GENERAL BIOLOGICAL RESOURCES ASSESSMENT

BEYOND FOOD MART
APN 0492-19-104

SAN BERNARDINO COUNTY, CALIFORNIA

Prepared for:

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4300 Edison Avenue
Chino, California 91710

Prepared by:

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Principal Investigator: Randall C. Arnold, Jr.

Report prepared by: R. Arnold

Project: #2019-88

January 7, 2020

TITLE PAGE

Date Report Written: January 7, 2020

Date Field Work Completed: December 23, 2019

Report Title: General Biological Resources Assessment

Assessor's Parcel Numbers: 0492-19-104

Prepared for: Mark Sater

Principal Investigator: Randall C. Arnold, Jr., Principal Biologist

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1.0 INTRODUCTION AND PROJECT DESCRIPTION

Biological surveys were conducted on December 23, 2019 on a 2.82-acre parcel located immediately north of the intersection of State Highway 395 and State Highway 58 in San Bernardino County (Appendix A: Figures 1, 2, 3, and 4). As part of the environmental assessment process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. The proponent is proposing to construct a food mart, gas station and drive through (Figure 1).

Following completion of a comprehensive data review, surveys were performed on the site during which the biological resources on the property and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property site and the adjoining lands were evaluated for the presence of native habitats which could potentially support populations of special status wildlife species. A protocol survey was conducted for the desert tortoise, and a focused survey was also conducted for the presence of any burrows which could potentially be utilized by burrowing owls. A habitat assessment was also performed for the Mohave ground squirrel. The property was also evaluated for the presence of sensitive habitats including stream channels, wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2017) for the Kramer Junction, California quadrangle, there are three special status wildlife species, one special status insect species, and four special status plant species that have been documented within the quadrangle (Tables 4-1 and 4-2). Wildlife species include desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), and prairie falcon (*Falco mexicanus*). Plant species include desert cympoterus (*Cymopterus deserticola*), white pygmy-poppy (*Canbya candida*), Barstow woolly sunflower (*Eriophyllum mohavense*), and sagebrush loeflingia (*Loeflingia squarrosa var. artemisiarum*). The crotch bumble bee (*Bombus crotchii*) is the specials status insect which has been documented in the area.

New Development of A Beyond Food Mart with Gas Station & Drive-thru

40654 US-395, BORON, CA 93516

Project Directory

OWNER:
MARK SATER
4300 EDISON AVE.,
CHINO, CA 91710
TEL.: (909) 465 6839

ARCHITECT & CIVIL ENGINEER:
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MEP ENGINEER:
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ALHAMGRA, CA 91803
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PHILMAY
1937 W. 9TH ST.,
UPLAND, CA 91786
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Abbreviations

&	AND	DBL.	DOUBLE	H.B.	HOSE BIBB	PL.	PLATE
L	ANGLE	DEPT.	DEPARTMENT	H.C.	HOLLOW CORE	P.LAM.	PLASTIC LAMINATE
@	AT	DET.	DETAIL	HCP	HANDICAP	PLAS.	PLASTER
℄	CENTERLINE	DIA.	DIAMETER	HDWD.	HARDWOOD	PLYWD.	PLYWOOD
ø	DIAMETER OF ROUND	DIM.	DIMENSION	HDWE.	HARDWARE	PR.	PAIR
#	POUND OR NUMBER	DISP.	DISPENSER	H.M.	HOLLOW METAL	PT.	POINT
(E)	EXISTING	DN.	DOWN	HORIZ.	HORIZONTAL	PTN.	PARTITION
(R)	RELOCATED	D.O.	DOOR OPENING	HR.	HOUR		
(N)	NEW	DR.	DOOR	HGT.	HEIGHT	Q.T.	QUARRY TILE
		DWR.	DRAWER			QSR	QUICK SERVE
A.F.F.	ABOVE FINISH FLOOR	D.S.	DOWNSPOUT	I.D.	INSIDE DIAMETER		RESTAURANT
A.D.	AREA DRAIN	DWG.	DRAWING	INSUL.	INSULATION	R/RAD.	RADIUS
ADJ.	ADJUSTABLE			INT.	INTERIOR	R.D.	ROOF DRAIN
AGGR.	AGGREGATE	E.	EXISTING			REF.	REFERENCE
AL.	ALUMINUM	EA.	EACH	JT.	JOINT	REFR.	REFRIGERATOR
APPROX.	APPROXIMATE	E.J.	EXPANSION JOINT			REGTR.	REGISTER
ARCH.	ARCHITECTURAL	EL.	ELEVATION	KIT.	KITCHEN	REINF.	REINFORCED
ASB.	ASBESTOS	ELEC.	ELECTRICAL			REQ'D	REQUIRED
ASPH.	ASPHALT	E.P.	ELECTRICAL PANELBOARD	LAMINATE	LAM.	RESIL.	RESILIENT
		EQ.	EQUAL	LAV.	LAVATORY	RM.	ROOM
BD.	BOARD	EQPT.	EQUIPMENT	LT.	LIGHT	R.O.	ROUGH OPENING
BITUM.	BITUMINOUS	EXIST.	EXISTING			RWD.	REDWOOD
BLDG.	BUILDING	EXP.	EXPANSION	MAX.	MAXIMUM	R.W.L.	RAIN WATER LEADER
BLKG.	BLOCKING	EXT.	EXTERIOR	M.C.	MEDICINE CABINET		
BM.	BEAM			MECH.	MECHANICAL	S.C.	SOLID CORE
BOT.	BOTTOM	F.F.	FLOOR FINISH	MEMB.	MEMBRANE	SCHED.	SCHEDULE
		FDN.	FOUNDATION	MET.	METAL	S.D.	SOAP DISPENSER
CAB.	CABINET	FIN.	FINISH	MFR.	MANUFACTURER	SECT.	SECTION
CEM.	CEMENT	FL.	FLOOR	MIN.	MINIMUM	SH.	SHELF
CER.	CERAMIC	FLASH'G	FLASHING	MIR.	MIRROR	SHR.	SHOWER
C.I.	CAST IRON	FLUOR.	FLUORESCENT	MISC.	MISCELLANEOUS	SHT.	SHEET
CLG.	CEILING	F.O.C.	FACE OF CONCRETE	M.O.	MASONRY OPENING	SIM.	SIMILAR
CLKG.	CAULKING	F.O.F.	FACE OF FINISH	MTD.	MOUNTED	SL.	SLOPE
CLO.	CLOSET	F.O.S.	FACE OF STUDS	MUL.	MULLION	SPEC.	SPECIFICATION
CLR.	CLEAR	FPRF.	FIREPROOF			SQ.	SQUARE
C.O.	CASED OPENING	F.S.	FLOOR SINK	N.	NEW	S.ST.	STAINLESS STEEL
COL.	COLUMN	FT.	FOOT OR FEET	N.I.C.	NOT IN CONTRACT	STD.	STANDARD
CONC.	CONCRETE	FTG.	FOOTING	NO./#	NUMBER	STL.	STEEL
CONN.	CONNECTION	FURR.	FURRING	NOM.	NOMINAL	STOR.	STORAGE
CONSTR.	CONSTRUCTION	FUT.	FUTURE	N.T.S.	NOT TO SCALE	STRL.	STRUCTURAL
CONT.	CONTINUOUS					SYM.	SYMMETRICAL
CTSK.	COUNTERSUNK	G.A.	GAUGE	O.A.	OVERALL		
CNTR.	COUNTER	GALV.	GALVANIZED	OBS.	OBSCURE	T.B.S.	TO BE SPECIFIED
CTR.	CENTER	GL.	GLASS	O.C.	ON CENTER	TRD.	TREAD
		GR.	GRADE	O.D.	OUTSIDE DIAMETER	T.B.	TOWEL BAR
		GSM	GALVANIZED SHEET METAL	OFF.	OFFICE	T.C.	TOP OF CURB
		GYP.	GYPSUM	OPNG.	OPENING	TEL.	TELEPHONE
		GYP. BD.	GYPSUM BOARD	OPP.	OPPOSITE	TER.	TERRAZZO
						T.& G.	TONGUE & GROOVE
						THK.	THICK
						T.P.	TOP OF PAVEMENT
						T.P.D.	TOILET PAPER DISPENSER
						T.V.	TELEVISION
						T.W.	TOP OF WALL
						TYP.	TYPICAL
						UNF.	UNFINISHED
						U.O.N.	UNLESS OTHERWISE NOTED
						VERT	VERTICAL
						W.	WEST
						W/	WITH
						W.C.	WATER CLOSET
						WD.	WOOD
						W/O	WITHOUT
						WP.	WATERPROOF
						WSCT.	WAINSCOT
						WT.	WEIGHT

