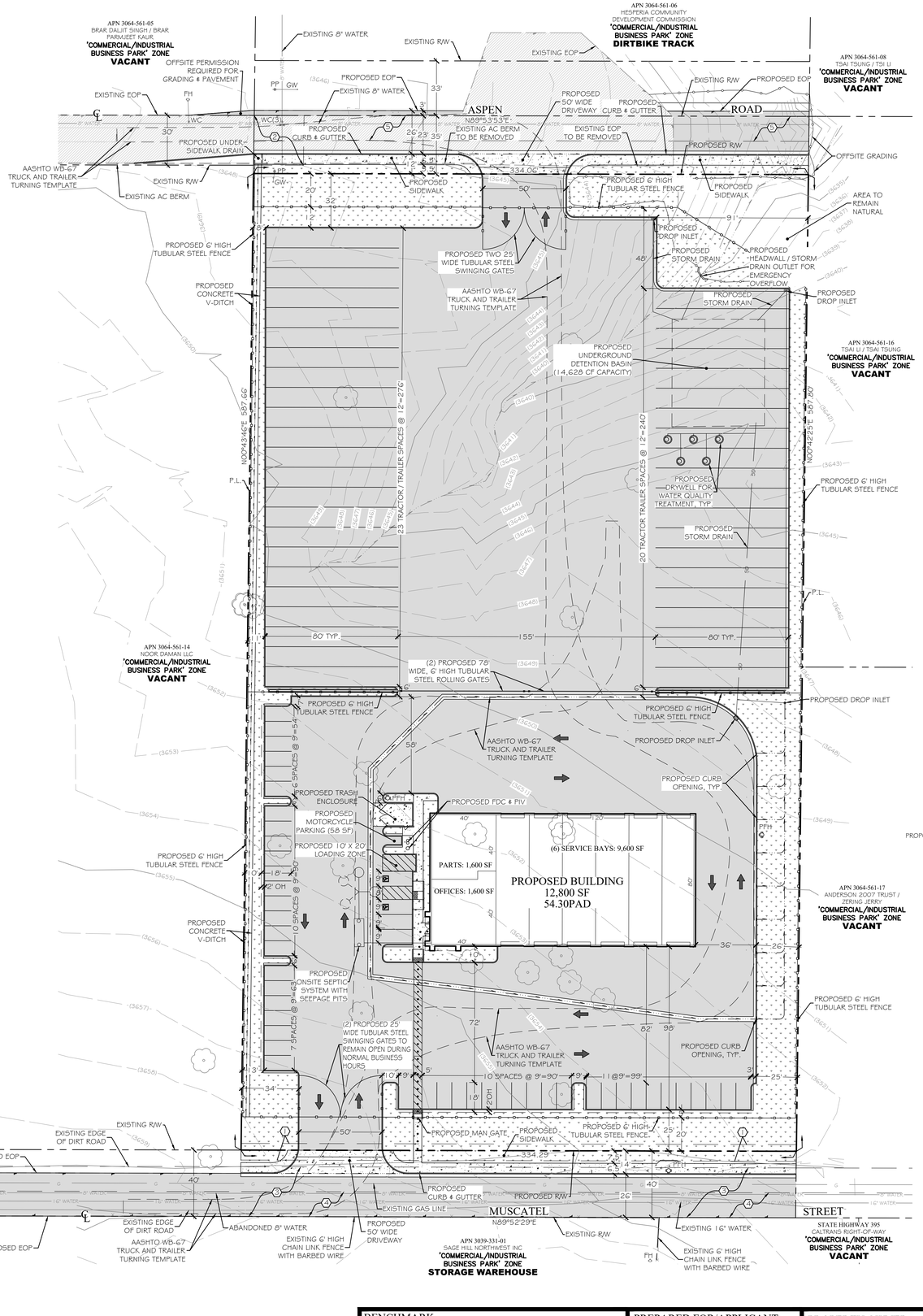
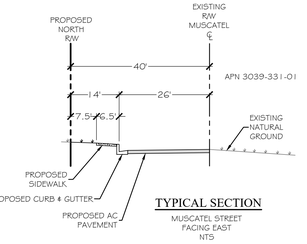
Appendix A CUP Site Plan

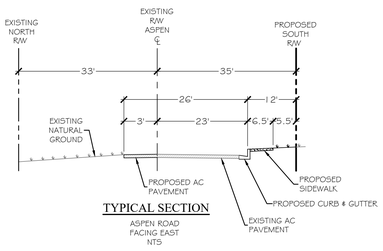
CONDITIONAL USE PERMIT SITE PLAN

PROPOSED TRUCK/TRAILER REPAIR AND MAINTENANCE FACILITY
APN 3064-561-15
NORTH SIDE OF MUSCATEL STREET, SOUTH SIDE OF ASPEN ROAD
APPROXIMATELY 280' EAST OF CALIENTE ROAD
CITY OF HESPERIA





TYPICAL SECTION
MUSCATEL STREET FACING EAST
NTS



TYPICAL SECTION
ASPEN ROAD FACING EAST
NTS

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF HESPERIA, THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND ON FILE IN THE DISTRICT LAND OFFICE.

