

FOCUSED DESERT TORTOISE SURVEY

**TENTATIVE PARCEL MAP NO. 18003
APN 3101-511-03**

SAN BERNARDINO COUNTY, CALIFORNIA
(USGS Shadow Mountain SE, CA Quad.; Township 5 North, Range 6 West, Section 19)

Owner/Applicant

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Prepared by:

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**Report prepared by: Randall Arnold
(760) 956-9212**

Project No: RCA#2007-33A

**April 23, 2013
(Date report prepared.)**

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EXECUTIVE SUMMARY

Tentative Parcel Map 18003 is 20-acres in size (gross) and is located north of State Highway 18 and Atlanthus Road in Section 19, Township 5 North, Range 6 West in San Bernardino County. The site consists of a relatively undisturbed creosote bush (*Larrea tridentata*) community typical of the area. The site is bordered on the east and west by several existing houses and State Highway 18 on the south beyond which are vacant lands. Vacant lands border the site on the north.

The property is located within the known distribution of the desert tortoise; therefore, focused surveys were performed for the species on April 23, 2013 from approximately 0630 to 1230 hours. Surveys were not conducted in the zone of influence as per survey protocol due to the presence of existing fences, houses, and posted areas. The surveys were performed by Randall Arnold using the standard survey protocol for the species (i.e., 10-meter belt transects) as required by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS).

The site supports suitable habitat for the desert tortoise based on the existing habitat conditions; however, no tortoises or tortoise sign (burrows, scats, carcasses, etc.) were observed on the site during the field investigations conducted on April 23, 2013. The species has been documented in the region and populations have been documented about 1.5 miles north of the site (CNDDDB, 2013). The species could potentially inhabit the site in the future; consequently, the results presented in this report are valid for one year from the date of the survey as per CDFW and USFWS requirements.

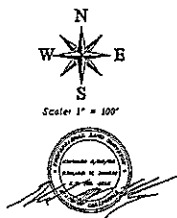
(Note: A habitat assessment was also performed for the Mohave ground and is provided under a separate report. In addition, no occupiable burrows were identified on the site that could be used by burrowing owls; therefore, a focused survey for owls was not conducted.)

1.0 PROJECT AND PROPERTY DESCRIPTION

The property consists of vacant land which currently supports an undisturbed creosote bush community, dominated by *Larrea tridentata*, burobush (*Franseria dumosa*), and ephedra (*Ephedra nevadensis*). A detailed discussion of other plants observed on the site is presented in Section 4.0.

The property is located at the northeast intersection of State Highway 18 and Atlanthus Street in San Bernardino County (Township 5 North, Range 6 West, Section 19) at an elevation ranging from about 3,295 to 3,335 feet (MSL). Soils consist of sandy loam with small gravels present. No water resources were observed on the site and the USGS Shadow Mountain SE Quadrangle (1955) does not show any blue-line channels on the site. No sensitive wildlife habitats, sensitive wildlife species, or wildlife corridors were associated with the site. Weather conditions during the April 23, 2013 survey consisted of winds of 0 to 5 mph, temperatures in the low 50's to low 70's (AM, °F) with about 5 percent cloud coverage. The site is surrounded by houses immediately to the east and west, and vacant lands to the north and south. The project map is provided below (Figure 1), and the USGS quadrangle map is provided in Figure 2. Figure 3 provides photographs of the site.

The proponent is proposing to sub-divide the property into four parcels consisting of 5-acres each (gross), with a remainder parcel of 10-acres. Figure 1 provides a depiction of the proposed parcel map.



