Appendix B
Biological Resources Assessment Report
(Available on the Town website for review)

BIOLOGICAL RESOURCES ASSESSMENT

DAKOTA AND FRESNO ROAD PROJECT

TOWN OF APPLE VALLEY,
SAN BERNARDINO COUNTY, CALIFORNIA

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6 September 2024

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1.0 INTRODUCTION

WSP USA Environment & Infrastructure Inc. (WSP USA) was contracted by Terra Nova Planning and Research to conduct a biological resources assessment for a proposed warehouse development (project) on a 39-acre site, located north of Fresno Road, south of Gustine Street, and east of Dakota Road, in the town of Apple Valley, San Bernardino County, California. This document presents the regulatory framework, methods, results and conclusions for the biological resources assessment.

2.0 PROJECT BACKGROUND/SITE DESCRIPTION

The project is entirely within the town of Apple Valley, San Bernardino County, California. The site is generally located north of Fresno Road, south of Gustine Street, and east of Dakota Road (Figure 1). It is located primarily on the 7.5-minute Apple Valley North, Calif. United States Geological Survey (USGS) topographic quadrangle (Figure 2). It is in Section 28 of Township 6 North and Range 3 West. Project topography is relatively flat at elevations ranging from approximately 2977 to 2996 feet (907-913 meters). The project consists of one (1) parcel totaling approximately 39-acres that will be developed as a warehouse facility.

1.0 REGULATORY FRAMEWORK

2.1 Federal

Endangered Species Act (ESA) – The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service are the designated federal agencies accountable for administering the ESA. ESA defines species as “endangered” or “threatened” and provides regulatory protection at the federal level.

- Section 9 of the ESA prohibits the “take” of listed (i.e., endangered or threatened) species. The ESA definition of take is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct.” Recognizing that take cannot always be avoided, Section 10(a) includes provisions for take that is incidental to, but not the purpose of, otherwise lawful activities. Specifically, Section 10(a) (1) (A) permits (authorized take permits) are issued for scientific purposes. Section 10(a) (1) (B) permits (incidental take permits) are issued for the incidental take of listed species that does not jeopardize the species.

- Section 7 (a) (2) requires federal agencies to evaluate a proposed project with respect to listed or proposed listed, species and their respective critical habitat (if applicable). Federal agencies must employ programs for the conservation of listed species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its critical habitat. Critical habitat is a term defined and used in the ESA. It is specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery (USFWS 2021a).

- Section 10(a)(1)(B) of the ESA provides for partnerships with non-federal parties to conserve the ecosystems upon which listed species depend, ultimately contributing to their recovery. These Habitat Conservation Plans (HCPs) are planning documents required as part of an application for an incidental take permit. They describe the anticipated effects of the proposed taking; how those impacts will be minimized or mitigated; and how the HCP is to be funded. HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing. Conserving species before they are in danger of extinction or are likely to become so can also provide early benefits and prevent the need for listing (USFWS 2021b). The Western Riverside County Multiple Species Conservation Plan (see Riverside County section below) is an HCP, but the District is not a signatory to the plan or a participant.

As defined by the ESA, "individuals, organizations, states, local governments, and other non-federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding.

Migratory Bird Treaty Act (MBTA) – Treaties signed by the U.S., Great Britain, Mexico, Japan, and the republics of the former Soviet Union make it unlawful to pursue, capture, kill, and/or possess, or attempt to engage in any such conduct to any migratory bird, nest, egg or parts thereof listed in this document. As with the ESA, the MBTA also allows the Secretary of the Interior to grant permits for the incidental take of these protected migratory bird species. Impacts include direct disturbance to/destruction of nests, eggs, and birds as well as indirect effects such as loud construction noises (e.g., drilling, operation of heavy equipment, etc. in excess of 60 dB over an hours at the nest site) and increased site activities (e.g., moving vehicles, use of guard dogs, presence of personnel) in close proximity to active nests.

Section 404 of the Clean Water Act (CWA) – This section of the CWA, administered by the U.S. Army Corps of Engineers (USACE), regulates the discharge of dredged and fill material into Waters of the United States (WUS). The USACE has created a series of nationwide permits that authorize certain activities within WUS provided that the

proposed activity does not exceed the impact threshold for each of the permits, takes steps to avoid impacts to wetlands where practicable, minimize potential impacts to wetlands, and provide compensation for any remaining, unavoidable impacts through activities to restore or create wetlands. For projects that exceed the threshold for nationwide permits, individual permits under Section 404 can be issued.

National Environmental Policy Act (NEPA) – If all or a portion of a proposed project fall under the jurisdiction of a federal agency (such as USACE). NEPA establishes certain criteria that must be adhered to for any project that is "financed, assisted, conducted or approved by a federal agency. The federal lead agency is required to "determine whether the proposed action will significantly affect the quality of the human environment."

2.2 State of California

California Endangered Species Act (CESA) – This legislation is similar to the federal ESA; however, it is administered by the California Department of Fish and Wildlife (CDFW). The CDFW is authorized to enter a "memorandum of understanding" with individuals, public agencies, and other institutions to import, export, take, or possess state-listed species for scientific, educational, or management purposes. The CESA prohibits the take of state-listed species except as otherwise provided in state law. Unlike the federal ESA, the CESA applies the take prohibitions to species currently petitioned for state-listing status (candidate species). State lead agencies are required to consult with the CDFW to ensure that actions are not likely to jeopardize the continued existence of any state-listed species or result in the destruction or degradation of occupied habitat.

Section 2081 of the State Fish and Game Code – Under Section 2081 of the California Fish and Game Code, the CDFW authorizes individuals or public agencies to import, export, take, or possess state endangered, threatened, or candidate species in California through permits or memoranda of understanding. These acts, which are otherwise prohibited, may be authorized through permits or "memoranda of understanding" if (1) the take is incidental to otherwise lawful activities, (2) impacts of the take are minimized and fully mitigated, (3) the permit is consistent with regulations adopted in accordance with any recovery plan for the species in question, and (4) the applicant ensures suitable funding to implement the measures required by the CDFW. The CDFW shall make this determination based on the best scientific information available and shall include consideration of the species' capability to survive and reproduce.

California Environmental Quality Act (CEQA) – The basic goal of the CEQA is to retain a high-quality environment now and in the future. The specific goals are for California's public agencies to:

- Identify the significant environmental effects of their actions; and, either
- Avoid those significant environmental effects, where feasible; or

- Mitigate those significant environmental effects, where feasible.

The CEQA applies to "projects" proposed to be undertaken or requiring approval by state and/or local governmental agencies. Projects are activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps. Where a project requires approvals from more than one public agency, the CEQA requires one of these public agencies to serve as the "lead agency."

A "lead agency" must complete the environmental review process required by the CEQA. The most basic steps of the environmental review process are:

- Determine if the activity is a "project" subject to the CEQA;
- Determine if the "project" is exempt from the CEQA;
- Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:
  - Negative Declaration if it finds no "significant" impacts;
  - Mitigated Negative Declaration if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
  - Environmental Impact Report (EIR) if it finds "significant" impacts.

While there is no ironclad definition of "significance", Article 5 of the State CEQA Guidelines provides criteria to lead agencies in determining whether a project may have significant effects.

The purpose of an EIR is to provide state and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to provide ways in which those effects may be minimized and indicate alternatives to the project.

Sections of the State Fish and Game Code pertaining to the protection of birds – Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3505.5 makes it unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds-of-prey, i.e.: owls, hawks, eagles, etc.) or to take, possess, or destroy the nest or eggs of any bird-of-prey. Section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA.

The Native Plant Protection Act (NPPA) – The NPPA includes measures to preserve, protect, and enhance rare and endangered native plant species. Definitions for “rare and endangered” are different from those contained in the CESA. However, the list of

species afforded protection in accordance with the NPPA includes those listed as rare and endangered under the CESA. The NPPA provides limitations on take as follows: "no person will import into this state, or take, possess, or sell within this state" any rare or endangered native plants, except in accordance with the provisions outlined in CESA. If a landowner is notified by the CDFW, pursuant to section 1903.5 that a rare or endangered plant species is growing on their property, the landowner shall notify the CDFW at least 10 days prior to the changing of land uses to allow the CDFW to salvage the plants.

Natural Community Conservation Planning (NCCP) Program – The NCCP program, which is managed by the CDFW, is intended to conserve multiple species and their associated habitats, while also providing for compatible use of private lands. Through local planning, the NCCP planning process is designed to provide protection for wildlife and natural habitats before the environment becomes so fragmented or degraded by development and other factors that species listing are required under the CESA. Instead of conserving small, often isolated "islands" of habitat for just one listed species, agencies, local jurisdictions, and/or other interested parties have an opportunity through the NCCP to work cooperatively to develop plans that consider broad areas of land for conservation that would provide habitat for many species. Partners enroll in the programs and, by mutual consent, areas considered to have high conservation priorities or values are set aside and protected from development. Partners may also agree to study, monitor, and develop management plans for these high value "reserve" areas. The NCCP provides an avenue for fostering economic growth by allowing approved development in areas with lower conservation value.

Sections 1600-1603 of the State Fish and Game Code – The California Fish and Game Code, pursuant to Sections 1600 through 1603, regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources. Under state code, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel with hydro geomorphology distinct top-of-embankment to top-of-embankment limits, that may or may not support fish or other aquatic biota. Included in this definition are watercourses with surface or subsurface flows that support, or have supported in the past, riparian vegetation. Specifically, Section 1601 governs public projects, while Section 1603 governs private discretionary actions. The CDFW requires that public and private interests apply for a "Streambed Alteration Agreement" for any project that may impact a streambed or wetland. The CDFW has maintained a "no net loss" policy regarding impacts to streams and waterways and requires replacement of lost habitats of at least a 1:1 ratio.