EASEMENTS

1. AN EASEMENT FOR APPURTENANT FIXTURES AND/OR EQUIPMENT NECESSARY OR USEFUL FOR DISTRIBUTING ELECTRICAL ENERGY AND FOR TRANSMITTING INTELLIGENCE BY ELECTRICAL MEANS, IN FAVOR OF SOUTHERN CALIFORNIA EDISON, RECORDED JANUARY 03, 1985 AS INSTRUMENT NO. 1985-004725, OF OFFICIAL RECORDS.
2. AN EASEMENT FOR WATER LINES AND ALL OTHER UTILITIES, IN FAVOR OF THE COUNTY OF SAN BERNARDINO, RECORDED AUGUST 24, 1987 AS INSTRUMENT NO. 1987-292709, OF OFFICIAL RECORDS.
3. AN EASEMENT FOR WATER LINES, IN FAVOR OF THE COUNTY OF SAN BERNARDINO, RECORDED FEBRUARY 27, 1974 IN BOOK 8376 PAGE 648, OF OFFICIAL RECORDS.
4. AN EASEMENT FOR INGRESS AND EGRESS PURPOSES AND FOR PLACEMENT OF ANY OR ALL UTILITIES AND INCIDENTAL PURPOSES, IN FAVOR OF JOHN C. VANN, RECORDED APRIL 4, 1937 IN BOOK 4223, PAGE 14 OF OFFICIAL RECORDS.
5. AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, IN FAVOR OF NORMAN WITTENBERG, RECORDED OCTOBER 25, 1962 IN BOOK 5790, PAGE 823 OF OFFICIAL RECORDS.

LEGEND

EOP	EDGE OF PAVEMENT
EX.	EXISTING
FH	EX. FIRE HYDRANT
GW	GUY WIRE
OH	OVERHANG
PFH	PROPOSED FIRE HYDRANT
PL	PROPERTY LINE
PP	POWER POLE
R/W	RIGHT-OF-WAY
TYP.	TYPICAL
WC	WATER CAP

EXISTING TREE/SHRUB TO BE REMOVED/RELOCATED

- ADA PATH OF TRAVEL
- PROPOSED CURB & GUTTER
- (1200)– EXISTING CONTOURS
- FLOWLINES
- CENTERLINE
- EXISTING R/W
- PROPERTY LINES
- 2" GAS — EXISTING UTILITY LINE
- PROPOSED BUILDING FOOTPRINT
- PROPOSED AC PAVING
- EXISTING AC PAVING
- PROPOSED PCC PAVING
- PROPOSED LANDSCAPING

NOTES:

1. ASSESSOR'S PARCEL NUMBER: 3064-561-15
2. EXISTING GROSS AREA: 221,461 SF = 5.08 AC
3. EXISTING NET AREA: 221,461 SF = 5.08 AC
4. PROPOSED DEDICATION: 25,064 SF = 0.57 AC
5. PROPOSED NET AREA: 196,396 SF = 4.51 AC
6. EXISTING/PROPOSED ZONE DESIGNATION: COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF "MAIN STREET AND FREEWAY CORRIDOR" SPECIFIC PLAN.
7. EXISTING/PROPOSED GENERAL PLAN DESIGNATION: SPECIFIC PLAN
8. EXISTING LAND USE: VACANT
9. TRUCK / TRAILER REPAIR AND MAINTENANCE FACILITY
10. AREA SUMMARY:
    - PROPOSED NET AREA: 196,396 SF = 4.51 AC
    - ACCESS/PARKING: 149,496 SF =76.12 % OF NET AREA
    - LANDSCAPING: 30,069 SF = 15.31 % OF NET AREA
    - AREA TO REMAIN NATURAL: 4,031 SF = 2.03% OF NET AREA
    - BUILDING FOOTPRINT: 12,800 SF = 6.46 % OF NET AREA
11. PARKING SUMMARY:
    - REQUIRED PARKING:
    - DIESEL TRUCK REPAIR: 3 SPACES PER SERVICE BAY = 3 SPACES X 12 BAYS = 36 SPACES
    - NON SERVICE BAY AREA: 4 / 1,000 SF = 3,200 SF / 1,000 SF X 4 SPACES = 13 SPACES
    - TOTAL REQUIRED PARKING: 49 SPACES
    - TOTAL PROVIDED PARKING: 49 SPACES
    - TOTAL REQUIRED MOTORCYCLE PARKING SPACES: (1) 56 SF AREA
    - TOTAL PROVIDED MOTORCYCLE PARKING SPACES: (1) 58 SF AREA
    - TOTAL REQUIRED ACCESSIBLE SPACES: 2 SPACES, 1 VAN ACCESSIBLE
    - TOTAL PROVIDED ACCESSIBLE SPACES: 2 SPACES, 2 VAN ACCESSIBLE
    - TOTAL REQUIRED LOADING SPACES FOR 12,800 SF = (1) 10' X 20' SPACE
    - TOTAL PROVIDED LOADING SPACES: (1) 10' X 20' SPACE
12. PROJECT SITE IS LOCATED WITHIN ZONE 'X' (AREA OF MINIMAL FLOOD HAZARD) PER FIRM MAP NO. 06071C6475H DATED AUGUST 28, 2008)
13. A PRUNUS CAROLINIANA, CAROLINA LAUREL CHERRY HEDGE (15 GALLON PLANTS, 3' ON CENTER) IS PROPOSED ALONG THE NORTH FENCE LINE TO PROVIDE SCREENING OF THE TRUCK PARKING AREA. A HEIGHT OF 12' SHALL BE MAINTAINED TO PROVIDE FULL SCREENING OF TRUCKS FROM THE RIGHT OF WAY.

