LAKE WOHLFORD RESORT PRIVATE WATER LINE PROJECT

SAN DIEGO COUNTY, CALIFORNIA

Biological Resources Assessment

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February 2026

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

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February 2026

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Section 1 Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources impact analysis for the Lake Wohlford Private Water Line Project Site (project or project site) located in unincorporated San Diego County, California. The original field investigation was conducted on March 16, 2021 and an updated investigation was conducted on February 20, 2026 to document baseline conditions and assess the potential for special-status[1] 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 special-status species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) and other electronic databases as potentially occurring on or within the general vicinity of the project.

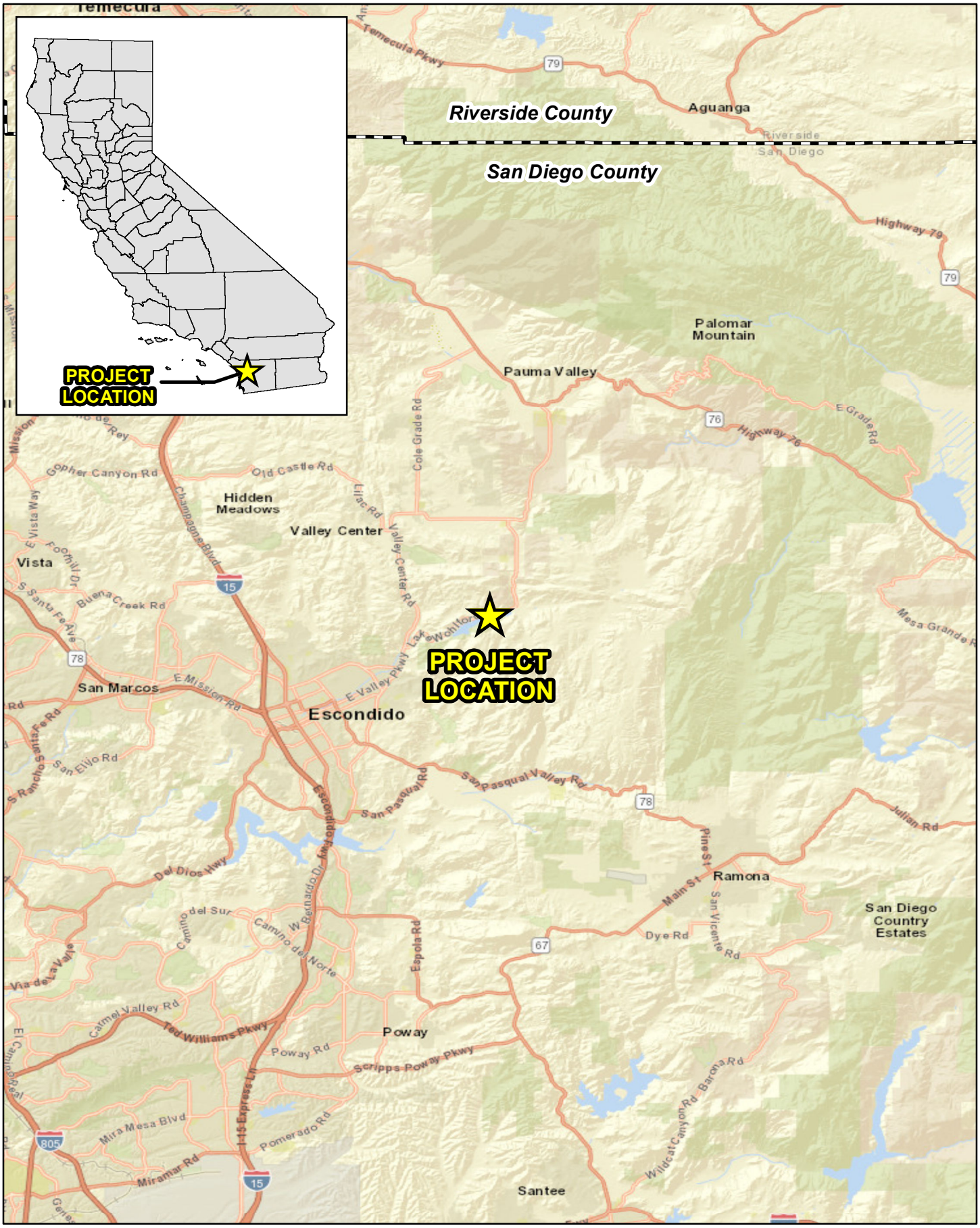
1.1 PROJECT LOCATION

The project is generally located east of Interstate 15, west of State Route 79 and 76, south of Valley Center within the community of Lake Wohlford, unincorporated San Diego County, California (Exhibit 1, *Regional Vicinity*). The project is depicted on the Rodriguez Mountain quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Sections 33 and 34 of Township 11 South, Range 1 West (Exhibit 2, *Site Vicinity*). Specifically, the proposed project will be located along Lake Wohlford Road from North Lake Wohlford Road/Guejito Road to the Lake Wohlford Resort (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The project proposes to install a 2.5-inch private water line along Lake Wohlford Road from the existing Valley Center Municipal Water District public water line located in N. Lake Wohlford Road/Guejito Road to the Lake Wohlford Resort. The 2.5-inch private water line will extend approximately 1.75 miles within the existing paved road right-of-way of Lake Wohlford Road. Refer to Appendix A, *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.