Regional Water Quality Control Board – The Regional Water Quality Control Board (RWQCB) regulates activities pursuant to Section 401(a)(1) of the CWA. Section 401 of the CWA specifies that certification from the state is required for any applicant requesting a federal license or permit to conduct any activity including, but not limited

to, the construction or operation of facilities that may result in any discharge into navigable waters. Through the Porter Cologne Water Quality Control Act, the RWQCB asserts jurisdiction over Waters of the State of California (WSC) which are generally the same as WUS but may also include isolated waterbodies. The Porter Cologne Act defines WSC as "surface water or ground water, including saline waters, within the boundaries of the state".

2.3 Multiple-Species Habitat/Natural Community Conservation Plan

The Town of Apple Valley (Town) and San Bernardino County (County) are working in coordination with the Bureau of Land Management (BLM), USFWS, and CDFW to prepare a "Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan" (MSHCP/NCCP). The goal is to achieve consistent and complimentary conservation planning goals between the MSHCP/NCCP and state and federal land use plans to achieve conservation benefits at a landscape level. The MSHCP/NCCP will safeguard features and areas that warrant protection; plus ensure that future development within the Town and surrounding County lands in the Town's sphere of influence is compliant with the ESA and CESA. The MSHCP/NCCP will guide the Town's and County's conservation efforts in the MSHCP/NCCP area, allowing for the preservation of open space and protection of threatened and endangered species (Town of Apple Valley 2022a). The MSHCP/NCCP Planning Area includes 46,948 acres within the Town's incorporated limits and an additional 122,921 acres within the Town's sphere of influence for a total of 169,869 acres (Town of Apple Valley 2023b).

Besides creating environmental benefits, an approved MSHCP/NCCP will also provide permitting advantages to the Town and County by streamlining the environmental permitting process. The process established under the MSHCP/NCCP will increase control over local land use decisions and establish a one-stop shop for environmental permitting.

3.0 METHODS

3.1 Literature Review

A literature review and record search was conducted to identify occurrences of special status
biological resources in the project vicinity. The review included:

- A report from the CDFW's California Natural Diversity Data Base (CNDDB) for a five-mile radius around the project site (CDFW 2024a).

- The USFWS (2024a) Environmental Conservation Online System (ECOS) including critical habitat mapping and an Information for Planning and Consultation (IPaC) report (Appendix D).

• The California Native Plant Society (CNPS) Rare Plant Inventory (CNPS 2024) including records from the following USGS 7.5-minute topographic quadrangles which are within five miles of the project: *Apple Valley North, Fairview Valley, Stoddard Well, Turtle Valley, Helendale, and Victorville*, Calif. (Appendix C). Note that CDFW has changed the name of "CNPS List" or "CNPS Ranks" to "California Rare Plant Rank" (CRPR) to reduce confusion over the fact that rank assignments are the product of a collaborative effort between CNPS and CDFW and not solely a CNPS assignment (CDFW 2022c).

• Consortium of California Herbaria (2022) plant specimens.

• Aerial photographs, and

• Pertinent documents from the WSP USA library and project files (e.g., other biological surveys
from the general vicinity) and the collective knowledge of WSP USA biologists.

Prior to the field visit, a literature review was conducted of the environmental and regulatory setting for the Biological Study Area (BSA). The literature review provides a baseline from which to evaluate the biological resources potentially occurring within the BSA, and within the local and regional vicinity.

3.2 Biological Resources and Habitat Assessment

The field reconnaissance assessment of the project's BSA was conducted on 3 July 2024 by WSP USA senior wildlife biologist Dale Hameister and biologist Emily Urquidi. Representative photographs are included in Appendix B. The entire BSA was assessed on foot and with binoculars. All flora and fauna detected (e.g., through direct observation, vocalizations, presence of scat, tracks, and/or bones) within the BSA during the assessment were recorded in field notes and are included in Appendix C.

3.3 Jurisdictional Waters and Wetlands

A jurisdictional assessment was also conducted on 3 July 2024 within the BSA by WSP USA senior biologist Dale Hameister.

3.4 Wildlife Corridors

The ability of the BSA to act as a wildlife corridor was assessed. Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Corridors mitigate the effects of habitat fragmentation by (1) allowing animals to move between remaining habitats. Wildlife movement usually fall into one of three categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and

(3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover).

4.0 RESULTS

The literature review and field assessment revealed the following information about critical habitat, wetlands, soils, vegetation, and special status species in the BSA.

4.1 Critical Habitat

No federally designated critical habitat is present in the BSA. Critical habitat for desert tortoise is located approximately 15 miles northeast of the project site.

4.2 Soils

The BSA contains one (1) soil mapping unit, Helendale-Bryman loamy sands (Figure 3) (USGS 2024).

The Helendale series consists of very deep, well drained soils that formed in alluvium from granitoid rocks. Helendale soils are on fan piedmonts, fan remnants, alluvial fans and terraces. Slopes range from 0 to 15 percent. The mean annual precipitation is about 125 millimeters (5 inches) and the mean annual temperature is about 17°C (62.5°F).

4.3 Wetlands and Jurisdictional Drainages

There were a few portions of the project site with remnant riverine features mapped within the project site in the National Wetland Inventory. These features contain some areas of bare soil that could appear to be washes from an aerial view.

During the field assessment, it was determined that no ordinary high water marks (OHWM) or evidence of any recent flows were observed. There were no signs of OHWM or clearly defined bed and bank features within any of the potential wash features identified during the literature review. Soil pits were dug at several locations and indicated that there were no observable differences in soil profile or texture. There was no difference in surface soil texture or sorting. No wetland indicator or hydric plants were observed associated with the features.

These features did not contain riparian vegetation or hydric soils, did not show evidence of periodic or episodic flow, and do not have a defined bed and bank. The features were determined to be upland erosional features and did not meet the requirements to be considered WUS, WSC, or CDFW jurisdictional. These features were evaluated and determine to be non-jurisdictional in an otherwise upland area.

4.4 Vegetation Communities

The BSA contains one native vegetation community, creosote bush scrub (Holland 1986). (Appendix A - Figure 4).

The dominate shrub present is creosote bush (*Larrea tridentata*). Other native shrub species include Nevada ephedra (*Ephedra nevadensis*), rubber rabbit bush (*Ericameria nauseosa*), and Anderson thornbush (*Lycium andersonii*). Non-native annual species observed include red brome (*Bromus rubens*), red stemmed filaree (*Erodium cicutarium*), old han schismus (*Schismus barbatus*), and cheatgrass (*Bromus tectorum*).

4.5 Wildlife

Wildlife encountered during the field assessment included species common to inland southern California deserts. Vertebrate wildlife observed include Brewer's sparrow (*Spizella breweri)*, Great Basin whiptail (*Aspidoscelis tigris tigris*), and black-tailed jackrabbit (*Lepus californicus*). A complete list of the flora and fauna observed during the field assessment is included in Appendix C.

4.6 Special Status Biological Resources

Plant or animal taxa may be designated as having "special status" by the various regulatory agencies (i.e., CDFW, USFWS) and/or conservation organizations (i.e., CNPS) due to declining populations, vulnerability to habitat change or loss, or because of restricted/limited distributions. Some species have been listed as "threatened" or "endangered" and/or are a candidate for listing by the USFWS and/or the CDFW and are thus protected by the federal and state ESAs respectively. In addition to plants and animals, some vegetation communities have also received special status designations by the CDFW due to incremental loss and fragmentation resulting from development. Impacts to any special status biological resources can be considered significant under the CEQA.

The literature review and field visits identified a total of 30 special status biological resources that are known from the general vicinity of the BSA. Tables 1 through 3 provide a complete list of these resources, their conservation status, habitat associations and occurrence potential. Species which do not occur at the BSA elevations, or which only occur in aquatic habitats were excluded.

Table 1. Special Status Plant Species Potential for Occurrence

Scientific Name	Common Name	Status[1]			Habitat (for plants includes elevational range in meters & blooming period)	Occurrence Probability[2]
		Federal	State	Other		
Androsace elongata ssp *acuta*	California androsace	None	S3S4	CRPR 4.2	Chaparral, cismontane woodland, coastal scrub, meadows and seeps, pinyon and juniper woodland, valley and foothill grassland. 150-1305 meters (m). Blooms (B): March-June.	Absent Suitable habitat not present.
Canbya candida	white pygmy poppy	None	S3S4	CRPR 4.2, MSHCP /NCCP	Joshua tree "woodland", Mojavean desert scrub, pinyon and juniper woodland on granitic, gravelly, sandy soils. 600-1460 m. B: March-June.	Moderate Suitable habitat present, but nearest records approximately four miles southwest
Cymopterus deserticola	desert cymopterus	None	None	CRPR 1B.2, MSHCP /NCCP	Joshua tree woodland and Mojavean desert scrub in sandy areas. 630-1500 m. B: March - May.	Moderate Suitable habitat present, nearest record is over four miles to the south-southwest.
Diplacus (Mimulus) mohavensis	Mojave monkeyflower	None	None	CRPR 1B.2, MSHCP /NCCP	Joshua tree woodland and Mojavean desert scrub. Most often in washes; sometimes in gravely and sandy areas. 600-1200 m. B: April - June.	Moderate Suitable habitat present, nearest record approximately four miles to the northeast.
Eremothera boothii ssp *boothii*	Booth's evening primrose	None	S3	CRPR 2B.3, MSHCP /NCCP	Joshua tree "woodland", pinyon and juniper woodland. 815-2400 m. B: April-September.	Absent Site below elevational range of subspecies. Town of Apple Valley region far outside of expected geographic range of ssp. *boothii* (Jepson Flora Project 2024)
Eriophyllum mohavense	Barstow woolly sunflower	None	S2	CRPR 1B.2, MSHCP /NCCP	Chenopod scrub, Mojavean desert scrub, playas. 500-960 m. B: March-May.	Moderate Suitable habitat present, nearest records is

