



July 22, 2025

ONTARIO RANCH VENTURE II, LLC

Attention: *Janine Padia*

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SUBJECT: Biological Resources Assessment for the Proposed Eucalyptus Business Park Specific Plan Located in the City of Ontario, San Bernardino County, California

Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources assessment for the proposed Eucalyptus Business Park Specific Plan (project site or site) and off-site improvement areas located in the City of Ontario, San Bernardino County, California. The field investigation was conducted by biologists Travis J. McGill and Megan E. Peukert on April 18, 2025, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project boundaries and off-site improvement areas ("study area") that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the habitat to support burrowing owl (*Athene cunicularia*), Delhi sands flower-loving fly (*Rhaphiomidas terminates abdominalis*; DSF), and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

The study area was also evaluated for the potential to support natural drainage features, ponded areas, and/or water bodies that have the potential to fall under the regulatory authority of the of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or California Department of Fish and Wildlife (CDFW) pursuant to Sections 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Section 1600 *et seq.* of the Fish and Game Code.

Project Location

The study area is generally located north of State Route 91, west of Interstate 15, south of State Route 60, and east of State Route 83 in the City of Ontario, San Bernardino County, California. The study area is depicted on the Prado Dam and Corona North quadrangles of the United States Geological Survey's (USGS) 7.5-minute topographic map series within an unsectioned portion of Township 2 South, Range 7 West. Specifically, the project site is bounded to the south by Eucalyptus Avenue, to the east by Walker

¹ As used in this report, "special-status" refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Avenue, and to the west by Campus Avenue within the following Assessor Parcel Numbers (APNs):

0216-321-01	0261-321-02	1053-341-02	1053-531-02
0216-321-03	0261-321-06	1053-351-01	1053-531-04
0216-321-08	0261-321-07	1053-351-02	1053-541-01
0216-322-01	1053-331-01	1053-361-01	1053-541-02
0216-322-02	1053-331-02	1053-361-02	1053-551-01
0216-322-03	1053-331-03	1053-361-03	1053-571-01
0216-322-04	1053-331-04	1053-371-01	1053-571-02
0216-322-10	1053-341-01	1053-531-01	1053-581-04

Off-site street improvements are proposed to occur along Eucalyptus Avenue, Edison Avenue, Campus Avenue, Bon View Avenue, Grove Avenue, and Walker Avenue. Refer to Exhibits 1 through 3 in Attachment A.

Project Description

The project is located in the southwest portion of the City of Ontario, California and is currently used for agricultural purposes. The discretionary approvals requested from the City of Ontario include a General Plan Amendment, Specific Plan, Zone Change, Tentative Parcel Map, and Development Agreement.

Methodology

A literature review and records search were conducted to determine if special-status biological resources have the potential to occur on or within the general vicinity of the study area. In addition to the literature review, a general habitat assessment or field investigation of the study area was conducted. The field investigation was conducted to document existing conditions and assess the potential for special-status biological resources to occur.

Literature Review

Prior to conducting the field study, species and habitat information was gathered from the reports related to the specific project and relevant databases for the Prado Dam, Corona North, Ontario and Guasti USGS 7.5-minute quadrangles to identify species and habitats known to occur locally. These quadrangles were queried due to existing on-site conditions proximity of the project site to quadrangle boundaries and regional topography. The literature review sources included:

- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USFWS Designated Critical Habitat Maps;
- California Natural Diversity Database (CNDDB) *Rarefind 5*;
- International Union for Conservation of Nature (IUCN);
- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program “My Waters” data layers;

- Google Earth Pro historic aerial imagery (1985-2024);
- San Bernardino County General Plan;
- USFWS Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI); and

The literature review provided a baseline from which to inventory the biological resources potentially occurring on the subject property. The CNDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Field Investigation

ELMT biologists Travis J. McGill and Megan E. Peukert evaluated the conditions of the plant communities found within the boundaries of the study area, which consisted of the proposed project site and 50-foot buffer when accessible, on April 18, 2025. Plant communities identified on aerial photographs during the literature review were verified in the field. The plant communities were evaluated for their potential to support special-status plant and wildlife species. In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area.

The plant communities were evaluated for their potential to support special-status plant and wildlife species. Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009) and delineated on an aerial photograph and then digitized into ArcGIS. The ArcGIS application was used to compute the area of each plant community in acres.

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are fairly well standardized, scientific names are provided immediately following common names in this report (first reference only). In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area.

Soil Series Assessment

Soils underlying the project site were researched prior to the field investigation using the USDA NRCS Soil Survey for San Bernardino County, Southwestern Part. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the study area has undergone.

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the study area.

Delhi Sands Flower-loving Fly Suitability Assessment

In addition to the general biological resources assessment, a habitat suitability assessment was conducted to determine the presence or absence of unconsolidated Delhi sand deposits and to determine its quality as it pertains to DSF. The habitat suitability assessment consisted of a visual and tactile inspection of all areas within the study area. The soils, where applicable, were evaluated for the quality or purity of Delhi Sands and for its potential to support DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat:

1. Soils dominated by heavy deposits of alluvial material including coarse sands and gravels with little or no Delhi sand soils and evidence of soil compaction. Developed areas, non-Delhi sands soils with high clay, silt, and/or gravel content. Delhi sands extensively and deeply covered by dumping of exotic soils, rubble, trash or organic debris. *Unsuitable*.
2. Delhi sand soils are present, but the soil characteristics include a predominance of alluvial materials (Tujunga Soils and Hilmar loamy sand), or predominance of other foreign contamination. Severe and frequent disturbance (such as maintenance yard or high use roadbed). *Very Low Quality*.
3. Although not clean, sufficient Delhi sand soils are present to prevent soil compaction. Moderately contaminated Delhi sands. Delhi sands with moderate to high disturbance (such as annual disking). Sufficient Delhi sands are present to prevent soil compaction (related to contamination by foreign soils). Some sandy soils exposed on the surface due to fossorial animal activity. *Low Quality*.
4. Abundant clean Delhi sand soils with little or no foreign soils (such as alluvial material, Tujunga soils or Hilmar loamy sand) present. Moderate abundance of exposed sands on the soil surface. Low vegetative cover. Evidence of moderate degree of fossorial animal activity by vertebrates and invertebrates. May represent high quality habitat with mild or superficial disturbance. *Moderate Quality*.
5. Sand dune habitat with clean Delhi sand soils. High abundance of exposed sands on the soil surface. Low vegetative cover. Evidence (soil surface often gives under foot) of high degree of fossorial animal activity by vertebrates and invertebrates. Sand associated plants and arthropod species may be abundant. *High Quality*.

Surrounding Land Uses and Site Conditions

The study area occurs in a portion of the City of Ontario that has supported a variety of agricultural land uses since the early 1900's. According to historic aerials, the study area and surrounding land have supported agricultural land uses since at least 1938. This area has experienced significant alterations in recent decades, and presently supports a mosaic of pasture crop fields, cattle stockyards, trucking facilities, and various industrial land uses. The project site is bounded to the north and west by former agricultural fields and cattle stockyards; to the south by Eucalyptus Avenue with recently graded former agricultural fields, cattle stockyards, and industrial land beyond; and to the east by Walker Avenue with cattle stockyards beyond. The site itself supports remnant pasture crop fields and cattle stockyards, derelict residences, and inactive agricultural land. The off-site improvement areas occur on developed land in the form of paved and unpaved roads along Eucalyptus Avenue, Edison Avenue, Campus Avenue, Bon View Avenue, Grove Avenue, and Walker Avenue.

Topography and Soils

The study area is relatively flat with variable topography onsite in the form of berms, fill material stockpiles, and a water retention basin. On-site elevation ranges from approximately 665 to 686 feet above mean sea level and generally slopes from north to south. Based on the NRCS USDA Web Soil Survey², the project site is underlain by Chino silt loam, Delhi fine sand, Grangeville fine sandy loam (warm MAAT; MLRA 19), Hilmar loamy fine sand, and Tujunga loamy sand (0 to 5 percent slopes). Refer to Exhibit 4, *Soils*, in Attachment A. All soils underlying the project site and off-site improvement areas have been mechanically disturbed and heavily compacted from historic and ongoing land uses.

Vegetation

Due to historic and existing land uses, no native plant communities or natural communities of special concern are present within or adjacent to the study area. The study area primarily supports developed and undeveloped land that has been subjected to roughly a century of anthropogenic disturbances associated with historic and ongoing land uses (i.e., dairy ranches). These disturbances have eliminated the natural plant communities that historically occurred within the project site and general vicinity. Refer to Attachment C, *Site Photographs*, for representative site photographs. Therefore, no native plant communities will be impacted from implementation of the proposed project. The study area supports four (4) land cover types that would be classified as Disturbed, Developed, Active Dairy, and Stock Pond. Refer to Exhibit 5, *Vegetation* in Attachment A.

Disturbed

Disturbed land within the study area includes remnant agricultural fields and grazing paddocks and, as such, is dominated by non-native, invasive, weedy, and/or early successional species which are often associated with grazing pastures. These species include downy chess (*Bromus tectorum*), nettle-leaved goosefoot (*Chenopodium murale*), flax-leaved horseweed (*Erigeron bonariensis*), foxtail barley (*Hordeum murinum*), and golden crownbeard (*Verbesina encelioides*). Other common plant species observed in the disturbed portions of the study area include mulefat (*Baccharis salicifolia*), grazing brome (*Bromus*

2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

catharticus), ripgut brome (*Bromus diandrus*), lambs quarters (*Chenopodium album*), pitseed goosefoot (*Chenopodium berlandieri*), sacred datura (*Datura wrightii*), shortpod mustard (*Hirschfeldia incana*), prickly lettuce (*Lactuca serriola*), cheese weed (*Malva parviflora*), tree tobacco (*Nicotiana glauca*), stinknet (*Oncosiphon pilulifer*), annual beard grass (*Polypogon monspeliensis*), Russian thistle (*Salsola tragus*), mediterranean grass (*Schismus barbatus*), London rocket (*Sisymbrium irio*), black nightshade (*Solanum nigrum*), smilo grass (*Stipa miliacea*), puncturevine (*Tribulus terrestris*), and stinging nettle (*Urtica dioica*).

