FOCUSED DESERT TORTOISE SURVEY

TENTATIVE PARCEL MAP NO. 19569
APN 3070-141-17

SAN BERNARDINO COUNTY, CALIFORNIA
(USGS Baldy Mesa, CA Quad.; Township 4 North, Range 6 West, Section 3)

Owner/Applicant

Mr. David Rashidian
29 Echo Run Street
Irvine, CA 92614

Prepared by:

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Hesperia, California 92345
Principal Investigators
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Report prepared by: Randall Arnold
(760) 956-9212

Project No: RCA#2014-75AUpdated

July 10, 2018
(Date report prepared)

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EXECUTIVE SUMMARY

The project proponent is proposing a tentative parcel map (TMP No. 19569) for a 10 acre parcel northeast of Phelan, CA in San Bernardino County, CA (Township 4 North, Range 6 West, Section 3) (Figures 1, 2, and 3). The site currently supports a relatively undisturbed creosote bush community. The common perennials observed included creosote bush (*Larrea tridentata*), Joshua tree (*Yucca brevifolia*), yellow-green matchweed (*Gutierrezia sarothrae*), and burrobush (*Franseria dumosa*). Common annuals on the site included schsimus (*Schismus barbatus*), brome grasses (*Bromus sp.*), and ricegrass (*Oryzopsis hymenoides*).

The property is located within the known distribution of the desert tortoise; therefore, focused updated surveys were performed for the tortoise on July 10, 2018. Surveys were performed from approximately 0700 to 1100 hours. Surveys were not conducted in the zone of influence due to the presence of houses and private property to the north, south, east, and west. The surveys were performed by Randall Arnold using the standard survey protocol for the species as required by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS).

No desert tortoises, tortoise burrows or tortoise scats were observed on the site during the field investigation conducted by RCA Associates, Inc. on July 10, 2018. Furthermore, the species is unlikely to move onto the site in the future given the presence of numerous houses in the immediate area. The results of the focused tortoise survey are provided in the following sections.

1.0 PROJECT AND PROPERTY DESCRIPTION

The property is located at the southeast corner of Middleton Road and Seventh Street, Township 4 North, Range 6 West, Section 3 in San Bernardino County, California (Figures 1 and Figure 2). The site is approximately 10-acres in size and currently supports an undisturbed creosote bush plant community. The site is dominated by creosote bush (*Larrea tridentata*), Joshua tree (*yucca brevifolia*), yellow-green matchweed (*Gutierrezia sarothrae*), and burrobush (*Franseria dumosa*) (Figure 3). See Section 4.0 for a more detailed discussion of the biological resources.

