



January 8, 2020

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**SUBJECT: Habitat Assessment for The Standard (formerly called Westgrove) Apartment Project Located in the City of Redlands, San Bernardino County, California**

### **Introduction**

This report contains the findings of ELMT Consulting's (ELMT) habitat assessment for The Standard (formally called Westgrove) Apartments (project site or site) located in the City of Redlands, San Bernardino County, California. The habitat assessment was conducted by biologist Travis J. McGill on December 18, 2018 to document baseline conditions and assess the potential for special-status<sup>1</sup> plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project.

### **Project Location**

The project site is generally located north of Interstate 10, east of Interstate 215, west of State Route 210, and south of State Route 66 in the City of Redlands, San Bernardino County, California. The project site is depicted on the Redlands quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Section 20, Township 1 south, Range 3 west. Specifically, the project site is located within Assessor Parcel Number (APN) 0292-053-08 approximately 660 feet west of Nevada Street, 1,300 feet east of California Street, and is bordered by Lugonia Avenue on its southern boundary. Refer to Exhibits 1 thru 4 in Attachment A.

### **Project Description**

The Standard (project) will consist of 282 apartments (280 leasable units, 1 permanent managers unit and 1 model unit for preleasing activities) in five (5) three story buildings, two (2) two story buildings and a 'clubhouse' with multi-purpose facilities. The project incorporates design elements proven to have high market appeal and complements the diverse architecture and design of existing apartment communities nearby.

The maximum building height will not exceed 38 feet tall. Within the residential buildings there are three building types. Buildings 1 thru 4 are type 'A' and defined as three stories in height and hosts a total of 87,986 gross square feet. Building 5 is type 'B' which contains three stories and a total of 37,236 gross

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<sup>1</sup> As used in this report, "special-status" refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

square feet. Buildings 6 & 7 are type 'C' which is two stories in height and contains a total of 4,792 square feet. The clubhouse/pool house building will be used by the residents of the project and will be 7584 SF and 1000 SF respectfully totaling 8584 square feet in size. The total footprint area of the buildings is 138,554 SF, which covers 33% of the total "coverage area" within the site.

A parking/landscape buffer has been provided between the project and the proposed industrial use to the north and west by proposing a series of carports, garages and landscape screening with the closet residential structure over 60 feet from any common property line. Contiguous pedestrian-scale connections from any point of the project to the enhanced amenity zones will be available for the convenience and pleasure of the residents. Approximately 4500 square feet of courtyard/landscaped open space will separate apartment clusters, creating a much more engaging residential atmosphere than the typical apartment complex.

The proposed project will provide 195 parking spaces within garages (20 spaces incorporating lifters), 142 carports, 93 open tenant spaces and 38 open visitor spaces. The total parking provided is 474. The ratio is 1.70 spaces per unit. Of the 474 parking spaces provided within the development, 24 spaces will be designated handicap parking spaces. Landscaping and open area will encompass 98,845.60 sq. ft. (23%) of the "coverage area" within the site. In addition, 5% of the site shall be treated with decorative pavers for further enhancement and softening of the hardscape.

Project will include one new primary public access/drive approach per County Standards along Lugonia Ave located at the east property line. that will be gated. Additionally, the project will provide a secondary exit only drive with a Knox box along Lugonia Ave. located at the west property line for tenant use and emergency services access. Both drives will be constructed per San Bernardino County Fire Department Standards that will access 30-foot wide drive aisles throughout the project.

### **Methodology**

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

### **Literature Review**

Prior to conducting the habitat assessment, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the California Department of Fish and Wildlife's (CDFW's) QuickView Tool in the Biogeographic Information and Observation System (BIOS), California Natural Diversity Database (CNDDDB) Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed

on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1994-2018);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

#### Habitat Assessment/Field Investigation

Following the literature review, biologist Travis J. McGill inventoried and evaluated the condition of the habitat within the project site on December 18, 2018. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Plant species observed during the field investigation were identified by visual characteristics and morphology in the field. Unusual and less familiar plant species were photographed during the field investigation and identified in the laboratory using taxonomical guides. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities and land cover types, and presence of potential jurisdictional drainage and/or wetland features were noted.

#### Soil Series Assessment

On-site and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey<sup>2</sup> for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

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2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

### Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), CDFW (2010) and Holland (1986), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

### Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

### Wildlife

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

### Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction.

### Existing Site Condition

The proposed project site is relatively flat with no areas of significant topographic relief at an elevation of approximately 1,180 feet above mean sea level. On-site and adjoining soils were researched prior to the field visit using the USDA NRCS, Soil Survey. According to the Soil Survey, soils that have been mapped within the proposed project site consist of Hanford sandy loam, 0 to 2 percent slopes (refer to Exhibit 5, *Soils* in Attachment A). The Hanford soil series consists of very deep well drained soils that formed in moderately coarse textured alluvium dominantly from granite. These soils are on stream bottoms, floodplains and alluvial fans and have slopes of 0 to 15 percent. Soils on-site have been and heavily compacted mechanically disturbed from existing agricultural and weed abatement activities, and surrounding development.

The project site occurs in an area that has undergone a conversion from natural habitats into agricultural,

residential, industrial, and commercial land uses. The project site is bordered by an approved 360-unit apartment development to the east (expected to begin construction in 2020/21), a developed fulfillment center to the west, a 500,000 square foot industrial building to the north, and Lugonia Avenue to the south. South of Lugonia Avenue is a mix of commercial/office/employment related land uses.

