BIOLOGICAL TECHNICAL REPORT

FOR

NISQUALLI TRAILER LOT EXPANSION PROJECT

LOCATED IN THE CITY OF VICTORVILLE, SAN BERNARDINO COUNTY, CALIFORNIA

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INFORMATION SUMMARY

A. Report Date: September 7, 2023

B. Report Title: Biological Technical Report for Nisqualli Trailer Lot Expansion Project

C. Project Site Location: City of Victorville, San Bernardino County, California

D. Owner/Applicant:
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F. Report Summary:

This report describes the current biological conditions for the Nisqualli Trailer Lot Expansion Project [Project] and evaluates impacts to biological resources from development of the Project.

Glenn Lukos Associates, Inc. (GLA) biologists/regulatory specialists conducted a general biological on April 27, 2023, for the Project and conducted focused burrowing owl (*Athene cunicularia*) surveys on April 27, May 22, June 13, and July 3, 2023. Biological surveys included habitat assessments for special status species and animal species. In addition, GLA conducted vegetation mapping and an evaluation of federal and state jurisdictional waters.

No jurisdictional waters occur on site. No burrowing owls were detected or observed during focused surveys.

G. Individuals Conducting Fieldwork:
David Smith, Wildlife Biologist

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1.0 INTRODUCTION

1.1 Background and Scope of Work

This document provides the results of general biological surveys and focused biological surveys (i.e., burrowing owl surveys) for the approximately 10.04-acre Nisqualli Trailer Lot Expansion Project (the Project) located in the City of Victorville, San Bernardino County, California. This report identifies and evaluates impacts to biological resources associated with the proposed Project in the context of the California Environmental Quality Act (CEQA), and State and Federal regulations such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code.

The scope of this report includes a discussion of existing conditions for the approximately 10.04-acre Project site, all methods employed regarding the general biological surveys and focused biological surveys (i.e., focused burrowing owl surveys), the documentation of botanical and wildlife resources identified (including special-status species), and an analysis of impacts to biological resources. Methods of the study include a review of relevant literature, field surveys, and a Geographical Information System (GIS)-based analysis of vegetation communities. As appropriate, this report is consistent with accepted scientific and technical standards and survey guideline requirements issued by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), and other applicable agencies/organizations.

The field study focused on a number of primary objectives that would comply with CEQA requirements, including (1) general reconnaissance survey and vegetation mapping; (2) general biological surveys; (3) habitat assessments for special-status plant species; (4) habitat assessments for special-status wildlife species; (5) assessment for the presence of wildlife migration and colonial nursery sites; and (6) assessments for areas subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the Clean Water Act, State Water Quality Control Board pursuant to Section 401 of the Clean Water Act, and CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600–1616 of the California Fish and Game Code. Observations of all plant and wildlife species were recorded during the general biological surveys and are included as Appendix A: Floral Compendium and Appendix B: Faunal Compendium.

1.2 Project Location

The Project site comprises approximately 10.04 acres in the City of Victorville, San Bernardino County, California [Exhibit 1 – Regional Map] and is located within Section 27 of Township 5 North, Range 4 West, of the U.S. Geological Survey (USGS) 7.5-minute quadrangle map Hesperia, California [Exhibit 2 – Vicinity Map]. The Project site is bordered by commercial warehouses to the north and south, commercial warehouses and Enterprise Way to the west, and existing railroad tracks to the east. The Project site consists of Assessor Parcel Number (APN) 3090-571-17, and currently serves as a temporary parking area for the existing Church & Dwight Co., Inc warehouse to the south of the property.

1.3 Project Description

For this report, the term *Project Site* is defined as that area proposed for direct impact by the proposed Project and totals 10.04 acres [Exhibit 3]. The proposed Project consists of a paved parking facility to accommodate vehicles and/or trailers, with 198 trailer stalls to supplement ancillary trailer or vehicle parking for the existing Church & Dwight Co., Inc. warehouse facility. The proposed facility will be used for storing trailers but will not be used for loading.

2.0 METHODOLOGY

In order to adequately identify biological resources in accordance with the requirements of CEQA, Glenn Lukos Associates (GLA) assembled biological data consisting of three main components:

- Performance of a jurisdictional waters and wetlands evaluation;
- Performance of vegetation mapping for the Project site; and
- Performance of habitat assessments and site-specific biological surveys to evaluate the presence/absence of special-status species in accordance with the requirements of CEQA.

The focus of the biological surveys was determined through initial site reconnaissance, a review of the CNDDB [CDFW 2023], CNPS 9th edition online inventory (CNPS 2023), Natural Resource Conservation Service soil data (NRCS 2023), other pertinent literature, and knowledge of the region. Site-specific general surveys within the Project site were conducted on foot in the proposed development areas for each target plant or animal species identified below.

2.1 Summary of Surveys

GLA conducted biological studies in order to identify and analyze actual or potential impacts to biological resources associated with development of the Project site. Observations of all plant and wildlife species were recorded during each of the above-mentioned survey efforts [Appendix A: Floral Compendium and Appendix B: Faunal Compendium]. The studies conducted include the following:

- Performance of vegetation mapping;
- Performance of site-specific habitat assessments and biological surveys to evaluate the potential presence/absence of special-status species (or potentially suitable habitat) to the satisfaction of CEQA and federal and state regulations; and
- Evaluation of aquatic resources (including wetlands and riparian habitat) potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and CDFW.

Table 2-1 provides a summary list of survey dates, survey types and personnel.

Table 2-1. Summary of Biological Surveys for the Project Site.

Survey Type	2023 Survey Dates	Biologists
General Biological Survey	4/27	DS
Evaluation of Aquatic Resources	4/27	DS
Focused Burrowing Owl Surveys	4/27, 5/22, 6/13, 7/3	DS

DS = David Smith

Individual plants and wildlife species are evaluated in this report based on their "special-status." For the purpose of this report, plants were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State Endangered Species Act (ESA);
- Occurrence in the CNPS Rare Plant Inventory (Rank 1A/1B, 2A/2B, 3, or 4); and/or
- Occurrence in the CNDDB inventory.

Wildlife species were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State ESA; and
- Designation by the State as a Species of Special Concern (SSC) or California Fully Protected (FP) species.

Vegetation communities and habitats were considered "special-status" based on one or more of the following criteria:

- Global (G) and/or State (S) ranking of category 3 or less based on CDFW (see Section 3.2.2 below for further explanation); and
- Riparian habitat.

2.2 Botanical Resources

A site-specific survey program was designed to accurately document the botanical resources within the Project site, and consisted of five components: (1) a literature search; (2) preparation of a list of target special-status plant species and sensitive vegetation communities that could occur within the Project site; (3) general field reconnaissance surveys; (4) vegetation mapping according to the List of Vegetation Alliances and Associations; and (5) habitat assessments for special-status plants.

2.2.1 Literature Search

Prior to conducting fieldwork, pertinent literature on the flora of the region was examined. A thorough archival review was conducted using available literature and other historical records. These resources included the following:

- California Native Plant Society, Rare Plant Program. Inventory of Rare and Endangered Plants of California (online edition, v-9.5, CNPS 2023); and

- CNDDB for the USGS 7.5-minute quadrangles: Adelanto, Victorville, Apple Valley North, Baldy Mesa, Hesperia, Apple Valley South, Cajon, Silverwood Lake, and Lake Arrowhead. (CNDDB 2023).

2.2.2 Vegetation Mapping

Vegetation communities within the Project site were mapped according to the List of Vegetation Alliances and Associations (or Natural Communities List). The list is based on A Manual of California Vegetation, Second Edition or MCVII (Sawyer et al. 2008), which is the California expression of the National Vegetation Classification. Where necessary, deviations were made when areas did not fit into exact habitat descriptions. These vegetation communities were named based on the dominant plant species present. Plant communities were mapped in the field directly onto a 125-scale (1"=125') aerial photograph. A vegetation map is included as Exhibit 4. Representative site photographs are included as Exhibit 5.

2.2.3 Special-Status Plant Species and Habitats Evaluated for the Project Site

A literature search was conducted to obtain a list of special status plants with the potential to occur within the Project site. The CNDDB was initially consulted to determine well-known occurrences of plants and habitats of special concern in the region. Other sources used to develop a list of target species for the survey program included the CNPS online inventory (2023).

Based on this information, vegetation profiles and a list of target sensitive plant species and habitats that could occur within the Project site were developed and incorporated into a mapping and survey program to achieve the following goals: (1) characterize the vegetation associations and land use; (2) prepare a detailed floristic compendium; (3) identify the potential for any special status plants that may occur within the Project site; and (4) prepare a map showing the distribution of any sensitive botanical resources associated with the Project site, if applicable.

2.2.4 Botanical Surveys

GLA biologist David Smith visited the site on April 27, 2023 to conduct a general plant survey. The survey was conducted in accordance with accepted botanical survey guidelines (CDFW 2018, CNPS 2001, USFWS 2000, Nelson 1984). An aerial photograph, a soil map, and/or a topographic map were used to determine the community types and other physical features that may support sensitive and uncommon taxa or communities within the Project site. The survey

was conducted by following meandering transects within target areas of suitable habitat. All plant species encountered during the field surveys were identified and recorded following the above-referenced guidelines. A complete list of the plant species observed is provided in Appendix A. Scientific nomenclature and common names used in this report follow Baldwin et al. (2012), and Munz (1974).

2.3 Wildlife Resources

Wildlife species were evaluated and detected during field surveys by sight, call, tracks, and scat. Site reconnaissance was conducted in such a manner as to allow inspection of the entire Project site by direct observation, including the use of binoculars. Observations of physical evidence and direct sightings of wildlife were recorded in field notes during the visit. A complete list of wildlife species observed within the Project site is provided in Appendix B. Scientific nomenclature and common names for vertebrate species referred to in this report follow the Complete List of Amphibian, Reptile, Bird, and Mammal Species in California (CDFW 2016), Standard Common and Scientific Names for North American Amphibians, Turtles, Reptiles, and Crocodilians 6th Edition, Collins and Taggart (2009) for amphibians and reptiles, and the American Ornithologists' Society Online Checklist (Chesser et al. 2022) for birds. The methodology (including any applicable survey protocols) utilized to conduct general surveys, habitat assessments, and/or focused surveys for special-status animals are included below.