TENTATIVE PARCEL MAP NO. 18003

SHEET 1 OF 1

OWNER / SUBDIVIDER

ABRAHAM ABEHADA
10327 PANGBORN AVENUE
DOWNEY, CA 90241

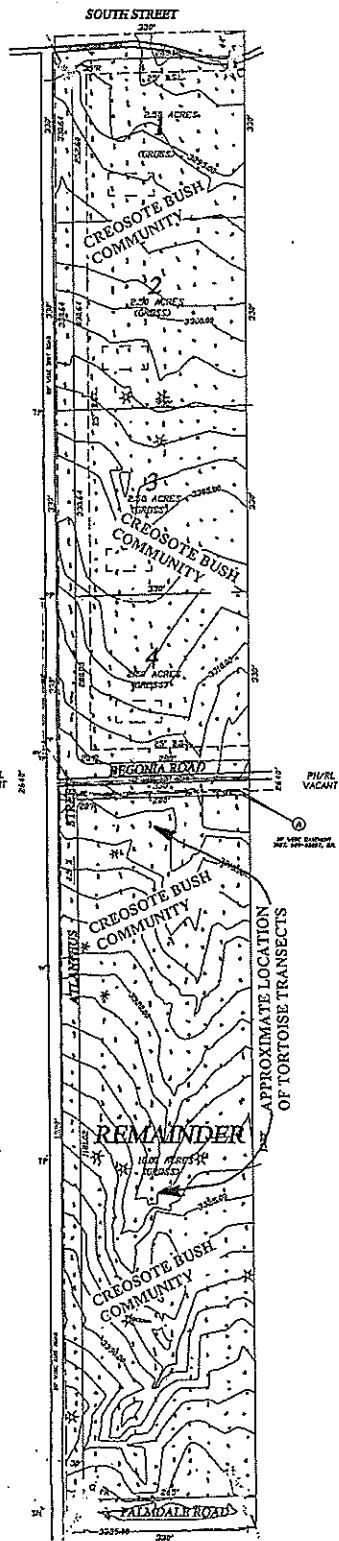
PREPARED BY:

CREATIVE BOUNDARIES
840 W. 9TH ST. STE "K"
UPLAND, CA 91786
(909) 985-7367

BEING A PORTION OF THE EAST 1/2 OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 6 WEST,
IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

CREATIVE BOUNDARIES

MAY, 2006



UTILITIES

- ELECTRICITY — SOUTHERN CAL. EDISON
1900 635-4333
- GAS — SOUTHWEST GAS
10471 HARPOSSA ROAD
VICTORVILLE, CA 92392
(760) 249-9321
- WATER — ON WELL WATER
- SEWAGE — SEPTIC TANK
- TELEPHONE — VERIZON
(800) 483-1000

NOTES

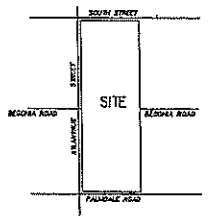
1. 20.09 ACRES TOTAL, 4 IMPROVED LOTS PLUS REMAINDER DENSITY 1 LOT/2.00 ACRES.
2. EXISTING AND PROPOSED ZONING IS "PH/RL."
3. PROPOSED USE IS FOR SINGLE FAMILY USE
4. ALL EXISTING STREETS ARE DIRT ROADS
5. NO NEW STREETS/ROADS WILL BE GRADED
6. A.P.N. NO. 301-511-03.
7. B.S.L. INDICATES BUILDING SETBACK LINE
8. AVERAGE SLOPE OF BOTH FEASIBLE ACCESS ROUTE AND FEASIBLE BUILDING SITE EDGES NOT EXCEED TEN PERCENT (10%) AND NO GRADING IS PROPOSED.
9. NO REGULATED PLANTS OR TREES WILL BE REMOVED OR TRANSPLANTED AND NO AREA WITHIN THE BOUND LINES OF SUCH PLANTS OR TREES WILL NOT BE DISTURBED BY THIS PROPOSED PROJECT.

LEGEND

- * GUY WIRE
- GV GUY WIRE
- SN SIGN
- PP POWER POLE
- DNE OVERHEAD ELECTRIC
- BSL BUILDING SETBACK LINE

EASEMENTS

- (A) 10' WIDE EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR PUBLIC UTILITIES PER DOCUMENT RECORDED MARCH 03, 1989 AS INSTRUMENT NO. 89-05087 OF OFFICIAL RECORDS.



