



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 Bernardino County, 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 (*Poliophtila 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

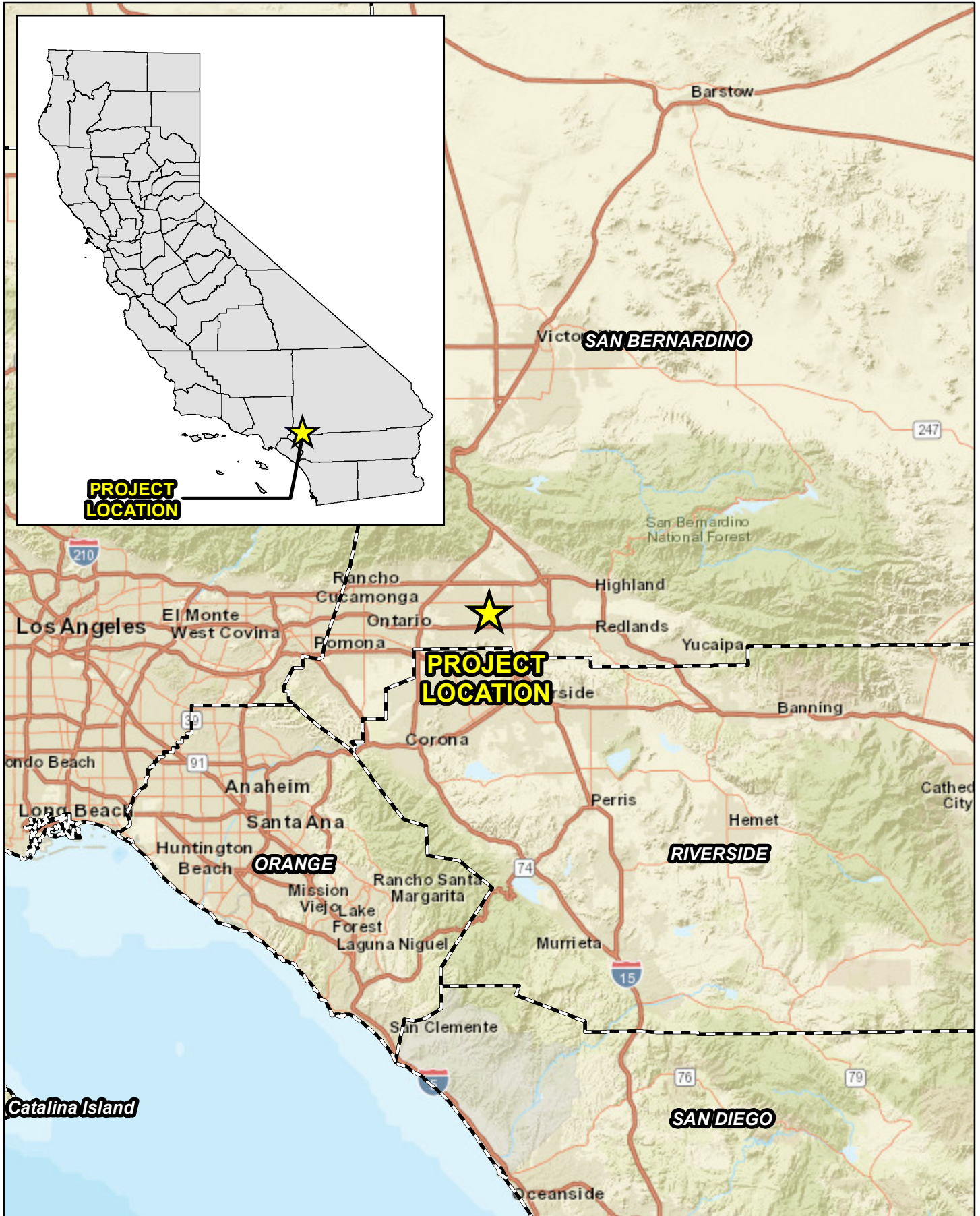
Director

Attachments:

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

Attachment A

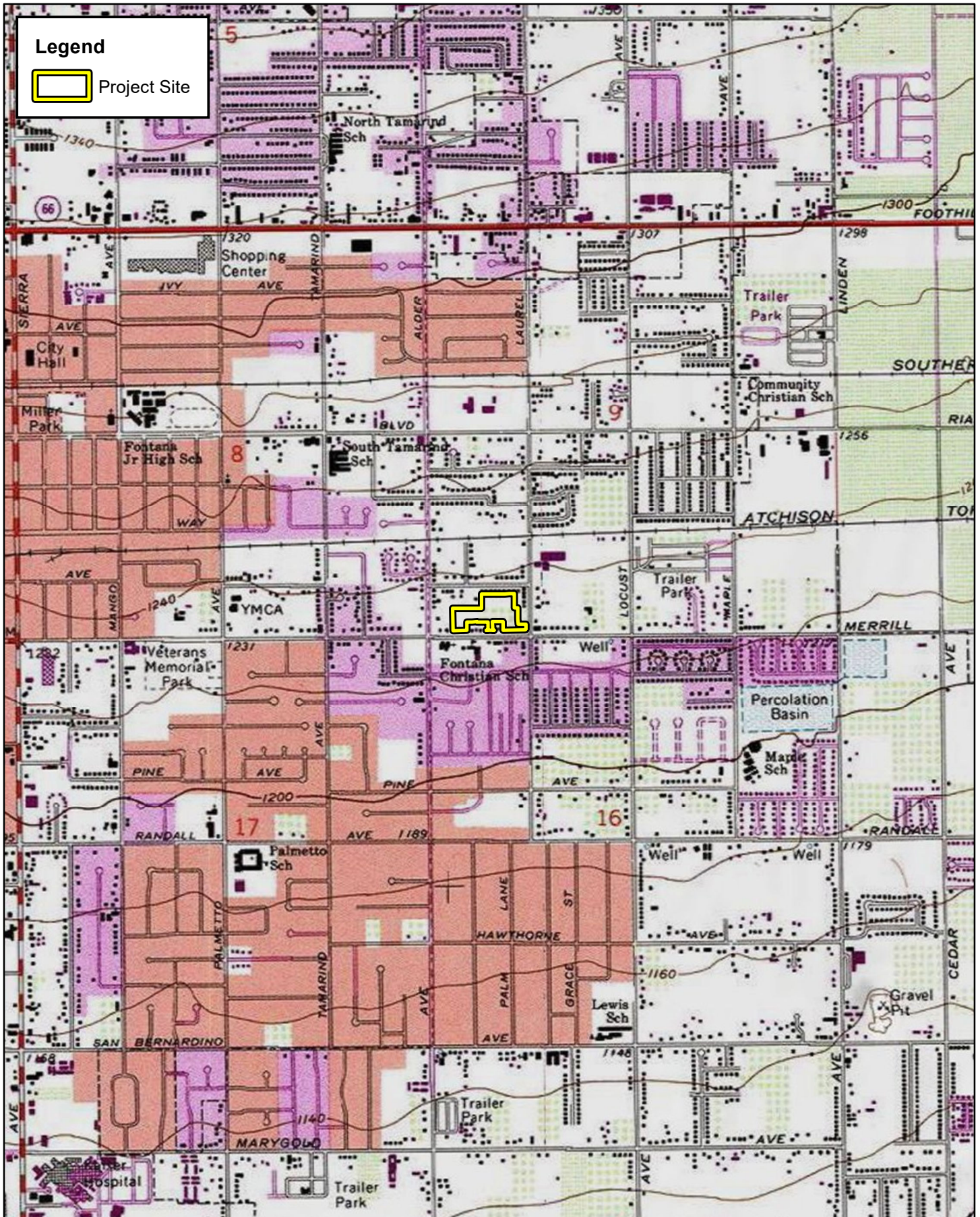
Project Exhibits



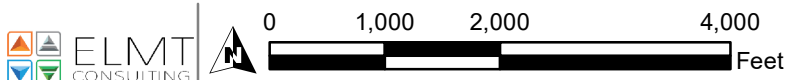
ALDER AND MERRILL PROJECT SITE
 BIOLOGICAL RESOURCES ASSESSMENT
Regional Vicinity