2.3.1 General Surveys

Birds

During the general biological and reconnaissance survey within the Project site, birds were detected incidentally by direct observation and/or by vocalizations, with identifications recorded in field notes.

Mammals

During general biological and reconnaissance survey within the Project site, mammals were identified and detected incidentally by direct observations and/or by the presence of diagnostic sign (i.e., tracks, burrows, scat, etc.).

Reptiles and Amphibians

During general biological and reconnaissance surveys within the Project site, reptiles and amphibians were identified incidentally during surveys. Habitats were examined for diagnostic reptile sign, which include shed skins, scat, tracks, snake prints, and lizard tail drag marks. All reptiles and amphibian species observed, as well as diagnostic sign, were recorded in field notes.

2.3.2 Special-Status Animal Species Reviewed

A literature search was conducted in order to obtain a list of special-status wildlife species with the potential to occur within the Project site. Species were evaluated based on two factors: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs on the Project site.

2.3.3 Habitat Assessment for Special Status Animal Species

GLA biologist David Smith conducted habitat assessments for special-status animal species on April 27, 2023. An aerial photograph, soil map and/or topographic map were used to determine the community types and other physical features that may support special-status and uncommon taxa within the Project site.

2.3.4 Focused Surveys for Special-Status Animals Species

Burrowing Owl

GLA biologist David Smith conducted focused surveys for the burrowing owl (*Athene cunicularia*) for all suitable habitat areas within the Project site. To the extent feasible, surveys were conducted in accordance with survey guidelines described in the 2012 CDFG Staff Report on Burrowing Owl Mitigation. Focused surveys were conducted on April 27, May 22, June 13, and July 3, 2023. The guidelines stipulate that four focused survey visits should be conducted between February 15 and July 15, with the first visit occurring between February 15 and April 15. The remaining three visits should be conducted three weeks apart from each other, with at least one visit occurring between June 15 and July 15. Because GLA was retained late relative to the intended start of surveys and was unable to conduct the initial survey visit during the February 15 to April 15 window, the first survey visit was instead conducted on April 27, with the remaining three visits completed following the protocol timing. The first survey window covers a transitional period between the wintering and breeding season and is intended to detect wintering burrowing owls that might still be present at a site as well as burrowing owls that may arrive with the intent to breed. As is discussed below in the results section, in GLA's opinion the timing of the surveys did not affect the ability to confirm the absence of burrowing owls. As recommended by the survey guidelines, the survey visits were conducted between morning civil twilight and 10:00 AM. Weather conditions during the surveys were conducive to a high level of bird activity.

Surveys were conducted by walking meandering transects throughout areas of suitable habitat. Exhibit 6 identifies the burrowing owl survey areas at the Project site. Transects were spaced between 7 m and 20 m apart, adjusting for vegetation height and density, in order to provide adequate visual coverage of the survey areas. At the start of each transect, and at least every 100 m along transects, the survey area was scanned for burrowing owls using binoculars. All suitable burrows were inspected for diagnostic owl sign (e.g., pellets, prey remains, whitewash, feathers, bones, and/or decoration) in order to identify potentially occupied burrows. Exhibit 6 provides locations of suitable burrows mapped during the transect surveys. Table 2-2

summarizes the burrowing owl survey visits. The results of the burrowing owl surveys are documented in Section 4.0 of this report.

Table 2-2. Summary of Burrowing Owl Surveys

Survey Date	Biologist	Start/End Time	Start/End Temperature (°F)	Start/End Wind Speed (mph)	Cloud Cover
4/27/23	DS	0620/0740	52/55	0/1	Clear
5/22/23	DS	0615/0700	63/63	1/1	Clear
6/13/23	DS	0600/0715	59/61	1/1	Partly Cloudy
7/3/23	DS	0605/0700	67/71	0/0	Clear

DS = David Smith

2.4 Jurisdictional Waters

Prior to beginning the field evaluation for jurisdictional waters, a color aerial photograph, a topographic base map of the property, the previously cited USGS topographic map, and a soils map were examined to determine the locations of potential areas of Corps, Regional Board, and CDFW jurisdiction. Suspected jurisdictional areas were field checked for evidence of stream activity and/or wetland vegetation, soils and hydrology. Where applicable, reference was made to the 2008 Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (OWHM Manual)[1] to identify the width of Corps jurisdiction, and suspected federal wetland habitats on the site were evaluated using the methodology set forth in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual[2] (Wetland Manual) and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Supplement (Arid West Supplement).[3] Reference was also made to the 2019 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Board Wetland Definition and Procedures) to identify suspected State wetland habitats.[4] While in the field, the potential limits of jurisdiction were recorded a GPS device in conjunction with a color aerial photograph using visible landmarks.

[1] U.S. Army Corps of Engineers. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States

[2] Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

[3] U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

[4] State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State.

3.0 REGULATORY SETTING

The proposed Project is subject to state and federal regulations associated with a number of regulatory programs. These programs often overlap and were developed to protect natural resources, including state- and federally listed plants and animals; aquatic resources including rivers and creeks, ephemeral streambeds, wetlands, and areas of riparian habitat; other special-status species which are not listed as threatened or endangered by the state or federal governments; and other special-status vegetation communities.

3.1 Endangered Species Acts

3.1.1 California Endangered Species Act

California's Endangered Species Act (CESA) defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an Endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened, endangered, or candidate species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided." Under the CESA, "take" is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. Section 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

3.1.2 Federal Endangered Species Act

The FESA of 1973 defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species that is likely to become an Endangered species within the foreseeable future throughout

all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined in Section 3(18) of FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification that result in injury to, or death of species as forms of "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

3.1.3 State and Federal Take Authorizations for Listed Species

Federal or state authorizations of impacts to or incidental take of a listed species by a private individual or other private entity would be granted in one of the following ways:

- Section 7 of the FESA stipulates that any federal action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat. 16 U.S.C. 1536(a)(2).
- In 1982, the FESA was amended to give private landowners the ability to develop Habitat Conservation Plans (HCP) pursuant to Section 10(a) of the FESA. Upon development of an HCP, the USFWS can issue incidental take permits for listed species where the HCP specifies at minimum, the following: (1) the level of impact that will result from the taking, (2) steps that will minimize and mitigate the impacts, (3) funding necessary to implement the plan, (4) alternative actions to the taking considered by the applicant and the reasons why such alternatives were not chosen, and (5) such other measures that the Secretary of the Interior may require as being necessary or appropriate for the plan.
- In certain circumstances, Section 2080.1 of the California Fish and Game Code allows CDFW to adopt the federal incidental take statement or the 10(a) permit as its own based on its findings that the federal permit adequately protects the species under state law.

3.2 California Environmental Quality Act

3.2.1 CEQA Guidelines Section 15380

CEQA requires evaluation of a project's impacts on biological resources and provides guidelines and thresholds for use by lead agencies for evaluating the significance of proposed impacts. Sections 5.1.1 and 5.2.2 below set forth these thresholds and guidelines. Furthermore, pursuant to the CEQA Guidelines Section 15380, CEQA provides protection for non-listed species that could potentially meet the criteria for state listing. For plants, CDFW recognizes that plants with a California Rare Plant Rank (CRPR) on Lists 1A, 1B, 2A, or 2B in the CNPS *Inventory of Rare and Endangered Plants in California* may meet the criteria for listing and should be considered under CEQA. CDFW also recommends protection of plants that are regionally important, such as locally rare species, disjunct populations of more common plants, or plants with a CRPR of 3 or 4.

3.2.2 Special-Status Plants, Wildlife and Vegetation Communities Evaluated Under CEQA

Federally Designated Special-Status Species

Within recent years, the USFWS instituted changes in the listing status of candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing, or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

For this report the following acronyms are used for federal special-status species:

- FE Federally listed as Endangered
- FT Federally listed as Threatened
- FPE Federally proposed for listing as Endangered
- FPT Federally proposed for listing as Threatened
- FC Federal Candidate Species (former C1 species)

State-Designated Special-Status Species

Some mammals and birds are protected by the state as Fully Protected (FP) Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. California SSC are designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's CNDDB project. Informally listed taxa are not protected but warrant consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For this report the following acronyms are used for State special-status species:

- SE State-listed as Endangered
- ST State-listed as Threatened
- SR State-listed as Rare
- SCE State Candidate for listing as Endangered
- SCT State Candidate for listing as Threatened
- FP State Fully Protected
- SSC State Species of Special Concern

CNDDB Global/State Rankings

The CNDDB provides global and state rankings for species and communities based on a system developed by The Nature Conservancy to measure rarity of a species. The ranking provides a shorthand formula about how rare a species/community is and is based on the best information available from multiple sources, including state and federal listings, and other groups that recognize species as sensitive (e.g., Bureau of Land Management, Audubon Society, etc.). State and global rankings are used to prioritize conservation and protection efforts so that the rarest species/communities receive immediate attention. In both cases, the lower ranking (i.e., G1 or S1) indicates extreme rarity. Rare species are given a ranking from 1 to 3. Species with a ranking of 4 or 5 is considered to be common. If the exact global/state ranking is undetermined, a range is generally provided. For example, a global ranking of "G1G3" indicates that a species/community global rarity is between G1 and G3. If the animal being considered is a subspecies of a broader species, a "T" ranking is attached to the global ranking. The following are descriptions of global and state rankings:

Global Rankings

- G1 – Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or because of some factor(s) making it especially vulnerable to extinction.
- G2 – Imperiled globally because of rarity (6-20 occurrences), or because of some other factor(s) making it very vulnerable to extinction throughout its range.
- G3 – Either very rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g., a physiographic region), or because of some other factor(s) making it vulnerable to extinction throughout its range.
- G4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 – Common, widespread and abundant.

State Rankings

- S1 – Extremely rare; typically 5 or fewer known occurrences in the state; or only a few remaining individuals; may be especially vulnerable to extirpation.
- S2 – Very rare; typically between 6 and 20 known occurrences; may be susceptible to becoming extirpated.
- S3 – Rare to uncommon; typically 21 to 50 known occurrences; S3 ranked species are not yet susceptible to becoming extirpated in the state but may be if additional populations are destroyed.
- S4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 – Common, widespread, and abundant in the state.