VICINITY MAP
NO SCALE

INDICATES POSSIBLE BUILDING PAD LOCATION

A.P.N. 301-511-03
T.P.N. NO. 10003

OWNER / SUBDIVIDER
ABRAHAM ABEHADA
10327 PANGBORN AVENUE
DOWNEY, CA 90241

PREPARED BY:

CREATIVE BOUNDARIES
840 W. 9TH ST. STE "K"
UPLAND, CA 91786
(909) 985-7367

MAY, 2006

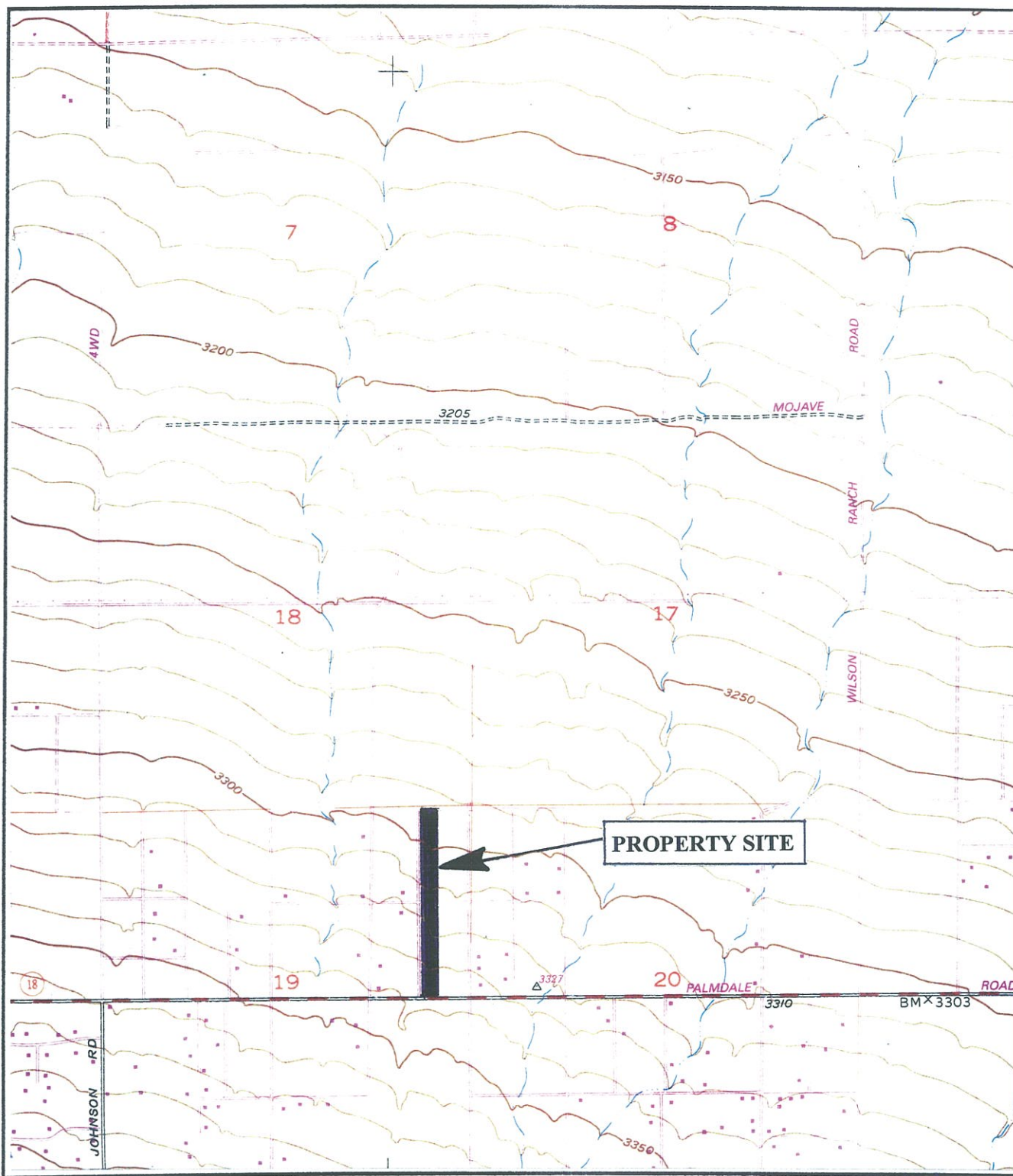


FIGURE 2
TOPOGRAPHIC MAP
 (TPM 18003; APN 0630-062-17)
 (Source: USGS Shadow Mountains SE, CA Quad., 1955)





