



August 23, 2024

GFR HOMES

Attention: *Arlene Anaya*
434 North 2nd Avenue
Upland, California 91786

SUBJECT: Biological Resources Assessment for Tentative Tract Map No. 20707 located in San Bernardino, San Bernardino County, California

Introduction

This report contains the findings of ELMT Consulting's (ELMT) habitat assessment for Tentative Tract Map (TTM) No. 20707 located in the City of San Bernardino, San Bernardino County, California. The field investigation was conducted by biologists Rachael A. Lyons and Andrew N. Mestas on July 22, 2024, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the proposed project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the on-site habitat to support California gnatcatcher (*Poliophtila californica californica*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), and other special-status species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) and other electronic databases as potentially occurring on or within the general vicinity of the project site.

Project Location

The project site is generally located north of Interstate 215, south of the San Bernardino National Forest, east of Interstate 15, and west of State Route 18 in the Verdmont area in the City of San Bernardino, San Bernardino County, California. The project site is depicted on San Bernardino North quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 35 of Township 2 north, Range 5 west. Specifically, the project site is located north of Meyers Road, at the terminus of Little League Drive within Assessor Parcel Numbers (APNs) 0348-121-14, 0348-121-27, 0348-121-28, 0261-011-02, and 0261-011-03. Refer to Exhibits 1-3 in Appendix A.

Project Description

The project proposes the development of TTM No. 20707, a residential subdivision encompassing approximately 107.7 acres in the Verdmont area of the City of San Bernardino. Refer to Attachment B, *Site Plan*.

¹ As used in this report, "special-status" refers to plant and wildlife species that are federally, State, and MSHCP 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.

Methodology

Literature Review

Prior to conducting the field study, species and habitat information was gathered a literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project were determined through a query of the CDFW's CNDDDB Rarefind 5, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings for the *San Bernadino North* and *Devore* USGS 7.5-minute quadrangles. These two quadrangles were queried due to the proximity of the project site to quadrangle boundaries and regional topography.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred on the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Environmental Protection Agency (EPA) Water Program “My Waters” data layers
- Google Earth Pro historic aerial imagery (1985-2023);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI);

The literature review provided a baseline from which to inventory the biological resources potentially occurring on the project site. The CNDDDB 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. Please refer to Attachment E, for a list of regulations governing the proposed project.

Field Investigation

Following the literature review, biologists Rachael A. Lyons and Andrew N. Mestas inventoried and evaluated the condition of the habitat within the project site on July 22, 2024. Plant communities identified on aerial photographs during the literature review were verified by walking meandering transects through the plant communities and along boundaries between plant communities. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field survey.

All plant and wildlife species observed, as well as dominant plant species within each plant community,

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.

were recorded. Plant species observed during the field survey were identified by visual characteristics and morphology in the field. Unusual and less familiar plant species were photographed during the field survey and identified in the laboratory using taxonomical guides. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities, and presence of potential jurisdictional drainage and/or wetland features were noted.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field survey using the USDA NRCS Soil Survey for San Bernardino County Southwestern Part, California, and San Bernardino National Forest Area, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

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.

Plants

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

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).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation 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 project site.

Topography and Soils

The project site occurs on the southwestern foothills of the San Bernardino Mountains and ranges in elevation from approximately 1,962 to 2,205 feet above mean sea level, generally sloping from north to south. The northern and eastern portions support steep slopes, ridgelines, shallow valleys and rolling hills.

Based on the NRCS USDA Web Soil Survey, the project site is underlain by Cieneba sandy loam (9 to 15% slopes), Hanford coarse sandy loam (9 to 15% slopes), Soboba gravelly loamy sand (0 to 9% slopes), and Tujunga gravelly loamy sand (0 to 9 percent slopes). Soils underlying the site vary from undisturbed to heavily disturbed due to historic and ongoing disturbances such as historical agricultural land use, disking, weed abatement, grading, unpaved access roads, surrounding development and construction. Refer to Exhibit 4, *Soils* in Attachment A.

Existing Site Conditions

The proposed project site occurs in the northern periphery of the Verdemont area in the City of San Bernardino. This area was historically dominated by agricultural land uses and has experienced significant urbanization in recent decades. Due to high topographic variability, land to the north and east of the site typically supports vacant, undeveloped land and a natural Riversidean Sage Scrub plant community, while land to the south and west of the site is primarily comprised of residential development. The site is bounded to the north and east by undeveloped, vacant land and local infrastructure; to the west by ongoing construction, and to the south by residential tract developments. In addition, an unnamed ephemeral drainage (Drainage 1) runs through the eastern portion of the project site. The site itself supports existing undeveloped land that has been subject to a variety of anthropogenic disturbances including historical agricultural land use, disking, weed abatement, grading, unpaved access roads, surrounding development and construction.

Vegetation

The project site supports three (3) plant communities that can be classified as Riversidean sage scrub, chaparral, chaparral, and sycamore woodland (refer to Exhibit 5, *Vegetation* in Attachment A). In addition, the site supports one (1) land cover type that would be classified as disturbed. Refer to Attachment C, *Site Photographs*, for representative site photographs.

Chaparral

A chaparral plant community is supported in the eastern region of the project site and in less disturbed areas along the northern boundary. The chaparral plant community on-site ranges in vegetative density from fairly open to somewhat dense and is dominated by large perennial woody perennial species such as California buckwheat (*Eriogonum fasciculatum*) chamise (*Adenostoma fasciculatum*), inland scrub oak (*Quercus berberidifolia*), and black sage (*Salvia mellifera*). Other common plant species observed in this plant community include deerweed (*Acmispon glaber*), California sagebrush (*Artemisia californica*), hoary leaved ceanothus (*Ceanothus crassifolius*), birch leaf mountain mahogany (*Cercocarpus betuloides*),

California buckwheat (*Eriogonum fasciculatum*), chaparral yucca (*Hesperoyucca whipplei*), Southern California black walnut (*Juglans californica*), hairy horsebrush (*Tetradymia comosa*), laurel sumac (*Malosma laurina*), chaparral whitethorn (*Ceanothus leucodermis*), hollyleaf redberry (*Rhamnus illicifolia*), elderberry (*Sambucus mexicana*), and poison oak (*Toxicodendron diversilobum*).

Riversidean Sage Scrub

The northeast and southeast boundaries of the project site support a Riversidean sage scrub plant community. This plant community is dominated by lower-growing shrub species such as deerweed, California sagebrush, and black sage. Other common species observed in this plant community include many of the species observed in the chaparral community, notably chamise and California buckwheat. Additional species found in the Riversidean sage scrub community onsite include common sunflower (*Helianthus annuus*), yerba santa (*Eriodictyon californicum*), sugar bush (*Rhus ovata*), Peruvian pepper (*Schinus molle*), ash (*Fraxinus sp.*), Mexican palo verde (*Parkinsonia aculeata*), and telegraph weed (*Heterotheca grandiflora*).

Sycamore Woodland

The eastern portion of the project site, outside of the proposed limits of disturbance, support a sycamore woodland plant community that coincides with the occurrence of Drainage 1. This plant community is dominated by western sycamore (*Platanus racemosa*) and supports a dense canopy layer, open shrub layer, and robust herbaceous layer. Common plant species observed in this plant community include southern California black walnut, Mexican elderberry, canyon live oak (*Quercus chrysolepis*), deerweed, California sagebrush, mule fat (*Baccharis salicifolia*), ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), downy chess (*Bromus tectorum*), common cryptantha (*Cryptantha intermedia*), eucalyptus (*Eucalyptus sp.*), common sunflower, white horehound (*Marrubium vulgare*), and poison oak (*Toxicodendron pubescens*). This plant community is located outside of the proposed limits of disturbance, therefore, impacts to this area are not expected to occur through proposed project implementation.