California Native Plant Society

CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in California. CNPS's Ninth Edition of the California Native Plant Society's Inventory of Rare and Endangered Plants of California categorizes plants of interest into six California Rare Plant Ranks (CRPR) based on their geographic distribution and potential threats to existing populations. The CNPS Inventory is used by CDFW as the candidate species list for plants that may be listed as state Threatened and Endangered by CDFW. The six categories of rarity that are summarized in Table 3-1.

Table 3-1. California Rare Plant Ranks 1, 2, 3, & 4, and Threat Code Extensions

CNPS Rank	Comments
Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere	Thought to be extinct in California based on a lack of observation or detection for many years.
Rank 1B – Plants Rare, Threatened, or Endangered in California and Elsewhere	Species, which are generally rare throughout their range that are also judged to be vulnerable to other threats such as declining habitat.
Rank 2A – Plants presumed Extirpated in California, But Common Elsewhere	Species that are presumed extinct in California but more common outside of California
Rank 2B – Plants Rare, Threatened or Endangered in California, But More Common Elsewhere	Species that are rare in California but more common outside of California
Rank 3 – Plants About Which More Information Is Needed (A Review List)	Species that are thought to be rare or in decline but CNPS lacks the information needed to assign to the appropriate list. In most instances, the extent of surveys for these species is not sufficient to allow CNPS to accurately assess whether these species should be assigned to a specific rank. In addition, many of the Rank 3 species have associated taxonomic problems such that the validity of their current taxonomy is unclear.
Rank 4 – Plants of Limited Distribution (A Watch List)	Species that are currently thought to be limited in distribution or range whose vulnerability or susceptibility to threat is currently low. In some cases, as noted above for Rank 3 species, CNPS lacks survey data to accurately determine status in California. Many species have been placed on Rank 4 in previous editions of the "Inventory" and have been removed as survey data has indicated that the species are more common than previously thought. CNPS recommends that species currently included on this list should be monitored to ensure that future substantial declines are minimized.
Extension	**Comments**
.1 – Seriously endangered in California	Species with over 80% of occurrences threatened and/or have a high degree and immediacy of threat.
.2 – Fairly endangered in California	Species with 20-80% of occurrences threatened.
.3 – Not very endangered in California	Species with <20% of occurrences threatened or with no current threats known.

3.3 Jurisdictional Waters

3.3.1 Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

(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, including interstate wetlands;

(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 paragraphs (a)(1) or (2) of this section:

(i) That are relatively permanent, standing or continuously flowing bodies of water; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(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)(i) of this section and with a continuous surface connection to those waters; or

(iii) Waters identified in paragraph (a)(2) or (3) of this section when the wetlands either alone or in combination with similarly situated water in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section:

(i) 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)(i) of this section; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.

Corps regulations at 33 CFR Part 328.3(b) exclude the following from being "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) above:

(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.

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(c)(4) as:

> ...that line on the shore established by the fluctuation 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.

"Adjacent wetlands" are defined by 33 CFR 328.3(c)(2) as those wetlands that are "bordering, contiguous, or neighboring" other waters of the United States, and include those "separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like..."

The term "significantly affect" is defined by 33 CFR 328.3(c)(6) as:

A material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section. To determine whether waters, either alone or in combination with similarly situated waters in the region, have a material influence on the chemical, physical,

or biological integrity of waters identified in paragraph (a)(1) of this section, the functions identified in paragraph (c)(6)(i) of this section will be assessed and the factors identified in paragraph (c)(6)(ii) of this section will be considered:

(i) Functions to be assessed:

(A) Contribution of flow;

(B) Trapping, transformation, filtering, and transport of materials (including nutrients, sediment, and other pollutants);

(C) Retention and attenuation of floodwaters and runoff;

(D) Modulation of temperature in waters identified in paragraph (a)(1) of this section; or

(E) Provision of habitat and food resources for aquatic species located in waters identified in paragraph (a)(1) of this section;

(ii) Factors to be considered:

(A) The distance from a water identified in paragraph (a)(1) of this section;

(B) Hydrologic factors, such as the frequency, duration, magnitude, timing, and rate of hydrologic connections, including shallow subsurface flow;

(C) The size, density, or number of waters that have been determined to be similarly situated;

(D) Landscape position and geomorphology; and

(E) Climatological variables such as temperature, rainfall, and snowpack.

Wetland Definition Pursuant to Section 404 of the Clean Water Act

The term "wetlands" (a subset of "waters of the United States") is defined at 33 CFR 328.3(c)(1) as "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." In 1987 the Corps published the Wetland Manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the Wetland Manual and the Arid West Supplement generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. While the Wetland Manual and Arid West Supplement provide great detail in methodology and allow for varying special conditions, a wetland should normally meet each of the following three criteria:

- More than 50 percent of the dominant plant species at the site must be hydrophytic in nature as published in the most current national wetland plant list;

- Soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color, or mottles with a matrix of low chroma

indicating a relatively consistent fluctuation between aerobic and anaerobic conditions); and

- Whereas the Wetland Manual requires that hydrologic characteristics indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year, the Arid West Supplement does not include a quantitative criteria with the exception for areas with "problematic hydrophytic vegetation", which require a minimum of 14 days of ponding to be considered a wetland.

Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.

Pursuant to Article I, Section 8 of the U.S. Constitution, federal regulatory authority extends only to activities that affect interstate commerce. In the early 1980s the Corps interpreted the interstate commerce requirement in a manner that restricted Corps jurisdiction on isolated (intrastate) waters. On September 12, 1985, the U.S. Environmental Protection Agency (EPA) asserted that Corps jurisdiction extended to isolated waters that are used or could be used by migratory birds or endangered species, and the definition of "waters of the United States" in Corps regulations was modified as quoted above from 33 CFR 328.3(a).

On January 9, 2001, the Supreme Court of the United States issued a ruling on *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.* (SWANCC). In this case the Court was asked whether use of an isolated, intrastate pond by migratory birds is a sufficient interstate commerce connection to bring the pond into federal jurisdiction of Section 404 of the Clean Water Act.

The written opinion notes that the court's previous support of the Corps' expansion of jurisdiction beyond navigable waters (*United States v. Riverside Bayview Homes, Inc*.) was for a wetland that <u>abutted</u> a navigable water and that the court did not express any opinion on the question of the authority of the Corps to regulate wetlands that are not adjacent to bodies of open water. The current opinion goes on to state:

> *In order to rule for the respondents here, we would have to hold that the jurisdiction of the Corps extends to ponds that are not adjacent to open water. We conclude that the text of the statute will not allow this.*

Therefore, we believe that the court's opinion goes beyond the migratory bird issue and says that no isolated, intrastate water is subject to the provisions of Section 404(a) of the Clean Water Act (regardless of any interstate commerce connection). However, the Corps and EPA have issued a joint memorandum which states that they are interpreting the ruling to address only the migratory bird issue and leaving the other interstate commerce clause nexuses intact.

3.3.2 Regional Water Quality Control Board

The State Water Resource Control Board and each of its nine Regional Boards regulate the discharge of waste (dredged or fill material) into waters of the United States[5] and waters of the state. Waters of the United States are defined above in Section II.A and waters of the state are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code 13050[e]).

Section 401 of the CWA requires certification for any federal permit or license authorizing impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the Regional Board has the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications, WDRs, and waivers of WDRs are also referred to as orders or permits.

State Wetland Definition

The Water Boards define an area as wetland[6] as follows: *An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.*

The following wetlands are waters of the state:

1. *Natural wetlands;*
2. *Wetlands created by modification of a surface water of the state;[7] and*
3. *Artificial wetlands[8] that meet any of the following criteria:*

[5] Therefore, wetlands that meet the current definition, or any historic definition, of waters of the U.S. are waters of the state. In 2000, the State Water Resources Control Board determined that all waters of the U.S. are also waters of the state by regulation, prior to any regulatory or judicial limitations on the federal definition of waters of the U.S. (California Code or Regulations title 23, section 3831(w)). This regulation has remained in effect despite subsequent changes to the federal definition. Therefore, waters of the state includes features that have been determined by the U.S. Environmental Protection Agency (U.S. EPA) or the U.S. Army Corps of Engineers (Corps) to be "waters of the U.S." in an approved jurisdictional determination; "waters of the U.S." identified in an aquatic resource report verified by the Corps upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of "waters of the U.S." or any current or historic federal regulation defining "waters of the U.S." under the federal Clean Water Act.

[6] State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. [For Inclusion in the Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California].

[7] "Created by modification of a surface water of the state" means that the wetland that is being evaluated was created by modifying an area that was a surface water of the state at the time of such modification. It does not include a wetland that is created in a location where a water of the state had existed historically, but had already been completely eliminated at some time prior to the creation of the wetland. The wetland being evaluated does not become a water of the state due solely to a diversion of water from a different water of the state.

[8] Artificial wetlands are wetlands that result from human activity.

a. Approved by an agency as compensatory mitigation for impacts to other waters of the state, except where the approving agency explicitly identifies the mitigation as being of limited duration;
b. Specifically identified in a water quality control plan as a wetland or other water of the state;
c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or
d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):

i. Industrial or municipal wastewater treatment or disposal,
ii. Settling of sediment,
iii. Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,
iv. Treatment of surface waters,
v. Agricultural crop irrigation or stock watering,
vi. Fire suppression,
vii. Industrial processing or cooling,
viii. Active surface mining – even if the site is managed for interim wetlands functions and values,
ix. Log storage,
x. Treatment, storage, or distribution of recycled water, or
xi. Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or
xii. Fields flooded for rice growing.[9]

All artificial wetlands that are less than an acre in size and do not satisfy the criteria set forth in 2, 3.a, 3.b, or 3.c are not waters of the state. If an aquatic feature meets the wetland definition, the burden is on the applicant to demonstrate that the wetland is not a water of the state.

[9] Fields used for the cultivation of rice (including wild rice) that have not been abandoned due to five consecutive years of non-use for the cultivation of rice (including wild rice) that are determined to be a water of the state in accordance with these Procedures shall not have beneficial use designations applied to them through the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, except as otherwise required by federal law for fields that are considered to be waters of the United States. Further, agricultural inputs legally applied to fields used for the cultivation of rice (including wild rice) shall not constitute a discharge of waste to a water of the state. Agricultural inputs that migrate to a surface water or groundwater may be considered a discharge of waste and are subject to waste discharge requirements or waivers of such requirements pursuant to the Water Board's authority to issue or waive waste discharge requirements or take other actions as applicable.