VIEW FROM NORTHERN BOUNDARY LOOKING SOUTH

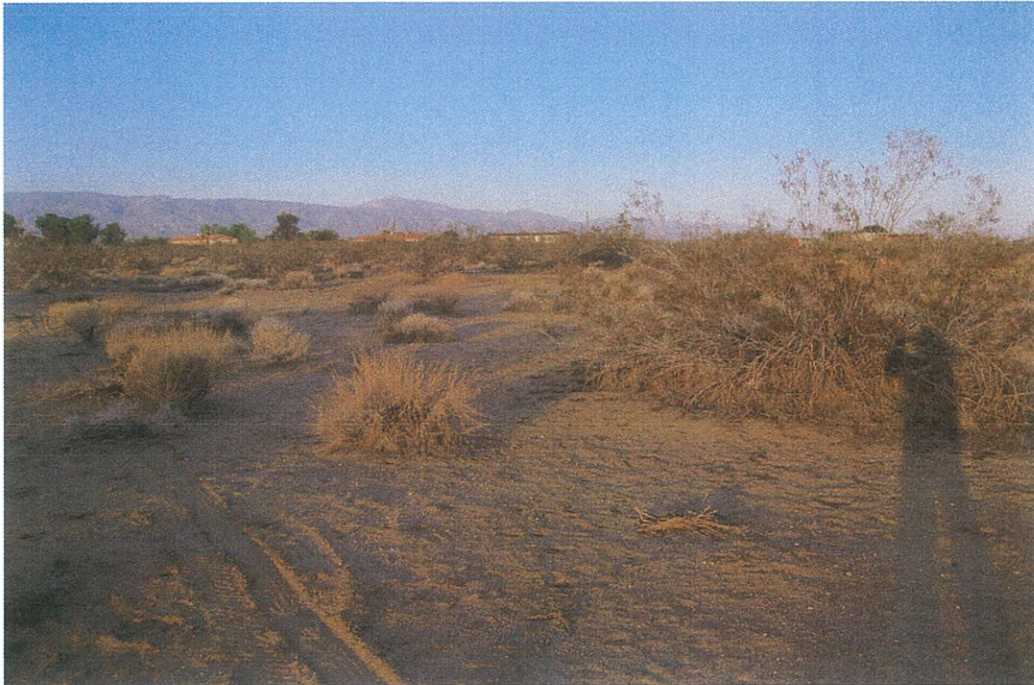


VIEW FROM WESTERN BOUNDARY LOOKING EAST

FIGURE 3
Photographs of Site
(TPN 18003, APN 3101-511-03)



VIEW FROM SOUTHERN BOUNDARY LOOKING NORTH



VIEW FROM EASTERN BOUNDARY LOOKING WEST

FIGURE 3, cont.
Photographs of Site
(TPN 18003, APN 3101-511-03)

2.0 LITERATURE AND RECORDS REVIEW - DESERT TORTOISE

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed prior to initiation of field surveys to determine if the tortoises have been documented on the site or in the area surrounding the property. Based on the literature review and evaluation of the CNDDDB database for the Shadow Mountains SE quadrangle, it was determined that the site is located within the general distribution of the desert tortoise. Populations of desert tortoises have not been identified in the immediate surrounding area according to CNDDDB (2013); however, the nearest documented tortoise populations are about seven miles northwest of the property according to CNDDDB (Occurrence #84, 2013). Tortoise population levels in the immediate area surrounding the site are expected to be low based on data from the CNDDDB (2013).

There are no USFWS designated critical habitats for the tortoise in the immediate area nor is there any proposed critical habitat in the area. The protocol survey results outlined in this report are valid for one year as per CDFW and USFWS requirements, and an additional survey may be required if the 12-month time limit is exceeded before development activities are completed. However, regardless of the results of the tortoise survey, desert tortoises cannot be taken under State and Federal law. The survey report and any mitigation included do not constitute authorization for incidental take of the desert tortoise. If tortoises are observed during future site activities, all on-site activities should cease immediately and CDFW and USFWS should be contacted.