BUILDING INFORMATION:

1. MAXIMUM BUILDING HEIGHT: 29 FEET
2. BUILDING OCCUPANCY: B & S-1
3. BUILDING TYPE: V

UTILITIES:

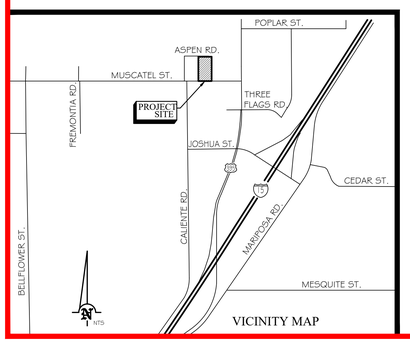
ELECTRIC:
SOUTHERN CALIFORNIA EDISON COMPANY
30553 RIMROCK RD
BARSTOW, CA 92311
(760) 252-6402

TELEPHONE:
FRONTIER COMMUNICATIONS
9 S. 4TH STREET
REDLANDS, CA 92373
(909) 748-6676

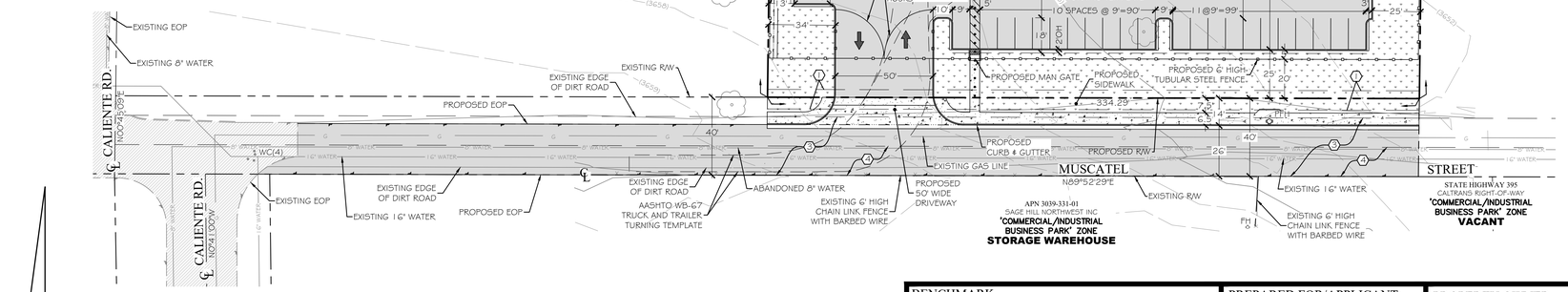
WATER/SEWER:
CITY OF HESPERIA
9700 SEVENTH AVENUE
HESPERIA, CA 92345
(760) 947-1840

GAS:
SOUTHWEST GAS COMPANY
13471 MARIPOSA ROAD
VICTORVILLE, CA 92392
(760) 951-4044

TELEPHONE:
RACE COMMUNICATIONS
1170 UNIT C, E TEHACHAPI BLVD.
TEHACHAPI, CA 93561
(877) 722-3833



VICINITY MAP



SCALE: 1"=30'
0 30 60 90

SOURCE OF SURVEY

TOPOGRAPHIC SURVEY
DATED JULY 2020
AS CONDUCTED BY
ON POINT LAND SURVEYING, INC.
1906 ORANGE TREE LANE, SUITE 240
REDLANDS, CA, 92374
PHONE: (909) 792-2221

BENCHMARK

COUNTY OF SAN BERNARDINO BM F-1047
AT INTERSTATE 15 & MAIN ST., 67.5 FT NW OF C/L NW LANES HWY., 168 FT OF S/W SIDE W CONC. PIER OF PHELAN ROAD. OVERPASS 175 FT S PHELAN ROAD, 48 FT S/W OF FENCE CORNER, 6 FT S/E OF PP#4653655-3, 0.3 FT S/E OF FENCE.

ELEVATION = 3781.63'

BASIS OF BEARING

CENTERLINE OF MUSCATEL ROAD BETWEEN HWY 395 AND CALIENTE ROAD. BEARING BEING S89°52'29"E PER RS 52/61.

PREPARED FOR/APPLICANT:

LOYAL BROTHERS
ATTN: ADRIAN LEAL
12231 HIBISCUS ROAD
ADELANTO, CA 92301
(909) 782-8798

PROPERTY OWNER:

FAMILIA LEAL INVESTMENT INC
C/O LOYAL BROTHERS
ATTN: ADRIAN LEAL
12231 HIBISCUS ROAD
ADELANTO, CA 92301
(909) 782-8798

CONDITIONAL USE PERMIT SITE PLAN
PROPOSED TRUCK/TRAILER REPAIR AND MAINTENANCE FACILITY
APN 3064-561-15
NORTH SIDE OF MUSCATEL STREET, SOUTH SIDE OF ASPEN ROAD
APPROXIMATELY 280' EAST OF CALIENTE ROAD
CITY OF HESPERIA

• land planning
• civil engineering
• landscape architecture
phone 909.748.7777
fax 909.748.7776
thatcher engineering & associates, inc.
1461 ford street, suite 105, redlands, ca 92373

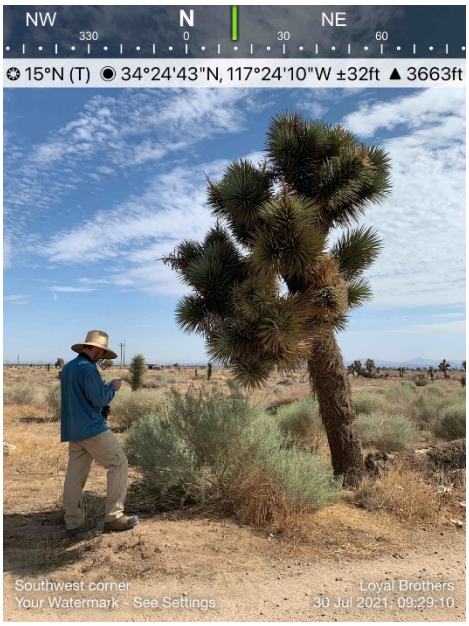
Job Number:	Date Prepared:	Drawn By:	Reference Number:
170602	2/25/21	RL	170602SP