General Notes

NOTE:

1. ALL DIMENSIONS ARE TO THE FACE OF FINISH, U.O.N.
2. ALL SIGNAGE ARE UNDER SEP. PERMIT AND BY OTHERS. SIGNS SHALL BE COMPLIED WITH CITY'S TITLE 16. ANY SIGNS ARE IN EXCESS OF TITLE 16 SHALL BE REQUIRED REVIEW AND APPROVAL BY THE PLANNING COMMISSION.
3. THE PROJECT SHALL COMPLY WITH ALL BUILDING CODES AT THE TIME OF PLAN SUBMITTAL.
4. THIS PROJECT SHALL REQUIRE A CONNECTION TO THE CITY SEWER SYSTEM.
5. PLAN CHECK FEES FOR THE PROJECT WILL BE DUE, A ND SHALL BE PAID IN FULL, UPON SUBMITTAL OF PLANS TO THE BLD'G. DIVISION. THE BLD'G. DIV. MAY BE CONTACTED AT (760) 955-5100 FOR AN ESTIMATE OF THESE FEES. ACTUAL AMOUNT OWED WILL BE DETERMINED UPON SUBMITTAL OF THE PLANS AT THE BLD'G. COUNTER.
6. PLAN SHALL COMPLY WITH ALL CURRENT BUILDING AND FIRE CODE REQUIREMENTS BASED ON OCC. CLASSIFICATION.
7. MONITORED FIRE SPRINKLER SYSTEM(S) ARE REQUIRED FOR THE PROPOSED BUILDING(S). PLANS SHALL BE SUBMITTED PRIOR TO CONSTRUCTION.
8. MONITORED FIRE ALARM SYSTEM(S) ARE REQUIRED FOR THE PROPOSED BUILDING(S). PLANS SHALL BE SUBMITTED PRIOR TO CONSTRUCTION.
9. INT./EXT. FIRE DEPT. ACCESS ROADWAYS/FIRE LANES SHALL BE REQUIRED PER FIRE DEPT. STD. FIRE DEPT. ACCESS ROADWAYS PROVIDING TO THE BLD'GS IN THIS PROJECT SHALL A MIN. OF 26 FT. WIDE AND SHALL BE ADJ. TO THE LONGEST SIDE OF THE BLD'G. IF GATES INSTALLED, MUST COMPLY WITH WITH FIRE DEPT. STD.
10. AN APPROVED ON-SITE FIRE PROTECTION WATER SYSTEM, IN ACCORDANCE WITH FIRE AND WATER DEPT. STD. IS REQUIRED. THE SYSTEM IS REQUIRED TO BE IN PLACE AND SERVICEABLE PRIOR TO BUILDING CONSTRUCTION.
11. PROVIDE A PRELIMINARY ON-SITE FIRE PROTECTION PLAN INDICATES THE LOCATION OF ALL REQUIRED FIRE PROTECTION APPLIANCES (FDC'S, PIV'S,RP'S, HYDRANTS, ETC.) REQUIRED APPLIANCES SHALL BE UNOBSTRUCTED BY FENCING, STORAGE CONTAINERS, PARKED VEHICLES, ETC.
12. AN APPROVED WATER SUPPLY SYSTEM, COMPLETE WITH STREET FIRE HYDRANTS COMPLYING WITH THE FIRE DEPT. STD. SHALL BE IN PLACE PRIOR TO ANY COMBUSTIBLE CONSTRUCTION.
13. REQUIRED FIRE FLOW FOR THIS PROJECT IS 1500GPM @ 20PSI FOR 2 HRS. DURATION AT FURTHEREST REMOTE HYDRANT. CONTACT WATER DISTRICT TO ASSURE AVAILABILITY OF CONSTRUCTION.
14. KNOX BOX/KEY BOX IS REQUIRED AND INSTALLED IN ACCORDANCE WITH FIRE DEPT. STD. CONSTRUCTION.