The desert tortoise is the largest reptile in the arid southwest United States, and it historically occupied a range that included a variety of desert communities in southeastern California, southern Nevada, western and southern Arizona, southwestern Utah, and through Sonora and northern Sinaloa, Mexico (Luckenbach, 1982). Today populations are largely fragmented and studies indicate a steady and dramatic decline over most of its former range (BLM, 1988). A highly contagious respiratory disease has infected tortoise populations over the last 20+ years, primarily in the western Mojave Desert region, which has had a very detrimental impact on population levels. Given the continued habitat loss and the rapid decline in numbers of tortoises brought about by the disease, the U.S. Fish and Wildlife Service exercised its emergency authority and determined tortoise populations north and west of the Colorado River to be an endangered species under the Endangered Species Act of 1973, as amended (USFWS, 1989). The emergency rule was published in the Federal Register on August 4, 1989, and remained in effect until April 1, 1990. On April 2, 1990, the U.S. Fish and Wildlife Service officially listed the desert tortoise as a threatened species under the Endangered Species Act of 1973, as amended.

3.0 METHODOLOGY

The site was surveyed for desert tortoises by Randall Arnold April 23, 2013 and as required by the CDFW and USFWS survey protocol, 10 meter, parallel belt transects were walked in a north-south direction until the property had been checked for tortoises and/or tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were not conducted in the surrounding area as per survey protocol due to the presence of private lands, existing fences, existing houses, and posted areas. All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable tortoise foraging habitat. Surveys were performed on the site and in the surrounding area from about 0630 to about 1230 hours.

USFWS and CDFW specify when surveys for tortoises can be conducted (i.e., April through May and September through October); therefore, surveys were performed on April 23, 2012. Comprehensive surveys combined with identification of the habitat on the site and in the surrounding area will provide data on the potential presence or absence of tortoises. Temperatures during the April survey were in the low 50's to low 70's (AM, °F) with wind speeds of about 0 to 5 mph (mainly from the north), and cloud coverage of about 5 percent. No precipitation was recorded during the survey.

Limitations:

(1) This report is valid for 12 months from the date of the survey as per CDFW and USFWS requirements. An updated report will be required if project activities do not occur within the next 12-month period as per CDFW and USFWS requirements.

(2) The results of this report do not constitute authorization for the “take” of the desert tortoise or any other listed or sensitive wildlife species. The authorization to impact the tortoise can only be granted by CDFW and USFWS. If desert tortoises are observed during future project activities, project activities should cease immediately and CDFW and USFWS should be contacted to discuss mitigation measures which may be required for the desert tortoise.

4.0 GENERAL BIOLOGICAL SURVEY RESULTS

The site currently supports native vegetation consisting of a creosote bush (*Larrea tridentata*) community. In addition to creosote bush, dominant perennials included burrobrush (*Franseria dumosa*), cheesebush (*Hymenoclea salsola*), and ephedra (*Ephedra nevadensis*) (Figure 3). Other perennials included Joshua tree (*Yucca brevifolia*), cotton-thorn (*Tetradymia spinosa*), winterfat (*Kraschenikovia lanata*), spiny hop-sage (*Grayia spinosa*), cholla (*Opuntia echinocarpa*), and paperbag plant (*Salazaria mexicana*). Annuals were composed primarily of erodium (*Erodium texanum*), schismus (*Schismus barbatus*), buckwheat (*Eriogonum fasciculatum*), fiddleneck (*Amsinckia tessellata*), and bunchgrass (*Phleum* sp.). Table 1 provides a compendium of plants observed on the property (Appendix A).

Only a few wildlife species were identified during the field investigations conducted on April 23, 2013 from 0630 to 1230 hours. Birds observed were limited to mourning doves (*Zenaida macroura*), ravens (*Corvus corax*), song sparrow (*Melospiza melodia*) and sage sparrow (*Amphispiza belli*). A few side-blotched lizards (*Uta stansburiana*) and western whiptail lizards (*Cnemidophorus tigris*) were seen during the surveys, and are relatively common in the area. No mammals were identified but small mammals such as antelope ground squirrels (*Ammospermophilus leucurus*), desert cottontail rabbits (*Sylvilagus auduboni*), and Merriam's kangaroo rats (*Dipodomys merriami*), may occur on the site. No wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife species. Table 2 (Appendix A) provides a compendium of wildlife species observed on the site and other species known to occur in the region.



FIGURE 4
Biological Resources Map
(TPN 18003, APN 3101-511-03)

5.0 RESULTS – DESERT TORTOISE

The site does support habitat for the desert tortoise; however, no tortoises or tortoise sign (burrows, scats, etc.) were noted during the protocol survey performed on April 23, 2013. The absence of tortoises and tortoise sign on the site is primarily a function of the low population levels in the area, as well as the existence of numerous houses in the surrounding area. The nearest documented populations are about seven miles north of the property (CNDDDB, 2013). Tortoises are unlikely to migrate onto the site in the near future based on the results of the field investigations, and the low population levels in the region.