Disturbed

The project site primarily supports routinely disturbed land which prevents the establishment of a natural plant community. Disturbed areas onsite occur in association with a network of unpaved trails and access roads, recently graded staging and storage areas, along the southern boundary and throughout the central region of the project site. Disturbed land on-site ranges in vegetative density from barren to sparse and tends to support only weedy/early successional species. Common plant species observed in the non-native grassland plant community include wild oat (*Avena fatua*), foxtail brome (*Bromus madritensis*), red-stemmed filaree (*Erodium cicutarium*), summer mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), spotted spurge (*Euphorbia maculata*), tocolote (*Centaurea melitensis*), spiny sowthistle (*Sonchus asper*), Russian thistle (*S. tragus*), Mediterranean grass (*Schismus barbatus*), arundo (*Arundo donax*), common phacelia (*Phacelia distans*), castor bean (*Ricinus communis*), and sacred datura (*Datura wrightii*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, 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 project site. 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 survey was conducted. Wildlife detections

were based on calls, songs, scat, tracks, burrows, and direct observation.

Fish

No fish or natural hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed within the project site. Therefore, no native fish are expected to occur, and all are presumed absent.

Amphibians

Due to the ephemeral nature of Drainage 1 on site, no suitable foraging and cover habitat is available for local amphibian species. No amphibian species were observed during the field investigation.

Reptiles

The project site and surrounding area provide suitable foraging and cover habitat for local reptilian species. No reptiles were observed during the field investigation. Common reptilian species that could be expected to occur on-site include zebra-tailed lizard (*Callisaurus draconoides*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), western fence lizard (*Sceloporus occidentalis longipes*), common side-blotched lizard (*Uta stansburiana elegans*), Great Basin collared lizard (*Crotaphytus bicinctores*), San Diego alligator lizard (*Elgaria multicarinata webbiai*), western skink (*Plestiodon skiltonianus*), southern Pacific rattlesnake (*Crotalus oreganus helleri*), and San Diego gopher snake (*Pituophis catenifer annectens*).

Birds

The project site and surrounding area provide suitable foraging and nesting habitat for a variety of resident and seasonal avian species. Avian species detected during the field survey include California quail (*Callipepla californica*), Anna's hummingbird (*Calypte anna*), lesser goldfinch (*Spinus psaltria*), red-shouldered hawk (*Buteo lineatus*), California scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*) and Eurasian collared dove (*Streptopelia decaocto*).

Mammals

The project site and surrounding area provide suitable foraging and cover habitat for local mammalian species. Mammalian species detected during the field investigation include coyote (*Canis latrans*), desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Otospermophilus beecheyi*), domestic horse (*Equus caballus*), domestic dog (*Canis lupus familiaris*), and mountain lion (*Puma concolor*). Other common mammalian species that could be expected to occur on-site include mule deer (*Odocoileus hemionus*), and pallid bobcat (*Lynx rufus pallescens*). No local bat species are expected to occur onsite due to a lack of suitable roosting opportunities.

Nesting Birds and Raptors

Undisturbed areas of the project site support suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. 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 human disturbance and natural fluctuations in resources.

As mapped by the San Bernardino Countywide Plan, the project site is located within the northeast periphery of the Cajon Pass, which is identified as a Major Open Space. Open space within the Cajon Pass serves to connect habitats between the San Gabriel Mountains in the northwest, Cajon Creek to the north, San Bernardino Mountains to the northeast, and Santa Ana River to the south. While the site is generally removed from the active wash of Cajon Creek by existing urban development, Interstate 15, and associated infrastructure, a narrow linkage between the site and the bulk of Cajon Pass Major Open Space persists within Meyers Canyon, which occurs within and adjacent to the western limits of the site and is tributary to Cajon Creek via a series of ephemeral drainages and flood control channels. In addition, undeveloped land in the northern portion of the site merges with open space to the west, north and east.

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 Game 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.

One ephemeral drainage feature, Drainage 1, was observed on-site during the field investigation. Drainage 1 occurs in the eastern region of the project site and generally flows from north to south within site boundaries. Drainage 1 enters the site near the northeast corner, supported by the discharge waters of an upstream dam which consolidates flows from the San Bernardino mountains. From the northern boundary Drainage 1 flows southeast, briefly exiting the site through the eastern boundary before returning near the northeast corner, then exits again through the southern boundary. Flows within Drainage 1 are directed further southwest beyond site boundaries where they eventually join Cable Creek approximately 0.77 mile to the southwest of the project site. Drainage 1 flows for approximately 0.20 mile within site boundaries.

Drainage 1 is not a relatively permanent, standing, or continuously flowing body of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (*Sackett v. EPA* (2022) 143 S. Ct. 1322, 1336). However, this feature will qualify as waters of the State and fall under the regulatory authority of the Regional Board and CDFW.

Based on the proposed Site Plan in Attachment B, the northern portion of Drainage 1 occurs in the “Overflow Route” that will not be developed. However, the southern terminus of Drainage 1 will be impacted by project development. Impacts to Drainage 1 will require a CDFW 1602 Streambed Alteration Agreement and Report of Waste Discharge from the Regional Board.

Special-Status Biological Resources

The CNDDDB was queried for reported locations of special-status plant and wildlife species as well as natural communities of special concern in the San Bernadino North and Devore USGS 7.5-minute quadrangles. These two quadrangles were queried due to the proximity of the site to quadrangle boundaries and regional topography. A search of published records was conducted using the CDFW BIOS database and the CNPS Inventory of Rare and Endangered Plants of California that supplied information regarding the distribution and habitats of vascular plants in the vicinity of the project site. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site 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 thirty-nine (39) special-status plant species, sixty-one (61) special-status wildlife species, and three (3) special-status plant communities as having potential to occur within the San Bernadino North quadrangle and Devore quadrangles. Special-status plant and wildlife species were evaluated for their potential to occur within the project site 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 project site are presented in Attachment D: *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, thirty-nine (39) special-status plant species have been recorded in the San Bernadino North and Devore quadrangles. One special-status plant species was observed on-site during the field investigation: Southern California black walnut. Based on habitat requirements for specific species, the availability and quality of on-site habitats, and known occurrences, it was determined that the project site has a low potential to support Plummer's mariposa-lily (*Calochortus plummerae*), San Gabriel oak (*Quercus durata* var. *gabrielensis*), Catalina mariposa-lily (*Calochortus catalinae*), Palmer's mariposa-lily (*Calochortus palmeri* var. *palmeri*), La Panza mariposa-lily (*Calochortus simulans*), Mesa horkelia (*Horkelia cuneata* var. *puberula*), California satintail (*Imperata brevifolia*), and ocellated Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*). It was further determined that the project site does not have potential to support the remainder of special-status plant species known to occur in the vicinity, and all are presumed to be absent.

None of the other aforementioned species are federally or state listed as endangered or threatened; these species are CNPS Rare Plant Rank 1B-, 2B-, and 4- species, indicating that they are rare throughout their California range or elsewhere, rare throughout their California range but more common elsewhere, or are of limited distribution throughout a broad range, respectively.

The presence of southern California black walnut is described in further detail below:

Southern California Black Walnut

Southern California black walnut is a perennial deciduous tree that blooms from March to June. It is designated by the CNPS as a Rare Plant Rank 4.2 species, indicating that it is of limited or infrequent distribution throughout its California range and is moderately threatened in California with 20-80% of known occurrences threatened. This species is generally endemic to California, with possible occurrences just beyond the southern border, from 165 to 2,955 feet. It is known to inhabit primarily alluvial microhabitats within chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats.