Developed

Developed land generally encompasses all buildings/structures and paved or otherwise impervious surfaces. Developed areas supported by the study area include existing residences, garages, barns, pens, concrete pads, walkways, staging areas, roadways, and watering areas associated with cattle stockyards and accompanying dwellings. These areas are generally devoid of vegetation except for sparse occurrences of especially hardy weedy species. For the purposes of this report, ornamental landscaping associated with the on-site residences is also considered developed since these areas have been maintained as such for several decades.

Active Dairy

The majority of the study area has been utilized as active dairy facilities including dry lots, milking parlors/feed storage facilities and housing. These areas are either devoid of vegetation or dominated by ornamental, ruderal, non-native, or weedy species commonly detected in disturbed habitats including Palmer's amaranth (*Amaranthus palmeri*), summer cypress (*Bassia scoparia*), horseweed (*Erigeron canadensis*), Russian thistle (*Salsola tragus*), prostrate knotweed (*Polygonum aviculare*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarium*), castor bean (*Ricinus communis*), prickly lettuce (*Lactuca serriola*), Bermuda grass (*Cynodon dactylon*), truncate finger grass (*Chloris truncata*), barnyard grass (*Echinochloa crusgalli*), goose grass (*Eleusine indica*), wild oat (*Avena fatua*), foxtail barley (*Hordeum murinum*), and ripgut brome (*Bromus diandrus*).

Stock Pond

Several dairy stock ponds were present within the study area. Most of these features were inundated with water at the time of the investigation which was conducted following recent storm events. Plant species present surrounding the stock ponds include several ruderal, invasive, and/or weedy species as outlined in the disturbed areas onsite. No hydrophytic or riparian vegetation was observed in the stock pond areas.

Wildlife

Plant communities provide foraging habitat, nesting/denning site, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the study area. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The study area provides limited habitat for wildlife species adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish were observed on or within the vicinity of the study area. While remnant water retention basins are supported in the northern portion of the site, these are effluence ponds which function primarily to retain animal waste and other runoff associated with typical dairy farming practices. These basins do not bear upstream or downstream connectivity to suitable fish habitat. Therefore, no fish are expected to occur and are presumed absent from the study area.

Amphibians

No amphibians were observed on or within the vicinity of the study area. The active agriculture, remnant water retention basins, and ornamental landscaping supported within the Project Site provide limited foraging and cover habitat for local amphibian species adapted to development and routine anthropogenic disturbances. Common amphibians that could be expected to occur within the study area include western toad (*Anaxyrus boreas*) and black-bellied salamander (*Batrachoseps nigriventis*). Due to the high level of development and routine anthropogenic disturbances on-site, no special-status amphibian species are expected to occur within the study area.

Reptiles

The study area provides limited foraging and cover habitat for reptile species adapted to a high degree of anthropogenic disturbance. Reptiles observed during the field investigation include western side-blotched lizard (*Uta stansburiana elegans*) and Great Basin fence lizard (*Sceloporus occidentalis longipes*). Other common reptilian species that could be expected to occur include San Diego alligator lizard (*Elgaria multicarinata webbi*). Due to the high level of anthropogenic disturbance and on-site and surrounding development, no special-status reptilian species are expected to occur within the study area.

Birds

The study area provides suitable foraging and nesting habitat for avian species adapted to development and a high degree of routine anthropogenic disturbance. Bird species detected during the field investigation include red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), killdeer (*Charadrius vociferus*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), mourning dove (*Zenaidura macroura*), yellow headed blackbird (*Xanthocephalus xanthocephalus*), American kestrel (*Falco sparverius*), barn swallow (*Hirundo rustica*), song sparrow (*Melospiza melodia*), house sparrow (*Passer domesticus*), black phoebe (*Sayornis nigricans*), Eurasian collared dove (*Streptopelia decaocto*), European starling (*Sturnus vulgaris*), and Cassin's kingbird (*Tyrannus vociferans*).

Mammals

The study area provides limited foraging and cover habitat for mammalian species adapted to a high degree of anthropogenic disturbance. Mammalian species observed during the field investigation include California ground squirrel (*Otospermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*), and pocket gopher (*Thomomys bottae*). Additional common mammalian species that could be expected to occur include coyote (*Canis latrans*), opossum (*Didelphis virginiana*), house mouse (*Mus musculus*), raccoon (*Procyon lotor*), and black rat (*Rattus rattus*).

Although heavily-disturbed, the study area has the potential to provide suitable foraging and/or roosting

habitat for common and special-status bat species.

Nesting Birds

A single red-tailed hawk nest was observed in the eucalyptus stand on the eastern boundary of the project site. At the time of the investigation, the ELMT biologist observed a red-tailed hawk bringing nesting material to the nest. No other active nests or nesting behavior were observed within the study area during the field survey, which was conducted during the typical breeding season. Although heavily disturbed, the study area has the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that are adapted to development and agricultural environments. In addition, tall trees and structures within the study area provide suitable nesting opportunities for raptors.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both anthropogenic disturbance and natural fluctuations in resources.

According to the Ontario Plan 2050 Final Supplemental Environmental Impact Report and the San Bernardino County General Plan, the study area has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the San Bernardino County General Plan Open Space Element, the nearest major open space area documented in the vicinity of the study area occurs approximately 4 miles south within the Prado Basin. The study area is separated from this open space area by existing development.

The Proposed Project will be confined to existing areas that have been heavily disturbed or developed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, the study area is not expected to contribute to local wildlife movement opportunities and no impacts to wildlife corridors or linkages will occur from Proposed Project implementation.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the

United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within the study area. Based on this review, eight (8) Freshwater Ponds and three (3) Freshwater Emergent Wetlands were mapped as occurring within the boundaries of the project site. These features were mapped using 1-meter (or less) digital, true color imagery from 2006. These features correspond to water retention basins that occur on-site associated with agriculture and dairy effluence.

During the field investigation, thirty-eight (38) water stock ponds were observed with the study area. During the field investigation, the stock ponds were observed to be vegetated with a variety of non-native, weedy annual species and no aquatic plant species were present. The artificially created unvegetated dairy effluent retention ponds are isolated in uplands and currently rotated in use resulting in a wet (inundated) and dry phase. All of the retention ponds are devoid of wetland vegetation.

The stock ponds found onsite are artificially created in upland areas primarily for dairy effluence. They do not exhibit hydraulic connectivity to upstream or downstream aquatic resources. Therefore, the remnant basins will not fall under the regulatory authority of the Corps, Regional Board, or CDFW and regulatory approval will not be required for modifications to these features.

However, to avoid significant impacts to water quality, a preparation of a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP) will be required as well as permitting and compliance with National Pollutant Discharge Elimination System (NPDES) and the San Bernardino County Regional Municipal Separate Stormwater Sewer System (MS4) code provisions.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Corona North and Prado Dam USGS 7.5-minute quadrangles. Only these two quadrangles were searched based on the location of the study area in relation to quadrangle boundaries. The habitat assessment evaluated the conditions of the habitat(s) within the study area to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified twenty-two (22) special-status plant species, eighty-nine (89) special-species, and five (5) special-status plant communities as having potential to occur within the Corona North, and Prado Dam USGS 7.5-minute quadrangles. Special-status plant and wildlife species were evaluated for their potential to occur within the study area based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the study area are presented in *Table D-1: Potentially Occurring Special-Status Biological Resources*, provided in Attachment D.

Special-Status Plants

According to the CNDDDB and CNPS, eighteen (18) special-status plant species have been recorded in the Corona North and Prado Dam quadrangles (refer to Attachment D). No special-status plant species were observed within the study area during the field investigation. The study area supports disturbed and developed land that has been subject to a variety of anthropogenic disturbances for several decades. Historic and ongoing land uses have eliminated the natural plant communities that once occurred within the study area which has significantly reduced the quality of habitat within the study area and its potential to support special-status plant species known to occur in the general vicinity. Based on habitat requirements for specific special-status plant species and the availability and quality of habitat needed by each species, it was determined that the study area does not have the potential to support any of the special-status plant species known to occur in the area and all are presumed to be absent. No focused surveys are recommended.

Special-Status Wildlife

According to the CNDDDB, eighty-nine (89) special-status wildlife species have been reported in the Corona North and Prado Dam quadrangles (refer to Attachment D). No special-status wildlife species were observed within the study area during the habitat assessment. The study area consists of disturbed and developed land that have been subject to a variety of anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred within the study area, greatly reducing potential foraging opportunities for wildlife species. Based on habitat requirements for specific species and the availability and suitable habitats, it was determined that the study area has a high potential to support northern harrier (*Circus hudsonius*); a moderate potential to support Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), great egret (*Ardea alba*), great blue heron (*Ardea Herodias*), burrowing owl (*Athene cunicularia*), Costa's hummingbird (*Calypte costae*), snowy egret (*Egretta thula*), California horned lark (*Eremophila alpestris actia*), California gull (*Larus californicus*), and white-faced ibis (*Plegadis chihi*); and a low potential to support white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), western yellow bat (*Lasiurus xanthinus*), hoary bat (*Lasiurus cinereus*), and loggerhead shrike (*Lanius ludovicianus*). It was further determined that the study area does not have the potential to support any of the other special-status wildlife species known to occur in the area and all are presumed to be absent.

In order to ensure impacts to special-status avian and bat species do not occur from implementation of the proposed project, pre-construction nesting bird clearance surveys shall be conducted prior to ground disturbance. With implementation of the pre-construction clearance surveys, impacts to these species will be less than significant and no mitigation will be required.

Due to regional significance, the potential occurrence of burrowing owl and Crotch's bumble bee are discussed in further detail below.

Burrowing Owl

Burrowing owl is currently designated as a California Candidate Endangered Species. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent

upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, standpipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

Despite a systematic search of the study area, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Undeveloped portions of the study area are unvegetated and/or vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owl. In addition, suitable burrows were observed within berms surrounding the remnant pasture fields and water retention basins, and additional roosting opportunities were observed within rubble piles located in the northeast portion of the Project Site. However, the site supports and is surrounded by tall trees, structures, and electrical towers that provide suitable perching opportunities for large raptors (i.e., red-tailed hawk) that prey on burrowing owl, and a red-tailed hawk was observed foraging over the site during the field investigation. Additionally, existing and continuous anthropogenic disturbances likely preclude burrowing owl from occupying the study area. To ensure burrowing owl remain absent from the study area, a pre-construction clearance survey is recommended to be conducted.