LAKE WOHLFORD RESORT PRIVATE WATER LINE PROJECT
BIOLOGICAL RESOURCES REPORT

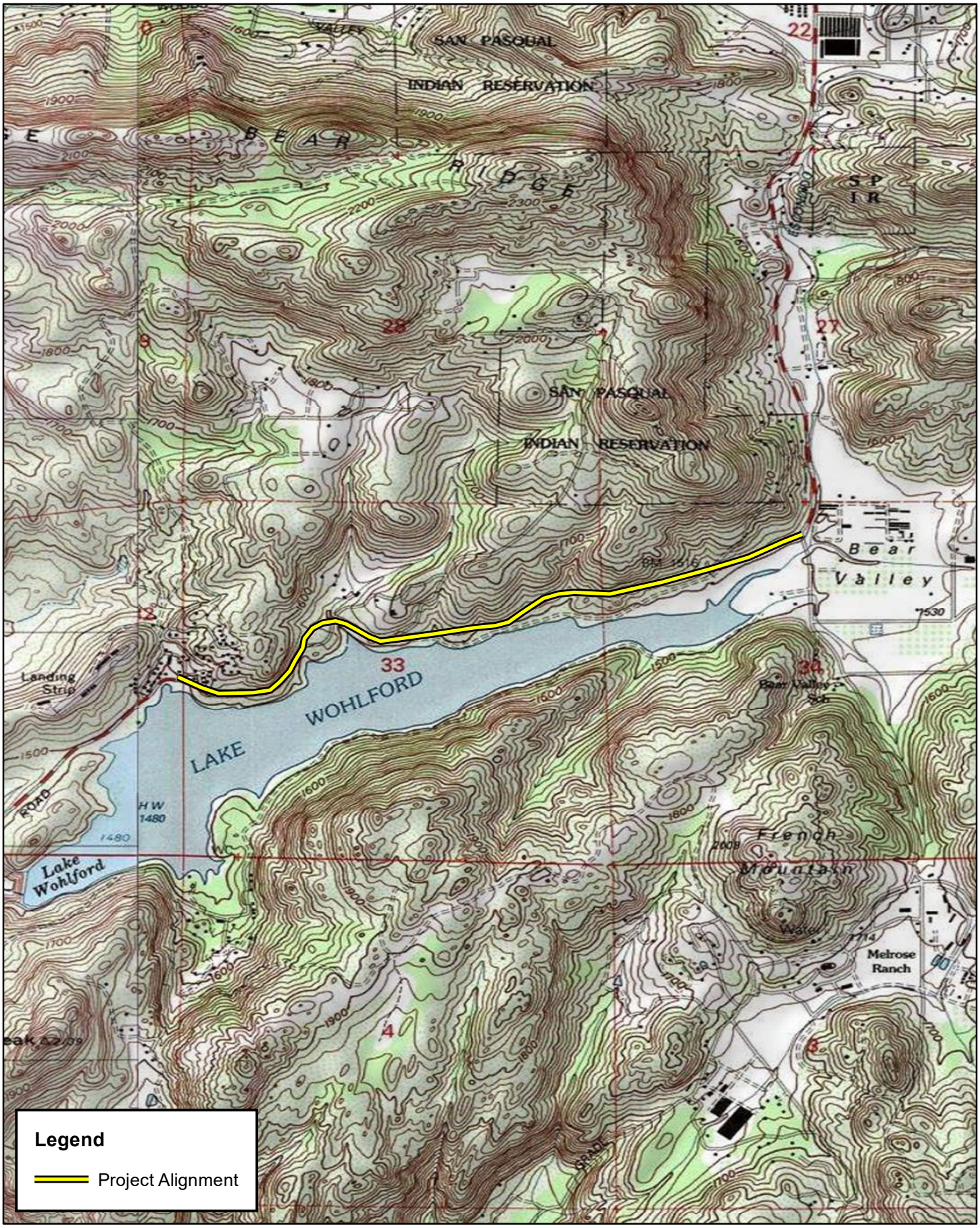
ELMT CONSULTING

0 2.5 5 10 Miles

Source: World Shaded Relif, World Transportaiton, San Diego County

Regional Vicinity

Exhibit 1



LAKE WOHLFORD RESORT PRIVATE WATER LINE PROJECT
BIOLOGICAL RESOURCES REPORT

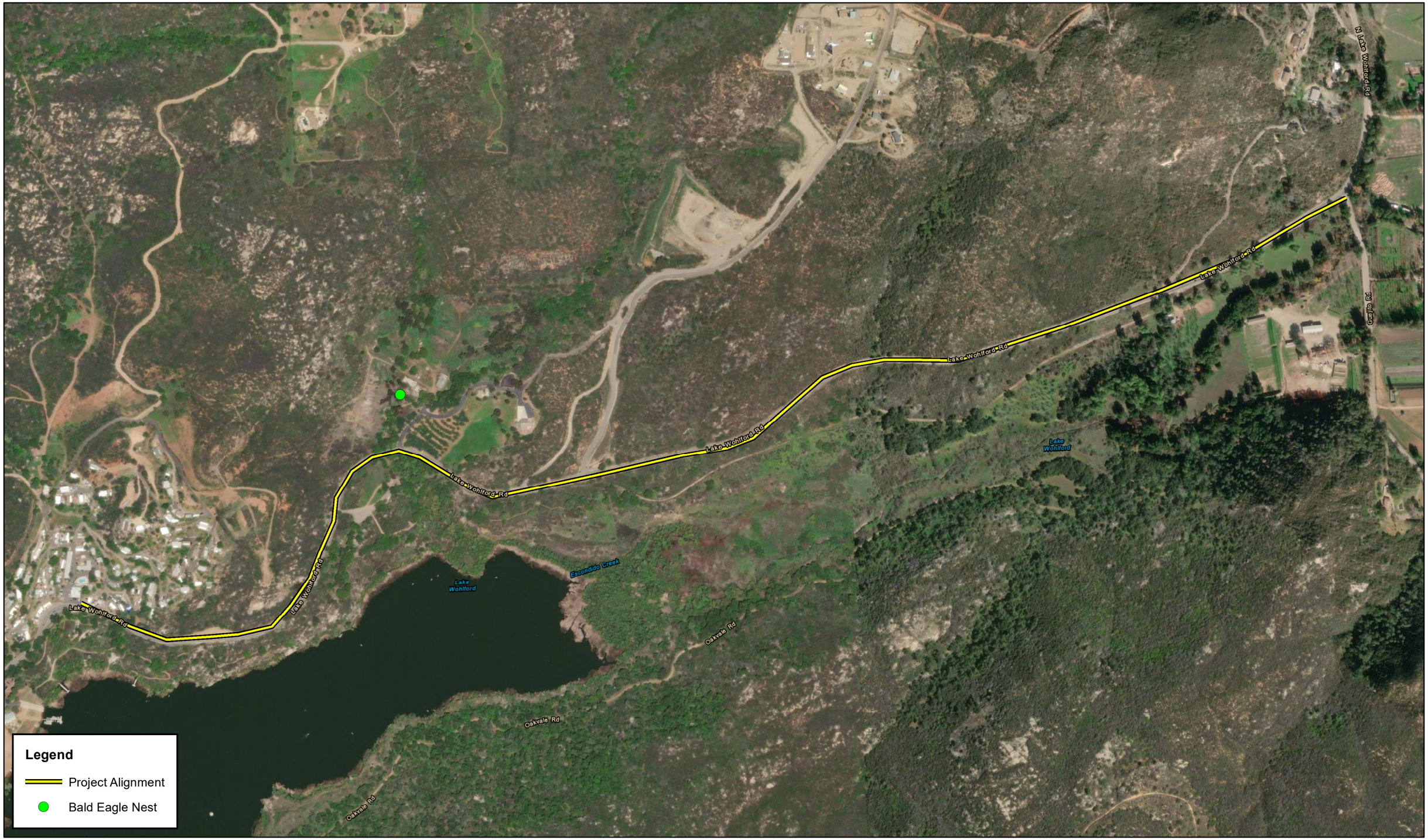
ELMT CONSULTING

0 1,250 2,500 5,000 Feet

Site Vicinity

Source: World Topographic Map, San Diego County

Exhibit 2



ELMT CONSULTING

0 500 1,000 2,000 Feet

Source: ESRI Aerial Imagery, San Diego County

LAKE WOHLFORD RESORT PRIVATE WATER LINE PROJECT
BIOLOGICAL RESOURCES REPORT

Project Site

Exhibit 3

Section 2 Methodology

ELMT conducted a thorough literature review and records search to determine which special-status plant and wildlife species have the potential to occur on or within the general vicinity of the project site. In addition, a general habitat assessment and field investigation of the project site was conducted and provided information on the existing conditions at the project site and potential for special-status plant and wildlife species to occur.

2.1 LITERATURE REVIEW

The following describes the specific survey methodology for an initial habitat assessment survey of the project site, in addition to a wetlands survey and jurisdictional assessment of the site. These surveys were conducted according to guidelines provided within the County of San Diego *Guidelines for Determining Significance for Biological Resources*.

A literature review and records search for sensitive biological resources potentially occurring on or within the vicinity of the project site was conducted prior to conducting the field investigation. Previously recorded occurrences of sensitive plant and wildlife species and their proximity to the project site were determined through a query of the California Department of Fish and Wildlife (CDFW's) QuickView Tool in the Biogeographic Information and Observation System (BIOS), California Natural Diversity Database (CNDDB) Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of sensitive species published by CDFW, the United States Fish and Wildlife Service (USFWS) species listings, and species covered within the MSHCP and associated technical documents. The County of San Diego's *Guidelines for Determining Significance for Biological Resources* was also reviewed for all applicable regulatory policy and potential mitigation requirements for the project.

Literature detailing biological resources previously observed in the vicinity of the project site and historical land uses were reviewed to understand the extent of disturbances to the habitats on-site. Standard field guides and texts on sensitive and non-sensitive biological resources were reviewed for habitat requirements, as well as the following resources:

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

- Google Earth Pro historic aerial imagery (1985-2026);
- 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 CNDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of sensitive species and determine the distance from the project site.

2.2 FIELD INVESTIGATION

ELMT biologists evaluated the extent and conditions of the plant communities found within the boundaries of the project site on March 16, 2021 and February 20, 2026 between 7 am and 12 pm. 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. The plant communities were evaluated for their potential to support special-status plant and wildlife species. In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area. Special attention was given to special-status habitats and/or undeveloped areas, which have higher potentials to support special-status plant and wildlife species.

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

Special attention was paid to any special-status habitats and/or undeveloped, natural areas, which have a moderate or higher potential to support special-status plant and wildlife species. Areas determined to provide suitable habitat for special-status plant and wildlife species were closely surveyed for signs of presence during the habitat assessment. Attention was given to the suitability of habitats on the project site to support special-status species.

2.3 SOIL SERIES ASSESSMENT

On-site and adjoining soils were researched prior to the field visit using the USDA NRCS Custom Soil Resource Report for San Diego County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes and disturbances that have occurred on the project site.

2.4 PLANT COMMUNITIES

Plant communities were mapped using USGS 7.5-minute topographic 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 GIS ArcView. The ArcView application was used to compute the area of each plant community in acres.

2.5 PLANTS

Common plant species observed during the habitat assessment were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and unfamiliar 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. In this report, scientific names are provided immediately following common names of plant species (first reference only).

2.6 WILDLIFE

Wildlife species detected during the habitat assessment by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of species during surveys included The Sibley Guide to Birds (Sibley 2014) for birds, A Field Guide to Western Reptiles and Amphibians (Stebbins 2003) for herpetofauna, and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are standardized, scientific names are provided immediately following common names in this report (first reference only).

2.7 JURISDICTIONAL DRAINAGE AND WETLANDS

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the Corps, 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.

The biologists carefully assessed the site for depressions, inundation, presence of hydrophytic vegetation, staining, cracked soil, ponding, and indicators of active surface flow and corresponding physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris. Suspected jurisdictional areas were checked for the presence of definable channels, soils, and hydrology.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

San Diego County features a somewhat cooler version of a Mediterranean climate, or semi-arid climate, with warm, sunny, dry summers and cool, rainy, mild winters. Climatological data obtained from nearby weather stations indicates the annual precipitation averages 10.77 inches. Almost all of the precipitation in the form of rain occurs in the months between November and March with hardly any occurring between the months of April and October. The wettest month is typically January, with a monthly average total precipitation of 2.28 inches. Temperatures during the recent site visit were in the low to mid 70s (degrees Fahrenheit) with cloudy skies.

3.2 TOPOGRAPHY AND SOILS

The proposed project is linear in nature and is located an approximate elevation of 1,490 to 1,565 feet above mean sea level within Lake Wohlford Road and adjacent easements.

According to the Custom Soil Resource Report, the project site is underlain by the following soil units: Las Poses fine sandy loam (9 to 15 percent slopes, eroded), Las Posas fine sandy loam (15 to 30 percent slopes, eroded), Las Posas stony fine sandy loam (9 to 30 percent slopes), Las Posas stony fine sandy loam (30 to 65 percent slopes), Visalia sandy loam (0 to 2 percent slopes), and Vista coarse sandy loam (15 to 20 percent slopes, MLRA 20). However, the soils within the proposed limits of disturbance have been heavily impacted/compacted from on-site development.

3.3 SURROUNDING LAND USES

The project site occurs in a rural area within the unincorporated neighborhood of Lake Wohlford. Land uses in the vicinity of the project site consist primarily of undeveloped, vacant land with residential development and agricultural land uses scattered throughout the area. The community's name comes from Lake Wohlford, a body of water that occurs south of the project site. Lake Wohlford Resort, a mobile home park, occurs immediately north of the western limits of the site. Escondido Creek occurs south of the eastern portion of the site. Escondido Creek conveys flows into Lake Wohlford from the east and continues westward away from the lake. The site is surrounded primarily by undeveloped, vacant land and supports small residential developments and agricultural land use. The project site occurs near the middle of the Lake Wohlford neighborhood, approximately 32 miles northeast of downtown San Diego. The greater Lake Wohlford neighborhood was originally a rural farming community and has remained largely unchanged in the past several decades.

Section 4 Discussion

4.1 SITE CONDITIONS

The Lake Wohlford Resort occurs immediately north of the western limits of the site. The eastern limits of the site are bounded by the intersection of North Lake Wohlford Road and Guejito Road. The site is primarily bounded by undeveloped, vacant land to the north and south, with the exception of small residential developments and parcels of agricultural land use.

The proposed project site consists of developed land within the existing paved road right-of-way of Lake Wohlford Road and vacant, undeveloped land within associated easements. Portions of the project site that occur within easements are composed of vacant, undeveloped land that have been subject to a variety of anthropogenic disturbances (i.e., loose gravel, vehicle parking, weed abatement). These disturbances have eliminated and/or greatly disturbed the natural plant communities that historically occurred on-site. As a result, no undisturbed native plant communities will be impacted from development of the proposed project.