Reference Notes

1. (E) PROPERTY LINES.
2. (E) RIGHT OF WAY.
3. (E) EASEMENT.
4. SCOPE OF WORK AREA.
5. DEMO & DISPOSE (E) SINGLE STORY STRUCTURE.
6. (E) SCE GRID TOWER TO REMAIN.
7. (E) SCE GRID TOWER TO RELOCATE.
8. DEMO & DISPOSE (E) CONC/ASPHALT PAVING.
9. (E) WATER WELL AND POWER POLE TO REMAIN.

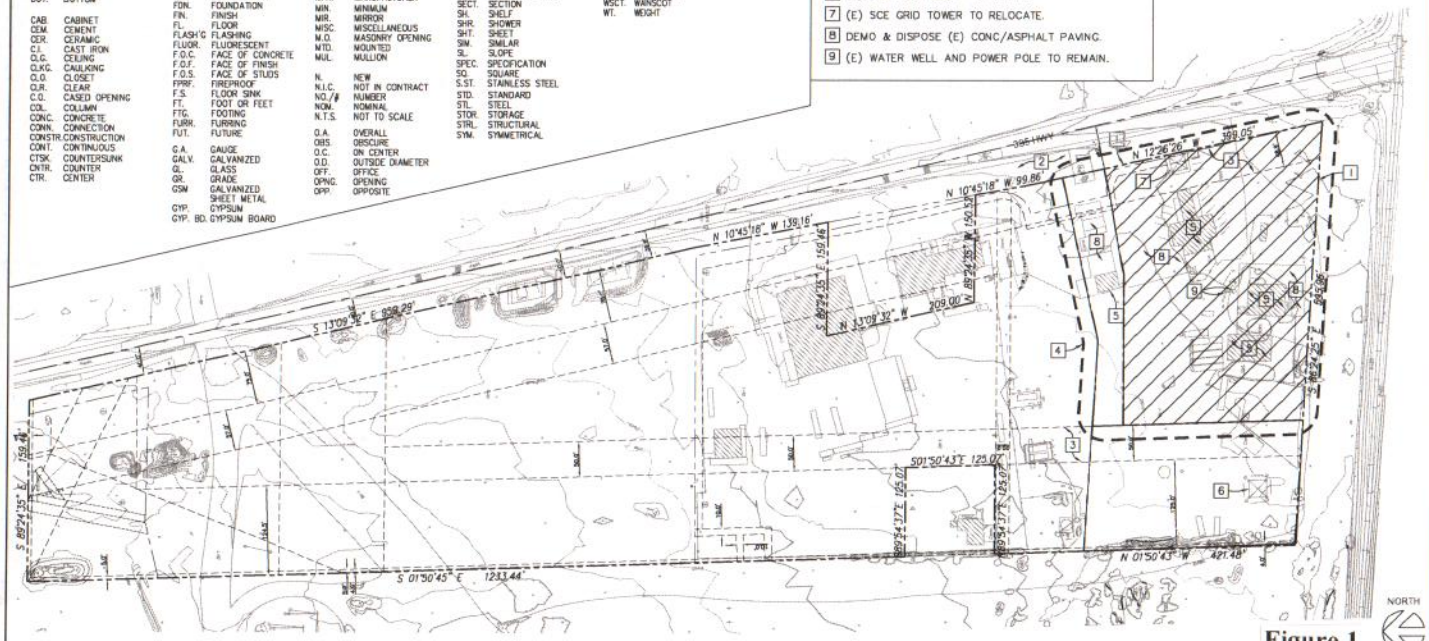


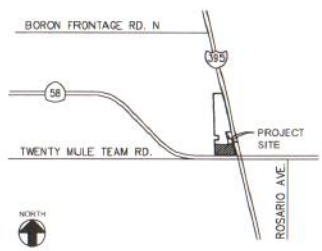
Figure 1

1 Existing Site Plan/Survey (Site Demolition Plan)

SCALE: 1" = 80'-0"

Vicinity Map

SCALE: N.T.S.



Project Description

NEW CONSTRUCTION OF A BEYOND FOOD MART, A CANOPY WITH 14 MPD, UNDERGROUND STORAGE TANKS, AN ATTACHED FAST FOOD RESTAURANT WITH DRIVE-THRU.

