

Biological Technical Report

Adelanto Seneca Project (APN 3103-511-08)

San Bernardino County, California

Prepared For:

Nolan Leggio
Diversified Pacific Communities
10621 Civic Center Drive
Rancho Cucamonga, CA 91730

Prepared By:



215 North 5th Street
Redlands, California 92374

February 2024

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1.0 INTRODUCTION

ECORP Consulting, Inc. conducted a biological reconnaissance survey at an approximately 9.7-acre property (Assessor Parcel Number 3103-511-08) in the Town of Adelanto, San Bernardino County, California. The survey was conducted to identify any potential biological resources that could be affected by the proposed Adelanto Seneca Project (Project), pursuant to the terms of the California Environmental Quality Act (CEQA) and for the purposes of identifying any biological constraints that would affect the proposed site plan for the Project. The Project will be subject to county, state, and federal regulations regarding compliance with the federal Endangered Species Act (ESA), California ESA, Migratory Bird Treaty Act (MBTA), and California Fish and Game Code.

1.1 Project Description and Location

The Project site is located north of State Route 18 and east of State Route 395 within the City of Adelanto, San Bernardino County, California (Figure 1). The Project site is bounded by Seneca Road to the north, Pearmain Street to the west, and vacant land to the south and east. Surrounding land uses consisted mainly of residential developments, commercial developments, and roads. The Project site, as depicted on the U.S. Geological Survey (USGS) 7.5-minute Adelanto topographic quadrangle, lies within Section 21 of Township 5 North, and Range 5 West (Figure 2.). The elevation of the Project site is approximately 3,112 feet above mean sea level (msl).

The Proposed Project involves the construction of a self-storage facility with an office/retail component. The self-storage component will feature traditional drive-up and walk-up storage with uncovered/covered RV Parking.

2.0 SPECIAL-STATUS SPECIES REGULATIONS

This biological reconnaissance survey was conducted to identify potential biological resource constraints and ensure compliance with state and federal regulations regarding listed, protected, and sensitive species. The regulations are detailed below.

2.1 Federal Regulations

2.1.1 The Federal Endangered Species Act

The federal ESA protects plants and animals that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service. Section 9 of the ESA prohibits the taking of endangered wildlife, where taking is defined as "*harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct*" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 U.S. Code [USC] 1538).

Figure 1. Project Vicinity



Figure 1. Project Vicinity

Figure 2. Project Location



Figure 1. Project Location

Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed (or proposed) species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity provided the activity will not jeopardize the continued existence of the species. Section 10 of the ESA provides for issuance of incidental take permits (ITPs) where no other federal actions are necessary provided a habitat conservation plan (HCP) is developed.

2.1.2 Migratory Bird Treaty Act

The MBTA implements international treaties between the U.S. and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities including hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR Part 13 General Permit Procedures and 50 CFR Part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code.

2.1.3 Federal Clean Water Act

The federal Clean Water Act's (CWA) purpose is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Section 404 of the CWA prohibits the discharge of dredged or fill material into Waters of the U.S. without a permit from the U.S. Army Corps of Engineers (USACE). The definition of Waters of the U.S. includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas "that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3 7b). The U.S. Environmental Protection Agency acts as a cooperating agency to set policy, guidance, and criteria for use in evaluation permit applications and reviews USACE permit applications.

The USACE regulates fill or dredging of fill material within its jurisdictional features. Fill material means any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a water body. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the State Water Quality Control Board, administered by each of nine California Regional Water Quality Control Boards.

In 2008, the U.S. Environmental Protection Agency (USEPA) and USACE issued a memorandum providing guidance on the definition of Waters of the U.S. (WOTUS) to include traditional navigable waters and their adjacent wetlands, and water that met either the relatively permanent or significant nexus standards (USACE and USEPA 2008). The USEPA and USACE have defined WOTUS several times, with three new definitions since 2015, including the Navigable Waters Protection Rule (NWPR), which became effective

on June 22, 2020. In August 2021, a judge in the U.S. District Court for the District of Arizona ruled to vacate the NWPR. Following this order, the USEPA and USACE halted implementation of the NWPR nationwide and began interpreting Waters of the United States consistent with the pre-2015 regulatory regime.

On December 22, 2022, the USEPA and Department of the Army (Agencies) announced a final rule defining Waters of the U.S. The definition was founded upon the pre-2015 “Rapanos” decision, updated to reflect consideration of Supreme Court decisions, the science, and the Agencies’ technical expertise. The final rule was published in the Federal Register on January 18, 2023, effective as of March 20, 2023.

On May 25, 2023, the Supreme Court of the United States adopted a narrower definition of Waters of the U.S. in the case *Sackett v. Environmental Protection Agency*. Under the majority opinion, Waters of the U.S. refers to “geographical features that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes’ and to adjacent wetlands that are “indistinguishable” from those bodies of water due to a continuous surface connection.”

On August 29, 2023, the Agencies issued a final rule to amend the final “Revised Definition of ‘Waters of the United States’” rule, published in the Federal Register on September 8, 2023. This final rule conforms the definition of “waters of the United States” to the U.S. Supreme Court’s May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. Parts of the January 2023 Rule are invalid under the Supreme Court’s interpretation of the CWA in the *Sackett* decision. Therefore, the Agencies have amended key aspects of the regulatory text to conform it to the Court’s decision. Key changes under the amendment include:

- Definition of “adjacent” is now “having a continuous surface connection;”
- Only tributaries that are relatively permanent, standing or continuously flowing bodies of water (or tributaries with a continuous surface connection to those) are considered jurisdictional;
- Interstate wetlands are no longer jurisdictional just by virtue of being interstate; and
- Significant nexus test is eliminated.

Where areas jurisdictional to the USACE are present, and will be impacted by a project, the project proponent must usually apply for permitting with the agency, which generally consists of submittal of a Pre-Construction Notification under Section 404 of the CWA. As of the writing of this report, we do not know the details of how the individual USACE offices will implement the conforming rule for permitting purposes.

2.2 State and Local Regulations

2.2.1 California Endangered Species Act

The California ESA generally parallels the main provisions of the ESA but, unlike its federal counterpart, the California ESA applies the take prohibitions to species proposed for listing (called “candidates” by the state). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the California Fish and Game Code as “hunt,

pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The California ESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the California Department of Fish and Wildlife (CDFW) to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat.

2.2.2 Fully Protected Species

The State of California first began to designate species as "fully protected" prior to the creation of the federal and California ESAs. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians and reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under the federal and/or California ESAs. The regulations that implement the Fully Protected Species Statute (California Fish and Game Code § 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, CDFW prohibits any state agency from issuing ITPs for fully protected species, except for necessary scientific research.

2.2.3 Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (California Fish and Game Code §§ 1900-1913) was created with the intent to "*preserve, protect and enhance rare and endangered plants in this State.*" The NPPA is administered by CDFW. The California Fish and Game Commission (Commission) has the authority to designate native plants as "endangered" or "rare" and to protect endangered and rare plants from take. The California ESA of 1984 (California Fish and Game Code § 2050-2116) provided further protection for rare and endangered plant species, but the NPPA remains part of the California Fish and Game Code.

2.2.4 California Fish and Game Code

2.2.4.1 Streambed Alteration Agreement

Pursuant to Section 1602 of the California Fish and Game Code, a Streambed Alteration Agreement (SAA) application must be submitted for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake" (CDFW 2021). In Title 14 of the Code of California Regulations (CCR), Section 1.72, the CDFW defines a "stream" (including creeks and rivers) as "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."

The CDFW's jurisdiction includes drainages with a definable bed, bank, or channel with the jurisdictional limit being the top-of-bank. It also includes areas that support intermittent, perennial, or subsurface flows; supports fish or other aquatic life; or supports riparian or hydrophytic vegetation. It also includes areas that have a hydrologic source.

The CDFW will determine if the proposed actions will result in diversion, obstruction, or change of the natural flow, bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. The CDFW will

submit an SAA that includes measures to protect affected fish and wildlife resources; this SAA is the final proposal agreed upon by the CDFW and the applicant.

2.2.4.2 Migratory Birds

The CDFW enforces the protection of nongame native birds in §§ 3503, 3503.5, and 3800 of the California Fish and Game Code. Section 3513 of the California Fish and Game Code prohibits the possession or take of birds listed under the MBTA. These sections mandate the protection of California nongame native birds' nests and also make it unlawful to take these birds. All raptor species are protected from "take" pursuant to California Fish and Game Code § 3503.5 and are also protected at the federal level by the MBTA of 1918 (USFWS 1918).

