
General Biological Resources Assessment

Highland East Warehouse Development Project
Highland, San Bernardino County, California



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List of Abbreviated Terms

AMSL	Above Mean Sea Level
APN	Assessor Parcel Number
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGF	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CWA	Clean Water Act
DBH	Diameter at Breast Height
EPA	Environmental Protection Agency
FESA	Federal Endangered Species Act
GIS	Geographic Information Systems
HCP	Habitat Conservation Plan
IPaC	Information for Planning and Consultation
MBTA	Migratory Bird Treaty Act
NCCP	Natural Community Conservation Planning
NOAA	National Oceanic Atmospheric Administration
NPPA	Native Plant Protection Act
NRCS	Natural Resource Conservation Service
RWQCB	Regional Water Quality Control Board
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	United States Army Corps Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 INTRODUCTION

This report presents the results of MIG's general biological resources assessment of the approximately on the 11.09-net acre Highland East Warehouse Development Project property (Project Site). The purpose of this report is to verify the type, location, and extent of potential sensitive biological resources within the Project Site and vicinity. This report provides a thorough description of the biological setting of the Project Site and surrounding area, as well as a description of the vegetation communities and wildlife observed at the Project Site. This report also includes information regarding potential wildlife movement/migration corridors, potential special-status species, sensitive natural communities, and potential for jurisdictional waters and wetlands to occur at the Project Site. An assessment of the Project impacts and recommended measures to avoid, minimize, or compensate for potential adverse impacts to sensitive habitats and species is also included in the report. The evaluation of potential project impacts follows the checklist items from Appendix G of the California Environmental Quality Act (CEQA) guidelines and has been prepared in a format suitable to support CEQA review and to submit with any future regulatory application packages.

1.1 Project Site Location

The 11.09-net acre Project Site is located on the between 3rd and 5th Streets, roughly midway between Central Avenue, in the City of Highland, San Bernardino County, California. The project is located within Township 1S, Range 3W within the United States Geological Survey (USGS) 7.5' series Redlands Quadrangle (Figure 1, *Regional Map*, Figure 2, *USGS Topographic Map*). The Project Site includes Assessor Parcel Numbers (APNs) 1192-631-09, -10, -11, -12, -13, -14, -22, -23, -24, -25, -26, -27, and -28; and 1192-641-08, -09, -10, -11, 15, -16, -17, -18, -19, -20, and -21 (Figure 3, *Project Site Map*). The Project Site is flat with elevations ranging between 1,172-1,186 feet above mean sea level (AMSL) (Figure 2, *USGS Topographic Map*).

The Project Site is largely surrounded by a mix of land use types: to the north and east are residential buildings; to the west is a bar and a crematorium; and south and southwest is a shipping yard and airport facilities (Figure 3). The Project Site consists of a several vacant lots which were previously used as residential and others that are used as construction yards. The Project Site has highly disturbed and compacted soils, with gravel rock fill, glass, and other debris scattered throughout the site. North of the project is a drainage that runs northeast-southwest (City Creek), but the Project Site is well separated from the Project Site by a busy road (5th Street). The Project Site is also separated from the sensitive habitats of the Santa Ana River to the south by commercial operations and roads. Vegetation on the Project Site is dominated by plants that are found in disturbed and/or landscaped areas.

1.2 Project Site Description

The project will consist of the development of one (1) industrial warehouse building measuring 243,333 square feet which includes 7,000 square feet of office/mezzanine area on 11.18 gross acres. The Project Site is located south of 5th Street, east of Central Avenue, north of 3rd Street, and west of Palm Avenue in the City of Highland, CA.

The Project Site is designated in the General Plan as Business Park and is Zoned Business Park (BP). A Map will be prepared to consolidate twenty-four (24) parcels into one (1) Tentative Parcel Map.

Land Use and Development Application

The project proposes to develop one (1) industrial warehouse building measuring 236,323 sf square feet with 7,000 square feet of mezzanine/office totaling 243,333 square feet. The submittal includes a Variance to permit the building height to be 48' and the project includes a Tentative Parcel Map.

	Building
Mezzanine/Office	7,000 sf
Warehouse Space	236,323 sf
Total Building Area	243,333 sf
Site Area	11.18 gross ac 11.09 net ac
Site Area	493,535 gross sf 483,238 net sf

LAND USE AND ZONING TABLE

Building	APNs:	Current General Plan Land Use Designation	Proposed General Plan Land Use Designation	Current Zoning	Proposed Zoning
1	1192-631-09, -10, -11, -12, -13, -14, -22, -23, -24, -25, -26, -27 and -28 1192-641-08, -09, -10, -11, 15, -16, -17, -18, -19, -20 and -21	Business Park	No change	Business Park (BP)	No change

2.0 REGULATORY SETTING

The following discussion identifies federal, state, and local environmental regulations and policies that serve to protect sensitive biological resources relevant to the proposed Project Site and any subsequent CEQA review process.

2.1 Federal

2.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under the FESA. Both the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) share the responsibility for administration of the FESA. The FESA has the following four major components: (1) provisions for listing species, (2) requirements for consultation with the USFWS and/or the NOAA Fisheries, (3) prohibitions against "taking" (meaning harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental "take". The FESA also discusses recovery plans and the designation of critical habitat for listed species. Section 7 requires Federal agencies, in consultation with, and with the assistance of the USFWS or NOAA Fisheries, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a Habitat Conservation Plan (HCP).

2.1.2 The Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), Title 50 Code of Federal Regulations (CFR) Part 10, prohibits taking, killing, possessing, transporting, and importing of migratory birds, parts of migratory birds, and their eggs and nests, except when specifically authorized by the Department of the Interior. As used in the act, the term "take" is defined as meaning, "to pursue, hunt, capture, collect, kill or attempt to pursue, hunt, shoot, capture, collect or kill, unless the context otherwise requires." Previously, under MBTA it was illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as hunting and poaching.