### **Vegetation**

Due to existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. The project site has been subject to historic agricultural activities, on-going weed abatement activities, and disturbance associated with surrounding development. These disturbances have eliminated and/or greatly disturbed the natural plant communities that historically occurred within the immediate vicinity of the project site. Refer to Attachment B, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the proposed project.

The project site contains a land cover type that would be classified as disturbed. Refer to Exhibit 6, *Vegetation* in Attachment A. Disturbed areas are generally areas that have been subject to a high level of human disturbances and no longer comprise a native plant community. These areas are unpaved and are primarily or entirely devoid of vegetation, or support ruderal/weedy plant species. Early successional and non-native weedy plant species compose a majority of the project site as a result of the on-going weed abatement activities. Plant species observed on-site include Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), short-podded mustard (*Hirschfeldia incana*), cheeseweed (*Malva parviflora*), bromus species (*Bromus ssp*), pigweed (*Amaranthus albus*), wild oat (*Avena fatua*), and ripgut brome (*Bromus diandrus*).

### **Wildlife**

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

### **Fish**

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

### **Amphibians**

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

### Reptiles

During the field investigation Great Basin fence lizard (*Sceloporus occidentalis longipes*) was the only reptilian species observed on-site. Common reptilian species adapted to a high degree of anthropogenic disturbances that have the potential to occur on-site include western side-blotched lizard (*Uta stansburiana elegans*), alligator lizard (*Elgaria multicarinata*), and gopher snake (*Pituophis catenifer annectens*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status reptilian species are expected to occur within project-site.

### Birds

The project site provides minimal foraging habitat for bird species adapted to a high degree of human disturbance. Bird species detected during the field investigation included American kestrel (*Falco sparverius*), lesser goldfinch (*Spinus psaltria*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaidura macroura*), house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), and Say's phoebe (*Sayornis saya*).

### Mammals

During the field investigation no mammalian species were observed on-site. Common mammalian species adapted to a high degree of anthropogenic disturbances that have the potential to occur within the project site include cottontail (*Sylvilagus audubonii*), Botta's pocket gopher (*Thomomys bottae*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*).

### **Nesting Birds**

No active nests or birds displaying nesting behavior were observed during the December 18, 2018 field investigation, which was conducted outside of the avian nesting season. The project site provides limited nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area, due to the routine anthropogenic disturbances found onsite.

### **Migratory Corridors and Linkages**

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The proposed project will be confined to existing disturbed areas and is surrounded by development, which has removed natural plant communities from the surrounding area. The project site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the project site to any identified wildlife corridors or

linkages. The closest regional wildlife corridor is located approximately 1.5 miles north of the project site along the Santa Ana River, which is separated from the project site by existing industrial developments. As a result, implementation of the proposed project will not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area.

### **Jurisdictional Areas**

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

No jurisdictional drainage and/or wetland features were observed on the project site during the habitat assessment that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, regulatory approvals from the Corps, Regional Board, and/or CDFW will not be required for implementation of the project.

### **Special-Status Biological Resources**

The CNDDDB and CNPS was queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Redlands USGS 7.5-minute quadrangle. The record search focused on the Redlands USGS 7.5-minute quadrangle since the proposed project footprint will be confined to existing disturbed areas, and is isolated from undisturbed native habitats. A search of published records of these species was conducted within this quadrangle using the CNDDDB Rarefind 5 online software and CNDDDB Quickview Tool in BIOS, and CNPS Inventory of Rare, Threatened, and Endangered Plants of California. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities have the potential to provide suitable habitat(s) for special-status plant and wildlife species previously documented in the general vicinity of the proposed project site.

The literature search identified eighteen (18) special-status plant species and forty-eight (48) special-status, and three (3) special-status plant communities as having potential to occur within the Redlands USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources*, provided in Attachment C.

#### *Special-Status Plants*

According to the CNDDDB and CNPS, eighteen (18) special-status plant species have been recorded in the Redlands quadrangle (refer to Attachment C). No special-status plant species were observed on-site during the habitat assessment. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances including on-going weed abatement activities. These

disturbances have eliminated the natural plant communities that once occurred on-site which has removed suitable habitat for special-status plant species known to occur in the general vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site. No focused surveys are recommended.

### *Special-Status Wildlife*

According to the CNDDDB, forty-eight (48) special-status wildlife species have been reported in the Redlands quadrangle (refer to Attachment C). No special-status wildlife species were observed on-site during the habitat assessment. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances including on-going weed abatement activities and historic agricultural uses. These disturbances have eliminated the natural plant communities that once occurred on-site which has greatly reduced the potential for special-status species to occur on-site. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site has a low potential to support low quality foraging habitat for Cooper's hawk (*Accipiter cooperii*) and California horned lark (*Eremophila alpestris actia*). All remaining special-status wildlife species known to occur in the area were presumed to be absent from the project site.

In order to ensure impacts to Cooper's hawk and California horned lark do not occur from implementation of the proposed project, a pre-construction clearance nesting bird survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to the Cooper's hawk and California horned lark will be less than significant and no mitigation will be required.