Ten Southern California black walnuts were observed on-site during the field investigation. These individuals were primarily consolidated to undisturbed areas along the northern and eastern boundaries. Since Southern California black walnut is not a federally or state listed species, no further surveys are required, and no mitigation is recommended since it is a CNPS 4.2 species.

Special-Status Wildlife

According to the CNDDDB, sixty-one (61) special-status wildlife species have been reported in the San Bernardino North and Devore quadrangles. No special-status wildlife species were observed onsite. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site and surrounding area have a high potential to support Costa's hummingbird (*Calypte costae*) and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*); a moderate potential to support California horned lark (*Eremophila alpestris actia*) and prairie falcon (*Falco mexicanus*); and a low potential to support southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), southern California legless lizard (*Anniella stebbinsi*), California glossy snake (*Arizona elegans occidentalis*), Bell's sage sparrow (*Artemisiospiza belli belli*), orangethroat whiptail (*Aspidoscelis hyperythra*), Crotch bumble bee (*Bombus crotchii*), American bumble bee (*Bombus pensylvanicus*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*), white cuckoo bee (*Neolarra alba*), and coast horned lizard (*Phrynosoma blainvillii*). It was further determined that the project site does not have potential to support the remainder of special-status wildlife species known to occur in the vicinity, and all are presumed to be absent.

Of the aforementioned species, Crotch bumble bee is a candidate for state listing. None of the other species are federally or state listed as endangered or threatened.

In order to ensure impacts to special-status avian species do not occur from implementation of the proposed project, a pre-construction clearance survey is recommended to be conducted prior to ground disturbance. With implementation of the pre-construction clearance survey, impacts to special-status species will be less than significant and no mitigation will be required.

Due to regional significance and listing status, the potential occurrence of coastal California gnatcatcher and San Bernardino kangaroo rat are discussed in further detail below.

Coastal California gnatcatcher

California gnatcatcher is a federally threatened species with restricted habitat requirements, being an obligate resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. According to J. Atwood and J. Bolsinger (1992), 99% of all California gnatcatcher observations are in areas with elevations below

950 feet. There are reported occurrences of California gnatcatcher at 1,600 feet elevation (500 meters).

California gnatcatcher ranges from Ventura County south to San Diego County and northern Baja California and is less common in sage scrub with a high percentage of tall shrubs. It prefers habitat with more low-growing vegetation. California gnatcatchers breed between mid-February and the end of August, with peak activity from mid-March to mid-May. Population estimates indicate that there are approximately 1,600 to 2,290 pairs of coastal California gnatcatcher remaining. Declines are attributed to loss of sage scrub habitat due to development, as well as cowbird nest parasitism.

California gnatcatcher are ground and shrub-foraging insectivores, feeding on small insects and other arthropods. A California gnatcatcher's territory is highly variable in size and seems to be correlated with distance from the coast, ranging from less than 1 ha to over 9 ha. In a 1998 study, biologist Patrick Mock concluded that California gnatcatcher in the inland region require a larger territory than those on the coast in order to meet the nutritional requirements needed for survival and breeding.

The Primary Constituent Elements (PCEs)³ essential to support the biological needs of foraging, reproducing, rearing of young, intra-specific communication, dispersal, genetic exchange, or sheltering for California gnatcatcher that were surveyed for include:

1. Dynamic and Successional sage scrub Habitats and Associated Vegetation (Diegan Coastal Sage Scrub, Coastal Sage-Chaparral Scrub, etc.) that provide space for individual and population growth, normal behavior, breeding, reproduction, nesting, dispersal and foraging; and
2. Non-sage scrub habitats such as chaparral, grassland, and riparian areas, in proximity to sage scrub habitats have the potential to provide linkages to help with dispersal, foraging and nesting.

No coastal California gnatcatchers were observed during the field investigation. The preferred habitat California gnatcatcher's preferred habitat is coastal sage scrub dominated by California sage brush. While the project site does not support coastal sage scrub habitat, this species is known to occupy broad expanses of Riversidean sage scrub dominated by California sagebrush. However, the Riversidean sage scrub supported by the project site is generally isolated by dense chaparral, disturbed land, and existing development. In addition, the project site ranges in elevation from approximately 2,000 to 2,300 feet above mean sea level, which is well outside of the regular elevational range of California gnatcatcher. Therefore, the site was determined not to support coastal California gnatcatcher, and this species is presumed to be absent. No further surveys are recommended.

San Bernardino Kangaroo Rat

The San Bernardino kangaroo rat, federally listed as endangered, is one of several kangaroo rat species in its range. The Dulzura, the Pacific kangaroo rat (*Dipodomys agilis*) and the Stephens kangaroo rat (*Dipodomys stephensi*) occur in areas occupied by the San Bernardino kangaroo rat, but these other species have a wider habitat range. The habitat of the San Bernardino kangaroo rat is described as being confined to pioneer and intermediate Riversidean Alluvial Fan Sage Scrub (RAFSS) habitats, with sandy soils deposited by fluvial (water) rather than Aeolian (wind) processes. Burrows are dug in loose soil, usually

³ Specific elements of physical and biological features that provide for a species' life-history process and are essential to the conservation of the species.

near or beneath shrubs.

The San Bernardino kangaroo rat is one of three subspecies of the Merriam's kangaroo rat. The Merriam's kangaroo rat is a widespread species that can be found from the inland valleys to the deserts. The subspecies known as the San Bernardino kangaroo rat, however, is confined to inland valley scrub communities, and more particularly, to scrub communities occurring along rivers, streams and drainages. Most of the drainages have been historically altered as a result of flood control efforts and the resulting increased use of river resources, including mining, off-road vehicle use, and road and housing development. This increased use of river resources has resulted in a reduction in both the amount and quality of habitat available for the San Bernardino kangaroo rat. The past habitat losses and potential future losses prompted the emergency listing of the San Bernardino kangaroo rat as an endangered species (USFWS, 1998a). PCE's are physical or biological features essential to the conservation of a species for which its designated critical habitat is based on. Examples of PCE's include food, water, space for individual and population growth, cover or shelter, etc. The PCEs essential to support the biological needs of foraging, reproducing, rearing of young, intra-specific communication, dispersal, genetic exchange, or sheltering for San Bernardino kangaroo rat are:

1. River, creek, stream, and wash channels; alluvial fans, flood plains, flood benches and terraces; and historic braided channels that are subject to dynamic geomorphological and hydrological processes;
2. Alluvial sage scrub and associated vegetation such as coastal sage scrub and chamise chaparral with a moderately open canopy;
3. Soil series consisting of sand, sandy loam, or loam within its geographical range; and
4. Upland areas proximal to flood plains containing suitable habitat (land adjacent to alluvial fan that provides refugia).

San Bernardino kangaroo rat is known to occur within Cajon Wash, which occurs downstream from Meyers Canyon. On-site portions of the site are removed from suitable habitats within Cajon Wash by sycamore woodland and chaparral plant communities, which are not suitable for San Bernardino kangaroo rat. Further, while the site supports Riversidean sage scrub, it does not coincide with Meyers Creek or any other natural waterway that provides seasonal scouring needed to form RAFSS, and no RAFSS habitat, nor any plant communities formed in alluvial fans, are present within or adjacent to the project site.