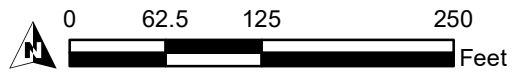
Source: World Street Map, San Bernardino County



ALDER AND MERRILL PROJECT SITE
 BIOLOGICAL RESOURCES ASSESSMENT
 Site Vicinity



Source: USA Topographic Map, San Bernardino County



Source: ESRI Aerial Imagery, San Bernardino County

ALDER AND MERRILL PROJECT SITE
BIOLOGICAL RESOURCES ASSESSMENT

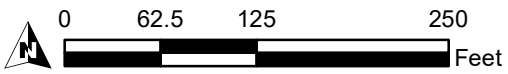
Project Site

Exhibit 3



Legend

- Project Site
- Tujunga gravelly loamy sand, 0 to 9% slopes (TVC)



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

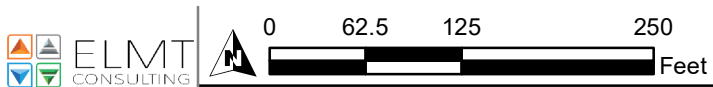
ALDER AND MERRILL PROJECT SITE
 BIOLOGICAL RESOURCES ASSESSMENT

Soils



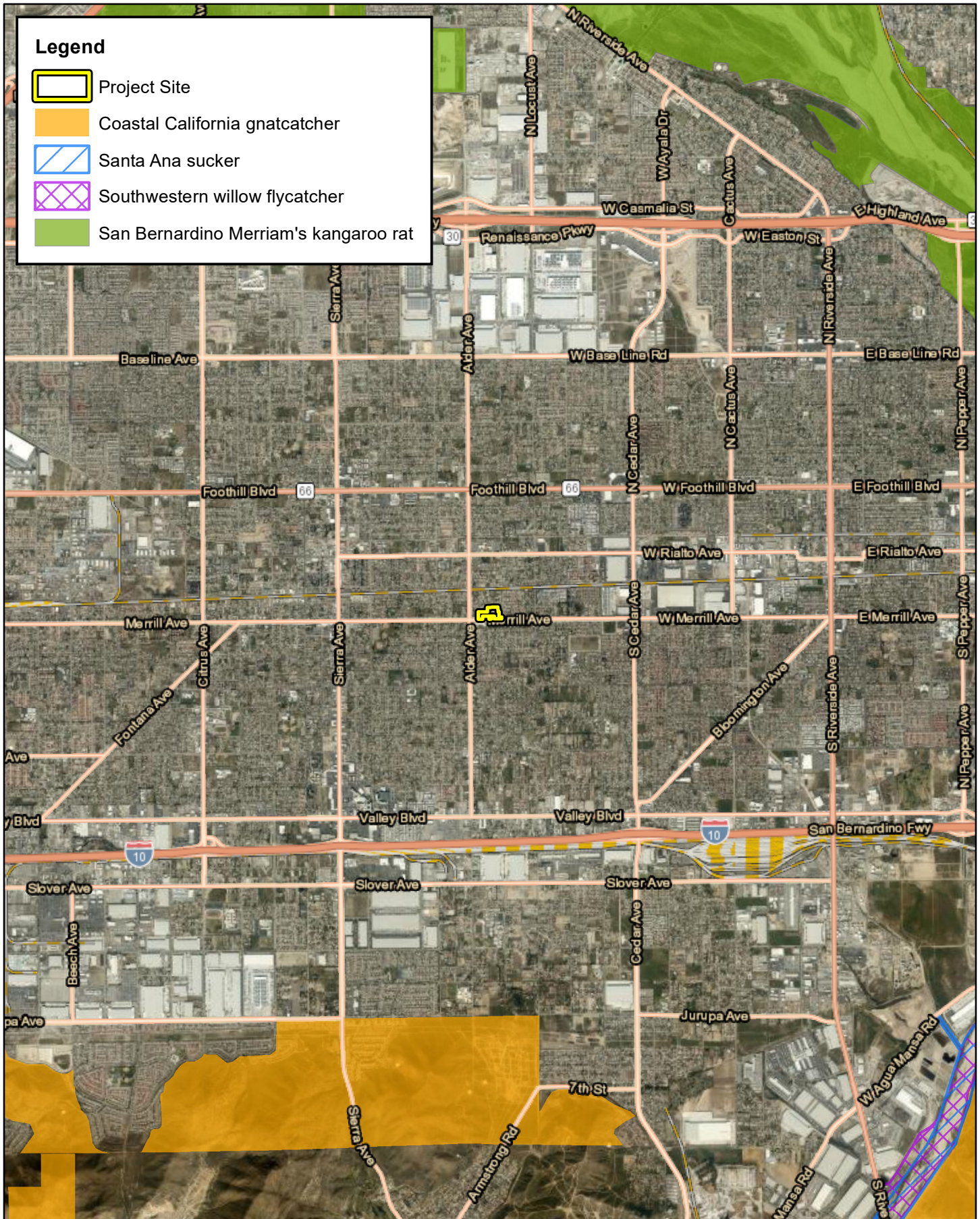
Legend

- Project Site
- Non-Native Grassland
- Disturbed
- Developed



Source: ESRI Aerial Imagery, San Bernardino County

ALDER AND MERRILL PROJECT SITE
 BIOLOGICAL RESOURCES ASSESSMENT
Vegetation



ALDER AND MERRILL PROJECT SITE
 BIOLOGICAL RESOURCES ASSESSMENT
Critical Habitat



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

Attachment B

Site Photographs



Photograph 1: From the corner of Laurel Avenue and Merrill Avenue at the southeast corner of the project site, looking diagonally northwest through the middle of the site.



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



Photograph 3: From the northeast corner of the project site, looking diagonally southwest through the middle of the site.



Photograph 4: From the upper northwest corner of the northernmost boundary of the project site, looking diagonally southeast through the middle of the site.



Photograph 5: From the upper northwest corner of the northernmost boundary of the project site, looking south through the middle of the site.



Photograph 6: From the upper northwest corner of the northernmost boundary of the project site, looking east along the northern boundary.



Photograph 7: From the northwest corner of the project site, looking south along the westernmost boundary.



Photograph 8: From the middle of the westernmost boundary of the project site, looking east through existing refuse piles adjacent to residential development onsite.



Photograph 9: From the middle of the westernmost boundary of the project site, looking north.



Photograph 10: From the southwest portion of the project site, looking northwest through existing residential development.



Photograph 11: From the southern boundary of the project site, looking north through a driveway leading to residential development in the southwest portion of the site.



Photograph 12: From the southern boundary of the project site, looking north along the main access route to the middle of the site.