3.3.3 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a stream (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW also defines a stream as "a body of water that flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators."

It is important to note that the Fish and Game Code defines fish as "a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals" (FGC Division 0.5, Chapter 1, section 45), and wildlife as "all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (FGC Division 0.5, Chapter 1, section 89.5). Furthermore, Division 2, Chapter 5, Article 6, Section 1600 et seq. of the California Fish and Game Code does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence/absence of vegetation types or communities.

4.0 RESULTS

This section provides the results of general biological surveys, vegetation mapping, and habitat assessments and focused surveys for special-status plants and animals.

4.1 Existing Conditions

The Project site is in a semi-rural/industrial area of Victorville, California and is partially used to store shipping containers and intermodal cars for warehouses located to the north, west, and south of the Project Site. The Project site has been used for this purpose since 2005. The southernmost portion of the site serves as an access road from Enterprise Way. The site is flat with little microtopographic complexity and an average slope of 3.2-percent and no major geographic features (e.g., rock berms, hills, or slopes). The elevation of the site is approximately 2,904 feet above mean sea level. There are no blue line stream features present within the Project site boundary. Vegetation on site consists primarily of desert species such as rubber rabbitbrush (*Ericameria nauseosa*) and ruderal species. Four soil types are mapped for the site as shown on Exhibit 7:

- Bryman Loamy Fine Sand, 5 to 9 Percent Slopes,
- Bryman Loamy Fine Sand, 9 to 15 Percent Slopes,
- Cajon Sand, 2 to 9 Percent Slopes, and
- Haplargids-Calciorthids Complex, 15 to 50 Percent.

4.2 Vegetation Mapping

During vegetation mapping of the Project site, three vegetation types/land uses were identified. Table 4-1 provides a summary of vegetation alliances/land uses and the corresponding acreage. Detailed descriptions of each vegetation type follow the table. A Vegetation Map is attached as Exhibit 4. Photographs depicting the various vegetation types and land uses are attached as Exhibit 5.

Table 4-1. Summary of Vegetation/Land Use Types for the Project Site

VEGETATION/LAND USE TYPE	ACREAGE
Rubber Rabbitbrush Scrub	3.63
Disturbed Rubber Rabbitbrush Scrub	0.73
Disturbed	5.68
TOTALS	**10.04**

4.2.1 Rubber Rabbitbrush Scrub

Approximately 3.63 acres of the Project site is vegetated with the rubber rabbitbrush (*Ericameria nauseosa*) scrub. Rubber rabbitbrush scrub has a G5 S5 rarity ranking, meaning that this vegetation type is demonstrably secure in both its global and California range. Rubber rabbitbrush scrub is not a special status or protected habitat.

The membership rules for the rubber rabbitbrush shrub alliance include the following: (1) *Ericameria nauseosa* has greater than or equal to two percent absolute cover or greater than 25 percent relative cover in the shrub canopy; or (2) *Ericameria nauseosa* has greater than 50 percent relative cover in the shrub canopy. Within the subject area of vegetation, relative cover of rubber rabbitbrush within the shrub canopy is approximately 60 percent.

Additional plant species present within this alliance include native desert dandelion (*Malacothrix californica*), mulefat (*Baccharis salicifolia*), popcornflower (*Plagiobothrys sp.*), and common fiddleneck (*Amsinckia intermedia*), and non-native red brome (*Bromus rubens*), big heron bill (*Erodium botrys*), wild oat (*Avena fatua*), Australian saltbush (*Atriplex semibaccata*), rosemary (*Rosmarinus officinalis*), field mustard (*Hirschfeldia incana*), scarlet pimpernel (*Lysimachia arvensis*), rattail fescue (*Vulpia myuros*), and London rocket (*Sisymbrium irio*).

4.2.2 Disturbed Rubber Rabbitbrush Scrub

An additional 0.73 acre of the site supported rubber rabbitbrush scrub when surveys were initiated in April 2023; however, this portion of the site was disturbed between sometime between GLA's visits on June 13 and July 3, as noted during the July 3 visit. Non-native vegetation occurs sporadically along the edges of this area, but otherwise the area was devoid of vegetation as of the July 3 visit. GLA has determined that this area is best classified as disturbed rubber rabbitbrush scrub to characterize the varying conditions during the timeframe of the biological surveys. As stated previously, rubber rabbitbrush scrub is not a special status or

protected habitat, and this disturbance is not expected to cause significant impacts to any special status species or resources.

4.2.3 Disturbed

The project site contains approximately 5.68 acres of disturbed areas. These areas are generally devoid of vegetation, and consist of parking and storage areas and their associated access roads.

4.3 Special-Status Vegetation Communities

The CNDDB identifies the following special-status vegetation community for the Adelanto, Victorville, Apple Valley North, Baldy Mesa, Hesperia, Apple Valley South, Cajon, Silverwood Lake, and Lake Arrowhead quadrangle maps: Southern Sycamore Alder Riparian Woodland. The Project site does not contain any special-status vegetation types, including those identified by the CNDDB.

4.4 Special-Status Plants

No special-status plants were detected at the Project site, and none are expected to occur due to a lack of suitable habitat. Table 4-2 provides a list of special-status plants evaluated for the Project site during the general biological survey and habitat assessments. Species were evaluated based on the following factors: 1) species identified by the CNDDB and CNPS as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status plants that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs within the site.

Table 4-2. Special-Status Plants Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Occurrence
Beaver Dam breadroot *Pediomelum castoreum*	Federal: None State: None CRPR: Rank 1B.2	Sandy soils in washes and roadcuts, in Joshua tree woodland and Mojavean desert scrub.	Not expected to occur.
Black bog-rush *Schoenus nigricans*	Federal: None State: None CRPR: Rank 2B.2	Marshes and swamps (often alkaline).	Does not occur.
Booth's evening-primrose *Eremothera boothii* ssp. *boothii*	Federal: None State: None CRPR: Rank 2B.3	Joshua tree woodland and pinyon and juniper woodland.	Does not occur.
Desert cymopterus *Cymopterus deserticola*	Federal: None State: None CRPR: Rank 1B.2	Sandy soils in Joshua tree woodland and Mojavean desert scrub.	Not expected to occur.

Species Name	Status	Habitat Requirements	Occurrence
Greata's aster *Symphyotrichum greatae*	Federal: None State: None CRPR: Rank 1B.3	Mesic soils in broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and riparian woodland.	Does not occur.
Joshua tree *Yucca brevifolia*	Federal: None State: SC CRPR: None	Dry, coarse, well-draining soils, generally in the Mojave desert.	Confirmed absent.
Lemon lily *Lilium parryi*	Federal: None State: None CRPR: Rank 1B.2	Mesic soils in lower montane coniferous forest, meadows and seeps, riparian forest, and upper montane coniferous forest.	Does not occur.
Mojave milkweed *Asclepias nyctaginifolia*	Federal: None State: None CRPR: Rank 2B.1	Mojavean desert scrub and pinyon and juniper woodland.	Not expected to occur.
Mojave monkeyflower *Mimulus mohavensis*	Federal: None State: None CRPR: Rank 1B.2	Sandy or gravelly, often in washes. Joshua tree woodland, Mojavean desert scrub.	Not expected to occur.
Mojave tarplant *Deinandra mohavensis*	Federal: None State: SE CRPR: Rank 1B.3	Chaparral (mesic soils) and riparian scrub.	Does not occur.
Mount Pinos onion *Allium howellii* var. *clokeyi*	Federal: None State: None CRPR: Rank 1B.3	Great basin scrub, Meadows and seeps (edges), Pinyon and juniper woodland	Does not occur.
Palmer's mariposa lily *Calochortus palmeri* var. *Palmeri*	Federal: None State: None CRPR: Rank 1B.2	Mesic soils in chaparral, lower montane coniferous forest, and meadows and seeps.	Does not occur.
Parish's alumroot *Heuchera parishii*	Federal: None State: None CRPR: Rank 1B.3	Rocky, sometimes carbonate soils in alpine boulder and rock field, lower and upper montane coniferous forest, and subalpine coniferous forest.	Does not occur.
Parish's daisy *Erigeron parishii*	Federal: FT State: None CRPR: Rank 1B.1	Usually carbonate, sometimes granitic soils in Mojavean desert scrub, and Pinyon and juniper woodland.	Does not occur.
Parish's desert-thorn *Lycium parishii*	Federal: None State: None CRPR: Rank 2B.3	Coastal sage scrub, Sonoran desert scrub	Not expected to occur.
Parish's yampah *Perideridia parishii* ssp. *parishii*	Federal: None State: None CRPR: Rank 2B.2	Lower montane coniferous forest, meadows and seeps, upper montane coniferous forest.	Does not occur.
Pinyon rockcress *Boechera dispar*	Federal: None State: None CRPR: Rank 2B.3	Granitic, gravelly soils in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland.	Not expected to occur.

Species Name	Status	Habitat Requirements	Occurrence
Plummer's mariposa lily *Calochortus plummerae*	Federal: None State: None CRPR: Rank 4.2	Granitic, rock soils within chaparral, cismontane woodland, coastal sage scrub, lower montane coniferous forest, valley and foothill grassland.	Does not occur.
Sagebrush loeflingia *Loeflingia squarrosa* var. *artemisiarum*	Federal: None State: None CRPR: Rank 2B.2	Sandy soils in desert dunes, Great Basin scrub, and Sonoran desert scrub.	Not expected to occur.
San Bernardino aster *Symphyotrichum defoliatum*	Federal: None State: None CRPR: Rank 1B.2	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic).	Does not occur.
San Bernardino Mountains dudleya *Dudleya abramsii* ssp. *affinis*	Federal: None State: None CRPR: Rank 1B.2	Granitic, quartzite, or carbonate soils in pebble (pavement) plain, Pinyon and juniper woodland, and upper montane coniferous forest.	Does not occur.
San Bernardino Mountains owl's-clover *Castilleja lasiorhyncha*	Federal: None State: None CRPR: Rank 1B.2	Mesic soils in chaparral, meadows and seeps, pebble (pavement) plain, riparian woodland, and upper montane coniferous forest.	Does not occur.
Short-joint beavertail *Opuntia basilaris* var. *brachyclada*	Federal: None State: None CRPR: Rank 1B.2	Chaparral, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland.	Not expected to occur.
Silver-haired ivesia *Ivesia argyrocoma* var. *argyrocoma*	Federal: None State: None CRPR: Rank 1B.2	Meadows and seeps (alkaline), pebble (pavement) plain, and upper montane coniferous forest.	Does not occur.
Southern mountains skullcap *Scutellaria bolanderi* ssp. *austromontana*	Federal: None State: None CRPR: Rank 1B.2	Mesic soils in chaparral, cismontane woodland, lower montane coniferous forest.	Does not occur.
White-bracted spineflower *Chorizanthe xanti* var. *leucotheca*	Federal: None State: None CRPR: Rank 1B.2	Sandy or gravelly soils in Mojavean desert scrub and pinyon and juniper woodland.	Not expected to occur.
White pygmy-poppy *Canbya candida*	Federal: None State: None CRPR: Rank 4.2	Gravelly, sandy, and granitic soils in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland.	Not expected to occur.