Crotch's Bumble Bee

Crotch's bumble bee is a candidate species for listing status by the CESA. It is a colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south through Baja California. Crotch's bumble bee inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. This species feeds on a variety of annual and perennial plant species, classifying it as a dietary generalist. It usually nests underground, often in abandoned rodent dens. Queens are active from March to May, with peak activity occurring in April; workers are active from April to August, with peak activity occurring between May and June; and males are active from May to September, with peak activity occurring in July.

Generally, for all bumble bee species, high-quality habitat has three major components: a diverse supply of flowers for nectar and pollen, nesting locations, and subterranean spaces for overwintering queens (Hatfield et al. 2012). Based on the results of the survey, it was determined that the study area does not provide suitable habitat for Crotch's bumble bee. No bumble bees were observed within the study area during the field investigation and no focused surveys are recommended.

Special-Status Plant Communities

According to the CNDDB, five (5) special-status plant communities have been reported in the Corona North and Prado Dam USGS 7.5-minute quadrangles: California Willow Scrub, Southern California Arroyo Chub/Santa Ana Sucker Stream, Southern Willow Scrub, Southern Cottonwood Willow Riparian Forest, and Southern Sycamore Alder Riparian Woodland. Based on the results of the field investigation, no special-status plant communities were observed within the study area. Therefore, no special-status plant

communities will be impacted by project implementation.

DSF Suitability Assessment

A Delhi Sands flower-loving fly (DSF) suitability assessment was conducted concurrently with the biological resources assessment to evaluate the quality or purity of soils in the study area and for their potential to support DSF. The eastern limits of the Project Site are mapped as being underlain by Delhi fine sand soils.

As a result of historic land uses, soils underlying the study area have been heavily mixed with alluvial soils (Hilmar fine loamy sand) and compacted. In addition, the majority of the site is developed and mostly consists of heavily disturbed soils from agricultural and cattle use with no undisturbed soils present. Undeveloped areas support recently graded, disturbed land with remnant agricultural fields. Further, the study area is surrounded by additional development and no longer has connectivity to upwind areas containing Delhi Sands soils, areas subjected to Aeolian processes, or areas supporting DSF populations. Since the study area does not support open areas of undisturbed Delhi sands soils and has been heavily disturbed and developed, it was determined that the study area does not support suitable habitat for DSF and DSF is presumed absent from the study area. The study area no longer supports clean Delhi Sand soils and was rated as unsuitable habitat with a habitat rating of 1. No further actions or focused surveys are recommended.

Critical Habitat

Under the federal Endangered Species Act, “Critical Habitat” is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the United States Fish and Wildlife Service (USFWS) regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a CWA Permit from the Corps). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with USFWS.

The study area is not located within federally designated Critical Habitat. The nearest Critical Habitat designation is located approximately 3.4 miles to the south for least Bell’s vireo (*Vireo Bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). Refer to Exhibit 6, *Critical Habitat*, in Attachment A. Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

City of Ontario Municipal Code - Tree Preservation

Municipal Code, Section 6.05.020

Section 6.05.020, Tree Preservation Policy and Protection Measures, of the Ontario Development Code

establishes policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City. A Heritage Tree is one that is designated for preservation as a tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

- It is one of the largest or oldest trees of species located within the City and has a trunk diameter of 18 inches or greater when measured at 54 inches above grade;
- It has a historical significance due to association with a historic building, site, street, person, or event;
- It is a defining landmark or significant outstanding feature of a neighborhood or district, typical of early Ontario Landscapes. This includes Camphor Tree (*Cinnamomum camphora*), Deodar Cedar (*Cedrus deodara*), London Planetree (*Platanus acerifolia*), Cork Oak (*Quercus suber*), Holly Oak (*Quercus ilex*), and California Pepper (*Schinus molle*);
- It is a Native Tree. This means that it is one of the following California native tree species with a trunk diameter of more than 8 inches, measured at 54 inches above natural grade: California Sycamore (*Platanus racemose*), Torrey Pine (*Pinus torreyana*), Coast Live Oak (*Quercus agrifolia*), Engelmann Oak (*Quercus engelmannii*), Valley Oak (*Quercus lobata*), or California Bay (*Umbellularia californica*).

Healthy Heritage Trees that are approved for removal shall be replaced with new trees with a total trunk diameter equal to the tree(s) removed, or as deemed appropriate by the Approve Authority based on lot size and available planting space. Replacement trees are to be in addition to the quantity of trees required for landscaping. The Approving Authority is responsible for reviewing the landscape plan and approving appropriate species for tree replacement (The Ontario Plan 2022).

A tree inventory will be required and prepared by a City approved certified arborist or qualified horticulturalist, to determine the presence/absence of Heritage Trees including assessment of health, structure, condition, and expected life span of all affected specimens.

City of Ontario Biological Resources Habitat Mitigation Fee

The City of Ontario has established a habitat mitigation fee to cover potential environmental impacts to the burrowing owl, DSF, raptor foraging, loss of open space, and agricultural lands. Development impact fees for new development in Ontario Ranch were adopted on June 23rd, 2003, by the City Council. The Ontario Ranch development impact fees include a habitat mitigation fee of \$4,320 per net acre for proposed residential, commercial, hotel and restaurant, office, and industrial development. Mitigation fees are collected by the City of Ontario and deposited into a trust fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value.

The Project Site is located within Ontario Ranch and the applicant will need to pay habitat mitigation fees to the City.

Conclusion

Based on literature review and field survey, and existing conditions discussed in this report, implementation of the Project will have no significant impacts on federally or State listed species known to occur in the

general vicinity of the project site. Additionally, the Project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed within the study area during the field investigation.

With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the Project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Pre-Construction Burrowing Owl Clearance Survey

To ensure burrowing owl remain absent from the study area, a pre-construction burrowing owl clearance survey shall be conducted in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation. Two surveys shall be conducted, the first 14-30 days prior to ground disturbing activities and the second within 24 hours immediately before ground disturbing activities. If no burrowing owls are observed within the study area, no further review will be required.

Although not anticipated, if burrowing owl are found within the study area during the pre-construction clearance surveys, coordination will need to occur with the CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if an Incidental Take Permit Under Section 2081 of the CESA will need to be prepared and approved by CDFW.

Pre-Construction Focused Bat Survey

Potential impacts to foraging habitat for bat species would be mitigated to a level of less than significant following implementation of Mitigation Measure.

Prior to implementation of project activities, a qualified biologist shall be retained to determine whether potential roosting sites for bats may be affected. For large ornamental trees and palms suitable for bat roosting/nursery, exit counts and acoustic surveys shall be performed prior to initial ground disturbance, vegetation or structure removal to determine whether the project site and a 300-foot buffer supports a nursery or roost, and by which species. This work will occur between late -spring and late summer and/or in the fall (generally mid-March through late October).

If the results of the bat survey find a total of a single roosting individual of a special-status bat species or 25 or more individuals of a non-special status bat species with potential to be present in the project site (i.e., hoary bat, western yellow bat), a Bat Management Plan shall be developed to ensure mortality to bats does not occur. For each location confirmed to be occupied by bats, the plan will provide details both in text and graphically where exclusion devices/and or staged tree removal will need to occur, the timing for exclusion work and the timeline and methodology needed to exclude the bats. The plan will need to be reviewed and approved by CDFW prior to disturbance of the roosts.

Tree Inventory and Preservation Plan

Pursuant to the City of Ontario Municipal Code, Section 6.05.020, Tree Preservation Policy and Protection Measures, a tree inventory will be required and prepared by a City approved certified arborist or qualified horticulturalist, to determine the presence/absence of Heritage Trees including assessment of health, structure, condition, and expected life span of all affected specimens.

If Heritage Trees are identified as occurring, a Tree Inventory and Preservation Plan shall prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site, and shall be reviewed and approved by the Approving Authority for the corresponding application request.

The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 feet of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify Tree Protection Areas and trees requested to be removed, and shall show replacement trees consistent with Municipal Code requirements.

City of Ontario Biological Resources Habitat Mitigation Fee

The Proposed Project is located within Ontario Ranch and will need to pay habitat mitigation fees to the City.

Please do not hesitate to contact Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis J. McGill'.