170602SP

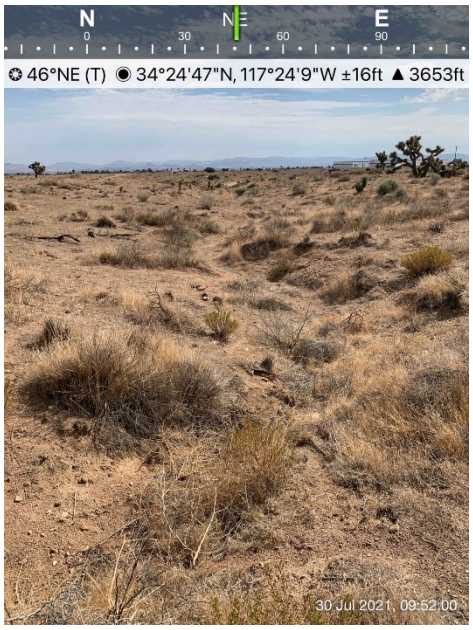
Appendix B Project Site Photographs

Photograph 1. Looking South across the Project Site.

Photograph 2. Looking West across the Project Site.



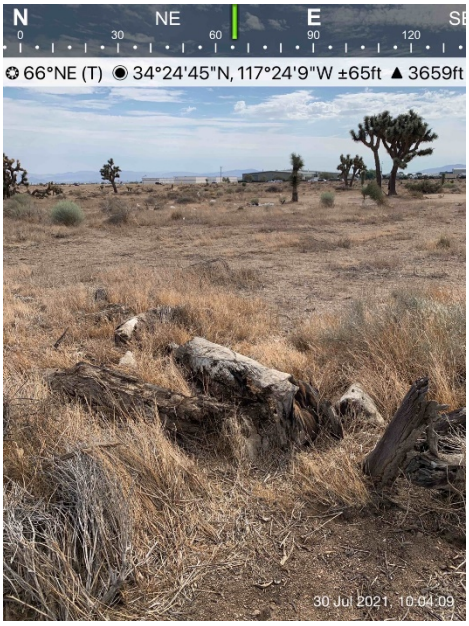
Photograph 3. Photo taken from Southwest corner of the Project Site.



Photograph 4. Looking Northeast across the undisturbed portion of the Project Site.

Photograph 5. Looking Northeast at large Joshua tree. Biologist in picture for scale.

Photograph 6. Looking North. A portion of the site contained significant debris.



Photograph 7. Looking Northeast. Foreground is dead Joshua tree, background are several live trees.

Photograph 8. Looking Southwest. Joshua trees on site are in varying stages of growth.

Photograph 9. Looking West at undisturbed portion of the Project Site.

Photograph 10. Looking South. Dead Joshua tree in foreground, adjacent warehouse off-site in background.

Appendix C Plant Compendia

APPENDIX C

Plant Compendia

The following vascular plant species were observed by CASC at the Loyal Brothers Project Site in Hesperia, California during July 2021.

*Indicates introduced nonnative species

SPECIES/SCIENTIFIC NAME	FAMILY/COMMON NAME
ANGIOSPERMAE	***FLOWERING PLANTS***
ASTERACEAE (COMPOSITAE)	*SUNFLOWER FAMILY*
Ambrosia psilostachya	western ragweed
Dicoria canescens	desert dicoria
Dittrichia graveolens	stinkwort
Ericamaria nauseosa	rubber rabbitbush
Isocoma acradenia	alkali goldenbush
Stephanomeria pauciflora	desert wirelettuce
BRASSICACEAE	*BORAGE FAMILY*
*Hirschfeldia incana **	shortpod mustard
CACTACEAE	*CACTUS FAMILY*
Cylindropuntia echinocarpa	silver cholla (in buffer)
Opuntia basilaris	beavertail cactus (in buffer)
CAPRIFOLIACEAE	*HONEYSUCKLE FAMILY*
Sambucus mexicana	Mexican elderberry
CHENOPODIACEAE	*GOOSEFOOT FAMILY*
Atriplex canescens	hoary saltbush
*Salsola tragus **	Russian thistle
CUPRESSACEAE	*CYPRESS FAMILY*
Juniperus osteosperma	Utah juniper (in buffer)
EPHEDRACEAE	*EPHEDRA FAMILY*
Ephedra californica	desert tea

SPECIES/SCIENTIFIC NAME	FAMILY/COMMON NAME
EUPHORBIACEAE	*SPURGE FAMILY*
Euphorbia albomarginata	rattlesnake weed
GERIANIACEAE	*GERANIUM FAMILY*
*Erodium brachycarpum**	long-beaked filaree
LAMIACEAE (LABIATAE)	*MINT FAMILY*
Marrubium vulgare	horehound
LILIACEAE	*LILY FAMILY*
Yucca brevifolia	Joshua tree
POLYGONACEAE	*BUCKWHEAT FAMILY*
Eriogonum fasciculatum var. polifolium	Interior California buckwheat
Eriogonum fasciculatum	California buckwheat
Eriogonum gracile	slender buckwheat
SOLANACEAE	*NIGHTSHADE FAMILY*
Lycium andersonii	box-thorn
ZYGOPHULLACEAE	*CALTROP FAMILY*
Larrea tridentata	creosote bush
MONOCOTYLEDONES	***MONOCOTS***
POACEAE	*GRASS FAMILY*
Schismus barbatus *	Mediterranean schismus
Vulpia myuros *	fescue