### *Special-Status Plant Communities*

According to the CNDDDB, three (3) special-status plant communities have been reported in the Redlands USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub, Southern Coast Live Oak Riparian Forest, and Southern Sycamore Alder Riparian Woodland. Based on the results of the field investigation, no special-status plant communities were observed on-site.

### **Critical Habitat**

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the United States Fish and Wildlife Service (USFWS) regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a CWA Permit from the Corps). If a there is a federal nexus, then the

federal agency that is responsible for providing the funding or permit would consult with the USFWS. The project site is not located with federally designated Critical Habitat. Refer to Exhibit 7, *Critical Habitat* in Attachment A. The nearest designated Critical Habitat is located approximately 1.5 miles north of the project site for San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and Santa Ana sucker (*Catostomus santaanae*). Implementation of the proposed project will not impact Critical Habitat. Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

## **Recommendations**

### **Migratory Bird Treaty Act and Fish and Game Code**

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1<sup>st</sup> and August 31<sup>st</sup>, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer (generally 300 feet for migratory and non-migratory song birds and 500 feet raptors and special-status species) will be determined by the wildlife biologist, in coordination with the CDFW, and will depend on the level of noise and/or surrounding disturbances, line of sight between the nest and the construction activity, ambient noise, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

## **Conclusion**

The entire project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances (i.e. agricultural activities, weed abatement activities, and surrounding development). On-site and surrounding land uses have eliminated naturally occurring habitats around the project footprint, reducing the ability of the project site to support special-status plant and wildlife species. As a result, and based on the results of the habitat assessment, it was determined that the project site has a low potential to provide suitable foraging habitat for Cooper's hawk and California horned lark. All remaining special-status plant and wildlife species are presumed absent from the project site.

Based on the proposed project footprint and existing site conditions discussed in this report, none of the special-status plant or wildlife species known to occur in the general vicinity of the project site are expected to be directly or indirectly impacted from implementation of the proposed project. With completion of the recommendations provided above, no impacts to year-round and seasonal avian residents will occur from implementation of the proposed project. Therefore, it was determined that implementation of the project will have “no effect” on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will not impact designated Critical Habitats or regional wildlife movement corridors/linkages.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or [tmcgill@elmtconsulting.com](mailto:tmcgill@elmtconsulting.com) or Travis McGill at (909) 816-1646 or [travismcgill@elmtconsulting.com](mailto:travismcgill@elmtconsulting.com) should you have any questions regarding this proposal.

Sincerely,



Thomas J. McGill, Ph.D.  
Managing Director



Travis J. McGill  
Director

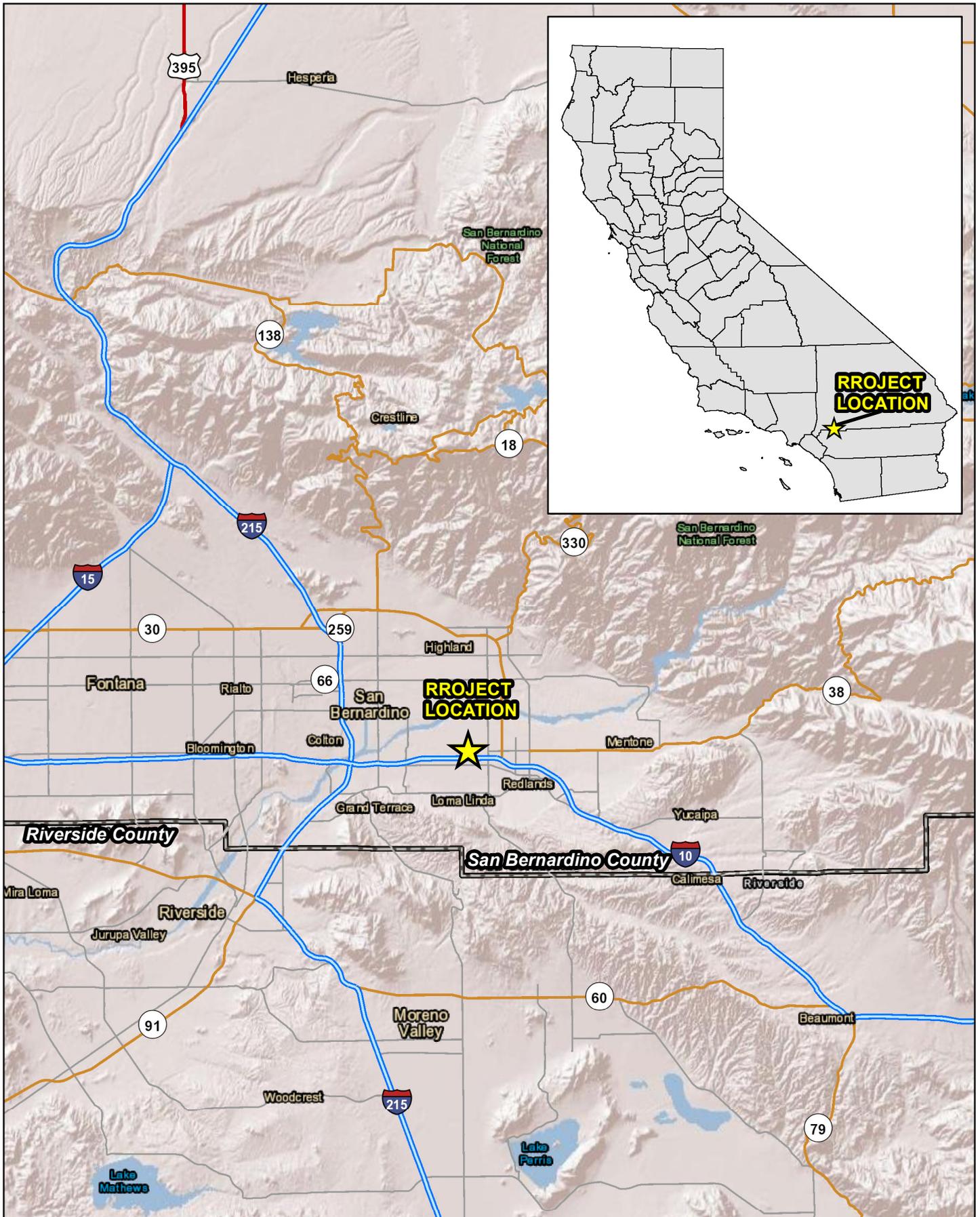
Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*