Scientific Name	Common Name	Status[1]			Habitat (for plants includes elevational range in meters & blooming period)	Occurrence Probability[2]
		Federal	State	Other		
						approximately 4 miles northeast
Lycium torreyi	Torrey's boxthorn	None	S3	CRPR 4.2	Mojavean & Sonoran Desert scrub in rocky, sandy places; streambanks, washes. -50-1220 m. B: (January-February) March-June (September-November).	Absent Although there are CNPS records for *L. torreyi* in the Apple Valley North and Victorville quadrangles, CNPS also states "plants in California outside vicinity of Colorado River are likely misidentifications."
Mentzelia eremophila	solitary blazing star	None	S3S4	CRPR 4.2	Mojavean desert scrub. 700-1220 m. B: March-May.	Moderate Suitable habitat present, no occurrences within 5 miles of the project site.
Pediomelum castoreum	Beaver Dam breadroot	None	S2	CRPR 1B.2, MSHCP /NCCP	Joshua tree "woodland", Mojavean desert scrub on roadsides, in sandy places, and in washes. 610-1525 m. B: April-May.	Moderate Suitable habitat present. No records in immediate project area, but occurrences in all surrounding directions.
Sclerocactus polyancistrus	Mojave fishhook cactus	None	S3	CRPR 4.2	Great Basin scrub, Joshua tree "woodland", Mojavean desert scrub usually on carbonate soils. 640-2320 m. B: April-July.	Absent Suitable habitat present, no records in immediate project area or withing 5 miles, but this small cactus was not seen during assessment.
Scutellaria bolanderi ssp. austromontana	southern mountains skullcap	None	S3	CRPR 1B.2, MSHCP /NCCP	Mesic areas in chaparral, cismontane woodland, lower montane coniferous forest. 425-2000 m. June-August.	Absent Suitable habitat not present.

Scientific Name	Common Name	Status[1]			Habitat (for plants includes elevational range in meters & blooming period)	Occurrence Probability[2]
		Federal	State	Other		
Symphyotrichum defoliatum	San Bernardino aster	None	S2	CRPR 1B.2, MSHCP /NCCP	Streambanks in cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, meadows and seeps, valley and foothill grassland. 2-2040 m. B: July-November.	Absent Suitable habitat not present.
Yucca brevifolia	western Joshua tree	None	SCT	CRPR None	Mojavean desert scrub, Joshua tree "woodland." 750 -2,100 m, but individuals slightly lower or higher. B: January - May, rarely as early as November (CDFW 2022c).	Absent Not observed on site

KEY TO TABLE 1

Definitions of occurrence probability:

Occurs: Observed on the site by WSP biologists or recorded on-site by other qualified biologists.

High: Observed in similar habitat in region by qualified biologists, or habitat on the site is a type often utilized by the species and the site is within the known range of the species.

Moderate: Reported sightings in surrounding region, or site is within the known range of the species and habitat on the site is a type occasionally used by the species.

Low: Site is within the known range of the species but habitat on the site is rarely occupied by the species.

Absent: A focused study failed to detect the species, or, no suitable habitat is present.

Unknown: Distribution and habitat use has not been clearly determined.

Federal designation: = F

State designation: = C

State rankings are a reflection of the overall condition of an element throughout its California range. The number after the decimal point (if any) represents a threat designation attached to the rank:

S1 = Critically Imperiled. Less than (<) 6 Element Occurrences (EOs) OR < 1,000 individuals OR < 2,000 acres
- S1.1 = very threatened
- S1.2 = threatened
- S1.3 = no current threats known

S2 = Imperiled. 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
- S2.1 = very threatened
- S2.2 = threatened
- S2.3 = no current threats known

S3 = Vulnerable. 21-80 EOs OR 3,000-10,000 individuals OR 10,000-50,000 acres
- S3.1 = very threatened
- S3.2 = threatened
- S3.3 = no current threats known

S4 = Apparently Secure. Uncommon but not rare in the state; some cause for long-term concern.

S5 = Secure. Common, widespread, and abundant in the state.

SH = All known California sites are historical, not extant

SX = Presumed extinct

California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) designations:

Primary CRPR Categories
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
Subdivisions within Categories
0.1: Seriously threatened in California
0.2: Moderately threatened in California
0.3: Not very threatened in California

Table 2. Special Status Vegetation Community Potential for Occurrence

Community	Status	Habitat	BSA Occurrence Probability
Southern Cottonwood Willow Riparian Forest	F: None C: S3.2	This vegetation community occurs along streams and rivers, occupying relatively broad drainages and floodplains. It consists of trees that are generally greater than 20 feet high. Dominated by mature winter deciduous trees, including Fremont's cottonwood (*Populus fremontii* ssp. *fremontii*) and several species of tree willows (*Salix* spp.), this community often has a dense understory of shrubby willows, mule fat, and mugwort (*Artemisia douglasiana*). The dominant species require moist, bare mineral soil for germination and establishment, an environment that is provided after flood waters recede.	Absent

KEY TO TABLE 2

Definitions of occurrence probability:
Occurs: Observed on the site by WSP USA biologists or recorded on-site by other qualified biologists.
High: Observed in similar habitat in region by qualified biologists, or habitat on the site is a type often utilized by the species and the site is within the known range of the species.
Moderate: Reported sightings in surrounding region, or site is within the known range of the species and habitat on the site is a type occasionally used by the species.
Low: Site is within the known range of the species but habitat on the site is rarely occupied by the species.
Absent: A focused study failed to detect the species, or, no suitable habitat is present.
Unknown: Distribution and habitat use has not been clearly determined.

Federal designation: = F

State designation: = C
State rankings are a reflection of the overall condition of an element throughout its California range. The number after the decimal point (if any) represents a threat designation attached to the rank:
S1 = Critically Imperiled. Less than (<) 6 EOsOR < 1,000 individuals OR < 2,000 acres
S1.1 = very threatened
S1.2 = threatened
S1.3 = no current threats known
S2 = Imperiled. 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
S2.1 = very threatened
S2.2 = threatened
S2.3 = no current threats known

S3 = Vulnerable. 21-80 EOs OR 3,000-10,000 individuals OR 10,000-50,000 acres
- S3.1 = very threatened
- S3.2 = threatened
- S3.3 = no current threats known

S4 = Apparently Secure. Uncommon but not rare in the state; some cause for long-term concern.
S5 = Secure. Common, widespread, and abundant in the state.
SH = All known California sites are historical, not extant

Table 3. Special Status Animals

Scientific Name	Common Name	Status[1]			Habitat	Occurrence Probability[2]
		Federal	State	Other		
Invertebrates						
Bombus crotchii	Crotch Bumblebee	None	S1S2	Not applicable (N/A)	Open grassland & scrub habitats. Occurs primarily in California, in coastal slope areas, western desert, great valley, and adjacent foothills.	Low Nectar sources are scarce. Area is highly disturbed, and site consists mainly of non-native vegetation. Closest siting was within 4 miles and was made in 1944.
Danaus plexippus	Monarch Butterfly	FC	S2S3	N/A	Western winter roost sites primarily occur along the coast from northern Mendocino to Baja California, Mexico, located in wind protected tree groves (*Eucalyptus* species, Monterey pine (*Pinus radiata*), cypress), with nectar and water sources nearby. During breeding season, adults widespread but scarce in the desert. Larvae require milkweed.	Low Seldom seen in the desert, no milkweed detected.
Fish						
Siphateles bicolor mohavensis	Mohave tui chub	FE	SE	MSHCP /NCCP	Found in the Mojave river as well as drainage and sewer systems with year-round water.	Absent No year-round water available

Scientific Name	Common Name	Status[1]			Habitat	Occurrence Probability[2]
		Federal	State	Other		
Reptiles						
Gopherus agassizii	desert tortoise	FT	ST, S2S3	MSHCP /NCCP	Prefers Joshua tree, desert wash & scrub, especially creosote bush habitats; but in most desert habitats. Large wildflower blooms preferred. Burrows & nests require friable soil.	Absent Suitable habitat is limited due to disturbance, no sign was observed on site. There are records within 5 miles of the area from 1990.
Birds						
Aquila chrysaetos	golden eagle	MBTA, BGEPA, BCC	S3, WL, FP, FGC	MSHCP /NCCP	Mountainous/hilly areas with cliffs and open fields required for habitat. Jackrabbits are primary food source.	Low No nesting habitat on site. Could potentially nest on rocky peaks in the general area and forage on site. Not found during assessment.
Athene cunicularia	burrowing owl	MBTA, BCC	SC, S3, FGC	MSHCP /NCCP	Open, dry grasslands, deserts & scrublands with low-growing vegetation. Depends on burrowing mammals.	Absent No suitable burrows or sign were observed during the survey. Habitat is very limited. Closest observation was made within 1 mile of the site in 2007.