Floral compendia identified during surveys were recorded in terms of relative abundance and host habitat type. Floral taxonomy used in this report follows the *Jepson Manual* (Hickman 1993) and for sensitive species, the *California Native Plant Society Rare Plant Inventory*, 5th Edition (Pavlik and Skinner 1994). Additional common plant names are taken from Munz (1974) and Sawyer and Keeler-Wolf (2009)

Appendix D Wildlife Compendia

APPENDIX D

Wildlife Compendia

The following is a list of wildlife species recorded aby CASC at the Loyal Brothers Project Site in Hesperia, California July 2021. Presence may be noted if a species is seen or hears, or identified by the presence of tracks, scat, or other sign.

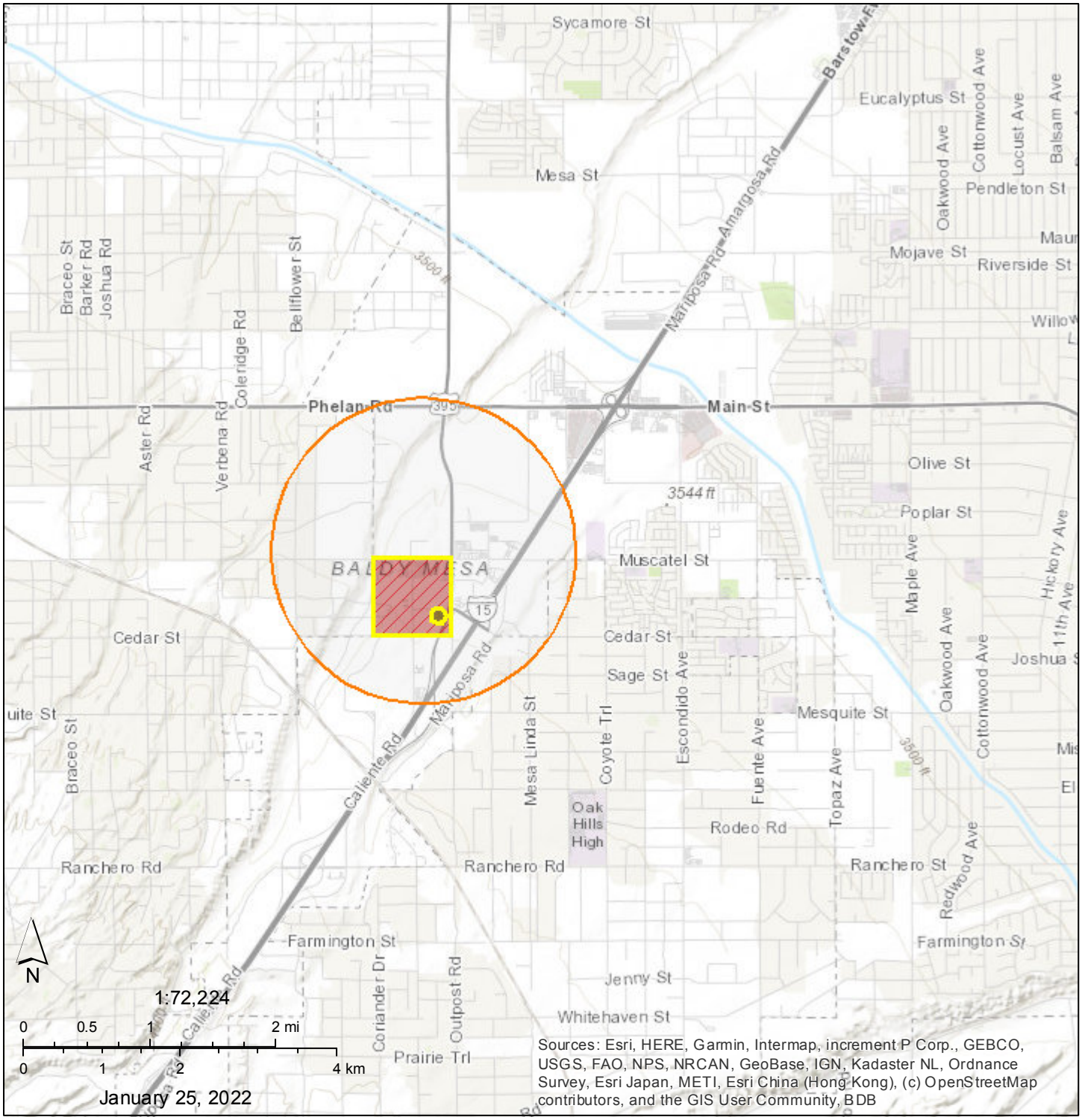
*Indicates introduced nonnative species

SPECIES/SCIENTIFIC NAME	COMMON NAME
REPTILIA	***REPTILES***
IGUANIDAE	*IGUANID LIZARDS*
Sceloporus occidentalis	western fence lizard
AVES	***BIRDS***
ACCIPITRIDAE	*KITES, HAWKS, AND EAGLES*
Cathartes aura	turkey vulture
COLUMBIDAE	*PIGEONS AND DOVES*
Zenaida macroura	mourning dove
TROCHILIDAE	*HUMMINGBIRDS*
Calypte anna	Anna's hummingbird
CORVIDAE	*CROWS AND RAVENS*
Corvus brachyrhunchos	American crow
Corvus corax	common raven
TROGLODYTIDAE	*WRENS*
Campylorhynchus brumeicapillus	*cactus wren*
FRINGILLIDAE	*FINCHES*
Carpodacus mexicanus	house finch
MAMMALIA	***MAMMALS***
LEPORIDAE	*RABBITS AND HARES*
Lepus californicus	black-tailed jackrabbit
MAMMALIA	***MAMMALS***
CANIDAE	*DOGS, FOXES, AND ALLIES*
Canis latrans	coyote (scat and tracks)