Project Data

PROJECT ADDRESS:	BORON, CA 93516
APN#:	0492-19-104-0000
ZONING:	CR RURAL COMMERCIAL
CONSTRUCTION TYPE:	VA
SPRINKLER:	FULLY SPRINKLERED (NFPA 13)
FIRE SPRINKLER:	YES, (NFPA 72)
OCCUPANCY:	(CR) RURAL COMMERCIAL
SCOPE OF WORK SITE AREA:	122,666 S.F. (2.82 A.C.)
COMMON AREA:	51,453 S.F. (1.18 A.C.)
FAR:	0.31 MAX. (TABLE 82-15A)
LOT COVERAGE:	80% MAX. (TABLE 82-15A)
HEIGHT LIMIT:	35'-0" (TABLE 82-15A)
SETBACK REQUIREMENTS:	(TABLE 82-15A)
FRONT YARD	25'-0"
SIDE YARD (ST. SIDE)	25'-0"
SIDE YARD (INTERIOR)	10'-0" (ONE SIDE ONLY)
REAR YARD	10'-0" (WHEN ADJ. NOT COM. OR IND.)
C-STORE BUILDING AREA:	
C- STORE	7,250 S.F.
(INCL. ELEC. / EQUIP RM.)	
TOTAL AREA:	7,250 S.F.
BUILDING HEIGHT	29'-0" (APPROX.)
PARKING REQUIREMENTS:	
C-STORE 1/250	7,250/250=29
TOTAL REQUIRED:	29
PARKING PROVIDED:	38 (INCL. 2 HCP PARKING, PLUS 28 UNDER CANOPY, PLUS 1 LOADING/UNLOADING
LANDSCAPE AREA:	23,824 S.F. (13.68%)

Legal Description

1.16 ACRES NET IN PAR 1 PM 234/001

Sheet Index

Permit Notes

1. UNDERGROUND STORAGE UNDER SEPARATE PERMIT.
2. CANOPY UNDER SEPARATE PERMIT.
3. SIGNAGE UNDER SEPARATE PERMIT.

ARCHITECTURE DESIGN PATENTED, TRADE ADDRESSED, AND OWNED BY BEYOND FOOD MART.

W&W LAND DESIGN CONSULTANTS INC.
ARCHITECTURE, CIVIL ENGINEERING & INTERIOR
235 W. FOOTHILL BLVD., STE 1, UPLAND, CA 91786
PHONE: (909) 608-7118 FAX: (909) 946-1137