4.2 VEGETATION

The proposed project footprint is expected to be confined to the existing paved road right-of-way. Due to existing land uses, no native, undisturbed plant communities or natural communities of special concern were observed within the proposed limits of disturbance. However, areas immediately adjacent to the project footprint, outside of the existing paved street right-of-way, within 500 feet of the project site, support broadleaf-dominated non-native grassland, Diegan sage scrub, and coast live oak woodland plant communities. The proposed limits of disturbance support two (2) land cover types that would be classified as disturbed and developed. Refer to Appendix B, *Site Photographs*, for representative images of the land cover types and plant communities observed within the project footprint and survey area. No impacts to native habitat(s) are anticipated; however, the following describes the plant communities onsite and within the survey area.

4.2.1 Disturbed or Developed Habitat - 1000

Per the Draft Vegetation Communities of San Diego memo (March 2008), disturbed habitat constitutes "areas that have been physically disturbed (by previous legal human activity) and are no longer recognizable as a native or naturalized vegetation association but continues to retain a soil substrate. Typically, vegetation, if present, is nearly exclusively composed of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance or shows signs of past or present animal usage that removes any capability of providing viable natural habitat for uses other than dispersal. Examples of disturbed land include areas that have been graded, repeatedly cleared for fuel management purposes and/or experienced repeated use that prevents natural revegetation (i.e., dirt parking lots, trails that have been present for several decades), recently graded firebreaks, graded construction pads, construction staging areas, off-road vehicle trails, and old homesites." Plant species typically associated with Disturbed Habitat include, but are not limited to non-native forb species, such as, thistles ([*Centaurea*], [*Carduus*], and [*Cynara*] spp.), [*Sonchus* spp.], [S*alsola tragus*], *Heterotheca grandiflora*, [*Marrubium vulgare*], [*Sisymbrium irio*], [*Raphanus* spp.], [*Carpobrotus edulis*], [*Chrysanthemum* spp.], and [*Foeniculum*

vulgare]. A limited number of grass species: [Pampas grass (*Cortaderia* spp.)] and [fountain grass (*Pennisetum* spp.)]; most annual grass species are more typical of Non-Native Grassland and do not dominate vegetative cover in disturbed habitat."

Disturbed – 11300

Within the project footprint and survey area, disturbed areas are found within easements along Lake Wohlford Road. These areas do not support paved portions of Lake Wohlford Road or adjacent driveways/paved intersections, and primarily consist of areas subject to routine weed abatement/disking activities.

The disturbed areas are generally unvegetated or minimally vegetated with a variety of non-native/ruderal and early successional plant species typical of heavily disturbed areas. Disturbed habitat is one where succession is interrupted regularly or frequently, and in this case is human-caused. This land cover type consists of non-native grass species (*Bromus* ssp., *Avena* ssp., *Cynodon dactylon*, *Hordeum* ssp.), cheeseweed (*Malva parviflora*), Mediterranean mustard (*Hirschfeldia incana*), and filaree (*Erodium* ssp.).

Urban/Developed – 12000

Per the Draft Vegetation Communities of San Diego memo (March 2008), Urban/Developed habitat constitutes "areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported. Developed land is characterized by permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. Areas where no natural no natural land is evident due to a large amount of debris or other materials being placed upon it. Examples of disturbed land include areas that have been graded, repeatedly cleared for fuel management purposes and/or experienced repeated use that prevents natural revegetation (i.e., dirt parking lots, trails that have been present for several decades), recently graded firebreaks, graded construction pads, construction staging areas, off-road vehicle trails, and old homesites." These areas are usually unvegetated or landscaped with ornamental plant species.

Within the project footprint and survey area, developed areas are associated with Lake Wohlford Road and adjacent paved driveways/intersections, and vehicle parking and storage areas that were underlain with loose gravel. These areas are unvegetated with the exception of a few non-native weedy/early successional species such as non-native grasses, Mediterranean mustard, and filaree.

4.2.2 Diegan Sage Scrub - 32500

Per the Draft Vegetation Communities of San Diego memo (March 2008), Diegan Coastal Sage Scrub habitat constitutes "Low, soft-woody subshrubs (to ca. 1 m high) that are most active in winter and early spring. Many taxa are facultatively drought- deciduous. Dominated by *Artemisia californica* (California sagebrush) and *Eriogonum fasciculatum* (California Buckwheat) together with *Malosma laurina* (laurel sumac), *Salvia apiana* (white sage) and *Salvia mellifera* (black sage)."

Within the survey area, outside of the project footprint, a Diegan Sage Scrub plant community was mapped on the slopes to the north and south of the project site. This plant community is dominated by laurel sumac with an understory dominated by California sagebrush, California buckwheat, and black sage. Other

common plant species observed within this plant community include sticky monkeyflower (*Diplacus aurantiacus*), common fiddleneck (*Amsinckia intermeda*), tocalote (*Centaurea melitensis*), common cryptantha (*Cryptantha intermeda*), coyote brush (*Baccharis pilularis*), chaparral whitethorn (*Ceanothus leucodermis*), deerweed (*Acmispon glaber*), smooth mountain mahogany (*Cercocarpus minutiflorus*), currant (*Ribes indecorum*), Peruvian pepper (*Schinus molle*), and tree tobacco (*Nicotiana glauca*). No Diegan sage scrub was mapped within the proposed limits of disturbance.

4.2.3 Non-Native Grassland - 42200

Per the Draft Vegetation Communities of San Diego memo (March 2008), non-native grassland habitat constitutes "A dense to sparse cover of annual grasses with flowering culms 0.2- 0.5 (1.0) m high. Often associated with numerous species of showyflowered, native annual forbs ("wildflowers"), especially in years of favorable rainfall. In San Diego County the presence of *Avena, Bromus, Erodium,* and *Brassica* are common indicators. In some areas, depending on past disturbance and annual rainfall, annual forbs may be the dominant species; however, it is presumed that grasses will soon dominate. Germination occurs with the onset of the late fall rains; growth, flowering, and seed-set occur from winter through spring. With a few exceptions, the plants are dead through the summer-fall dry season, persisting as seeds. Remnant native species are variable. This can include grazed and even dry-farmed (i.e., disked) areas where irrigation is not present."

Within the survey area, outside of the project footprint, a non-native grassland plant community was mapped on flat areas near the disturbed portions of the project site, especially around driveways leading to adjacent properties. This plant community is dominated by non-native grasses such as bromes and *Avena* species. Other common plant species observed within this plant community include filaree (*Erodium* spp.), Mediterranean mustard (*Hirschfeldia incana*), silvery hairgrass (*Aira caryophyllea*), and smilo grass (*Stipa miliacea*). No non-native grassland was mapped within the boundaries of the project site.

4.2.4 Coast Live Oak Woodland - 71120

Per the Draft Vegetation Communities of San Diego memo (March 2008), coast live oak woodland habitat constitutes "woodland dominated by *Quercus agrifolia*, an evergreen oak that reaches 10-25 m in height. The shrub layer is poorly developed, but may include *Heteromeles arbutifolia*, *Ribes* spp., *Malosma laurina*, or dominated *Sambucus mexicana*. The herb component is continuous and dominated by [Bromus diandrus] and several other introduced taxa."

Within the survey area, outside of the project footprint, a coast live oak woodland plant community was mapped on the slopes to the south of the site. This plant community is dominated by coast live oak with an understory dominated by laurel sumac. Other common plant species observed within this plant community include toyon (*Heteromeles arbutifolia*), California sycamore (*Platanus racemosa*), inland scrub oak (*Quercus berberidifolia*), sticky monkeyflower, wishbone bush (*Mirabilis laevis*), stinging nettle (*Urtica dioica*), branching phacelia (*Phacelia ramosissima*), and manroot (*Marah macrocarpa*). No coast live oak woodland was mapped within the proposed limits of disturbance.

4.3 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. The discussion is to be used 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.

4.3.1 Fish

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

4.3.2 Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur on the project site and are presumed absent.

4.3.3 Reptiles

No reptilian species were observed on the project site during the field investigation. Common reptilian species that have the potential to occur on the project site include western side-blotched lizard (*Uta stansburiana elegans*), alligator lizard (*Elgaria multicarinata*), gopher snake (*Pituophis catenifer*), and California kingsnake (*Lampropeltis californiae*).

4.3.4 Avian

The project provides minimal suitable foraging, nesting, and cover habitat for a variety of resident and migrant bird species. Avian species identified during the habitat assessment included red-winged blackbird (*Agelaius phoeniceus*), yellow-rumped warbler (*Setophaga coronata*), Anna's hummingbird (*Calypte anna*), northern flicker (*Colaptes auratus*), California scrub-jay (*Aphelocoma californica*), spotted towhee (*Pipilo maculatus*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), California towhee (*Melozone crissalis*), song sparrow (*Melospiza melodia*), Cassin's kingbird (*Tyrannus vociferans*), turkey vulture (*Cathartes aura*), bushtit (*Psaltriparus minimus*), and common raven (*Corvus corax*). It should be noted that bald eagle (*Haliaeetus leucocephalus*) was also observed during the updated field investigation, outside of the proposed limits of disturbance.

4.3.5 Mammals

The project site provides suitable foraging and denning habitat for mammalian species adapted to routine human disturbance. California ground squirrel (*Otospermophilus beecheyi*), and Audubon's cottontail

(Sylvilagus audubonii) were observed during the habitat assessment. The project site and surrounding areas have the potential to support a mammalian species including coyote (*Canis latrans*), Botta's pocket gopher (*Thomomys bottae*), deer mice (*Peromyscus maniculatus*), raccoons (*Procyon lotor*), Mule deer (*Odocoileus hemionus*), and Virginia opossums (*Didelphis virginiana*).