Taxonomy and nomenclature follows Beher (1998) and Laudenslayer et.al. (1991. A checklist of the amphibians, reptiles, birds, and mammals of California. California Fish and Game 77:109-141.), Sibley (2000) and the American Ornithologists' Union (1998. The A.O.U. Checklist of North American Birds, 7th Ed. American Ornithologists' Union, Washington D.C.

Appendix E CDFW BIOS Map

Map of Project Area 1-Mile Radius

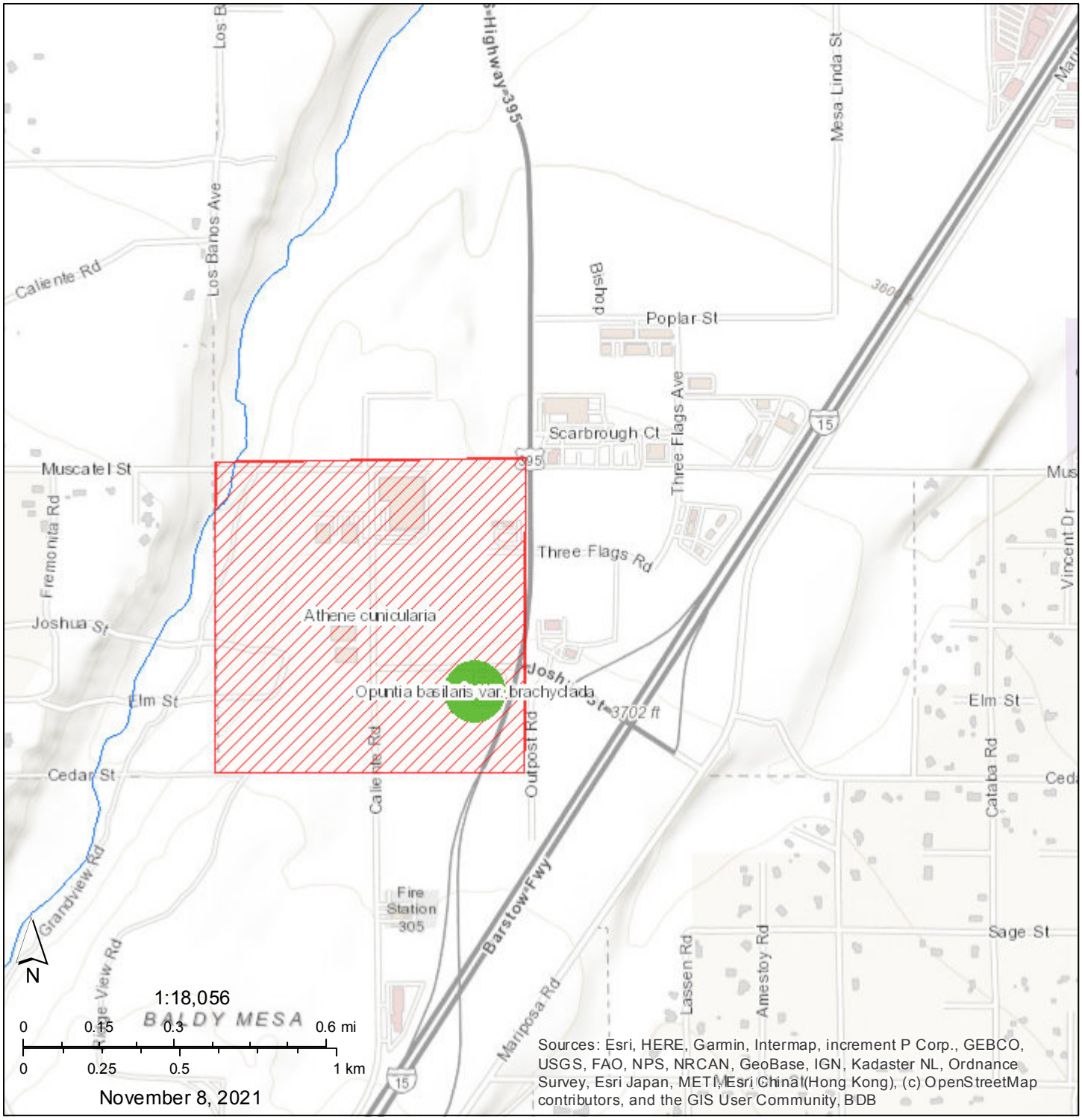


California Natural Diversity Database (CNDDB) Commercial [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

Author: kboydstun@cascinc.com

Map of Project Area



California Natural Diversity Database (CNDDB) Commercial [ds85]