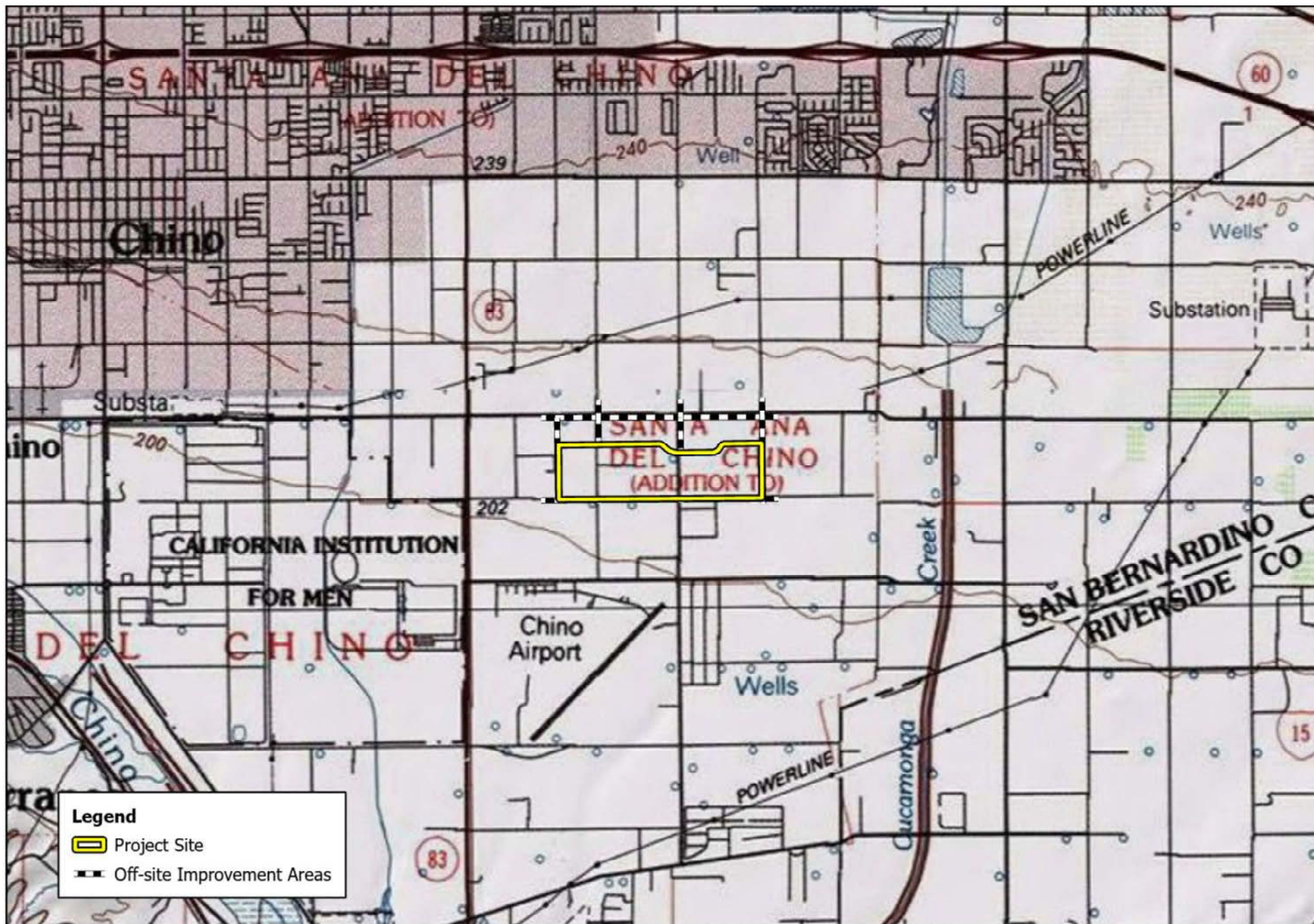
Travis J. McGill | Director

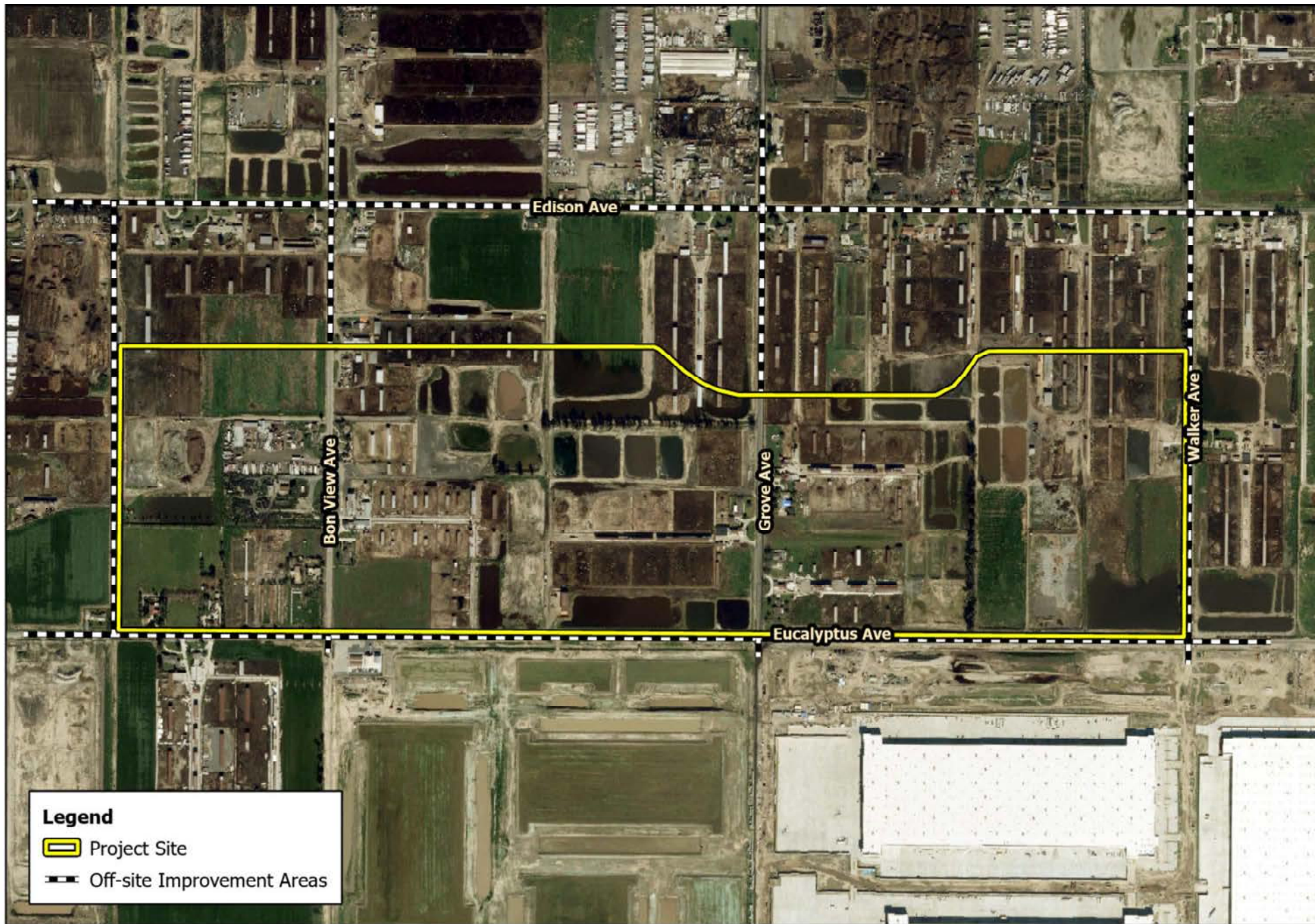
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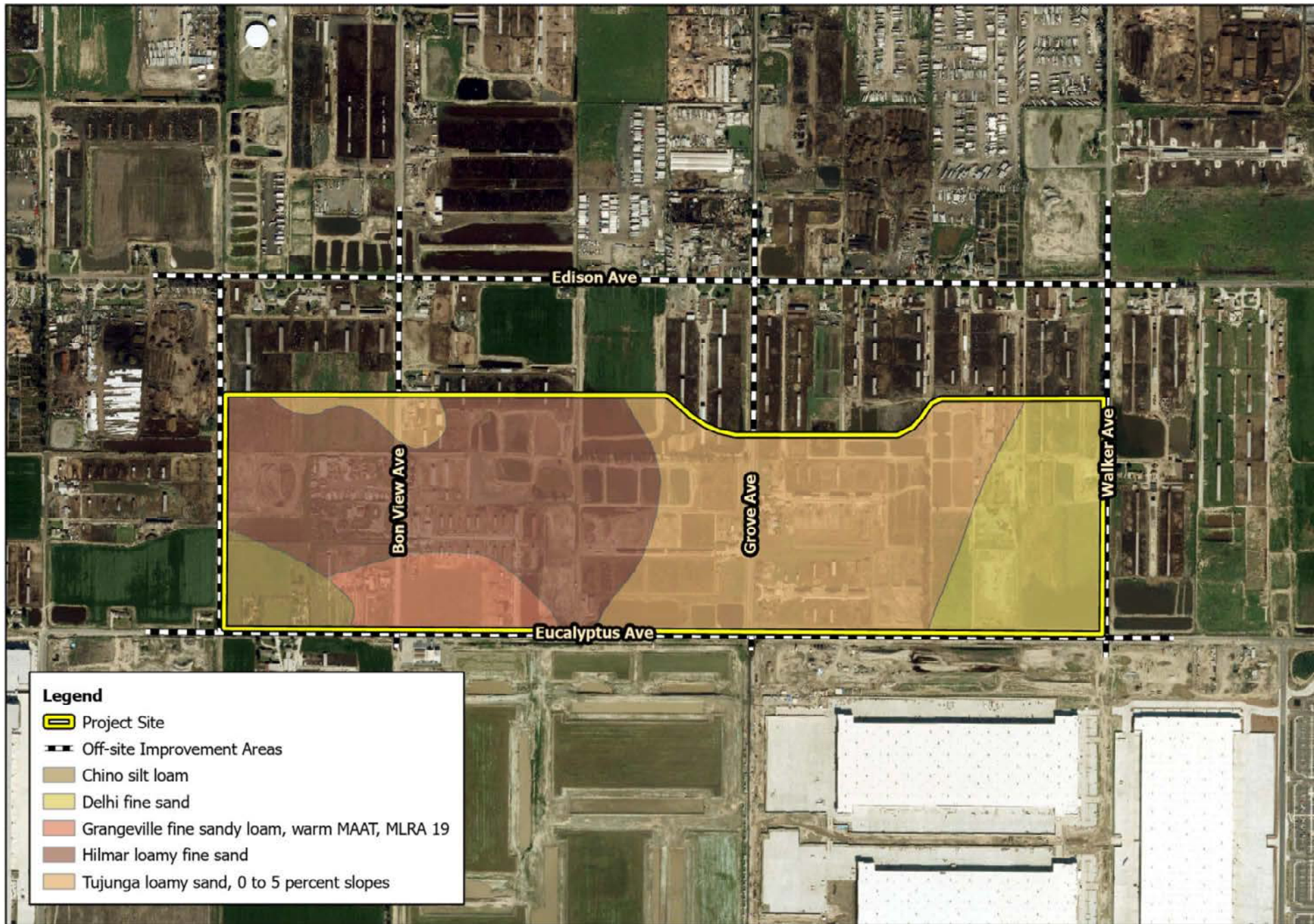
- A. *Project Exhibits*
- B. *Site Plan*
- C. *Site Photographs*
- D. *Potentially Occurring Special-Status Biological Resources*
- E. *Regulations*