2.2.5 Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the State to file a report of discharge" with the Regional Water Quality Control Board (RWQCB) through State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) (California Code of Regulations [CCR], title 23, § 3855) (State Water Resources Control Board 2021). Waters of the State is defined as any surface water or groundwater, including saline waters, within the boundaries of the State (California Water Code § 13050[e]). Pollution is defined as an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects its beneficial uses (California Water Code § 13050) and includes filling in waters of the State. Note that CCR, title 23, § 3855 applies only to individual water quality certifications, but the new Procedures extend the application of § 3855 to individual waste discharge requirements for discharges of dredged or fill material to Waters of the State and waivers thereof.

A permit for impacts to Waters of the State of California would likely be required under the CWA and/or Porter-Cologne Water Quality Control Act. To determine whether a project should be regulated pursuant to the Porter-Cologne Water Quality Control Act, the RWQCB considers whether project activities could impact the quality of Waters of the State.

On September 27, 2023, the U.S. Environmental Protection Agency published its final 2023 Clean Water Act Section 401 Quarter Quality Certification Improvement Rule (88 Fed. Reg. 66558.) The final 2023 Rule revises and replaces the 2020 Rule's regulatory requirements for water quality certification that were adopted by the prior federal administration. The updates realign the scope of the Section 401 certification process with established practices, while also restoring the roles of states, territories, and authorized Tribes as certifying agencies.

2.2.6 San Bernardino County Development Code – Plant Protection and Management (Chapter 88.01)

The County of San Bernardino has established a Plant Protection and Management Code (Chapter 88.01) to help protect and preserve desert vegetation, which include: all Joshua trees (*Yucca brevifolia*), smoketree (*Dalea spinosa*), all species of the genus *Prosopis* (mesquites), all species of the family *Agavaceae* (century plants, nolas, yuccas), creosote rings, ten feet or greater in diameter, and any part of

the following species, whether living or dead, desert ironwood (*Olneya tesota*) and all species of the genus *Cercidium* (palo verdes). The County of San Bernardino Plant Protection and Management Code requires that a Tree or Plant Removal Permit be obtained prior to the removal of a regulated tree or plant identified in the chapter on public or private land.

2.2.7 California Environmental Quality Act Significance Criteria

Section 15064.7 of the CEQA Guidelines encourages local agencies to develop and publish the thresholds the agency uses in determining the significance of environmental effects caused by projects under its review. However, agencies may also rely upon the guidance provided by the expanded Initial Study checklist contained in Appendix G of the CEQA Guidelines. Appendix G provides examples of impacts that would normally be considered significant. Based on these examples, impacts to biological resources would normally be considered significant if the Project 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 CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, and coastal) through direct removal, filling, hydrological 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; and
- conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP.

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, state, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant according to CEQA. The reason is that although the impacts would result in an adverse alteration of existing conditions, they would not substantially diminish, or result in the permanent loss of, an important resource on a population-wide or region-wide basis.

3.0 METHODS

3.1 Literature Review

Prior to conducting the biological reconnaissance survey, ECORP biologists performed a literature review using the CDFW's California Natural Diversity Database (CNDDDB; CDFW 2023a) and the California Native Plant Society's (CNPS) Electronic Inventory (CNPSEI; CNPS 2023) to determine the special-status plant and wildlife species that have been documented near the Project site. ECORP searched CNDDDB and CNPSEI records within the Project site boundaries as depicted on USGS 7.5-minute Adelanto topographic quadrangle, plus the surrounding eight topographic quadrangles including Helendale, Baldy Mesa, Phelan, Shadow Mountains, Shadow Mountains SE, Victorville NW, Hesperia, and Victorville. The CNDDDB and CNPSEI contain records of reported occurrences of federally or state-listed endangered, threatened, proposed endangered or threatened species, California Species of Special Concern (SSC), and/or other special-status species or habitat that may occur within or near the Project. Additional information was gathered from the following sources and includes, but is not limited to:

- *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2023b);
- *Special Animals List* (CDFW 2023c);
- *The Jepson Manual: Vascular Plants of California* (Baldwin et al. 2012);
- *The Manual of California Vegetation*, 2nd Edition (Sawyer et al. 2009);
- Countywide – All Biotic Resources Overlay Map (County of San Bernardino 2012); and
- various online websites (e.g., Calflora 2023).

Using this information and observations in the field, a list of special-status plant and animal species that have the potential to occur on or near the Project site was generated. For the purposes of this assessment, special-status species are defined as plants or animals that:

- have been designated as either rare, threatened, or endangered by CDFW, CNPS, or the USFWS, and/or are protected under either the federal ESA or California ESA;
- are candidate species being considered or proposed for listing under these same acts;
- are fully protected by the California Fish and Game Code, §§ 3511, 4700, 5050, or 5515; and/or
- are of expressed concern to resource and regulatory agencies or local jurisdictions.

Special-status species reported for the region in the literature review or for which suitable habitat occurs on the site were assessed for their potential to occur within the Project site based on the following guidelines:

Present: The species was observed on site during a site visit or focused survey.

High: Habitat (including soils and elevation factors) for the species occurs within the Project site and a known occurrence has recently been recorded (within the last 20 years) within five miles of the area.

Moderate: Habitat (including soils and elevation factors) for the species occurs within the Project site and a documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or a recently documented observation occurs within five miles of the area and marginal or limited amounts of habitat occurs in the Project site.

Low: Limited or marginal habitat for the species occurs within the Project site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs on site, but no records or only historic records were found within the database search.

Presumed Absent: Species was not observed during a site visit or focused surveys conducted in accordance with protocol guidelines at an appropriate time for identification; habitat (including soils and elevation factors) does not exist on site; or the known geographic range of the species does not include the Project site.

Note that location information on some special-status species may be of questionable accuracy or unavailable. Therefore, for survey purposes, the environmental factors associated with a species' occurrence requirements may be considered sufficient reason to give a species a positive potential for occurrence. In addition, just because a record of a species does not exist in the databases does not mean it does not occur. In many cases, records may not be present in the databases because an area has not been surveyed for that species.

A review of the Natural Resources Conservation Service (NRCS 2023), National Wetlands Inventory (NWI) (USFWS 2023), National Hydrology Dataset (NHD; USGS 2023), and the corresponding USGS topographic maps was also conducted to determine if there were any blue line streams or drainages present on the Project site that potentially fall under the jurisdiction of either federal or state agencies.

3.2 Field Survey

3.2.1 Biological Reconnaissance Survey

The biological reconnaissance survey was conducted by walking the entire Project site and a 500-foot buffer to determine the vegetation communities and wildlife habitats present on the site. Areas that were not accessible by foot were scanned using binoculars for suitable habitat. The biologist documented the plant and animal species present on the Project site, and the location and condition of the Project site were assessed for the potential to provide habitat for special-status plant and wildlife species. Data were recorded on a Global Positioning System (GPS) unit, field notebooks, and/or maps. Photographs were also taken during the survey to provide visual representation of the conditions within the Project site. The Project site was also examined to assess its potential to facilitate wildlife movement or function as a movement corridor for wildlife moving throughout the region. In addition, the biologist documented the vegetation communities present on the Project site.

Plant and wildlife species, including any special-status species that were observed during the survey, were recorded. Plant nomenclature follows that of *The Jepson Manual: Vascular Plants of California* (Baldwin et

al. 2012). Wildlife nomenclature follows Society for the Study of Amphibians and Reptiles (SSAR 2017), *Check-list of North American Birds* (Chesser et al. 2020), and the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014).

In instances where a special-status species was observed, the date, species, location and habitat, and GPS coordinates were recorded. The locations of special-status species observations were recorded using a handheld GPS in NAD 83, Universal Transverse Mercator coordinates, Zone 11S.

3.2.2 Preliminary Aquatic Resources Delineation

A desktop review was conducted to identify potential streams and hydric soils on the property. This entailed examination of the NRCS Soil Mapper, NWI mapping, NHD, aerial photography, and the USGS topographic mapping of the Project site to aid in identifying potential biological constraints to the Project due to jurisdictional streams or features. During the survey, the property was walked to look for signs of Ordinary High Water Mark as defined by the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Arid West Region Supplement; USACE 2008). The boundaries of potential aquatic resources were estimated by the presence of bed and bank topography. A formal aquatic resources delineation was not completed as part of this biological survey and assessment.