4.4 NESTING BIRDS

An active bald eagle nest was observed in a dead tree approximately 300 feet north of the proposed limits of disturbance, northwest of Cultural Center Road. A pair of bald eagles were observed tending to and protecting the nest. No other active nests or birds displaying nesting behavior were observed during the field investigation. The project site and surrounding areas within 500 feet provide foraging 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), and bald eagle are further protected under the Bald and Golden Eagle Protection Act. In order to ensure no impacts occur to bald eagle or any other birds protected under the MBTA, a nesting bird clearance survey is recommended to be conducted prior to any ground disturbance or vegetation removal activities.

4.5 MIGRATORY CORRIDORS AND LINKAGES

Habitat linkages provide links 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, inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project occurs near Escondido Creek and Lake Wohlford, which are expected to be utilized by local wildlife species as migratory corridors and linkages. Since, the proposed project will be limited to the existing paved road right-of-way of Lake Wohlford Road, implementation of the proposed project is not expected to have any direct or indirect impacts to Lake Wohlford or Escondido Creek, and no impacts to migratory corridors or linkages are expected.

4.6 JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The U.S. Army Corps of Engineers (Corps) Regulatory Branch regulates discharge of dredge and/or fill materials into "waters of the United States" 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 CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the Fish and Game

Code, and the Regional Water Quality Control Board (Regional Board) regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. No jurisdictional drainage and/or wetland features were observed within the proposed limits of disturbance during the habitat assessment that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, regulatory approvals from the Corps, Regional Board, and/or CDFW will not be required for implementation of the project.

Further, a review of recent and historic aerial photographs (1985-2020) of the project site and its immediate vicinity did not provide visual evidence of an astatic or vernal pool conditions on or in the immediate vicinity of the project site. Clay soils are not mapped on site. No natural ponding was observed on-site, further supporting the fact that the drainage patterns currently occurring on and around the project site do not follow hydrologic regimes needed for vernal pools, or astatic ponds. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring on the project site, as no ponding was observed on-site. The site as a whole lacks the water retention capabilities necessary to support vernal pools, therefore, the biological functions and values of Vernal Pools do not exist on site.

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

The CNDDB Rarefind 5, CNDDB Quickview Tool in BIOS, and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California was queried for reported locations of special-status plant and wildlife species as well as special-status plant communities in the Rodriguez Mountain and Valley Center USGS 7.5-minute quadrangles. 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 twenty-five (25) special-status plant species and sixty-three (63) special-status wildlife species as having potential to occur within the Rodriguez Mountain and Valley Center USGS 7.5-minute quadrangle. No special-status plant communities have been recorded within the Rodriguez Mountain or Valley Center 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 *Appendix D, Potentially Occurring Special-Status Biological Resources*.

4.7.1 Special-Status Plant Species

Twenty-five (25) sensitive plant species have been recorded in the CNDDB and CNPS as having the potential to occur within the Rodriguez Mountain and Valley Center 7.5-minute quadrangles (refer to Appendix D). The proposed project footprint consists entirely of existing development and disturbed land within the existing road right-of-way. While the area surrounding the project site supports Diegan sage scrub and coast live oak woodland habitats, no natural habitats occur within the proposed limits of disturbance. No sensitive plant species were observed during the field investigation, which was conducted

during the blooming season for some of the sensitive plant species known to occur in the general vicinity of the site. Based on habitat requirements for specific sensitive plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the sensitive plant species known to occur in the area and all are presumed to be absent from the project site. No direct impacts to sensitive plant species will occur from implementation of the proposed project.

4.7.2 Special-Status Wildlife Species

Sixty-three (63) special-status wildlife species have been reported by the CNDDB in the Rodriguez Mountain and Valley Center USGS 7.5-minute quadrangle (refer to Appendix D). Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site does not provide suitable habitat for any of the special-status wildlife species known to occur in the area and all are presumed to be absent from the proposed limits of disturbance. In addition, Lake Wohlford Road is the main thoroughfare for the surrounding community, and supports constant vehicular traffic, including Class-A vehicles, which is likely to preclude sensitive wildlife from the site.

However, the Diegan Sage Scrub and Coast Live Oak Woodland habitats, outside of the project footprint within the survey area (within 500 feet of the project site) have a high potential to provide suitable habitat for Cooper's hawk (*Astur cooperii*), and a moderate potential to support southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), great egret (*Ardea alba*), great blue heron (*Ardea herodias*), orangethroat whiptail (*Aspidoscelis hyperthra*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), Costa's hummingbird (*Calypte coastae*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), red-diamond rattlesnake (*Crotalus ruber*), snowy egret (*Egretta thula*), white-tailed kite (*Elanus leucurus*), California horned lark (*Eremophila alpestris actia*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), western small-footed myotis (*Myotis ciliolabrum*), San Diego desert woodrat (*Neotoma lepida intermedia*), coast horned lizard (*Phrynosoma blainvillii*), Coronado skink (*Pleistodon skiltonianus interparietalis*), coastal California gnatcatcher (*Polioptila californica californica*), rufous hummingbird (*Selasphorus rufus*), western spadefoot (*Spea hammondii*), Lawrence's goldfinch (*Spinus lawrencei*), Further, it was determined that the Diegan Sage Scrub and Coast Live Oak Woodland habitats, outside of the project footprint, do not provide suitable habitat for any of the other special-status wildlife species known to occur in the vicinity of the project site.

No direct impacts are expected to occur to the special-status wildlife species listed above from project development since the proposed project footprint does not provide suitable habitat for any of these species.

Bald eagle

The bald eagle is a large raptor distinguished by its dark brown body, white head and tail (in adults), yellow hooked bill, and broad wings. Juveniles are mottled brown and lack the white head and tail until approximately four to five years of age. Bald eagles are closely associated with large water bodies, including lakes, reservoirs, rivers, estuaries, and coastal shorelines that support abundant fish populations. Nesting habitat typically consists of large, mature trees or cliffs that provide expansive views and proximity to open

water. In Southern California, bald eagles are most commonly observed during the winter months around large reservoirs and inland lakes, although nesting has increased in recent decades.

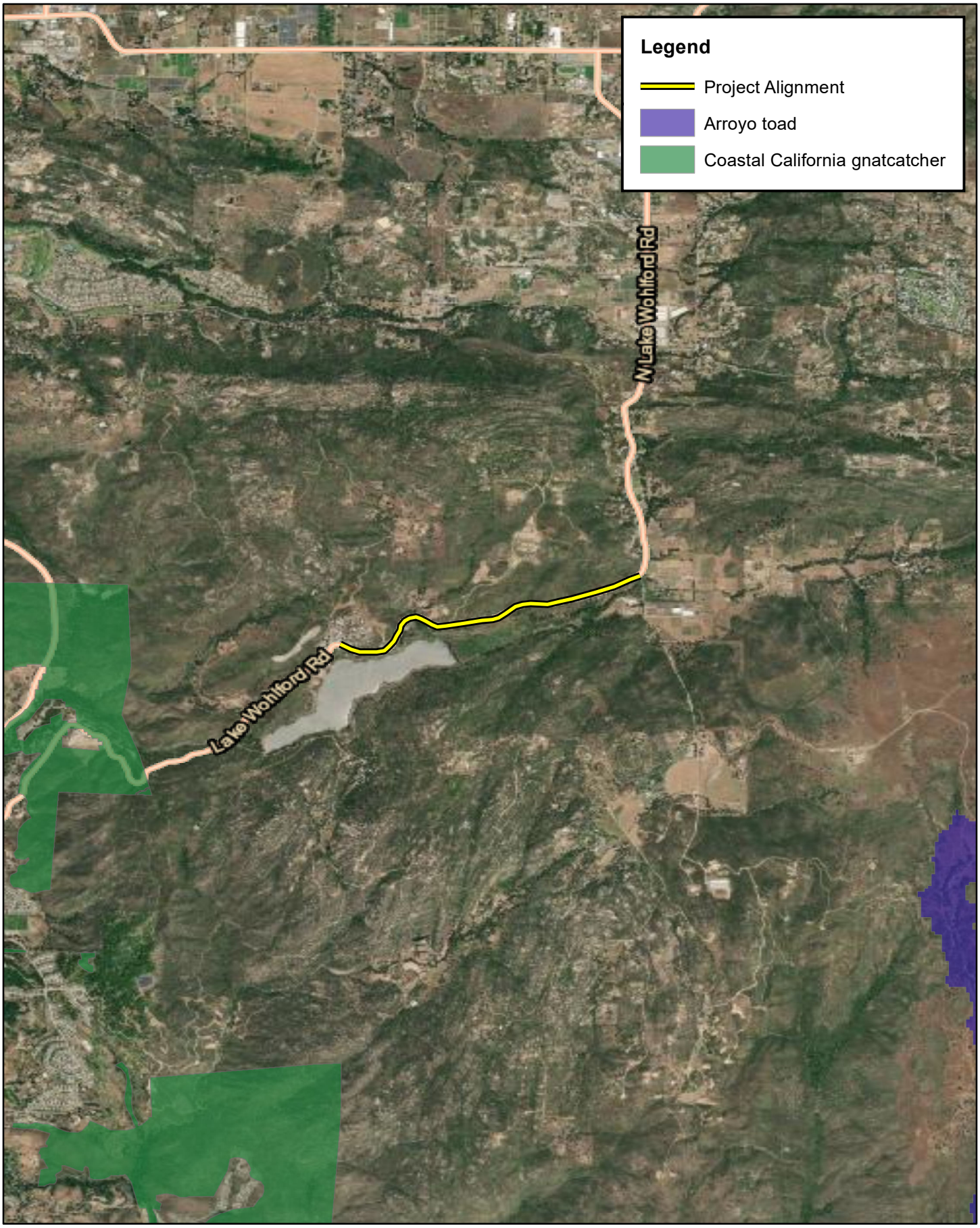
Although delisted from the federal Endangered Species Act in 2007, the bald eagle remains protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The Bald and Golden Eagle Protection Act prohibits the take, possession, sale, purchase, barter, transport, export, or import of bald eagles, including their parts, nests, and eggs, without authorization from the U.S. Fish and Wildlife Service (USFWS). "Take" under the Act includes disturbance that may cause injury, decreased productivity, or nest abandonment. The species is also designated as Fully Protected under the California Fish and Game Code Section 3511, prohibiting take or possession at the state level except as authorized by the California Department of Fish and Wildlife.