2.1.3 Clean Water Act Sections 404 and 401

The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (CWA) (33 USC 1344). Waters of the United States are defined in Title 33 CFR Part 328.3(a) and include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. The lateral limits of jurisdiction in those waters may be divided into three categories – territorial seas, tidal waters, and non-tidal waters – and is determined depending on which type of waters is present (Title 33 CFR Part 328.4(a), (b), (c)). Activities in waters of the United States regulated under Section 404 include fill

for development, water resource projects (e.g., dams and levees), infrastructure developments (e.g., highways, rail lines, and airports) and mining projects. Section 404 of the CWA requires a federal permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

Section 401 of the CWA (33 U.S.C. 1341) requires an applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a water quality certification from the state in which the discharge originates. The discharge is required to comply with the applicable water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. The EPA has delegated responsibility for the protection of water quality in California to State Water Resources Control Board and its nine Regional Water Quality Control Boards (RWQCBs).

2.1.4 National Pollutant Discharge Elimination System (NPDES)

The NPDES program requires permitting for activities that discharge pollutants into waters of the United States. This includes discharges from municipal, industrial, and construction sources. These are considered point-sources from a regulatory standpoint. Generally, these permits are issued and monitored under the oversight of the State Water Resources Control Board and administered by each RWQCB. Construction activities that disturb one acre or more (whether a single project or part of a larger development) are required to obtain coverage under the state's General Permit for Dischargers of Storm Water Associated with Construction Activity. All dischargers are required to obtain coverage under the Construction General Permit. The activities covered under the Construction General Permit include clearing, grading, and other disturbances. The permit requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices (BMPs) with a monitoring program. The Project will require coverage under the Construction General Permit.

2.2 State

2.2.1 California Endangered Species Act

The state of California enacted similar laws to the FESA, including the California Native Plant Protection Act (NPPA) in 1977 and the California Endangered Species Act (CESA) in 1984. The CESA expanded upon the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the California Fish and Game Code (CFGF) (section 2.2.2). To align with the FESA, CESA created the categories of "threatened" and "endangered" species. It converted all designated "rare" animals into the CESA as threatened species but did not do so for rare plants. Thus, these laws provide the legal framework for protection of California-listed rare, threatened, and endangered plant and animal species. The California Department of Fish and Wildlife (CDFW) implements NPPA and CESA, and its Wildlife and Habitat Data Analysis Branch maintains the California Natural Diversity Database (CNDDB), a computerized inventory of information on the general location and status of California's rarest plants, animals, and natural communities. During the CEQA review process, the CDFW is given the opportunity to comment on the potential of the proposed Project to affect listed plants and animals.

2.2.2 Native Plant Protection Act

The NPPA of 1977 (CFGF, §§ 1900 through 1913) directed the CDFW to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA is administered by the CDFW, which has the authority to designate native plants as endangered or rare and to protect them from "take."

2.2.3 California Environmental Quality Act

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an Initial Study and Negative Declaration (or Mitigated Negative Declaration) or with an Environmental Impact Report. Certain classes of projects are exempt from detailed analysis under CEQA. CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the CESA or FESA but that meet specified criteria.

2.2.4 Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The CFGC sections (fish at §5515, amphibian and reptiles at §5050, birds at §3511, and mammals at §4700) dealing with “fully protected” species states that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” (CDFW Fish and Game Commission 1998) although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

Species of special concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologist, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

2.2.5 California Fish and Game Code Sections 3503 and 3513

According to Section 3503 of the CFGC, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 prohibits the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW.

2.2.6 Other Sensitive Plants – California Native Plant Society

The California Native Plant Society (CNPS), a non-profit plant conservation organization, publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic version (<http://www.cnps.org/cnps/rareplants/inventory/>).

The Inventory assigns plants to the following categories:

- 1A Presumed extinct in California;
- 1B Rare, threatened, or endangered in California and elsewhere;
- 2 Rare, threatened, or endangered in California, but more common elsewhere;
- 3 Plants for which more information is needed – A review list; and
- 4 Plants of limited distribution – A watch list.

Additional endangerment codes are assigned to each taxon as follows:

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

Plants on Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing, and the CDFW, as well as other state agencies (e.g., California Department of Forestry and Fire Protection). As part of the CEQA process, such species should be fully considered, as they meet the definition of threatened or endangered under the NPPA and Sections 2062 and 2067 of the CFGC. California Rare Plant Rank 3 and 4 species are considered to be plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFW recommend that these species be evaluated for consideration during the preparation of CEQA documents (CNPS 2018, CDFW 2018).

2.2.7 California Fish and Game Code Section 1600-1603

Streams, lakes, and riparian vegetation, as habitat for fish and other wildlife species, are subject to jurisdiction by the CDFW under Sections 1600-1616 of the CFGC. 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 generally require a 1602 Lake and Streambed Alteration Agreement. The term “stream”, which includes creeks and rivers, is defined in the California Code of Regulations (“CCR”) as follows: “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life”. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (14 CCR 1.72). In addition, the term stream can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFW 1994). Riparian vegetation is defined as, “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFW 1994). In addition to impacts

to jurisdictional streambeds, removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from the CDFW.

2.2.8 Sensitive Natural Communities

Sensitive natural communities are habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by the CDFW or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority (CDFW 2018a). Impacts to sensitive natural communities and habitats must be considered and evaluated under the CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

3.0 METHODS

This analysis of potential biological resources located on the Project Site includes a review of available background information in and around the vicinity of the Project Site and completion of a field survey.