6.0 IMPACTS AND RECOMMENDATIONS

Future development activities are not expected to have any direct or indirect impacts on tortoises or tortoise habitat based on the results of the April 23, 2013 survey. In addition, the project is not expected to disrupt any continuity of any important wildlife habitat or habitat/wildlife corridors. No additional investigations are recommended at this time; however, the survey results are only valid for 12-months, and CDFW, USFWS, and the County may require the site be re-surveyed for desert tortoise if development activities are not completed by April 23, 2014. In addition, if the site is modified by grading or otherwise disturbed prior to project approval, which results in the loss of desert tortoises, CDFW, USFWS, and the County Building and Safety Department should be notified. Such action prior to project approval will violate State and Federal endangered species laws and may be considered grounds for denial of the project. Mitigation and restoration plans will be required under such actions.

7.0 PROPOSED MITIGATION MEASURES

The site does not support tortoises at the present time and future development activities are not expected to impact the species. Therefore, no mitigation measures are proposed at the present time; however, if tortoises are observed on the property during future activities, all on-site activities should cease immediately and CDFW and USFWS should be contacted to initiate consultations, and to discuss mitigations which will be required prior to continuation of on-site activities. CDFW and USFWS are the only agencies which can grant authorization for the “take” of the desert tortoise.

8.0 REFERENCES

- California Department of Fish and Game
1990 California's Wildlife, Volumes 1, 2, and 3. Sacramento.
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1998 California Wild Lands. Chronical Books. San Francisco, CA. 211 pp.
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- Johnson, H.
1976 vegetation and Plant Communities of Southern California Deserts- a functional view. In Symposium proceedings: Plant communities of Southern California. June Latting, editor. California Native Plant Society, Spec. No. 2 Berkeley, CA.
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1982 Ecology and Management of the Desert Tortoise (*Gopherus agassizii*) in California. In North American Tortoises: Conservation and Ecology. U.S. Department of Interior, Fish and Wildlife Service. Wildlife Research Report No. 12. pp. 1-36.
- U.S. Department of the Interior, Bureau of Land Management
1988 Desert Tortoise Habitat Management on the Public Lands: A Rangewide Plan. BLM, Washington, D.C.
- 1988 Recommendations for Management of the Desert Tortoise in the California Desert Conservation Area. BLM, Riverside, CA.
- U.S. Department of the Interior, Fish and Wildlife Service.
1989 The Desert Tortoise Emergency and Proposed Listing. Portland , OR.
- 1989 Endangered and Threatened Wildlife and Plants; Desert Tortoise; Proposed Rule. Federal Register 50 CFR Part 17:42270-42278.
- 1990 Desert Tortoise Density Category Designation Maps. Maps obtained from Ray Bransfield, U.S.F.W.S. biologist, Laguna Niguel office, Laguna Niguel, CA.

