



March 7, 2023

T&B PLANNING

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SUBJECT: Biological Resources Assessment for the Approximately 6.4 Acre Project Site Located Within Assessor Parcel Numbers (APNs) 0246-151-50, -51, -52, -56, -71, and -77 in the City of Fontana, San Bernadino County, California

Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources assessment for the proposed 6.4-acre project site (project) located in the City of Fontana, San Bernardino County, California. The assessment was conducted by biologist Rachael A. Lyons on February 7, 2023, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

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

Project Location

The project site is generally located north of Interstate 10, east of Interstate 15, south of State Route 66, and west of Interstate 215 in the City of Fontana, San Bernadino Country, California. The site is depicted on the Fontana quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Section 9 of Township 1 South, Range 5 West. The project site consists of six parcels comprising 6.4 acres of a mix of undeveloped, vacant land and residential development and lies within Assessor Parcel Numbers 0246-151-50, -51, -52, -56, -71, and -77. The site is bounded to the south by Merrill Avenue and residential development, to the east by Laurel Avenue and residential development, and to the north and west by undeveloped, vacant land and residential development, with Citron Avenue and Alder Avenue beyond respectively. Refer to Exhibits 1-3 in Attachment A.

¹ As used in this report, "special-status" refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Project Description

At this time the project involves a general plan amendment and zone change for the project site. No development is currently proposed. The General Plan Amendment would change the General Plan land use designation of the project site from ‘Single-Family Residential (R-SF)’ to ‘Multi-Family Medium High Density Residential (R-MFMH),’ and the zoning of the project site from ‘Single-Family Residential (R-1)’ to ‘Multi-Family Medium/High Density Residential (R-4)’. The increased unit count allowance would increase from a maximum of 32 residential units to 249 residential units, for a total increase of 217 units assuming maximum development potential under the existing and proposed designations. No physical disturbance of the site or related development is currently proposed.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW’s QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society’s (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site was reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2023);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Field Investigation

Following the literature review, biologist Rachael A. Lyons inventoried and evaluated the condition of the habitat within the project on February 7, 2023. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

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

Wildlife

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

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect

any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Conditions

The project site consists of a mix of vacant, undeveloped land, and residential development. The majority of the site has been subject to anthropogenic disturbance such as stockpiling, illegal dumping, grading, and surrounding development. Much of the project site is heavily vegetated with weedy, non-native species, and appears to be unmaintained. The project site supports residential development within the southwest corner.

Topography and Soils

On-site elevation ranges from approximately 1,227 to 1,238 feet above mean sea level and generally slopes from north to south. On-site topography is relatively flat with no areas of topographic relief. Based on the NRCS USDA Web Soil Survey, the site is entirely underlain by Tujunga gravelly loamy sand (0 to 9 percent slopes). Refer to Exhibit 4, *Soils*, in Attachment A. Soils on-site have been mechanically disturbed and heavily compacted from decades of anthropogenic disturbance (i.e., weed-abatement, grading, and on-site and surrounding development).

Vegetation

Due to historic and existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The site supports one (1) natural plant community that would be classified as non-native grassland. Additionally, the project site supports two (2) land-cover types that would be classified as disturbed and developed (refer to Exhibit 5, *Vegetation*, in Attachment A).

The majority of the project site supports undeveloped, vacant land that has been subjected to high levels of anthropogenic disturbance from historic and ongoing on-site land uses. Residential development occurs in the southwest corner of the project site and supports minimal established ornamental vegetation such as Monterey pine (*Pinus radiata*), citrus, and tree of heaven (*Ailanthus altissima*). Additionally, the project site supports a non-native grassland plant community. Species present within this community include weedy, invasive, ruderal, and early successional species. Plant species observed within the nonnative grassland include shortpod mustard (*Hirschfeldia incana*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarium*), lemon clover (*Oxalis stricta*), crabgrass (*Digitaria* sp.), London rocket (*Sysimbrium irio*), fiddleneck (*Amsinckia menziesii*), goosefoot (*Chenopodium* sp.), tree tobacco (*Nicotiana glauca*), giant reed (*Arundo donax*), prickly pear (*Opuntia* sp.), castor (*Ricinus communis*), slender oat (*Avena barbata*), and ripgut brome (*Bromus diandrus*). Refer to Attachment C, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the

proposed project.

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of fish were observed on or within the vicinity of the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of amphibians were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur and are presumed absent from the project site.