Scientific Name	Common Name	Status[1]			Habitat	Occurrence Probability[2]
		Federal	State	Other		
Buteo swainsoni	Swainson's hawk	MBTA, BCC	SE, S3, FGC	MSHCP /NCCP	Open plains, grasslands, dry grasslands. Migrates through Mojave Desert.	Low No nesting habitat on site. Could potentially nest in the general area and forage on site. May also occur during migration. Not found during July visit. Closest siting was within 4 miles of the site and was observed in 1932.
Calypte costae	Costa's hummingbird	MBTA, BCC	S4, FGC	N/A	Primary habitats desert wash; edges of desert & valley foothill riparian; coastal, desert, & desert succulent scrub; palm oasis; & low elevation chaparral.	Moderate Nesting and foraging habitat present.
Falco mexicanus	prairie falcon	MBTA, BCC	SC, S3, FGC	MSHCP /NCCP	Breeding sites located on cliffs, but forages far afield.	Low No nesting habitat on site. Could potentially nest on rocky peaks in the general area and forage on site. Not found during July visit.
Gymnogyps californianus	California condor	FE, MBTA	SE, FGC	N/A	Forages widely for carrion. Ledges and cliffs are used as roost and nest sites.	Absent Identified only by the IPaC report. Although capable of very long foraging flights from breeding and nesting areas, all members of the

Scientific Name	Common Name	Status[1]			Habitat	Occurrence Probability[2]
		Federal	State	Other		
						population are closely monitored. There is no nesting habitat on site and condors rarely, if ever, visit this area.
Lanius ludovicianus	loggerhead shrike	MBTA, BCC	SSC, S4, FGC	MSHCP /NCCP	Found in open habitats with widely spaced vegetation.	Moderate Not found during site visit. Suitable nesting habitat present.
Spinus lawrencei	Lawrence's goldfinch	MBTA, BCC	None	N/A	Pine forests, chaparral typically but breeds in other habitats. Can be found in dry open land in migration.	Absent Identified only by the IPaC report. Project lacks breeding and typical foraging habitat.
Toxostoma redivivum	California thrasher	BCC	N/A	N/A	Chaparral & foothill habitats. Sometimes well vegetated deserts.	Absent No suitable habitat. Identified only by the IPaC report.
Toxostoma lecontei	Le Conte's thrasher	MBTA, BCC	S3, FGC	MSHCP /NCCP	Desert: open washes, scrub; commonly nests in a dense, spiny shrub or cactus.	Low Not found during assessment. Suitable nesting habitat present.
Mammals						
Vulpes macrotis arsipus	desert kit fox	None	FGC	MSHCP /NCCP	Annual grasslands or open areas with scattered brush, shrubs, & scrub. Dens in open, level areas with loose textured, soils (CDFW 2016b)	Absent No evidence of dens was observed.

Scientific Name	Common Name	Status[1]			Habitat	Occurrence Probability[2]
		Federal	State	Other		
Xerospermophilus mohavensis	Mojave ground squirrel	None	ST	MSHCP /NCCP	Suitable habitat is sandy and gravelly soils. Burrows found at the base of shrubs.	Absent Site within historic range of species. however, not in or near current known range of species (Leitner 2008).

KEY TO TABLE 3

Definitions of occurrence probability:

Occurs: Observed on the site by WSP USA biologists or recorded on-site by other qualified biologists.

High: Observed in similar habitat in region by qualified biologists, or habitat on the site is a type often utilized by the species and the site is within the known range of the species.

Moderate: Reported sightings in surrounding region, or site is within the known range of the species and habitat on the site is a type occasionally used by the species.

Low: Site is within the known range of the species but habitat on the site is rarely occupied by the species.

Absent: A focused study failed to detect the species, or, no suitable habitat is present.

Unknown: Distribution and habitat use has not been clearly determined.

Federal designation =F

State designation =C

CDFW state rankings are a reflection of the overall condition of an element throughout its California range. The number after the decimal point represents a threat designation attached to the rank:

S1 = Critically Imperiled. Less than (<) 6 EOs OR < 1,000 individuals OR < 2,000 acres
- S1.1 = very threatened
- S1.2 = threatened
- S1.3 = no current threats known

S2 = Imperiled. 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
- S2.1 = very threatened
- S2.2 = threatened
- S2.3 = no current threats known

S3 = Vulnerable. 21-80 EOs OR 3,000-10,000 individuals OR 10,000-50,000 acres
- S3.1 = very threatened
- S3.2 = threatened
- S3.3 = no current threats known

S4 = Apparently Secure. Uncommon but not rare in the state; some cause for long-term concern.

S5 = Secure. Common, widespread, and abundant in the state.

SH = All known California sites are historical, not extant

4.6.1 Special Status Plant Species

Thirteen special status plant species are known from the project area (Table 2). Five are not expected to occur either due to a lack of habitat or because they were not detected during the reconnaissance survey. These include: California androsace, Booth's evening-primrose, Torrey's boxthorn, southern mountains skullcap, and San Bernardino aster. As shown on Table 2, habitat for the remaining eight plant species is present on-site. These include: white pygmy poppy, desert cymopterus, Mojave monkeyflower, Barstow woolly sunflower, solitary blazing star, beaver dam breadroot, and Mojave fish-hook cactus. These species were not found during the assessment; however, this is not proof of absence. Most do not bloom in July. However, the site is highly disturbed, and the groundcover is dominated by non-native grasses. None of these species are federally or state listed as endangered or threatened. Impacts to these species, if present, would not likely be considered significant under the CEQA to the overall population. Also, white pygmy-poppy, desert cymopterus, Mojave monkeyflower, Barstow woolly sunflower, and beaver dam breadroot are proposed for coverage under the MSHCP/NCCP. For these reasons, additional surveys are not recommended.

4.6.2 Special Status Vegetation Communities

One special status vegetation community, southern cottonwood willow riparian forest is known from the general project area, but it does not occur in the BSA (Table 2). The closest area of this riparian habitat is along the Mojave River approximately 6 miles west of the site. Vegetation communities are not state or federally listed as threatened or endangered.

4.6.3 Special Status Wildlife

16 species of special status wildlife /species have been recorded from the BSA, as identified by the literature search and/or field surveys.

4.6.3.1 Insects

The literature review identified two special status insects from the project area (Table 3): the monarch butterfly (federal candidate for ESA listing, identified only by IPaC) and Crotch bumblebee (state ranked as critically imperiled to imperiled). There is a low probability that these insects could occur on site.

Monarchs are not expected to winter in the project area, but a few individual adults may forage in the warmer months. The main threat to the species would be impacts to milkweed, the larval foodplant. No milkweeds have been found on site.

The CNDDB reported an occurrence of Crotch bumblebee ~3 miles north of the project site. This species nests underground and overwinters in soil or under leaf litter/debris. Visits many flowering plants including, but not limited to, *Fabaceae*, *Apocynaceae*, *Asteraceae*, *Lamiaceae*, *Boraginaceae*, and *Hydrophyllaceae*. Genera include, but are

not limited to, *Antirrhinum*, *Asclepias*, *Chaenactis*, *Clarkia*, *Dendromecon*, *Eschscholzia*, *Eriogonum*, *Lupinus*, *Medicago*, *Phacelia*, and *Salvia*. The flight period or this species occurs from late February to late October. These bees require flowering plants for nectar and potential nest sites, both of which occur on site, albeit in low abundance. The project site is highly disturbed and mainly consists of nonnative vegetation, so it is unlikely the bumblebees will nest on site. Crotch's bumblebees have been observed nectaring on creosote flowers but likely require more diverse nectar sources.

It is recommended that pre-construction surveys by qualified biologists survey for bumblebee nests (if any) for avoidance. Any bumblebee nest should be avoided. If unavoidable, and determined to be occupied by Crotch bumblebees, the CDFW should be consulted for guidance and potential incidental take permits, if impacts cannot be avoided.

4.6.3.2 Reptiles

The literature search identified desert tortoise as being of potential occurrence (Table 3). The Mojave population segment of the desert tortoise is listed as federally threatened by USFWS and state listed as endangered by CDFW. The Mojave population segment includes all tortoises occurring west and north of the Colorado River. The desert tortoise is most common in desert scrub, desert wash, and Joshua tree habitats in a variety of terrain types, including alluvial fans, valleys, rocky hillsides, and washes. They require friable soil for burrow and nest construction. Burrows are typically found at the base of shrubs, in the interspaces between shrubs, and occasionally in caliche soil bank areas or underneath boulders/rocks. They are herbivores and feed on a variety of plants including annual herbs and perennial grasses.

Tortoise activity is greatest during the spring and early summer, and to a lesser extent during the fall; however, tortoises can be active at any time of the year during appropriate weather conditions. Although tortoises hibernate during the winter and typically emerge in late February or early March, hatchlings and juveniles can be fairly active during the winter months. Adults will also emerge from their burrows to drink if water resources have been limited during the previous activity season and/or winter precipitation has provided standing water. Their activity is usually much reduced during hot summer months, but they may be active following summer rains or if temperatures are moderate (Boarman 2003).

Threats to desert tortoises include loss or degradation of habitat, vandalism, poaching, intentional killing, predation on young tortoises by the common raven (*Corvus corax*) and other predators (e.g. kit fox, snakes, etc.), and disease (e.g. *Mycoplasmosis*). Off-road vehicles, military training maneuvers, mining, and livestock grazing also affect tortoise habitat by collapsing burrows, eroding soils, reducing availability of food plants, eliminating shrubs which would provide shade for tortoises and support for their burrows, and ultimately results in surface disturbance that promotes conditions more

conducive to invasion by exotic plant species, which provide less nutritional value to tortoises than the native species that were replaced. Human activities, including garbage dumping, landfills, roads, increased nesting opportunities, irrigation, and increased vehicle use have led to increased numbers of common ravens in California deserts. Ultimately, the increased predation on young tortoises by common ravens reduces recruitment in breeding populations (Boarman 2003).