Undeveloped portions of the project site are underlain with rocky soils in varying degrees of disturbance and compaction due to historic agricultural land uses and ongoing anthropogenic disturbance and on-site development. Portions of the site that coincide with Meyers Canyon exclusively support dense chaparral and sycamore woodland. Field sign for kangaroo rat, including San Bernardino kangaroo rat, is distinctive and readily noted in the field. No sign (e.g., San Bernardino kangaroo rat characteristic burrows, dusting baths, and/or tail drags) was observed during the field investigation.

Based on these conditions, it was determined that the project site does not provide the requisite habitat elements needed by San Bernardino kangaroo rat to be present. Therefore, it was determined that San Bernardino kangaroo rat is presumed absent from the project site. No focused surveys are recommended.

Special-Status Plant Communities

The CNDDDB lists three (3) special-status habitats as being identified within the San Bernardino North and

Devore quadrangles: Riversidian Alluvial Fan Sage Scrub, Southern Riparian Forest, and Southern Sycamore Alder Riparian Woodland. None of these plant communities occur onsite.

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 the USFWS.

The project site is not located with federally designated Critical Habitat (refer to Exhibit 6, *Critical Habitat*, in Attachment A). The nearest designated Critical Habitat is located approximately 0.61 miles to the west for San Bernardino Merriam’s kangaroo rat, beyond Meyers Canyon and existing residential development. Therefore, the loss or adverse modification of Critical Habitat will not occur as a result of project implementation and consultation with the USFWS will not be required for implementation of the proposed project.

Conclusion

Based on the literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on additional 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 due to relevant long-term impacts being consolidated to already disturbed or developed land and the presence of ample open space surrounding the site. No further surveys are recommended. With completion of the recommendations provided below, no significant impacts to biological resources will occur.

One ephemeral drainage feature, Drainage 1, was observed on-site. This feature will qualify as waters of the State and fall under the regulatory authority of the Regional Board and CDFW. Based on the proposed project footprint, impacts to Drainage 1 are not expected to occur. However, if any impacts to Drainage 1 are will occur, regulatory approvals will need to be prepared and processed with the Regional Board and CDFW.

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 avoid direct impacts to burrowing owls, a Designated Biologist shall conduct a pre-construction presence/absence survey for burrowing owls in accordance with CDFW's Staff Report on Burrowing Owl Mitigation. Two surveys shall be conducted, the first 14 days prior to ground disturbing activities and the second within 24 hours immediately before ground disturbing activities. If burrowing owls are documented on-site, the Applicant shall prepare and implement a plan for avoidance or passive exclusion, in coordination with CDFW. If no burrowing owls are observed onsite, no further review will be required.

Regulatory Approvals.

Prior to the issuance of a grading permit, the project applicant shall obtain a Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code from CDFW and a Report of Waste Discharge from the Regional Board.

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

Sincerely,



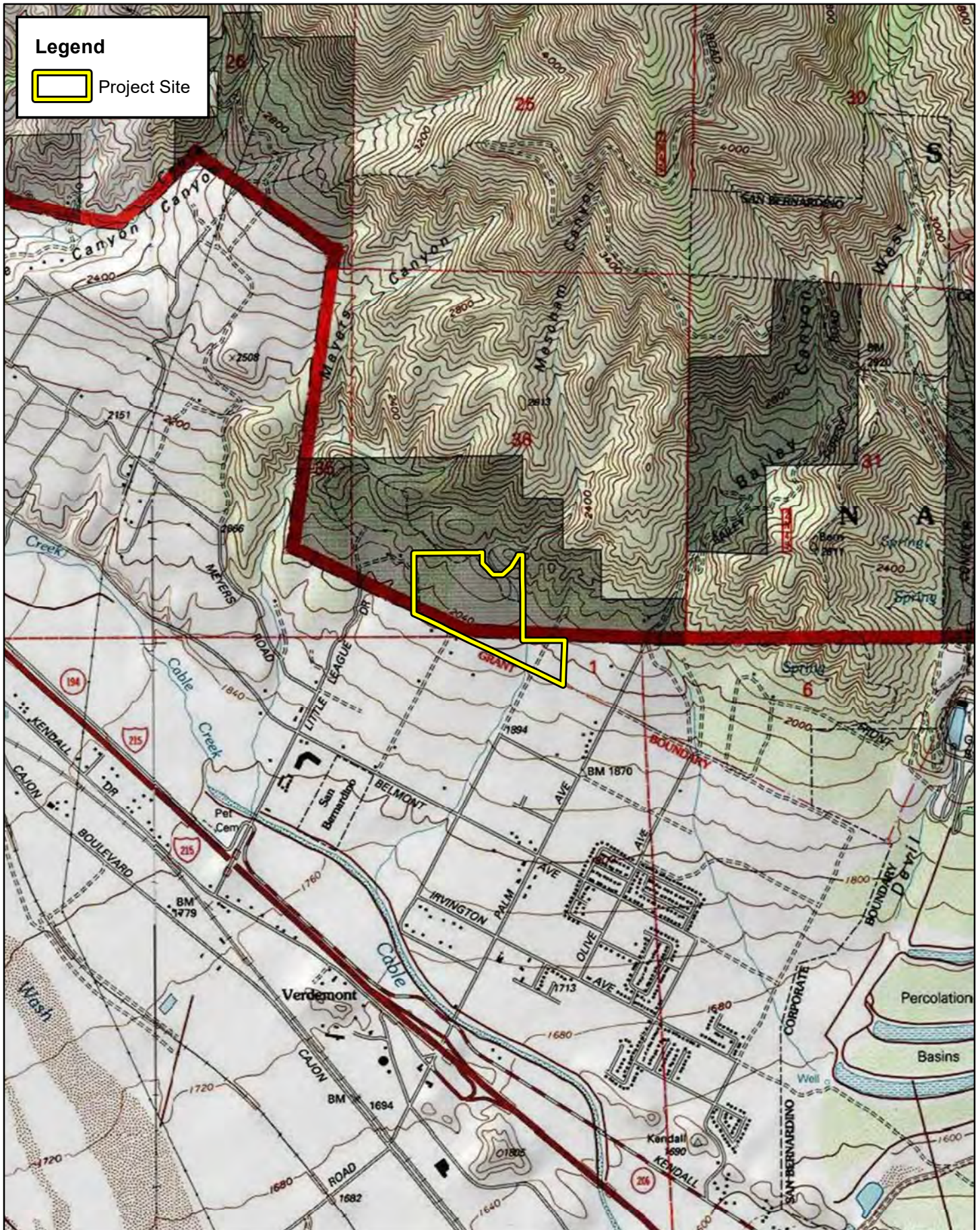
Travis J. McGill
Director

Attachments:

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

Attachment A

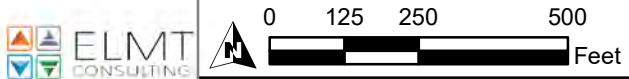
Project Exhibits





Legend

 Project Site

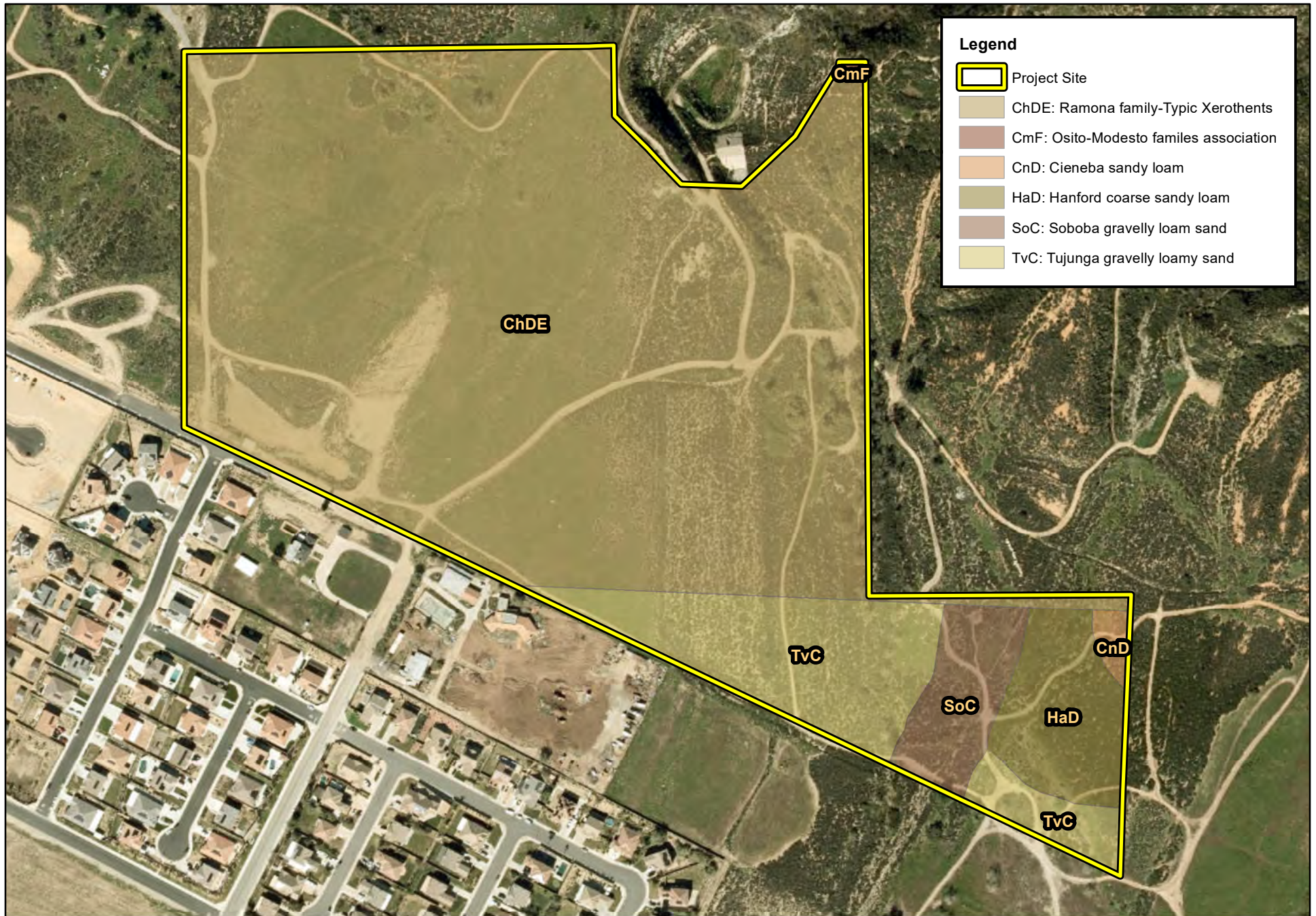


Source: ESRI Aerial Imagery, San Bernardino County

TENTATIVE TRACT MAP NO. 20707

Project Site

Exhibit 3



TENTATIVE TRACT MAP NO. 20707

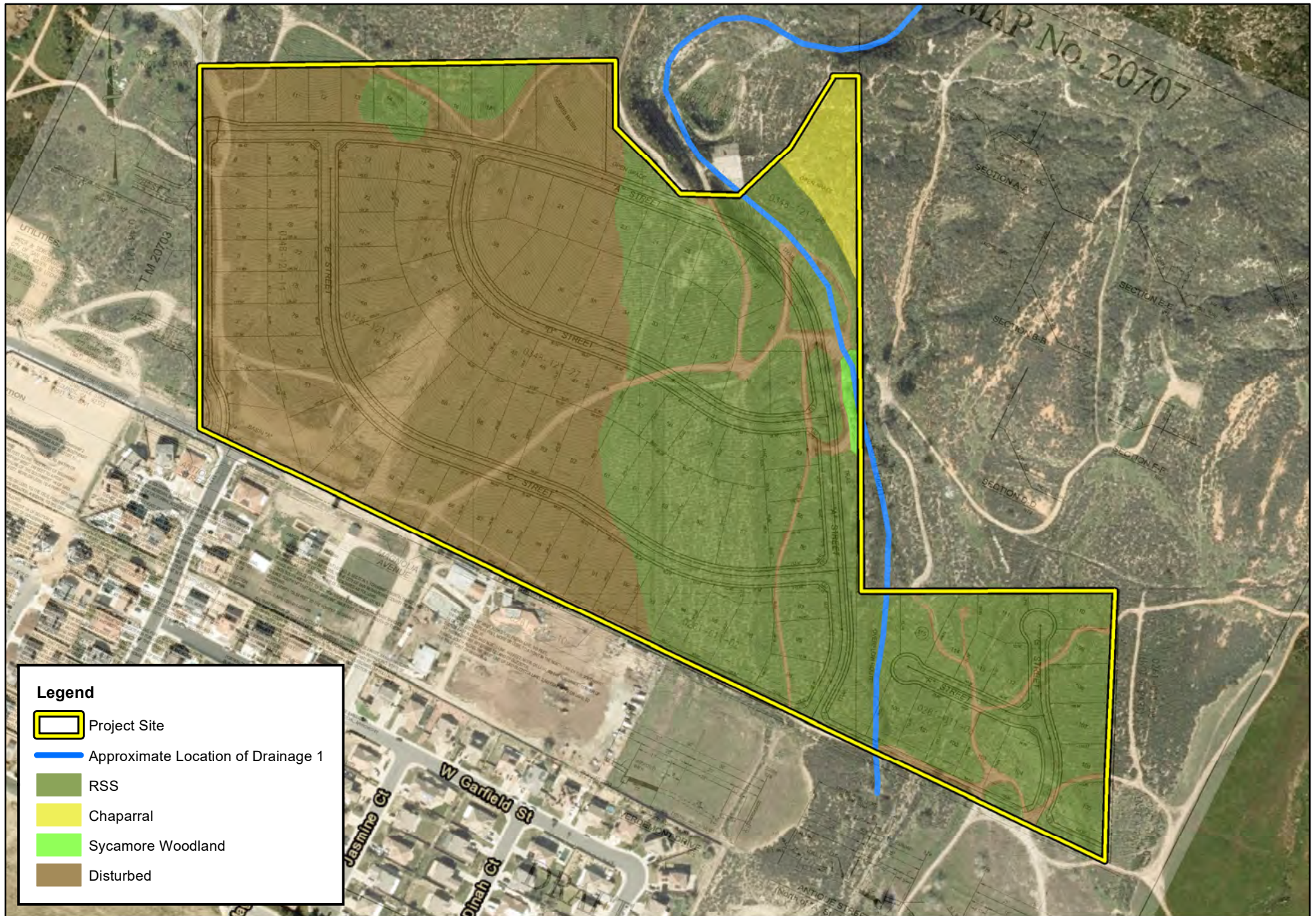


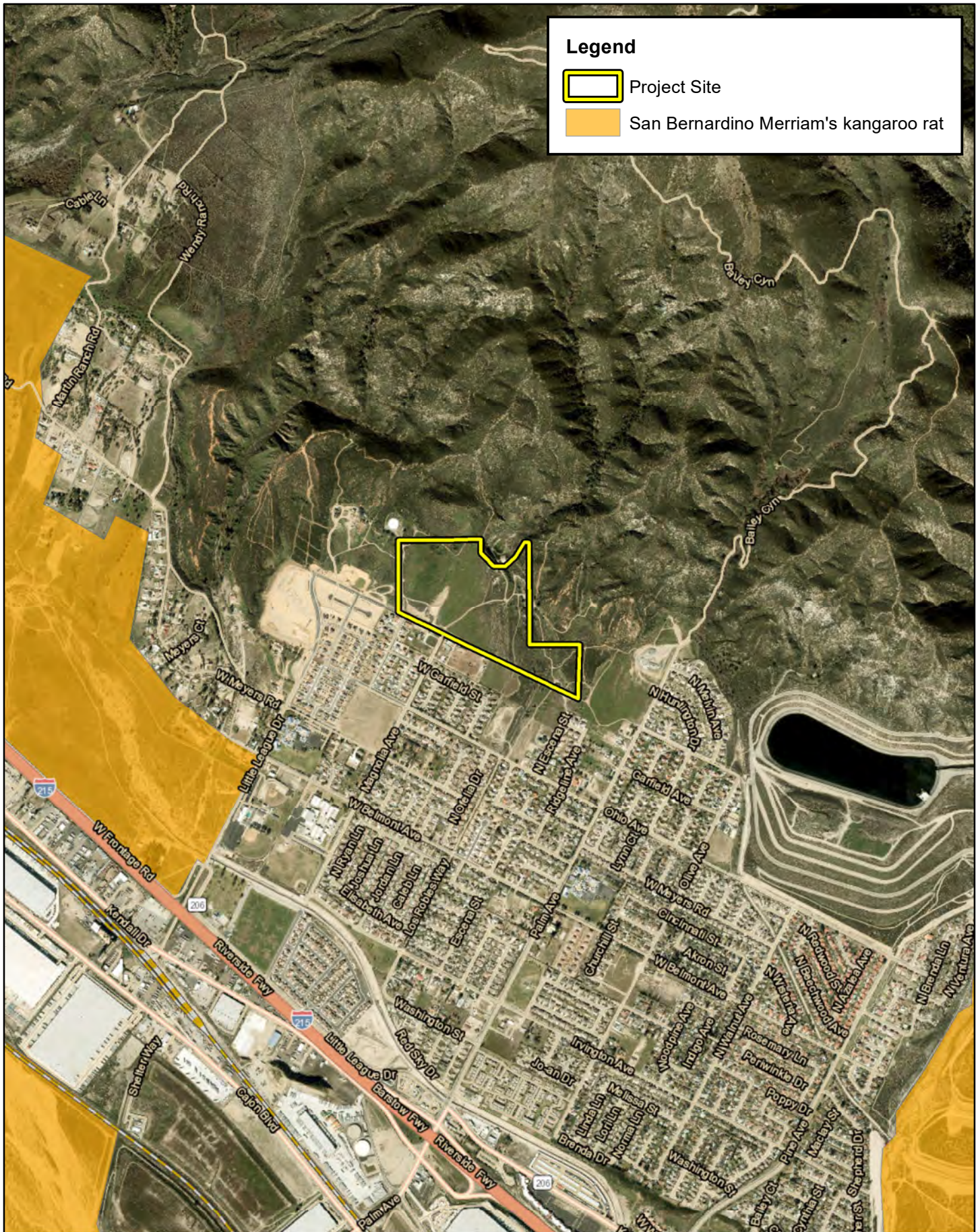
0 125 250 500
Feet

Source: ESRI Aerial Imagery, Soil Survey Geographic Database, San Bernardino County

Soils

Exhibit 4





Attachment B

Site Plan

Attachment C

Site Photographs



Photograph 1: From the northwest portion of the project site looking south.



Photograph 2: From the northwest portion of the project looking east.



Photograph 3: From the northeast portion of the site looking west.



Photograph 4: From the northeast portion of the project site looking south.



Photograph 5: From the southwest corner of the project site looking north along the western boundary.



Photograph 6: From the southeast portion of the project site looking northwest.



Photograph 7: From the southeast portion of the project site looking east along the southern boundary.



Photograph 8: From the southwest corner of the project site looking east along the southern boundary.



Photograph 9: Sycamore trees on the eastern boundary of the site.