4.0 RESULTS

Summarized below are the results of the literature review and field surveys, including site characteristics, vegetation communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors).

4.1 Literature Review

4.1.1 Special-Status Plants and Wildlife

The literature review and database searches identified 18 special-status plant species and 26 special-status wildlife species that could occur near the Project site. A list was generated from the results of the literature review and the Project site was evaluated for suitable habitat that could support any of the special-status plant or wildlife species on the list. The Project site is located within the San Bernardino County biotic overlay for Mojave ground squirrel, burrowing owl, and desert tortoise – medium population (County of San Bernardino 2012).

4.1.2 U.S. Fish and Wildlife Service Designated Critical Habitat

The Project site is not located within any USFWS-designated critical habitat. Southwestern willow flycatcher designated critical habitat is present approximately six miles northeast of the Project site. There is no expected impacts to the critical habitat because it is not in the immediate area and there is no riparian habitat on the Project site.

4.1.3 Preliminary Aquatic Resources Delineation Literature Review

The desktop review of the NRCS identified one soil type on the Project site, Cajon Sand 0 to 2 Percent Slopes. The NWI, NHD, and USGS mapping did not depict any aquatic features directly within the Project site. No potentially jurisdictional aquatic resources were identified on the Project site and no riparian habitat was observed.

4.2 Biological Reconnaissance Survey

The biological reconnaissance survey was conducted on December 6, 2023, by ECORP wildlife biologists Phillip Wasz and Shelby Dunn. Mr. Wasz has extensive experience conducting habitat assessments and protocol-level surveys for desert wildlife and plant species. Summarized below are the results of the biological reconnaissance survey, including site characteristics, plant communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors). Weather conditions during the survey are summarized in Table 4-1.

Table 1. Weather Conditions During the Survey								
Date	Time		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
	Start	end	Min	Max	min	max	min	max
12/6/2023	0930	1100	55	73	20	10	1-3	2-5

4.2.1 Property Characteristics

The Project site is currently undeveloped and consists of creosote bush scrub vegetation that was heavily disturbed by off-highway vehicle trails/dirt roads, excessive trash, transient encampments, and pedestrians. The Project site is bounded by Seneca Road to the north, Pearmain Street to the west, and disturbed vacant land to the east and south. Soils on the Project site consisted of one soil type, Cajon Sand 0 to 2 Percent Slopes. Representative site photographs are presented in Appendix A.

4.2.2 Vegetation Communities

One native vegetation community was present on the Project site, disturbed creosote bush scrub (Disturbed *Larrea tridentata* Alliance). The disturbed creosote bush scrub on site was in poor condition and excessive disturbance associated with off-highway vehicle trails/dirt roads, excessive trash, transient encampments, and pedestrians.

4.2.2.1 Disturbed Creosote Bush Scrub (Disturbed *Larrea tridentata* Alliance)

The entirety of the Project site consisted of disturbed creosote bush scrub. This vegetation community is typically dominated or co-dominated by creosote bush within the shrub layer with other native species such as white bursage (*Ambrosia dumosa*), cheesebush (*Ambrosia salsola*), rayless goldenhead (*Acamptopappus sphaerocephalus*), and California buckwheat (*Eriogonum fasciculatum*). This community typically occurs in well-drained soils with an intermittent to open shrub canopy and a variable herbaceous

layer of seasonal annuals or perennial grasses (Sawyer et al. 2009). Within the BSA, plants belonging to this community that were identified during the biological survey included creosote bush, white bursage, common Mediterranean grass (*Schismus barbatus*), Saharan mustard (*Brassica tournefortii*), and multiple nonnative species of brome grass (*Bromus* spp.). The creosote bush scrub on the Project site was classified as disturbed due to the significant presence of nonnative plants, trash, and other anthropogenic disturbances.

4.2.3 Plants

Plant species observed on the Project site were typical of the disturbed creosote bush scrub community present on the Project site for the time of the year in which the survey was conducted. Dominant species included creosote bush and white bursage. Nonnative species observed on the Project site included schismus (*Schismus* sp.), red brome (*Bromus rubens*), and black mustard (*Brassica nigra*). A full list of plant species observed on and immediately adjacent to the Project site is included in Appendix B.

4.2.4 Wildlife

Wildlife species observed and detected on the Project site were characteristic of creosote bush scrub habitat and residential/commercial development in the region. Three mammal species were detected on and/or in the vicinity of the Project site: white tailed antelope squirrel (*Ammospermophilus leucurus*), California ground squirrel (*Otospermophilus beecheyi*), and desert cottontail (*Sylvilagus audubonii*). Common bird species were also detected on and/or in the vicinity of the Project site, including common raven (*Corvus corax*), rock pigeon (*Columba livia*), and mourning dove (*Zenaida macroura*). Due to the level of human activity, development in the area, and the disturbed nature of the Project site, the property represents relatively low-quality habitat for most wildlife species. A complete list of wildlife species observed on or immediately adjacent to the Project site is included in Appendix C.

4.2.5 Potential for Special-Status Plant and Wildlife Species to Occur on the Project Site

The literature review and database searches identified 18 special-status plant species and 26 special-status wildlife species that occur on or near the Project site. However, due to the level of human disturbance at the Project site and the current lack of suitable habitat for the special-status plant and wildlife species, many of the species are presumed absent from the Project site.

4.2.5.1 Special-Status Plants

There were 18 special-status plant species that appeared in the literature review and database searches for the Project site (CDFW 2023a; CNPS 2023). A list was generated from the results of the literature review and the Project was evaluated for suitable habitat that could support any of the special-status plant species on the list. Descriptions of the CNPS designations are found in Table 2. Of the 18 special-status plants identified, 11 species were found to have a low potential to occur, and the remaining seven species identified in the literature review are presumed absent from the Project site.

Table 2. CNPS Status Designations	
List Designation	Meaning
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 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
List 1B, 2, and 4 extension meanings:	
.1	Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
.2	Moderately threatened in California (20 to 80 percent occurrences threatened / moderate degree and immediacy of threat)

Note: According to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10, of the California Fish and Game Code (California Department of Fish and Game 1984). This interpretation is inconsistent with other definitions.

For the purposes of this study, the results of the literature review were limited to plant species occurring within a nine-quadrangle search of the Project site. With various habitat types occurring within the nine-quadrangle search, several species appeared in the literature review results that had no potential to occur on or near the Project site. Additionally, for the purposes of this study, plant species with a CNPS Rare Plant Rank of 1A species were eliminated from the analysis because they are presumed to be extirpated from California. Descriptions of the CNPS designations can be found in Table 2.

4.2.5.2 Plant Species with a Low Potential to Occur

The following species have a low potential to occur on the Project site because limited or marginal habitat for these species occurs within the disturbed creosote bush scrub vegetation on the Project site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search. The existing disturbances in the disturbed desert saltbush/burrobush scrub habitat on the Project site likely preclude these species from occurring.

- White pygmy-poppy (*Canbya candida*), CNPS 4.2;
- Mojave spineflower (*Chorizanthe spinosa*), CNPS 4.2;
- Mojave monkeyflower (*Diplacus mohavensis*), CNPS 1B.2;
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), CNPS 2B.2;
- Torrey's box-thorn (*Lycium torreyi*), CNPS 4.2;

- Solitary blazing star (*Mentzelia eremophila*), CNPS 4.2;
- Crowned muilla (*Muilla coronate*), CNPS 4.2;
- Short-joint beavertail (*Opuntia basilaris* var. *brachyclada*), CNPS 1B.2;
- Beaver Dam breadroot (*Pediomelum castoreum*), CNPS 1B.2;
- Latimer's woodland-gilia (*Saltugilia latimeri*), CNPS 1B.2; and
- Mojave fish-hook cactus (*Sclerocactus polyancistrus*), CNPS 4.2.