3.1 Literature Review

Prior to conducting field surveys, MIG biologists reviewed available background information pertaining to the biological resources on and in the vicinity of the project. Available literature and resource mapping reviewed included the occurrence records for special-status species and sensitive natural communities and numerous other information sources listed below:

- CNDDDB record search for State and Federally Listed Endangered, Threatened, and Wildlife and Rare Plants of California within the Redlands and surrounding eight USGS quadrangles: Yucaipa, San Bernardino South, Redlands, Harrison Mtn., San Bernardino North, Keller Peak, Sunnymead, and El Casco (CDFW CNDDDB 2022; Appendix A)
- CNPS Rare Plant Program, Inventory of Rare and Endangered Plants of California (CNPS 2022) records search within the Redlands and surrounding eight USGS quadrangles (Appendix A)
- USFWS Information for Planning and Consultation (IPaC; USFWS 2022a; Appendix A)
- Soil Survey Staff, Natural Resource Conservation Service (NRCS), United States Department of Agricultural (USDA NRCS 2022)
- CDFW California Natural Community List (CDFW 2022)
- USFWS National Wetlands Inventory (USFWS 2022b)

3.2 Field Surveys

A biological field survey was conducted by MIG biologist Elizabeth Kempton, PhD, on April 5, 2022. Due to some recent unauthorized demolition and vegetation removal, an additional site visit was conducted on March 8, 2023, to update existing conditions on the Project Site. The field survey was conducted on foot to assess the existing conditions of the Project Site, including recording observed plant and wildlife species, characterizing and delineating the vegetation communities and associated wildlife habitats, and evaluating the potential for these habitats to support special-status species and sensitive communities. The Project Site consists of a several vacant lots which were previously used as residential and others that are used as construction yards. It should be noted that due to the large level of historical soil disturbances any potential endangered plant species would most likely not be present at the Project Site.

3.2.1 Plant Communities

During the field survey, the MIG biologist traversed the entire Project Site by foot and evaluated the suitability of on-site vegetation communities to support special-status species. An attempt was made to classify plant communities according to the Second Edition of the Manual of California Vegetation (Sawyer et al. 2009) classification system, as this method is preferred (but not required) by CDFW. However, for certain vegetation types, this system is too species-specific in its definitions of plant associations and alliances and does not accurately characterize the highly variable species composition of plant communities. For this Project Site, it was necessary to identify variants of plant community types for ruderal and ornamental plant assemblages and unvegetated areas that are not described in the literature. The List of California Natural and Terrestrial Communities (CDFW 2021) was consulted to determine if any rare or sensitive plant communities are present. In addition, plant communities were evaluated to determine if they

are considered sensitive under federal and/or other state regulations and local policies. Plant communities within the Project Site were mapped in the field onto a color aerial photograph and digitized into ArcView Geographic Information System (GIS) shapefiles.

3.2.2 Jurisdictional Habitats and Aquatic Features

The Project Site was inspected to determine if any wetlands and “other waters” or streambeds potentially subject to jurisdiction by the USACE, RWQCB, or CDFW were present. MIG certified wetland delineator Elizabeth Kempton, PhD, conducted survey of the 11.09-net acre Project Site on April 5, 2022 and March 8, 2023, to identify potential jurisdictional wetlands and waters, if present. Wetland vegetation, hydric soils, and hydrology information were collected according to the USACE’s routine methodology (USACE 2008a, 2008b) to determine if wetlands were present. The Project Site was also inspected for the presence of drainages, streams, and other aquatic features, including those that support stream-dependent (i.e., riparian) plant species that may be considered jurisdictional by CDFW. Evaluation of CDFW jurisdiction followed guidance in the CFGC and standard field practices by CDFW personnel.

3.2.3 Special-Status Species Habitat Assessment

The potential occurrence of special-status plant and animal species on the Project Site was initially evaluated by conducting a 9-quadrangle database records search¹ of CNDDDB, CNPS Electronic Inventory, and the USFWS IPaC database (Appendix A) to ensure a complete list of species was generated for the habitat assessment. Following the records search, the list of special-status species was developed (see Appendices B and C) and subsequently listing-status and habitat information was summarized for each species for comparison with habitats within the Project Site. The list of species was further refined by evaluating the habitat requirements of each species relative to the conditions observed during the field survey conducted by MIG biologists (see column titled “Discussion” in Appendices B and C). Species that would not be expected on-site are not evaluated further and no recommendations are provided for these species (see last column of Appendices B and C, species indicated with the classification of “None”). Recommendations (last column of Appendices B and C) are only provided for species that could occur on the Project Site and are intended serve as avoidance and protection actions to reduce the potential for impacts to less than significant per CEQA.

Nomenclature used for plant names follows the Second Edition of The Jepson Manual (Baldwin et al. 2012). Nomenclature for wildlife follows CDFW’s Complete List of Amphibian, Reptile, Bird, And Mammal Species in California (CDFW 2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW’s list.

¹ A 9-quadrangle search is conducted using a U.S. Geological Survey 7.5-minute topographic quadrangle map. The search includes the quadrangle where the project is located (Redlands) and the eight surrounding quadrangles (Yucaipa, San Bernardino South, Redlands, Harrison Mtn., San Bernardino North, Keller Peak, Sunnymead, and El Casco).

4.0 EXISTING CONDITIONS

The following provides a description of the soils, vegetation communities, wildlife, and wildlife movement corridors present on the Project Site.