STATUS

Federal
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate

State
SE – State Endangered
ST – State Threatened
SC – State Candidate

CNPS
Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere.
Rank 1B – Plants rare, threatened, or endangered in California and elsewhere.

Rank 2A – Plants presumed extirpated in California, but common elsewhere.
Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.
Rank 3 – Plants about which more information is needed (a review list).
Rank 4 – Plants of limited distribution (a watch list).

Threat Code extension
.1 – Seriously endangered in California (over 80% occurrences threatened)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

OCCURRENCE

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys

4.5 Special-Status Animals

No special-status animals were detected at the Project site, and none are expected to occur due to a lack of suitable habitat. Table 4-3 provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site.

Table 4-3. Special Status Animals Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Occurrence
Invertebrates			
Crotch bumble bee *Bombus crotchii*	Federal: None State: CE (candidate endangered)	Relatively warm and dry sites, including the inner Coast Range of California and margins of the Mojave Desert.	Does not occur.
Quino checkerspot butterfly *Euphydryas editha quino*	Federal: FE State: None	Larval and adult phases each have distinct habitat requirements tied to host plant species and topography. Larval host plants include *Plantago erecta* and *Castilleja exserta*. Adults occur on sparsely vegetated rounded hilltops and ridgelines, and are known to disperse through disturbed habitats to reach suitable nectar plants.	Does not occur.

Species Name	Status	Habitat Requirements	Occurrence
Fish			
Mohave tui chub *Siphateles bicolor mohavensis*	Federal: FE State: SE, FP	Associated with deep pools and slough-like areas of the Mojave River, in areas with aquatic ditchgrass (*Riparia maritima*).	Does not occur.
Santa Ana speckled dace *Rhinichthys osculus* ssp. *3*	Federal: None State: SSC	Occurs in the headwaters of the Santa Ana and San Gabriel Rivers. May be extirpated from the Los Angeles River system. Requires permanent flowing streams with summer water temperatures of 17-20 C. Usually inhabits shallow cobble and gravel riffles.	Does not occur.
Amphibians			
Arroyo toad *Anaxyrus californicus*	Federal: FE State: SSC	Breed, forage, and/or aestivate in aquatic habitats, riparian, coastal sage scrub, oak, and chaparral habitats. Breeding pools must be open and shallow with minimal current, and with a sand or pea gravel substrate overlain with sand or flocculent silt. Adjacent banks with sandy or gravely terraces and very little herbaceous cover for adult and juvenile foraging areas, within a moderate riparian canopy of cottonwood, willow, or oak.	Does not occur.
California red-legged frog *Rana draytonii*	Federal: FT State: SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation.	Does not occur.
Southern mountain yellow-legged frog *Rana muscosa*	Federal: FE State: SE	Streams and small pools in ponderosa pine, montane hardwood-conifer, and montane riparian habitat types.	Does not occur.
Reptiles			
Western pond turtle *Emys marmorata*	Federal: None State: SSC	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks.	Does not occur.

Species Name	Status	Habitat Requirements	Occurrence
Desert tortoise *Gopherus agassizii*	Federal: FT State: ST	Requires firm ground to dig burrows, or rocks to shelter among. Found in arid sandy or gravelly locations along riverbanks, washes, sandy dunes, alluvial fans, canyon bottoms, desert oases, rocky hillsides, creosote flats and hillsides.	Not expected to occur.
Southern California legless lizard *Anniella stebbinsi*	Federal: None State: SSC	Broadleaved upland forest, chaparral, coastal dunes, coastal scrub; found in a broader range of habitats that any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans	Does not occur.
Coast horned lizard *Phrynosoma blainvillii*	Federal: None State: SSC	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Does not occur.
Coastal whiptail *Aspidoscelis tigris stejnegeri (multiscutatus)*	Federal: None State: SSC	Open, often rocky areas with little vegetation, or sunny microhabitats within shrub or grassland associations.	Not expected to occur.
Southern rubber boa *Charina umbratica*	Federal: None State: ST	Restricted to the San Bernardino and San Jacinto Mountain, in a variety of montane forest habitats. Found in vicinity of streams or wet meadows. Requires loose, moist soil for burrowing. Seeks cover in rotting logs.	Does not occur.
Two-striped garter snake *Thamnophis hammondii*	Federal: None State: SSC	Aquatic snake typically associated with wetland habitats such as streams, creeks, and pools.	Does not occur.
Birds			
Bald eagle (nesting & wintering) *Haliaeetus leucocephalus*	Federal: Delisted State: SE, FP	Primarily in or near seacoasts, rivers, swamps, and large lakes. Perching sites consist of large trees or snags with heavy limbs or broken tops.	Not expected to occur.

Species Name	Status	Habitat Requirements	Occurrence
Burrowing owl (burrow sites & some wintering sites) *Athene cunicularia*	Federal: None State: SSC	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Confirmed absent.
Golden eagle (nesting & wintering) *Aquila chrysaetos*	Federal: None State: FP	In southern California, occupies grasslands, brushlands, deserts, oak savannas, open coniferous forests, and montane valleys. Nests on rock outcrops and ledges.	Not expected to occur.
Gray vireo (nesting) *Vireo vicinior*	Federal: None State: SSC	Desert scrub, mixed juniper or pinyon pine and oak scrub associations, and chaparral, in hot, arid mountains and high plains scrubland.	Not expected to occur.
Le Conte's thrasher *Toxostoma lecontei*	Federal: None State: SSC	Desert scrub, mesquite, tall riparian brush and, locally, chaparral.	Not expected to occur.
Least Bell's vireo (nesting) *Vireo bellii pusillus*	Federal: FE State: SE	Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest.	Does not occur.
Loggerhead shrike (nesting) *Lanius ludovicianus*	Federal: None State: SSC	Forages over open ground within areas of short vegetation, pastures with fence rows, old orchards, mowed roadsides, cemeteries, golf courses, riparian areas, open woodland, agricultural fields, desert washes, desert scrub, grassland, broken chaparral and beach with scattered shrubs.	Not expected to occur in a nesting role.
Long-eared owl (nesting) *Asio otus*	Federal: None State: SSC	Riparian habitats are required by the long-eared owl, but it also uses live-oak thickets and other dense stands of trees.	Does not occur.
Southwestern willow flycatcher (nesting) *Empidonax traillii extimus*	Federal: FE State: SE	Riparian woodlands along streams and rivers with mature dense thickets of trees and shrubs.	Does not occur.
Summer tanager (nesting) *Piranga rubra*	Federal: None State: SSC	Low-elevation willow and cottonwood woodlands, and in higher-elevation mesquite and saltcedar stands.	Does not occur.

Species Name	Status	Habitat Requirements	Occurrence
Swainson's hawk (nesting) *Buteo swainsoni*	Federal: None State: ST	Summer in wide open spaces of the American West. Nest in grasslands, but can use sage flats and agricultural lands. Nests are placed in lone trees.	Does not occur.
Tricolored blackbird (nesting colony) *Agelaius tricolor*	Federal: None State: CE, SSC	Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	Does not occur.
Western yellow-billed cuckoo (nesting) *Coccyzus americanus occidentalis*	Federal: FT State: SE	Dense, wide riparian woodlands with well-developed understories.	Does not occur.
Yellow warbler (nesting) *Setophaga petechia*	Federal: None State: SSC	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Does not occur.
Yellow-breasted chat (nesting) *Icteria virens*	Federal: None State: SSC	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories.	Does not occur.
Mammals			
American badger *Taxidea taxus*	Federal: None State: SSC	Most abundant in drier open stages of most scrub, forest, and herbaceous habitats, with friable soils.	Not expected to occur.
Hoary bat *Lasiurus cinereus*	Federal: None State: None WBWG: M	Prefers trees at the edge of clearings, but have been found in trees in heavy forests, open wooded glades, and shade trees along urban streets and in city parks.	Does not occur.
Mohave ground squirrel *Xerospermophilus mohavensis*	Federal: None State: ST	Mojave creosote scrub, desert saltbush scrub, desert sink scrub, desert greasewood scrub, shadscale scrub, and Joshua tree woodland.	Not expected to occur.
Mohave river vole *Microtus californicus mohavensis*	Federal: None State: SSC	Moist habitats including meadows, freshwater marshes and irrigated pastures in the vicinity of the Mojave River.	Does not occur.
Pallid bat *Antrozous pallidus*	Federal: None State: SSC WBWG: H	Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Not expected to occur.

Species Name	Status	Habitat Requirements	Occurrence
Pallid San Diego pocket mouse *Chaetodipus fallax pallidus*	Federal: None State: SSC	In desert wash, desert scrub, desert succulent scrub, pinyon-juniper woodland. Sandy herbaceous areas, usually in association with rocks or coarse gravel.	Not expected to occur.
San Bernardino flying squirrel *Glaucomys oregonensis californicus*	Federal: None State: SSC	Black oak or white fir dominated woodlands between 5,200 and 8,500 feet in the San Bernardio and San Jacinto Mountain ranges.	Does not occur.
Townsend's big-eared bat *Corynorhinus townsendii*	Federal: None State: SSC WBWG: H	Coniferous forests and woodlands, deciduous riparian woodland, semi-desert and montane shrublands.	Does not occur.