4.2.5.3 Plant Species Presumed Absent

The following species were presumed absent from the Project site due to the lack of suitable habitat (including elevation and soils) on the Project site or because the Project is located outside of the known range for the species:

- Mojave paintbrush (*Castilleja plagiograma*), CNPS 4.3;
- Johnston's monkeyflower (*Diplacus johnstonii*), CNPS 4.3;
- Booth's evening-primrose (*Eremothera boothii* ssp. *boothii*), CNPS 2B.3;
- Ribbed cryptantha (*Johnstonella costata*), CNPS 4.3;
- Mojave monardella (*Monardella exilis*), CNPS 4.2;
- Southern mountains skullcap (*Scutellaria bolanderi* ssp. *austromontana*), CNPS 1B.2; and
- San Bernardino aster (*Symphyotrichum defoliatum*), CNPS 1B.2.

4.2.5.4 Special-Status Wildlife

Of the 26 special-status wildlife species identified in the literature review, two were found to have a moderate potential to occur, and two were found to have a low potential to occur on the Project site. The remaining 22 species are presumed absent from the Project site.

4.2.5.5 Wildlife Species with a Moderate Potential to Occur

The following species have a moderate potential to occur on the Project site because either habitat for the species occurs onsite and a known occurrence has been reported in the database, but not within five miles of the site; a historic documented observation was recorded within five miles of the Project site; or a known recently documented occurrence has been reported within five miles of the site and marginal or limited amounts of habitat occurs onsite.

Burrowing owl (*Athene cunicularia*)

Burrowing owl is a CDFW SSC. The burrowing owl is found in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Burrowing owls make use of mammal burrows and can also be found nesting in burrows made under concrete or other anthropogenic features

and are often found near human activity. Marginally suitable open, scrub habitat was present within the disturbed creosote bush scrub vegetation on the Project site and suitable California ground squirrel were present on the Project site. Additionally, the species is mobile and can fly over the Project site at any time. The literature review identified 31 occurrences of burrowing owls within five miles of the Project site between 2004 and 2019 (CDFW 2023a). Due to the presence of marginally suitable habitat and multiple recent occurrences within five miles of the Project site, burrowing owls have a moderate potential to occur on the Project site.

Loggerhead Shrike (*Lanius ludovicianus*)

Loggerhead shrike is a CDFW SSC. This species typically occurs in broadleaved upland forest, desert wash, Joshua tree woodland, Mojavean desert scrub, pinon & juniper woodlands, riparian woodland, and Sonoran desert scrub habitats and prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting. Marginally suitable habitat was present on the Project site with the disturbed creosote bush scrub, however, nesting on the Project site is unlikely due to the absence of dense shrubs. The literature review identified multiple records of this species within five miles of the Project site. The closest record was documented in 2005 approximately two miles away (OCC #56). The most recent record within five miles of the Project site was documented in 2007 approximately four miles away (OCC #53; CDFW 2023a).

4.2.5.6 Wildlife Species with a Low Potential to Occur

The following species have a low potential to occur on the Project site because limited or marginal habitat for the species occurs within the site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search.

- Desert tortoise (*Gopherus agassizii*), Federally Listed (Threatened) and State Listed (Threatened); and
- Mohave ground squirrel (*Xerospermophilus mohavensis*), State Listed (threatened).

4.2.5.7 Wildlife Species Presumed Absent

The following species were presumed absent from the Project site due to lack of suitable habitat and absence of species records in the vicinity of the Project site:

- Tricolored blackbird (*Agelaius tricolor*), State Listed (Threatened) and CDFW SSC;
- Arroyo toad (*Anaxyrus californicus*), Federally Listed (Endangered) and CDFW SSC;
- Pallid bat (*Antrozous pallidus*), CDFW SSC;
- Golden eagle (*Aquila chrysaetos*), CDFW Fully Protected;
- Long-eared owl (*Asio otus*), CDFW SSC;
- Crotch bumble bee (*Bombus crotchii*), Candidate for State Listing;

- Swainson's hawk (*Buteo swainsoni*), State Listed (Threatened);
- Mountain plover (*Charadrius montanus*), CDFW SSC;
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), Federally Listed (Threatened) and State Listed (Endangered);
- Townsend's big-eared bat (*Corynorhinus townsendii*), CDFW SSC;
- Southwestern willow flycatcher (*Empidonax traillii extimus*), Federally Listed (Endangered) and State Listed (Endangered);
- Western pond turtle (*Emys marmorata*), CDFW SSC;
- Western mastiff bat (*Eumops perotis californicus*), CDFW SSC;
- Yellow-breasted chat (*Icteria virens*), CDFW SSC;
- Mohave River vole (*Microtus californicus mohavensis*), CDFW SSC;
- Coast horned lizard (*Phrynosoma blainvillii*), CDFW SSC;
- Summer tanager (*Piranga rubra*), CDFW SSC;
- California red-legged frog (*Rana draytonii*), Federally Listed (Threatened) and CDFW SSC;
- Yellow warbler (*Setophaga petechia*), CDFW SSC;
- Mohave tui chub (*Siphateles bicolor mohavensis*), Federally Listed (Endangered), State Listed (Endangered), and CDFW Fully Protected;
- Least Bell's vireo (*Vireo bellii pusillus*), Federally Listed (Endangered) and State Listed (Endangered); and
- Gray vireo (*Vireo vicinior*), CDFW SSC;

4.2.6 Preliminary Aquatic Resources Delineation

Although a formal aquatic resources delineation was not performed during the survey, no jurisdictional drainages, stream courses, or other water features were identified on the Project site at the time of the reconnaissance survey and no wetland indicators were present. No riparian vegetation was observed within the Project site boundaries.

4.2.7 Raptors and Migratory Birds

Suitable nesting habitat for numerous species of migratory birds protected under the federal MBTA and California Fish and Game Code is present on the Project site. Therefore, nesting birds could use the Project site during the nesting bird season (typically February 1 through August 31).

4.2.8 Wildlife Movement Corridors, Linkages, and Significant Ecological Areas

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species from one habitat area to another. The definition of a corridor varies, but corridors may include such areas as greenbelts, refuge systems, underpasses, and biogeographic land bridges. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix, which connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. The nature of corridor usage and wildlife movement patterns vary greatly among species.

The Project site was assessed for its ability to function as a wildlife corridor. The Project site provides minimal wildlife movement opportunities. It is not situated along any major drainages or washes that would be considered movement corridors for wildlife. Seneca Road borders the Project site to the north and US-395 is located to the east. Residential developments are located directly to the west and there is commercial development to the south of the Project site. Additionally, the disturbances from off-highway vehicles and pedestrians using the trails/dirt roads as well as the lack of vegetative cover would likely deter wildlife from moving through the area. Therefore, the Project site is not considered a linkage or corridor between natural habitat areas.

4.2.9 Local Policies and Ordinances

4.2.9.1 San Bernardino County Development Code – Plant Protection and Management

No Joshua trees or other plant species protected by the San Bernardino County Development Code were identified on the Project site. No creosote rings, ten feet or greater in diameter, were identified on the Project site.

5.0 IMPACT ANALYSIS

5.1 Special-Status Species

The Project site is generally classified as disturbed creosote bush scrub. Disturbances observed on the site were mainly associated with off-highway vehicle trails/dirt roads, excessive trash dumping, transient encampments, and pedestrians. No special-status plant or wildlife species were observed during the biological survey. Eighteen special-status plant species were identified in the literature review and database searches. None of the species were determined to have a high or moderate potential to occur. However, eleven species (White pygmy-poppy, Mojave spineflower, Mojave monkeyflower, Sagebrush loeflingia, Torrey's box-thorn, Solitary blazing star, Crowned muilla, short-joint beavertail, Beaver Dam breadroot, Latimer's woodland-gilia, and Mojave fish-hook cactus) were determined to have low potential to occur based on the available habitat and records in the vicinity of the Project site. Impacts to special-

status plant species could occur in the form of direct take (mortality) during ground disturbance and vegetation removal when the Project is constructed. However, impacts to special-status plants would be less than significant with the implementation of Mitigation Measures BIO-1 and BIO-4.

The literature review and database searches identified 26 special-status wildlife species that occur in the vicinity of the Project site but based on the condition of the site and the available habitat, only two species (burrowing owl and loggerhead shrike) were determined to have a moderate potential to occur on the Project site and two species (desert tortoise and Mohave ground squirrel) have a low potential to occur on the Project site; however, the presence of these species is likely precluded due to the abundance of anthropogenic disturbances and lack of quality habitat.