TABLES

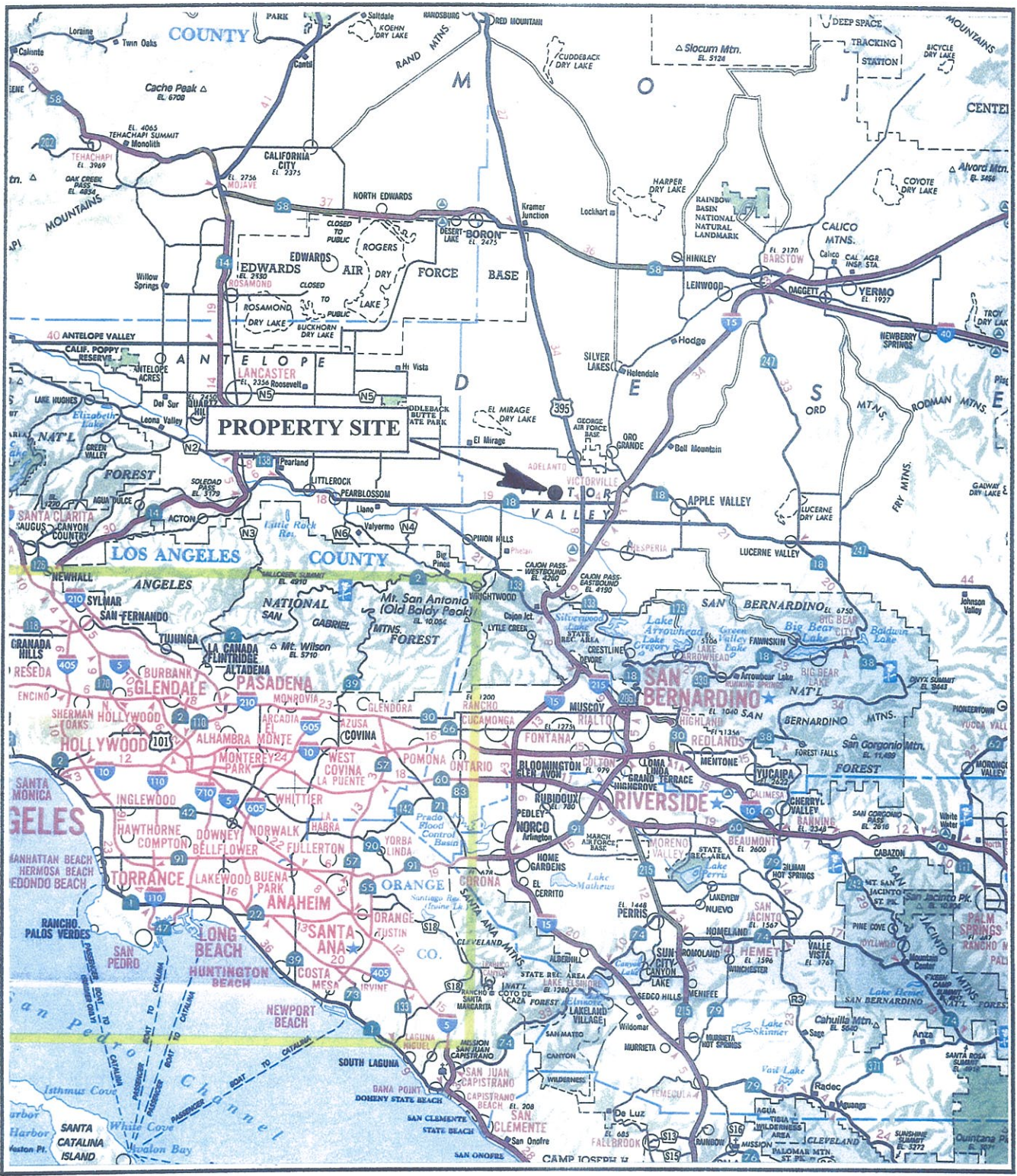
Desert Tortoise Occurrences

Desert tortoise occurrences in surrounding area based on California Natural Diversity Data Base (CNDDDB, 2013). (T = Threatened).

Name	Listing Status	Habitat Requirements	Presence/Absence	Comments
Desert tortoise (<i>Gopherus agassizii</i>)	Federal: T State: T	Desert scrub communities	Site does not support any tortoises based on the April 2013 field surveys.	Nearest occurrence about 7-miles north of site (CNDDDB, Occ.#1, 2013)

FIGURES

Vicinity Map



VICINITY MAP

(TPM 18003; APN 0630-062-17)
 (Source: ACSC Map Source, 2013)