PROJECT: NEW BEYOND FOOD MART W/ DRIVE THRU & 14 MPD

ADDRESS: 40654 US-395, BORON, 93516

CLIENT: SATER BROS. 4300 EDISON AVE., CHINO, CA 91710

SHEET TITLE: GENERAL NOTES, VICINITY MAP, EXISTING SITE PLAN, PROJECT DATA, DIRECTORY, LEGAL DESCRIPTION, SHEET INDEX

KEY MAP

SEAL/STAMP

JOB NO.	1815
DRAWN BY:	TL
SUPERVISED BY:	TL
CHECKED BY:	TL
PLAN CHECK	/ /
PERMIT SET	/ /
BID SET	/ /

REVISIONS

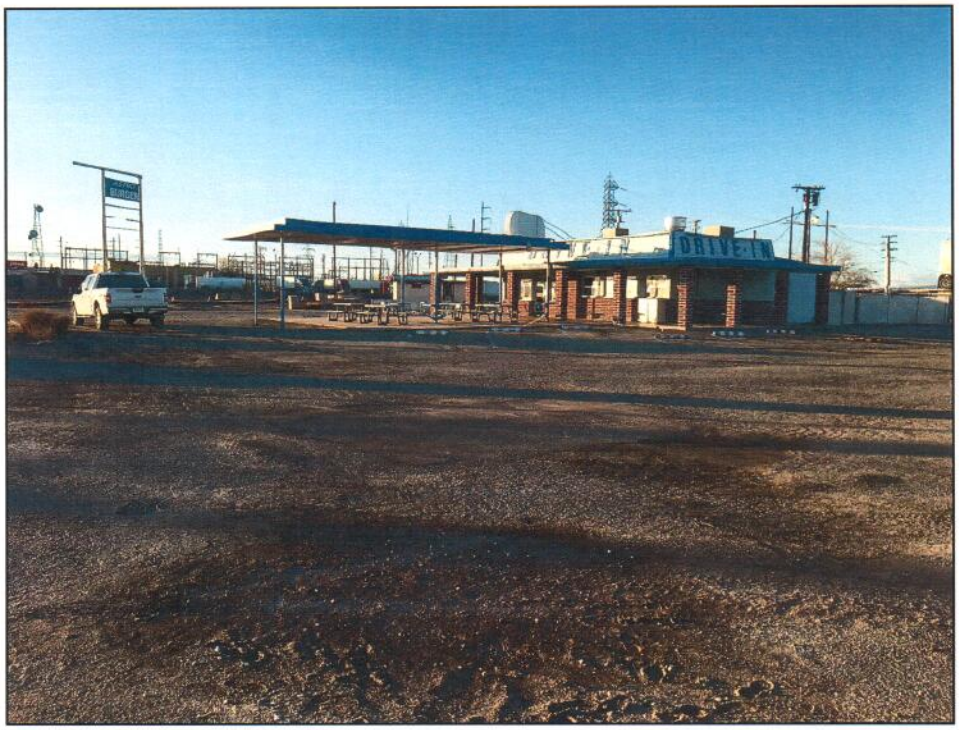
PRE-SUBMITTAL REVIEW	11/06/2018
PLANNING SUBMITTAL	11/30/2018

SHEET NO: A1.01

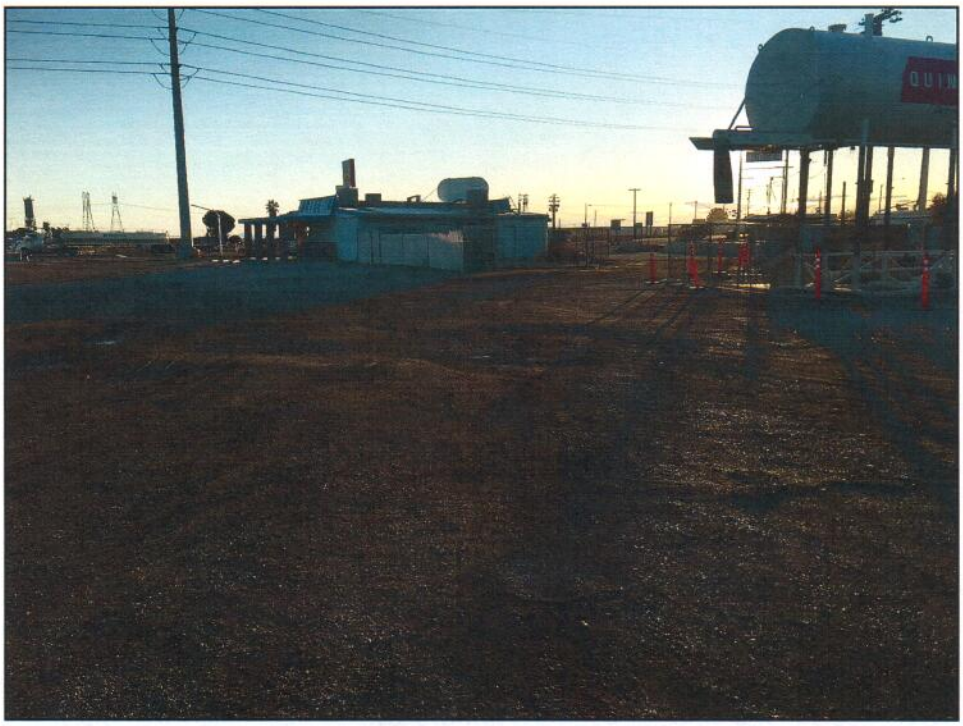
OF SHEETS

SHEET

Figure 2
Vicinity Exhibit



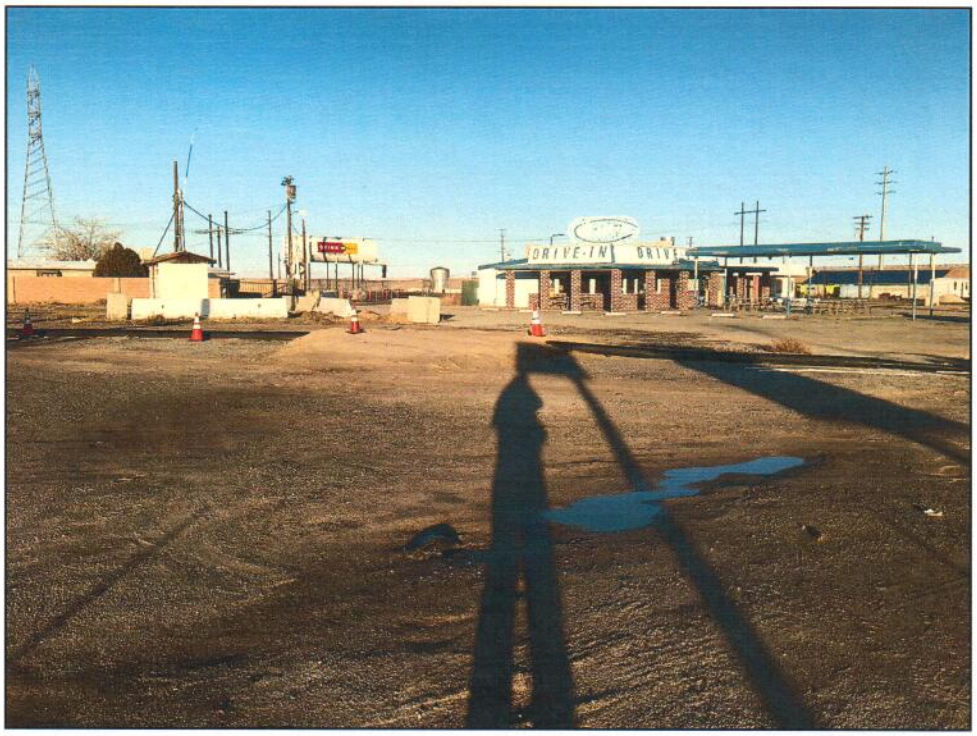
VIEW FROM NORTHEAST CORNER LOOKING SOUTHWEST



VIEW FROM NORTHWEST CORNER LOOKING SOUTHEAST

FIGURE 3
PHOTOGRAPHS OF SITE

VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST



VIEW FROM SOUTHEAST CORNER LOOKING NORTHWEST

FIGURE 3, cont.
PHOTOGRAPHS OF SITE

Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980). The project proponent is proposing to construct a food mart with a gas station and drive through. Access to the property will be from Highway 395. The site has been previously developed and a fast food business, and two small single-family dwellings are located within the boundaries of the property. Existing businesses and structures are located directly north of the property and vacant land borders the site on the west. Highway 395 borders the site on the east.

2.0 ENVIRONMENTAL SETTING

The property is approximately 2.82-acres in size and is located directly northwest of the intersection of State Highway 395 and State Highway 58 in San Bernardino County, California (Appendix A: Figures 1 and 2). The property supports very little vegetation due to past development activities. Vegetation observed included a few Russian thistle *(Salsola tragus*), yellow-green matchweed (*Gutierrezia sarothrae*), erodium (*Erodium cicutarium*), and brome grasses (*Bromus* sp.). A few desert willows (*Chilopsis linearis*) and sycamores (*Platanus racemosa*) were also planted around the single-family dwellings.

The site supports very few wildlife species with jackrabbits (*Lepus californicus*) and desert cottontails (*Sylvilagus auduboni*) the only mammals observed during the field investigations. No reptiles were observed during the field investigations due to the time of year (i.e., December); although species common in the area include western whiptails (*Cnemidophorus tigris*) and side-blotched lizards (*Uta stansburiana*). Bird species observed during the field investigations included mourning dove (*Zenaida macroura*), pigeon (*Columba livia domestica),* and common raven (*Corvus corax*). Table 2 provides a comprehensive compendium of wildlife which have been observed in the area or which are known to occur in the region. No sensitive habitats such as blueline channels, vernal pools, or critical habitats for sensitive species were observed during the field investigations.