Burrowing owl and loggerhead shrike were found to have a moderate potential to occur on the Project site. Although no burrowing owl, burrowing owl sign (whitewash, pellets, and/or feathers), or loggerhead shrike were observed during the survey, the Project site does contain suitable habitat for this species and the literature review and database search identified multiple records in the vicinity of the Project site. Burrowing owls and loggerhead shrikes are CDFW SSC species that are also protected by the MBTA and California Fish and Game Code. Impacts resulting from direct take of burrowing owl, loggerhead shrike, and/or their burrows/nests shall be mitigated. These species are mobile and if the conditions were to change on the Project site, they could take up residence on the Project site. If burrowing owl or loggerhead shrike are present on the Project site prior to construction, direct impacts could occur in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts could occur in the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. However, impacts to burrowing owl and loggerhead shrike would be less than significant with the implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4.

No desert tortoise or desert tortoise sign (e.g., scat, tracks, burrows) were identified during the biological reconnaissance survey. However, desert tortoises were assigned a low potential to occur on the Project site based on the presence of marginally suitable habitat and records in the vicinity of the Project site. Marginally suitable, low-quality habitat was present within the disturbed creosote bush scrub habitat on the Project site. However, the site is fairly isolated, very disturbed, and bordered by urban development. If desert tortoise is present on the Project site prior to construction, direct impacts could occur in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts could occur in the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. However, impacts to desert tortoise would be less than significant with the implementation of Mitigation Measures BIO-4 and BIO-5.

Mohave ground squirrel was also assigned a low potential to occur on the Project site based on the presence of marginally suitable habitat and records in the vicinity of the Project site. Marginally suitable, low-quality habitat was present within the disturbed creosote bush scrub habitat on the Project site, but no winter fat or spiny hopsage was identified on site. Additionally, the site is isolated, very disturbed, and bordered by urban development. If Mohave ground squirrel is present on the Project site prior to construction, direct impacts could occur in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts could occur in the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. However, impacts to Mohave ground squirrel would be less than significant with the implementation of Mitigation Measures BIO-4 and BIO-6.

The Project site also contained suitable nesting habitat for bird species protected under the MBTA. Development of the Project site will be required to comply with the MBTA and avoid impacts to nesting birds. If construction of the Project occurs during the nesting bird season (typically February 1 through August 31), ground-disturbing construction activities could directly affect birds protected by the MBTA and their nests through the removal of habitat and indirectly through increased noise. Impacts to Bendire's thrasher and other nesting birds would be less than significant with the implementation of Mitigation Measures BIO-3 and BIO-4.

5.2 Sensitive Natural Communities

The Project site consisted of disturbed creosote bush scrub habitat. The Project site did not contain any riparian habitat or sensitive natural communities that would need to be preserved and no Project-related impacts to these types of resources are anticipated with the development of the Project.

5.3 State and Federally Protected Wetlands and Waters of the United States

According to the results of the preliminary aquatic resources delineation, no state or federally protected wetlands or Waters of the U.S. were identified on the Project site, therefore no impacts would occur.

5.4 Wildlife Corridors and Nursery Sites

The Project site is located within and adjacent to areas containing existing disturbances (e.g., paved and dirt roads,) and residential development to the west, and commercial development to the south. The Project site contains little cover that would only allow for local movement of wildlife. No migratory wildlife corridors or native wildlife nursery sites were identified within the Project site. Therefore, no impacts to wildlife corridors or nursery sites are expected to occur during the development of the Project site.

5.5 Local Policies and Ordinances

5.5.1 San Bernardino County Development Code – Plant Protection and Management

No Joshua trees or other plant species protected by the San Bernardino County Development Code were identified on the Project site. No creosote rings, ten feet or greater in diameter, were identified on the Project site.

6.0 RECOMMENDATIONS

The following mitigation measures are recommended prior to Project implementation:

BIO-1 – Preconstruction Rare Plant Survey: It is recommended that a protocol-level preconstruction survey be conducted for the eleven special-status plant species that have a low potential to occur on the Project site, including White pygmy-poppy, Mojave spineflower, Mojave monkeyflower, Sagebrush loeflingia, Torrey's box-thorn, Solitary blazing star, Crowned muilla, short-joint beavertail, Beaver Dam breadroot, Latimer's woodland-gilia, and Mojave fish-hook cactus. The protocol-level survey should occur during the typical blooming period for these species (April-May) the season or the year prior to the start

of ground-breaking Project activities. The survey should be performed by a qualified botanist or biologist experienced with surveying for and identifying desert flora. The surveys should be conducted in consideration of the USFWS *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 1996), *General Rare Plant Survey Guidelines* (Cypher 2002), CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018), and the CNPS's *Botanical Survey Guidelines* (CNPS 2001). If special-status plant species are observed on the Project site during the survey, then a non-disturbance buffer shall be established around the location(s) of the individuals or population. The size of the non-disturbance buffer shall be determined by the qualified botanist or biologist based on location of special-status species and expected construction activities. If one or more special-status plants are found on the Project site and avoidance of the location(s) is not feasible during Project construction, then additional mitigation measures will need to be implemented. Mitigation measures could include, but are not limited to, biological monitoring, seasonal work avoidance, seed collection, or transplanting. Coordination with CDFW may need to occur prior to or during mitigation implementation.

BIO-2 – Preconstruction Surveys for Burrowing Owl: Pre-construction surveys for burrowing owl shall be conducted prior to the start of construction. The surveys shall follow the methods described in the CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Two surveys shall be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (e.g., grading, grubbing, construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project site during the survey and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods described in the CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012) for avoidance and/or passive relocation shall be followed.

BIO-3 – Preconstruction Nesting Bird Survey: If construction or other Project activities are scheduled to occur during the nesting bird season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests, including nests belonging to special-status avian species, will not be disturbed, or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriately sized non-disturbance buffer around the nest using flagging or staking. Construction activities shall not occur within any non-disturbance buffer zones until the nest is deemed inactive by the qualified avian biologist. If initial ground-disturbing activities are scheduled to occur during the nesting bird season, then a biological monitor shall be present during all vegetation removal activities to ensure no impacts to nesting birds occur.

BIO-4 – Biological Monitoring: A qualified biologist will be present to monitor all initial ground-disturbance and vegetation clearing for the Project. Prior to the onset of work, the biological monitor will perform a survey "sweep" in areas where clearing/disturbance is scheduled. The monitor will be responsible for ensuring impacts to special-status species, nesting birds, and active nests will be avoided

to the greatest extent possible. If any special-status resources are observed while monitoring, then measures recommended by the biological monitor shall be implemented (e.g., establishing a buffer around the resource using flagging or staking, redirecting work to other locations) to prevent potential impacts. Construction activities will be restricted within any buffer zone until the biologist has determined a nest is no longer active or the resource has been safely moved/relocated. If special-status wildlife species are detected during biological monitoring, then consultation with the USFWS and/or CDFW will be conducted, and recommendations provided by the resource agencies to offset impacts shall be incorporated into the Project. Measures may consist of, but are not limited to, additional surveys, “no work” buffers, work restrictions, clearance surveys, passive relocation, or additional biological monitoring.

BIO-5 – Preconstruction Survey for Desert Tortoise: The Project site provides low quality habitat for desert tortoise; therefore, a preconstruction survey for desert tortoise shall be conducted by a qualified biologist to identify any desert tortoise on the Project site prior to construction and to ensure there is no desert tortoise mortality. Survey methods should follow those outlined in the USFWS’ *Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise* (USFWS 2019). If desert tortoise is identified on the Project site during the preconstruction survey, then coordination with USFWS and CDFW will need to occur. If impacts to desert tortoise could occur because of Project development, then the appropriate permits will need to be obtained prior to the start of Project activities.

BIO-6 – Preconstruction Survey for Mohave Ground Squirrel: The project site provides low quality habitat for Mohave ground squirrel; therefore, a preconstruction visual survey for this species shall be conducted between March 15 and July 15 by a qualified Mohave ground squirrel biologist, prior to construction. The survey shall be conducted by walking the entire site, while periodically stopping to look for Mohave ground squirrel with binoculars and listening for the distinctive Mohave ground squirrel call. The survey should be conducted during daylight hours and should include all suitable habitats within the Project site. If the survey confirms presence and if any potential for direct impacts exists, CDFW should be contacted to obtain information on applying for the a “take” permit for MGS.