SITE PHOTOGRAPHS

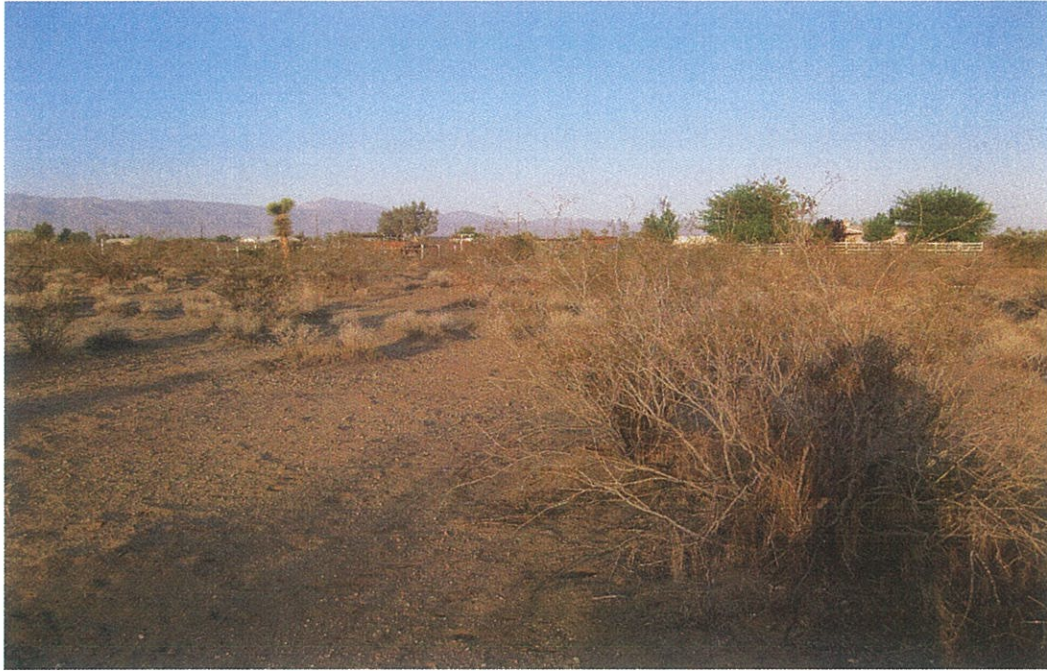


CENTER OF PROPERTY LOOKING EAST



CENTER OF PROPERTY LOOKING NORTH

Site Photographs
(TPN 18003, APN 3101-511-03)



CENTER OF PROPERTY LOOKING WEST



CENTER OF PROPERTY LOOKING SOUTH

Site Photographs
(TPN 18003, APN 3101-511-03)

APPENDIX A

Flora and Fauna Compendia

Table 1 - Plants observed on the site.

Common Name	Scientific Name	Location
Erodium	<i>Erodium texanum</i>	On-site
Schismus	<i>Schismus barbatus</i>	“
Buckwheat	<i>Eriogonum fasciculatum</i>	“
Brome grass	<i>Bromus sp.</i>	“
Fiddleneck	<i>Amsinckia tessellata</i>	“
Creosote bush	<i>Larrea tridentate</i>	“
Burrobush	<i>Franseria dumosa</i>	“
Cheesebush	<i>Hymenoclea salsola</i>	“
Ephedra	<i>Ephedra nevadensis</i>	“
Joshua tree	<i>Yucca brevifolia</i>	“
Cotton-thorn	<i>Tetradymia spinosa</i>	“
Winterfat	<i>Kraschenikovia lanata</i>	“
Spiny hop-sage	<i>Grayia spinosa</i>	“
Cholla	<i>Opuntia echinocarpa</i>	“
Paperbag plant	<i>Salazaria mexicana</i>	“
Bunchgrass	<i>Phleum sp.</i>	“

Table 2 - Wildlife observed on the site and those species expected to occur in surrounding area.

Common Name	Scientific Name	Location
Common raven	<i>Corvus corax</i>	Observed on-site.
Song sparrow	<i>Melospiza melodia</i>	“
Morning dove	<i>Zenaida macroura</i>	“
Western kingbird	<i>Tyrannus verticalis</i>	Observed in area.
Western whiptail lizard	<i>Cnemidophorus tigris</i>	May occur on site.
Side-blotched lizard	<i>Uta stansburiana</i>	“
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>	“
Desert spiny lizard	<i>Sceloporus magister</i>	“
California ground squirrel	<i>Spermophilus beecheyi</i>	“
Coyote	<i>Canis latrans</i>	“
Merriam’s kangaroo rat	<i>Dipodomys mohavensis</i>	“
Sage sparrow	<i>Amphispiza belli</i>	“

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which have been identified on the site or in the region by biologists from RCA Associates, LLC, or which are common species in the region.

CERTIFICATION FOR DESERT TORTOISE SURVEY

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. Fieldwork conducted for this assessment was performed by myself and biologists under my direction. 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: 4-23-2013 Signed: 
Report Author

Field Work Performed By: Randall Arnold
Senior Biologist