

# Biological Technical Report

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## Tramway Inn Project (APN 0594-391-25)

San Bernardino County, California

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**TABLE OF CONTENTS**

1.0 INTRODUCTION ..... 1

    1.1 Project Description and Location..... 1

1.0 SPECIAL-STATUS SPECIES REGULATIONS..... 1

    1.2 Federal Regulations..... 1

        1.2.1 The Federal Endangered Species Act ..... 1

        1.2.2 Migratory Bird Treaty Act..... 4

        1.2.3 Federal Clean Water Act ..... 4

    1.3 State and Local Regulations ..... 4

        1.3.1 California Endangered Species Act..... 4

        1.3.2 Fully Protected Species ..... 5

        1.3.3 Native Plant Protection Act ..... 5

        1.3.4 California Fish and Game Code ..... 5

        1.3.5 San Bernardino County Development Code – Plant Protection and Management  
            (Chapter 88.01) ..... 6

        1.3.6 California Environmental Quality Act Significance Criteria ..... 6

2.0 METHODS ..... 7

    2.1 Literature Review..... 7

    2.2 Field Survey ..... 9

        2.2.1 Biological Reconnaissance Survey ..... 9

        2.2.2 Preliminary Aquatic Resources Delineation ..... 9

3.0 RESULTS..... 9

    3.1 Literature Review..... 10

        3.1.1 Special-Status Plants and Wildlife ..... 10

        3.1.2 U.S. Fish and Wildlife Service Designated Critical Habitat ..... 10

        3.1.3 Preliminary Aquatic Resources Delineation Literature Review ..... 10

    3.2 Biological Reconnaissance Survey..... 10

        3.2.1 Property Characteristics ..... 10

        3.2.2 Vegetation Communities..... 11

        3.2.3 Plants..... 12

        3.2.4 Wildlife..... 12

        3.2.5 Potential for Special-Status Plant and Wildlife Species to Occur on the Project Site  
            ..... 13

        3.2.6 Preliminary Aquatic Resources Delineation ..... 19

        3.2.7 Raptors and Migratory Birds..... 19

        3.2.8 Wildlife Movement Corridors, Linkages, and Significant Ecological Areas ..... 20

3.2.9	Local Policies and Ordinances.....	20
4.0	IMPACT ANALYSIS.....	20
4.1	Special-Status Species.....	20
4.2	Sensitive Natural Communities .....	21
4.3	State and Federally Protected Wetlands and Waters of the United States .....	21
4.4	Wildlife Corridors and Nursery Sites .....	22
4.5	Local Policies and Ordinances.....	22
4.6	Habitat Conservation Plans and Natural Community Conservation Plans.....	22
5.0	RECOMMENDATIONS.....	22
5.1	Additional Recommendations .....	22
6.0	CERTIFICATION .....	24
7.0	LITERATURE CITED .....	25

**LIST OF TABLES**

Table 1.	Weather Conditions During the Survey.....	10
Table 2.	CNPS Status Designations .....	13

**LIST OF FIGURES**

Figure 1.	Project Vicinity .....	2
Figure 2.	Project Location.....	3
Figure 3.	Disturbed snakeweed scrub habitat at the Project site.....	12
Figure 4.	Biological Survey Results .....	15

**LIST OF APPENDICES**

- Appendix A –Representative Site Photographs
- Appendix B – Plant Species Observed
- Appendix C – Wildlife Species Observed
- Appendix D – Potential for Occurrence of Sensitive Plant Species
- Appendix E – Potential for Occurrence of Sensitive Wildlife Species

**LIST OF ACRONYMS AND ABBREVIATIONS**

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CNPSEI	CNPS Electronic Inventory
Commission	California Fish and Game Commission
CWA	Clean Water Act
ESA	Endangered Species Act
GPS	Global Positioning System
HCP	Habitat conservation plan
ITP	Incidental take permit
MBTA	Migratory Bird Treaty Act
msl	Mean sea level
NCCP	Natural Community Conservation Plan
NHD	National Hydrology Dataset
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NWI	National Wetland Inventory
Project	Tramway Inn Project
SAA	Streambed Alteration Agreement
SR	State Route
SSAR	Society for the Study of Amphibians and Reptiles
SSC	Species of Special Concern
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

## 1.0 INTRODUCTION

ECORP Consulting, Inc. conducted a biological reconnaissance survey at Tramway Inn's proposed Project site (Project). The proposed Project would be located on an approximately 0.76-acre parcel (Assessor Parcel Number 0594-391-25) in the unincorporated community of Pioneertown, San Bernardino County, California. The survey of the Project site was conducted to identify biological resources that could be affected by the proposed Project, pursuant to the terms of the California Environmental Quality Act (CEQA) and for the purposes of identifying any biological constraints that would affect the site plan for the Project. The Project will be subject to County, State, and federal regulations regarding compliance with the federal Endangered Species Act (ESA), California ESA, Migratory Bird Treaty Act (MBTA), and California Fish and Game Code.

### 1.1 Project Description and Location

The Project site is located north of State Route (SR) 62 and east of SR 247 within the unincorporated community of Pioneertown, San Bernardino County, California (Figure 1. *Project Vicinity*). The Project site is bounded by Mane Street to the north, developed residential property to the east, Pioneertown Road to the south, and Roy Rogers Road to the west. Surrounding land uses consisted mainly of rural residential and commercial developments. The Project site, as depicted on the U.S. Geological Survey (USGS) 7.5-minute Yucca Valley North topographic quadrangle, lies within Section 19 of Township 1 North, and Range 5 East (Figure 2. *Project Location*). The elevation of the Project site is approximately 4,055 feet above mean sea level (msl).

The proposed Project would convert the existing 0.76-acre parcel into a hotel facility that would contain various types of travel trailers and buses provided for overnight guest accommodations.

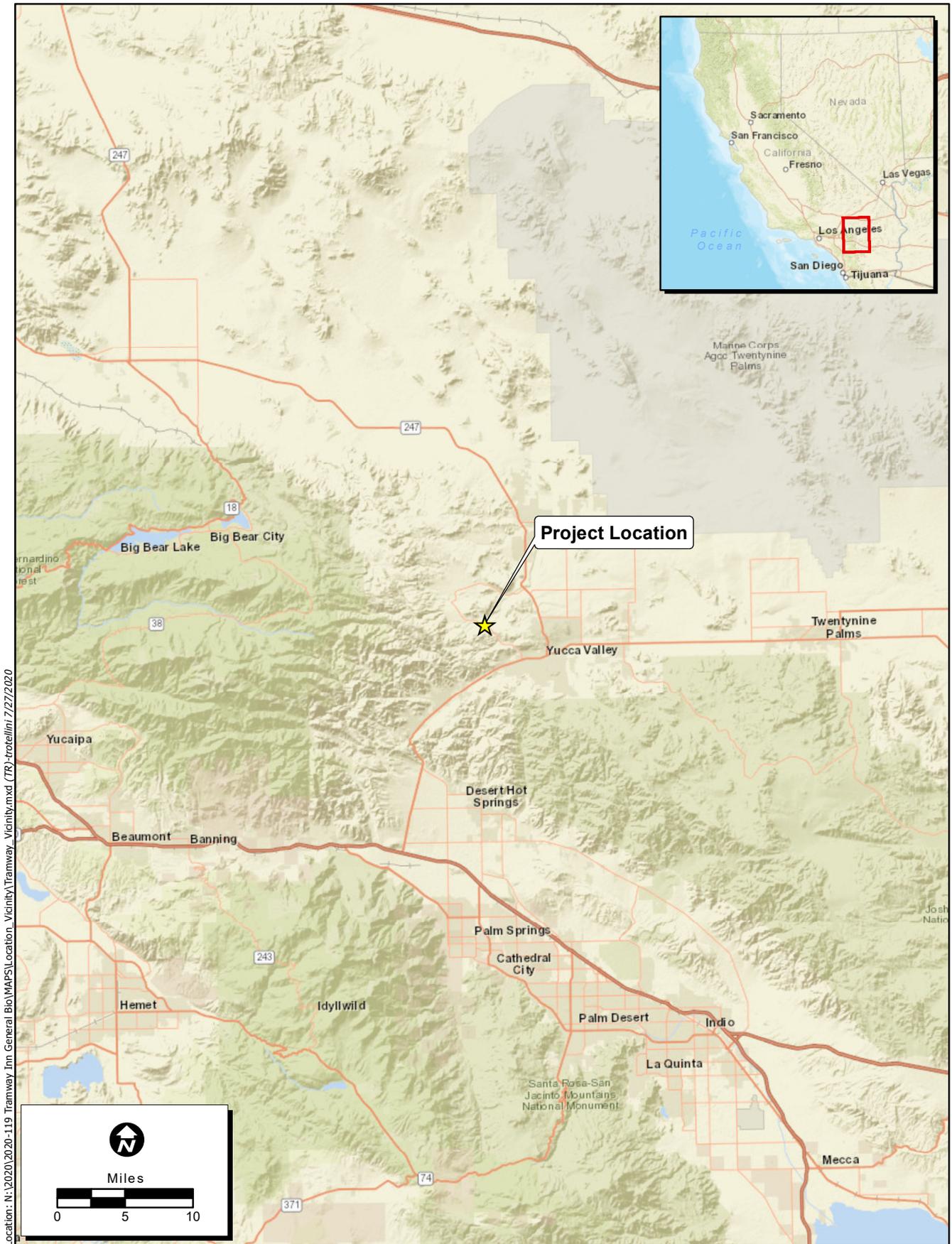
## 1.0 SPECIAL-STATUS SPECIES REGULATIONS

This biological reconnaissance survey was conducted to identify potential issues and ensure compliance with State and federal regulations regarding listed, protected, and sensitive species. The regulations are detailed below.