6.1 Additional Recommendations

Further, the following best management practices are not mitigation measures pursuant to CEQA but are recommended to further reduce impacts to species that have potential to occur on the property:

- Confine all work activities to a pre-determined work area.
- To prevent inadvertent entrapment of wildlife during the construction phase of a Project, all excavated, steep-walled holes or trenches more than two feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.
- Wildlife are often attracted to burrow- or den-like structures such as pipes and may enter stored pipes and become trapped or injured. To prevent wildlife use of these structures, all construction pipes, culverts, or similar structures with a diameter of four inches or greater should be capped while stored onsite.

- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
- Use of rodenticides and herbicides on the Project site should be restricted. This is necessary to prevent primary or secondary poisoning of wildlife, and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the USEPA, California Department of Food and Agriculture, and other state and federal legislation. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to predatory wildlife.

7.0 CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this assessment was performed by me or under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the Project applicant or the applicant's representative and that I have no financial interest in the Project.

SIGNED: _____

Phillip Wasz
Senior Biologist
ECORP Consulting, Inc.

DATE: _____

2/6/2024

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APPENDIX A

Representative Site Photographs



Photo 1. Northwest corner of Project site, facing south down Pearmain Street.



Photo 2. Disturbed creosote bush scrub, middle of Project site, facing north.



Photo 3. Excessive trash dumping, middle of Project site, facing south.



Photo 4. Excessive trash dumping, middle of Project site.



Photo 5. Transient encampment on Project site.



Photo 6. California ground squirrel burrow, suitable for burrowing owl.

APPENDIX B

Plant Species Observed

SCIENTIFIC NAME	COMMON NAME
<i>Amaranthus albus</i> *	tumbleweed
<i>Ambrosia dumosa</i>	burrobush
<i>Amsinckia menziesii</i>	small flowered fiddleneck
<i>Brassica nigra</i> *	black mustard
<i>Brassica tournefortii</i> *	Saharan mustard
<i>Bromus rubens</i> *	red brome
<i>Erodium cicutarium</i> *	red stemmed filaree
<i>Larrea tridentata</i>	creosote bush
<i>Salsola tragus</i> *	Russian thistle
<i>Schismus</i> sp.*	schismus
<i>Tribulus terrestris</i> *	puncturevine
*Nonnative species	

APPENDIX C

Wildlife Species Observed

SCIENTIFIC NAME	COMMON NAME
<i>Ammospermophilus leucurus</i>	white-tailed antelope squirrel
<i>Sylvilagus audubonii</i>	desert Cottontail
<i>Calypte anna</i>	Anna's hummingbird
<i>Corvus corax</i>	common Raven
<i>Columba livia</i>	rock Pigeon
<i>Haemorhous mexicanus</i>	house finch
<i>Otospermophilus beecheyi</i>	California ground squirrel
<i>Setophaga coronata</i>	yellow-rumped warbler
<i>Streptopelia decaocto</i>	Eurasian collared dove
<i>Zenaida macroura</i>	mourning Dove
<i>Zonotrichia leucophrys</i>	white-crowned sparrow

Potential for Occurrence of Sensitive Plant Species

Scientific Name Common Name	Status		Bloom Period & Elevation (meters)	Habitat Requirements	Potential for Occurrence
<i>Canbya candida</i> white pygmy-poppy	Fed: Ca: CNPS:	none none 4.2	Mar-Jun 600-1460	Occurs in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. Associated with granitic, gravelly, sandy soils.	Low: Marginally suitable habitat is present within the disturbed creosote bush scrub habitat on the Project site. However, there are no recent records within five miles. There is one record located approximately 4.8 miles east of the Project site but is over 100 years old (OCC #8).
<i>Castilleja plagiotoma</i> Mojave paintbrush	Fed: Ca: CNPS:	none none 4.3	Apr-Jun 300-2500	Occurs in Great Basin scrub (alluvial), Joshua tree woodland, lower montane coniferous forest, and pinyon and juniper woodland.	Presumed Absent: No suitable Great Basin scrub (alluvial), Joshua tree woodland, lower montane coniferous forest, and pinyon and juniper woodland habitat was present on the Project site.
<i>Chorizanthe spinosa</i> Mojave spineflower	Fed: Ca: CNPS:	none none 4.2	Mar-Jul 6-1300	Occurs in chenopod scrub, Joshua tree woodland, Mojavean desert scrub, and playas. Sometimes found in alkaline soils.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.
<i>Diplacus johnstonii</i> Johnston's monkeyflower	Fed: Ca: CNPS:	none none 4.3	May - Aug 975 - 2920	Occurs in lower montane coniferous forest. Associated with disturbed areas, gravelly soils, roadsides, rocky soils, and scree.	Presumed Absent: No suitable coniferous forest habitat occurs on the Project site.

Scientific Name Common Name	Status		Bloom Period & Elevation (meters)	Habitat Requirements	Potential for Occurrence
<i>Diplacus mohavensis</i> Mojave monkeyflower	Fed: Ca: CNPS:	none none 1B.2	Apr-Jun 600-1200	Occurs in Joshua tree woodland and Mojavean desert scrub habitats. Often found in sandy and gravelly soil, often in washes.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation. There are no records within five miles. The nearest record of this species was located approximately 7.3 miles northeast of the Project site.
<i>Eremothera boothii</i> ssp. <i>Boothii</i> Booth's evening-primrose	Fed: Ca: CNPS:	none none 2B.3	Apr-Sep 815-2400	Occurs in Joshua tree woodland and pinyon and juniper woodland habitats. Often found in sandy flats and steep loose slopes.	Presumed Absent: No suitable woodland habitat was present on the Project site. Typically occurs in sandy flats and steep loose slopes. Neither of those were present on the Project site. There are no records within five miles.
<i>Johnstonella costata</i> ribbed cryptantha	Fed: Ca: CNPS:	none none 4.3	Feb-May -60-500	Occurs in desert dunes, Mojavean desert scrub, and Sonoran desert scrub. Often found in sandy soils.	Presumed Absent: Although marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation, the Project site is well above the elevation range for this species. Additionally, there are no records of this species within five miles.
<i>Loeflingia squarrosa</i> var. <i>artemisiarum</i> sagebrush loeflingia	Fed: Ca: CNPS:	none none 2B.2	Apr-May 700-1615	Occurs in desert dunes, Great Basin scrub, and Sonoran desert scrub habitats. Occurs in sandy soils.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation. There is one occurrence approximately three miles from the Project site documented in 2005 (OCC #20).
<i>Lycium torreyi</i> Torrey's box-thorn	Fed: Ca: CNPS:	none none 4.2	(Jan-Feb) Mar-Jun (Sep-Nov) -50-1220	Occurs in Mojavean desert scrub and Sonoran desert scrub. Often found in desert valleys associated with streambanks, washes, and rocky and sandy soils.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.
<i>Mentzelia eremophila</i> solitary blazing star	Fed: Ca: CNPS:	none none 4.2	Mar-May 700-1220	Occurs in Mojavean desert scrub.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.

Scientific Name Common Name	Status		Bloom Period & Elevation (meters)	Habitat Requirements	Potential for Occurrence
<i>Monardella exilis</i> Mojave monardella	Fed: Ca: CNPS:	none none 4.2	Apr-Sep 600-2050	Occurs in chenopod scrub, desert dunes, Great Basin scrub, Joshua tree woodland, lower montane coniferous forest, and pinyon and juniper woodland habitats. Found in sandy soils.	Presumed Absent: No suitable chenopod scrub, desert dunes, Great Basin scrub, Joshua tree woodland, lower montane coniferous forest, and pinyon and juniper woodland habitat was present on the Project site.
<i>Muilla coronata</i> crowned muilla	Fed: Ca: CNPS:	none none 4.2	Mar-Apr 670-1960	Occurs in chenopod scrub, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.
<i>Opuntia basilaris</i> var. <i>brachyclada</i> short-joint beavertail	Fed: Ca: CNPS:	none none 1B.2	Apr-Jun(Aug) 425-1800	Occurs in chaparral, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats. Often found in sandy soil or coarse, granitic loam.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation. There are no records within five miles. The nearest record of this species was located approximately 7.2 miles south of the Project site.
<i>Pediomelum castoreum</i> Beaver Dam breadroot	Fed: Ca: CNPS:	none none 1B.2	Apr-May 610-1525	Occurs in Joshua tree woodland and Mojavean desert scrub habitats. Often found in sandy soil in washes and roadcut habitats.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation. There are two records of this species just over five miles away from the Project site, one of which is over 100 years old (OCC #10) and the other was recorded in 2008 (OCC #9).
<i>Saltugilia latimeri</i> Latimer's woodland-gilia	Fed: Ca: CNPS:	none none 1B.2	Mar-Jun 400-1900	Occurs in chaparral, Mojavean desert scrub, and pinyon and juniper woodland habitats. Usually found in rocky or sandy soil, often granitic and sometimes in washes.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.
<i>Sclerocactus polyancistrus</i> Mojave fish-hook cactus	Fed: Ca: CNPS:	none none 4.2	Apr -Jul 640-2320	Occurs in Great Basin scrub, Joshua tree woodland, and Mojavean desert scrub. Usually found in carbonate soils.	Low: Marginally suitable habitat was present on the Project site with the disturbed creosote bush vegetation.

