

Appendix B

Biological Resource Assessment

GENERAL BIOLOGICAL RESOURCES ASSESSMENT

VICTORVILLE, SAN BERNARDINO COUNTY, CALIFORNIA
(APN: 3095-211-01, 02, 04 & 05)

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REGULATORY CONTEXT

1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a 9-acre parcel (Approximate), located southeast and southwest of the intersection of Tawney Ridge Ln. and Ferndale Rd. in the city of Victorville, California. (Township 5 North, Range 4 West, Section 7, USGS Victorville, California Quadrangle, 1956) (Figures 1, 2, and 3). The property is located in an area zoned for single family residential (R-1) in Victorville.

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on August 13, 2024, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Habitat assessments were also conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2024). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is approximately 9-acres and is located southeast and southwest of the intersection of Tawney Ridge Ln. and Ferndale Rd. in the city of Victorville, California. (Township 5 North, Range 4 West, Section 7, USGS Victorville, California Quadrangle, 1956). Housing developments consisting of single-family homes are located adjacent to the site to the north, east & south. Vacant land borders the property to the west.

The site is approximately 890 meters above sea level and is flat with little to no slope. The vegetation community present on site supports a moderately disturbed desert scrub habitat encompassing mainly native plants and some non-native grasses. The site is dominated by creosote bush (*Larrea tridentata*), rubber rabbitbrush (*Ericameria nauseosa*), silver cholla (*Cylindropuntia echinocarpa*), kelch grass (*Schismus barbatus*), Nevada jointfir (*Ephedra nevadensis*), water jacket (*Lycium andersonii*), shortpod mustard (*Hirschfeldia cana*), and cheatgrass (*Bromus tectorum*). Section 5.0 provides a more detailed discussion of the various plant species observed during the surveys.

The site supports a variety of wildlife, with many of them being birds. The California ground squirrel (*Otospermophilus beecheyi*) was the only mammal that was observed during the field investigations. Although not seen, coyote signs were also observed on site, this included scat and tracks throughout the property. Other mammals that are expected to occur include the antelope ground squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californium*) and desert cottontails (*Sylvilagus audubonii*).

Birds observed included common ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*) and rock pigeon (*Columba livia*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

No reptiles observed during the field investigation, however three species which include the side-blotched lizard (*Uta stansburiana*), western whiptail (*Aspidoscelis tigris*), and the western fence lizard (*Sceloporus occidentalis*) are very common in the area. Table 2 provides a compendium of wildlife species.

In addition, no sensitive habitats (e.g., sensitive species, critical habitats, etc.) have been documented in the immediate area according to the CNDDDB (2024) and none were observed during the field investigations.

3.0 METHODOLOGIES

General biological surveys were conducted on August 13, 2024, during which biologists from RCA Associates, Inc. initially walked meandering transects throughout the property. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980). Following completion of the initial reconnaissance survey, habitat assessments were conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Weather conditions consisted of wind speeds of 0 to 5 mph, temperatures in the low to mid 90's (°F) (AM), and 0% cloud cover. The applicable methodologies are summarized below.

General Plant and Animal Surveys: Meandering transects were walked on the site and in surrounding areas (i.e., the zone of influence) where accessible at a pace that allowed for careful documentation of the plant and animal species present on the site. All plants observed were identified in the field or sampled and brought back for further identification. Wildlife was identified through visual observations and/or by vocalizations. Habitat assessments were conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Tables 1 and 2 (Appendix A) provides a comprehensive compendium of the various plant and animal species observed during the field investigations.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB) search was performed. Based on this review, it was determined that thirty-two special status species, twenty-six wildlife and six plant organisms, have been documented within the Victorville quadrangle of the property, seven wildlife species and three plant species. The following tables provide data on each special status species which has been documented in the area.

Table 4-1: Federal and State Listed Species and State Species of Special Concern.