Tortoises are most often detected by their scats and burrows. Tortoises themselves can sometimes be detected in burrows by shining a light inside the burrow. Other tortoise sign includes carcasses, or fragments thereof, courtship rings, and drinking depressions. Presence of sign is an indication that tortoises either occur, or have recently occurred, at a particular location. Sign can be detected at any time of the year and always indicates suitable habitat, if not occupied habitat.

The vegetation community occurring on the project site (creosote bush scrub) is a habitat typically utilized by desert tortoises. There is no desert tortoise critical habitat designated on the project site, and no desert tortoises or their sign were detected during the reconnaissance or focused survey. However, the CNDDB reports two occurrences within a 5-mile radius, including records within five miles or less to the southwest.

Desert tortoises cannot be taken (harmed, harassed) under state and federal law. This report and any recommended mitigation measures do not constitute authorization for incidental take of the desert tortoise. If desert tortoise is detected on site, consultation with the USFWS and CDFW may be required. Since desert tortoise is proposed for coverage under the MSHCP/NCCP, the Town may also need to be notified if they are detected on-site.

No desert tortoises or desert tortoise sign were observed while on site during the assessment. Habitat is limited due to existing disturbance. The closest observation was within 3 miles of the site and was made in 1990. Therefore, it is likely this species is absent from the project site.

4.6.3.3 Birds

As shown on Table 3, several special status bird species occur or may occur on site (golden eagle, burrowing owl, Swainson's hawk, Costa's hummingbird, prairie falcon, loggerhead shrike, Le Conte's thrasher). Most of these are also proposed for coverage under the MSHCP/NCCP (golden eagle, burrowing owl, Swainson's hawk, prairie falcon, loggerhead shrike, and Le Conte's thrasher). Those that do not have nesting habitat on-site (golden eagle, Swainson's hawk, prairie falcon) should simply be avoided if temporarily present. The remaining special status species which could potentially nest

onsite (Costa's hummingbird, loggerhead shrike, Le Conte's thrasher) will be protected by the recommendations in Section 6.0 below.

The burrowing owl is uniquely vulnerable to ground disturbing activities since it both nests and roosts underground. Therefore, additional actions must be taken to protect against impacts to this species which would result in take. In addition to protection under the MBTA and FGC, the burrowing owl is also federally designated as a Bird of Conservation Concern and state designated as a Species of Concern. It occurs in open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation (Haug et al. 2011). In southern California, burrowing owls are not only found in undisturbed natural areas, but also fallow agricultural fields, margins of active agricultural areas, livestock farms, airports, and vacant lots. It is a subterranean nester, typically utilizing pre-existing burrows or burrow surrogates (e.g. ground squirrel burrows, kit fox burrows, drain pipes, culverts, etc.). Burrowing owl occupied burrows and areas can be recognized by sign which includes tracks, molted feathers, cast pellets, prey remains, eggshell fragments, whitewash, nest burrow decoration materials (e.g., paper, foil, plastic items, livestock or other animal manure, etc.) (CDFG 2012). The species is active both day and night and may be seen perching conspicuously on fence posts or standing at the entrance of their burrows.

Analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction. Threat factors affecting burrowing owl populations include habitat loss, degradation and modification, and eradication of ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter. Conservation for burrowing owls may include but may not be limited to protecting remaining breeding pairs or providing for population expansion, protecting, and enhancing breeding and essential habitat, and amending or augmenting land use plans to stabilize populations and other specific actions to avoid the need to list the species pursuant to the ESA or CESA (CDFG 2012).

No burrowing owls or burrowing owl sign were observed during the assessment. The closest observation was within a mile of the project site and was made in 2007. Even though this occurrence was close to the project site, no suitable burrows were observed onsite. Therefore, no further surveys are necessary for this species.

4.6.3.4 Mammals

The literature review identified two special status / protected mammals from the project area: the Mohave ground squirrel and the desert kit fox (Table 3).

The Mohave ground squirrel, however, is considered to be extirpated from the project area (Leitner 2008). Therefore, we do not recommend any further action for Mohave ground squirrel.

The desert kit fox is a fur-bearing mammal regulated under the FGC but is not generally considered a special status species. The draft MSHCP/NCCP, however, treats it as a proposed covered species. No kit fox or kit fox sign were observed during the reconnaissance survey. If a potentially active den is to be impacted, the CDFW and/or Town should be consulted on mitigation measures that they will require, if any.

4.7 Wildlife Corridors

The BSA does not act as a wildlife corridor. The BSA contains the same habitat as all surrounding parcels, with the exception of Quarry Road to the north which does not create a barrier to wildlife movement.

5.0 DISCUSSION AND RECOMMENDATIONS

One special status insect, Crotch's bumble bee may occur on-site. With limited habitat and high amounts of disturbance, it is unlikely this species will nest onsite. To avoid impacts to this species, it is recommended to assess the project site for suitable nectar resources during the spring and determine if protocol surveys are recommended.

Nesting birds, including special status species, may occur on-site. To avoid impacts to protected species, a nesting bird clearance survey should be conducted prior to clearing of vegetation.

The desert kit fox could forage on-site, but no dens are currently present on-site. To avoid impacts to this species it is recommended to not disturb any active burrows that could contain kits (young foxes). Kits are usually present in the springtime. If a potentially active den is to be impacted, the CDFW and/or Town should be consulted on mitigation measures that they will require, if any.

No jurisdictional drainages were observed onsite and no permits from USACE, CDFW, or RWQCB are required.

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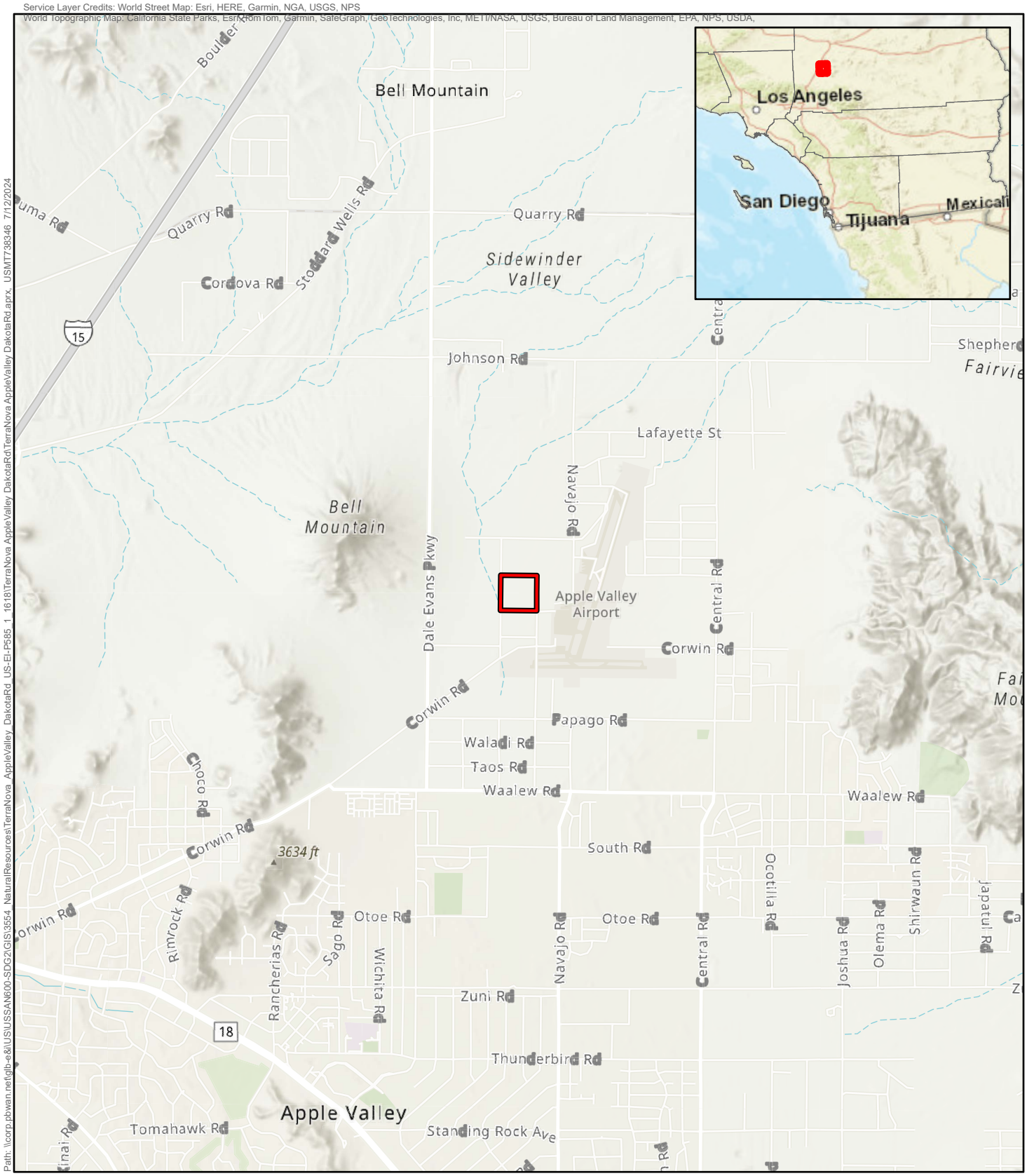
APPENDIX A