Scientific Name Common Name	Status		Bloom Period & Elevation (meters)	Habitat Requirements	Potential for Occurrence
<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i> southern mountains skullcap	Fed: Ca: CNPS:	none none 1B.2	Jun-Aug 425-2000	Occurs in chaparral, cismontane woodland, and lower montane coniferous forest habitats. Often found in mesic soils.	Presumed Absent: No suitable chaparral, cismontane woodland, and lower montane coniferous forest habitats were present on the Project site. There is one occurrence approximately 5.2 miles east of the Project site, but it is over 100 years old (OCC #15).
<i>Symphotrichum defoliatum</i> San Bernardino aster	Fed: Ca: CNPS:	none none 1B.2	Jul-Nov 2-2040	Occurs in cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, meadows and seeps, and valley and foothill grassland habitats. Often found near ditches, streams, and springs.	Presumed Absent: No suitable cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, meadows and seeps, and valley and foothill grassland habitats were present on the Project site. There are no records within five miles. The nearest occurrence was located approximately 6.8 miles east of the Project site.

Federal Designations:

(Federal Endangered Species Act, USFWS)

END: federally listed, endangered

THR: federally listed, threatened

CNPS Ranking

1A: Presumed extinct

1B: Rare, threatened, or endangered in California and elsewhere

2B: Rare, threatened, or endangered in California, but more common elsewhere

3: Review list of plants requiring more study

4: Plants of limited distribution watch list

CNPS Threat Code

0.1: Seriously threatened in California

0.2: Fairly threatened in California

0.3: Not very threatened in California

State designations:

(California Endangered Species Act, CDFG)

END: state-listed, endangered

THR: state-listed, threatened

CAN: Candidate for state listing

Source: California Natural Diversity Data Base (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) Adelanto, Helendale, Baldy Mesa, Phelan, Shadow Mountains SE, Shadow Mountains, Victorville NW, Hesperia, Victorville 7.5-minute topographic quadrangles.

Potential for Occurrence of Sensitive Wildlife Species

Scientific Name Common Name	Status	Habitat Requirements	Potential for Occurrence	
INVERTEBRATES				
<i>Bombus crotchii</i> Crotch bumble bee	Fed: Ca:	none CAN END	Occurs in coastal California east to the Sierra-Cascade crest and south into Mexico. Occurs in open grassland and scrub habitats. Prefers a diet consisting of certain plant species including milkweeds, dusty maidens, lupines, medics, phacelias, sages, clarkias, poppies, and wild buckwheats. Nests are often located underground in abandoned rodent nests or above ground in tufts of grass, old bird nests, rock piles, or cavities in dead trees.	Presumed Absent: No suitable habitat was present on the Project Site. None of the preferred nectar plant species were observed on site. There are no occurrences within five miles of the Project.
FISH				
<i>Siphateles bicolor mohavensis</i> Mohave tui chub	Fed: Ca:	END END/FP	Occurs in aquatic, artificial flowing waters, and artificial standing waters habitat. Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	Presumed Absent: No suitable aquatic habitat was present on the Project Site. Typically occurs in aquatic environment and require deep pools, ponds, or slough-like areas.
AMPHIBIANS				
<i>Anaxyrus californicus</i> arroyo toad	Fed: Ca:	END SSC	Occurs in desert wash, riparian scrub, riparian woodland, south coast flowing waters, and south coast standing waters habitat. Found in semi-arid regions near washes or intermittent streams. Prefers rivers with sandy banks, willows, cottonwoods, and sycamores. Often found in loose, gravelly areas of streams.	Presumed Absent. No suitable riparian or aquatic habitat was present on the Project Site. Typically occurs near rivers with riparian scrub.
<i>Rana draytonii</i> California red-legged frog	Fed: Ca:	THR SSC	Occurs in aquatic, artificial flowing waters, artificial standing waters, freshwater marsh, marsh & swamp, riparian forest, riparian scrub, riparian woodland, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters, south coast standing waters, and wetland habitats. Requires 11-20 weeks of permanent water for larval development. Often found in lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation.	Presumed Absent. No suitable aquatic habitat was present on the Project Site. Further, there are no records within five miles of the Project site.
REPTILES				
<i>Emys marmorata</i> western pond turtle	Fed: Ca:	none SSC	Occurs in aquatic, artificial flowing waters, Klamath/North coast flowing waters, Klamath/North coast standing waters, marsh & swamp, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters, south coast standing waters, and wetland habitats. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Presumed Absent: No suitable aquatic habitat was present on the Project Site.

Scientific Name Common Name	Status		Habitat Requirements	Potential for Occurrence
<i>Gopherus agassizii</i> desert tortoise	Fed: Ca:	THR THR	Occurs in Joshua tree woodland, Mojavean desert scrub, and Sonoran desert scrub habitats. Most commonly found in desert scrub, desert wash, and Joshua tree habitats. Requires friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	Low: Marginally suitable disturbed creosote bush scrub habitat was present on the Project Site. There are three recent occurrences within five miles of the Project site. The nearest was documented in 2007 approximately two miles away (OCC #51). The most recent was documented in 2018 approximately five miles away (OCC #1003). However, the Project site is very disturbed and the likelihood of a tortoise occupying the site is very low.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: Ca:	none SSC	Occurs in chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinon & juniper woodlands, riparian scrub, riparian woodland, and valley & foothill grassland habitats. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects. Most commonly found in lowlands along sandy washes with scattered low bushes.	Presumed Absent: No suitable chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinon & juniper woodlands, riparian scrub, riparian woodland, and valley & foothill grassland habitats were present on the Project Site. There is one occurrence approximately five miles from the Project site but was documented in 1980, and is 35 years old (OCC #217).
BIRDS				
<i>Agelaius tricolor</i> tricolored blackbird	Fed: Ca:	none THR/SSC	Occurs in freshwater marsh, swamp, and wetland habitats. Largely endemic to California. Highly colonial species, most numerous in Central Valley & vicinity. Requires open water, protected nesting substrate, and foraging area with insect prep within a few kilometers of the colony.	Presumed Absent: No suitable marsh or swamp habitat was present on the Project Site. Typically occurs in aquatic environments. There are no records within five miles.
<i>Aquila chrysaetos</i> golden eagle	Fed: Ca:	none FP	Occurs in broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower montane coniferous forest, pinon & juniper woodlands, upper montane coniferous forest, and valley & foothill grassland habitats. Found in rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also large trees in open areas.	Presumed Absent: No forest, woodland, prairie, grassland, & rolling foothill habitat occurs on the Project site. There is one occurrence approximately five miles from the Project site, but the record is over 90 years old (OCC # 317). Further, the location of the occurrence was not exact and was given a general location to the city of Victorville which means the occurrence may not be within five miles of the Project site. Nesting activities are not expected on this site because no cliff-walled canyons are located on the Project site.