## **Attachment A**

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Project Exhibits

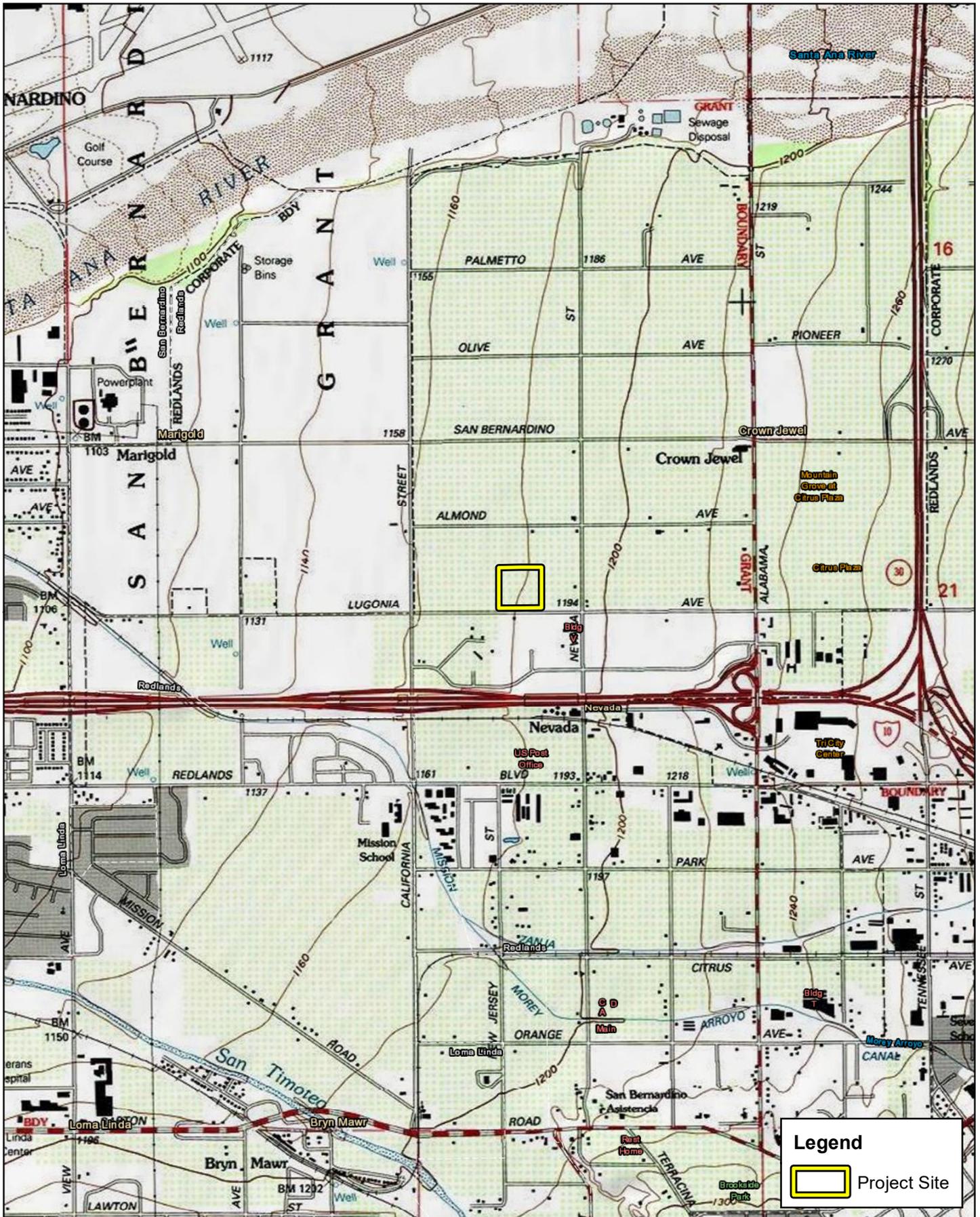


THE STANDARD  
HABITAT ASSESSMENT

# Regional Vicinity

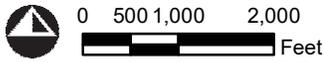


Source: Federal Highway Administration, US Department of Transportation



**Legend**

Project Site



Source: USA Topographic Maps, San Bernardino County

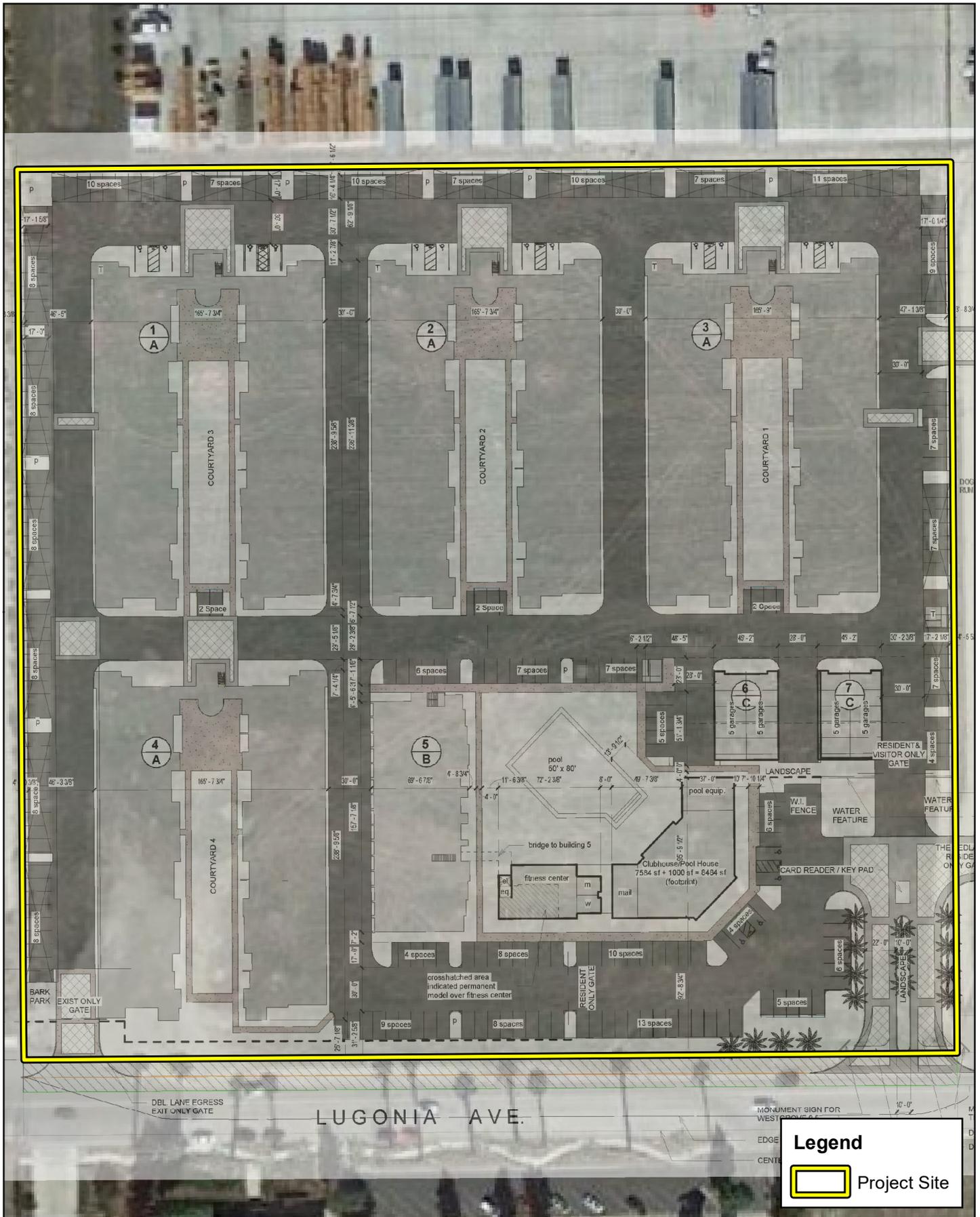
THE STANDARD  
HABITAT ASSESSMENT  
**Site Vicinity**



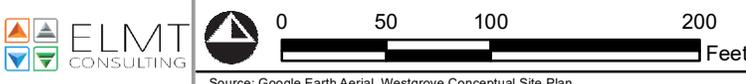
W Lugonia Ave

**Legend**

 Project Site



**Legend**  
 Project Site



THE STANDARD  
 HABITAT ASSESSMENT  
**Depiction of Proposed Project**





W Lugonia Ave

**Legend**

-  Project Site
-  Disturbed



## **Attachment B**

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Site Photographs



**Photograph 1:** From the southeast corner of the project site looking west along the southern boundary.



**Photograph 2:** From the southeast corner of the project site looking north along the eastern boundary.



**Photograph 3:** From the northeast corner of the project site looking west along the northern boundary.



**Photograph 4:** From the northwest corner of the project site looking south along the western boundary.



**Photograph 5:** From the middle of the northern boundary of the project site looking south.



**Photograph 6:** From the middle of the western boundary of the project site looking east.



**Photograph 7:** From the southeast corner of the project site looking northwest.



**Photograph 8:** Looking at the southern portion of the project site.

## **Attachment C**

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Potentially Occurring Special-Status Biological Resources