E = Endangered; T = Threatened; SSC = Species of special concern; CNPS = California Native Plant Society; CNDDB = California Natural Diversity Data Base

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ ABSENCE ON PROPERTY
PLANTS			
Within Victorville Quadrangle			
White pygmy poppy (<i>Canbya candida</i>)	Federal: None State: None CNPS: 4.2	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Gravelly, sandy, granitic places. 600-1460 m.	The site does not support suitable habitat for the species; and no White pygmy poppies were observed during field surveys.
Mojave monkeyflower (<i>Diplacus mohavensis</i>)	Federal: None State: None CNPS: 1B.2	Joshua tree woodland, Mojavean desert scrub. Dry sandy or rocky washes along the Mojave River. 660-1270 m.	The site does not support suitable habitat, and no Mojave monkeyflowers were observed.
Booth's evening-primrose (<i>Eremothera boothii</i> ssp. <i>boothii</i>)	Federal: None State: None CNPS: 2B.3	Joshua tree woodland, pinyon and juniper woodland. 285-2290 m.	The site does not support suitable habitat, and no Booth's evening-primrose were observed.
Beaver Dam breadroot (<i>Pediomelum castoreum</i>)	Federal: None State: None CNPS: 1B.2	Joshua tree woodland, Mojavean desert scrub. Sandy soils; washes and roadcuts. 605-1485 m.	The site does not support suitable habitat, and no Beaver Dam breadroot were observed.

San Bernardino aster (<i>Symphyotrichum defoliatum</i>)	Federal: None State: None CNPS: 1B.2	Chaparral, cismontane woodland, lower montane coniferous forest. In gravelly soils on streambanks or in mesic sites in oak or pine woodland. 425-2000 m.	The site does not support suitable habitat, and no San Bernardino aster were observed.
Southern mountains skullcap (<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i>)	Federal: None State: None CNPS: 1B.2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas. 3-2045 m.	The site does not support suitable habitat, and no Southern mountains skullcap were observed.

Notes:

Status abbreviations:

- CNPS List 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- CNPS List 1B: Plants rare, threatened, or endangered in California and elsewhere
- CNPS List 2A: Plants presumed extirpated in California, but more common somewhere else
- CNPS List 2B: Plants rare, threatened, or endangered in California, but more common somewhere else
- CNPS List 3: Plants about which more information is needed - a review list
- CNPS List 4: Plants of limited distribution - a watch list
 - .1 Seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat)
 - .2 Moderately threatened in California (20-80% occurrences threatened/ moderate degree and immediacy of threat)
 - .3 Not very threatened in California (<20% of occurrences threatened/ low degree and immediacy of threat or no current threats known)

Table 4-2: Special status wildlife and insects documented in the region (Source: CNDDDB, 2024) or likely to occur in the region

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ABSENCE ON PROPERTY
ANIMAL			
Within Victorville Quadrangle			
Desert tortoise (<i>Gopherus agassizii</i>)	Federal: Threatened State: Threatened	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	No tortoises or tortoise signs/burrows observed on-site.
Yellow warbler (<i>Setophaga petechia</i>)	Federal: None State: None CDFW: SSC	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	The site does not support suitable habitat for the species, species will not occur on the site.
Burrowing owl (<i>Athene cunicularia</i>)	Federal: None State: None CDFW: SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Some suitable habitat for the species. No suitable burrows observed. Species is not present on site but may occur given their wide range in this area and ability to live in many different habitat requirements.
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	Federal: None State: None CDFW: SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Some Suitable habitat, none observed on site.

Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	Federal: None State: Threatened	Open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	No suitable habitat, none observed on site. Species is not likely to occur on site given the lack of prime habitat and their low population numbers in the area over the last 20 years.
Loggerhead shrike (<i>Lanius ludovicianus</i>)	Federal: None State: None CDFW: SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	The site does not provide suitable habitat, and none observed on site
Cooper's hawk (<i>Accipiter cooperii</i>)	Federal: None State: None CDFW: Watch List	Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	The site does not contain suitable habitat for the Cooper's hawk, none were observed on site. Species may be observed flying over the site during foraging activities.
Le Conte's thrasher (<i>Toxostoma lecontei</i>)	Federal: None State: None CDFW: SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	The site has no suitable habitat for the Le Conte's thrasher, and was not observed on the site.
Mohave tui chub (<i>Siphateles bicolor mohavensis</i>)	Federal: Endangered State: Endangered CDFW: Fully Protected	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	The site does not contain suitable habitat for the species. A fully protected species, there are only three populations being maintained with the nearest population in Camp Cady, with an introducing population being carried in the Mojave River. This species will not occur on site.
Least bell's vireo (<i>Vireo bellii pusillus</i>)	Federal: Endangered State: Endangered	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	The site has no suitable habitat for the Least bell's vireo, and is not expected to occur on the site.