4.1 Physical Characteristics

The Project Site occurs within the USGS 7.5' series Redlands Quadrangle. The Project Site is flat with elevations ranging between 1,172-1,186 feet AMSL (Figure 2, *USGS Topographic Map*). The Project Site consists of a several vacant lots which were previously used as residential and others that are used as construction yards. The Project Site has highly disturbed and compacted soils, with gravel rock fill, glass, and other debris scattered throughout the site. Vegetation on the Project Site is dominated by plants that are found in disturbed and/or landscaped areas. It should be noted that the entire Project Site is occupied by existing commercial industrial buildings, including asphalt parking and asphalt storage of materials, with landscape areas that are maintained and therefore any potential endangered plant species would most likely not be present at the Project Site.

4.2 Soils

The USDA Web Soil Survey reports only one soil unit within the boundary of the 11.09-net acre Project Site (USDA NRCS 2020):

- TvC Tujunga gravelly loamy sand, 0 to 9 percent slopes (11.09-net acre, 100% of Project Site)

The "Tujunga gravelly loamy sand, 0 to 9 percent slopes" map unit comprises 100% of the Project Site (Figure 4). This soil type is generally comprised of alluvium derived from granite. Overall slopes associated with this soil type are 0 to 9 percent, and this soil type is rarely flooded and would not be considered hydric. Documented strata typically correspond to gravelly loamy sand (at 0-36" depth) and gravelly sand (36-60"). Conditions present on at the Project Site were consistent with those reported by the Web Soil Survey (USDA NRCS 2020) with the exception that the soils had marked disturbance from previous development and land uses, and therefore strata were indiscernible.

4.3 Plant Communities & Associated Wildlife Habitats

Plant communities on-site and were evaluated to determine if they are considered sensitive under federal, state, or local regulations or policies. Biological communities were classified as sensitive or non-sensitive as defined by CEQA and other applicable laws and regulations. The majority of the 11.09-net acre Project Site is located within an urban area that is characterized by disturbed by land uses. The landcover type observed during the field survey is described in more detail below.

Disturbed and/or Developed (11.09-net acres)

The entire Project Site has been historically altered by development, and as such, all the landcover at the Project Site can be classified as Disturbed and/or Developed. The Project Site consists of buildings from previous land uses as a commercial construction yard, other fill (commercially derived granite and other gravel materials), scattered trash and debris, and ruderal or planted vegetation.

The majority of the vegetation present on the site is non-native, and the site receives regular clearing to maintain compliance with fire code. Areas on the site are primarily dominated by non-native vegetation, including bromes (*Bromus tectorum*, *B. madritensis* spp. *rubens*), Old han schismus (*Schismus barbatus*), Russian thistle (*Salsola tragus*), storksbills (*Erodium botrys*, *E. cicutarium*), prostrate pigweed (*Amaranthus albus*), short-pod mustard (*Hirschfeldia incana*), and various planted ornamental trees and shrubs. Native species are occasional within the Project Site and include disturbance-adapted species such as California suncup (*Eulobus californicus*), slender buckwheat (*Eriogonum gracile*), slender sunflower (*Helianthus gracilentus*), common rabbitbrush (*Ericameria nauseosa*), telegraph weed (*Heterotheca grandiflora*). Note: This list of species is not intended to be exhaustive or representative of a protocol survey or inventory. No rare plant surveys were conducted for this project due to the lack of suitable habitat for all species (Appendix B).

4.4 Wildlife

Wildlife species that were observed on the Project Site during the April 5, 2022 biological field survey include: American crow (*Corvus brachyrhynchos*), black phoebe (*Sayornis nigricans*), Botta's pocket gopher (*Thomomys bottae*, sign only), California towhee (*Melospiza crissalis*), common raven (*Corvus corax*), domesticated cat (*Felis catus*), house finch (*Haemorhous mexicanus*), mourning dove (*Zenaidura macroura*), northern mockingbird (*Mimus polyglottos*), rock pigeon (*Columba livia*), western fence lizard (*Squamata occidentalis*), and white crowned sparrow (*Zonotrichia leucophrys*) (Note: This list of species is not intended to be exhaustive or representative of a protocol survey or inventory). Due to some recent unauthorized demolition and vegetation removal, an additional site visit was conducted on March 8, 2023, to update existing conditions on the Project Site. During the 2023 visit only common raven (*Corvus corax*), domesticated cat (*Felis catus*), house finch (*Haemorhous mexicanus*), mourning dove (*Zenaidura macroura*), and rock pigeon (*Columba livia*) were observed on the Project Site. The Project Site is located adjacent to a busy streets and construction activity with high levels of noise and human disturbance that may preclude high levels of wildlife activity, which is assumed to be the cause of the limited wildlife activity observed during the visit.

4.5 Sensitive Plant Communities

No sensitive plant communities were observed on the Project Site, and the site does not exhibit the characteristic attributes that may support (such as the known distribution and elevation, landscape position, plant species composition, soil and/or substrate type, water chemistry, and/or hydroperiod) as the Project Site is highly disturbed. Five Sensitive Plant Communities were uncovered by the CDFW CNDDDB (2021) search and are outlined at the end of Appendix B; however, none of these are expected to occur at the Project Site. In addition, no USFWS-designated critical habitat areas for any federally listed animals are present.

4.6 Special-Status Plants

Special-status plants are defined here to include: (1) plants that are federal- or state-listed as rare, threatened, or endangered, (2) federal and state candidates for listing, (3) plants assigned a Rank of 1 through 4 by the CNPS Inventory, and (4) plants that qualify under the definition of "rare" in the CEQA, section 15380. The Project Site was initially determined to provide potentially suitable habitat for a total of 88 special-status plant species based on the proximity of the project to previously recorded occurrences in the region, vegetation types and habitat quality, topography, elevation, soil types, and other species-specific habitat requirements (CDFW CNDDDB 2023). Based on results of the habitat suitability analysis and focused late season survey conducted on April 5, 2022, and updated on March 8, 2023, none of the 88

plant species are expected to occur on the Project Site, and no recommendations are provided for avoidance of these species. A table presenting the special-status plant species considered and evaluated for their potential occurrence on the Project Site, including plant species' habitat requirements and reported blooming periods, is provided in Appendix B.