Two bald eagles were observed during the field investigation tending to a nest approximately 300-feet from Project Site boundaries. Project activities within a 500-foot buffer of the nest must be conducted outside of nesting season. If project activities will occur during nesting season, a 500-foot buffer around the nest must be avoided and a biological monitor must be present to ensure no indirect impacts to bald eagle occur. No direct impacts are expected to occur.

4.8 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 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 Clean Water Act Permit from the United States Army Corps of Engineers). If a 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 within any federally designated Critical Habitat (Exhibit 4, *Critical Habitat*). In addition, the nearest federally designated Critical Habitat to the site is located approximately 1.04 miles west for coastal California gnatcatcher (*Polioptila californica californica*) and 2.06 miles east for arroyo toad (*Anaxyrus californicus*). Therefore, consultation with USFWS will not be required for the loss or adverse modification of Critical Habitat.



LAKE WOHLFORD RESORT PRIVATE WATER LINE PROJECT
BIOLOGICAL RESOURCES REPORT

Critical Habitat

ELMT CONSULTING

0 1,250 2,500 5,000 Feet

Source: ESRI Aerial Imagery, USFWS Critical Habitat, San Diego County

Exhibit 4

Section 5 Conclusion and Recommendations

The proposed project site primarily consists entirely of existing development and disturbed land that has been subjected to a variety of anthropogenic disturbances associated with the on-site development (i.e., loose gravel, vehicle parking, regular traffic). These disturbances have eliminated natural plant communities that historically occurred on-site. No undisturbed native plant communities will be directly impacted from development of the proposed project. As a result, approval and development of the proposed project is not expected to result in direct impacts to biological resources.

Special-Status Plant Species

No special-status plant species were observed within the boundaries of the project site during the habitat assessment. Based on habitat requirements, availability/quality of habitat needed by each species, and known distributions, special-status plant species are not expected to occur on the project site and are presumed absent. The proposed project is not expected to result in impacts to special-status plant species and no additional special-status plant species surveys or mitigation are recommended.

Special-Status Wildlife Species

Based on habitat requirements for the identified special-status wildlife species, known distributions, and the and routine disturbance, it was determined that no direct impacts are expected to occur to the special-status wildlife species listed above from project development since the proposed project footprint does not provide suitable habitat for any of these species.

However, project activities do have the potential to indirectly impact special-status species found within the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities from construction noises. Any such impacts would be temporary and would only be expected to last through the construction of the project. Furthermore, Lake Wohlford Road is the main thoroughfare for vehicular traffic throughout the Lake Wohlford community and supports high levels of regular traffic, including Class-A vehicles. Wildlife species in the vicinity of the project site are expected to be acclimated to these regular noise levels, and construction noises are not expected to create significant impacts. No direct impacts to the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities will occur from development of the proposed project.

Wildlife within the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities should not be subject to noise that would exceed residential noise standards. Construction noise levels shall comply with the County of San Diego's 75 dBA standard per Section 36.409 of the Noise Ordinance at all property lines. Additionally, no blasting or rock crushing is anticipated during project implementation. Therefore, no impulsive noise sources would result, and the project will comply with Section 36.410 of the County Noise Ordinance. Temporary and indirect noise impacts to the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities will be minimized with implementation of mitigation measures BIO-1, as outlined below.

BIO-1: To minimize indirect impacts to the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities, from noise generated by project construction equipment, the following measures shall be implemented:

1. All construction equipment fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
2. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the adjacent adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities.
3. Equipment shall be shut off and not left to idle when not in use.
4. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities during all project construction.
5. The construction contractor shall limit haul truck deliveries to daytime hours.
6. Limit the use of heavy equipment or vibratory rollers and soil compressors along the project boundaries to the greatest extent possible.
7. Any jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded, and noise shall be directed away from the adjacent Diegan Sage Scrub and Coast Live Oak Woodland plant communities.

In addition, a pre-construction nesting bird avoidance survey shall be conducted prior to ground disturbance. With implementation of mitigation measures BIO-2 impacts will be less than significant.

BIO-2: Pursuant to the MBTA and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, beginning as early as January 1 for raptor species, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season (September 1 through January 31), a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

If the Biologist finds an active nest on the project site and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the

nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

Riparian Habitat and Special-Status Natural Communities

No impacts to riparian habitat or sensitive natural communities are expected to occur from development of the proposed project. Indirect impacts to adjacent Diegan Sage Scrub plant communities have the potential to occur during operation of the project. Indirect impacts will occur from short/temporary bursts of noise from construction equipment. However, these short/temporary bursts of noise are not expected to have an adverse effect on any sensitive habitat.

Wildlife Corridors and Linkages

The project occurs near Escondido Creek and Lake Wohlford, which are expected to be utilized by local wildlife species as migratory corridors and linkages. Since, the proposed project will be limited to the existing paved road right-of-way of Lake Wohlford Road, implementation of the proposed project is not expected to have any direct or indirect impacts to Lake Wohlford or Escondido Creek, and no impacts to migratory corridors or linkages are expected.

Local Policies, Ordinance, Adopted Plans

The North County Multiple Habitat Conservation Plan (Plan) is one of several large habitat conservation planning efforts in San Diego County (County). The Plan expands the San Diego County Multiple Species Conservation Program (MSCP) into the northwestern unincorporated areas of the County. Without comprehensive conservation plans such as this Plan, species may continue to be added to the federal and state threatened, and endangered species lists and fail to be adequately protected on the landscape. The Plan provides economic benefits by reducing constraints on future development outside of proposed preserve areas and decreasing the costs of compliance with federal and state laws protecting biological resources. Implementation of the Plan also protects biodiversity and enhances the quality of life in the San Diego region. The area included in the Plan encompasses approximately 489 square miles in and around the unincorporated communities of Bonsall, De Luz, Fallbrook, Harmony Grove, Lilac, Pala, Pauma Valley, Rainbow, Ramona, Rincon Springs, Twin Oaks Valley, and Valley Center, helping conserve habitat that benefits numerous species, including the 63 species covered under the Plan.

Water supply infrastructure is managed by 12 independent “Special Districts” within the Plan area. As designated in the Plan, “Special Districts" include those entities not normally subject to the land use jurisdiction of the County, such as school districts, water districts, and utility purveyors. Special districts are neither required nor expected to participate in this Plan. However, in the event that their projects will result in Incidental Take of species covered by this Plan they can utilize this Plan in their application for an Incidental Take permit through a consultation with USFWS and/or CDFW, as appropriate.

The proposed project site is located within the boundaries of the Plan; however, the Valley Center Municipal Water District is designated as a “Special District”, and, therefore, is not subject to the rules and regulations set forth in the Plan. The project site is entirely located within paved street right-of-way and will not impact any native habitats within MSCP designated areas. Based on the results of the analysis provided in this report, the proposed project is not expected is have impacts to federally or state listed species and would not need coverage under the Plan.

Section 6 References

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Appendix A Site Plan

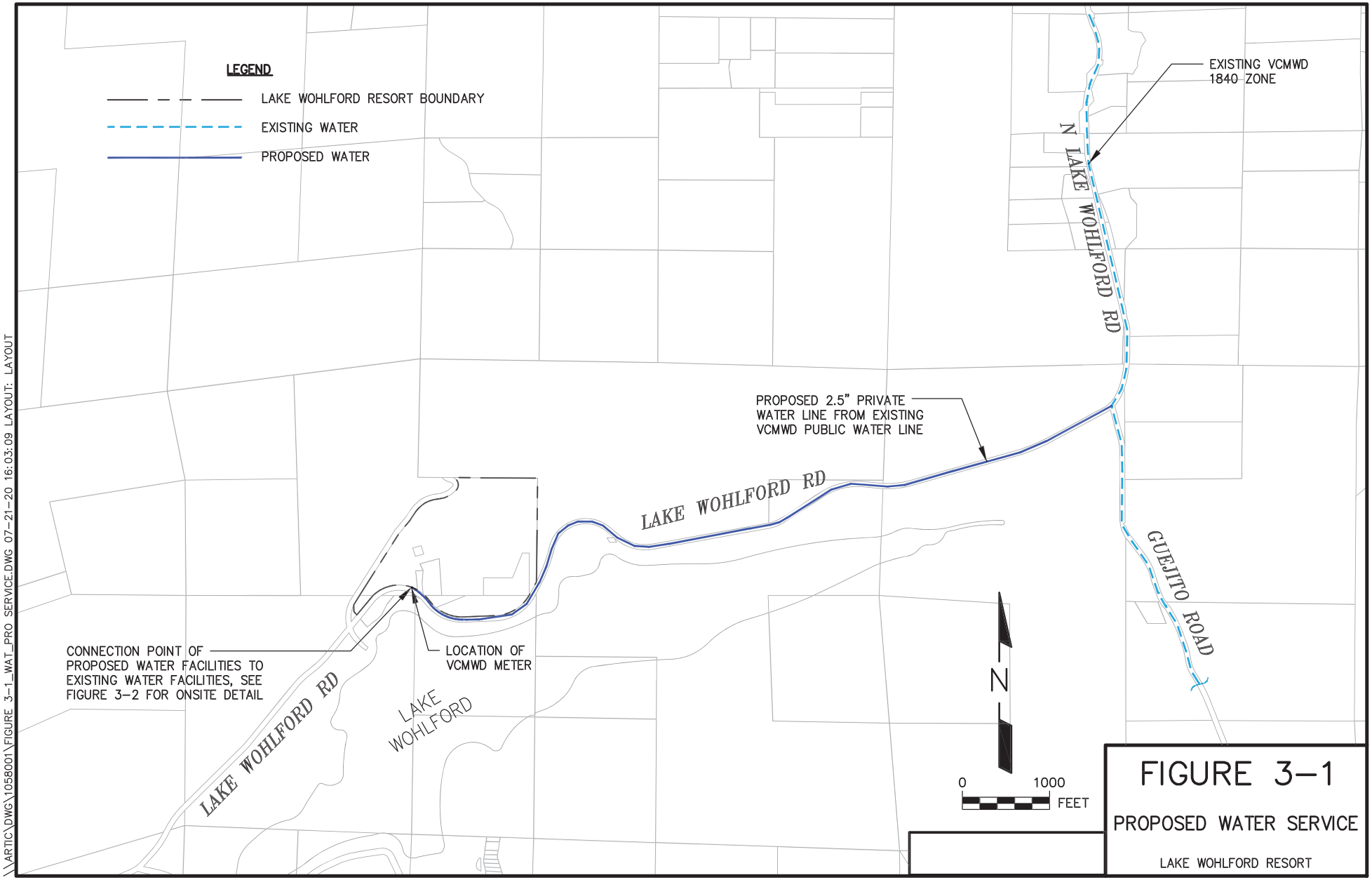

FIGURE 3-1

PROPOSED WATER SERVICE

LAKE WOHLFORD RESORT

\\ARTIC\DWG\1058001\FIGURE 3-1_WAT_PRO SERVICE.DWG 07-21-20 16:03:09 LAYOUT: LAYOUT

Appendix B Site Photographs

Photograph 1: From the western terminus of the project site looking east along Lake Wohlford Road. Adjacent residential and commercial development is present in the left portion of the photograph.