Tricolored blackbird (<i>Agelaius tricolor</i>)	Federal: None State: Threatened CDFW: SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The site has no suitable habitat for the Tricolored blackbird, and is not expected to occur on the site.
Arroyo toad (<i>Anaxyrus californicus</i>)	Federal: Endangered State: None CDFW: SSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc. Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	The site has no suitable habitat for the Arroyo toad and is not expected to occur on the site.
Golden Eagle (<i>Aquila chrysaetos</i>)	Federal: None State: None CDFW: Fully protected	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.	The site does not provide suitable habitat, however none observed on site or ZOI.
Swainson's hawk (<i>Buteo swainsoni</i>)	Federal: None State: Threatened	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	The site has no suitable habitat, and the species is not expected to occur on the site. Species may be observed flying over the site during foraging activities.
Pallid San Diego pocket mouse (<i>Chaetodipus fallax pallidus</i>)	Federal: None State: None	Desert border areas of San Diego, Riverside, San Bernardino, and Los Angeles counties in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	The site does not provide suitable habitat. None observed on site and the species is not expected to occur on the site.

Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	Federal: Threatened State: Endangered	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	The site has no suitable habitat, and the species is not expected to occur on the site.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	Federal: None State: None CDFW: SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	The site does not provide suitable habitat. None observed on site and the species is not expected to occur on the site.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	Federal: Endangered State: Endangered	Riparian woodlands in Southern California.	The site has no suitable habitat, and the species is not expected to occur on site.
Southwestern pond turtle (<i>Emys marmorata</i>)	Federal: Proposed threatened State: None CDFW: SSC	Found in intermittent waters of small creeks, ponds, irrigation ditches, and other wetland habitats.	The site has no suitable habitat, and the species is not expected to occur on site.
Victorville shoulderband (<i>Helminthoglypta mohaveana</i>)	Federal: None State: None	Known only from along the Mojave River in San Bernardino County. Found among granite boulders and at the base of rocky cliffs.	The site has no suitable habitat, and the species is not expected to occur on site.
Yellow-breasted chat (<i>Icteria virens</i>)	Federal: None State: None CDFW: SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 ft of ground.	The site has no suitable habitat, and the species is not expected to occur on site.
Hoary bat (<i>Lasiurus cinereus</i>)	Federal: None State: None	Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	The site does not provide suitable habitat, and none observed on site. Species is not expected to occur on the site.

Mohave River vole (<i>Microtus californicus mahavensis</i>)	Federal: None State: None CDFW: SSC	Occurs only in weedy herbaceous growth in wet areas along the Mojave River. May be found in some irrigated pastures. Burrows into soft soil. Feeds on leafy parts of grasses, sedges and herbs. Clips grasses to form runways from burrow.	The site has no suitable habitat, and the species is not expected to occur on the site.
Summer tanager (<i>Piranga rubra</i>)	Federal: None State: None CDFW: SSC	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 stands along streams.	The site has no suitable habitat, and the species is not expected to occur on site.
San Emigdio blue butterfly (<i>Plebulina emigdionis</i>)	Federal: None State: None	Found in desert canyons and along riverbeds in Inyo, Kern, Los Angeles, and San Bernardino counties. Host plant is <i>Atriplex canescens</i> ; maybe <i>Lotus purshianus</i> also.	The site has no suitable habitat, and the species is not expected to occur on site.
California red-legged frog (<i>Rana draytonii</i>)	Federal: Threatened State: None CDFW: SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	The site has no suitable habitat, and the species is not expected to occur on site.

5.0 RESULTS

5.1 General Biological Resources

The site supports a moderately disturbed desert scrub plant community that is dominated by native vegetation and non-native grasses. Species present include creosote bush (*Larea tridentata*), Nevada jointfir (*Ephedra nevadensis*), kelch grass (*Schismus barbatus*), Asian mustard (*Brassica tournefortii*), and flat spine bur ragweed (*Ambrosia acanthicarpa*). Table 1 provides a compendium of all plants occurring on the site and/or in the immediate surrounding area.

Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), northern mockingbird (*Mimus polyglottos*) and mourning doves (*Zenaida macroura*). One mammal was observed on site being the California ground squirrel (*Otospermophilus beecheyi*). Other mammal signs were observed during the field investigation such as Coyote tracks and scat. No reptiles were found on site, but the common side-blotched lizard (*Uta stansburiana*), western whiptail (*Aspidoscelis tigris*), and western fence lizard (*Sceloporus occidentalis*) are abundant in the area. Tables 1 and 2 (Appendix A) provides a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

The following are the listed and special status species that have the ability to occur in the area. It is not a comprehensive list of all the species in the quad. This information has been taken from the California Natural Diversity Database and is using the most current version.