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

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<b>SPECIAL-STATUS WILDLIFE SPECIES</b>				
<i>Accipiter cooperii</i> Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests, but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	<b>Low.</b> The project site provides minimal foraging habitat, and no suitable nesting habitat. This species is adapted to urban environments and occurs commonly.
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated shrublands on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush ( <i>Artemisia californica</i> ), but can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: None CA: SSC	Mostly found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. They live mostly underground, burrowing in the loose sandy soils.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Antrozous pallidus</i> pallid bat	Fed: None CA: SSC	Locally common species of low elevation in California. Occurs in grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests. Most common in open, dry habitats with rocky areas for roosting.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Aquila chrysaetos</i> golden eagle	Fed: None CA: FP;WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Arizona elegans occidentalis</i> California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Artemisospiza belli belli</i> Bell's sage sparrow	Fed: None CA: WL	Occurs in chaparral dominated by fairly dense stands of chamise. Also found in coastal sage scrub in south of range.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Aspidoscelis hyperythra</i> orangethroat whiptail	Fed: None CA: WL	Inhabits low-elevations coastal scrub, chamise-redshank chaparral, mixed chaparral, and valley-foothill hardwood habitats. Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Bombus crotchii</i> Crotch bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Calypte costae</i> Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Carolella busckana</i> Busck's gallmoth	Fed: None CA: None	Occurs in coastal scrub dunes habitat.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Chaetodipus fallax fallax</i> northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Circus cyaneus</i> northern harrier	Fed: None CA: SSC	Most common in large, undisturbed tracts of wetlands and grasslands with low, thick vegetation. They breed in freshwater and brackish marshes, lightly grazed meadows, old fields, tundra, dry upland prairies, drained marshlands, high-desert shrubsteppe, and riverside woodlands. During winter they use a range of habitats with low vegetation, including deserts, coastal sand dunes, pasturelands, croplands, dry plains, grasslands, old fields, estuaries, open floodplains, and marshes.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	Fed: <b>THR</b> CA: <b>END</b>	In California, the breeding distribution is now thought to be restricted to isolated sites in Sacramento, Amargosa, Kern, Santa Ana, and Colorado River valleys. Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Crotalus ruber</i> red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Fed: END CA: SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Dipodomys stephensi</i> Stephens' kangaroo rat	Fed: END CA: THR	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Empidonax traillii</i> willow flycatcher	Fed: None CA: END	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	Fed: END CA: END	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Eremophila alpestris actia</i> California horned lark	Fed: None CA: WL	Occurs in meadows, grasslands, open fields, prairie, and alkali flats. This subspecies is typically found in coastal regions.	No	<b>Low.</b> The project site provides minimal foraging habitat, and no suitable nesting habitat.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Falco columbarius</i> merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Falco peregrinus anatum</i> American peregrine falcon	Fed: DL CA: DL, FP	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Gymnogyps californianus</i> California condor	Fed: <b>END</b> CA: <b>END;FP</b>	Permanent resident of the semi-arid, rugged mountain ranges surrounding the southern San Joaquin Valley, including the Coast Ranges from Santa Clara Co. south to Los Angeles Co., the Transverse Ranges, Tehachapi Mts., and southern Sierra Nevada. Forages over wide areas of open rangelands, roots on cliffs and in large trees and snags.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Icteria virens</i> yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Fed: None CA: SSC	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Myotis yumanensis</i> Yuma myotis	Fed: None CA: None	Common and widespread in California within open forests and woodlands with sources of water over which to feed. Roosts in buildings, mines, caves, or crevices. Has also been seen roosting in abandoned swallow nests and under bridges.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	Fed: None CA: SSC	Often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead – southern California DPS	Fed: <b>END</b> CA: None	Found in permanent coastal streams from San Diego to the Smith River.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse	Fed: None CA: SSC	Resides in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Poliophtila californica californica</i> coastal California gnatcatcher	Fed: <b>THR</b> CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Progne subis</i> purple martin	Fed: None CA: SSC	Summer resident in a variety of wooded, low-elevation habitats throughout the state. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Rana draytonii</i> California red-legged frog	Fed: <b>THR</b> CA: SSC	Found mainly near ponds in humid forests, woodlands, grasslands, coastal scrub, and streambeds with plant cover. Most common in lowlands or foothills. Frequently found in woods adjacent to streams. Occurs along the coast ranges from Mendocino County south and in portions of the Sierra Nevada and Cascades ranges.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Rana muscosa</i> southern mountain yellow-legged frog	Fed: <b>END</b> CA: <b>END/WL</b>	Occurs in lower elevation habitats characterized by rocky streambeds and wet meadows, while higher elevation habitats include lakes, ponds, and streams. Occupy streams in narrow, rock-walled canyons. Often found along rock walls or vegetated banks and always within a few feet of the water.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Rhinichthys osculus ssp. 3</i> Santa Ana speckled dace	Fed: None CA: SSC	Requires permanent flowing streams within summer water temperatures of 17 – 20 degrees Celsius. Inhabits shallow cobble and gravel riffles and small streams that flow through steep, rocky canyons with chaparral covered walls.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Salvadora hexalepis virgultea</i> coast patch-nosed snake	Fed: None CA: SSC	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Setophaga petechia</i> yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Spea hammondi</i> western spadefoot	Fed: None CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Spinus lawrencei</i> Lawrence's goldfinch	Fed: None CA: None	Typical habitats include valley foothill hardwood, valley foothill hardwood-conifer, and, in southern California, desert riparian, palm oasis, pinyon-juniper, and lower montane habitats. Nearby herbaceous habitats often used for feeding. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Thamnophis hammondi</i> two-striped gartersnake	Fed: None CA: SSC	Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: <b>END</b> CA: <b>END</b>	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.