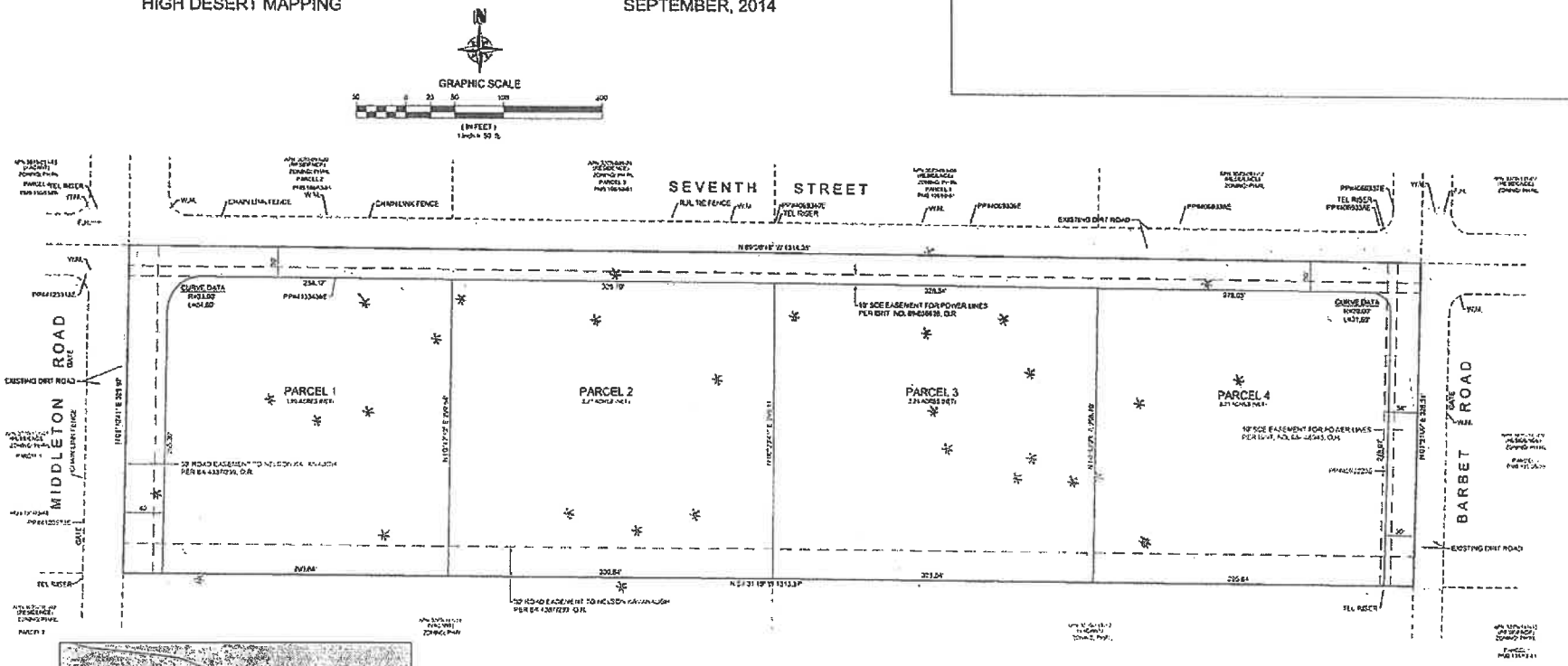
The proponent is proposing to subdivide the site into 4 parcels (1.99-acres, 2.27-acres, 2.24-acres & 2.03-acres) as part of Tentative Parcel Map No. 19569 (Figure 1). Elevations ranged from about 3,550 to 3,570 feet (MSL) with a slight slope to the north (Figure 2). Soils consisted of sandy loam with a few small rocks. The site is bordered on the north, south, east and west by existing single family homes.

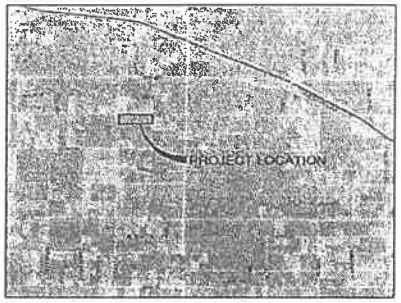
The USGS Baldy Mesa, CA Quadrangle does not show any blueline channels on the site, and no streams, desert washes or other water features were observed during the July 10, 2018 field investigations. No wildlife corridors bisect the property, and no sensitive wildlife species were observed during any of the biological surveys conducted on the site. Weather conditions during the July field investigations consisted of winds of 0 to 5 mph from the south, temperatures of 60 to 65 (°F) (AM) with no cloud coverage.

TENTATIVE PARCEL MAP NO. 19569

BEING A SUBDIVISION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE WEST ONE-HALF OF LOT ONE, OF THE NORTHEAST ONE-QUARTER SECTION 3, T4N, R6W, S.B.M., IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

HIGH DESERT MAPPING SEPTEMBER, 2014





VICINITY MAP
NOT TO SCALE

811 Know what's below. Call before you dig.

OWNER:
AFROUZ RASHIDIAN
29 ECHO RUN
IRVINE, CA 92614
(559) 270-1222

REPRESENTATIVE:
HIGH DESERT MAPPING
16704 MEENACH ROAD
APPLE VALLEY CA 92307
(760) 500-8555

STATISTICS:
APN 0472-141-17
AREA: 9.93 ACRES (GROSS)
AREA: 8.93 ACRES (NET)
THIS PARCEL MAP CONTAINS 4 PARCELS
EXISTING ZONING PMRL
NO ZONE CHANGE IS PROPOSED

BENCHMARK:
NGS BM V-1290

BRASS DISK LOCATED APPROXIMATELY 195 NORTH EAST OF THE INTERSECTION OF PHELAN ROAD AND SOUTHERN PACIFIC RAILROAD

ELEVATION = 3700.67

LEGAL DESCRIPTION:
NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE WEST ONE-HALF OF LOT ONE, OF THE NORTHEAST ONE-QUARTER SECTION 3, T4N, R6W, S.B.M.