5.2 Federal and State Listed Species

Desert Tortoise: The desert tortoise is a federally and state threatened species that can be found in the Mojave Desert and occupy desert scrubs that may consist of shrub steppe, perennial grasses, Joshua trees, and open scrub areas consisting of creosote bush. The site does not contain suitable habitat for the desert tortoise, although it is also located within the documented tortoise habitat according to CNDDDB. As per the USFWS desert tortoise protocol, ten meter transects were

walked during the August 13, 2024 survey to observe the site for any desert tortoises or desert tortoise signs (i.e., scat, active burrow, or carcasses). No tortoises or signs were observed on the site. The species is not expected to move onto the site in the near future based on the absence of any sign, and absence of any recent observations in the immediate area. The survey results are valid for one year as per CDFW and USFWS requirements.

Mohave Tui Chub: The Mohave Tui Chub is a federally and state endangered species that is fully protected. The site is located within the documented Victorville quad habitat according to CNDDDB (2024). There are only three populations of Mohave tui chub, with a fourth population having been recently introduced to the Mojave river. The site however, does not contain or is not connected to the Mojave River, and no Mohave tui chub will occur on site.

Mohave Ground Squirrel: The Mohave ground squirrel is a California state threatened species that have a short, flat, furred, white, underside tail, uniformly brown (with no spots or stripes). They inhabit open desert scrub, alkali desert scrub, and annual grasslands on sandy to gravelly surfaces in the Mojave Desert. Occupiable burrows were found on the site, but no Mohave ground squirrels were detected. It is the opinion of RCA Associates, Inc. that the habitat is not prime Mohave ground squirrel habitat and is very unlikely to support populations of the species based on the following criteria, that there have been two recent sightings, within 20 years, of the species in the Victorville quadrangle.

Least bell's vireo: The Least bell's vireo is a federally and state endangered species that is fully protected. The site is located within the documented Victorville quad habitat according to CNDDDB (2024). Least bell's vireos are a summer resident of Southern California that occur in low riparian areas that are within the vicinity of water or in dry river bottoms. They typically occur below 2000 ft. and nests along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, or mesquite. The site is not expected to support Least bell's vireos based on its lack of crucial habitat for nesting and it being in a developed part of Victorville. There have not been any recent sightings of the species in the area withing the last ten years and the sightings all occurred along the Mojave River located 2.5 miles to the east.

Tricolored blackbird: The Tricolored blackbird is a state threatened species that is also a CDFW species of special concern. Tricolored blackbirds are a highly colonial species that are most common in areas like the central valley of California and its surrounding areas. This California

endemic species relies mainly on areas with open water, areas with protected nesting grounds, and a consistent supply of insects for foraging. The site is located within the documented Victorville quad habitat according to CNDDB (2024). There is only one sighting of the Tricolored blackbird in the Victorville quad that occurs about 2.5 miles to the northeast of the site along the Mojave River. The species is not expected to occur on site given its specific habitat requirements and the lack of them on site.

Arroyo toad: The Arroyo toad is a federally endangered species and a CDFW species of special concern. Arroyo toads inhabit semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert washes, etc. Typical habitat consists of rivers with sandy banks, willows, cottonwoods, and sycamores. The species may require loose, gravelly areas of streams in drier parts of range. The site is located within the documented Victorville quad habitat according to CNDDB (2024). There have been no recent observations of the species within the last 20 years. Arroyo toads are not expected to occur on site given the lack of riparian areas and intermittent streams that would meet their habitat needs.

Swainson's hawk: The Swainson's hawk is a state threatened species. The site is located within the documented Victorville quad habitat according to CNDDB (2024). Swainson's hawks breed in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. The species requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations. Swainson's hawks may be observed flying over the site during foraging activities given their wide distribution. The site does not support the required habitat for the species to inhabit the site. Swainson's hawks are not expected to occur on site.

Western yellow-billed cuckoo: The western yellow-billed cuckoo is a federally threatened and state endangered species. The site is located within the documented Victorville quad habitat according to CNDDB (2024). Western yellow-billed cuckoos are riparian forest nesters, along the broad, lower flood-bottoms of larger river systems. Typically, they nest in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape. The site does not support any habitat for the western yellow-billed cuckoo. The most recent sighting in the area was nearly 12 years ago and more than 2.5 miles away along the Mojave river. Western yellow-billed cuckoos are not expected to occur on site.