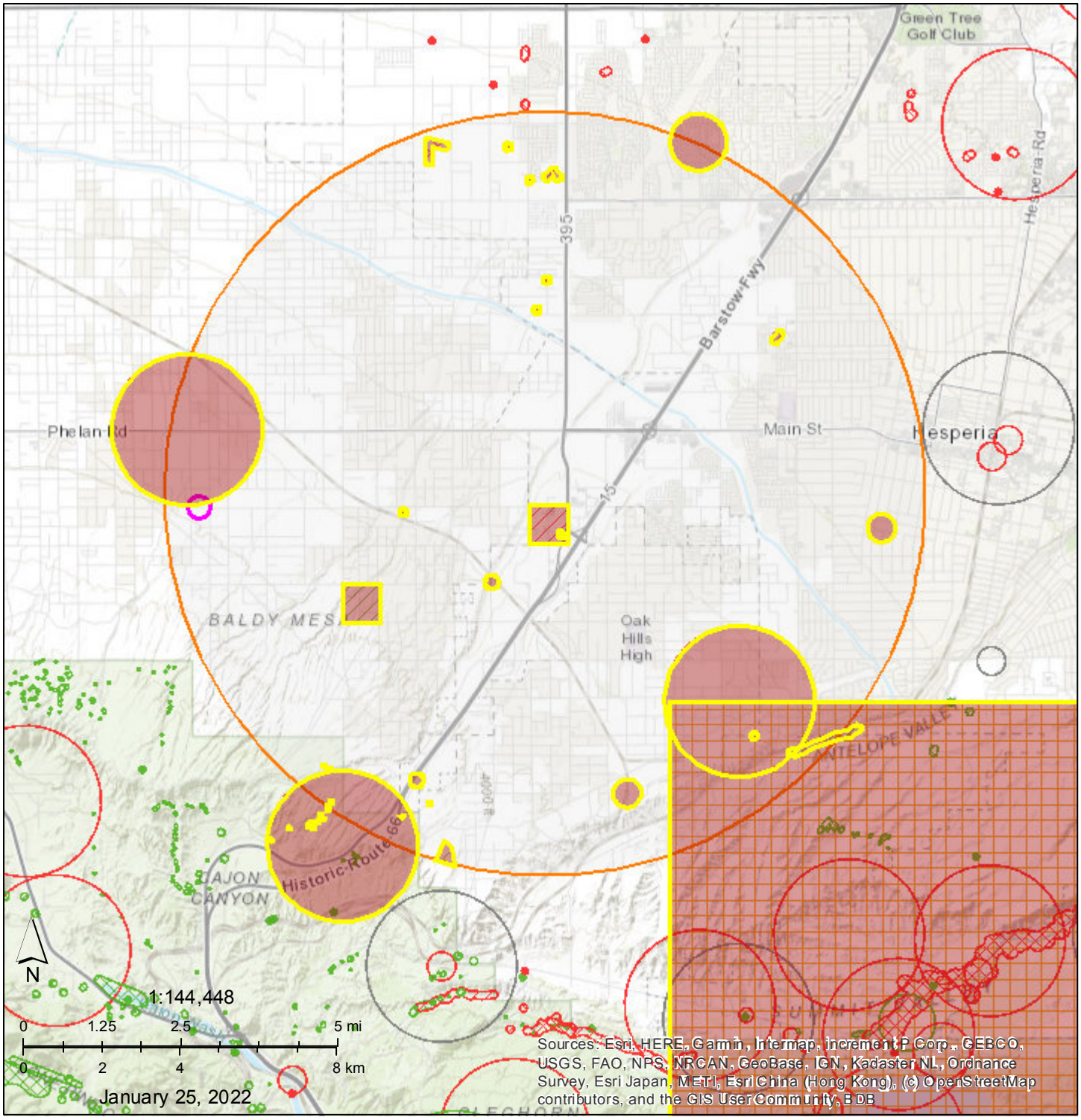
- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

Author: kboydstun@cascinc.com

California Natural Diversity Database (CNDDB) Commercial [ds85]

Scientific Name	Common Name	Element Code	Occ Number	MAPNDX	EONDX	Key Quad Code	Key Quad Name	Key County Code	Accuracy	Presence	Occ Type	Occ Rank	Sensitive	Site Date	Elm Date	Owner Management	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status	Symbology	Taxon Group
Athene cunicularia	burrowing owl	ABNSB10010	255	36996	31993	3411744	Baldy Mesa	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Good	N	19890610	19890610	CALTRANS	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	203	Birds
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	20	38936	33943	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Poor	N	19890323	19890323	CALTRANS	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	101	Dicots

Map of Project Area 5-Mile Radius



California Natural Diversity Database (CNDDB) Commercial [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

Author: kboydstun@cascinc.com

California Natural Diversity Database (CNDDB) Commercial [ds85]