### 1.2 Federal Regulations

#### 1.2.1 *The Federal Endangered Species Act*

The federal ESA protects plants and animals that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service. Section 9 of the ESA prohibits the taking of endangered wildlife, where taking is defined as "*harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct*" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 U.S. Code 1538). Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed (or proposed) species (including plants) or its



Location: N:\2020\2020-119 Tramway\_Inn\_General Bio\MAPS\Location\_Vicinity\Tramway\_Vicinity.mxd (7/27/2020)

Map Date: 7/27/2020

Sources:

**Figure 1. Project Vicinity**

*2020-119 Tramway Inn*



**Figure 2. Project Location**

2020-119 Tramway Inn

critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity provided the activity will not jeopardize the continued existence of the species. Section 10 of the ESA provides for issuance of incidental take permits (ITPs) where no other federal actions are necessary provided a habitat conservation plan (HCP) is developed.

### **1.2.2 Migratory Bird Treaty Act**

The MBTA implements international treaties between the U.S. and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities including hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR Part 13 General Permit Procedures and 50 CFR Part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code.

### **1.2.3 Federal Clean Water Act**

The purpose of the federal Clean Water Act (CWA) is to *"restore and maintain the chemical, physical, and biological integrity of the nation's waters."* Section 404 of the CWA prohibits the discharge of dredged or fill material into Waters of the U.S. without a permit from the U.S. Army Corps of Engineers (USACE). The definition of Waters of the U.S. includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas *"that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions"* (33 CFR 328.3 7b). The U.S. Environmental Protection Agency (USEPA) acts as a cooperating agency to set policy, guidance, and criteria for use in evaluation permit applications and also reviews USACE permit applications.

The USACE regulates "fill" or dredging of fill material within its jurisdictional features. "Fill material" means any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a water body. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the State Water Resources Control Board (SWRCB), administered by each of nine California Regional Water Quality Control Boards.

## **1.3 State and Local Regulations**

### **1.3.1 California Endangered Species Act**

The California ESA generally parallels the main provisions of the ESA but, unlike its federal counterpart, the California ESA applies the take prohibitions to species proposed for listing (called "candidates" by the State). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale,

and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the California Fish and Game Code as “*hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.*” The California ESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the California Department of Fish and Wildlife (CDFW) to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat.

### **1.3.2 Fully Protected Species**

The State of California first began to designate species as “fully protected” prior to the creation of the federal and California ESAs. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians and reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under the federal and/or California ESAs. The regulations that implement the Fully Protected Species Statute (California Fish and Game Code § 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, CDFW prohibits any State agency from issuing ITPs for fully protected species, except for necessary scientific research.

### **1.3.3 Native Plant Protection Act**

The Native Plant Protection Act (NPPA) of 1977 (California Fish and Game Code §§ 1900-1913) was created with the intent to “*preserve, protect and enhance rare and endangered plants in this State.*” The NPPA is administered by CDFW. The California Fish and Game Commission (Commission) has the authority to designate native plants as “endangered” or “rare” and to protect endangered and rare plants from take. The California ESA of 1984 (California Fish and Game Code § 2050-2116) provided further protection for rare and endangered plant species, but the NPPA remains part of the California Fish and Game Code.

### **1.3.4 California Fish and Game Code**

#### **Streambed Alteration Agreement**

Section 1602 of the California Fish and Game Code requires that a Notification of Lake or Streambed Alteration be submitted to CDFW for “*any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.*” The CDFW reviews the proposed actions and, if necessary, submits to the Applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the Applicant is the Streambed Alteration Agreement (SAA). Often, projects that require an SAA also require a permit from the USACE under Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the SAA may overlap.

#### **Migratory Birds**

The CDFW enforces the protection of nongame native birds in §§ 3503, 3503.5, and 3800 of the California Fish and Game Code. Section 3513 of the California Fish and Game Code prohibits the possession or take

of birds listed under the MBTA. These sections mandate the protection of California nongame native birds' nests and also make it unlawful to take these birds. All raptor species are protected from "take" pursuant to California Fish and Game Code § 3503.5 and are also protected at the federal level by the MBTA of 1918.

### **1.3.5 San Bernardino County Development Code – Plant Protection and Management (Chapter 88.01)**

The County of San Bernardino Development Code Plant Protection and Management Chapter 88.01 requires that a Tree or Plant Removal Permit be obtained prior to the removal of a regulated tree or plant identified in the chapter on public or private land, which includes the Joshua tree (*Yucca brevifolia*) (Section 88.01.050). If the Project will result in impacts to any Joshua trees on site, then approval must be obtained via a Tree or Plant Removal Permit from the County prior to removal of the trees. During the permit review process, the County may require certification from an appropriate arborist, registered professional forester, or a Desert Native Plant Expert that the proposed tree removal is appropriate, supportive of a healthy environment, and in compliance with Chapter 88.01 of the Development Code, which may include a health assessment of the affected tree(s). There should be a detailed plan that includes protecting, preserving, or relocating the trees that may be affected by the proposed Project.

### **1.3.6 California Environmental Quality Act Significance Criteria**

Section 15064.7 of the CEQA Guidelines encourages local agencies to develop and publish the thresholds the agency uses in determining the significance of environmental effects caused by projects under its review. However, agencies may also rely upon the guidance provided by the expanded Initial Study checklist contained in Appendix G of the CEQA Guidelines. Appendix G provides examples of impacts that would normally be considered significant. Based on these examples, impacts to biological resources would normally be considered significant if the project would:

- 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 CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means;
- 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;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and

- conflict with the provisions of an adopted HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP.

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, State, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant according to CEQA. The reason is that although the impacts would result in an adverse alteration of existing conditions, they would not substantially diminish, or result in the permanent loss of, an important resource on a population-wide or region-wide basis

## 2.0 METHODS

### 2.1 Literature Review

Prior to conducting the biological reconnaissance survey, ECORP biologists performed a literature review using the CDFW's California Natural Diversity Database (CNDDDB; CDFW 2020a) and the California Native Plant Society's (CNPS) Electronic Inventory (CNPSEI; CNPS 2020) to determine the special-status plant and wildlife species that have been documented near the Project site. ECORP searched CNDDDB and CNPSEI records within the Project site boundaries as depicted on USGS 7.5-minute Yucca Valley North topographic quadrangle, plus the surrounding eight topographic quadrangles including Bighorn Canyon, Landers, Goat Mountain, Joshua Tree North, Joshua Tree South, Yucca Valley South, Morongo Valley, and Rimrock. The CNDDDB and CNPSEI contain records of reported occurrences of federally or State-listed endangered, threatened, proposed endangered or threatened species, California Species of Special Concern (SSC), and/or other special-status species or habitat that may occur within or near the Project. Additional information was gathered from the following sources and includes, but is not limited to:

- *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2020b);
- *Special Animals List* (CDFW 2020c);
- *The Jepson Manual: Vascular Plants of California* (Baldwin et al. 2012);
- *The Manual of California Vegetation*, 2nd Edition (Sawyer et al. 2009);
- The County of San Bernardino Countywide – All Biotic Resources Overlay Map; and
- various online websites (e.g., Calflora 2020).