STATUS

Federal
FE – Federally Endangered
FT – Federally Threatened
FPT – Federally Proposed Threatened
FC – Federal Candidate
BGEPA– Bald and Golden Eagle Protection Act

State
SE – State Endangered
ST – State Threatened
SC– State Candidate
FP – California Fully-Protected Species
SSC – Species of Special Concern

Western Bat Working Group (WBWG)
H – High Priority
LM – Low-Medium Priority
M – Medium Priority
MH – Medium-High Priority

OCCURRENCE

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys

4.5.4 Burrowing Owl

A total of ten burrows were detected on site near the edges of the rubber rabbitbrush scrub; however, no burrowing owls or diagnostic sign thereof (e.g., whitewash, feathers, etc.) were detected during the four focused surveys for the Project site. Although the first survey was conducted after the first survey period (February 15 to April 15), based on a lack of detection of owls or sign over the four focused surveys, GLA is confident that there were no burrowing owls

present on site during the timeframe of February 15 to April 15, and that burrowing owls are absent from the Project site.

4.5.5 Raptor Use

The Project site provides suitable foraging habitat for a number of raptor species, including special-status raptors.

Southern California holds a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as Red-tailed Hawk (*Buteo jamaicensis*) and American Kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites.

Although no raptor species were detected during surveys, the Project site is expected to provide foraging habitat for raptors by supporting prey including insects, spiders, lizards, snakes, small mammals, and other birds.

4.6 Nesting Birds

The Project site contains shrubs and ground cover that provide suitable habitat for nesting migratory birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.[10]

Birds anticipated to nest on the Project would be those that are common to disturbed habitats and desert scrub. These birds include mourning dove and killdeer. During surveys, killdeer were noted to have nested on site.

4.7 Wildlife Linkages/ Corridors and Nursery Sites

Habitat linkages are areas which provide a connection between two or more other habitat areas which are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted, but may can be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of "gene flow" between populations, with movement taking potentially many generations.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired.

[10] Sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species.

The Project site is completely fenced off and does not constitute a linkage or corridor to other wildland areas. The Project site does not represent an area that is valuable to wildlife movement.

The Project site does not represent a nursery site due to the disturbed nature of the site and its adjacent surrounding areas (residential areas).

4.8 Critical Habitat

The Project site does not occur within any USFWS designated critical habitat.

4.9 Local Policies or Ordinances

The City of Victorville has an ordinance prohibiting the removal of Joshua trees. Section 13.33.040 of the Victorville Code of Ordinances states:

> *It is unlawful for any person to cut, damage, destroy, dig up, or harvest any Joshua tree without the prior written consent of the director of parks and recreation or his designee. A violation of this section is a misdemeanor punishable by up to six months in jail and/or a five-hundred-dollar fine.*

The Project site does not contain Joshua trees.

4.10 Jurisdictional Waters

On April 27, 2023, biologist David Smith examined the Project site to determine the presence and limits of (1) Corps jurisdiction pursuant to Section 404 of the Clean Water Act (CWA), (2) Regional Board jurisdiction pursuant to Section 401 of the CWA and Section 13260 of the California Water Code (CWC), and (3) CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code.

The Project site lacks any drainage features, including those that would support temporary or permanent flows, that would be subject to the jurisdiction of the Corps, Regional Board, or CDFW.

5.0 IMPACT ANALYSIS

The following discussion examines the potential impacts to plant and wildlife resources that would occur as a result of the proposed project. Impacts (or effects) can occur in two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification or disturbance of plant communities, which in turn, directly affect the flora and fauna of those

habitats. Direct impacts also include the destruction of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

Indirect impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project. Indirect (or secondary) impacts are those that are reasonably foreseeable and caused by a project, but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of projects, to biological resources located downstream from projects, and other off site areas where the effects of the project may be experienced by plants and wildlife. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics, including pesticides; and other human disturbances such as hiking, off-road vehicle use, unauthorized dumping, etc. Indirect impacts are often attributed to the subsequent day-to-day activities associated with project build-out, such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short-term and long-term in their duration. These impacts are commonly referred to as "edge effects" and may result in a slow replacement of native plants by non-native invasives, as well as changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. A cumulative impact can occur from multiple individual effects from the same project, or from several projects. The cumulative impact from several projects is the change in the environment resulting from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

5.1 California Environmental Quality Act (CEQA)

5.1.1 Thresholds of Significance

Environmental impacts to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State of California:

> *"Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..."*

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to CEQA, Section 15064.7 (Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or

performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. Section 15065(a) states that a project may have a significant effect where:

> *"The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species, …"*

Therefore, for the purpose of this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the proposed project.

5.1.2 Criteria for Determining Significance Pursuant to CEQA

Appendix G of the 2017 State CEQA guidelines indicate that a project may be deemed to have a significant effect on the environment if the project is likely to:

> *a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*
>
> *b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*
>
> *c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*
>
> *d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*
>
> *e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
>
> *f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

5.2 Special-Status Species

5.2.1 Special-Status Plants

The proposed Project will not impact special-status plants.

5.2.2 Special-Status Animals

The proposed Project will not impact special-status animals.

5.3 Sensitive Vegetation Communities

Appendix G(a) of the CEQA guidelines asks if a project is likely to "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

The proposed Project would permanently impact approximately 10.04 acres of lands through grading, including areas of remedial grading that will not be restored to pre-project conditions. Permanent impacts include approximately 3.63 acre of rabbitbrush scrub, 0.73 acres of disturbed rabbitbrush scrub, and 5.68 acres of disturbed areas. None of the vegetation communities to be impacted by the Project are considered as sensitive communities. Table 5-1 provides a summary of impacts to vegetation/land use types.

Table 5-1. Summary of Vegetation/Land Use Impacts

Vegetation/Land Use Type	Total Acreage
Rabbitbrush Scrub	**3.63**
Disturbed Rabbitbrush Scrub	**0.73**
Disturbed	**5.68**
Total	**10.04**

5.4 Wetlands

Appendix G(c) of the State CEQA guidelines asks if a project is likely to "have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means."

The Project site does not contain any state or federally protected wetlands.

5.5 Wildlife Movement and Native Wildlife Nursery Sites

Appendix G(d) of the State CEQA guidelines asks if a project is likely to "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites."

Due to the limited size of the Project impacts and the limited potential for wildlife movement from the adjacent areas, Project impacts would only have an impact on local wildlife movement and would not represent a significant impact under CEQA.

The Project site lacks wildlife nursery sites. The Project site lacks sufficient habitat features to support colonies of nesting birds or large numbers of roosting bats. No impact to wildlife nursery sites would occur.

The project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to September 15). Impacts to nesting birds are prohibited by the MBTA and California Fish and Game Code.

The project has the potential to impact potential foraging habitat for common raptor species, such as the red-tailed hawk and the American kestrel. However, due to the small size of the site, the disturbance and active use of the site, and the developed condition of the adjoining properties to the north, west, and south, the removal of this habitat would not be considered significant under CEQA.

Although impacts to native birds are prohibited by the California Fish and Game Code, impacts to native birds by the proposed Project would not be a significant impact under CEQA. The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., mourning dove, killdeer). The number of individuals potentially affected by the Project would not significantly affect regional, let alone local populations of such species. A measure is identified in Section 6.0 of this report to avoid impacts to nesting birds.

5.6 Local Policies or Ordinances

Appendix G(e) of the State CEQA guidelines asks if a project is likely to "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." As referenced in Section 4.9 of this report, the Project must consider the local ordinance regarding Joshua trees. The Project does not support Joshua trees, and therefore, the Project will not conflict with any local policies or ordinances protecting biological resources.

5.7 Habitat Conservation Plans

Appendix G(f) of the State CEQA guidelines asks if a project is likely to "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan."

The Project is not part of an HCP, NCCP, or other approved local, regional, or state habitat conservation plan.

5.8 Impacts to Critical Habitat

The proposed Project will not impact lands designated as critical habitat by the USFWS.

5.9 Indirect Impacts to Biological Resources

In the context of biological resources, indirect effects are those effects associated with developing areas adjacent to adjacent native open space. Potential indirect effects associated with development include water quality impacts from associated with drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc. Temporary, indirect effects may also occur as a result of construction-related activities.

The Project has the potential for temporary and permanent indirect effects as listed above. The Project will not result in permanent indirect impacts from lighting or from water quality impacts. No permanent lighting fixtures are proposed, and the site will drain into the proposed detention basin, resulting in no net flow off site. In addition, the Project would comply with the stormwater pollution prevention plan (SWPPP) for the Project. Due to the existing disturbed nature of the site and the developed nature of the surrounding areas, these indirect impacts to biological resources would not rise to a level of significance under CEQA.

5.10 Cumulative Impacts to Biological Resources

Cumulative impacts are defined as the direct and indirect effects of a proposed project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed project.

The Project site does not support any sensitive biological resources, including sensitive vegetation communities, jurisdictional waters or wetlands, special status plants, special status animals, or wildlife movement or nursery sites. Because there are no impacts to special-status resources associated with the Project, a cumulative impact analysis does not apply.

6.0 MITIGATION/AVOIDANCE MEASURES

The following discussion provides project-specific mitigation/avoidance measures for actual or potential impacts to special-status resources.

6.1 Burrowing Owl

A qualified biologist will conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW.