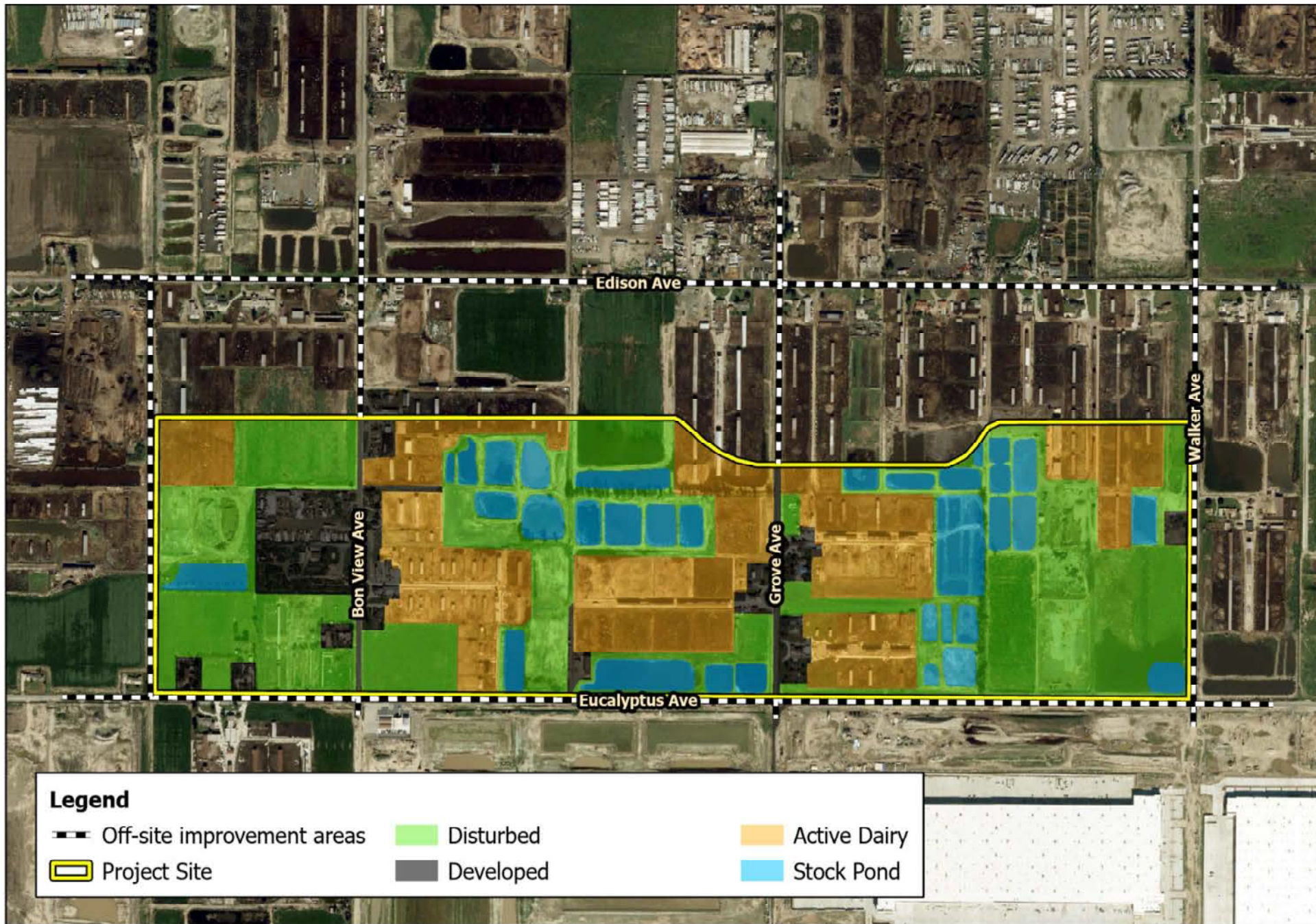
Attachment A

Project Exhibits



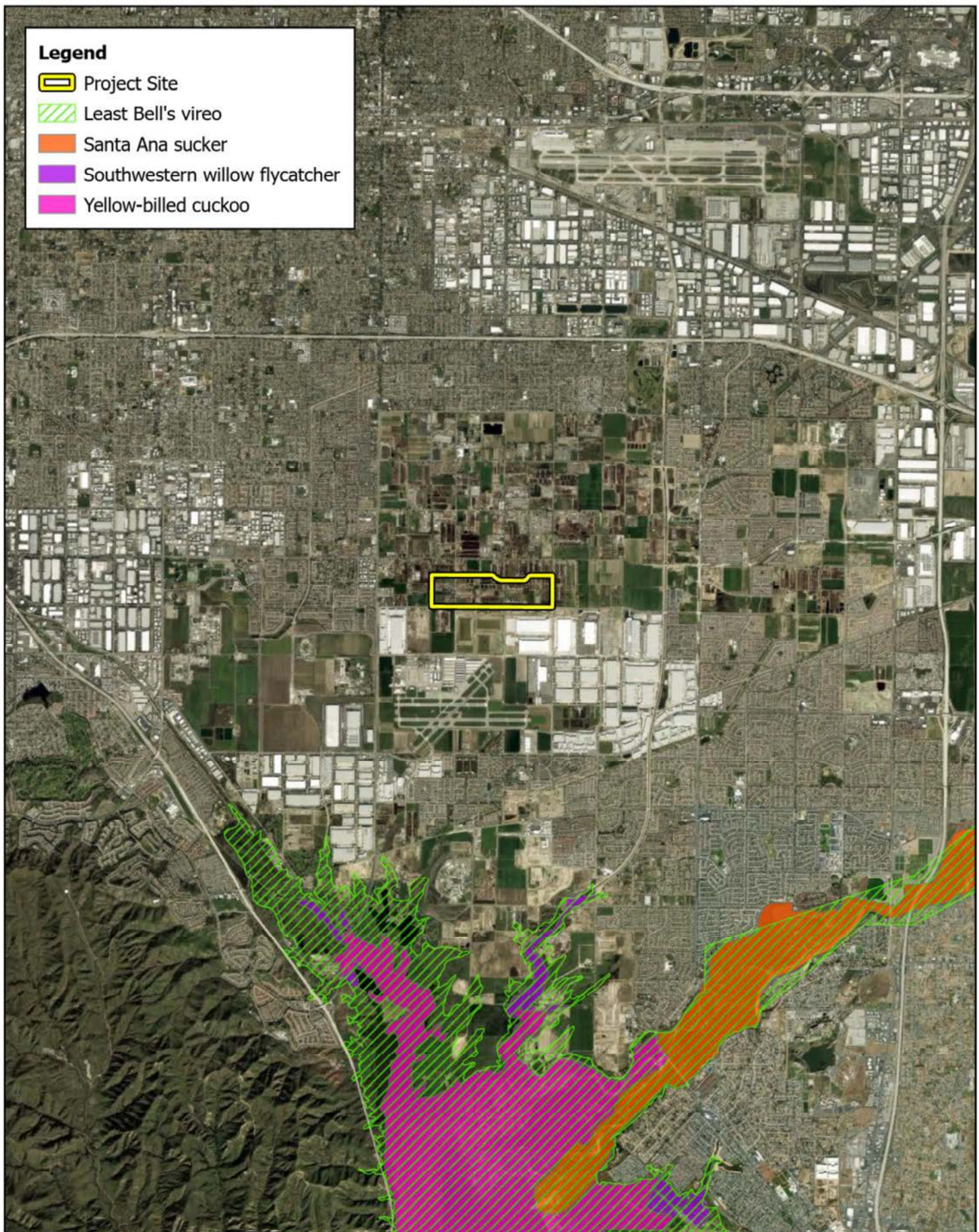






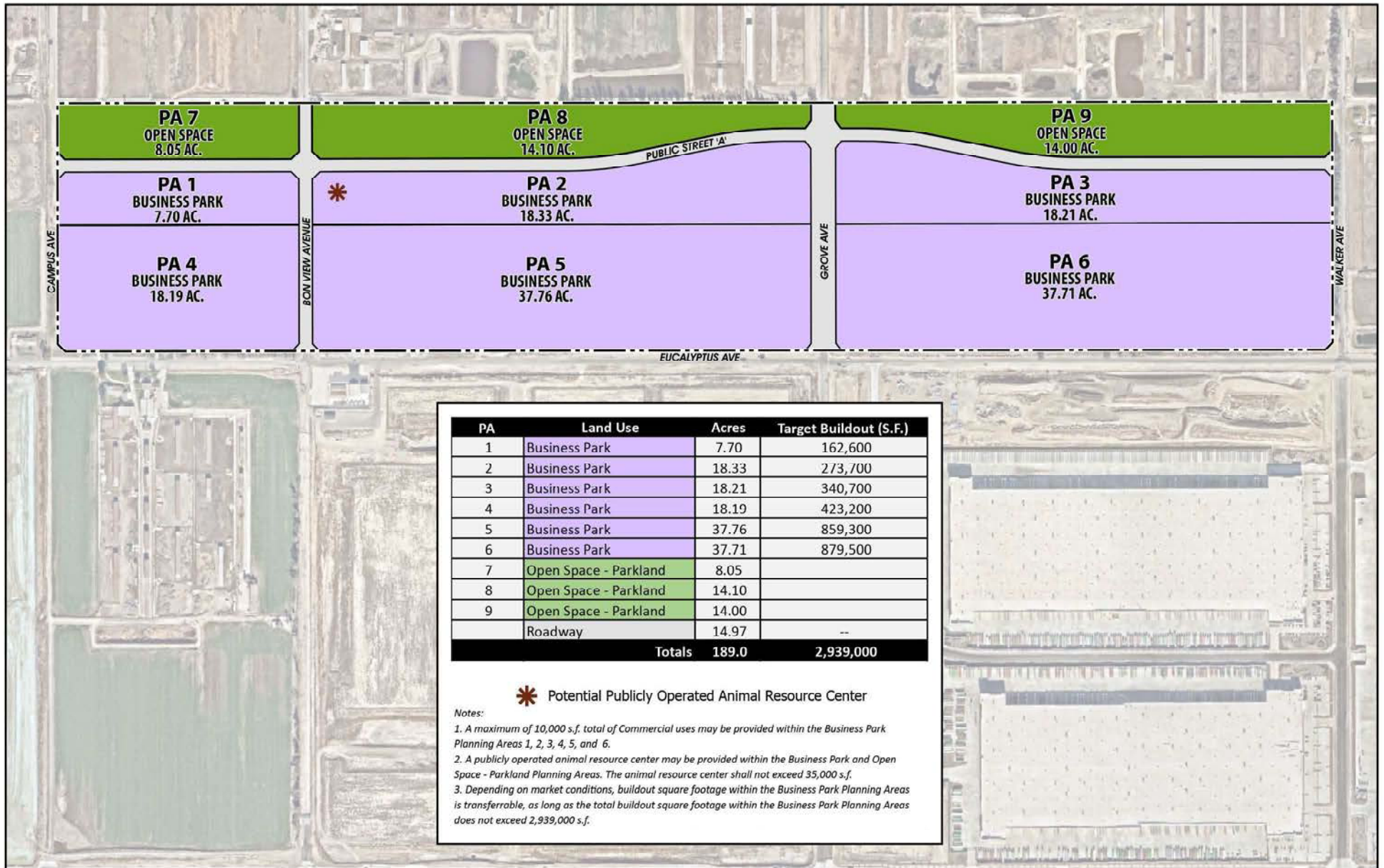
Legend

- | | | |
|----------------------------|-----------|--------------|
| Off-site improvement areas | Disturbed | Active Dairy |
| Project Site | Developed | Stock Pond |



Attachment B

Site Plans



Source(s): ESRI, Nearmap Imagery (January 2025), Michael Baker (11-20-2025)



0 175 350 700
Feet

Conceptual Land Use Plan

Attachment C

Site Photographs



Photograph 1: From the northwest region of the project site, looking through an area supporting dairy cattle onsite.