Using this information and observations in the field, a list of special-status plant and animal species that have the potential to occur on or near the Project site was generated. For the purposes of this assessment, special-status species are defined as plants or animals that:

- have been designated as either rare, threatened, or endangered by CDFW, CNPS, or the USFWS, and/or are protected under either the federal ESA or California ESA;
- are candidate species being considered or proposed for listing under these same acts;

- are fully protected by the California Fish and Game Code, §§ 3511, 4700, 5050, or 5515; and/or
- are of expressed concern to resource and regulatory agencies or local jurisdictions.

Special-status species reported for the region in the literature review or for which suitable habitat occurs on the site were assessed for their potential to occur within the Project site based on the following guidelines:

**Present:** The species was observed on site during a site visit or focused survey.

**High:** Habitat (including soils and elevation factors) for the species occurs within the Project site and a known occurrence has recently been recorded (within the last 20 years) within five miles of the area.

**Moderate:** Habitat (including soils and elevation factors) for the species occurs within the Project site and a documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or a recently documented observation occurs within five miles of the area and marginal or limited amounts of habitat occurs in the Project site.

**Low:** Limited or marginal habitat for the species occurs within the Project site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs on site, but no records or only historic records were found within the database search.

**Presumed Absent:** Species was not observed during a site visit or focused surveys conducted in accordance with protocol guidelines at an appropriate time for identification; habitat (including soils and elevation factors) does not exist on site; or the known geographic range of the species does not include the Project site.

Note that location information on some special-status species may be of questionable accuracy or unavailable. Therefore, for survey purposes, the environmental factors associated with a species' occurrence requirements may be considered sufficient reason to give a species a positive potential for occurrence. In addition, just because a record of a species does not exist in the databases does not mean it does not occur. In many cases, records may not be present in the databases because an area has not been surveyed for that species.

A review of the Natural Resources Conservation Service (NRCS 2020), National Wetlands Inventory (NWI) (USFWS 2020), National Hydrology Dataset (NHD; USGS 2020), and the corresponding USGS topographic maps was also conducted to determine if there were any blue line streams or drainages present on the Project site that potentially fall under the jurisdiction of either federal or State agencies.

## **2.2 Field Survey**

### **2.2.1 Biological Reconnaissance Survey**

The biological reconnaissance survey was conducted by walking the entire Project site to determine the vegetation communities and wildlife habitats present on the site. The biologist documented the plant and animal species present on the Project site, and the location and condition of the Project site were assessed for the potential to provide habitat for special-status plant and wildlife species. Data were recorded on a Global Positioning System (GPS) unit, field notebooks, and/or maps. Photographs were also taken during the survey to provide visual representation of the conditions within the Project site. The Project site was also examined to assess its potential to facilitate wildlife movement or function as a movement corridor for wildlife moving throughout the region. In addition, the biologist documented the vegetation communities present on the Project site.

Plant and wildlife species, including any special-status species that were observed during the survey, were recorded. Plant nomenclature follows that of *The Jepson Manual: Vascular Plants of California* (Baldwin et al. 2012). Wildlife nomenclature follows Society for the Study of Amphibians and Reptiles (SSAR; SSAR 2017), *Check-list of North American Birds* (Chesser et al. 2020), and the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014).

In instances where a special-status species was observed, the date, species, location and habitat, and GPS coordinates were recorded. The locations of special-status species observations were recorded using a handheld GPS in NAD83, Universal Transverse Mercator coordinates, Zone 11S.

### **2.2.2 Preliminary Aquatic Resources Delineation**

A desktop review was conducted to identify potential streams and hydric soils on the property. This entailed examination of the NRCS, NWI mapping, NHD, aerial photography, and the USGS topographic mapping of the Project site to aid in identifying potential biological constraints to the Project due to jurisdictional streams or features. A preliminary aquatic resources delineation of the site was conducted in the field. The property was walked to look for signs of Ordinary High Water Mark as defined by the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Arid West Region Supplement; USACE 2008). The boundaries of potential aquatic resources were estimated by the presence of bed and bank topography. A formal aquatic resources delineation was not completed as part of this biological survey and assessment.

## **3.0 RESULTS**

Summarized below are the results of the literature review and field surveys, including site characteristics, vegetation communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors).

### 3.1 Literature Review

The literature review and database searches resulted in records for 26 special-status plant species and 23 special-status wildlife species that could occur on and/or near the Project site.

#### 3.1.1 Special-Status Plants and Wildlife

The literature review and database searches identified 26 special-status plant species and 23 special-status wildlife species that could occur near the Project site. A list was generated from the results of the literature review and the Project site was evaluated for suitable habitat that could support any of the special-status plant or wildlife species on the list. The Project site is located within the San Bernardino County biotic overlay for desert tortoise – sparse population.

#### 3.1.2 U.S. Fish and Wildlife Service Designated Critical Habitat

The Project site is not located within any USFWS-designated critical habitat. No designated critical habitat is present within 10 miles of the Project site.

#### 3.1.3 Preliminary Aquatic Resources Delineation Literature Review

According to the review of the NRCS, no soil mapping was available for this area. The NWI, NHD, and USGS mapping did not depict any aquatic features directly within the Project site. The closest features are located east of the Project site, in undeveloped lands to where the site drains, and north of the site along Chaparrosa Wash.

### 3.2 Biological Reconnaissance Survey

The biological reconnaissance survey was conducted on July 13, 2020, by ECORP biologist Lauren Simpson. Ms. Simpson has extensive experience conducting reconnaissance- and protocol-level surveys for desert wildlife and plant species. Summarized below are the results of the biological reconnaissance survey, including site characteristics, plant communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors). Weather conditions during the survey are summarized in Table 1.

Table 1. Weather Conditions During the Survey								
Date	Time		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
	Start	end	Min	Max	min	max	min	max
7/13/2020	0845	1000	88	92	0	0	1	5

#### 3.2.1 Property Characteristics

The Project site consists of a partially developed, fenced-in vacant parcel with snakeweed scrub (*Gutierrezia sarothrae* – *Gutierrezia microcephala* Shrubland Alliance) to the north and south that was disturbed by previous human use, road development, and landscaping. The Project site is bounded by

Mane Street to the north, developed residential property to the east, Pioneertown Road to the south, and Roy Rogers Road to the west. The Project site is enclosed by a partially open wooden fence along the primary perimeter of the site with an additional picket fence along the northern end. Within the fenced area, the Project site contains disturbed areas that have previously been partially landscaped. Soils on the Project site were compacted in the disturbed/landscaped areas, and sandy and gravelly in the disturbed snakeweed scrub. Representative site photographs are presented in Appendix A.

### **3.2.2 Vegetation Communities**

Native vegetation communities present on the Project site included disturbed snakeweed scrub. The Project site was generally classified as disturbed.

#### **Disturbed – Snakeweed Scrub (*Gutierrezia sarothrae* – *Gutierrezia microcephala* Shrubland Alliance)**

Small portions of the Project site (less than 0.15 acre) outside of the wooden fence (primarily at the northern and southern ends of the parcel) consisted of disturbed snakeweed scrub. Snakeweed scrub is a native desert scrub community that is common to the Mojave Desert and generally consists of relatively open stands of the dominant shrub (snakeweed). Typically, this community occurs in well-drained, loam soils at elevations 2,600 feet below to 7,220 feet above msl. Within the Project site, additional plant species associated with this vegetation community include California buckwheat (*Eriogonum fasciculatum*), desert mallow (*Sphaeralcea* sp.), desert almond (*Prunus fasciculata*), and Nevada ephedra (*Ephedra nevadensis*). Within the Project site, this community was considered disturbed, with substantial non-native ground cover and signs of soil disturbance. Figure 3 shows a representative photograph of this community within the Project site. No special-status habitats or vegetation communities were observed on or in the vicinity of the Project site.



Figure 3. Disturbed snakeweed scrub habitat at the Project site.

### Disturbed/Landscaped

The area of the Project site on the inside of the fence was classified as disturbed. Although native desert plants were present within the fence, the fenced-in area had clearly been previously disturbed, and several native plants appeared to have been planted as ornamental landscaping rather than naturally occurring. Outdoor décor items and portions of unfinished fence (wood planks) are present throughout the fenced portion of the Project site. The primary ground cover within the fenced-in area consisted of non-native cover including short podded mustard (*Hirschfeldia incana*).