Photograph 2: From the western portion of the project site looking west along Lake Wohlford Road. The easement in the right portion of the photograph is unvegetated.

Photograph 3: From the western portion of the project site looking east along Lake Wohlford Road.

Photograph 4: From the western portion of the project site looking northeast along Lake Wohlford Road. A paved driveway is visible in the right portion of the photograph.

Photograph 5: From the middle of the project site looking west along Lake Wohlford Road.

Photograph 6: From the middle of the project site looking east along Lake Wohlford Road.

Photograph 7: From the eastern terminus of the project site looking west along Lake Wohlford Road.

Photograph 8: Bald eagle and an active nest observed within the 500-foot survey buffer.

Appendix C Compendium

Compendium of Species Observed within the Project Footprint

Plant Species

Scientific Name	**Common Name**
*Avena sativa**	wild oat
Baccharis pilularis	coyote bush
*Bromus diandrus**	ripgut
*Bromus madritensis**	foxtail chess
*Centaurea melitensis**	tocalote
*Cynodon dactylon**	Bermudagrass
Heterotheca grandiflora	telegraph weed
*Hirschfeldia incana**	Mediterranean mustard
*Lysimachia arvensis**	scarlet pimpernel
*Marrubium vulgare**	horehound
*Nicotiana glauca**	tree tobacco
Pinus sp.	pine
*Salsola tragus**	Russian thistle
*Schinus mole**	Peruvian pepper

*Non-native/invasive

Wildlife Species

Scientific Name	**Common Name**
Aves	**Birds**
Agelaius phoeniceus	red-winged blackbird
Aphelocoma californica	California scrub-jay
Buteo jamaicensis	red-tailed hawk
Calypte anna	Anna's hummingbird
Colaptes auratus	northern flicker
Corvus corax	Common raven
Haemorhous mexicanus	house finch
Melozone crissalis	California towhee
Mimus polyglottos	northern mockingbird
Pipilo maculatus	spotted towhee
Sayornis nigricans	black phoebe
Setophaga coronata	yellow-rumped warbler
Spinus psaltria	lesser goldfinch
Zenaida macroura	mourning dove
Mammalia	**Mammals**
Otospermophilus beecheyi	California ground squirrel

Compendium of Species Occurring or Having Potential to Occur within the Survey Area that May be Indirectly Impacted by Project Implementation

Plant Species

Scientific Name	**Common Name**
Artemisia californica	California sagebrush
*Avena sativa**	wild oat
Baccharis pilularis	coyote bush
*Bromus diandrus**	ripgut
*Bromus madritensis**	foxtail chess
*Centaurea melitensis**	tocalote
Cirsium vulgare	bull thistle
*Cynodon dactylon**	Bermudagrass
Diplacus aurantiacus	bush monkeyflower
Eriogonum fasciculatum	California buckwheat
*Eucalyptus sp.**	eucalyptus
Heterotheca grandiflora	telegraph weed
*Hirschfeldia incana**	Mediterranean mustard
*Lysimachia arvensis**	scarlet pimpernel
Malosma laurina	laurel sumac
Marah macrocarpa	wild cucumber
*Marrubium vulgare**	horehound
*Nicotiana glauca**	tree tobacco
Pinus sp.	pine
Platanus racemosa	western sycamore
*Salsola tragus**	Russian thistle
Salvia apiana	white sage
Sambucus nigra	elderberry
Schinus mole	Peruvian pepper

*Non-native/invasive

Wildlife Species

Scientific Name	**Common Name**
Aves	**Birds**
Accipiter cooperii	Cooper's hawk
Aeronauts saxatalis	white-throated swift
Agelaius tricolor	tricolored blackbird
Agelaius phoeniceus	red-winged blackbird
Aimophila ruficeps canescens	southern California rufous-crowned sparrow
Anaxyrus californicus	arroyo toad
Aphelocoma californica	California scrub-jay
Ardea alba	great egret
Ardea herodias	great blue heron
Aspidoscelis hyperythra	orangethroat whiptail
Aspidoscelis tigris stejnegeri	coastal whiptail
Baeolophus inornatus	oak titmouse
Buteo jamaicensis	red-tailed hawk
Calypte anna	Anna's hummingbird
Calypte costae	Costa's hummingbird
Chaetodipus fallax fallax	northwestern San Diego pocket mouse
Chamaea fasciata	wrentit
Colaptes auratus	northern flicker
Corvus brachyrhynchos	American crow

Scientific Name	**Common Name**
Corvus corax	common raven
Crotalus ruber	red-diamond rattlesnake
Egretta thula	snowy egret
Elanus leucurus	white-tailed kite
Empidonax difficilis	Pacific-slope flycatcher
Emys marmorata	western pond turtle
Eremophila alpestris actia	California horned lark
Euphyes vestris harbisoni	dun skipper
Geothlypis trichas	common yellowthroat
Haliaeetus leucocephalus	bald eagle
Haemorhous mexicanus	house finch
Icteria virens	yellow-breasted chat
Lepus californicus bennettii	San Diego black-tailed jackrabbit
Melospiza melodia	song sparrow
Melozone crissalis	California towhee
Mimus polyglottos	northern mockingbird
Myotis ciliolabrum	western small-footed myotis
Myotis evotis	long-eared myotis
Neotoma lepida intermedia	San Diego desert woodrat
Nycticorax nycticorax	black-crowned night heron
Nyctinomops femorosaccus	pocketed free-tailed bat
Pelecanus erythrorhynchos	American white pelican
Phalacrocorax auritus	double-crested cormorant
Phrynosoma blainvillii	coast horned lizard
Pipilo maculatus	spotted towhee
Plestiodon skiltonianus interparietalis	Coronado skink
Polioptila californica californica	coastal California gnatcatcher
Psaltriparus minimus	bushtit
Quiscalus mexicanus	great-tailed grackle
Regulus calendula	ruby-crowned kinglet
Sayornis nigricans	black phoebe
Selasphorus rufus	rufous hummingbird
Setophaga coronata	yellow-rumped warbler
Setophaga petechia	yellow warbler
Sitta carolinensis	white-breasted nuthatch
Spea hammondii	western spadefoot
Spinus lawrencei	Lawrence's goldfinch
Spinus psaltria	lesser goldfinch
Thamnophis hammondii	two-striped garter snake
Troglodytes aedon	house wren
Vireo bellii pusillus	least Bell's vireo
Zenaida macroura	mourning dove
Mammalia	**Mammals**
Otospermophilus beecheyi	California ground squirrel