Photograph 2: From the northwest region of the project site looking east.



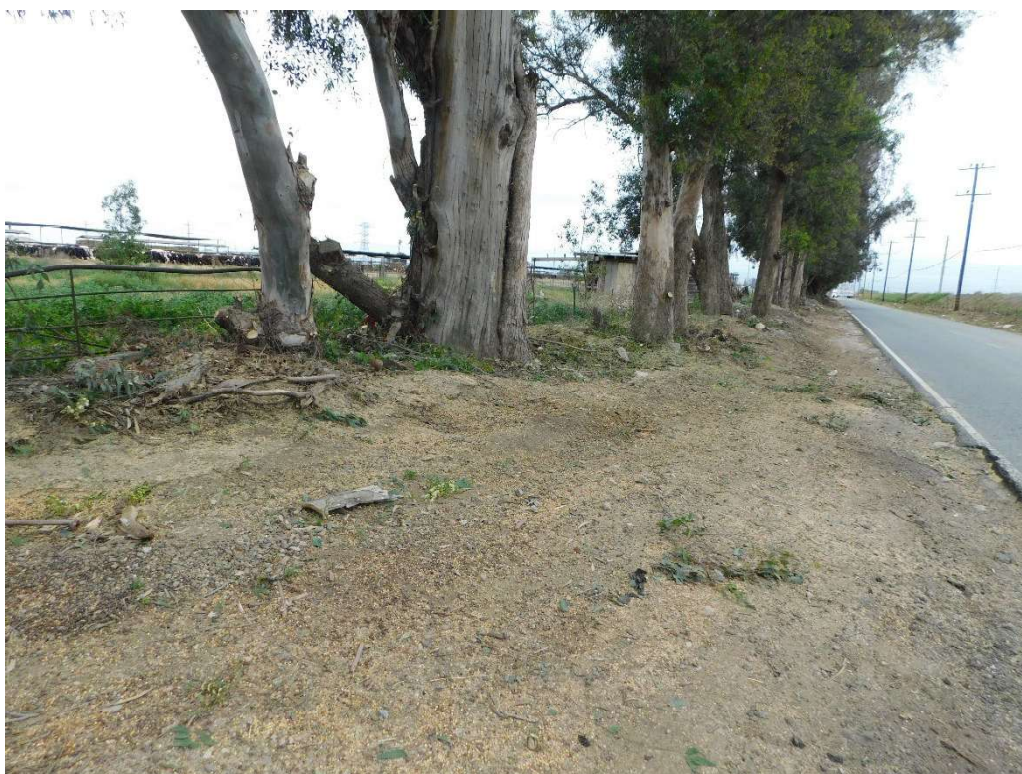
Photograph 3: From the northwest portion of the project site looking south.



Photograph 4: From the middle of the northern boundary of the project site looking south along South Grove Avenue.



Photograph 5: From the northeast region of the project site, looking west through disturbed areas onsite.



Photograph 5: From the middle of the eastern boundary, looking north along Walker Avenue.



Photograph 7: From the northeast corner of the project site, looking south along the eastern boundary and Walker Avenue.



Photograph 8: From the southeast corner of the project site looking west along Eucalyptus Avenue.



Photograph 9: From the southeast corner of the project site looking north along Walker Avenue.



Photograph 10: From the southwest corner of the project site looking north along the western boundary.



Photograph 11: A stock pond in the northeast corner of the project site.



Photograph 12: The eucalyptus tree stand along the eastern boundary of the project site which supports a red-tailed hawk nest.