#### 3.2.3 Plants

Plant species observed on the Project site were typical of the snakeweed scrub community and disturbed land present on the Project site for the time of the year in which the survey was conducted. Dominant species included snakeweed, California buckwheat, desert mallow, desert almond, annual bursage (*Ambrosia acanthicarpa*), and cheesebush (*Ambrosia salsola*). Nonnative species observed on the Project site included short podded mustard, common Mediterranean grass (*Schismus barbatus*), red-stemmed filaree (*Erodium cicutarium*), and brome grasses (*Bromus* sp.). A full list of plant species observed on and immediately adjacent to the Project site is included in Appendix B.

#### 3.2.4 Wildlife

Wildlife species observed and detected on the Project site were characteristic of Mojave Desert scrub habitat and rural development in the region. Three mammal species were detected on and in the vicinity of the Project site: California ground squirrel (*Otospermophilus beecheyi*), desert cottontail (*Sylvilagus*

*audubonii*), and white-tailed antelope squirrel (*Ammospermophilus leucurus*). Six bird species were also detected on and in the vicinity of the Project site, including verdin (*Auriparus flaviceps*), house finch (*Haemorhous mexicanus*), California towhee (*Melospiza crissalis*), northern mockingbird (*Mimus polyglottos*), Eurasian collared-dove (*Streptopelia decaocto*), and mourning dove (*Zenaida macroura*). One reptile species was observed on site: Great Basin whiptail (*Aspidoscelis tigris tigris*). Due to the level of human activity and development in the area and the disturbed nature of the Project site, the property represents relative low-quality habitat for most wildlife species. A complete list of wildlife species observed on or immediately adjacent to the Project site is included in Appendix C.

**3.2.5 Potential for Special-Status Plant and Wildlife Species to Occur on the Project Site**

The literature review and database searches identified 26 special-status plant species and 23 special-status wildlife species that occur on or near the Project site. However, due to the level of human disturbance at the Project site and the current lack of suitable habitat for the special-status plant and wildlife species, many of the species are presumed absent from the Project site.

**Special-Status Plants**

There were 26 special-status plant species that appeared in the literature review and database searches for the Project site (CDFW 2020a; CNPS 2020). A list was generated from the results of the literature review and the Project was evaluated for suitable habitat that could support any of the special-status plant species on the list. Descriptions of the CNPS designations are found in Table 2. Of the 26 special-status plants identified, two have a moderate potential to occur on the Project site and eight have a low potential to occur due to the presence of moderately suitable habitat in the small portions of disturbed snakeweed scrub. The remaining 16 species identified in the literature review are presumed absent from the Project site.

Table 2. CNPS Status Designations	
List Designation	Meaning
1A	Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B	Plants Rare, Threatened, or Endangered in California and Elsewhere
2A	Plants Presumed Extirpated in California, But Common Elsewhere
2B	Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3	Plants about which more information is needed; a review list
4	Plants of limited distribution; a watch list
List 1B, 2, and 4 extension meanings:	
.1	Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
.2	Moderately threatened in California (20-80 percent occurrences threatened / moderate degree and immediacy of threat)

**Table 2. CNPS Status Designations**

List Designation	Meaning
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Note: According to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10, of the California Fish and Game Code (California Department of Fish and Game 1984). This interpretation is inconsistent with other definitions.

**Plant Species that are Present**

On October 21, 2019, a petition to list the western Joshua tree as threatened under the California ESA was submitted to the Commission. Based on a review of the petition and a subsequent staff report prepared by CDFW recommending the species be considered a Candidate for listing, it is likely that the western Joshua tree will be officially declared a Candidate for listing under the California ESA at the August 2020 Commission meeting. Once the species is officially declared a candidate for listing, it is afforded all the protections under the California ESA that a fully listed species would receive. The Candidate status is expected to be in place for approximately one year before the Commission makes a final determination on the formal listing status of the species.

Joshua trees were identified within the Project site during the reconnaissance survey. A large Joshua tree with several branching out trunks, approximately 30 feet high, was identified at the center of the property (Joshua Tree-01). This tree was surrounded by several small emerging saplings. A second individual Joshua tree was identified in the southeast corner of the site. This tree was approximately four feet high with a single trunk (Joshua Tree-02). Photographs of these trees are provided in Appendix A. The locations of these trees are depicted on Figure 4. *Biological Survey Results*.

Location: N:\2020\2020-119 Tramway Inn General Bio\MAPS\Biological Resources\Tramway\_Survey\_Results.mxd (TRY) trote/lini 7/28/2020



Map Date: 7/28/2020

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Figure 4. Biological Survey Results

2020-119 Tramway Inn

### Plant Species with a Moderate Potential to Occur

The following species have a moderate potential to occur on the Project site because either habitat for the species occurs onsite and a known occurrence has been reported in the database, but not within five miles of the site; a historic documented observation was recorded within five miles of the Project site; or a known recently documented occurrence has been reported within five miles of the site and marginal or limited amounts of habitat occurs onsite.

#### *Pinyon Rockcress*

Pinyon rockcress (*Boechnera dispar*) is a CNPS 2B.3 species, indicating that it is not very threatened in California, and is more common elsewhere (CNPS 2020). Pinyon rockcress is a perennial herb species that blooms from March to June. It is found in gravelly soils in Joshua tree woodland, pinyon and juniper woodland, and Mojavean desert scrub habitats. Marginally suitable habitat for this species is present within the small portions of disturbed snakeweed scrub habitat on the Project site. The literature review identified six records of pinyon rockcress within five miles of the Project site. Three records were historic (older than 20 years), one was recorded 2.9 miles west of the Project site in 2010, one was recorded 2.4 miles west of the Project site in 2016, and one was recorded 3.2 miles west of the Project site in 2018 (CDFW 2020a). The limited size and existing disturbances in the disturbed snakeweed scrub habitat on the Project site likely preclude this species from occurring.

#### *Latimer's woodland-gilia*

Latimer's woodland-gilia (*Saltugilia latimeri*) is a CNPS 1B.2 species, indicating that it is fairly endangered in California and rare or endangered elsewhere (CNPS 2020). Latimer's woodland-gilia is an annual herb species that blooms from March to June. It is found in rocky or sandy soils in chaparral, Mojavean desert scrub, and pinyon and juniper woodland habitats. Marginally suitable habitat for this species is present within the small portions of disturbed snakeweed scrub habitat on the Project site. The literature review identified 10 records of Latimer's woodland-gilia within five miles of the Project site between 2014 and 2015 (CDFW 2020a). The limited size and existing disturbances in the disturbed snakeweed scrub habitat on the Project site likely preclude this species from occurring.

### Plant Species with a Low Potential to Occur

The following species have a low potential to occur on the Project site because limited or marginal habitat for these species occurs within the disturbed snakeweed scrub on the Project site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search. The limited size and existing disturbances in the disturbed snakeweed scrub habitat on the Project site likely preclude these species from occurring.

- Lincoln rockcress (*Boechnera lincolnensis*), CNPS 2B.3;
- white pygmy-poppy (*Canbya candida*), CNPS 4.2;
- white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*), CNPS 1B.2;

- purple-nerve cymopterus (*Cymopterus multinervatus*), CNPS 2B.2;
- Death Valley sandmat (*Euphorbia vallis-mortae*), CNPS 4.2;
- Utah vine milkweed (*Funastrum utahense*), CNPS 4.2;
- Little San Bernardino Mtns. linanthus (*Linanthus maculatus* ssp. *maculatus*), CNPS 1B.2; and
- crowned muilla (*Muilla coronata*), CNPS 4.2.

### **Plant Species Presumed Absent**

The following species are presumed absent from the Project site due to the lack of suitable habitat, soil type, and/or elevation range at the site:

- San Bernardino milk-vetch (*Astragalus bernardinus*), CNPS 1B.2;
- Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae*), federally listed Endangered, CNPS 1B.2;
- triple-ribbed milk-vetch (*Astragalus tricarinatus*), federally listed Endangered, CNPS 1B.2;
- Fremont barberry (*Berberis fremontii*), CNPS 2B.3;
- Shockley's rockcress (*Boechera shockleyi*), CNPS 2B.2;
- Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), CNPS 1B.2;
- western sedge (*Carex occidentalis*), CNPS 2B.3;
- Harwood's eriastrum (*Eriastrum harwoodii*), CNPS 1B.2;
- Parish's daisy (*Erigeron parishii*), federally listed Threatened, CNPS 1B.1;
- slender bedstraw (*Galium angustifolium* ssp. *gracillimum*), CNPS 4.2;
- Parish's club-cholla (*Grusonia parishii*), CNPS 2B.2;
- Pioneertown linanthus (*Linanthus bernardinus*), CNPS 1B.2;
- Orcutt's linanthus (*Linanthus orcuttii*), CNPS 1B.3;
- Torrey's boxthorn (*Lycium torreyi*), CNPS 4.2;
- Robison's monardella (*Monardella robisonii*), CNPS 1B.3; and
- southern jewelflower (*Streptanthus campestris*), CNPS 1B.3.