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	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Low Suitable foraging and nesting habitat adjacent in the open space areas to the north of the project site. Marginal foraging and nesting opportunities onsite.
<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	Low Marginal foraging and burrowing habitat are present within and surrounding the habitat. This species has been observed nearby.
<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 or near the project site.
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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 <i>Eucalyptus</i> sp.), on cliffsides, or in isolated spots in marshes.	No	Presumed Absent There is no suitable habitat present within or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Arizona elegans occidentalis</i> California glossy snake	Fed: None CA: SSC	Occurs in a wide variety of habitat types including open desert, grasslands, shrublands, chaparral, and woodlands. Prefers areas where the soil is loose and sandy which allows for burrowing.	No	Low Marginal foraging and cover habitat are present within and surrounding the project site.
<i>Artemisiospiza belli belli</i> Bell's sage 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	Low Suitable foraging and nesting habitat adjacent in the open space areas to the north of the project site.
<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 or near the project site.
<i>Aspidoscelis hyperythra</i> orangethroat 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	Low Marginal foraging and burrowing habitat are present within and surrounding the project site.
<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 or near the project site.
<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	Presumed Absent Portions of the project site are unvegetated or minimally vegetated, providing line-of-sight foraging opportunities preferred by burrowing owl. However, no suitable burrows (>4 inches in diameter) were observed.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Bassariscus astutus octavus</i> southern California ringtail	Fed: None CA: FP	Ringtails can be found at elevations of up to 2900 m but are most common at elevations ranging from sea level to 1400 m. Found in a variety of habitats, they prefer habitats with rocky outcroppings, canyons, or talus slopes and can be found in semi-arid country, deserts, chaparral, oak woodlands, pinyon pine woodlands, juniper woodlands, montane conifer forests, and riparian habitats.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<i>Batrachoseps gabrieli</i> San Gabriel slender salamander	Fed: None CA: None	Known from select localities in the San Gabriel Mountains and the Mt. Baldy area of Los Angeles County and the western end of the San Bernardino Mountains in San Bernardino Co., with an elevation range of 1,200 - 5,085 feet. Occurs on talus slopes surrounded by a variety of conifer and montane hardwood species, including bigcone spruce, pine, white fir, incense cedar, canyon live oak, black oak, and California laurel.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Low Suitable foraging and nesting habitat are present within and surrounding the project site.
<i>Bombus pensylvanicus</i> American bumblebee	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	Low Suitable foraging and nesting habitat are present within and surrounding the project site.
<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 or near the project site.
<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	High Suitable foraging and nesting habitat are present within and surrounding the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	Fed: None CA: SSC	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	Low Suitable foraging and burrowing habitat are present within and surrounding the project site.
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	Fed: None CA: None	Common resident of sandy herbaceous areas, usually in association with rocks or coarse gravel in southwestern California. Occurs mainly in arid coastal and desert border areas. Habitats include coastal scrub, chamise-redshank chaparral, mixed chaparral, sagebrush, desert wash, desert scrub, desert succulent shrub, pinyon-juniper, and annual grassland.	No	Low Suitable foraging and burrowing habitat are present within and surrounding the project site.
<i>Charina umbratica</i> Southern rubber boa	Fed: None CA: THR	Occurs on sandy beaches, salt pond levees and along the shores of large alkali lakes. Requires sandy or gravelly substrate for nesting.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.
<i>Diadophis punctatus modestus</i> San Bernadino 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 or near the project site.
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Fed: END CA: END; SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	Presumed Absent There is no suitable habitat present within or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<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 or near the project site.
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.
<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 or near the project site.
<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 Limited foraging and cover habitat are present within and surrounding the project site. Occurs commonly in disturbed areas.
<i>Euchloe hyantis andrewsi</i> Andrew's marble butterfly	Fed: None CA: None	Broad variety of habitats including open tundra, deciduous forests, and desert chaparral. Occupies dens in rock outcroppings and trees. Generalist herbivore, feeding habits change seasonally.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<i>Euphydryas editha quino</i> quino checkerspot butterfly	Fed: END CA: None	Range is now limited to a few populations in Riverside and San Diego counties. Common in meadows and upland sage scrub/chaparral habitat.	No	Presumed Absent The project site occurs outside of the known geographic range for this species.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Moderate Suitable foraging and nesting habitat is present within and surrounding the project site. Suitable nesting opportunities.
<i>Falco peregrinus anatum</i> American peregrine falcon	Fed: DL CA: DL	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 or near the project site.
<i>Glaucomys oregonensis californicus</i> San Bernadino flying squirrel	Fed: None CA: SSC	Occurs in white fir (<i>Abies concolor</i>) and Jeffrey pine (<i>Pinus jeffreyi</i>) mixed conifer forests with black oak (<i>Quercus kelloggii</i>) components at higher elevations. Use cavities in large trees, snags, and logs for cover. Habitats are typically mature, dense conifer forest in close proximity to riparian areas.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<i>Gymnogyps californianus</i> California condor	Fed: END CA: END ; FP	Occurs in desert scrub, desert wash, and Joshua tree habitats with friable, sandy, well-drained soils for nest and burrow construction. Highest densities occur in creosote bush scrub with extensive annual wildflower blooms and succulents with little to no non-native plant species.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Presumed Absent There is no suitable habitat present within or near the project site.
<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	High Suitable foraging and cover habitat are present within and surrounding the project site.
<i>Neolarra alba</i> white cuckoo bee	Fed: None CA: None	Live in urban areas, forests, and woodlands. Typically found where other bee species are common, as this species is cleptoparasitic and a brood parasite.	No	Low Marginal foraging habitat present within and surrounding the project site.
<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 or near the project site.
<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 or near the project site.
<i>Oncorhynchus mykiss irideus</i> pop. 10 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 or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<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 or near the project site.
<i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse	Fed: None CA: SSC	Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but may instead seek refuge under weeds and dead leaves.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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	Low Marginal foraging and burrowing habitat present within and surrounding the project site. Species has been observed nearby.
<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 Outside the elevational range for this species.
<i>Progne subis</i> purple martin	Fed: None CA: SSC	Summer resident in a variety of wooded, low-elevation habitats throughout the state. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Rana muscosa</i> southern mountain yellow-legged frog	Fed: END CA: END ; WL	Occurs in lower elevation habitats characterized by rocky streambeds and wet meadows, while higher elevation habitats include lakes, ponds, and streams. Occupy streams in narrow, rock-walled canyons. Often found along rock walls or vegetated banks and always within a few feet of the water.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<i>Rhinichthys osculus ssp. 8</i> Santa Ana speckled dace	Fed: None CA: SSC	Inhabits the Santa Ana, San Jacinto, San Gabriel, and Los Angeles River systems. Prefers perennial streams fed by cool springs with overhanging riparian vegetation and shallow gravel riffles for spawning.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.
<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 or near the project site.
<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 or near the project site.
<i>Spinus lawrencei</i> Lawrence's Goldfinch	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 or near the project site.
<i>Strix occidentalis occidentalis</i> California spotted owl	Fed: None CA: SSC	Breeds and roosts in forests and woodland with large old trees and snags, high basal areas of trees and snags, dense canopies, multiple canopy layers, and downed woody debris. Large old trees are key as they provide nest sites and cover from weather.	No	Presumed Absent There is no suitable habitat present within or near the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<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 or near the project site.
<i>Thamnophis hammondi</i> Two-striped gartersnake	Fed: None CA: SSC	Utilizes a variety of habitats including forests, mixed woodlands, grassland, chaparral, and farmlands. Often found near ponds, marshes, or streams.	No	Presumed Absent There is no suitable habitat present within or near the project site.
<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 or near the project site.
SPECIAL-STATUS PLANT SPECIES				
<i>Ambrosia monogyra</i> singlewhorl burrobush	Fed: None CA: None CNPS: 2B.2	Sandy; Chaparral, Sonoran desert scrub; Elevation range: 35 to 1640 feet; Blooming period: Aug-Nov.	No	Presumed Absent The project site occurs outside of the known elevation range for this species.