Attachment C

Potentially Occurring Special-Status Biological Resources

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

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
SPECIAL-STATUS WILDLIFE SPECIES				
<i>Accipiter cooperii</i> Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	Low Limited foraging habitat is present within and surrounding the project site. Suitable nesting opportunities present adjacent to the project site.
<i>Accipiter striatus</i> sharp-shinned hawk	Fed: None CA: WL	Primarily occurs in coniferous forests but is also found in boreal mixed conifer-birch-aspen forests. Less common in other woodland types, except in mountainous areas. Open areas are used for foraging, but not for nesting.	No	Low Limited foraging habitat is present within and surrounding the project site. This species does not nest in the region.
<i>Agelaius tricolor</i> tricolored blackbird	Fed: None CA: SSC/CE	Highly colonial yearlong resident of California that frequents emergent wetlands, croplands, grassy fields, flooded land and along edges of ponds. Usually nests near fresh water, preferably in emergent wetland with tall, dense cattails (<i>Typha sp.</i>) or tules (<i>Schoenoplectus sp.</i>), but also in thickets of willow (<i>Salix sp.</i>), blackberry (<i>Rubus sp.</i>), and tall herbs.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated shrublands on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (<i>Artemisia californica</i>) but can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: None CA: SSC	Mostly found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. They live mostly underground, burrowing in the loose sandy soils.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Aquila chrysaetos</i> golden eagle	Fed: None CA: FP/WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Ardea herodias</i> great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Arizona elegans occidentalis</i> California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Artemisiospiza belli belli</i> Bell's sage sparrow	Fed: None CA: WL	Occurs in chaparral dominated by fairly dense stands of chamise. Also found in coastal sage scrub in south of range.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Aspidoscelis hyperythra</i> orangethroat whiptail	Fed: None CA: WL	Inhabits low-elevations coastal scrub, chamise-redshank chaparral, mixed chaparral, and valley-foothill hardwood habitats. Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Bombus crotchii</i> Crotch's bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada. Characterized as a dietary generalist, it shows favor towards milkweeds and is also commonly associated with dustymaidens, lupines, medics, phacelias, sages, and buckwheats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Botaurus letiginosus</i> American bittern	Fed: None CA: None	Found in marshes and reedy lakes. Breeds in freshwater marshes, large, shallow wetlands with tall marsh vegetation, and areas of open shallow water. Winters in similar areas and brackish coastal marshes. Occasionally forages in dry, grassy fields.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Buteo swainsoni</i> Swainson's hawk	Fed: None CA: THR	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Calypte costae</i> Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Catostomus santaanae</i> Santa Ana sucker	Fed: THR CA: None	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Streams that Santa Ana Sucker inhabit are generally perennial streams with water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Cicindela tranquebarica viridissima</i> greenest tiger beetle	Fed: None CA: None	Often occur at ground level and prefer areas of bare ground with very little vegetation. Most commonly seen in warm and sandy habitats in heaths, hillsides, and dunes. Seen regularly at Brownfield sites.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Circus hudsonius</i> northern harrier	Fed: None CA: SSC	Breeds in wide-open habitats ranging from Arctic tundra to prairie grasslands, fields, and marshes. Nests are concealed on the ground in grasses or wetland vegetation.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Coleonyx variegatus abbotti</i> San Diego banded gecko	Fed: None CA: SSC	Prefers rocky coastal sage and chaparral habitat with granite outcrops. Also occurs in dry, rocky riverbeds. Species avoids areas with a high intensity of artificial night lighting.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Contopus cooperi</i> olive-sided flycatcher	Fed: None CA: SSC	Uncommon to common, summer resident in a wide variety of forest and woodland habitats below 9,000 ft throughout California exclusive of the deserts, the Central Valley, and other lowland valleys and basins. Preferred nesting habitats include mixed conifer, montane hardwood-conifer, Douglas-fir, redwood, red fir, and lodgepole pine.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Crotalus ruber</i> red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Fed: END CA: CE/SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Dipodomys simulans</i> Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Elanus leucurus</i> white-tailed kite	Fed: None CA: None	Common in savannas, open woodlands, marshes, desert grasslands, partially cleared lands, and cultivated fields. Tend to avoid heavily cleared or grazed areas. Breeds in lowland grasslands, agricultural wetlands, oak-woodland and savannah habitats.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Empidonax traillii</i> willow flycatcher	Fed: None CA: END	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water or are at least moist.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Eremophila alpestris actia</i> California horned lark	Fed: None CA: WL	Inhabits open ground, generally avoiding areas with trees or even bushes. May occur in a wide variety of areas that are sufficiently open such as short-grass prairies, extensive lawns such as on airports or golf courses, plowed fields, stubble fields, beaches lake flats, dry tundra of far north or high mountains.	No	Low Limited foraging habitat is present within and surrounding the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Eumops perotis californicus</i> western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Falco columbarius</i> merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Gila orcuttii</i> arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Icteria virens</i> yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Fed: None CA: None	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Neolarra alba</i> white cuckoo bee	Fed: None CA: None	Typically found where other bee species are common. Known as “cleptoparasites,” cuckoo bees lay their eggs in cells provisioned by host bees. Live in urban areas, forests, and woodlands.