4.7 Special-Status Wildlife

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA; candidates for listing by the USFWS or CDFW; and species of special concern to the CDFW; and birds protected by the CDFW under CFGC Sections 3503 and 3513. It was initially determined that 68 special-status wildlife species have been recorded in the vicinity of the Project Site (CDFW CNDDDB 2023). Of these wildlife species, 67 are not expected to occur on the Project Site (species with Recommendations listed as "None" in the table provided in Appendix C. Reasons include the absence of essential habitat requirements for the species, the distance to known occurrences and/or the species distributional range, the limited availability of foraging and nesting habitat, amount of site disturbance from past and present land uses, and/or the proximity of existing human-related disturbances (see Discussion column in table). A table presenting the special-status wildlife species considered and evaluated for their potential occurrence on the Project Site, including species-specific habitat requirements, is provided in Appendix C. Six species have some potential to occur on-site including: one bird: burrowing owl, *Athene cunicularia*, California Species of Special Concern.

Nesting Birds

Nesting birds are protected under CFGC 3503, 3503.5, and 3512, which prohibits the take of active bird nests. Ruderal vegetation within the Project Site provide marginally suitable nesting habitat for birds, including common species protected by the code. There is potential for ground-nesting birds (such as mourning doves and rock pigeons) to establish nests on the Project Site prior to initiation of project construction.

No other special-status wildlife species are expected to be impacted by project construction due to a lack of suitable habitat (refer to Appendix C) and high degree of site disturbance due to existing development within and surrounding the Project Site. No impacts are expected to Critical Habitat for San Bernardino Kangaroo Rat, which is adjacent to the project (see Figure 5) and Appendix D for a small mammal report and correspondence with the USFWS.

4.8 Wildlife Movement Corridors

Providing functional habitat connectivity between natural areas is essential to sustaining healthy wildlife populations and allowing for the continued dispersal of native plant and animal species. The regional movement and migration of wildlife species has been substantially altered due to habitat fragmentation over the past century. This fragmentation is most commonly caused by development of open areas, which can result in large patches of land becoming inaccessible and forming a functional barrier between undeveloped areas. Additional roads associated with development, although narrow, may result in barriers to smaller or less mobile wildlife species. Habitat fragmentation results in isolated islands of habitat, which affects wildlife behavior, foraging activity, reproductive patterns, immigration and emigration or dispersal capabilities, and survivability. Wildlife corridors can consist of a sequence of stepping-stones across the landscape (i.e., discontinuous areas of habitat such as isolated wetlands), continuous lineal strips of vegetation and habitat (e.g., riparian strips and ridge lines), or they may be parts of larger habitat areas selected for its known or likely importance to local wildlife.

The Project Site does not act as a wildlife movement corridor due to the current built environment as well as the presence of urban/suburban development surrounding the site. The Project Site is expected to be utilized by common, non-special-status wildlife for foraging and possibly breeding. However, the Project Site is situated in an urbanized area and does not represent a wildlife movement corridor as it is bounded on all sides by residential and industrial land uses which precludes wildlife movement in otherwise open areas.

4.9 Jurisdictional Waters/Wetlands

No waterways, wetlands, or riparian vegetation subject to regulation by the USACE, CDFW, or RWQCB are present on the Project Site. No features were detected by the National Wetlands Inventory (as shown on Figure 5) at or near the Project Site. There is an earthen aqueduct (City Creek) north of the Project Site; however, the Project Site has no connectivity to this aqueduct as there is no evidence (e.g., watermarks, vegetation, or other characteristics) that water from this waterway enters the Project Site.

5.0 ENVIRONMENTAL IMPACTS

This section describes potential impacts to sensitive biological resources—including special-status plants and animals, and aquatic resources that may occur in the Project Site. Each impact discussion includes recommended measures that would be implemented during the project to avoid and/or reduce the potential for and/or level of impacts to each resource. With the implementation of the recommended measures, all impacts to biological resources are anticipated to be reduced to less than significant pursuant to CEQA.

5.1 Thresholds of Significance

This section describes potential impacts to biological resources that may occur as a result of the construction of the proposed project. CEQA Guidelines provide guidance in evaluating project impacts and determining whether impacts may be significant. CEQA defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” In accordance with Appendix G of the CEQA Guidelines, a project could have a significant environmental impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS
- Have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS
- Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrologic interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted HCP, Natural Community Conservation Plant (NCCP), or other approved local, regional, or state HCP

5.2 Impacts and Recommendations

Consistent with the requirements of CEQA and local regulations, the significance of potential impacts is evaluated through the application of the significance criteria described above. The objective of the biological resources analysis is to identify potential adverse effects and/or significant impacts on biological resources. Avoidance is often the preferred approach for the management of biological resources; however, it is not always possible to completely avoid impacts. Recommendations to avoid or minimize impacts are identified, as appropriate, including procedures to be followed if significant biological resources are identified prior to the initiation of construction.

Special-Status Plants

No special-status plant species are expected to be present on the Project Site due to the extent of current disturbed conditions and related lack of suitable habitat (refer to Appendix B); therefore, no impacts to special-status plants are anticipated as a result of project implementation.