Scientific Name Common Name	Status		Habitat Requirements	Potential for Occurrence
<i>Asio otus</i> long-eared owl	Fed: Ca:	none SSC	Occurs in cismontane woodland, Great Basin scrub, riparian forest, riparian woodland, and upper montane coniferous forest habitats. Found in riparian bottomlands grown to tall willows and cottonwoods. Also found in belts of live oak paralleling stream courses. Require adjacent open land, productive of mice and the presence of old nests of crows, hawks, or magpies for breeding.	Presumed Absent: No suitable habitat was present on the Project Site. There are no records within five miles.
<i>Athene cunicularia</i> burrowing owl	Fed: Ca:	none SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Occurs in coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, and valley & foothill grassland habitats. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Moderate: Marginally suitable open, scrub habitat was present within the disturbed creosote bush scrub vegetation on the Project site. The species are mobile and can fly over the Project site at any time. Suitable California ground squirrel burrows were observed during the biological survey. Thirty one (31) recent records and one historic record were identified within five miles. The closest occurrence was recorded approximately a half mile away (OCC #736). The most recent occurrence within five miles was recorded in 2017 approximately two miles away (OCC #2053).
<i>Buteo swainsoni</i> Swainson's hawk	Fed: Ca:	none THR	Occurs in Great Basin grassland, riparian forest, riparian woodland, and valley & foothill grassland habitats. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands or alfalfa/grain fields supporting rodent populations.	Presumed Absent: No suitable habitat was present on the Project Site. There are two occurrences within five miles of the Project site, but both are historic; one is over forty years old and the other is over 100 years old (OCC #2544, OCC #2546 respectively).
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	Fed: Ca:	THR END	Occurs in riparian forest habitat. Nests along the broad, lower floodbottoms of larger river systems in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Presumed Absent: No suitable habitat was present on the Project Site. Typically occurs in riparian forest habitat. No large river systems are within five miles and no riparian vegetation was observed on the Project site. There are no occurrences within five miles.
<i>Charadrius montanus</i> mountain plover (wintering)	Fed: Ca:	none SSC	Occurs in low flat habitat with sparse vegetation. Nests in short grass parries in Montana, Wyoming, and Colorado. Overwinters in dry plains in California, Texas, and Mexico. Known to pursue arid disturbed areas such as grazed grasslands, tilled soils, or burned fields.	Presumed Absent: No suitable habitat was present on the Project site. There are no occurrences within five miles of the Project site.

Scientific Name Common Name	Status		Habitat Requirements	Potential for Occurrence
<i>Empidonax traillii</i> <i>extimus</i> southwestern willow flycatcher	Fed: Ca:	END END	Occurs in riparian woodland habitat in Southern California.	Presumed Absent: No suitable habitat was present on the Project Site. The species typically occurs in riparian woodland habitat. No riparian vegetation was observed on the Project site. There are no records within five miles.
<i>Icteria virens</i> yellow-breasted chat	Fed: Ca:	none SSC	Occurs in riparian forest, riparian scrub, and riparian woodland habitats. Nests in low, dense riparian, consisting of willow, blackberry, wild grape. Forages and nests within 10 ft of ground.	Presumed Absent: No suitable habitat was present on the Project Site. No riparian vegetation was observed on the Project site. There are no records within five miles of the Project site.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: Ca:	none SSC	Occurs in broadleaved upland forest, desert wash, Joshua tree woodland, Mojavean desert scrub, pinon & juniper woodlands, riparian woodland, and Sonoran desert scrub habitats. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Moderate: Marginally suitable habitat was present on the Project site with the disturbed creosote bush scrub. There are two recent records within five miles of the Project site. However, nesting on the Project site is unlikely due to the absence of dense shrubs. The closest was documented in 2005 approximately two miles away (OCC #56). The most recent within five miles was documented in 2007 approximately four miles away (OCC #53).
<i>Piranga rubra</i> summer tanager	Fed: Ca:	none SSC	Occurs in riparian forest habitat. Summer resident of desert riparian along lower Colorado River and locally elsewhere in California deserts. Requires cottonwood-willow riparian for nesting and foraging. Prefers older, dense strands along stream.	Presumed Absent: No suitable habitat was present on the Project Site. There are no records within five miles.
<i>Setophaga petechia</i> yellow warbler	Fed: Ca:	none SSC	Occurs in riparian forest, riparian scrub, and riparian woodland habitats. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Presumed Absent: No suitable habitat was present on the Project Site. Typically occurs in riparian forest, riparian scrub, and riparian woodland habitats. No riparian vegetation was observed on the Project site. There are no records within five miles of the Project site.
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: Ca:	END END	Occurs in riparian forest, riparian scrub, and riparian woodland habitats. Summer resident of Southern California in low riparian vegetation in the vicinity of water or in dry river bottoms. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, and mesquite.	Presumed Absent: No suitable habitat was present on the Project Site. The project site is below the elevation range for the species. No riparian vegetation was observed on the Project site. There are no records within five miles of the Project site.
<i>Vireo vicinior</i> gray vireo	Fed: Ca:	none SSC	Occurs in dry, chaparral habitat. Found west of desert, in chamise-dominated habitat in the mountains of the Mojave Desert, associated with juniper and artemisia. Forage, nest, and sing in areas formed by a continuous growth of twigs, 1-5 ft above ground.	Presumed Absent: No suitable chaparral habitat was present on the Project Site. The project site is below the elevation range for the species. There are no records within five miles of the Project site.

Scientific Name Common Name	Status		Habitat Requirements	Potential for Occurrence
MAMMALS				
<i>Antrozous pallidus</i> pallid bat	Fed: Ca:	none SSC	Occurs in chaparral, coastal scrub, desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, riparian woodland, Sonoran desert scrub, upper montane coniferous forest, and valley & foothill grassland habitats. Most commonly found in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Presumed Absent: Roosting activities are not expected on this site because there are no rocky areas that would protect them from high temperatures. There are no records within five miles of the project site.
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	Fed: Ca:	none SSC	Occurs in broadleaved upland forest, chaparral, chenopod scrub, Great Basin grassland, Great Basin scrub, Joshua tree woodland, lower montane coniferous forest, meadow and seep, Mojavean desert scrub, riparian forest, riparian woodland, Sonoran desert scrub, Sonoran thorn woodland, upper montane coniferous forest, and valley & foothill grassland habitats. Found throughout California, most commonly in mesic sites. Roosts in the open, hanging from walls and ceilings. Extremely sensitive to human disturbance.	Presumed Absent: Roosting activities are not expected on this site because there are no structures on Site. Additionally, Townsend's big-eared bats are extremely sensitive to human disturbance and there are OHV trails throughout the site. There are no occurrences within five miles.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: Ca:	none SSC	Roosts high above ground in rock and cliff crevices, shallow caves, and rarely in buildings. Occurs in arid and semiarid regions including rocky canyon habitats.	Presumed Absent: Roosting activities are not expected on this site because there are no rock/cliff crevices, shallow caves, or buildings on the Project site. There are no occurrences within five miles.
<i>Microtus californicus mohavensis</i> Mohave River vole	Fed: Ca:	none SSC	Occurs in riparian scrub habitat. Found only in weedy herbaceous growth in wet areas along the Mojave River. May be found in some irrigated pastures. Burrows in soft soil. Feeds on leafy parts of grasses, sedges, and herbs. Clips grasses to form runways from burrow.	Presumed Absent: No suitable riparian scrub habitat was present on the Project Site. There are no occurrences within five miles.
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	Fed: Ca:	none THR	Occurs in chenopod scrub, Joshua tree woodland, and Mojavean desert scrub habitats, often associated with winterfat (<i>Krascheninnikovia lanata</i>), spiny hopsage (<i>Grayia spinosa</i>). Restricted to the Mojave desert. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover.	Low: Marginally suitable, low quality habitat was present within the disturbed creosote bush scrub habitat on the Project site, but no winter fat or spiny hopsage was identified on site. Additionally, the site is isolated, very disturbed, and bordered by urban development. There are two recent and three historic occurrences within five miles of the Project site. The closest occurrence was documented approximately two miles away in 1977 and is described as extirpated (OCC #11). The most recent occurrence was documented in 2011 approximately three miles away (OCC #372).

Scientific Name			
Common Name	Status	Habitat Requirements	Potential for Occurrence
Federal Designations:		State designations:	
(Federal Endangered Species Act, USFWS)		(California Endangered Species Act, CDFW)	
END: Federally-listed, Endangered		END: State-listed, Endangered	
THR: Federally-listed, Threatened		THR: State-listed, Threatened	
FC: Federal Candidate Species		CAN: Candidate for state listing	
		SSC: Species of Special Concern	
		FP: Fully Protected Species	
Source: California Natural Diversity Data Base (CNDDB) Adelanto, Victorville, Hesperia, Baldy Mesa, Phelan, Shadow Mountains SE, Shadow Mountains, Victorville NW, Helendale, 7.5-minute quads.			