Appendix D CNDDB

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

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
WILDLIFE SPECIES					
Accipiter striatus sharp-shinned hawk	**Fed:** None **CA:** WL	Generally found in cismontane woodland, lower montane coniferous forest, riparian forest, and riparian woodland. Associated with ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats, with a preference for riparian areas.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Actinemys pallida southwestern pond turtle	**Fed: PTHR** **CA:** SSC	Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant vegetation, and either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. May enter brackish water and even seawater.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Agelaius tricolor tricolored blackbird	**Fed:** None **CA: THR** | SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	**Fed:** None **CA:** WL	Typically found between 3,000 and 6,000 feet in elevation. Breeds in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (Artemisia californica), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Anaxyrus californicus arroyo toad	**Fed: END** **CA:** SSC	Occurs in semi-arid regions near washes or intermittent streams, including valley-foothill grasslands, desert riparian, desert washes, and oak woodlands. Breeding habitat consists of shallow streams with a mixture of sandy and gravelly substrate and sandy terraces. Generally requires mulefat (Baccharis salicifolia) and willow (Salix sp.) in the streambed for vegetative canopy for breeding areas and forages for insects primarily under oak (Quercus sp.), cottonwood (Populus fremontii), and sycamore (Platanus racemosa) trees. Occurs at elevations from near sea level to about 4,600 feet above msl.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Anniella stebbinsi Southern California legless lizard	**Fed:** None **CA:** SSC	Occurs in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine-oak woodland, desert scrub, open grassland, and riparian areas. Requires sandy or loose loamy substrates conducive to burrowing.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Antrozous pallidus pallid bat	**Fed:** None **CA:** SSC	Locally common species of low elevation in California. Mostly found in desert habitats, but also occur in oak and pine forested areas and open farmland. Prefers rocky outcrops for roosting, but also roost in caves, rock crevices, mines, hollow trees, and buildings. roosts with depth gradients are preferred.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aquila chrysaetos golden eagle	**Fed:** None **CA:** FP | WL	Occurs in rolling foothill, sage-juniper flats, desert, and mountainous habitats. Requires open terrain for hunting including grasslands, deserts, savannahs, and early successional stages of forest and shrub habitats. Nests on cliffs and escarpments in rugged canyons and in large trees in open areas. Prefers rolling foothills, mountain terrain, cliffs, rock outcrops, and wide arid plateaus deeply cut by streams and canyons.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Ardea alba great egret	**Fed:** None **CA:** None	Generally found in brackish marsh estuary freshwater marsh & swamp riparian forest wetland. Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Ardea herodias great blue heron	**Fed:** None **CA:** None	Generally found in brackish marsh estuary freshwater marsh & swamp riparian forest wetland. Colonial nester in tall trees, cliffsides, and sequestered spots on marshes. Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Artemisiospiza belli belli Bells sparrow	**Fed:** None **CA:** WL	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral dominated by chamise and/or California sagebrush, coastal sage scrub. Less common in tall, dense, old chaparral.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Aspidoscelis hyperythra orange-throated whiptail	**Fed:** None **CA:** WL	Inhabits low-elevations coastal scrub, chamise-redshank chaparral, mixed chaparral, and valley-foothill hardwood habitats. Semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides, rocky hillsides, and coastal chaparral.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Aspidoscelis tigris stejnegeri coastal whiptail	**Fed:** None **CA:** SSC	Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Astur cooperii Coopers hawk	**Fed:** None **CA:** WL	Generally found in cismontane woodland riparian forest riparian woodland upper montane coniferous forest. Woodland, chiefly of open, interrupted or marginal type. Nests sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains. Also, live oaks.	No	No	**High** There is suitable nesting and foraging habitat within or adjacent to the project site.
Athene cunicularia burrowing owl	**Fed:** None **CA:** Candidate Endangered | 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Bombus crotchii Crotchs bumble bee	**Fed:** None **CA:** Candidate Endangered	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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Bombus pensylvanicus American bumble bee	**Fed:** None **CA:** None	Generally found in coastal prairie Great Basin grassland valley & foothill grassland.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Buteo swainsoni Swainsons hawk	**Fed:** None **CA: THR**	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calypte costae Costas hummingbird	**Fed:** None **CA:** None	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	**Fed:** None **CA:** SSC	Found in a variety of low dry habitats. Most common in desert areas with thorny shrubs and cactus, especially where cholla cactus are common. Also found in mesquite brush and coastal chaparral where cactus are common.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus californicus femoralis Dulzura pocket mouse	**Fed:** None **CA:** None	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters. 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	**Fed:** None **CA:** None	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 4,600 feet in elevation. 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.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Circus hudsonius northern harrier	**Fed:** None **CA:** SSC	Most common in large, undisturbed tracts of wetlands and grasslands with low, thick vegetation. They breed in freshwater and brackish marshes, lightly grazed meadows, old fields, tundra, dry upland prairies, drained marshlands, high-desert shrubsteppe, and riverside woodlands. During winter they use a range of habitats with low vegetation, including deserts, coastal sand dunes, pasturelands, croplands, dry plains, grasslands, old fields, estuaries, open floodplains, and marshes.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Coccyzus americanus occidentalis western yellow-billed cuckoo	**Fed: THR** **CA: END**	In California, the breeding distribution is now thought to be restricted to isolated sites in Sacramento, Amargosa, Kern, Santa Ana, and Colorado River valleys. Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest.	Yes (a)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Corynorhinus townsendii Townsends big-eared bat	**Fed:** None **CA:** SSC	Occupies a variety of habitats including desert scrub, chaparral, oak woodland, and coniferous forest. Roosts in caves, mines, rock crevices, and abandoned buildings, typically selecting sites with minimal disturbance and stable temperatures. Forages in open habitats and along forest edges, relying on a high degree of roost site fidelity.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Crotalus ruber red-diamond rattlesnake	**Fed:** None **CA:** SSC	Found from desert dense chaparral communities in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. Most commonly associated with heavy brush and large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake. however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Danaus plexippus plexippus pop. 1 monarch - California overwintering population	**Fed: PTHR** **CA:** None	Generally found in closed-cone coniferous forest.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Diadophis punctatus similis San Diego ringneck snake	**Fed:** None **CA:** None	Open, fairly rocky areas. Use boards, flat rocks, woodpiles, stable talus, rotting logs and small ground holes for cover. Often in somewhat moist areas near intermittent streams.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys simulans Dulzura kangaroo rat	**Fed:** None **CA:** None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats with sandy and gravelly soils. Sometimes found in forests of pine, oak and fir.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys stephensi Stephens kangaroo rat	**Fed: THR** **CA: THR**	Generally found in coastal scrub valley & foothill grassland. Primarily annual and perennial grasslands, but also occurs in coastal scrub and sagebrush with sparse canopy cover. Will burrow into firm soil.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Egretta thula snowy egret	**Fed:** None **CA:** None	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado river.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Elanus leucurus white-tailed kite	**Fed:** None **CA:** FP	Common in savannahs, open woodlands, marshes, desert grasslands, partially cleared areas, and cultivated fields. Avoids heavily grazed areas. Breeds in lowland grasslands, agricultural wetlands, oak-woodland and savannah habitats, and riparian areas.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Eremophila alpestris actia California horned lark	**Fed:** None **CA:** WL	Occurs in meadows, grasslands, open fields, prairie, and alkali flats. This subspecies is typically found in coastal regions.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Eumops perotis californicus western mastiff bat	**Fed:** None **CA:** SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Euphyes vestris harbisoni dun skipper	**Fed:** None **CA:** None	Found in moist habitats such as sedge meadows, bogs, swamps, marshes, and woodland edges, often near deciduous forests. and Cyperus esculentus), while adults nectar on white, pink, or purple flowers including milkweeds, vetches, and mints.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Gila orcuttii arroyo chub	**Fed:** None **CA:** SSC	Generally found in aquatic habitats of the south coast's flowing waters. Native to streams from Malibu Creek to the San Luis Rey River basin. Introduced into streams in the Santa Clara, Ventura, Santa Ynez, Mojave, and San Diego River basins. Occurs in slow-moving stream sections with mud or sand bottoms.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Haliaeetus leucocephalus bald eagle	**Fed:** Delisted **CA: END** | FP	Generally found in lower montane coniferous forest Oldgrowth. Ocean shore, lake margins, and rivers for both nesting and wintering. Nests in large, old-growth, or dominant live tree with open branches, especially ponderosa pine.	Yes	No	**Present** This species was observed nesting within the 500-foot survey buffer.
Icteria virens yellow-breasted chat	**Fed:** None **CA:** SSC	Lives in thickets and along other dense, regrowing areas such as bramble bushes, clearcut areas, powerline corridors, and shrubs along streams. Can sometimes be found in overgrown pastures and in margins of woodlands. Winters in open scrub and woodland edges in lowland areas.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lasiurus cinereus hoary bat	**Fed:** None **CA:** None	Inhabits a wide range of habitats including coniferous and deciduous forests, woodlands, and riparian zones. Roosts primarily in the foliage of trees, often well-hidden among dense leaves. Forages over open areas such as meadows, streams, and forest edges, typically at higher altitudes above the canopy.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lasiurus xanthinus western yellow bat	**Fed:** None **CA:** SSC	Most commonly found in riparian woodland habitats consisting of sycamore, cottonwood and oak. Can also be found in desert environments and are closely associated with palms.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Laterallus jamaicensis coturniculus California black rail	**Fed:** None **CA: THR** | FP	Generally found in brackish marsh freshwater marsh & swamp salt marsh wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Lepus californicus bennettii 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. Known to occur on the coastal side of mountain ranges westward from Los Padres National forest into Baja California.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Myotis ciliolabrum western small-footed myotis	**Fed:** None **CA:** None	Occupies arid and semi-arid environments, including desert scrub, sagebrush, chaparral, and open woodlands. Roosts in rock crevices, cliffs, caves, mines, and occasionally buildings.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Myotis evotis long-eared myotis	**Fed:** None **CA:** None	Found in all brush, woodland and forest habitats from sea level to about 9000 ft. Prefers coniferous woodlands and forests.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nannopterum auritum double-crested cormorant	**Fed:** None **CA:** WL	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Neotoma lepida intermedia San Diego desert woodrat	**Fed:** None **CA:** SSC	Found in a variety of shrub and desert habitats. Prefers large cactus patches and rock outcroppings. Common in sagebrush scrub areas, chaparral, desert, and within rocky sloped areas. Occurs at elevations up to 9,500 feet.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Nycticorax nycticorax black-crowned night heron	**Fed:** None **CA:** None	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nyctinomops femorosaccus 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Nyctinomops macrotis big free-tailed bat	**Fed:** None **CA:** SSC	Found in rugged and rocky terrain in arid landscapes. Located in desert shrub, woodland, and evergreen forest communities. Primarily associated with lowlands below 5,900 feet in the southwestern U. Roosts in crevices of high cliff faces.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Pelecanus erythrorhynchos American white pelican	**Fed:** None **CA:** SSC	Locally common winter resident of southern California. Typically forage in shallow inland waters, such as open areas in marshes and along lake or river edges. Also occur in shallow coastal marine habitats.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phrynosoma blainvillii 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. 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	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Plegadis chihi white-faced ibis	**Fed:** None **CA:** WL	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded pastures and croplands. Roosts amidst dense, freshwater emergent vegetation such as bulrushes, cattails, reeds or low shrubs over water.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Plestiodon skiltonianus interparietalis Coronado skink	**Fed:** None **CA:** WL	Occurs in grassland, chaparral, pinyon-juniper woodland, juniper sage woodland, pine-oak forests, and pine forests in the Coast Ranges. Prefers early successional stages or open areas and is usually found in rocky areas close to streams or on dry hillsides.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	**Fed: THR** **CA:** SSC	Common yearlong resident of southern California in sage scrub habitats that are dominated by California sagebrush (Artemisia californica). Prefers scrub habitat with more low-growing vegetation. Species generally occurs below 750 feet above mean sea level (msl) along the coast and below 1,500 feet above msl within inland regions.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Salvadora hexalepis virgultea coast patch-nosed snake	**Fed:** None **CA:** SSC	Found in desert scrub, grassland chaparral, sagebrush plains, and pinyon-juniper woodlands in the southwestern United States south into Baja California and Mexico. Occurs from below sea level to 7,000 feet in elevation.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Selasphorus rufus rufous hummingbird	**Fed:** None **CA:** None	Breeds in open forests, shrubby clearings, and meadows, primarily in the Pacific Northwest and western Canada. During migration, it utilizes a wide range of habitats including coastal sage scrub, chaparral, riparian corridors, and suburban gardens. In Southern California, observed primarily during spring and fall migration, often in areas with abundant flowering plants or feeders.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Setophaga petechia 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spea hammondii western spadefoot	**Fed: PTHR** **CA:** SSC	Prefers open areas with sandy or gravelly soils in a variety of habitats, including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rain pools that do not contain bullfrogs, fish, or crayfish are necessary for breeding.	Yes	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Spinus lawrencei Lawrences 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. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	No	**Moderate** There is moderate habitat within or adjacent to the project site.
Taxidea taxus 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Thamnophis hammondii two-striped gartersnake	**Fed:** None **CA:** SSC	Inhabits streams and ponds in chaparral, oak woodland, and forest habitats up to 8,000 feet elevation. Semi-aquatic in nature, but can occur in a variety of habitats-including urban areas-where there is water present.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Thamnophis sirtalis pop. 1 south coast 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Vireo bellii pusillus least Bells 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
PLANT SPECIES					
Allium marvinii Yucaipa onion	**Fed:** None **CA:** None **CNPS:** 1B.2	Found in chaparral, cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland. Found at elevations ranging from 974 to 3,510 feet. Blooming period is from March to May.	Yes (b)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Arctostaphylos rainbowensis Rainbow manzanita	**Fed:** None **CA:** None **CNPS:** 1B.1	Habitats include vernally mesic areas, sandy coastal bluff scrub, coastal dunes, and mesic coastal prairie. Found at elevations ranging from 3 to 164 feet. Blooming period is from March to May.	Yes (e)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Bahiopsis laciniata San Diego County viguiera	**Fed:** None **CA:** None **CNPS:** 4.3	Grows in coastal sage scrub and chaparral habitat. Found at elevations ranging from 15 to 5,185 feet. Blooming period is from February to August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Brodiaea orcuttii Orcutts brodiaea	**Fed:** None **CA:** None **CNPS:** 1B.1	Found in closed-cone coniferous forest chaparral cismontane woodland meadow & seep Ultramafic Valley & foothill grassland vernal pool wetland. Vernal pools, valley and foothill grassland, closed-cone coniferous forest, cismontane woodland, chaparral, meadows and seeps. Typically occurs on localized substrates. Usually in vernal pools and small drainages. Occurs at elevations ranging from 30-1,615 m.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calandrinia breweri Brewers calandrinia	**Fed:** None **CA:** None **CNPS:** 4.2	Occurs on sandy or loamy soils, disturbed sites, and burns in chaparral and coastal scrub habitats. Grows in elevation from 33 to 4,002 feet. Blooming period ranges typically from March to June, but can begin as early as January.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Centromadia parryi ssp. australis southern tarplant	**Fed:** None **CA:** None **CNPS:** 1B.1	Occurs in marsh and swamp margins, vernally mesic valley and foothill grasslands, and vernal pool habitats. Grows in elevation from 0 to 1,578 feet. Blooming period ranges from May to November.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chorizanthe leptotheca Peninsular spineflower	**Fed:** None **CA:** None **CNPS:** 4.2	Endemic to southern California, primarily in the Peninsular Ranges including parts of San Bernardino, Riverside, and San Diego counties. Found in chaparral, cismontane woodland, and coastal scrub habitats, typically on granitic or sandy soils. Elevation range is approximately 1,000 to 6,200 feet. Blooms from May to August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Clarkia delicata delicate clarkia	**Fed:** None **CA:** None **CNPS:** 1B.2	Found in chaparral cismontane woodland ultramafic. Cismontane woodland, chaparral. Often on gabbro soils. Occurs at elevations ranging from 95-1,800 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Comarostaphylis diversifolia ssp. diversifolia summer holly	**Fed:** None **CA:** None **CNPS:** 1B.2	Found in chaparral cismontane woodland. Often in mixed chaparral in California, sometimes post-burn. Occurs at elevations ranging from 30-855 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dichondra occidentalis western dichondra	**Fed:** None **CA:** None **CNPS:** 4.2	Grows within chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 164 to 1640 feet. Blooming period is typically from March to July and can begin as early as January.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Diplacus clevelandii Clevelands bush monkeyflower	**Fed:** None **CA:** None **CNPS:** 4.2	Grows in disturbed areas (often), openings, in gabbroic, rocky soils within chaparral, cismontane woodland, and lower montane coniferous forest habitats. Found at elevations ranging from 1,475 to 6,560 feet. Blooming period is from April to June.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Erythranthe diffusa Palomar monkeyflower	**Fed:** None **CA:** None **CNPS:** 4.3	Grows in sandy or gravelly soils in chaparral and lower montane coniferous forest habitats. Found at elevations ranging from 4,003 to 6,004 feet. Blooming period ranges from April to June.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Horkelia truncata Ramona horkelia	**Fed:** None **CA:** None **CNPS:** 1B.3	Found in chaparral cismontane woodland ultramafic. Habitats in California include: mixed chaparral, vernal streams, and disturbed areas near roads. Typically occurs on localized substrates. Occurs at elevations ranging from 380-1,190 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Juglans californica southern California black walnut	**Fed:** None **CA:** None **CNPS:** 4.2	Occurs in alluvial soils in chaparral, cismontane woodland, coastal scrub, and riparian woodlands. From 15 to 5,875 feet in elevation. Blooming period is from May to June.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Juncus acutus ssp. leopoldii southwestern spiny rush	**Fed:** None **CA:** None **CNPS:** 4.2	Grows in moist saline places within coastal dunes, marshes and swamps, and meadows and seeps habitats. Found at elevations ranging from 10 to 2,955 feet. Blooming period is from (March) May to June.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lathyrus splendens pride-of-California	**Fed:** None **CA:** None **CNPS:** 4.3	Found in chaparral. Sandy to gravelly soils. Occurs at elevations ranging from 200-1,525 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lepidium virginicum var. robinsonii Robinsons pepper-grass	**Fed:** None **CA:** None **CNPS:** 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Leptosiphon grandiflorus large-flowered leptosiphon	**Fed:** None **CA:** None **CNPS:** 4.2	Found in coastal bluff scrub closed-cone coniferous forest cismontane woodland coastal dunes coastal prairie coastal scrub valley & foothill grassland. Coastal bluff scrub, closed-cone coniferous forest, cismontane woodland, coastal dunes, coastal prairie, coastal scrub, valley and foothill grassland. Open, grassy flats, generally sandy soil. Occurs at elevations ranging from 5-1,200 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lilium humboldtii ssp. ocellatum ocellated humboldt lily	**Fed:** None **CA:** None **CNPS:** 4.2	Found in openings within chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland habitats. Found at elevations ranging from 98 to 5,906 feet in elevation above msl. Blooming period is from March to August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Monardella hypoleuca ssp. lanata felt-leaved monardella	**Fed:** None **CA:** None **CNPS:** 1B.2	Found in chaparral cismontane woodland. Occurs in understory in mixed chaparral, chamise chaparral, and southern oak woodland. Typically occurs on sandy substrates. Occurs at elevations ranging from 425-1,585 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Nolina cismontana chaparral nolina	**Fed:** None **CA:** None **CNPS:** 1B.2	Grows in sandstone or gabbroic soils within chaparral and coastal scrub habitats. Found at elevations ranging from 460 to 4,180 feet. Blooming period begins as early as March and typically ranges from May to July.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Quercus engelmannii Engelmann oak	**Fed:** None **CA:** None **CNPS:** 4.2	Occurs in chaparral, cismontane woodland, riparian woodland, and valley and foothill grassland. Found at elevations ranging from 164 to 4,265 feet. Blooming period is from March to June.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Rhinotropis cornuta var. fishiae Fishs milkwort	**Fed:** None **CA:** None **CNPS:** 4.3	Occurs in chaparral, cismontane woodland, and riparian woodland. Found at elevations ranging from 328 to 3,281 feet. Blooming period is from May to August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Selaginella cinerascens ashy spike-moss	**Fed:** None **CA:** None **CNPS:** 4.1	Grows within chaparral and coastal scrub habitats. Found at elevations ranging from 70 to 2,100 feet. This species is a fern and does not have a blooming period.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Xanthisma junceum rush-like bristleweed	**Fed:** None **CA:** None **CNPS:** 4.3	Found in chaparral coastal scrub. Occurs at elevations ranging from 240-1,000 m.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
CDFW SENSITIVE HABITATS					