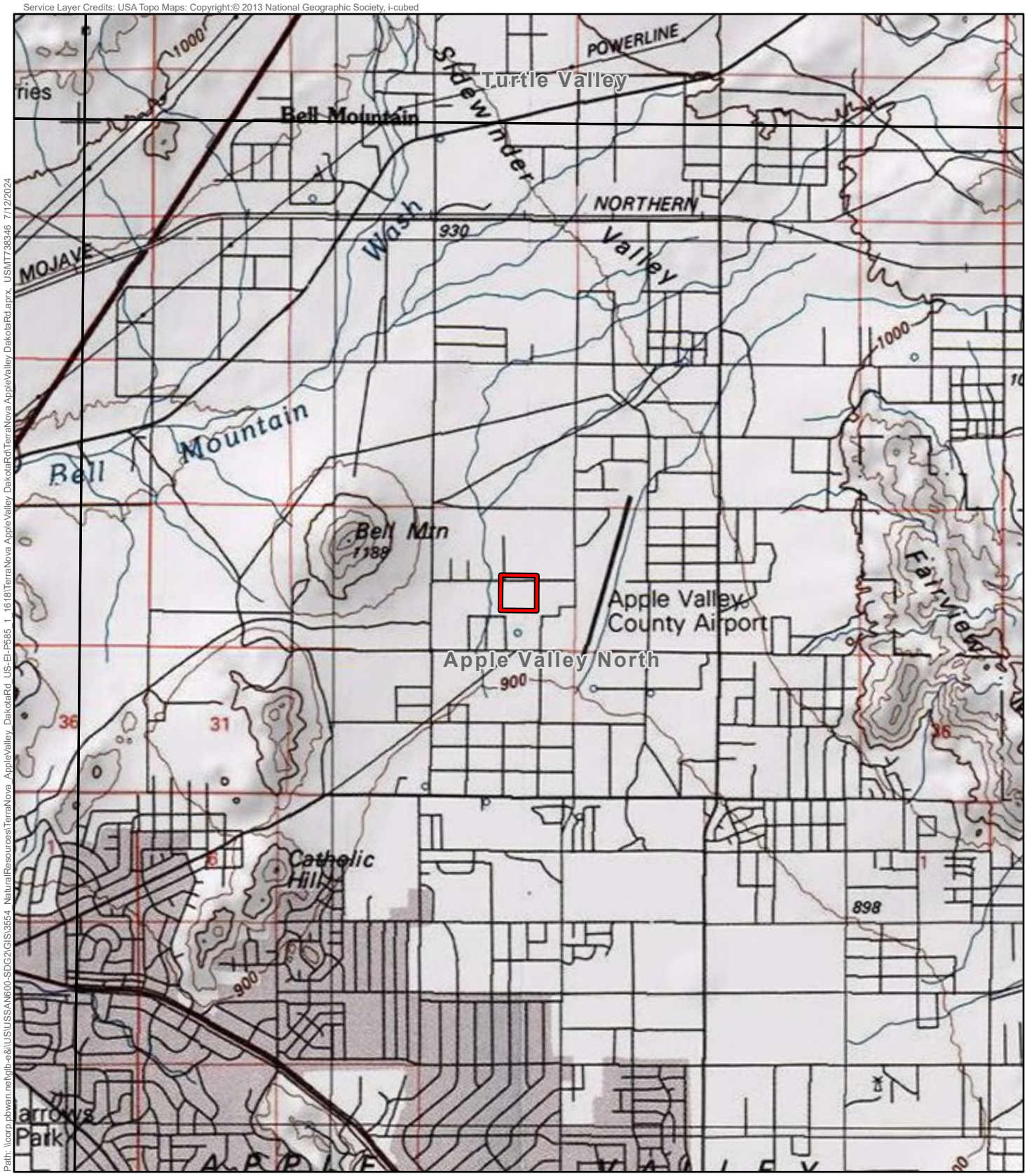
Maps and Figures



Project Area

FIGURE 1

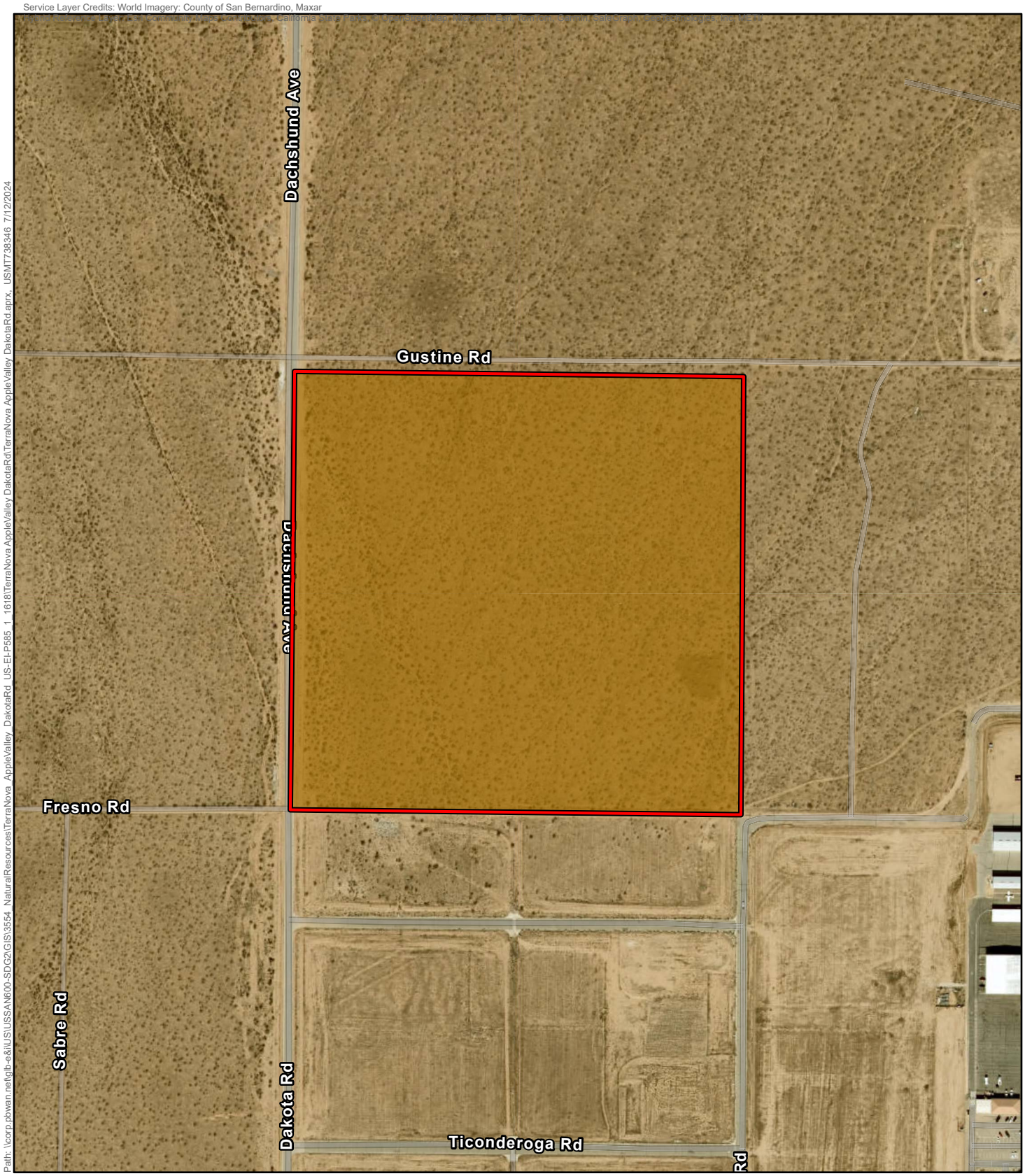
Project Location
BRAR
Terra Nova Dakota Road Project
Apple Valley, CA



1 inch =1 miles
0 0.5 1 Miles

Project Area

FIGURE 2
USGS 7.5' Topo Quad: Apple Valley
BRAR
Terra Nova Dakota Road Project
Apple Valley, CA



Project Area

HELENDALE-BRYMAN LOAMY SANDS, 2 TO 5 PERCENT SLOPES*

1 inch =400 feet

0 200 400 Feet

FIGURE 3

Soils
BRAR
Terra Nova Dakota Road Project
Apple Valley, CA

Path: \\corp.pbwan.net\gb-e&i\US\USSAN600-SDG2\GIS\3554_NaturalResources\TerraNova_AppleValley_DakotaRd_US-EI-P585_1_1618\TerraNova AppleValley DakotaRd\TerraNova AppleValley DakotaRd.aprx, USMT738346 7/12/2024