Scientific Name	Common Name	Element Code	Occ Number	MAPNDX	EONDX	Key Quad Code	Key Quad Name	Key County Code	Accuracy	Presence	Occ Type	Occ Rank	Sensitive	Site Date	Elm Date	Owner Management	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status	Symbolog
Phrynosoma blainvillii	coast horned lizard	ARACF12100	224	03148	28000	3411744	Baldy Mesa	SBD	1 mile	Extirpated	Natural/Native occurrence	None	N	19920516	XXXXXXXX	PVT	None	None	G3G4	S3S4		SSC	BLM_S; IUCN_LC	204
Phrynosoma blainvillii	coast horned lizard	ARACF12100	244	03171	27993	3411734	Cajon	SBD	1 mile	Presumed Extant	Natural/Native occurrence	Unknown	N	XXXXXXXX	XXXXXXXX	USFS-SAN BERNARDINO NF	None	None	G3G4	S3S4		SSC	BLM_S; IUCN_LC	204
Asio otus	long-eared owl	ABNSB13010	15	03285	25557	3411734	Cajon	SBD	1/5 mile	Presumed Extant	Natural/Native occurrence	Unknown	N	19500312	19500312	UNKNOWN	None	None	G5	S3?		SSC	IUCN_LC	204
Accipiter cooperii	Cooper's hawk	ABNKC12040	4	03390	27356	3411743	Hesperia	SBD	1/5 mile	Presumed Extant	Natural/Native occurrence	Unknown	N	19520503	19520503	UNKNOWN	None	None	G5	S4		WL	IUCN_LC	204
Athene cunicularia	burrowing owl	ABNSB10010	255	36996	31993	3411744	Baldy Mesa	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Good	N	19890610	19890610	CALTRANS	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	203
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	20	38936	33943	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Poor	N	19890323	19890323	CALTRANS	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	101
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	12	03175	21479	3411744	Baldy Mesa	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Fair	N	19861124	19861124	UNKNOWN	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	103
Setophaga petechia	yellow warbler	ABPBX03010	29	03321	24913	3411743	Hesperia	SBD	1 mile	Presumed Extant	Natural/Native occurrence	Unknown	N	19530510	19530510	UNKNOWN	None	None	G5	S3S4		SSC	USFWS_BCC	204
Xerospermophilus mohavensis	Mohave ground squirrel	AMAFB05150	318	62236	62272	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Good	N	20050713	20050713	PVT	None	Threatened	G2G3	S2S3			BLM_S; IUCN_VU	201
Loeflingia squarrosa var. artemisiarum	sagebrush loeflingia	PDCAR0E011	20	64626	64705	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Fair	N	20050426	20050426	PVT	None	None	G5T3	S2	2B.2		BLM_S	101
Athene cunicularia	burrowing owl	ABNSB10010	948	69405	70181	3411744	Baldy Mesa	SBD	specific area	Presumed Extant	Natural/Native occurrence	Good	N	20060227	20060227	PVT	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	202
Canbya candida	white pygmy-poppy	PDPAP05020	3	27631	925	3411733	Silverwood Lake	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	19800603	19800603	UNKNOWN	None	None	G3G4	S3S4	4.2		SB_CalBG/RSABG; USFS_S	803
Athene cunicularia	burrowing owl	ABNSB10010	1041	71314	72219	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Good	N	20070629	20070326	PVT	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	201
Athene cunicularia	burrowing owl	ABNSB10010	949	69406	70182	3411744	Baldy Mesa	SBD	specific area	Presumed Extant	Natural/Native occurrence	Good	N	20060227	20060227	PVT	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	202
Athene cunicularia	burrowing owl	ABNSB10010	1042	71316	72220	3411743	Hesperia	SBD	specific area	Presumed Extant	Natural/Native occurrence	Excellent	N	20060228	20060228	PVT-KB HOME	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFWS_BCC	202
Gopherus agassizii	desert tortoise	ARAAF01012	66	72320	73283	3411744	Baldy Mesa	SBD	1/10 mile	Presumed Extant	Natural/Native occurrence	Good	N	20000621	20000621	UNKNOWN	Threatened	Threatened	G3	S2S3			IUCN_VU	204
Phrynosoma blainvillii	coast horned lizard	ARACF12100	566	76183	77173	3411733	Silverwood Lake	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Fair	N	20080424	20080424	PVT-SCE, CITY OF HESPERIA	None	None	G3G4	S3S4		SSC	BLM_S; IUCN_LC	201
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	65	77517	78357	3411734	Cajon	SBD	specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	20060629	20060629	USFS-SAN BERNARDINO NF	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	102
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	93	77554	78416	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Good	N	20061011	20061011	PVT	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	101
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	71	77523	78371	3411734	Cajon	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Good	N	20100605	20100605	BLM	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	103
Calochortus palmeri var. palmeri	Palmer's mariposa-lily	PMLIL0D122	49	27631	81205	3411733	Silverwood Lake	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	19800603	19800603	UNKNOWN	None	None	G3T2	S2	1B.2		BLM_S; SB_CalBG/RSABG; SB_SBBG; USFS_S	803
Lanius ludovicianus	loggerhead shrike	ABPBR01030	53	80994	81984	3411744	Baldy Mesa	SBD	80 meters	Presumed Extant	Natural/Native occurrence	Fair	N	20070410	20070410	PVT	None	None	G4	S4		SSC	IUCN_LC; USFWS_BCC	201
Xerospermophilus mohavensis	Mohave ground squirrel	AMAFB05150	11	03300	24275	3411743	Hesperia	SBD	2/5 mile	Extirpated	Natural/Native occurrence	None	N	19770701	19770701	PVT	None	Threatened	G2G3	S2S3			BLM_S; IUCN_VU	204
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	64	77515	78355	3411734	Cajon	SBD	non-specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	20170323	20170323	UNKNOWN	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	103
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	70	77522	78370	3411734	Cajon	SBD	specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	20170627	20170627	USFS-SAN BERNARDINO NF	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	102
Opuntia basilaris var. brachyclada	short-joint beavertail	PDCAC0D053	198	B4211	117135	3411734	Cajon	SBD	specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	20141024	20141024	USFS-SAN BERNARDINO NF	None	None	G5T3	S3	1B.2		BLM_S; SB_CalBG/RSABG; USFS_S	102

Charina umbratica	southern rubber boa	ARADA01011	97	A7942	120615	3411733	Silverwood Lake	SBD	1 mile	Presumed Extant	Natural/Native occurrence	Unknown	Y	1990XXXX	1990XXXX		None	Threatened	G2G3	S2S3			USFS_S	999