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	Fed: None CA: SSC	Often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead – southern California DPS	Fed: END CA: CE	Found in permanent coastal streams from San Diego to the Smith River.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Pandion haliaetus</i> osprey	Fed: None CA: WL	Found near both fresh and saltwater habitats. Prefers rivers, lakes, and coastlines where large numbers of fish are present. May be most common around major coastal estuaries and salt marshes, but also regular around reservoirs.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Poliophtila californica californica</i> coastal California gnatcatcher	Fed: THR CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Pyrocephalus rubinus</i> vermillion flycatcher	Fed: None CA: SSC	Occupies desert riparian habitat, particularly cottonwoods, willows, mesquite, and other large desert riparian trees, in habitat adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas where it can forage.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Rhaphiomidas terminatus abdominalis</i> Delhi Sands flower-loving fly	Fed: END CA: None	DSF habitat is limited to areas that include Delhi fine sand, an aeolian (wind-deposited) soil type. The highest density of DSF have been found in habitat that includes a variety of plants including California buckwheat, California croton, deerweed, and telegraph weed.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Setophaga petechia</i> yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Spea hammondi</i> western spadefoot	Fed: None CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Spinus lawrencei</i> Lawrence's goldfinch	Fed: None CA: None	Typical habitats include valley foothill hardwood, valley foothill hardwood-conifer, and, in southern California, desert riparian, palm oasis, pinyon-juniper, and lower montane habitats. Nearby herbaceous habitats often used for feeding. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: END CA: END	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
<i>Arenaria paludicola</i> marsh sandwort	Fed: END CA: END CNPS: 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No	Presumed Absent There is no suitable habitat present within the project site. The project site occurs outside of the known elevation range for this species.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Found along the coast and inland hills in chaparral, coastal sage scrub, yellow pine forest, foothill woodland, and valley grassland plant communities. Prefers dry, rocky soils. Grows at elevations of up to 5,580 feet. Blooms from May to July.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> salt marsh bird's-beak	Fed: END CA: END CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 99 feet. Blooming period is from May to October.	No	Presumed Absent There is no suitable habitat present within the project site. The project site occurs outside of the known elevation range for this species.
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Deinandra paniculata</i> paniculate tarplant	Fed: None CA: None CNPS: 4.2	Grows in central and southern California in dry foothills and mesas. Found at elevations ranging from sea level to 1,000 feet within coastal scrub, valley and foothill grassland, and vernal pool communities. Blooms from March to November.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> Santa Ana River woollystar	Fed: END CA: END CNPS: 1B.1	Grows in sandy or gravelly soils within chaparral and coastal scrub habitat. Found at elevations ranging from 299 to 2,001 feet. Blooming period is from April to September.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Horkelia cuneata</i> var. <i>puberula</i> mesa horkelia	Fed: None CA: None CNPS: 1B.1	Occurs on sandy or gravelly soils in chaparral, woodlands, and coastal scrub plant communities. Found at elevations ranging from 230 to 2,657 feet. Blooming period is from February to September.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Juglans californica</i> southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Lycium parishii</i> Parish's desert-thorn	Fed: None CA: None CNPS: 2B.3	Habitats include coastal scrub and Sonoran Desert scrub. Found at elevations ranging from 443 to 3,281 feet. Blooming period is from March to April.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Malacothamnus parishii</i> Parish's bush-mallow	Fed: None CA: None CNPS: 1A	Grows in chaparral and coastal scrub habitats. Found at elevations ranging from 1,001 to 1,493 feet. Blooming period is from June to July.	No	Presumed Absent There is no suitable habitat present within the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Monardella pringlei</i> Pringle's monardella	Fed: None CA: None CNPS: 1A	Prefers sandy soils within coastal scrub habitat. Found at elevations ranging from 984 to 1,312 feet. Blooming period is from May to June.	No	Presumed Absent There is no suitable habitat present within the project site. The project site occurs outside of the known elevation range for this species.
<i>Senecio aphanactis</i> chaparral ragwort	Fed: None CA: None CNPS: 2B.2	Found in sometimes alkaline soils in chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 425 to 2,165 feet. Blooming period is from January to April.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Sphenopholis obtusata</i> prairie wedge grass	Fed: None CA: None CNPS: 2B.2	Prefers cismontane woodland, meadows, and seeps. Found at elevations ranging from 984 to 6,562 feet. Blooming period is from April to July.	No	Presumed Absent There is no suitable habitat present within the project site.
<i>Symphotrichum defoliatum</i> San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Grows in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic). Can be found growing near ditches, streams, and springs within these habitats. Found at elevations ranging from 7 to 6,693 feet. Blooming period is from July to November.	No	Presumed Absent There is no suitable habitat present within the project site.
SPECIAL-STATUS PLANT COMMUNITIES				
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	Absent