Project Area

Creosote Bush Scrub

FIGURE 4

Vegetation Communities
BRAR
Terra Nova Dakota Road Project
Apple Valley, CA

APPENDIX B

SITE PHOTOGRAPHS

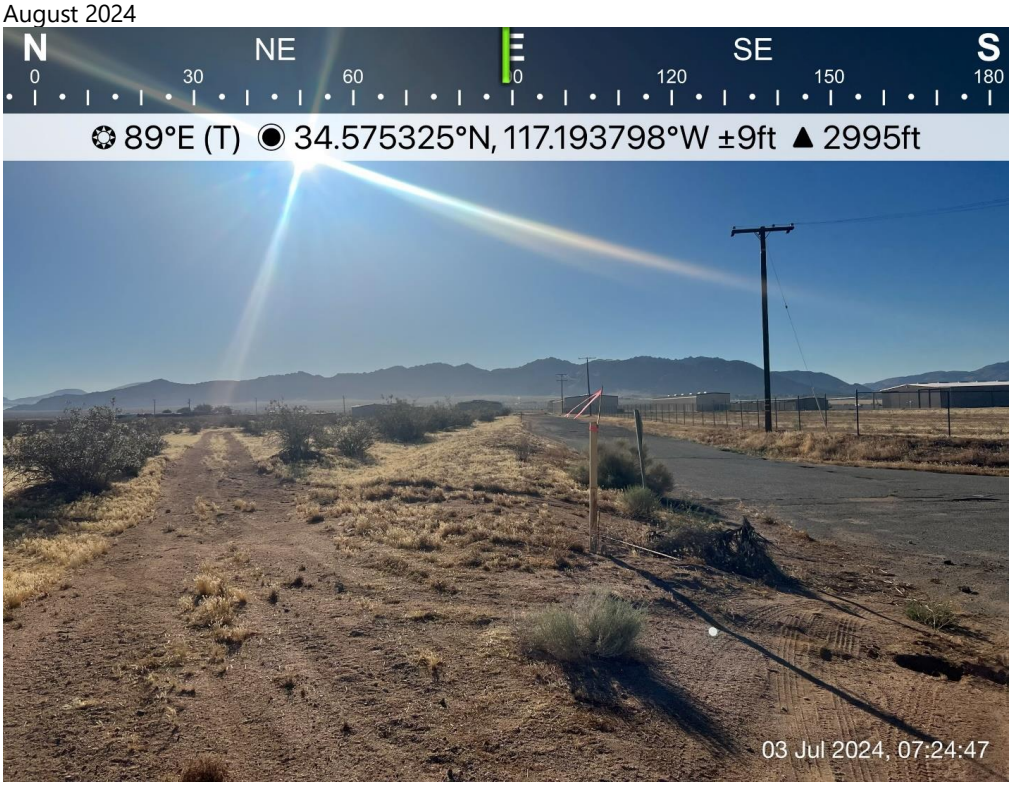


Photo1: Looking east towards developed land. Photo was taken from the east side of Fresno Road.

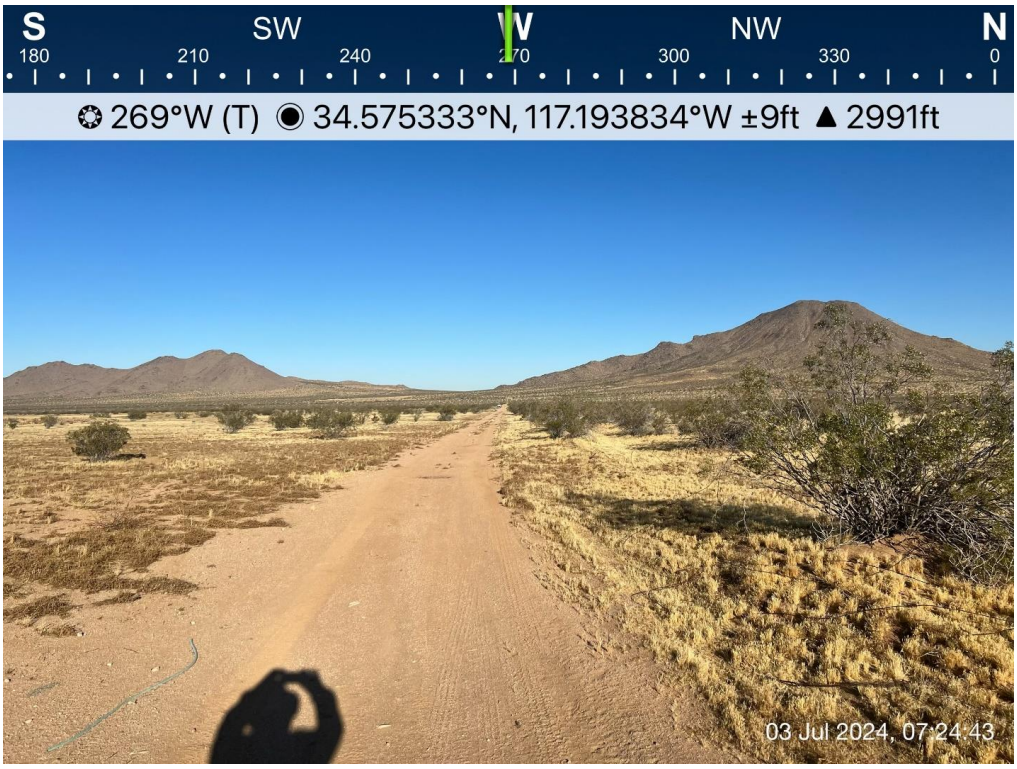


Photo 2: Looking west towards Dakota Road. Photo was taken from the east side of Fresno Road.

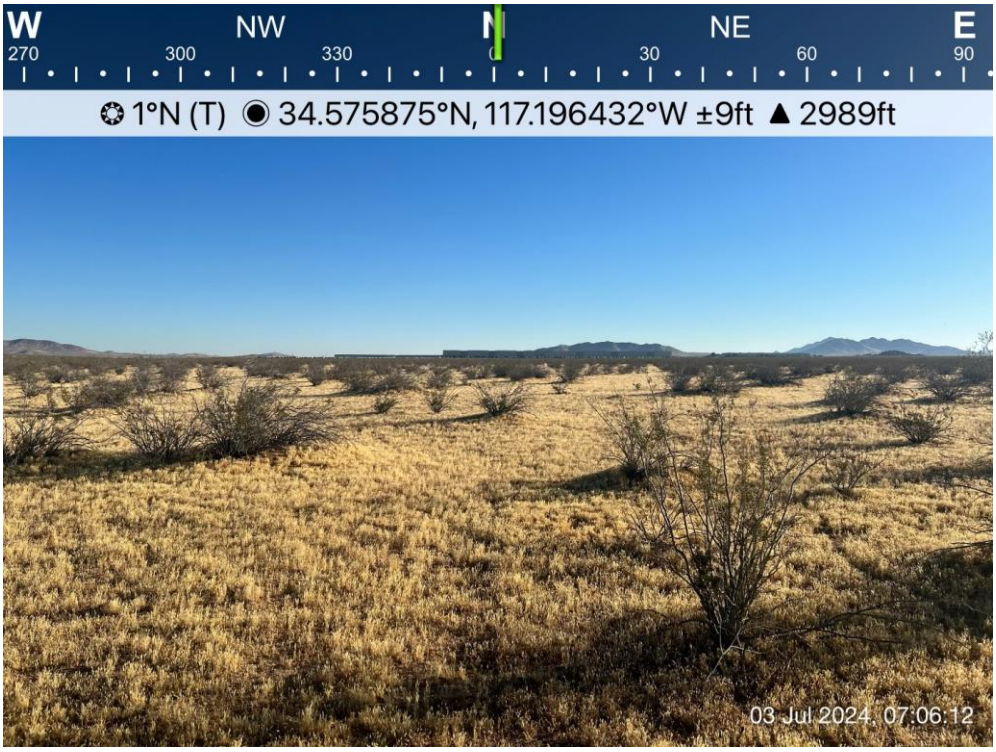


Photo 3: Looking north showing creosote scrub habitat and dominance of non-native grasses.

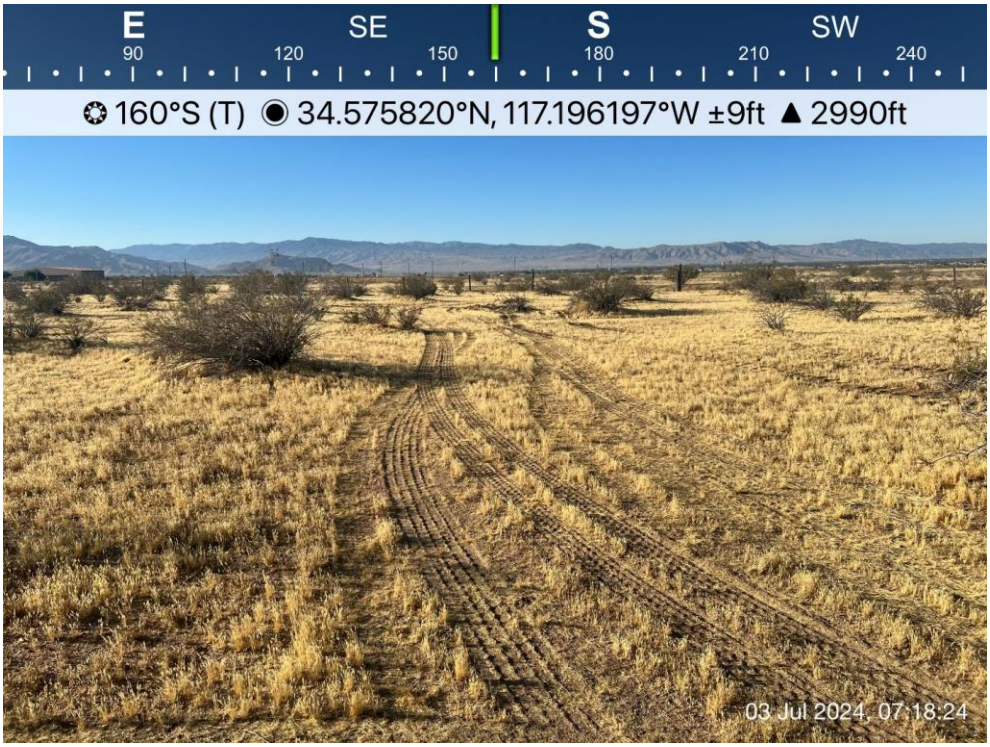


Photo 4: Signs of off-roading and disturbance observed throughout the site.