Special-Status Wildlife

Impact BIO-1: Burrowing Owl and Ground-Nesting Birds

Pipes and other round structures present on the property provide habitat for burrowing owl. Suitable habitat type (Disturbed and/or Developed) for burrowing owl was also determined to be present on-site, and burrowing owl are known to occur less than one mile from the construction site. Construction activities may impact burrowing owl in a manner like those already described under Impact-Bio-1 for nesting birds. Recommendation BIO-2 would be required to reduce impacts to burrowing owl to a less than significant level.

Various other substrates on the Project Site, have the potential to provide ground-nesting habitat for bird species protected by the CFGC Sections 3503 and 3513. There is potential for ground-nesting birds to establish nests on the Project Site prior any project-related construction. Construction activities including site mobilization, vegetation clearing, grubbing, grading, and noise and vibration from the operation of heavy equipment have the potential to result in significant direct (i.e., death or physical harm) and/or indirect (i.e., nest abandonment) impacts to nesting birds. The loss of an active nest of common or special-status bird species and/or their eggs or young as a result of project construction would be considered a violation of the CFGC, Section 3503, 3503.5, 3513 and therefore, would be considered a potentially significant impact. Implementation of Recommendation BIO-1 would be required to reduce impacts to nesting birds to a less than significant level.

Special Status Plant Communities, Jurisdictional Waters, and Other Sensitive Biological Resources

No special-status plant communities, jurisdictional waters, or other sensitive biological resources areas (i.e., USFWS Critical Habitat, Habitat Conservation Plan [HCP] Areas) are expected to be present on the Project Site due the lack of designation or suitable habitat (refer to Appendix B); therefore, no impacts to these resources are anticipated as a result of Project implementation, and no further mitigation is required.

Recommendations

BIO-1 Pre-construction Survey for Burrowing Owl and Ground Nesting Birds.

Burrowing Owl. No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's *Staff Report on Burrowing Owl*, dated March 7, 2012. If burrowing owl are found on the Project Site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the Project Site.

Ground Nesting Birds. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1.

If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, including tree, shrub, or vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all trees and other potential nesting habitats (e.g., trees and shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged.

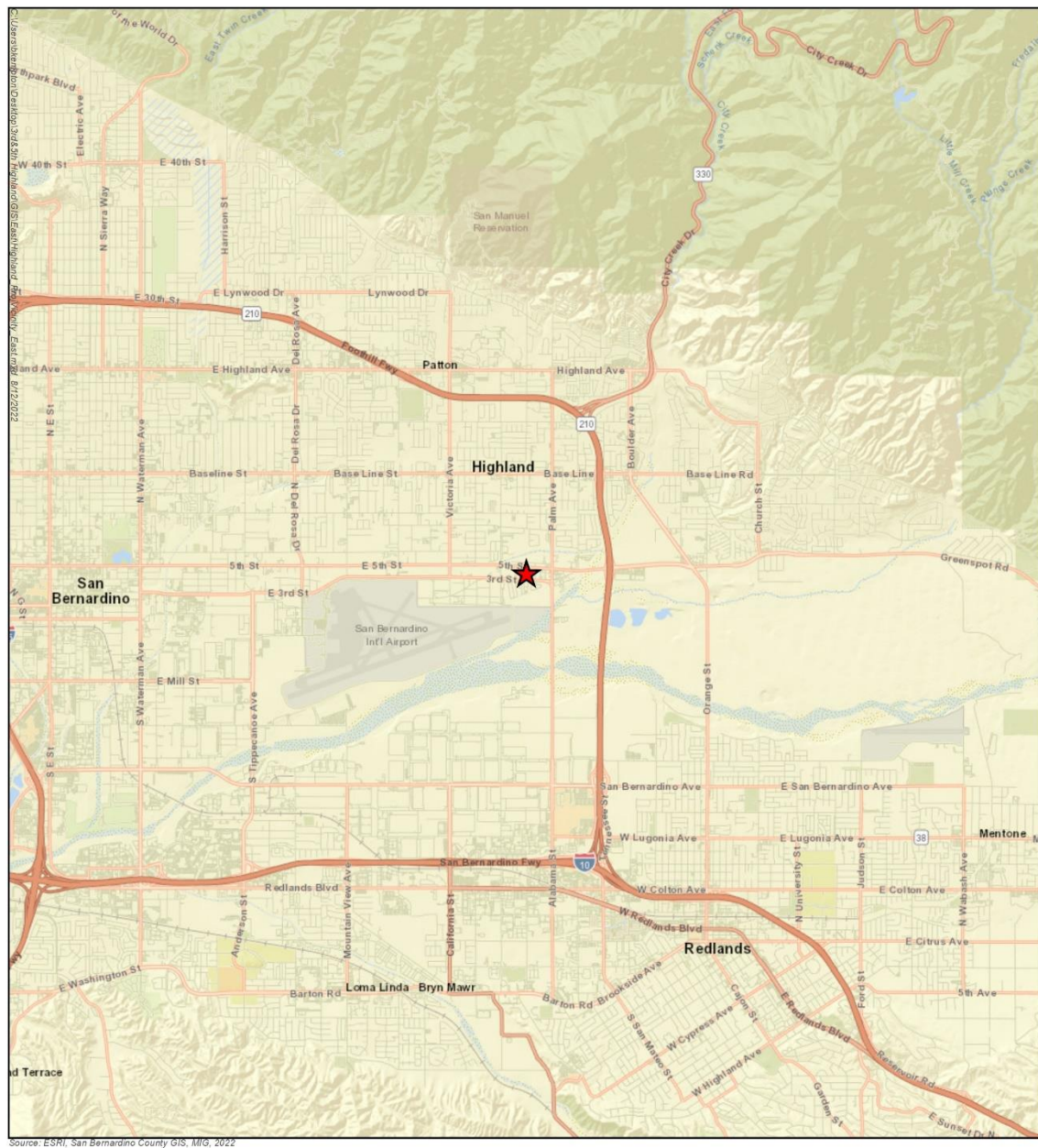
A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