Southwestern willow flycatcher: The southwestern willow flycatcher is a federally and state endangered species. The site is located within the documented Victorville quad habitat according to CNDDDB (2024). The southwestern willow flycatcher inhabits riparian woodlands along streambeds in Southern California. There have been no recent sightings of the species in the Victorville area with the last known sighting in the area being about 2.5 miles to the east along the Mojave River where suitable habitat is present. Southwestern willow flycatchers are not expected to occur on site given the lack of suitable habitat for the species.

Southwestern pond turtle: The southwestern pond turtle is a federally proposed threatened species and a CDFW species of special concern. Southwestern pond turtles can be found in intermittent waters of small creeks, ponds, irrigation ditches, and other wetland habitats. The site is located within the documented Victorville quad habitat according to CNDDDB (2024). The most recent sighting of the species occurred over 20 years ago about three miles to the east along the Mojave river. Southwestern pond turtles are not expected to occur on site due to the lack of suitable habitat for their existence.

California red-legged frog: The California red-legged frog is a federally threatened and CDFW species of special concern. California red-legged frogs prefer lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation. The species requires 11-20 weeks of permanent water for larval development. California red-legged frogs must have access to estivation habitat. The site is located within the documented Victorville quad habitat according to CNDDDB (2024). There has only been one possible occurrence of this species approximately 2.5 miles to the east along the Mojave River. California red-legged frogs are not expected to occur on site due to the lack of suitable habitat.

5.3 Species of Special Concern

Sensitive Plants: There are six plant species that have been documented in the Victorville quad, the white pygmy poppy, Mojave monkeyflower, Booth's evening-primrose, Beaver Dam breadroot, San Bernardino aster, and southern mountains skullcap. The site does not support suitable habitat for any of the six species listed above. These six species occur in areas of Joshua tree woodlands and creosote brush habitats mostly along washes with gravelly soils except for the southern mountains skullcap that occurs in meadow areas and the San Bernardino Aster that occurs streambank areas. The site does not support any habitats listed above and therefore will not support

any of these species. None of the above species were observed on the site during the August 13, 2024 survey, and are not expected to occur in the foreseeable future. The project is not expected to impact any sensitive plant species.

Sensitive Wildlife: Within the Victorville quad, there are 11 species that are labeled as Species of Special Concern. These species are the burrowing owl, loggerhead shrike, coast horned lizard, yellow warbler, summer tanager, Mohave River vole, yellow-breasted chat, Townsend's big-eared bat, golden eagle, Le Conte's thrasher, and Cooper's hawk. The property does not contain suitable habitat for nine of the eleven species listed above. The two species that the site does have suitable habitat for are the coast horned lizard and the burrowing owl, however no owl signs (e.g. whitewash, feathers, castings) were found on the property nor were any coast horned lizards. These two species have the potential to occur on site given their wide range of habitats they can occur in. The burrowing owl and coast horned lizard are not likely to occur on site due the site experiencing heavy human disturbance and it being in the middle of a developed area of Victorville.

5.4 Jurisdictional Waters and Riparian Habitat

No riparian vegetation (e.g., cottonwoods, willows, etc.) exist on the site or in the adjacent habitats. It is the opinion of RCA Associates that no further survey's will be required at this time.

5.5 Protected Plants

As of July 10, 2023, California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect listing the western Joshua tree (Yucca brevifolia) as an endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with mitigation and/or removal of western Joshua trees. Therefore, any attempt to remove a Joshua tree from its current position will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP). Western Joshua trees were NOT observed during the August 2024 field survey.

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will have minimal impact on the general biological resources present on site. The site is expected to support a variety of wildlife species which will be impacted by development activities. Those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of about 9-acres of a moderately disturbed desert scrub habitat is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding area. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on site during the field investigations including the Mohave ground squirrel and desert tortoise. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of habitat, suitable burrows, or signs.

The Western Joshua tree (*Yucca brevifolia*), a threatened species under the California Endangered Species Act (CESA), was not observed on site. Refer to section 5.5 for more information on the status and requirements on this species.