Attachment D

Potentially Occurring Special-Status Biological Resources

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

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
SPECIAL-STATUS WILDLIFE SPECIES				
<i>Accipiter cooperii</i> Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	Moderate The study area provides suitable foraging opportunities and nesting opportunities are present within site boundaries. This species is adapted to agricultural areas and occurs commonly.
<i>Accipiter striatus</i> sharp-shinned hawk	Fed: None CA: WL	Found in pine, fir and aspen forests. They can be found hunting in forest interior and edges from sea level to near alpine areas. Can also be found in rural, suburban and agricultural areas, where they often hunt at bird feeders. Typically found in southern California in the winter months.	No	Moderate The study area provides suitable foraging opportunities. This species does not nest in the region. This species is adapted to agricultural areas and occurs commonly.
<i>Actinemys pallida</i> southwestern pond turtle	Fed: None CA: SSC	Found in ponds, marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation, below 6,000 feet elevation; need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.3 mile from water for egg laying	No	Presumed Absent No suitable habitat is present within the study area.
<i>Agelaius tricolor</i> tricolored blackbird	Fed: None CA: THR	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (<i>Artemisia californica</i>), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Ammodramus savannarum</i> grasshopper sparrow	Fed: None CA: SSC	Occurs in grassland, upland meadow, pasture, hayfield, and old field habitats. Optimal habitat contains short- to medium-height bunch grasses interspersed with patches of bare ground, a shallow litter layer, scattered forbs, and few shrubs. May inhabit thickets, weedy lawns, vegetated landfills, fence rows, open fields, or grasslands.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: None CA: SSC	Occurs primarily in areas with sandy or loose loamy soils under sparse vegetation of beaches, chaparral, or pine-oak woodland; or near sycamores, oaks, or cottonwoods that grow on stream terraces. Often found under or in the close vicinity of logs, rocks, old boards, and the compacted debris of woodrat nests.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Anodonta californiensis</i> California floater	Fed: None CA: None	Found in lakes and lake-like stream environments at low altitudes.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Antigone canadensis canadensis</i> lesser sandhill crane	Fed: None CA: SSC	Nest in open grasslands, such as wet meadows, and freshwater marshes or bogs. Prefer to be far from human habitation.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Aquila chrysaetos</i> golden eagle	Fed: None CA: FP;WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Ardea alba</i> great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	No	Moderate Suitable foraging habitat is present within the study area. No suitable nesting opportunities are present.
<i>Ardea herodias</i> great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills. Nests colonially in tall trees (typically Eucalyptus sp.), on cliffsides, or in isolated spots in marshes.	No	Moderate Suitable foraging habitat is present within the study area. No suitable nesting opportunities are present.
<i>Artemisiospiza belli belli</i> Bell's sparrow	Fed: None CA: WL	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral and coastal sage scrub. Less common in tall dense, old chaparral.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Asio flammeus</i> short-eared owl	Fed: None CA: SSC	Suitable habitats include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover 30 to 50 cm in height can support nesting pairs.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Asio otus</i> long-eared owl	Fed: None CA: SSC	Hunts mostly at night over grasslands and other open habitats. Nesting occurs in dense trees such as oaks and willows where it occupies stick nests of other species, particularly raptors or corvids.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Aspidoscelis hyperythra</i> orange-throated whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides, rocky hillsides, and coastal chaparral. They are typically found in hot, dry, flat open spaces. Typically, they are seen on the ground running in open spots from bush to bush, but rarely climbing on rocks or vegetation.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage such as chaparral, woodland, and riparian areas.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: SSC	Prefers habitat with short, sparse vegetation with few shrubs and well-drained soils in grassland, shrub steppe, and desert habitats. Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	Moderate Portions of the study area provide line-of-sight opportunities favored by burrowing owls and suitable burrows (>4 inches) were observed.
<i>Bombus crotchii</i> Crotch bumble bee	Fed: None CA: CE	Colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south through Baja California. Inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. This species usually nests underground, often in abandoned rodent dens.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Bombus pensylvanicus</i> American bumble bee	Fed: None CA: None	Prefers farmlands, meadows, grasslands, and open fields. Nests below grass or underground. Feeds on pollen of a wide variety of flowering plants including vetches, clovers, goldenrods, and many crop species.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Botaurus lentiginosus</i> American bittern	Fed: None CA: None	Lives in marshes and reedy lakes. Breeds in freshwater marshes, mainly large, shallow wetlands with much tall marsh vegetation such as cattails, grasses, and sedges, and areas of open shallow water. Winters in similar areas, and brackish, coastal marshes. Sometimes feeds in dry, grassy fields.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Branta bernicula</i> brant	Fed: None CA: SSC	Inhabits salt bays and estuaries and other coastal areas with protection from strong tidal events. Can also be found in freshwater lakes during their migration. Summers on the tundra along coastlines.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Buteo regalis</i> ferruginous hawk	Fed: None CA: WL	Occurs primarily in open grasslands and fields, but may be found in sagebrush flats, desert scrub, low foothills, or along the edges of pinyon-juniper woodland. Feeds primarily on small mammals and typically found in agricultural or open fields.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Buteo swainsoni</i> Swainson's hawk	Fed: None CA: THR	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Calypte costae</i> Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	Moderate Suitable foraging and nesting habitat are present within the study area.
<i>Campylorhynchus brunneicapillus sandiegensis</i> coastal cactus wren	Fed: None CA: SSC	The coastal population inhabits cactus scrub from southern Ventura County and southwestern San Bernardino County to northwestern Baja California.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Catostomus santaanae</i> Santa Ana sucker	Fed: THR CA: None	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Streams that Santa Ana Sucker inhabit are generally perennial streams with water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	Fed: None CA: None	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Chaetura vauxi</i> Vaux's swift	Fed: None CA: SSC	Prefers redwood and Douglas-fir habitats with nest-sites in large hollow trees and snags, especially tall, burned-out snags. Fairly common migrant throughout most of the state in April and May, and August and September.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Charadrius montanus</i> mountain plover	Fed: None CA: SSC	Found in short grasslands, freshly plowed fields, newly-sprouting grain fields, and sometimes in sod farms. Prefers short vegetation or bare ground with flat topography, particularly grazed areas or areas with fossorial rodents.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Circus hudsonius</i> northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	High Suitable foraging habitat is present within the study area.
<i>Cistothorus palustris clarkae</i> Clark's marsh wren	Fed: None CA: SSC	Restricted to freshwater and brackish marshes dominated by bulrushes or cattails. Has a narrow distribution along the coast of southern California from Los Angeles basin south to the Mexican border.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	Fed: THR CA: END	Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest. Nests are typically placed (72% of the time) in willows (<i>Salix</i> spp.), particularly in black willow (<i>S. gooddingii</i>), red willow (<i>S. laevigata</i>), and sandbar willow (<i>S. exigua</i>). This species typically requires large blocks of intact riparian habitat, with anything less than 37 acres in size and 328 feet wide generally considered unsuitable. Breeding season home ranges can be as much as 100 acres per individual bird. Yellow-billed cuckoos are considered rare anywhere in southern California outside of the Colorado River.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Coleonyx variegatus abbotti</i> San Diego banded gecko	Fed: None CA: SCC	Occurs in coastal and cismontane southern California from interior Ventura County south, although it is absent from the extreme outer coast. It is uncommon in coastal scrub and chaparral, most often occurring in granite or rocky outcrops in these habitats.		Presumed Absent There is no suitable habitat present within the study area.
<i>Contopus cooperi</i> olive-sided flycatcher	Fed: None CA: SSC	Uncommon to common, summer resident in a wide variety of forest and woodland habitats below 9,000 ft throughout California exclusive of the deserts, the Central Valley, and other lowland valleys and basins. Preferred nesting habitats include mixed conifer, montane hardwood-conifer, Douglas-fir, redwood, red fir, and lodgepole pine.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Coturnicops noveboracensis</i> yellow rail	Fed: None CA: SSC	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass, and rice fields.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Crotalus ruber</i> red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	Fed: None CA: None	Most often found under cover of bark, logs, stones, or boards, although it is not an active burrower. Common in open, relatively rocky areas within woodland, chaparral, forest, and grassland habitats. Also found on farms and in gardens. Restricted to springs and watercourses in arid regions.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Dipodomys simulans</i> Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Dipodomys stephensi</i> Stephens' kangaroo rat	Fed: THR CA: THR	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Egretta thula</i> snowy egret	Fed: None CA: None	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	Moderate Suitable foraging habitat is present within the study area.
<i>Elanus leucurus</i> white-tailed kite	Fed: None CA: FP	Common in savannas, open woodlands, marshes, desert grasslands, partially cleared lands, and cultivated fields. Tend to avoid heavily cleared or grazed areas. Breeds in lowland grasslands, agricultural wetlands, oak-woodland and savannah habitats.	No	Low Minimal foraging habitat present within the study area.
<i>Empidonax traillii</i> willow flycatcher	Fed: None CA: END	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Empidonax traillii brewsteri</i> little willow flycatcher	Fed: None CA: END	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 feet) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	Fed: END CA: END	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water or are at least moist.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Eremophila alpestris actia</i> California horned lark	Fed: None CA: WL	Generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types along the coast or in deserts. Trees and shrubs are usually scarce or absent. Generally rare in montane, coniferous, or chaparral habitats. Forms large flocks outside of the breeding season. Nests in hollows/scrapes on ground near hummocks or other raised earthen features.	No	Moderate Suitable habitat present within the study area.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Falco columbarius</i> merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	Low Minimal foraging habitat present within the study area.
<i>Falco mexicanus</i> prairie falcon	Fed: None CA: WL	Commonly occur in arid and semiarid shrubland and grassland community types. Also occasionally found in open parklands within coniferous forests. During the breeding season, they are found commonly in foothills and mountains which provide cliffs and escarpments suitable for nest sites.	No	Low Minimal foraging habitat present within the study area.
<i>Falco peregrinus anatum</i> American peregrine falcon	Fed: DL CA: DL; FP	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Gila orcuttii</i> arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Haliaeetus leucocephalus</i> bald eagle	Fed: DL CA: END	Occur primarily at or near seacoasts, rivers, swamps, and large lakes. Need ample foraging opportunities, typically near a large water source.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Hydroprogne caspia</i> Caspian tern	Fed: None CA: None	Occurs near large lakes, coastal waters, beaches, and bays. Found on both fresh and salt water, favoring protected waters such as bays and lagoons, rivers, not usually foraging over open sea. Nests on open ground on islands, coasts.		Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Icteria virens</i> yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Ixobrychus exilis</i> least bittern	Fed: None CA: SSC	Live mostly in freshwater and brackish marshes with tall stands of cattails or other vegetation.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover including open-canopied valley foothill hardwood, riparian, pinyon-juniper, desert riparian, creosote bush scrub, and Joshua tree woodland. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	Low Minimal foraging habitat present within the study area.
<i>Larus californicus</i> California gull	Fed: None CA: WL	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	Moderate Suitable habitat present within the study area.
<i>Lasiurus cinereus</i> hoary bat	Fed: None CA: None	Thought to prefer trees at the edge of clearings but have also been found in trees in heavy forests, open wooded glades, and shade trees along urban streets and in city parks (Anderson 2002). They roost 3 to 5 m above ground during the day, usually in the foliage of trees. They prefer dense leaf coverage above and an open area below. They also prefer trees that border clearings.	No	Low Scattered palm trees representing potential roosting habitat documented within the central region of the study area.
<i>Lasiurus frantzii</i> western red bat	Fed: None CA: SSC	Common in edge habitats adjacent to streams or open fields. Can sometimes be found in orchards an urban areas. Prefers riparian areas dominated by walnuts, oaks, willows, cottonwoods, and sycamores for roosting.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	Low Scattered palm trees representing potential roosting habitat documented within the study area.
<i>Laterallus jamaicensis coturniculus</i> California black rail	Fed: None CA: THR/FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Fed: None CA: None	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site or off-site street improvement areas.
<i>Mycteria americana</i> wood stork	Fed: None CA: SSC	Breeds in fresh and brackish forested wetlands. They forage in wetlands, swamps, ponds, and marshes with water depths of around 4–12 inches. Tend to use open wetlands more frequently for foraging than closed canopy wetlands. Roost in trees along the water's edge.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Myotis yumanensis</i> Yuma myotis	Fed: None CA: None	Found in forests and woodlands near water. Roosts in caves, buildings, mines, and crevices.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Nannopterum auritum</i> double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Nycticorax nycticorax</i> black-crowned night heron	Fed: None CA: None	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	Fed: None CA: SSC	Prefers open lowland areas near water in arid or semi-arid habitats including deserts and scrublands including pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis. Colonial roosting sites include caves, mines, and rock crevices, and to a lesser extent, buildings, bridges, and trees.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead-southern California DPS	Fed: END CA: CE	Found in permanent coastal streams from San Diego to the Smith River.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Pandion haliaetus</i> osprey	Fed: None CA: WL	Associated strictly with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. Uses large trees, snags, and dead-topped trees in open forest habitats for cover and nesting. Requires open, clear waters for foraging and uses rivers, lakes, reservoirs, bays, estuaries, and surf zones.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Passerculus sandwichensis alaudinus</i> Bryant's savannah sparrow	Fed: None CA: SSC	Occupies tidally influenced habitats, adjacent ruderal areas, moist grasslands within and just above the fog belt, and infrequently drier grasslands.	No	Presumed Absent. No suitable habitat is present within the study area.
<i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow	Fed: None CA: END	Inhabitant of rugged, rocky habitats in arid landscapes. Found in a variety of plant associations including desert shrub, woodlands, and evergreen forests. Associated with lowlands.	No	Presumed Absent. No suitable habitat is present within the study area.
<i>Pelecanus erythrorhynchos</i> American white pelican	Fed: None CA: SSC	Locally common winter resident of southern California. Typically forage in shallow inland waters, such as open areas in marshes and along lake or river edges. Also occur in shallow coastal marine habitats.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Piranga rubra</i> summer tanager	Fed: None CA: None	Breeds in open spaces of woodlands and forest edges. Prefers oaks and riparian woodlands of cottonwood and willow.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Plegadis chihi</i> white-faced ibis	Fed: None CA: WL	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded pastures and croplands. Nests in dense, fresh emergent wetland.	No	Moderate Suitable habitat present within the study area.
<i>Poliophtila californica californica</i> coastal California gnatcatcher	Fed: THR CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (<i>Artemisia californica</i>). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. Ranges from the Ventura County, south to San Diego County and northern Baja California and it is less common in sage scrub with a high percentage of tall shrubs. Prefers habitat with more low-growing vegetation.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Pyrocephalus rubinus</i> vermillion flycatcher	Fed: None CA: SSC	Can be found in any open country in the American Southwest, including arid scrublands, farmlands, deserts, parks, and canyon mouths. In more arid areas, species prefers areas near streams or other sources of water. Nests in trees usually 6 to 20 feet aboveground along stream corridors.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Salvadora hexalepis virgulata</i> coast patch-nosed snake	Fed: None CA: SSC	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains. Requires friable soils for burrowing.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Selasphorus rufus</i> rufous hummingbird	Fed: None CA: None	Breed in open or shrubby areas, forest openings, yards, and parks. During migration they are commonly found in disturbed areas where its food flowers are in bloom. Breeds in the northeastern United States and Canada.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Setophaga petechia</i> yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Spea hammondi</i> western spadefoot	Fed: PT CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Spinus lawrencei</i> Lawrence's finch	Fed: None CA: None	Typical habitats include valley foothill hardwood, valley foothill hardwood-conifer, and, in southern California, desert riparian, palm oasis, pinyon-juniper, and lower montane habitats. Nearby herbaceous habitats often used for feeding. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Taricha torosa</i> Coast Range newt	Fed: None CA: SSC	Found in coastal areas and coastal range mountains in oak forests, woodlands, or rolling grasslands. In the terrestrial phase they live in moist to dry habitats under woody or leafy debris, in rock crevices, and in animal burrows.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Thamnophis sirtalis</i> pop. 1 south coast gartersnake	Fed: None CA: SSC	Found in areas with permanent water, low gradient topography, and dense multistoried riparian vegetation. Restricted to shallow, freshwater aquatic habitats such as wetlands and marshes. Requires open water for foraging.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: END CA: END	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Xanthocephalus xanthocephalus</i> yellow-headed blackbird	Fed: None CA: SSC	Uncommon yearlong resident of southern California throughout freshwater emergent wetlands, and moist, open areas along agricultural areas, and mudflats of lacustrine habitats. Prefers to nest in dense wetland vegetation characterized by cattails, tules, or other similar plant species along the border of lakes and ponds.	No	Presumed Absent There is no suitable habitat present within the study area.
SPECIAL-STATUS PLANT SPECIES				
<i>Abronia villosa</i> var. <i>aurita</i> chaparral sand-verbena	Fed: None CA: None CNPS: 1B.1	Sandy; Chaparral, Coastal scrub, Desert dunes; Elevation range: 245 to 5250 feet; Blooming period: (Jan)Mar-Sep.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Astragalus brauntonii</i> Braunton's milk-vetch	Fed: END CA: None CNPS: 1B.1	Restricted to carbonate soils of the foothills of the southern California mountains. Occurs in disturbed chaparral, coastal sage scrub, and closed-cone forests, and generally occurs at the top of knolls. Blooming period is from January to August.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Atriplex coulteri</i> Coulter's saltbush	Fed: None CA: None CNPS: 1B.2	Grows in alkaline or clay soils within coastal bluff scrub, coastal dunes, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 10 to 1,510 feet. Blooming period is from March to October.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Calochortus catalinae</i> Catalina mariposa-lily	Fed: None CA: None CNPS: 4.2	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland; Elevation range: 50 to 2295 feet; Blooming period: (Feb)Mar-Jun.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Calochortus weedii</i> var. <i>intermedius</i> intermediate mariposa-lily	Fed: None CA: None CNPS: 1B.2	Found in coastal and peninsular ranges, Grows in heavy rocky soils from sea level to 6,200 feet. Blooms from June to July.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Calystegia felix</i> lucky morning-glory	Fed: None CA: None CNPS: 1B.1	Grows within meadows and seeps (sometimes alkaline) and riparian scrub (alluvial) habitats. Found at elevations ranging from 100 to 705 feet. Blooming period is from March to September.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Calystegia sepium</i> ssp. <i>binghamiae</i> Santa Barbara morning-glory	Fed: None CA: None CNPS: 1A	Grows in coastal communities, especially coastal salt marsh, and wetland-riparian areas. Blooms from April to May.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Camissoniopsis lewisii</i> Lewis' evening primrose	Fed: None CA: None CNPS: 3	Native to southern California and Baja California. Grows in coastal habitat and on grasslands of inland mountain ranges in sandy or clayish substrates below 1,000 feet. Blooms from March to June.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Centromadia pungens</i> ssp. <i>laevis</i> smooth tarplant	Fed: None CA: None CNPS: 1B.1	Alkaline; Chenopod scrub, Meadows and seeps, Playas, Riparian woodland, Valley and foothill grassland; Elevation range: 0 to 2100 feet; Blooming period: Apr-Sep.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Convolvulus simulans</i> small-flowered morning glory	Fed: None CA: None CNPS: 4.2	Restricted to clay and serpentine substrates in annual grassland, coastal sage scrub, and chaparral communities within Arizona, California, and Baja California. Blooms from March to July.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Deinandra paniculata</i> paniculate tarplant	Fed: None CA: None CNPS: 4.2	Sandy (sometimes), Vernal Mesic (usually); Coastal scrub, Valley and foothill grassland, Vernal pools; Elevation range: 80 to 3085 feet; Blooming period: (Mar)Apr-Nov.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Dudleya multicaulis</i> many-stemmed dudleya	Fed: None CA: None CNPS: 1B.2	Clay (often); Chaparral, Coastal scrub, Valley and foothill grassland; Elevation range: 50 to 2590 feet; Blooming period: Apr-Jul.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> Santa Ana River woollystar	Fed: END CA: END CNPS: 1B.1	Gravelly (sometimes), Sandy (sometimes); Chaparral, Coastal scrub (alluvial fans); Elevation range: 300 to 2000 feet; Blooming period: Apr-Sep.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Juglans californica</i> southern California black walnut	Fed: None CA: None CNPS: 4.2	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland; Elevation range: 165 to 2955 feet; Blooming period: Mar-Aug.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Chaparral, Coastal scrub; Elevation range: 5 to 2905 feet; Blooming period: Jan-Jul.	No	Presumed Absent There is no suitable habitat present within the study area.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Microseris douglasii</i> ssp. <i>platycarpa</i> small-flowered microseris	Fed: None CA: None CNPS: 4.2	Grows in clay soils within cismontane woodland, coastal scrub, valley and foothill grasslands, and vernal pool habitats. Found at elevations ranging from 50 to 3,500 feet. Blooming period is from March to May.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Mondardella australis</i> ssp. <i>jokerstii</i> Jokerst's monardella	Fed: None CA: None CNPS: 1B.1	Found along the coast within dunes and coastal strand communities. Blooms from May to September.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Pseudognaphalium leucocephalum</i> white rabbit-tobacco	Fed: None CA: None CNPS: 2B.2	Gravelly, Sandy; Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland; Elevation range: 0 to 6890 feet; Blooming period: (Jul)Aug-Nov(Dec).	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Romneya coulteri</i> Coulter's matilija poppy	Fed: None CA: None CNPS: 4.2	Grows in dry canyons, slopes, and sandy washes within chaparral and coastal sage scrub plant communities below 4000 feet. Can also be found in recently burned areas. Common as an ornamental choice in gardens and parks. Blooms from March to August.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Sidalcea neomexicana</i> Salt Spring checkerbloom	Fed: None CA: None CNPS: 2B.2	Habitat includes chaparral, coastal scrub, lower montane coniferous forest, plays, and mojavean desert scrub. Found at elevations ranging from 49 to 5,020 feet. Blooming period is from March to June.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Symphytotrichum defoliatum</i> San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Streambanks; Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Marshes and swamps, Meadows and seeps, Valley and foothill grassland (vernally mesic); Elevation range: 5 to 6695 feet; Blooming period: Jul-Nov.	No	Presumed Absent There is no suitable habitat present within the study area.
<i>Yucca brevifolia</i> western Joshua tree	Fed: None CA: CTH CNPS: CBR	Occurs in a variety of arid habitats within the Mojave Desert. Found at elevations ranging from 1,600 to 6,600 feet. Blooming period is from March to June.	No	Presumed Absent No suitable habitat is present within the study area.
SPECIAL-STATUS PLANT COMMUNITIES				
Southern California Arroyo Chub/Santa Ana Sucker Stream	CDFW Sensitive Habitat	Characterized by a functioning hydrological system that experiences peaks and ebbs in the water volume throughout the year; a mosaic of loose sand, gravel, cobble, and boulder substrates in a series of riffles, runs, pools and shallow sandy stream margins; water depths greater than 1.2 inches and water bottom velocities of more than 0.01 feet per second; non-turbid conditions or only seasonally turbid water; water temperatures less than 86° Fahrenheit; and stream habitat that includes algae, aquatic emergent vegetation, macroinvertebrates, and riparian vegetation.	No	Absent
Southern Cottonwood Willow Riparian Forest	CDFW Sensitive Habitat	Dominated by cottonwood (<i>Populus</i> spp.) and willow (<i>Salix</i> spp.) trees and shrubs. Considered to be an early successional stage as both species are known to germinate almost exclusively on recently deposited or exposed alluvial soils.	No	Absent