Reptiles

The project site provides minimal foraging and cover habitat for reptile species adapted to a high degree of anthropogenic disturbance. No reptile species were observed during the field investigation. Common reptilian species adapted to a high degree of human disturbance that could potentially occur on-site include great basin fence lizard (*Sceloporus occidentalis longipes*), western side-blotched lizard (*Uta stansburiana elegans*), and San Diego alligator lizard (*Elgaria multicarinata webbii*).

Birds

The project site and surrounding urban environment provide suitable foraging and nesting habitat for avian species adapted to a high degree of anthropogenic disturbance. Avian species observed during the field investigation include house finch (*Haemorhous mexicanus*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*), common raven (*Corvus corax*), black phoebe (*Sayornis nigricans*), Anna's hummingbird (*Calypte anna*), Say's phoebe (*Sayornis saya*), and western gull (*Larus occidentalis*).

Mammals

The southern boundary of the project site and adjacent areas provides limited foraging and cover habitat for a mammalian species adapted to a high degree of anthropogenic disturbance. No mammalian species were observed during the field investigation. Common mammalian species adapted to a high degree of human disturbance that could potentially occur on-site include opossum (*Didelphis virginiana*), California ground squirrel (*Otospermophilus beecheyi*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), domestic cat (*Felis catus*), and brown rat (*Rattus norvegicus*).

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during the onsite of the breeding season. Although subjected to routine disturbance, vegetation along the northern boundary and ornamental vegetation in the southwest portion of the project site, has the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. The site also provides opportunities for ground nesting species such as killdeer (*Charadrius vociferus*), and western meadowlark (*Sturnella neglecta*). Additionally, utility poles and tall trees surrounding the project site provide nesting opportunities for raptor species and the site itself provides foraging opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

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

According to the San Bernardino County General Plan, the project site has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the San Bernardino County General Plan Open Space Element, the nearest major corridor or linkage documented in the vicinity of the project site is Cajon Creek, located approximately 4.66 miles to the northeast. In addition, Santa Ana River occurs approximately 4.80 miles to the southeast, and Jurupa Park occurs approximately 3.97 miles to the south in association with Riverside County MSHCP-conserved lands. None of these areas are expected to be impacted by project activities.

The proposed project will be confined to existing areas that have been heavily disturbed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, implementation of the proposed project is not expected to impact wildlife movement opportunities. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and

Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

No discernible drainage courses, inundated areas, or wetland features/obligate plant species that would be considered jurisdictional by the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW were observed within the proposed project site. Based on the proposed site plan, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Fontana USGS 7.5-minute quadrangle. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified fourteen (14) special-status plant species, forty-nine (49) special-status wildlife species, and one (1) special-status plant community as having potential to occur within the Fontana USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment C: *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, fourteen (14) special-status plant species have been recorded in the Fontana quadrangle (refer to Attachment C). No special-status plant species were observed on-site during the habitat assessment. The project site has been subject to anthropogenic disturbances from on-site and surrounding development. These disturbances have eliminated the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site. No focused surveys are recommended.

Special-Status Wildlife

According to the CNDDDB, forty-nine (49) special-status wildlife species have been reported in the Fontana quadrangle (refer to Attachment C). No special-status wildlife species were observed during the field investigation. The project site largely supports undeveloped land that has been subject to a variety of anthropogenic disturbances and is surrounded by existing industrial development. These disturbances have eliminated the natural plant communities that once occurred on-site which has reduced potential foraging and nesting/denning opportunities for wildlife species.

Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the proposed project site has a low potential to provide foraging habitat for Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), and California horned lark (*Eremophila alpestris actia*). It was further determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site have been heavily disturbed from onsite disturbances and surrounding development.

None of the aforementioned special-status wildlife species are federally or state listed as endangered or threatened. Sharp-shinned hawk are not expected to nest on-site since the project is outside the geographic nesting range for sharp-shinned hawk. Marginal nesting opportunities for Cooper's hawk and California horned lark, including utility poles and tall trees, exist adjacent to the project site. In order to ensure impacts to the aforementioned species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to special status wildlife species will be less than significant and no mitigation will be required.

Special-Status Plant Communities

According to the CNDDDB, one (1) special-status plant community has been reported in the Fontana USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub. Based on the results of the field investigation, none of these plant communities occur within or adjacent to the project site. Therefore, no special-status plant communities will be impacted from project implementation.

Critical Habitat

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located with federally designated Critical Habitat. The nearest designated Critical Habitats are located approximately 3.03 miles to the south for coastal California gnatcatcher (*Poliptila californica californica*), and 4.22 miles to the northeast for San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*). Refer to Exhibit 6, *Critical Habitat*, in Attachment A. Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

Conclusion

Based on the literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. No further surveys are recommended. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.

Managing Director



Travis J. McGill

Director

Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*