A pre-construction burrowing owl survey may be required by CDFW to determine if any owls have moved on to the site since August 13, 2024 surveys. As stated in CDFW's *Staff Report on Burrowing Owl Mitigation*, the most effective method of completing a pre-construction survey (take avoidance survey) should be performed within 30 days of ground disturbance, followed by a final pre-construction survey within 24 hours of breaking ground.

7.0 CONCLUSIONS AND CONSIDERATIONS

Future development activities include grading the property and removing vegetation from the approximate 9-acre parcel; however, cumulative impacts to the general biological resources (plants and animals) on site are expected to be negligible. This assumption is based on the suitable habitat located in the surrounding areas of the region. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any active burrows. Some mitigation measures that may be considered are:

1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.
 - a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.
 - b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, presents 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. Fieldwork conducted for this assessment was performed by Ryan D. Hunter and Brian S. Bunyi. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 09/10/2024 Signed: *Ryan D. Hunter*
Brian S. Bunyi

Field Work Performed By: Ryan D. Hunter
Principal Environmental Scientist & Wildlife Biologist

Field Work Performed By: Brian S. Bunyi
Environmental Scientist, Wildlife Biologist

Appendix A

Tables and Figures

Table 1 - Plants observed on the site and known to occur in the immediate surrounding area.

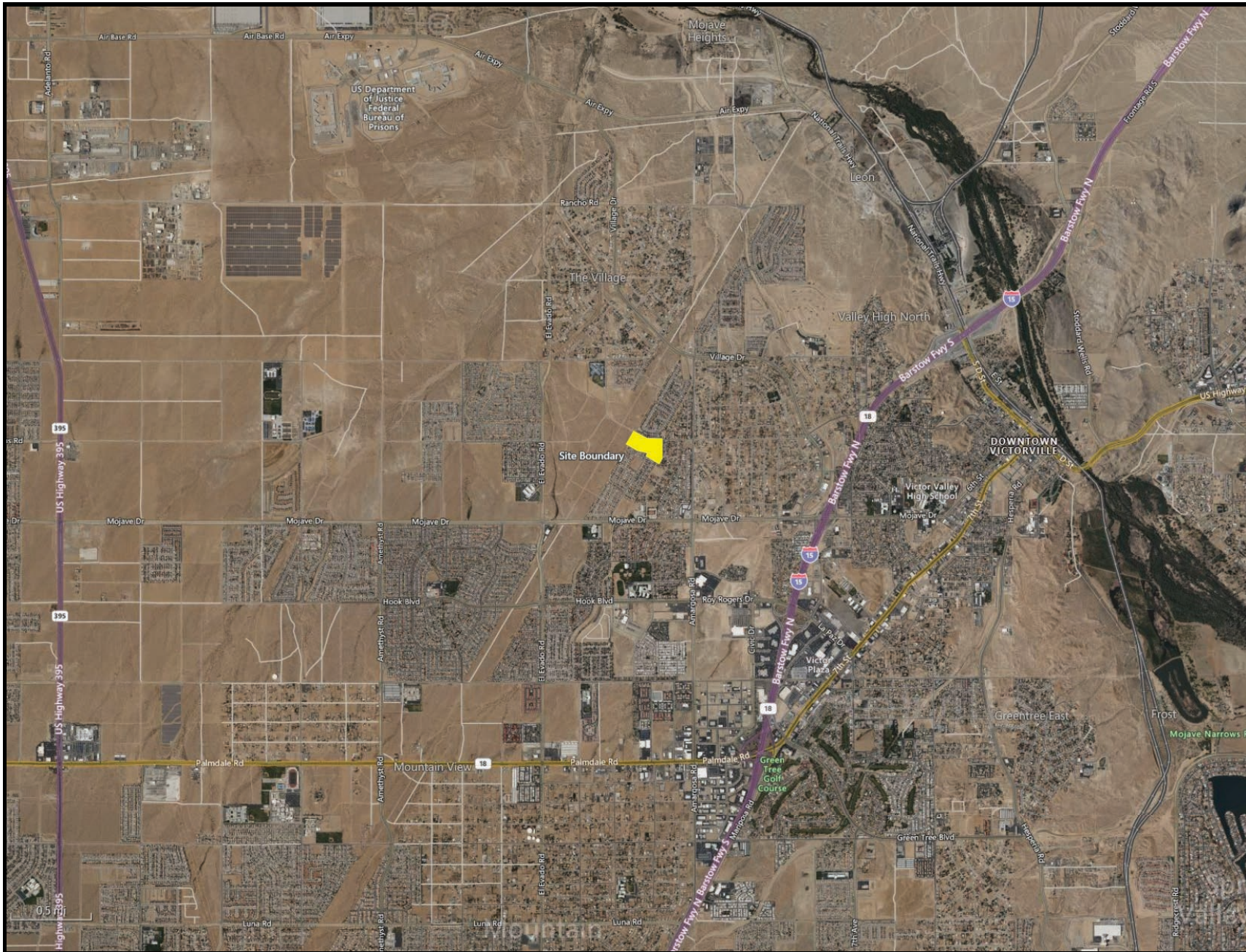
Common Name	Scientific Name	Location
Asian mustard	<i>Brassica tournefortii</i>	On Site
Creosote Bush	<i>Larrea tridentata</i>	“
Kelch grass	<i>Schismus barbatus</i>	“
Rubber rabbitbrush	<i>Ericameria nauseosa</i>	“
Silver cholla	<i>Cylindropuntia echinocarpa</i>	“
Nevada jointfir	<i>Ephedra nevadensis</i>	“
Four-wing saltbush	<i>Atriplex canescens</i>	“
Cheatgrass	<i>Bromus tectorum</i>	“
Water jacket	<i>Lycium andersonii</i>	“
California buckwheat	<i>Erigonum fasciculatum</i>	“
Flatspine bur ragweed	<i>Ambrosia acanthicarpa</i>	“
Short pod mustard	<i>Hirschfeldia incana</i>	“
Telegraphweed	<i>Heterotheca grandiflora</i>	“
Western jimson weed	<i>Datura wrightii</i>	“
Siberian elm	<i>Ulmus pumila</i>	“
Western Tansymustard	<i>Descurainia pinnata</i>	“
London rocket	<i>Sisymbrium irio</i>	“