SPECIAL-STATUS PLANT SPECIES				
<i>Arenaria paludicola</i> marsh sandwort	Fed: CA: CNPS:	<b>END</b> <b>END</b> 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Artemisia palmeri</i> San Diego sagewort	Fed: CA: CNPS:	None None 4.2	Found in sandy and mesic soils within chaparral, coastal scrub, riparian forest, riparian scrub, and riparian woodland habitats. Found at elevations ranging from 49 to 3,002 feet. Blooming period is from February to September.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Berberis nevini</i> Nevin's barberry	Fed: CA: CNPS:	<b>END</b> <b>END</b> 1B.1	Occurs on steep, north-facing slopes or in low-grade sandy washes in chaparral, cismontane woodland, coastal scrub, and riparian scrub. From 951 to 5,167 feet in elevation. Blooming period is from February to June.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	Fed: CA: CNPS:	None None 4.2	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley and foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. From 328 to 5,577 feet in elevation. Blooming period is from May to July.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Centromadia pungens ssp. laevis</i> smooth tarplant	Fed: CA: CNPS:	None None 1B.1	Occurs in alkaline soils within chenopod scrub, meadows and seeps, playas, riparian woodland, and valley and foothill grassland habitats. Grows in elevation ranging from 0 to 2,100 feet. Blooming period ranges from April to September.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Chloropyron maritimum ssp. maritimum</i> salt marsh bird's-beak	Fed: CA: CNPS:	<b>END</b> <b>END</b> 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 99 feet. Blooming period is from May to October.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Chorizanthe leptotheca</i> Peninsular spineflower	Fed: CA: CNPS:	None None 4.2	Found in granitic soils within alluvial fan, chaparral, coastal scrub, and lower montane coniferous forest habitat. Found at elevations ranging from 984 to 6,234 feet. Blooming period is from May to August.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Chorizanthe parryi var. parryi</i> Parry's spineflower	Fed: CA: CNPS:	None None 1B.2	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Convolvulus simulans</i> small-flowered morning-glory	Fed: CA: CNPS:	None None 4.2	Found in clay and serpentinite seeps within chaparral (openings), coastal scrub, valley and foothill grassland. Found at elevations ranging from 98 to 2,297 feet. Blooming period is from March to July.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Cuscuta obtusiflora var. glandulosa</i> Peruvian dodder	Fed: CA: CNPS:	None None 2B.2	Found in freshwater marshes and swamps. Grows at elevations ranging from 49 to 919 feet. Blooming period is from July to October.	No          <b>Presumed absent.</b> No suitable habitat is present on-site.

<i>Dodecahema leptoceras</i> slender-horned spineflower	Fed: <b>END</b> CA: <b>END</b> CNPS: 1B.1	Chaparral, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes. Found at elevations ranging from 1,181 to 2,690 feet. Blooming period is from April to June.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Eriastrum densifolium ssp. sanctorum</i> Santa Ana River woollystar	Fed: <b>END</b> CA: <b>END</b> CNPS: 1B.1	Grows in sandy or gravelly soils within chaparral and coastal scrub habitat. Found at elevations ranging from 299 to 2,001 feet. Blooming period is from April to September.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Imperata brevifolia</i> California satintail	Fed: None CA: None CNPS: 2B.1	Occurs in mesic sites, alkali seeps, and riparian areas within coastal scrub, chaparral, riparian scrub, Mojavean scrub, and alkali meadows and seeps. From 0 to 1,640 feet in elevation. Blooming period is from September to May.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Juglas californica</i> southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Lepidium virginicum var. robinsonii</i> Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Malacothamnus parishii</i> Parish's bush-mallow	Fed: None CA: None CNPS: 1A	Grows in chaparral and coastal scrub habitats. Found at elevations ranging from 1,001 to 1,493 feet. Blooming period is from June to July.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<i>Ribes divaricatum var. parishii</i> Parish's gooseberry	Fed: None CA: None CNPS: 1A	Found in riparian woodland and other riparian habitats. Found at elevations ranging from 213 to 984 feet. Blooming period is from February to April.	No	<b>Presumed absent.</b> No suitable habitat is present on-site.
<b>SPECIAL-STATUS PLANT COMMUNITIES</b>				
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring, but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	<b>Absent</b>
Southern Coast Live Oak Riparian Forest	CDFW Sensitive Habitat	Open to locally dense evergreen riparian woodlands dominated by coast live oak ( <i>Quercus agrifolia</i> ). This type appears to be richer in herbs and poorer in understory shrubs than other riparian communities. Bottomlands and outer floodplains along larger streams, on fine-grained, rich alluvium. Canyons and valleys of coastal southern California.	No	<b>Absent</b>
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Occurs below 2,000 meters in elevation, sycamore and alder often occur along seasonally-flooded banks; cottonwoods and willows are also often present. Poison oak, mugwort, elderberry and wild raspberry may be present in understory.	No	<b>Absent</b>