3.0 METHODOLOGIES

Biological surveys were conducted on December 23, 2019 during which a biologist from RCA Associates, Inc. initially walked meandering transects throughout the site to collect data on the plant and wildlife communities. Following completion of the initial reconnaissance surveys, comprehensive surveys were performed throughout the site to document the vegetation present on the property and the wildlife species which inhabit the area. In addition to the general biological investigations, a protocol survey was conducted for the desert tortoise, and a focused survey was conducted to determine if there were any suitable burrows (i.e., "occupiable") or man-made structures for burrowing owls present on the site. In addition, a habitat assessment was also performed for the Mohave ground squirrel. The applicable methodologies for the various field investigations performed are summarized below.

Surveys were performed on the site and in the surrounding area from approximately 0700 to about 1000 hours. Weather conditions during the surveys consisted of winds ranging from 0 to 5 mph, temperatures from the low 40's (F) (AM) to low-60's (AM) (°F) with about five percent cloud coverage. All plants and wildlife detected during the field investigations were recorded and are provided in Tables 1 & 2 along with other species that have been documented in the area (Appendix A).

3.1 General Plant and Animal Surveys: Meandering transects were walked throughout the site at a pace that allowed for careful documentation of the plants and wildlife present on the site. All plants observed were identified in the field and wildlife were identified through visual observations and/or by vocalizations. Tables 1 and 2 (Appendix A) provide a comprehensive compendium of the species observed and those expected to occur in the region. Zone of Influence (ZOI) surveys were conducted in areas west of the site. ZOI surveys were not conducted to the north, east or south due to the presence of private property and State Highways 48 and 395.

3.2 Burrowing Owl: The site was evaluated on December 23, 2019 for the presence of suitable habitat for the species. Owls utilize a variety of natural and modified habitats for nesting and foraging where the vegetation is low-growing. Typical habitats for the species include native and non-native grasslands, interstitial grassland within shrub lands, shrubs lands with low density cover, drainage ditches, earthern berms, pasture lands, and fallow fields (CDFW, 1992). Burrowing owls typically utilize abandoned fossorial burrows which have been excavated by various mammals such as coyotes, foxes, ground squirrels, badgers, and dogs. Owls may also use man-made structures such as electrical vaults, cement culverts, man-made structures, and large debris piles.

As part of the habitat assessment, the site was also surveyed for potential (i.e., occupiable) burrows, as well as man-made structures, that owls could potentially utilize. As required by CDFW survey protocol, 30-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for burrows, as well as the presence of any burrowing owls, and/or owl signs (burrows, tracks, whitewash, etc.). All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls cannot dig their own burrows. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable burrowing owl habitat.

3.3 Desert Tortoise: A habitat assessment was initially conducted for the desert tortoise in conjunction with the general biological surveys. The purpose of the habitat assessment was to evaluate the habitat present on the site and to determine if the site supports suitable habitat for the species. The site does not support prime habitat for the species; however, a protocol survey was conducted for the species on December 23, 2019. Ten-meter belt transects were walked in a north-south direction in order to provide 100 percent coverage of the site. During the surveys, the site was evaluated for the presence of any tortoises, tortoise sign (e.g., scats, tracks, etc.) and tortoise burrows.

Data was also collected on plant species observed which are typically associated with the species. Zone of influence surveys were also performed in the areas immediately west of the site.

3.4 Mohave Ground Squirrel: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB, 2020) was performed. The database search included the USGS Kramer Junction, California quadrangle to evaluate the existing conditions in the region in regards to special status species. Based on this review, it was determined that three special status wildlife species, four special status plants, and one special status insect have been documented within the USGS Kramer Junction quadrangle. The following tables provide data on each special status species.

Table 4-1: Special status plant species documented in the region (Source: CNDDB, 2020)

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ ABSENCE ON PROPERTY
PLANTS			
Within Kramer Junction Quadrangle			
White pygmy-poppy (*Canbya candida*)	Fed: None State: None CNPS: 4.2	Mojavean desert scrub, Joshua tree woodland.	Not expected to occur on the site.
Desert cymopterus (*Cymopterus deserticola*)	Fed: None State None CNPS: 1B.2	Mojavean desert scrub, Joshua tree woodland	Not expected to occur on the site.
Barstow wooly sunflower (*Eriophyllum mohavense*)	Fed: None State: None CNPS: 1B.2	Mojavean desert scrub	Not expected to occur on the site.
Sagebrush loeflingia (*Loeflingia squarrosa var. artemisiarum*)	Fed: None State: None CNPS: 2B.2	Mojavean desert scrub	Not expected to occur on the site.

CNPS: California native Plant Society

Table 4-2: Special status wildlife and insects documented in the region (Source: CNDDB, 2020) or likely to occur in the region

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ABSENCE ON PROPERTY
ANIMAL			
Within Kramer Junction Quadrangle			
Desert tortoise (*Gopherus agassizii)*	Federal: T State: T	Desert shrub	Nearest documented observation west of the site. No tortoises observed on-site.
Prairie falcon (Falco mexicanus)	Federal: None State: None CDFW: Watch list	Rolling foothills, mountain areas, deserts scrub.	Suitable habitat absent from site, and not expected to occur on the site in the future
Burrowing owl (*Athene cunicularia*)	Federal: None State: None CDFW: SSC	Open grassland areas where the owls utilize abandoned mammal burrows.	Marginal habitat present on the site. Not expected to occur on the site, and none observed during survey. This species is not listed within the CNDDB table; however, this mobile species occurs throughout Southern California and could potentially occur in the area in the future.
Mohave ground squirrel (*Xerospermophilus mohavensis*)	Federal: None State: T	Desert scrub	Documented observations within 5 miles of the site; however, the site has been significantly disturbed by past development
Crotch bumble bee (*Bombus crocthii*)	Fed: None State: Candidate Endangered	Desert scrub	Documented observation within 5-miles of site; however, very unlikely to occur on the site.