<i>Arenaria paludicola</i> marsh sandwort	Fed: END CA: END CNPS: 1B.1	Openings, Sandy; Marshes and swamps (brackish, freshwater); Elevation range: 10 to 560 feet; Blooming period: May-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Berberis nevinii</i> Nevin's barrberry	Fed: END CA: END CNPS: 1B.1	Gravelly (sometimes), Sandy (sometimes); Chaparral, Cismontane woodland, Coastal scrub, Riparian scrub; Elevation range: 230 to 2705 feet; Blooming period: (Feb)Mar-Jun.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Brodiaea filifolia</i> Thread-leaved brodiaea	Fed: THR CA: END CNPS: 1B.1	Clay (often); Chaparral (openings), Cismontane woodland, Coastal scrub, Playas, Valley and foothill grassland, Vernal pools; Elevation range: 80 to 3675 feet; Blooming period: Mar-Jun.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<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	Low Marginal habitat is present within and adjacent to the project site.
<i>Calochortus palmeri</i> var. <i>palmeri</i> Palmer's mariposa-lily	Fed: None CA: None CNPS: 1B.2	Mesic; Chaparral, Lower montane coniferous forest, Meadows and seeps; Elevation range: 2330 to 7840 feet; Blooming period: Apr-Jul.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Granitic, Rocky; Chaparral, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Valley and foothill grassland; Elevation range: 330 to 5580 feet; Blooming period: May-Jul.	No	Low Marginal habitat is present within and adjacent to the project site.
<i>Calochortus simulans</i> La Panza mariposa-lily	Fed: None CA: None CNPS: 1B.3	Granitic (often), Sandy, Serpentine (sometimes); Chaparral, Cismontane woodland, Lower montane coniferous forest, Valley and foothill grassland; Elevation range: 1065 to 3775 feet; Blooming period: Apr-Jun.	No	Low Marginal habitat is present within and adjacent to the project site.
<i>Castilleja lasiorhyncha</i> San Bernadino Mountains owl's-clover	Fed: None CA: None CNPS: 1B.2	Mesic; Chaparral, Meadows and seeps, Pebble (Pavement) plain, Riparian woodland, Upper montane coniferous forest; Elevation range: 4265 to 7840 feet; Blooming period: May-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<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 or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Chloropyron maritimum</i> ssp. <i>Maritimum</i> Salt marsh bird's-beak	Fed: END CA: END CNPS: 1B.2	Coastal dunes, Marshes and swamps (coastal salt); Elevation range: 0 to 100 feet; Blooming period: May-Oct(Nov).	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Openings, Rocky (sometimes), Sandy (sometimes); Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland; Elevation range: 900 to 4005 feet; Blooming period: Apr-Jun.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Chorizanthe xanti</i> var. <i>leucotheca</i> white-bracted spineflower	Fed: None CA: None CNPS: 1B.2	Gravelly (sometimes), Sandy (sometimes); Coastal scrub (alluvial fans), Mojavean desert scrub, Pinyon and juniper woodland; Elevation range: 985 to 3935 feet; Blooming period: Apr-Jun.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Cryptantha incana</i> Tulare cryptantha	Fed: None CA: None CNPS: 1B.3	Lower montane coniferous forest (gravelly, rocky); Elevation range: 4690 to 7055 feet; Blooming period: Jun-Aug.	No	Presumed Absent There is no suitable habitat present within the project site. The project site occurs outside of the known elevation range for this species.
<i>Dodecahema leptoceras</i> slender-horned spineflower	Fed: END CA: END CNPS: 1B.1	Sandy; Chaparral, Cismontane woodland, Coastal scrub (alluvial fans); Elevation range: 655 to 2495 feet; Blooming period: Apr-Jun.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<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 or adjacent to the project site.
<i>Eriophyllum lanatum</i> var. <i>obovatum</i> Southern Sierra woolly sunflower	Fed: None CA: None CNPS: 4.3	Loam, Sandy; Lower montane coniferous forest, Upper montane coniferous forest; Elevation range: 3655 to 8205 feet; Blooming period: Jun-Jul.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Fimbristylis thermalis</i> Hot springs fimbristylis	Fed: None CA: None CNPS: 2B.2	Meadows and seeps (alkaline, near hot springs); Elevation range: 360 to 4395 feet; Blooming period: Jul-Sep.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Frasera neglecta</i> Pine green-gentian	Fed: None CA: None CNPS: 4.3	Lower montane coniferous forest, Pinyon and juniper woodland, Upper montane coniferous forest; Elevation range: 4595 to 8205 feet; Blooming period: May-Jul.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Galium jepsonii</i> Jepson's bedstraw	Fed: None CA: None CNPS: 4.3	Granitic, Gravelly (sometimes), Rocky (sometimes); Lower montane coniferous forest, Upper montane coniferous forest; Elevation range: 5055 to 8205 feet; Blooming period: Jul-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Galium johnstonii</i> Johnston's bedstraw	Fed: None CA: None CNPS: 4.3	Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland, Riparian woodland; Elevation range: 4005 to 7545 feet; Blooming period: Jun-Jul.	No	Presumed Absent The project site occurs outside of the known elevation range for this species.
<i>Horkelia cuneata var. puberula</i> Mesa horkelia	Fed: None CA: None CNPS: 1B.1	Gravelly (sometimes), Sandy (sometimes); Chaparral (maritime), Cismontane woodland, Coastal scrub; Elevation range: 230 to 2660 feet; Blooming period: Feb-Jul(Sep).	No	Low Suitable habitat is present within and adjacent to the project site.
<i>Imperata brevifolia</i> California satintail	Fed: None CA: None CNPS: 2B.1	Mesic; Chaparral, Coastal scrub, Meadows and seeps (often alkali), Mojavean desert scrub, Riparian scrub; Elevation range: 0 to 3985 feet; Blooming period: Sep-May.	No	Low Suitable habitat is present within and adjacent to the project site.
<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.	Yes	Present Marginal habitat is present within and surrounding the project site. The majority of the project site has been subject to a high degree of disturbance, which likely precludes further dispersal throughout the site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Juncus duranii</i> Duran's rush	Fed: None CA: None CNPS: 4.3	Mesic; Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest; Elevation range: 5800 to 9200 feet; Blooming period: Jul-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Lilium humboldtii</i> ssp. <i>ocellatum</i> ocellated Humboldt lily	Fed: None CA: None CNPS: 4.2	Openings; Chaparral, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Riparian woodland; Elevation range: 100 to 5905 feet; Blooming period: Mar-Jul(Aug).	No	Low Marginal habitat is present within and adjacent to the project site.
<i>Lilium parryi</i> lemon lily	Fed: None CA: None CNPS: 1B.2	Mesic; Lower montane coniferous forest, Meadows and seeps, Riparian forest, Upper montane coniferous forest; Elevation range: 4005 to 9005 feet; Blooming period: Jul-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. The project site occurs outside of the known elevation range for this species.
<i>Lycium parishii</i> Parish's desert-thorn	Fed: None CA: None CNPS: 2B.3	Coastal scrub, Sonoran desert scrub; Elevation range: 445 to 3280 feet; Blooming period: Mar-Apr.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Malacothamnus parishii</i> Parish's bush-mallow	Fed: None CA: None CNPS: 1A	Chaparral, Coastal scrub; Elevation range: 1000 to 1495 feet; Blooming period: Jun-Jul.	No	Presumed Absent The project site occurs outside of the known elevation range for this species.
<i>Monardella saxicola</i> rock monardella	Fed: None CA: None CNPS: 4.2	Rocky, Serpentine (usually); Chaparral, Closed-cone coniferous forest, Lower montane coniferous forest; Elevation range: 1640 to 5905 feet; Blooming period: Jun-Sep.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Muhlenbergia californica</i> California muhly	Fed: None CA: None CNPS: 4.3	Mesic, Seeps, Streambanks; Chaparral, Coastal scrub, Lower montane coniferous forest, Meadows and seeps; Elevation range: 330 to 6560 feet; Blooming period: Jun-Sep.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Opuntia basilaris</i> var. <i>brachyclada</i> short-joint beavertail	Fed: None CA: None CNPS: 1B.2	Chaparral, Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland; Elevation range: 1395 to 5905 feet; Blooming period: Apr-Jun(Aug).	No	Presumed Absent The project site occurs outside of the known geographic range for this species.
<i>Quercus durata</i> var. <i>gabrielensis</i> San Gabriel oak	Fed: None CA: None CNPS: 4.2	Chaparral, Cismontane woodland; Elevation range: 1475 to 3280 feet; Blooming period: Apr-May.	No	Low Marginal habitat is present within and adjacent to the project site.
<i>Schoenus nigricans</i> Black bog-rush	Fed: None CA: None CNPS: 2B.2	Marshes and swamps (often alkaline); Elevation range: 490 to 6560 feet; Blooming period: Aug-Sep.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Senecio astephanus</i> San Gabriel ragwort	Fed: None CA: None CNPS: 4.3	Rocky, Slopes; Chaparral, Coastal scrub; Elevation range: 1310 to 4920 feet; Blooming period: May-Jul.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Streptanthus bernardinus</i> Laguna Mountains jewelflower	Fed: None CA: None CNPS: 4.3	Chaparral, Lower montane coniferous forest; Elevation range: 2200 to 8205 feet; Blooming period: May-Aug.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Streptanthus campestris</i> Southern jewelflower	Fed: None CA: None CNPS: 1B.3	Rocky; Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland; Elevation range: 2955 to 7545 feet; Blooming period: (Apr)May-Jul.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Symphyotrichum defoliatum</i> San Bernadino 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 or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Yucca brevifolia</i> Western Joshua tree	Fed: None CA: THR 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 There is no suitable habitat present within or adjacent to the project site.
CDFW SENSITIVE HABITATS				
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	Absent This plant community was not observed within the project site.
Southern Riparian Forest	CDFW Sensitive Habitat	Dense riparian forests found along streams and rivers. Characteristic plant species include western sycamore, cottonwood, and many other wetland plants.	No	Absent This plant community was not observed within the project site.
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 are also often present. Poison oak, mugwort, elderberry and wild raspberry may be present in understory.	No	Absent This plant community was not observed within the project site.

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

END- Federal Endangered
THR- Federal Threatened
PT- Proposed Threatened

California Department of Fish and Wildlife (CDFW) - California

END- California Endangered
THR- California Threatened
CE - Candidate Endangered
FP- California Fully Protected
SSC- California Species of Concern
WL- Watch List

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
4 Plants of Limited Distribution – A Watch List
CBR- Considered but Rejected

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.