### **Special-Status Wildlife**

Of the 23 special-status wildlife species identified in the literature review, one was found to have a low potential to occur; the remaining 22 species are presumed absent from the Project site. The sensitive wildlife species with a potential to occur in the area were not observed during the reconnaissance survey.

### **Wildlife Species with a Low Potential to Occur**

The following species has a low potential to occur on the Project site because limited or marginal habitat for the species occurs within the site and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within five miles of the Project site; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search. This species may forage within the Project site but would not be expected to nest within the site due to the limited amount of available habitat and the level of existing disturbance.

- Bendire's thrasher (*Toxostoma bendirei*), CDFW SSC.

### **Wildlife Species Presumed Absent**

The following species are presumed absent from the Project site due to the lack of suitable habitat on the Project site:

- southern California legless lizard (*Anniella stebbinsi*), CDFW SSC;
- pallid bat (*Antrozous pallidus*), CDFW SSC;
- long-eared owl (*Asio otus*), CDFW SSC;
- burrowing owl (*Athene cunicularia*), CDFW SSC;
- Crotch bumble bee (*Bombus crotchii*), State Candidate Endangered;
- pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*), CDFW SSC;
- red-diamond rattlesnake (*Crotalus ruber*), CDFW SSC;
- Desert tortoise (*Gopherus agassizii*), federally and State-listed Threatened;
- yellow-breasted chat (*Icteria virens*), CDFW SSC;
- western yellow bat (*Lasiurus xanthinus*), CDFW SSC;
- San Diego desert woodrat (*Neotoma lepida intermedia*), CDFW SSC;
- desert bighorn sheep (*Ovis canadensis nelsoni*), CDFW Fully Protected;
- Palm Springs pocket mouse (*Perognathus longimembris bangsi*), CDFW SSC;
- coast horned lizard (*Phrynosoma blainvillii*), CDFW SSC;
- summer tanager (*Piranga rubra*), CDFW SSC;
- vermilion flycatcher (*Pyrocephalus rubinus*), CDFW SSC;
- yellow warbler (*Setophaga petechia*), CDFW SSC;
- American badger (*Taxidea taxus*), CDFW SSC;

- Le Conte's thrasher (*Toxostoma lecontei*), CDFW SSC (San Joaquin population only);
- Coachella Valley fringe-toed lizard (*Uma inornata*) federally listed Threatened, State-listed Endangered;
- Mojave fringe-toed lizard (*Uma scoparia*) CDFW SSC; and
- least Bell's vireo (*Vireo bellii pusillus*), federally listed Endangered and State-listed Endangered.

Although the Project site is located within the known range of the desert tortoise and burrowing owl, these species were presumed absent from the site due to a lack of suitable habitat and existing levels of disturbance and development at the Project site that would preclude these species from occurring.

### **3.2.6 Preliminary Aquatic Resources Delineation**

Although a formal aquatic resources delineation was not performed during the survey, one ephemeral drainage, exhibiting bed and bank topography, was identified on the Project site during the reconnaissance survey. Ephemeral drainages are linear features that result from surface flows for short periods during and immediately following rainfall events. Ephemeral drainage flows are made up entirely of surface runoff and are not typically influenced by groundwater. The ephemeral drainage is present along the northern boundary of the Project site and runs parallel to Mane Street. Since there are no storm drains within this area, the drainage flows likely result from stormwater collection along the roads and from nearby residences. The ephemeral drainage is approximately 104 feet long within the site; its location is depicted on Figure 4. Photographs of the drainage are provided in Appendix A.

The ephemeral drainage was unvegetated within the channel and sparsely vegetated along the banks, but not by hydrophytic vegetation. No wetland parameters under USACE guidelines, including hydrophytic vegetation, hydrophytic soils, and wetland hydrology, were observed to be present during the survey.

The ephemeral drainage mapped within the Project site flows eastward and eventually joins Chaparrosa Wash to the north, which terminates near Lucerne Lake farther to the east. Because the drainage recorded on the site is ephemeral, it would not be jurisdictional to the USACE under the latest guidance. Also, the drainage flows to an intrastate body of water and does not cross state lines, which means that there is no federal nexus to form a case for federal jurisdiction or regulation under Section 404 of the CWA. However, this ephemeral drainage would be regulated under the SAA Section 1602 of the California Fish and Game Code and the SWRCB under Section 401 of the CWA.

No Project-related impacts to the drainage are anticipated at this time. If impacts to the drainage are necessary, consultation with the CDFW and SWRCB will be necessary to determine if additional permits are required.

### **3.2.7 Raptors and Migratory Birds**

Suitable nesting habitat for numerous species of migratory birds protected under the federal MBTA and California Fish and Game Code is present on the Project site in some of the shrubs, Joshua trees, surrounding buildings and landscaping, and other anthropogenic structures. Therefore, nesting birds could use the Project site during the nesting bird season (typically February 1 through August 31).

### **3.2.8 Wildlife Movement Corridors, Linkages, and Significant Ecological Areas**

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species from one habitat area to another. The definition of a corridor varies, but corridors may include such areas as greenbelts, refuge systems, underpasses, and biogeographic land bridges. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix, which connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. The nature of corridor usage and wildlife movement patterns vary greatly among species.

The Project site was assessed for its ability to function as a wildlife corridor. The Project site does not provide many wildlife movement opportunities because it is nearly completely fenced. Further, it is not situated along any major drainages or washes that would be considered movement corridors for wildlife. The fact that the Project site is mostly surrounded by rural and commercial development also reduces its ability to facilitate wildlife movement through the area.

### **3.2.9 Local Policies and Ordinances**

#### **San Bernardino County Development Code – Plant Protection and Management**

Joshua trees that are considered protected by the San Bernardino County Development Code were identified within the Project site during the reconnaissance survey. A large Joshua tree with several branching out trunks, approximately 30 feet high, was identified at the center of the property (Joshua Tree-01). This tree was surrounded by several small emerging saplings. A second individual Joshua tree was identified in the southeast corner of the site. This tree was approximately four feet high with a single trunk (Joshua Tree-02). Photographs of these trees are provided in Appendix A. The locations of these trees are depicted on Figure 4.

## **4.0 IMPACT ANALYSIS**

### **4.1 Special-Status Species**

The Project site is generally classified as disturbed/landscaped land cover with small portions (approximately 0.15 acre) of disturbed snakeweed scrub habitat. No special-status plant or wildlife species were observed during the biological survey. Twenty-six special-status plant species were identified in the literature review and database searches, but based on the condition of the Project site and the available habitat, only two species (pinyon rockcress and Latimer's woodland-gilia) were determined to have a moderate potential to occur and eight species (Lincoln rockcress, white pygmy-poppy, white-bracted spineflower, purple-nerve cymopterus, Death Valley sandmat, Utah vine milkweed, Little San Bernardino Mtns. linanthus, and crowned muilla) were determined to have low potential to occur. No special status

plant species have a high potential to occur on the site. The limited size and existing disturbances in the disturbed snakeweed scrub habitat on the Project site likely preclude these species from occurring. The removal of approximately 0.15 acre of low-quality disturbed snakeweed scrub habitat for these 10 species would not be expected to contribute substantially to their overall decline. As such, impacts to pinyon rockcress, Latimer's woodland-gilia, Lincoln rockcress, white pygmy-poppy, white-bracted spineflower, purple-nerve cymopterus, Death Valley sandmat, Utah vine milkweed, Little San Bernardino Mtns. linanthus, and crowned muilla would be less than significant.

The literature review and database searches identified 23 special-status wildlife species that occur in the vicinity of the Project site but based on the condition of the site and the available habitat, only one species (Bendire's thrasher) was determined to have a low potential to occur on the Project site; however, presence of this species is likely precluded due to the abundance of anthropogenic disturbances and lack of quality habitat. Although the Project site is located within the known range of the desert tortoise and burrowing owl, these species were presumed absent from the site due to a lack of suitable habitat and existing levels of disturbance and development at the Project site that would preclude these species from occurring.

The Project site also contained suitable nesting habitat for bird species protected under the MBTA. Development of the Project site will be required to comply with the MBTA and avoid impacts to nesting birds. If construction of the Project occurs during the nesting bird season (typically February 1 through August 31), ground-disturbing construction activities could directly affect birds protected by the MBTA and their nests through the removal of habitat and indirectly through increased noise. Impacts to Bendire's thrasher and other nesting birds would be less than significant with the implementation of Mitigation Measure BIO-1.