<b>U.S. Fish and Wildlife Service (USFWS) - Federal</b>	<b>California Department of Fish and Wildlife (CDFW) - California</b>	<b>California Native Plant Society (CNPS)</b>	<b>Threat Ranks</b>
END- Federal Endangered	END- California Endangered	<b>California Rare Plant Rank</b>	0.1- Seriously threatened in California
THR- Federal Threatened	CSC- California Species of Concern	1A- Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere	0.2- Moderately threatened in California
Candidate END – Under Review	WL- Watch List	1B- Plants Rare, Threatened, or Endangered in California and Elsewhere	0.3- Not very threatened in California
DL - Delisted	FP- California Fully Protected	2B- Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere	
	DL - Delisted	4- Plants of Limited Distribution – A Watch List	

## **Attachment D**

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Regulations

*Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.*

## **Federal Regulations**

### ***Endangered Species Act of 1973***

As defined within the Federal Endangered Species Act (FESA) of 1973, an endangered species is any animal or plant listed by regulation as being in danger of extinction throughout all or a significant portion of its geographical range. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future throughout all or a significant portion of its geographical range. Without a special permit, federal law prohibits the “take” of any individuals or habitat of federally listed species. Under Section 9 of the FESA, take is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” The term “harm” has been clarified to include “any act which actually kills or injures fish or wildlife, and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” The presence of any federally threatened or endangered species within a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the FESA, the United States Fish and Wildlife Service (USFWS) may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an FESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If the USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

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

Pursuant to the Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) of 1918, as amended in 1972, federal law prohibits the taking of migratory birds or their nests or eggs (16 USC 703; 50 CFR 10, 21). The statute states:

*Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill...any migratory bird, any part, nest, or egg of any such bird...included in the terms of the [Migratory Bird] conventions...*

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

### **State Regulations**

#### ***California Environmental Quality Act (CEQA)***

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

#### ***California Endangered Species Act (CESA)***

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

### ***Fish and Game Code***

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds’ nest or any birds’ eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

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

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at

least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

***California Native Plant Society Rare and Endangered Plant Species***

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3- Plants about Which More Information is Needed - A Review List
- 4- Plants of Limited Distribution - A Watch List

Threat Ranks

- .1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

## **Federal Regulations**

### ***Section 404 of the Clean Water Act***

Since 1972, the Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the filling of “waters of the U.S.,” including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). The Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the CWA. The Corps and EPA define “fill material” to include any “material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States.” Examples include, but are not limited to, sand, rock, clay, construction debris, wood chips, and “materials used to create any structure or infrastructure in the waters of the United States.” In order to further define the scope of waters protected under the CWA, the Corps and EPA published the Clean Water Rule on June 29, 2015. Pursuant to the Clean Water Rule, the term “waters of the United States” is defined as follows:

- (i) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (ii) All interstate waters, including interstate wetlands<sup>1</sup>.
- (iii) The territorial seas.
- (iv) All impoundments of waters otherwise defined as waters of the United States under the definition.
- (v) All tributaries<sup>2</sup> of waters identified in paragraphs (i) through (iii) mentioned above.
- (vi) All waters adjacent<sup>3</sup> to a water identified in paragraphs (i) through (v) mentioned above, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

<sup>1</sup> The term *wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

<sup>2</sup> The terms *tributary* and *tributaries* each mean a water that contributes flow, either directly or through another water (including an impoundment identified in paragraph (iv) mentioned above), to a water identified in paragraphs (i) through (iii) mentioned above, that is characterized by the presence of the physical indicators of a bed and banks and an ordinary high water mark.

<sup>3</sup> The term *adjacent* means bordering, contiguous, or neighboring a water identified in paragraphs (i) through (v) mentioned above, including waters separated by constructed dikes or barriers, natural river berms, beach dunes, and the like.

- (vii) All prairie potholes, Carolina bays and Delmarva bays, Pocosins, western vernal pools, Texas coastal prairie wetlands, where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (i) through (iii) mentioned above.
- (viii) All waters located within the 100-year floodplain of a water identified in paragraphs (i) through (iii) mentioned above and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (i) through (v) mentioned above, where they are determined on a case-specific basis to have a significant nexus to a waters identified in paragraphs (i) through (iii) mentioned above.

The following features are not defined as “waters of the United States” even when they meet the terms of paragraphs (iv) through (viii) mentioned above:

- (i) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act.
- (ii) Prior converted cropland.
- (iii) The following ditches:
  - (A) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
  - (B) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
  - (C) Ditches that do not flow, either directly or through another water, into a water of the United States as identified in paragraphs (i) through (iii) of the previous section.
- (iv) The following features:
  - (A) Artificially irrigated areas that would revert to dry land should application of water to that area cease;
  - (B) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;
  - (C) Artificial reflecting pools or swimming pools created in dry land;
  - (D) Small ornamental waters created in dry land;
  - (E) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;
  - (F) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of a tributary, non-wetland swales, and lawfully constructed grassed waterways; and
  - (G) Puddles.
- (v) Groundwater, including groundwater drained through subsurface drainage systems.
- (vi) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

- (vii) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

### ***Section 401 of the Clean Water Act***

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

### **State Regulations**

#### ***Fish and Game Code***

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

- (1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake;  
or
- (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

***Porter Cologne Act***

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state’s authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although “waste” is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.