U.S. Fish and Wildlife Service (USFWS) - Federal
 END- Federal Endangered
 THR- Federal Threatened
 Candidate END – Under Review

California Department of Fish and Wildlife (CDFW) - California
 END- California Endangered
 CSC- California Species of Concern
 WL- Watch List
 FP- California Fully Protected

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

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

Attachment D

Regulations

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

Federal Regulations

Endangered Species Act of 1973

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

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

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

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

Migratory Bird Treaty Act

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

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

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

State Regulations

California Environmental Quality Act (CEQA)

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

California Endangered Species Act (CESA)

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

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

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

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

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

Fish and Game Code

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

Native Plant Protection Act

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

California Native Plant Society Rare and Endangered Plant Species

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

California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3- Plants about Which More Information is Needed - A Review List
- 4- Plants of Limited Distribution - A Watch List

Threat Ranks

- .1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

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

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of “Waters of the United States” (March 20, 2023), “waters of the United States” are defined as follows:

The “waters of the United States” are defined in paragraph (a) of this rule:

- (1) traditional navigable waters, the territorial seas, and interstate waters;
- (2) impoundments of “waters of the United States”;
- (3) tributaries to traditional navigable waters, the territorial seas, interstate waters, or impoundments when the tributaries meet either the relatively permanent standard or the significant nexus standard (“jurisdictional tributaries”);
- (4) wetlands adjacent to traditional navigable waters; wetlands adjacent to and with a continuous surface connection to relatively permanent paragraph impoundments or to jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard; and wetlands adjacent to impoundments or jurisdictional tributaries when the wetlands meet the significant nexus standard (“jurisdictional adjacent wetlands”); and
- (5) intrastate lakes and ponds, streams, or wetlands not identified in (1) through (4) above that meet either the relatively permanent standard or the significant nexus standard.

The “relatively permanent standard” means relatively permanent, standing or continuously flowing waters connected to traditional navigable waters, and waters with a continuous surface connection to such relatively permanent waters or to traditional navigable waters. The “significant nexus standard” means waters that, either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control

Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

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

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

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

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

Porter Cologne Act

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