## **4.2 Sensitive Natural Communities**

The Project site consisted of disturbed/landscaped land cover and disturbed snakeweed scrub habitat. The Project site did not contain any riparian habitat or sensitive natural communities that would need to be preserved and no Project-related impacts to these types of resources are anticipated with the development of the Project.

## **4.3 State and Federally Protected Wetlands and Waters of the United States**

According to the results of the preliminary aquatic resources delineation, Waters of the U.S. are not present within the Project site. There is, however, an ephemeral drainage that would qualify under CDFW and SWRCB jurisdiction. Impacts to this drainage would be considered significant under CEQA and would require both mitigation and regulatory permitting under the California Fish and Game Code (Section 1600) and the federal CWA (Section 401). However, the ephemeral drainage will be fully avoided in the Project development plans. Therefore, no impacts to State or federally protected wetlands and Waters of the U.S. would occur during the development of the Project site. If Project designs change and impacts to the drainage would occur, then the Project may be required to obtain the necessary permits.

#### 4.4 Wildlife Corridors and Nursery Sites

The Project site is located within and adjacent to areas containing existing disturbances (e.g., paved and dirt roads and residential and commercial developments). The Project site is disturbed and nearly completely fenced and contains very little cover that would only allow for local movement of wildlife. No migratory wildlife corridors or native wildlife nursery sites were identified within the Project site. Therefore, no impacts to wildlife corridors or nursery sites are expected to occur during the development of the Project site.

#### 4.5 Local Policies and Ordinances

##### San Bernardino County Development Code – Plant Protection and Management

Joshua trees protected under the San Bernardino County Development Code were observed on the Project site. However, all Joshua trees on the Project site will be protected in place in the Project development plans with a 10-foot buffer from the tree canopy extent. Therefore, no impacts to Joshua trees protected under the San Bernardino County Development Code would occur during the development of the Project site.

#### 4.6 Habitat Conservation Plans and Natural Community Conservation Plans

The Project site is not located within an HCP or NCCP. Therefore, development of the Project site will not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP.

### 5.0 RECOMMENDATIONS

The following mitigation measure is recommended prior to Project implementation:

**BIO-1 – Pre-construction Nesting Bird Survey:** If construction or other Project activities are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist to ensure that active bird nests, including those of the Bendire’s thrasher, will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, or ground disturbance. If an active nest is identified, a qualified avian biologist shall establish an appropriate disturbance-limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance-limit buffer zones until the nest is deemed inactive by the qualified avian biologist.

#### 5.1 Additional Recommendations

The potential exists that the Joshua trees present on the Project site will be declared as candidate species for listing during the August 2020 Commission meeting. The Joshua trees on the Project site would be protected in place in the Project development plans with a 10-foot buffer from the tree canopy extent. However, should the species be declared a candidate for listing or become formally listed, the buffer size may need to be increased in order to avoid the need to obtain an ITP from CDFW under Section 2081 of

the California ESA. At the time of preparation of this report, protection measures that would be required by CDFW should the Joshua tree become a candidate for listing are unknown. It may become necessary to adjust avoidance-buffer sizes of Joshua trees on the Project site if the species' status changes prior to the initiation of Project development.

Further, the following best management practices are not mitigation measures pursuant to CEQA but are recommended to further reduce impacts to species that have potential to occur on the property:

- Confine all work activities to a pre-determined work area.
- To prevent inadvertent entrapment of wildlife during the construction phase of a Project, all excavated, steep-walled holes or trenches more than two feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.
- Wildlife are often attracted to burrow- or den-like structures such as pipes and may enter stored pipes and become trapped or injured. To prevent wildlife use of these structures, all construction pipes, culverts, or similar structures with a diameter of four inches or greater should be capped while stored onsite.
- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
- Use of rodenticides and herbicides on the Project site should be restricted. This is necessary to prevent primary or secondary poisoning of wildlife, and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the USEPA, California Department of Food and Agriculture, and other State and federal legislation. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to predatory wildlife.

## 6.0 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 under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the Project applicant or the applicant's representative and that I have no financial interest in the Project.

SIGNED: 

DATE: 8/5/2020

Lauren Simpson  
Staff Biologist  
ECORP Consulting, Inc.

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## **LIST OF APPENDICES**

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Appendix A – Representative Site Photographs

Appendix B – Plant Species Observed

Appendix C – Wildlife Species Observed

Appendix D – Potential for Occurrence of Sensitive Plant Species

Appendix E – Potential for Occurrence of Sensitive Wildlife Species

Representative Site Photographs



Photo 1. Disturbed snakeweed scrub at the southern end of the Project site, facing east.



Photo 2. Disturbed snakeweed scrub at the northern end of the Project site, facing west.



Photo 3. Disturbed/Landscaped area at the northern end of the Project site, facing south.



Photo 4. Disturbed/Landscaped area of Project site within fence, facing south.



Photo 5. Wooden fence debris within Disturbed/Landscaped area of Project site.



Photo 6. Disturbed/Landscaped area of Project site, northern portion within fence, facing east.



Photo 7. Disturbed/Landscaped area of Project site, central portion within fence, facing east.



Photo 8. Disturbed/Landscaped area of Project site, central portion within fence, facing north.



Photo 9. Ephemeral drainage at northern end of Project site, facing east.



Photo 10. Ephemeral drainage at northern end of Project site, facing west.



Photo 11. Joshua Tree-01 in center of Project site, facing west.



Photo 12. Joshua Tree-02 in southeast of Project site, facing west.

**APPENDIX B**

## Plant Species Observed

SCIENTIFIC NAME	COMMON NAME
<i>Ambrosia acanthicarpa</i>	annual bursage
<i>Ambrosia dumosa</i>	white bursage
<i>Ambrosia salsola</i>	cheesebush
<i>Bromus sp.</i>	brome grass*
<i>Caesalpinia gilliesii</i>	bird of paradise*
<i>Cucurbita palmata</i>	coyote gourd
<i>Cylindropuntia echinocarpa</i>	silver cholla
<i>Cylindropuntia ramosissima</i>	pencil cholla
<i>Eriastrum densifolium</i>	giant woollystar
<i>Ericameria nauseosa</i>	rubber rabbitbrush
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Erodium cicutarium</i>	red-stemmed filaree*
<i>Ephedra californica</i>	desert tea
<i>Ephedra nevadensis</i>	Nevada ephedra
<i>Euphorbia albomarginata</i>	rattlesnake sandmat
<i>Gutierrezia sp.</i>	snakeweed species
<i>Hirschfeldia incana</i>	short podded mustard*
<i>Juniperus californica</i>	California juniper
<i>Larrea tridentata</i>	creosote bush
<i>Lupinus sp.</i>	lupine species
<i>Mirabilis laevis</i>	desert wishbone bush
<i>Opuntia basilaris</i>	beavertail cactus
<i>Parkinsonia florida</i>	blue palo verde
<i>Populus fremontii</i>	Fremont cottonwood

SCIENTIFIC NAME	COMMON NAME
<i>Prunus fasciculata</i>	desert almond
<i>Schismus barbatus</i>	common Mediterranean grass*
<i>Senegalia greggii</i>	catclaw
<i>Sisymbrium irio</i>	London rocket
<i>Sphaeralcea</i> sp.	desert mallow species
<i>Tamarix ramosissima</i>	tamarisk*
<i>Yucca brevifolia</i>	Joshua tree
<i>Yucca schidigera</i>	Mojave yucca
<i>Xylorhiza tortifolia</i>	Mojave woodyaster

\*Nonnative species

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**APPENDIX C**

## Wildlife Species Observed

SCIENTIFIC NAME	COMMON NAME
<i>Ammospermophilus leucurus</i>	white-tailed antelope squirrel
<i>Aspidoscelis tigris tigris</i>	Great Basin whiptail
<i>Auriparus flaviceps</i>	verdin
<i>Haemorhous mexicanus</i>	house finch
<i>Melospiza crissalis</i>	California towhee
<i>Mimus polyglottos</i>	northern mockingbird
<i>Otospermophilus beecheyi</i>	California ground squirrel
<i>Streptopelia decaocto</i>	Eurasian collared-dove*
<i>Sylvilagus audubonii</i>	desert cottontail
<i>Zenaidura macroura</i>	mourning dove