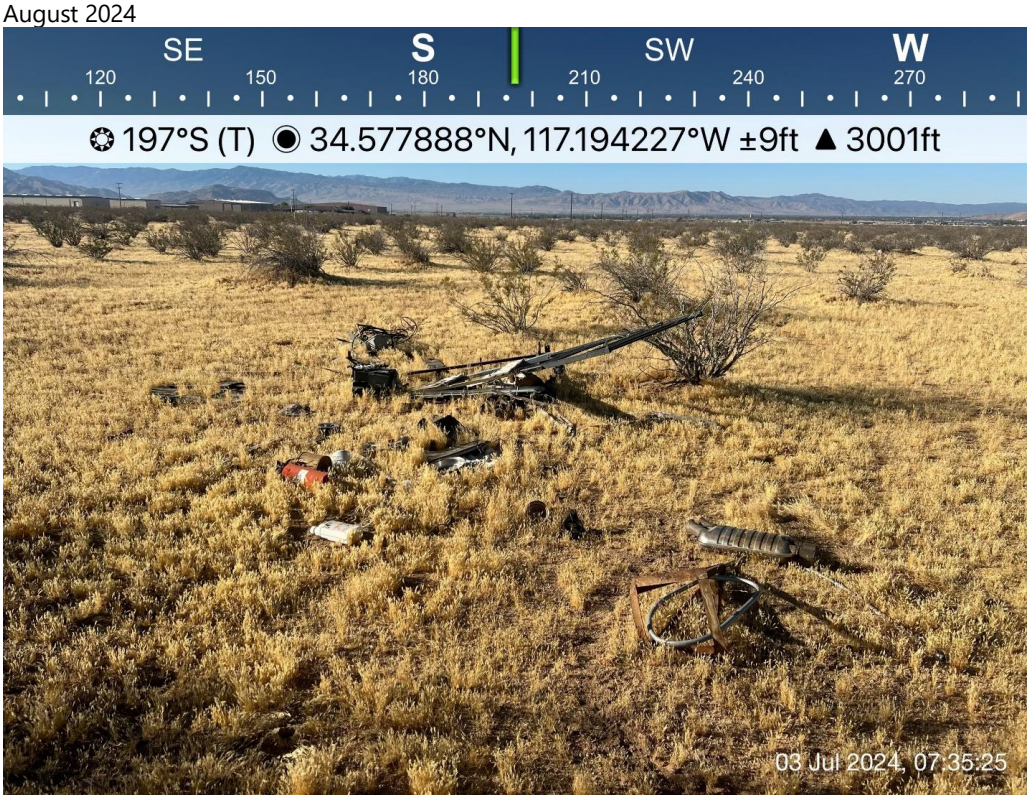


Photo 5: Trash and debris dumped on site.

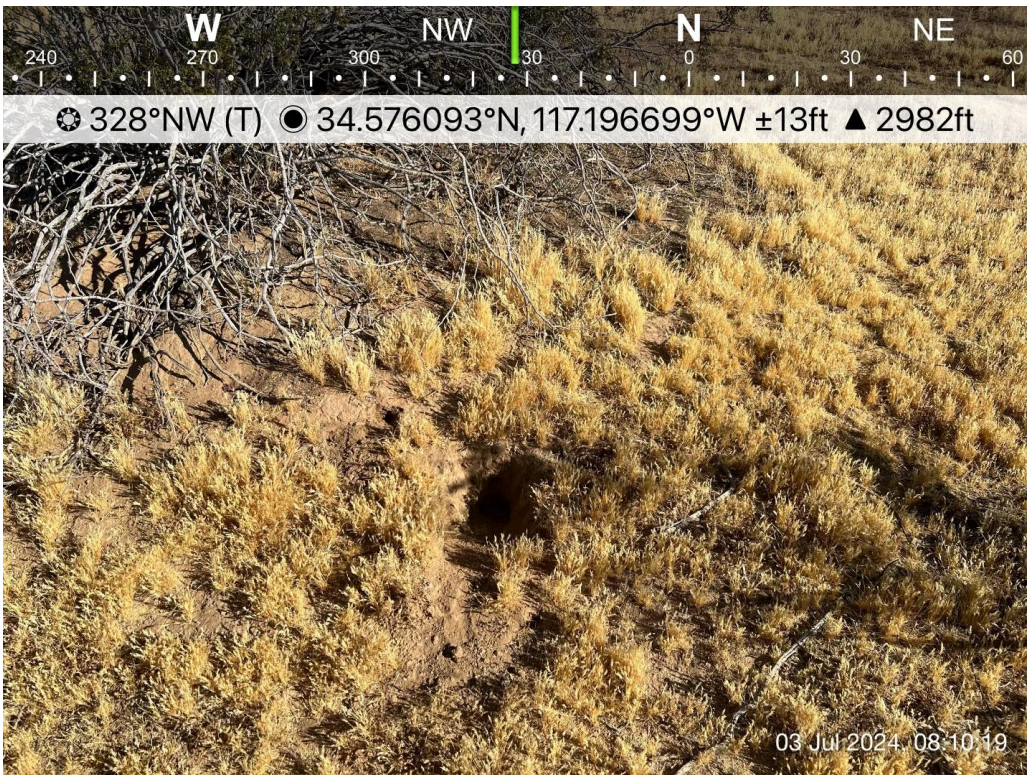


Figure 6. Showing burrow onsite that is not suitable for burrowing owl.

APPENDIX C

PLANT AND VERTEBRATE SPECIES LISTS

PLANT SPECIES OBSERVED

EUDICOTS (EUDICOTIDAE)

Asteraceae Sunflower Family

Ambrosia acanthicarpa	annual bur-sage
Cirsium occidentale	cobweb thistle
Ericameria nauseosa	rubber rabbitbrush

Brassicaceae Mustard Family

*Hirschfeldia incana**	shortpod mustard
*Lepidium latifolium**	perennial pepperweed

Cactaceae Cactus Family

Cylindropuntia ramosissima	branched pencil cholla

Commelinaceae Spurge Family

Croton setiger	doveweed

Ephedraceae Ephedra Family

Ephedra nevadensis	Nevada ephedra

Euphorbiaceae Spurge Family

*Euphorbia maculatum**	No common nam

Geraniaceae Legume Family

*Erodium cicutarium** *red stemmed stork bill (check this)*

Malvaceae Mallow Family

Sphaeralcea ambigua	desert globemallow

Onagraceae Primrose Family

Camissonia claviformis	brown eyed primrose

Polemoniaceae Phlox Family

Eriastrum sapphirinum.	sapphire woollystar

Solanaceae Nightshade Family

Lycium andersonii	Anderson boxthorn

Zygophyllaceae Caltrop Family

Larrea tridentata	Creosote bush

MONOCOTS (MONOCOTYLEDONAE)

Poaceae Grass Family

*Bromus rubens**	red brome
*Bromus tectorum**	cheatgress
*Schismus barbatus**	old han schismus

VERTEBRATE WILDLIFE DETECTED

CLASS REPTILIA REPTILES

Squamata (Lizards and Snakes)

Teiidae Lacertoidean Lizards Family

Aspidoscelis tigris tigris	great basin whiptail

CLASS AVES BIRDS

Passerellidae New World Sparrows Family

Spizella breweri	Brewer's sparrow

CLASS MAMMALIA MAMMALS

Leporidae Rabbit and Hare Family

Lepus californicus	black-tailed jackrabbit

KEY

* = non-native species
** = special-status species
cf. = compares favorably with
sp. = plant identified to genus only

These lists report only plants and animals observed on the site by this study. Other species may have been overlooked or undetectable due to their growing season (plants) or their activity patterns and/or subterranean habitats (animals). Plant species of uncertain identity were collected for later identification by University of California, Riverside Herbarium Collections Manager Andrew Sanders. Plant nomenclature and systematics follows the Jepson Flora Project (2024) and/or United States Department of Agriculture, Natural Resources Conservation Service (2024). Nomenclature and taxonomy for fauna follows California Bird Records Committee (2024) for avifauna and California Department of Fish and Wildlife (2016a) for herpetofauna and mammals.

APPENDIX D

USFWS IPaC REPORT

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Carlsbad Fish And Wildlife Office
2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385
Phone: (760) 431-9440 Fax: (760) 431-5901

In Reply Refer To: 07/22/2024 18:05:31 UTC
Project Code: 2024-0119558
Project Name: DAKOTA AND FRESNO ROAD PROJECT

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A biological assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a biological assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a biological assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found at the Fish and Wildlife Service's Endangered Species Consultation website at:

https://www.fws.gov/service/esa-section-7-consultation

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Carlsbad Fish And Wildlife Office
2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385
(760) 431-9440

PROJECT SUMMARY

Project Code: 2024-0119558
Project Name: DAKOTA AND FRESNO ROAD PROJECT
Project Type: Commercial Development
Project Description: A warehouse development on a 39-acre site, located north of Fresno Road, south of Gustine Street, and east of Dakota Road, in the town of Apple Valley, San Bernardino County, California.
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@34.577168,-117.19585080291682,14z

Counties: San Bernardino County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

REPTILES

NAME	STATUS
Desert Tortoise *Gopherus agassizii* Population: Wherever found, except AZ south and east of Colorado R., and Mexico There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4481	Threatened

FISHES

NAME	STATUS
Mohave Tui Chub *Gila bicolor ssp. mohavensis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8466	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

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