T = Threatened
SSC = Species of Special Concern

5.0 RESULTS

5.1 General Biological Resources

The property supports very little vegetation due to past development activities on the site (Figure 3 and 4). A few Russian thistle plants, yellow-green matchweed, erodium, and brome grasses were scattered throughout the site with a few desert willows and sycamores planted around the two small single-family dwellings (abandoned) for landscaping. Table 1 provides a compendium of all plants identified on the site and in the surrounding region (Appendix A). Given the absence of native vegetation and the level of disturbance, the site supports only a few wildlife species with jackrabbits and desert cottontails observed during the field investigations. No reptiles were observed; however, common species such as western whiptails (*Cnemidophorus tigris*) and side-blotched lizards (*Uta stansburiana*) may inhabit the site. Bird species observed during the field investigations included mourning dove (*Zenaida macroura*), pigeon (*Columba livia domestica),* and common raven (*Corvus corax*). Table 2 provides a comprehensive compendium of wildlife which has been observed in the area or which is known to occur in the region (Appendix A). No sensitive habitats such as blueline channels, vernal pools, or critical habitats for sensitive species were noted during the field investigations.

5.2 Federal and State Listed Species

The Federal and State listed wildlife species which have been documented in the surrounding region within approximately five miles of the site include the desert tortoise and Mohave ground squirrel. Neither of these species were observed on the site during the surveys, nor are either species expected to inhabit the site at present or in the future. As shown in Figures 3 and 4 the site has been developed and there is no native vegetation on the site. Suitable habitat for the desert tortoise and the Mohave ground squirrel are absent from the property. The crotch bumble bee is a candidate for listing as endangered. However, the species is not expected to occur on the site given the absence of suitable plants which it requires such as milkweed, lupines, phacelias, and sage.

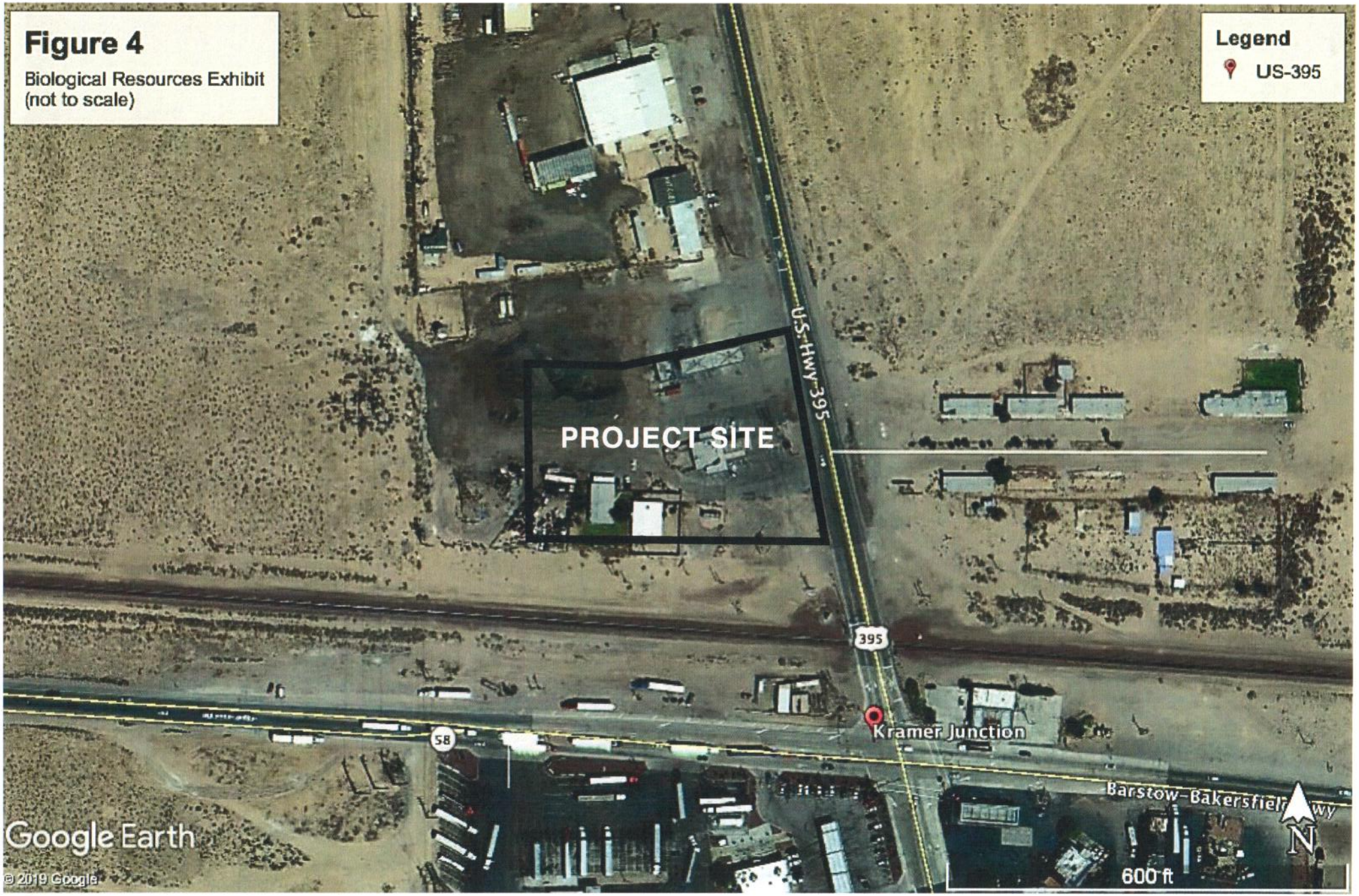


Figure 4
Biological Resources Exhibit
(not to scale)
Legend
US-395
PROJECT SITE
US-Hwy-395
395
58
Kramer Junction
Barstow-Bakersfield Hwy
N
600 ft
Google Earth
© 2019 Google

5.3 Wildlife Species of Special Concern and Special Status Plants

There is one special status wildlife species and four special status plants species which have been documented within about 5-miles of the site. These species include prairie falcon, white pygmy-poppy, desert cymopterus, Barstow woolly sunflower, and sagebrush loeflingia.