\*Nonnative species

**APPENDIX D**

## Potential for Occurrence of Sensitive Plant Species

<b>Scientific Name</b> <b>Common Name</b>	<b>Status</b>		<b>Bloom Period</b> <b>Elevation (meters)</b>	<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Astragalus bernardinus</i></b> San Bernardino milk-vetch	Fed: Ca: CNPS:	none none 1B.2	April-June (900-2000)	Occurs in Joshua tree woodland and pinyon and juniper woodland habitats, often in granitic or carbonate soils	<b>Presumed Absent.</b> No Joshua tree woodland or pinyon and juniper woodland habitat exists at the Project site.
<b><i>Astragalus lentiginosus var. coachellae</i></b> Coachella Valley milkvetch	Fed: Ca: CNPS:	<b>END</b> none 1B.2	February-May (40-655)	Occurs in desert dunes and sandy Sonoran desert scrub habitats	<b>Presumed Absent.</b> No desert dune or Sonoran desert scrub habitat exists at the Project site.
<b><i>Astragalus tricarinatus</i></b> triple-ribbed milk-vetch	Fed: Ca: CNPS:	<b>END</b> none 1B.2	February-May (450-1190)	Occurs in sandy or gravelly soils in Joshua tree woodland and Sonoran desert scrub habitats	<b>Presumed Absent.</b> No Joshua tree woodland or Sonoran desert scrub habitat exists at the Project site.
<b><i>Berberis fremontii</i></b> Fremont barberry	Fed: Ca: CNPS:	none none 2B.3	March-May (1145-1720)	Occurs in Joshua tree woodland and pinyon juniper woodland habitats in rocky, sometimes granitic soils	<b>Presumed Absent.</b> No Joshua tree woodland or pinyon juniper woodland habitat exists at the Project site.
<b><i>Boechera dispar</i></b> pinyon rockcress	Fed: Ca: CNPS:	none none 2B.3	March-June (1200-2540)	Occurs in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats in granitic, gravelly soils.	<b>Moderate.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site and a recent occurrence has been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Boechera lincolnensis</i></b> Lincoln rockcress	Fed: Ca: CNPS:	none none 2B.3	March-May (1100-2705)	Occurs in carbonate soils in chenopod scrub and Mojavean desert scrub habitats	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Boechera shockleyi</i></b> Shockley's rockcress	Fed: Ca: CNPS:	none none 2B.2	May-June (875-2310)	Occurs in pinyon and juniper woodland habitats usually in carbonate or quartzite, rocky or gravelly soils	<b>Presumed Absent.</b> No pinyon juniper woodland habitat exists at the Project site.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period Elevation (meters)</b>	<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Calochortus palmeri</i> var. <i>palmeri</i></b> Palmer's mariposa lily	Fed: Ca: CNPS:	none none 1B.2	April-July (710-2390)	Occurs in chaparral, lower montane coniferous forest, and meadow and seep habitats in mesic soils.	<b>Presumed Absent.</b> No chaparral, forest, or meadow habitat exists at the Project site.
<b><i>Canbya candida</i></b> white pygmy-poppy	Fed: Ca: CNPS:	none none 4.2	March-June (600-1460)	Occurs in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats in gravelly, sandy, or granitic soils	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Carex occidentalis</i></b> western sedge	Fed: Ca: CNPS:	none none 2B.3	June- August (1645-3135)	Occurs in lower montane coniferous forest and meadow and seep habitats	<b>Presumed Absent.</b> No forest or meadow habitat exists at the Project site. Project site is outside of the elevation range for this species.
<b><i>Chorizanthe xanti</i> var. <i>leucotheca</i></b> white-bracted spineflower	Fed: Ca: CNPS:	none none 1B.2	April-June (300-1200)	Occurs in alluvial fan coastal scrub, Mojavean desert scrub, and pinyon and juniper woodland habitats in sandy or gravelly soils.	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Cymopterus multinervatus</i></b> purple-nerve cymopterus	Fed: Ca: CNPS:	none none 2B.2	March-April (790-1800)	Occurs in Mojavean desert scrub and pinyon and juniper woodland habitats in sandy or gravelly soils	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Eriastrum harwoodii</i></b> Harwood's eriastrum	Fed: Ca: CNPS:	none none 1B.2	March-June (125-915)	Occurs in desert dune habitats	<b>Presumed Absent.</b> No desert dune habitat exists at the Project site.
<b><i>Erigeron parishii</i></b> Parish's daisy	Fed: Ca: CNPS:	<b>THR</b> none 1B.1	May-August (800-2000)	Occurs in creosote bush scrub and pinyon and juniper woodland habitats, often on limestone	<b>Presumed Absent.</b> No creosote bush scrub or pinyon and juniper woodland habitat exists at the Project site. No limestone is present in the limited disturbed snakeweed scrub habitat on site.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period Elevation (meters)</b>	<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Euphorbia vallis-mortae</i></b> Death Valley sandmat	Fed: Ca: CNPS:	none none 4.2	May- October (230-1460)	Occurs in Mojavean desert scrub habitats in sandy or gravelly soils	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Funastrum utahense</i></b> Utah vine milkweed	Fed: Ca: CNPS:	none none 4.2	(March) April-June (September- October) (100-1435)	Occurs in Mojavean and Sonoran desert scrub habitats in sandy or gravelly soils	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. No occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Galium angustifolium</i> ssp. <i>gracillimum</i></b> slender bedstraw	Fed: Ca: CNPS:	none none 4.2	April- June(July) (130-1550)	Occurs in Joshua tree woodland and Sonoran desert scrub habitats in granitic, rocky soils.	<b>Presumed Absent.</b> No Joshua tree woodland or Sonoran desert scrub habitat exists at the Project site.
<b><i>Grusonia parishii</i></b> Parish's club-cholla	Fed: Ca: CNPS:	none none 2B.2	May- June(July) (300-1524)	Occurs in Joshua tree woodland and Mojavean and Sonoran desert scrub habitats in sandy, rocky soils.	<b>Presumed Absent.</b> While marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site, this species is a perennial stem succulent that would have been identifiable year-round. No occurrences of this species have been documented within five miles of the site.
<b><i>Linanthus bernardinus</i></b> Pioneertown linanthus	Fed: Ca: CNPS:	none none 1B.2	March-May (1190-1340)	Occurs in Joshua tree woodland and pinyon and juniper woodland habitats	<b>Presumed Absent.</b> No Joshua tree woodland or pinyon juniper woodland habitat exists at the Project site.
<b><i>Linanthus maculatus</i> ssp. <i>maculatus</i></b> Little San Bernardino Mtns. linanthus	Fed: Ca: CNPS:	none none 1B.2	March-May (140-1220)	Occurs in desert dunes, Joshua tree woodland, and Mojavean and Sonoran desert scrub habitats in sandy soils.	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. Only historic occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Linanthus orcuttii</i></b> Orcutt's linanthus	Fed: Ca: CNPS:	none none 1B.3	May-June (915-2145)	Occurs in openings in chaparral, lower montane coniferous forest, and pinyon and juniper woodland habitats.	<b>Presumed Absent.</b> No chaparral, coniferous forest, or pinyon juniper woodland habitat exists at the Project site.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period Elevation (meters)</b>	<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Lycium torreyi</i></b> Torrey's boxthorn	Fed: Ca: CNPS:	none none 4.2	(January- February) March-June (September- November) (-50-1220)	Occurs in Mojavean and Sonoran desert scrub habitats in sandy, rocky washes, streambanks, and desert valleys	<b>Presumed Absent.</b> While marginally suitable habitat for this species is present in the ephemeral drainage on the Project site, this species is a perennial shrub that would have been identifiable to genus year-round. No <i>Lycium</i> shrubs were identified during the survey. No occurrences of this species have been documented within five miles of the site.
<b><i>Monardella robisonii</i></b> Robison's monardella	Fed: Ca: CNPS:	none none 1B.3	(February) April- September (October) (610-1500)	Occurs in pinyon and juniper woodland habitats	<b>Presumed Absent.</b> No pinyon juniper woodland habitat exists at the Project site.
<b><i>Muilla coronata</i></b> crowned muilla	Fed: Ca: CNPS:	none none 4.2	March- April(May) (670-1960)	Occurs in chenopod scrub, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats	<b>Low.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site. Only historic occurrences of this species have been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.
<b><i>Saltugilia latimeri</i></b> Latimer's woodland-gilia	Fed: Ca: CNPS:	none none 1B.2	March-June (400-1900)	Occurs in chaparral, Mojavean desert scrub, and pinyon and juniper woodland habitats in rocky or sandy often granitic soils, sometimes in washes	<b>Moderate.</b> Marginally suitable habitat for this species is present in the small portions of the disturbed snakeweed scrub present on the Project site and a recent occurrence has been documented within five miles of the site. Existing disturbances and the limited size of habitat on the site likely preclude this species from occurring.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period Elevation (meters)</b>	<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Streptanthus campestris</i></b> southern jewelflower	Fed: Ca: CNPS:	none none 1B.3	(April)May- July (900-2300)	Occurs in chaparral, lower montane coniferous forest, pinyon and juniper woodland habitats in rocky soils.	<b>Presumed Absent.</b> No chaparral, coniferous forest, or pinyon juniper woodland habitat exists at the Project site.