6.0 REFERENCES

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7.0 FIGURES

Figure 1: Vicinity Map



Source: ESRI, San Bernardino County GIS, MIG, 2022

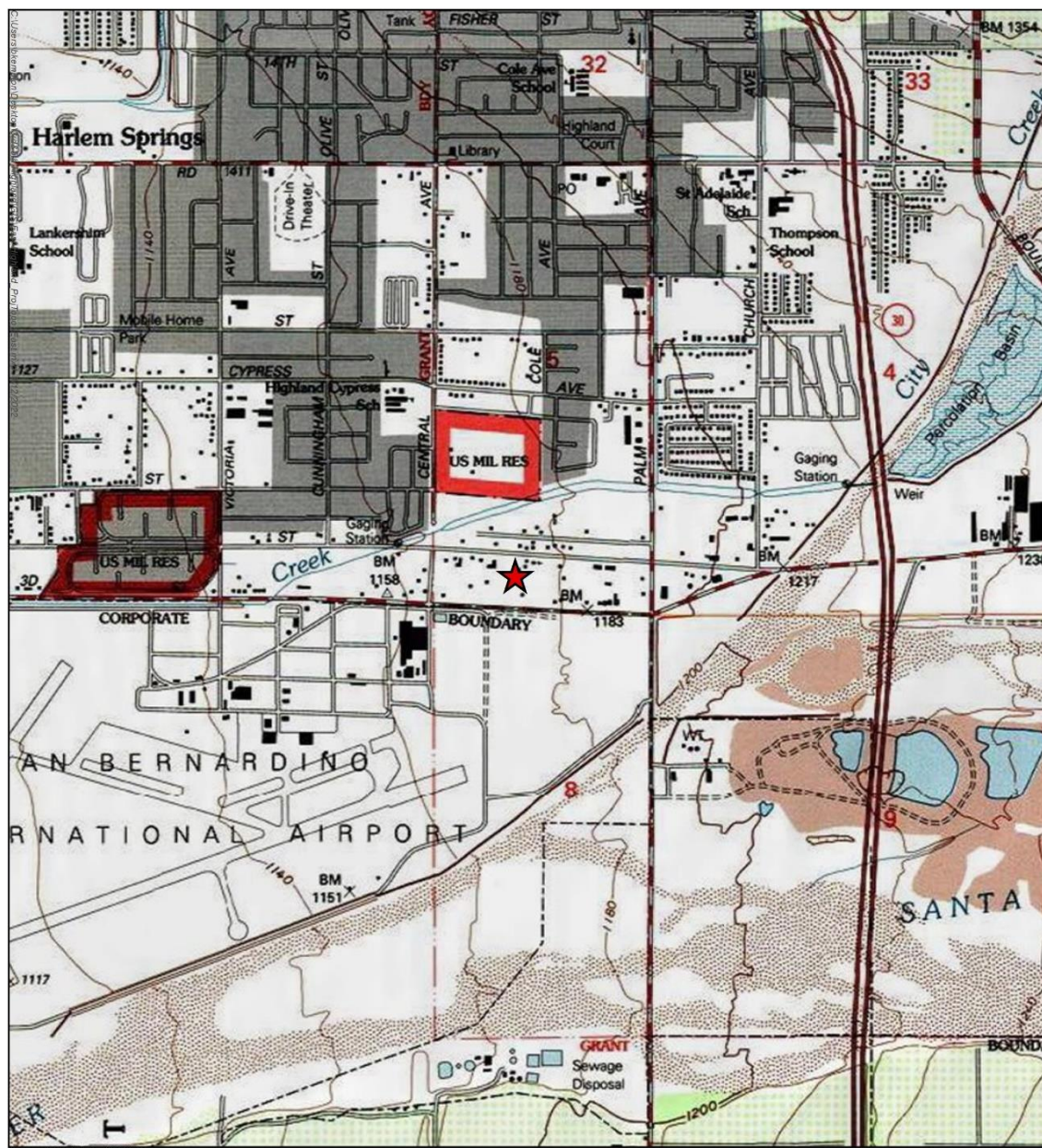
Legend

- ★ Highland East (Project Site)



Figure 1. Project Vicinity Map
 Highland East
 Highland, CA
 CHIPT Highland 210, L.P.

Figure 2: USGS Topographic Map



Legend

- ★ Highland East (Project Site)



Figure 2. USGS Topographic Map
Highland East
Highland, CA
CHIPT Highland 210, L.P.

Figure 3: Project Site Map



Figure 3. Project Location
 Highland East
 Highland, CA
 CHIPT Highland 210, L.P.