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Occurs below 2,000 meters in elevation, sycamore and alder often occur along seasonally flooded banks; cottonwoods and willows also are often present. Poison-oak, mugwort, elderberry and wild raspberry may be present in the understory.	No	Absent
California Walnut Woodland	CDFW Sensitive Habitat	Includes species such as live oak (<i>Quercus virginiana</i>), toyon (<i>Heteromeles arbutifolia</i>), and southern California black walnut (<i>Juglans californica</i>). Contains mostly shrubs and very few woody tree species with a dominant grass understory. Occurs in valleys and on south-facing slopes.	No	Absent
Southern Willow Scrub	CDFW Sensitive Habitat	Occurs on loose, sandy, or fine, gravelly alluvium deposited near stream channels during flood flows. Characterized by frequent flooding which prevents succession of riparian woodland or forest. Generally along stream banks, benches, slope seeps, rivers, broad drainages, and floodplains.	No	Absent

U.S. Fish and Wildlife Service (USFWS) - Federal

END - Federally Endangered
 THR - Federally Threatened
 PT - Proposed Threatened
 DL - Delisted

California Department of Fish and Wildlife (CDFW) - California

END - State Endangered
 CE - State Candidate Endangered
 SSC - Species of Special Concern
 WL - Watch List
 FP - Fully Protected

**California Native Plant Society (CNPS)
California Rare Plant Rank**

1A Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
 1B Plants Rare, Threatened, or Endangered in California and Elsewhere
 2B Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
 3 Plants about which we need more information
 4 Plants of Limited Distribution – A Watch List

Threat Ranks

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

Attachment E

Regulations

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

Federal Regulations

Endangered Species Act of 1973

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

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

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

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

Migratory Bird Treaty Act

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

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

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

State Regulations

California Environmental Quality Act (CEQA)

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

California Endangered Species Act (CESA)

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

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

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

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

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

Fish and Game Code

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

Native Plant Protection Act

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

California Native Plant Society Rare and Endangered Plant Species

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

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

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

Threat Ranks

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

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

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of “Waters of the United States”; Conforming (September 8, 2023), “waters of the United States” are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:

- (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (ii) The territorial seas; or
- (iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under [paragraph \(a\)\(5\)](#) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

- (i) Waters identified in [paragraph \(a\)\(1\)](#) of this section; or
- (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not “waters of the United States” even where they otherwise meet the terms of [paragraphs \(a\)\(2\)](#) through [\(5\)](#) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted

cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.*, gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) **Adjacent** means having a continuous surface connection

(3) **High tide line** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) **Ordinary high water mark** means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) ***Tidal waters*** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Section 401 of the Clean Water Act

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

State Regulations

Fish and Game Code

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

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

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

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

Porter Cologne Act

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