**Federal Designations**

(Federal Endangered Species Act, U.S. Fish and Wildlife Service)

**END:** Federally listed, endangered

**THR:** Federally listed, threatened

**State Designations:**

(California Endangered Species Act, California Department of Fish and Wildlife, California Native Plant Society [CNPS])

**END:** State-listed, endangered

**THR:** State-listed, threatened

**FP:** State-fully protected

**SSC:** Species of Special Concern

**CNPS Ranking**

**1A:** Presumed extinct

**1B:** Rare, threatened, or endangered in California and elsewhere

**2B:** Rare, threatened, or endangered in California, but more common elsewhere

**3:** Review list of plants requiring more study

**4:** Plants of limited distribution watch list

**CNPS Threat Code**

**0.1:** Seriously threatened in California

**0.2:** Fairly threatened in California

**0.3:** Not very threatened in California

## APPENDIX E

### Potential for Occurrence of Sensitive Wildlife Species

Scientific Name Common Name	Status		Habitat	Potential for Occurrence
<b>INVERTEBRATES</b>				
<i>Bombus crotchii</i> Crotch bumble bee	Fed: Ca:	none <b>CAN- END</b>	Nests in grasslands with scattered trees, riparian woodlands, and savannahs and agricultural fields or ranch lands with groves or windrows of trees.	<b>Presumed Absent.</b> No grassland, woodland, or ranch land habitat for this species occurs on the Project site.
<b>REPTILES</b>				
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: Ca:	none <b>SSC</b>	Generally south of the Transverse Range, extending to northwestern Baja California. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring.
<i>Crotalus ruber</i> red-diamond rattlesnake	Fed: Ca:	none <b>SSC</b>	Chaparral, woodland, grassland, and desert areas from coastal San Diego County to the eastern slopes of the mountains.	<b>Presumed Absent.</b> No chaparral, woodland, or grassland habitat occurs on site. Existing disturbances and the limited size of the desert habitat on the site likely preclude this species from occurring.
<i>Gopherus agassizii</i> desert tortoise	Fed: Ca:	<b>THR THR</b>	Most common in Mojavean desert scrub, desert wash, Sonoran desert scrub, and Joshua tree woodland habitats.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring. No burrows suitable for desert tortoise use were documented.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: Ca:	none <b>SSC</b>	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring.
<i>Uma inornata</i> Coachella Valley fringe-toed lizard	Fed: Ca:	<b>THR END</b>	Limited to sandy areas in the Coachella Valley, Riverside County. Requires fine, loose, windblown sand (for burrowing), interspersed with hardpan and widely-spaced desert shrubs.	<b>Presumed Absent.</b> No fine loose sandy habitat for this species occurs on the Project site.
<i>Uma scoparia</i> Mojave fringe-toed lizard	Fed: Ca:	none <b>SSC</b>	Fine, loose, wind-blown sand in sand dunes, dry lakebeds, riverbanks, desert washes, sparse alkali scrub and desert scrub.	<b>Presumed Absent.</b> No sand dune habitat for this species occurs on the Project site.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat</b>	<b>Potential for Occurrence</b>
<b>BIRDS</b>				
<i>Asio otus</i> long-eared owl	Fed: Ca:	none <b>SSC</b>	Riparian bottomlands grown to tall willows and cottonwoods; also, belts of live oak paralleling stream courses.	<b>Presumed Absent.</b> No riparian or woodland habitat for this species occurs on the Project site.
<i>Athene cunicularia</i> Burrowing owl	Fed: Ca:	none <b>SSC</b>	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring. No burrows suitable for burrowing owl use were documented.
<i>Icteria virens</i> yellow-breasted chat	Fed: Ca:	none <b>SSC</b>	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses.	<b>Presumed Absent.</b> No riparian habitat for this species occurs on the Project site.
<i>Piranga rubra</i> summer tanager	Fed: Ca:	none <b>SSC</b>	Summer resident of desert riparian along lower Colorado River, and locally elsewhere in California deserts.	<b>Presumed Absent.</b> No riparian habitat for this species occurs on the Project site.
<i>Pyrocephalus rubinus</i> vermillion flycatcher	Fed: Ca:	none <b>SSC</b>	During nesting, inhabits desert riparian adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas.	<b>Presumed Absent.</b> No riparian habitat for this species occurs on the Project site.
<i>Setophaga petechia</i> yellow warbler	Fed: Ca:	none <b>SSC</b>	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada.	<b>Presumed Absent.</b> No riparian habitat for this species occurs on the Project site.
<i>Toxostoma bendirei</i> Bendire's thrasher	Fed: Ca:	none <b>SSC</b>	Migratory; local spring/summer resident in flat areas of desert succulent shrub/Joshua tree habitats in Mojave Desert.	<b>Low.</b> This species may forage within the site but would not be expected to nest within the site due to the limited amount of available habitat and the level of existing disturbance. No occurrences of this species have been documented within five miles of the Project site.
<i>Toxostoma lecontei</i> Le Conte's thrasher (San Joaquin Population)	Fed: Ca:	none <b>SSC</b>	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats.	<b>Presumed Absent.</b> The range of the San Joaquin population of Le Conte's thrasher does not extend into the Project site.
<i>Vireo belii pusillus</i> least Bell's vireo	Fed: Ca:	<b>END</b> <b>END</b>	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft.	<b>Presumed Absent.</b> No riparian habitat for this species occurs on the Project site.
<b>MAMMALS</b>				
<i>Antrozous pallidus</i> pallid bat	Fed: Ca:	none <b>SSC</b>	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting.	<b>Presumed Absent.</b> No suitable roosting habitat for this species occurs on the Project site.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat</b>	<b>Potential for Occurrence</b>
<b><i>Chaetodipus fallax pallidus</i></b> pallid San Diego pocket mouse	Fed: Ca:	none <b>SSC</b>	Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring.
<b><i>Lasiurus xanthinus</i></b> western yellow bat	Fed: Ca:	none <b>SSC</b>	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats.	<b>Presumed Absent.</b> No suitable roosting habitat for this species occurs on the Project site.
<b><i>Neotoma lepida intermedia</i></b> San Diego desert woodrat	Fed: Ca:	none <b>SSC</b>	Coastal scrub of Southern California from San Diego County to San Luis Obispo County.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring.
<b><i>Ovis canadensis nelsoni</i></b> desert bighorn sheep	Fed: Ca:	none <b>FP</b>	Widely distributed from the White Mtns in Mono County to the Chocolate Mountains in Imperial County. Open, rocky, steep areas with available water and herbaceous forage.	<b>Presumed Absent.</b> No open rocky canyon habitat for this species occurs on the Project site.
<b><i>Perognathus longimembris bangsi</i></b> Palm Springs pocket mouse	Fed: Ca:	none <b>SSC</b>	Desert riparian, desert scrub, desert wash and sagebrush habitats. Most common in creosote-dominated desert scrub.	<b>Presumed Absent.</b> No suitable habitat for this species occurs on the Project site due to existing disturbances and the limited size of the desert habitat on the site which likely preclude this species from occurring.
<b><i>Taxidea taxus</i></b> American badger	Fed: Ca:	none <b>SSC</b>	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	<b>Presumed Absent.</b> No suitable open shrub, forest, or herbaceous habitat for this species occurs on the Project site.

**Federal Designations**

(Federal Endangered Species Act, U.S. Fish and Wildlife Service)

**END:** Federally listed, endangered

**THR:** Federally listed, threatened

**CAN:** Candidate for federal listing

**D:** Delisted

**State Designations:**

(California Endangered Species Act, California Department of Fish and Wildlife)

**END:** State-listed, endangered

**THR:** State-listed, threatened

**FP:** State-fully protected

**SSC:** Species of Special Concern