Figure 4: SSURGO Soils Map



Legend
 Highland East (Project Site)
 Tujunga gravelly loamy sand, 0 to 9 percent slopes

0 225 450 900 Feet

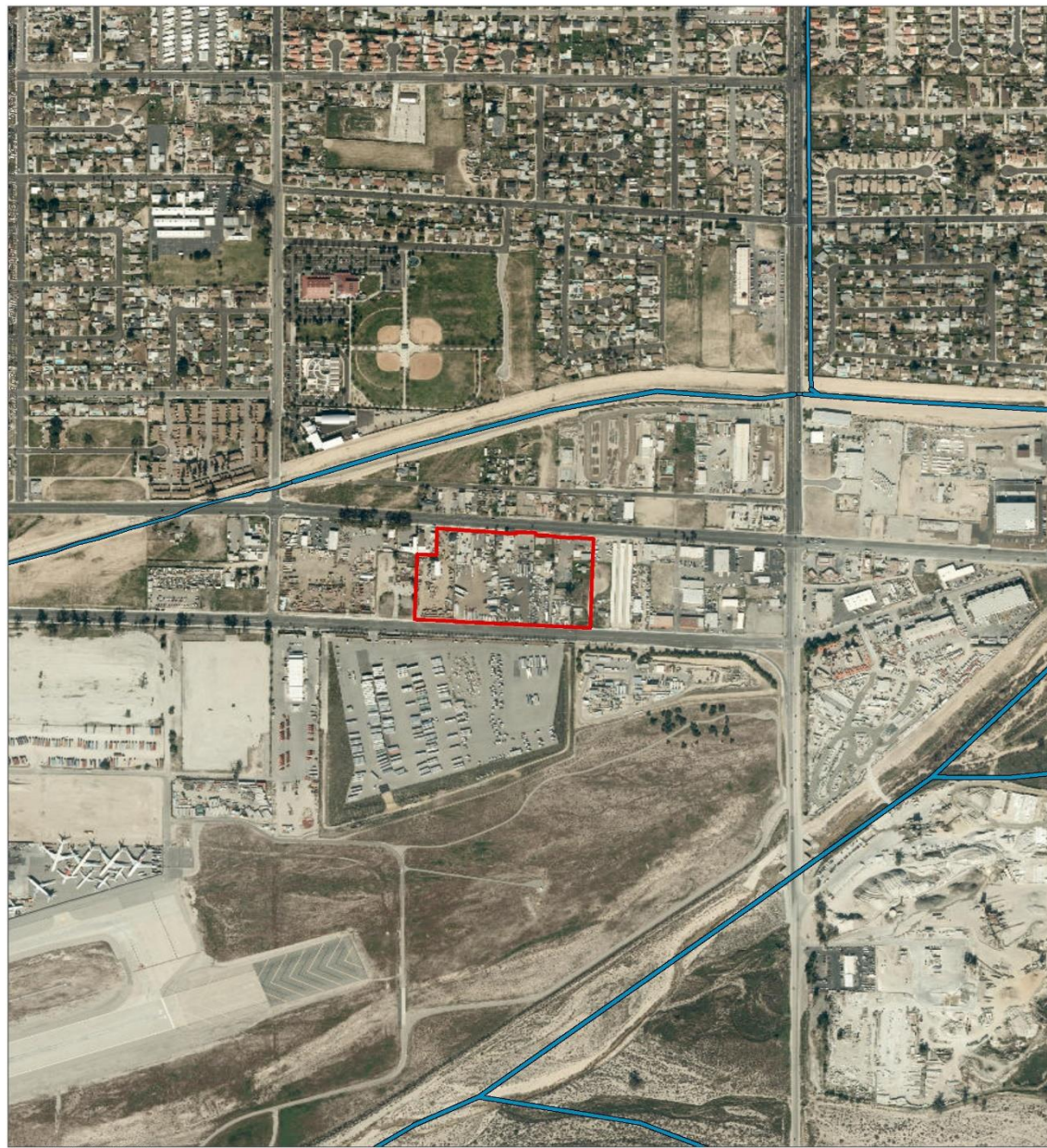
Figure 4. Soils Map
 Highland East
 Highland, CA
 CHIPT Highland 210, L.P.

Figure 5: Critical Habitat Map



Figure 5. USFWS Critical Habitat Map
 Highland East
 Highland, CA
 CHIPT Highland 210, L.P.

Figure 6: National Wetland Inventory Map



Legend
 Highland East

NWI Wetland Types:
 Estuarine and Marine Deepwater
 Estuarine and Marine Wetland
 Freshwater Emergent Wetland
 Freshwater Forested/Shrub Wetland
 Freshwater Pond
 Lake
 Other
 Riverine

0 450 900 1,800 Feet

Figure 6. National Wetlands Inventory Map
 Highland East
 Highland, CA
 CHIPT Highland 210, L.P.

Figure 7: Project Site Photographs



Photo 1. Looking north on east side of property on April 5, 2022.



Photo 2. Looking south on east side of property on April 5, 2022.



Photo 3. An example of pipes and adjacent areas that may provide habitat for burrowing owl. Many pipes and appurtenances were staged for months on site. Photo taken on April 5, 2022.



Photo 4. Looking northeast towards the Project Site from the southwest corner of the project. Note presence of highly disturbed soils on April 5, 2022.



Photo 5. Looking northeast towards the Project Site from the southwest corner of the project. Note presence of highly disturbed soils. Photograph taken on March 10, 2023.



Photo 6. Several holes were observed on the site, including open broken access ducts for utilities and other large holes under foundations. Photograph taken on March 10, 2023.

Figure 7 (cont.): Project Site Photographs



Photo 7. Looking northeast middle of project. Photograph taken on March 10, 2023.



Photo 8. Looking toward the southwest corner of Project Site. Photograph taken on March 10, 2023.



Photo 9. Looking toward northwest portion of Project Site. Photograph taken on March 10, 2023.



Photo 10. Looking toward the southwest corner of Project Site. Photograph taken on March 10, 2023.



Photo 11. Looking toward the southwest corner of Project Site. Photograph taken on March 10, 2023.



Photo 12. Looking toward the southeast corner of Project Site. Photograph taken on March 10, 2023.

APPENDICES

Appendix A
Special Status Species Database Search Results

Appendix B

Special-Status Plant Species with Potential to Occur on the Project Site

Appendix C
Special-Status Wildlife Species with Potential to Occur on the Project Site

Appendix D
No Occupancy Letter and Correspondence with USFWS