6.2 Nesting Birds

Vegetation clearing should be conducted outside of the nesting season (February 1 through September 15). If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

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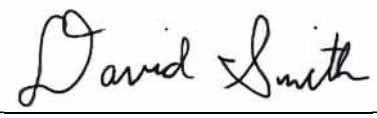
8.0 CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signed:  Date: 9/7/2023

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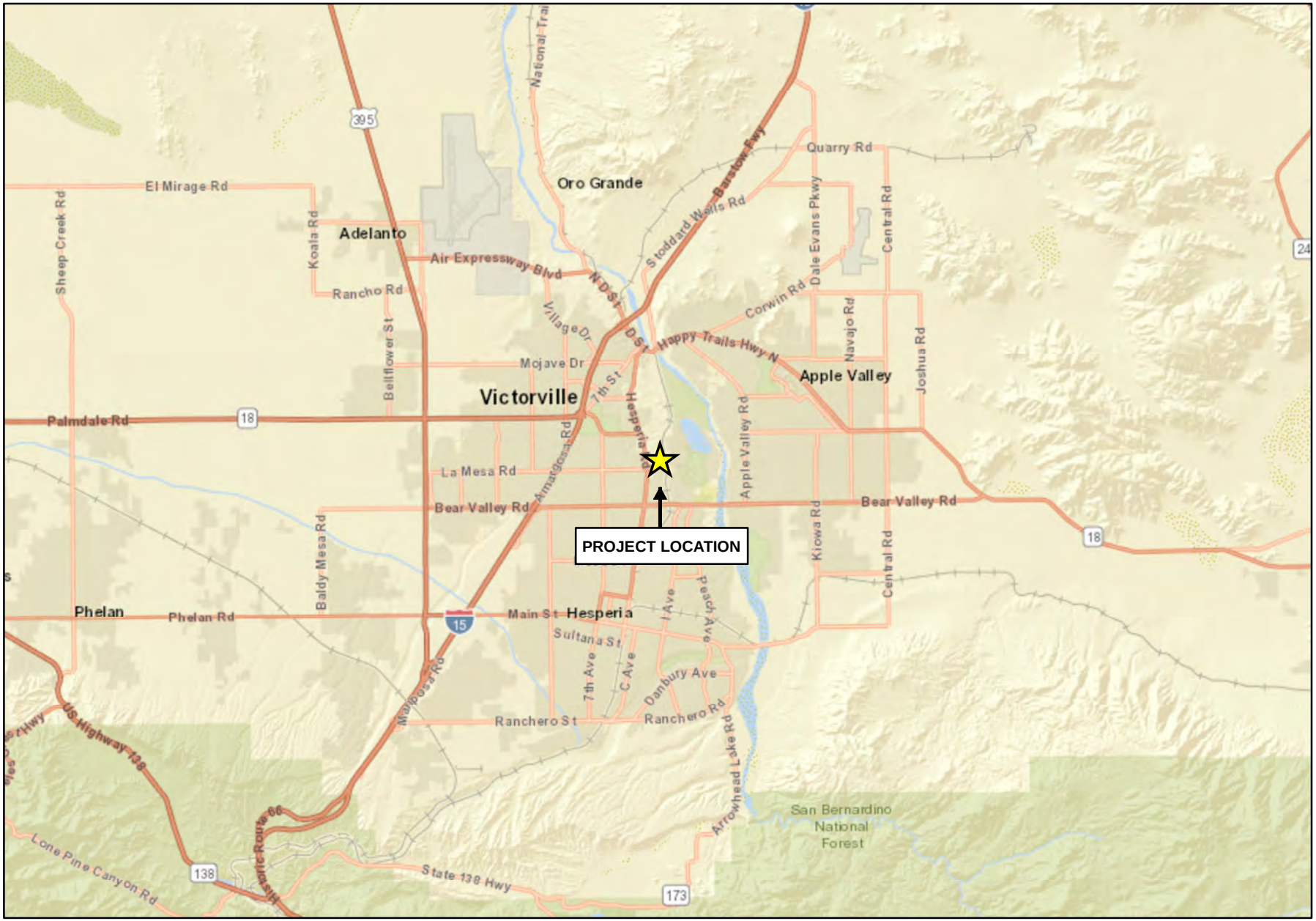


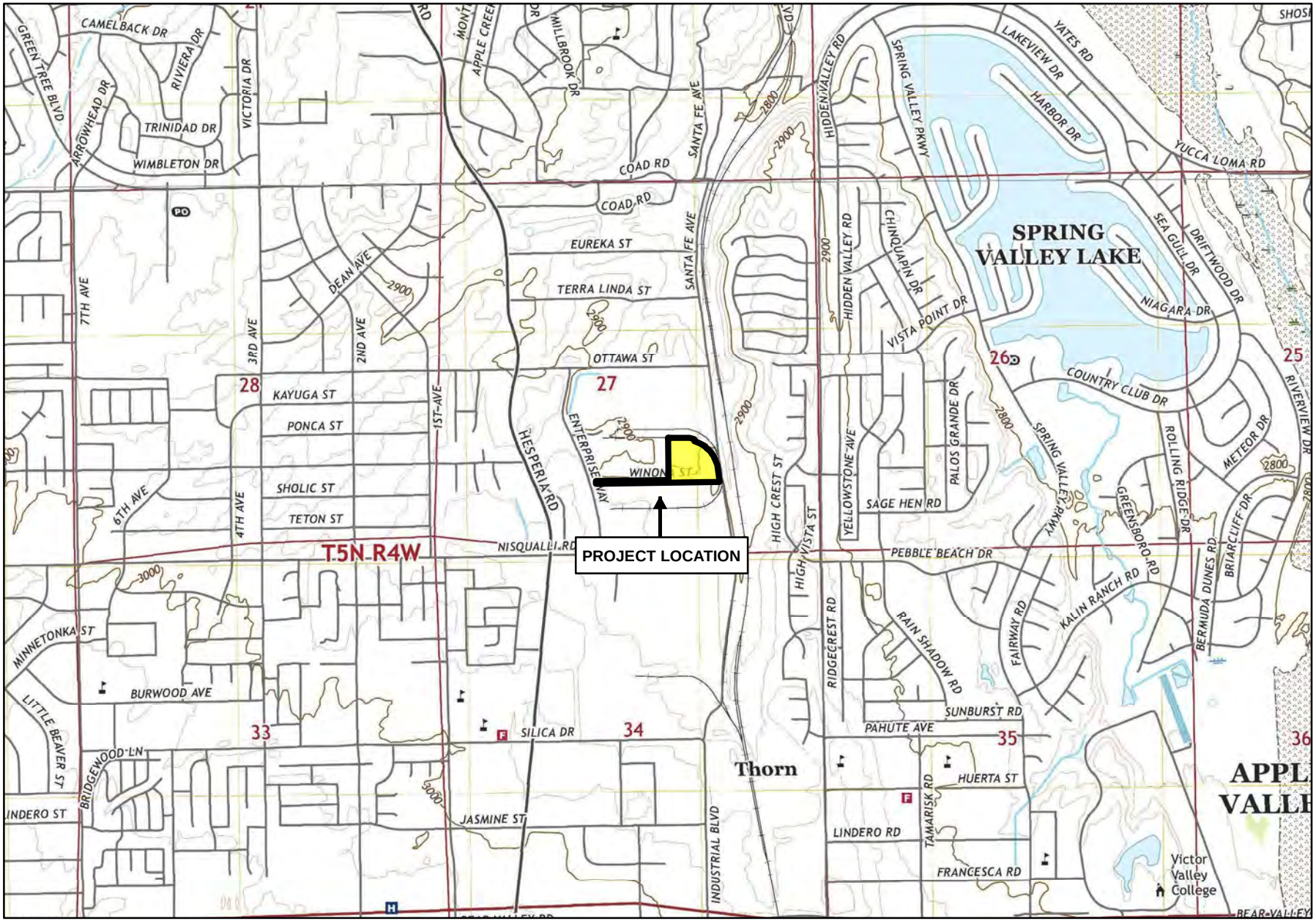
Source: ESRI World Street Map

NISQUALLI TRAILER LOT EXPANSION PROJECT

Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1



Adapted from USGS Hesperia, CA quadrangle

N

0 1,000 2,000 4,000 Feet

NISQUALLI TRAILER LOT EXPANSION PROJECT

Vicinity Map

GLENN LUKOS ASSOCIATES

Exhibit 2

Coordinate System: State Plane 5 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD 1983 2011
Map Prepared by: B. Gale, GLA
Date Prepared: May 3, 2023

Project Site

N

0 62.5 125 250
Feet

1 inch = 125 feet

NISQUALLI TRAILER LOT EXPANSION PROJECT

Aerial Map

GLENN LUKOS ASSOCIATES

Exhibit 3

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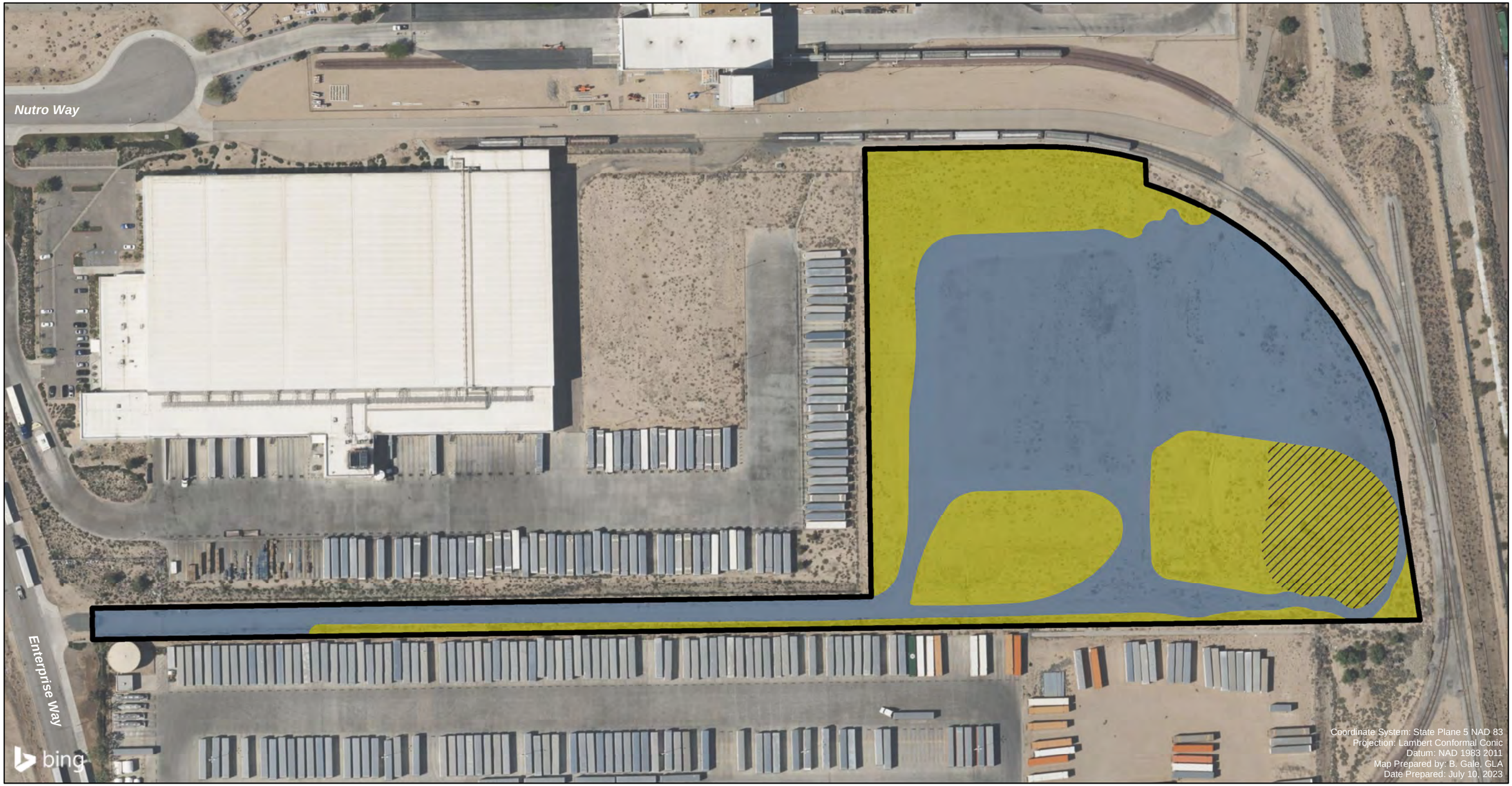