Note: The above list is not intended to be a comprehensive list of every plant which may occur on the site or in the zone of influence.

Table 2 - Wildlife observed on the site during the field investigations.

Common Name	Scientific Name	Location
Common raven	<i>Corvus corax</i>	On-site and/or in the surrounding area.
House finch	<i>Carpodacus mexicanus</i>	“
Mourning dove	<i>Zenaida macroura</i>	“
Rock pigeon	<i>Columba livia</i>	“
Northern mockingbird	<i>Mimus polyglottos</i>	“
House sparrow	<i>Passer domesticus</i>	“
Desert cottontail	<i>Sylvilagus audubonii</i>	“
Jackrabbit	<i>Lepus californicus</i>	“
California ground squirrel	<i>Otospermophilus beecheyi</i>	“
Coyote (scat)	<i>Canis latrans</i>	“

Note: The above Table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.



Legend

 Site Boundary



Figure 1: Regional Exhibit

Produced By: RCA Associates Inc.

**Located SE and SW of the intersection
of Tawney Ridge Ln. and Ferndale Rd.
in the city of Victorville, CA.**

Source: Uinta Software

Acreeage: 9-Acres
(Approximately)

Project #: 2024-130 BA





Legend
 Site Boundary

	Figure 2: Vicinity Exhibit Produced By: RCA Associates Inc.		Source: Uinta Software	
			Acreage: 9 Acres	
			(Approximately) Project #: 2024-130 BA	

CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST



FIGURE 3: PHOTOGRAPHS OF SITE

CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST



FIGURE 3, cont: PHOTOGRAPHS OF SITE

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resources, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines “take” as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Federal regulation 50CFR17.3 defines the term “harass” as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines “harm” as an act that either kills or injures a listed species. By definition, “harm” includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section 10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is “incidental to, and not the purpose of, the carrying out of another wise lawful activity.” Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA,

or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other “take” that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFW has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Wildlife Code. Section 2080 prohibits the take of a species listed by CDFW as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFW and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFW coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into “Waters of the United States” under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as “areas inundated or saturated by surface or groundwater 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 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP’s) are general permits issued to cover particular fill activities. All NWP’s have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction stormwater management plan to ensure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Wildlife Code, Sections 1600-1616

Under the California Fish and Wildlife Code, Sections 1600-1616 CDFW regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFW and enter into a streambed alteration agreement with them.

Section 1602 of the California Fish and Wildlife Code requires a state or local government agency, public utility, or private entity to notify CDFW before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFW issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Wildlife Code, Section 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term “take” is defined as “to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.” Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA.

This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term “sensitive natural community” includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinās, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site.