U.S. Fish and Wildlife Service (Fed) - Federal
END- Federal Endangered
THR- Federal Threatened

California Department of Fish and Wildlife (CA) - California
END- California Endangered
THR- California Threatened
Candidate- Candidate for listing under the California Endangered Species Act
FP- California Fully Protected
SSC- Species of Special Concern
WL- Watch List

California Native Plant Society (CNPS)
California Rare Plant Rank
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3 Plants About Which More Information is Needed – A Review List
4 Plants of Limited Distribution – A Watch List

CNPS Threat Ranks
0.1- Seriously threatened in California
0.2- Moderately threatened in California
0.3- Not very threatened in California

Western Riverside County MSHCP
Yes- Fully covered
No- Not covered
Yes (a)- May require surveys under MSHCP Section 6.1.2
Yes (b)- May require surveys under MSHCP Section 6.1.3
Yes (c)- May require surveys under MSHCP Section 6.3.2
Yes (d)- May require surveys under MSHCP Section 6.3.2
Yes (e)- Conditionally covered pending the achievement of species-specific conservation measures

Appendix 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.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668–668d) provides federal protection for the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*). The Act prohibits the "take" of bald or golden eagles without a permit issued by the U.S. Fish and Wildlife Service (USFWS). Under the Act, "take" is defined broadly to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb, including actions that substantially interfere with normal breeding, feeding, or sheltering behavior or cause nest abandonment. The Act also prohibits possession, sale, purchase, barter, transport, export, or import of any eagle, alive or dead, including any part, nest, or egg thereof, except as authorized by federal permit. Project activities with the potential to result in disturbance or take of bald or golden eagles, including impacts to active or alternate nests, may require coordination with USFWS and compliance with applicable permit requirements.

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 Sates" 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.