The prairie falcon typically hunts over open areas which support populations of its prey species which includes small mammals, birds, and reptiles. Based on the past development which has occurred on the site, the property is not expected to provide suitable hinting habitat. None of the plant species were observed on the site during the field investigations nor are any of the species expected to occur on the site. As noted above, native vegetation was cleared from the site during past development activities and is not expected to provide suitable habitat for these plants.

Although burrowing owls have not been documented in the area based on the CNDDB search, the species is relatively mobile and is known to occur throughout Southern California. Therefore, surveys were conducted for the species since it sometimes occurs in disturbed areas where suitable burrows or man-made areas (i.e., debris piles, etc.) are present. However, no burrowing owls or owl sign was observed on the site or in any areas surrounding the site.

6.0 IMPACTS, MITIGATION, AND RECOMMENDATIONS

Potential impacts to biological resources in the region and on the site are expected to be negligible due to past development activities which have occurred on the site. A fast food business, two small single-family dwellings, and a few other small structures are present on the site. **The site does not support any native vegetation communities and only a few plant species were scattered throughout the site. No special status species were observed on the site.** Therefore; no mitigation measures are recommended at this time; however, if any listed or special status species are observed during future construction activities, the County of San Bernardino, CDFW, and USFWS should be contacted to discuss potential mitigation measures which may be required to compensate for impacts to the species. CDFW and USFWS are the only agencies which can specify mitigation measures which may need to be implemented.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this assessment was performed by me or other biologists under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: January 7, 2020 Signed: Randall Arnold

Field Work Performed By: Randall Arnold
Principal Biologist

Appendix A

Tables

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

Common Name	Scientific Name	Location
Creosote bush	*Larrea tridentata*	Surrounding area
Saltbush	*Atriplex californica*	"
Erodium	*Erodium cicutarium*	On-site
Sycamore	*Platanus racemosa*	"
Desert willow	*Chilopsis linearis*	"
Russian thistle	*Salsola kali*	"
Brome grass	*Bromus sp.*	"
California buckwheat	*Eriogonum fasciculatum*	Surrounding area
Schismus	*Schismus barbatus.*	"
Fiddleneck	*Amsinckia tessellata*	"
Mustard	*Descurainia pinnata*	"
White-bursage	*Ambrosia dumosa*	
Lycium	*Lycium cooperi*	"
Rabbitbrush	*Chrysothamnus nauseosus*	"
Yellow-green matchweed	*Gutierrezia sarothrae*	On-site
Anderson's thornbush	*Lycium andersonii*	Surrounding area
Vinegar-weed	*Lessingia lemmonii*	"

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

Table 2 - Wildlife observed on the site and in the surrounding area during the field investigations.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site
Desert cottontail	*Sylvilagus auduboni*	"
Jackrabbit	*Lepus californicus*	"
Mourning dove	*Zenaida macroura*	"
Antelope ground squirrel	*Ammospermophilus leucurus*	Known to occur in surrounding area
Coyotes	*Canis latrans*	"
California ground squirrel	*Spermophilus beecheyi*	"
Sage sparrow	*Amphispiza belli*	"
Song sparrow	*Melospiza melodia*	"
House sparrow	*Passer domesticus*	"
Pigeon	*Columba livia domesticus*	On-site
Desert spiny lizard	*Sceloporus magister*	Known to occur in surrounding area
Western whiptail lizard	*Cnemidophorus tigris*	"
Side-blotched lizard	*Uta stansburiana*	"

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

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Kramer Junction (3411785))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Bombus crotchii Crotch bumble bee	G3G4 S1S2	None Candidate Endangered		2,800 2,800	234 S:1	0	0	0	0	0	1	1	0	1	0	0
Canbya candida white pygmy-poppy	G3G4 S3S4	None None	Rare Plant Rank - 4.2 SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	2,500 2,800	30 S:2	0	0	0	0	0	2	2	0	2	0	0
Cymopterus deserticola desert cymopterus	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	2,490 2,900	84 S:9	0	4	3	1	0	1	3	6	9	0	0
Eriophyllum mohavense Barstow woolly sunflower	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture	2,465 2,720	80 S:9	2	0	3	0	0	4	5	4	9	0	0
Falco mexicanus prairie falcon	G5 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	2,580 2,580	460 S:1	1	0	0	0	0	0	0	1	1	0	0
Gopherus agassizii desert tortoise	G3 S2S3	Threatened Threatened	IUCN_VU-Vulnerable	2,500 3,100	970 S:6	0	6	0	0	0	0	0	6	6	0	0
Loeflingia squarrosa var. artemisiarum sagebrush loeflingia	G5T3 S2	None None	Rare Plant Rank - 2B.2 BLM_S-Sensitive	2,773 2,773	26 S:2	1	0	0	0	0	1	1	1	2	0	0
Xerospermophilus mohavensis Mohave ground squirrel	G2G3 S2S3	None Threatened	BLM_S-Sensitive IUCN_VU-Vulnerable	2,480 3,040	432 S:14	0	1	0	1	0	12	10	4	14	0	0

APPENDIX B

Regulatory

REGULATORY

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

Federal Endangered Species Act

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

Section10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is "incidental to, and not the purpose of, the carrying out of another wise lawful activity." Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over

anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA, or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

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

California Endangered Species Act

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

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

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into "Waters of the United States" under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as "areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

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

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fills material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable

discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction storm water management plan to insure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Wildlife Code, Sections 1600-1616

Under the California Fish and Wildlife Code, Sections1600-1616, CDFW regulate projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFW and enter into streambed alteration agreement with them.

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

California Fish and Wildlife Code, Section 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and flacons) or

Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

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

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA. This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term "sensitive natural community" includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

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

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

No plants protected under the California Desert Native Plants Act are present on the site.