Project Site

Rabbitbrush Scrub

Disturbed Rabbitbrush Scrub

Disturbed

N

0 62.5 125 250

Feet

1 inch = 125 feet

Coordinate System: State Plane 5 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD 1983 2011
Map Prepared by: B. Gale, GLA
Date Prepared: July 10, 2023

NISQUALLI TRAILER LOT EXPANSION PROJECT

Vegetation Map

GLENN LUKOS ASSOCIATES

Exhibit X

X:\0363-THE REST\0849-99NISQ\849-99_GIS\VegetationGIS\0849-99_Vegetation.mxd

Photograph 1: Looking north from the southern, central portion of the site. Primarily disturbed lands shown.

Photograph 2: Looking west from the southern central portion of the site. Rubber rabbitbrush scrub shown.

Photograph 3: View of a typical burrow on site. Note the lack of whitewash or other diagnostic sign that would indicate burrowing owl presence.

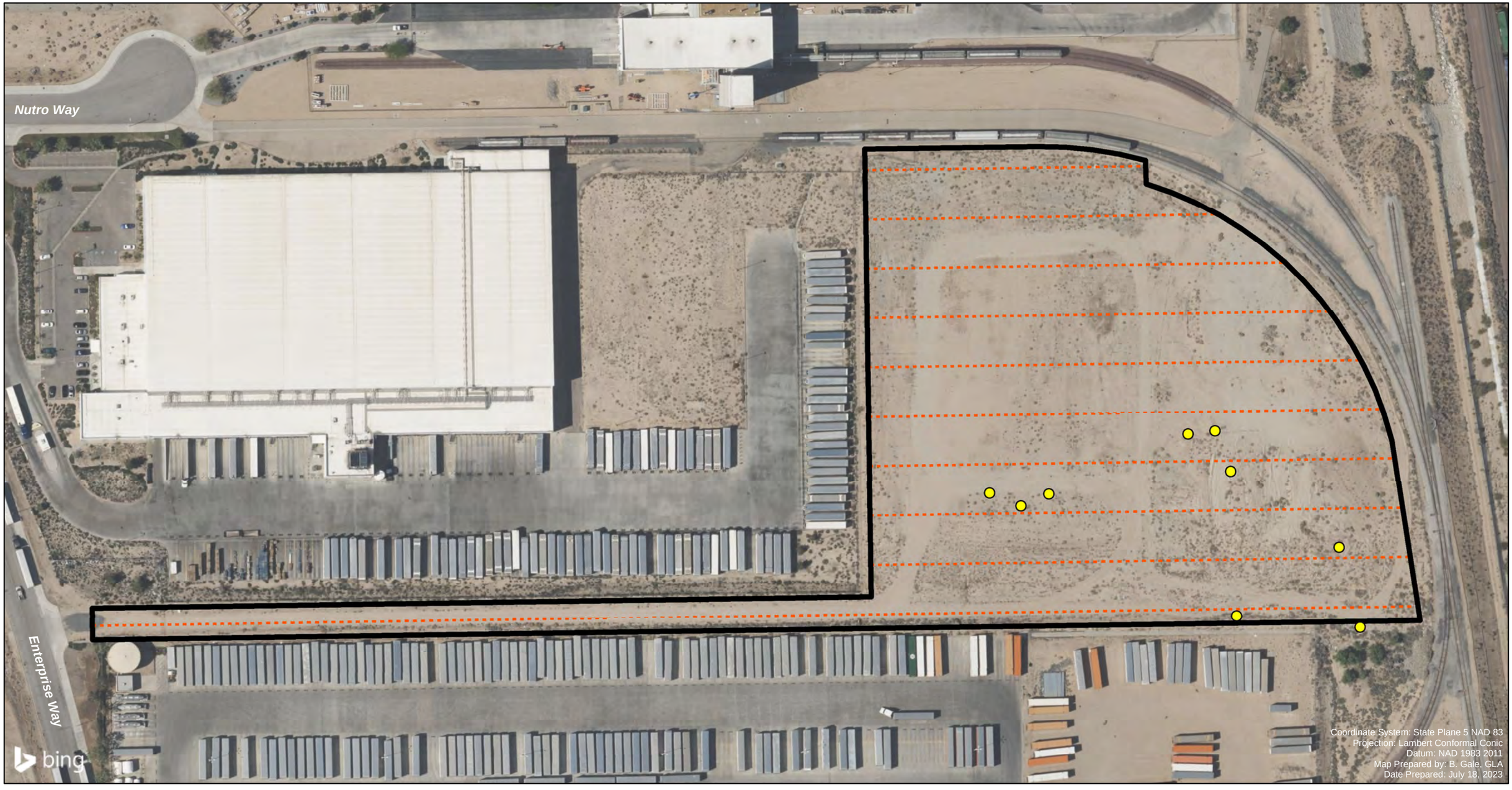
Photograph 4: Looking northwest from southeast portion of the site. Primarily rubber rabbitbrush scrub shown.

GLENN LUKOS ASSOCIATES

Exhibit 5

NISQUALLI TRAIL LOT EXPANSION PRJOECT

Site Photographs



Project Site

Burrowing Owl Transect

Burrow

N

0 62.5 125 250

Feet

1 inch = 125 feet

NISQUALLI TRAILER LOT EXPANSION PROJECT

Burrowing Owl Transect Map

GLENN LUKOS ASSOCIATES

Exhibit 6

X:\0363-THE REST\0849-99NISQ\849-99_GIS\BUOW_GIS\0849-99_BUOW.mxd

Project Site

107 Bryman Loamy Fine Sand, 5 to 9 Percent Slopes

108 Bryman Loamy Fine Sand, 9 to 15 Percent Slopes

113 Cajon Sand, 2 to 9 Percent Slopes

130 Haplargids-Calciorthids Complex, 15 to 50 Percent Slopes

N

0 62.5 125 250

Feet

1 inch = 125 feet

NISQUALLI TRAILER LOT EXPANSION PROJECT

Soils Map

GLENN LUKOS ASSOCIATES

Exhibit 7

X:\0363-THE REST\0849-99NISQ\849-99_GIS\SoilsGIS\0849-99_Soils.mxd

APPENDIX A
FLORAL COMPENDIUM

The floral compendium lists all species identified during floristic level/focused plant surveys conducted for the Project site. Taxonomy typically follows the The Jepson Manual (Baldwin et al. 2012) and Jepson eFlora (2023. Common plant names are taken from Baldwin et al., Hickman (1993), Jepson eFlora, Munz (1974), Roberts et al (2004), and Roberts (2008). An asterisk (*) denotes a non-native species.

SCIENTIFIC NAME	COMMON NAME
MAGNOLIOPHYTA	**FLOWERING PLANTS**
MONOCOTYLEDONS	**MONOCOTS**
POACEAE	**Grass Family**
* *Avena fatua*	common wild oat
* *Bromus rubens*	red brome
* *Vulpia myuros* var. *myuros*	rattail fescue
EUDICOTYLEDONS	**EUDICOTS**
AMARANTHACEAE	**Amaranth Family**
* *Atriplex semibaccata*	Australian saltbush
ASTERACEAE	**Sunflower Family**
Baccharis salicifolia	mulefat
Ericameria nauseosa	rubber rabbitbrush
Malacothrix glabrata	desert dandelion
BORAGINACEAE	**Borage Family**
Amsinckia intermedia	common fiddleneck
Plagiobothrys sp.	popcorn-flower
BRASSICACEAE	**Mustard Family**
* *Hirschfeldia incana*	field mustard
* *Sisymbrium irio*	London rocket
FABACEAE	**Legume Family**
* *Melilotus indica*	yellow sweetclover
GERANIACEAE	**Geranium Family**
* *Erodium botrys*	long-beaked filaree

LAMIACEAE	**Mint Family**
* *Rosmarinus officianalis*	rosemary
MYRSINACEAE	**Myrsine Family**
* *Lysimachia arvensis*	scarlet pimpernel

APPENDIX B
FAUNAL COMPENDIUM

The faunal compendium lists species that were either observed within or adjacent to the Study Area. Taxonomy and common names sourced from the California Wildlife Habitat Relationships System (CDFW 2016), the CNDDB for special status species, and the following taxa-specific sources: American Ornithological Society (2022) for birds; Collins and Taggart (2009) and Crother (2017) for reptiles and amphibians; and Wilson and Reeder (2005) for mammals.

AVES	BIRDS
CHARADRIIDAE	**Plovers And Relatives**
Charadrius vociferus	killdeer
COLUMBIDAE	**Pigeons And doves**
Columba livia	rock pigeon
CORVIDAE	**Crows And Jays**
Corvus brachyrhynchos	American crow
Corvus corax	common raven
MIMIDAE	**Mockingbirds And Thrashers**
Mimus polyglottos	northern mockingbird
STURNIDAE	**Starlings**
Sturnus vulgaris	European starling
ICTERIDAE	**Blackbirds**
Euphagus cyanocephalus	Brewer's blackbird
FRINGILLIDAE	**Fringilline And Cardueline Finches and Allies**
Haemorhous mexicanus	house finch
PASSERIDAE	**Old World Sparrows**
Passer domesticus	house sparrow
MAMMALIA	**MAMMALS**
SCIURIDAE	**Squirrels, Chipmunks, And Marmots**
Otospermophilus beecheyi	California ground squirrel