UTILITY SUPPLIERS:
WATER — PHELAN-PINON HILLS COMMUNITY SERVICES DISTRICT, PO BOX 294, PHELAN, CA 92371, (760) 868-1212
SEWER — NONE (SEPTIC SYSTEMS)
ELECTRIC — SOUTHERN CALIFORNIA EDISON, 16032 BEAR VALLEY ROAD, VICTORVILLE, CA, (760) 241-3201
TELEPHONE — VERIZON, 13455 LAPAZ DRIVE, VICTORVILLE, CA
CABLE TV — CHARTER COMMUNICATIONS, 12450 BUSINESS CENTER DRIVE, VICTORVILLE CA
GAS — NONE (PRIVATE PROPANE)

LEGEND:
INDICATES JOSHUA TREE
INDICATES YUCCA
INDICATES GUY ANCHOR
INDICATES EXISTING CONTOUR
INDICATES POWER POLE
INDICATES EXISTING WIRE FENCE
INDICATES EXISTING CHAIN LINK FENCE

FIGURE 1

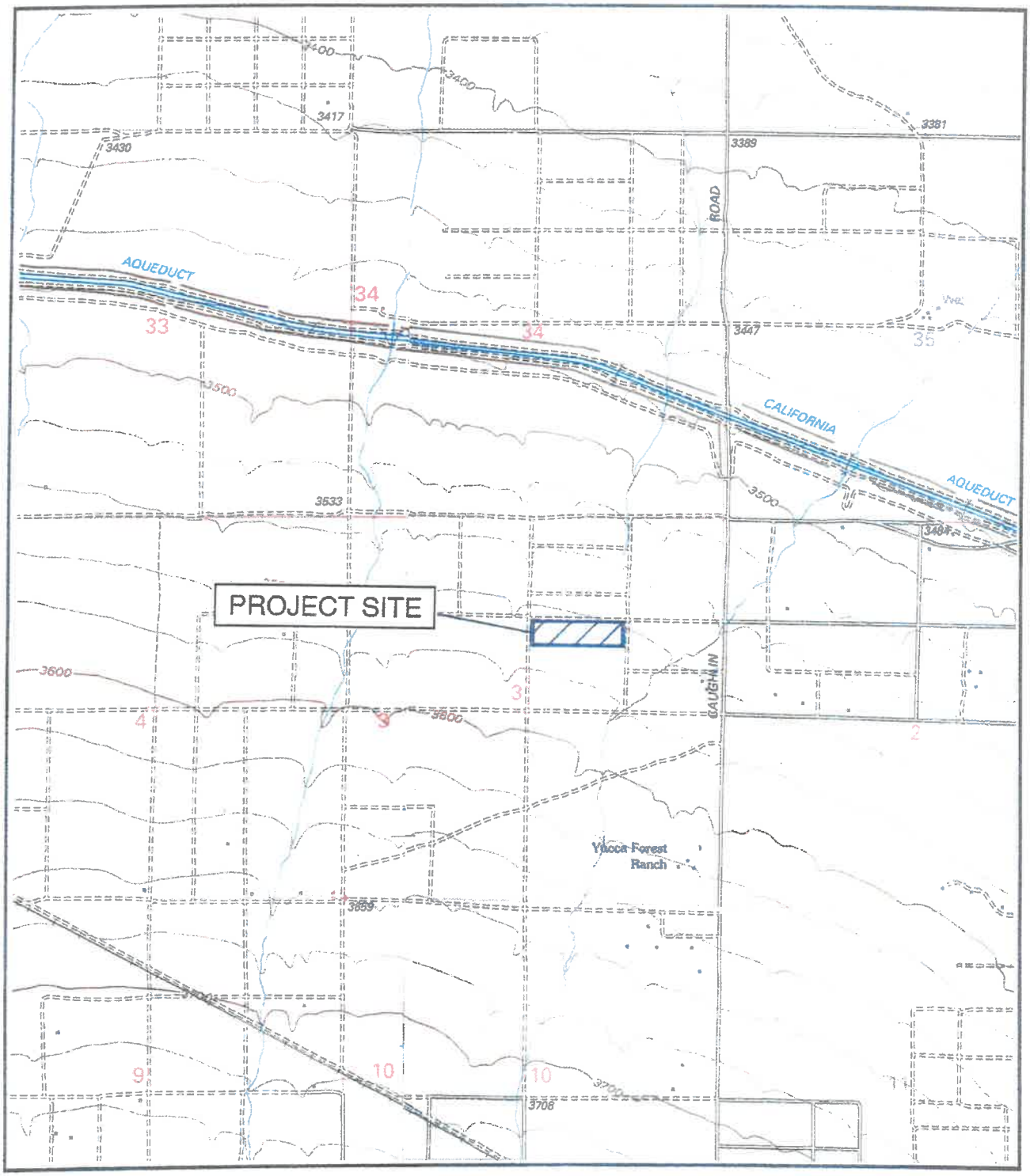
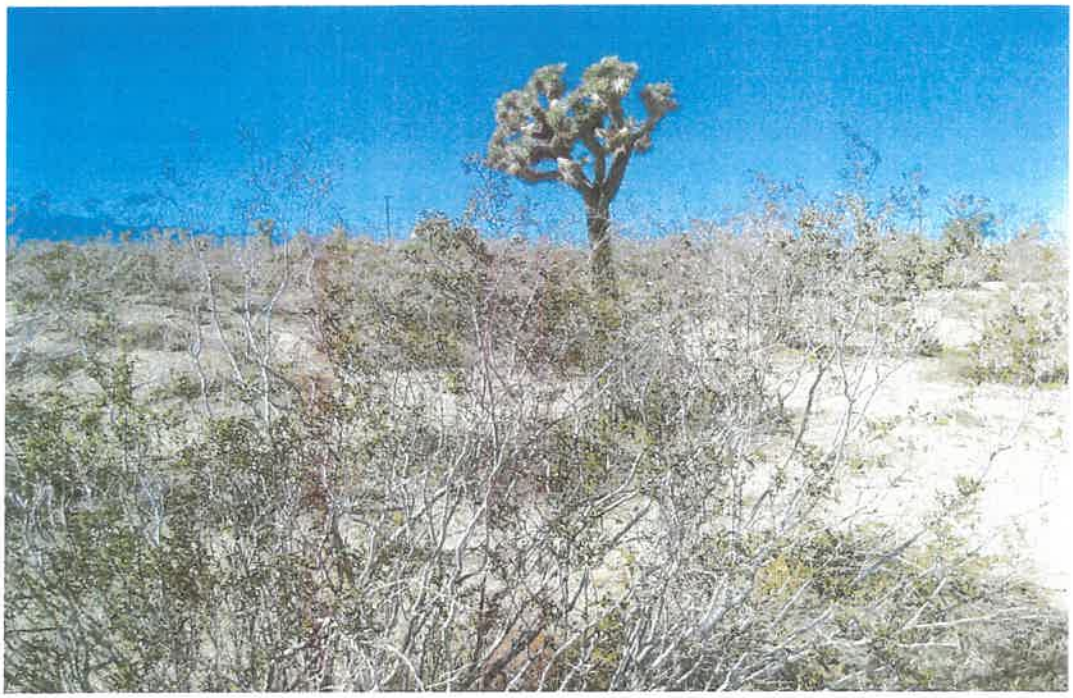


FIGURE 2
PROPERTY LOCATION
(Tentative Parcel 19569)
(Source: USGS Baldy Mesa, CA Quad., 1996)

CENTER OF SITE LOOKING EAST

CENTER OF SITE LOOKING NORTH

FIGURE 3
PHOTOGRAPHS OF SITE
(TENTATIVE PARCEL MAP NO. 19569)



CENTER OF SITE LOOKING WEST

CENTER OF SITE LOOKING SOUTH

FIGURE 3- cont.
PHOTOGRAPHS OF SITE
(TENTATIVE PARCEL MAP NO. 19569)

2.0 LITERATURE AND RECORDS REVIEW

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed prior to initiation of field surveys to determine if the tortoises have been documented on the site or in the area surrounding the property. Based on the literature review and evaluation of the CNDDB database for the Baldy mesa quadrangle, it was determined that the site is located within the general distribution of the desert tortoise (Table 1). In addition, populations of desert tortoises have been identified about 4.5-miles southeast of the property according to the CNDDB (Occurrence #66; 2018).

Tortoise population levels in the immediate area surrounding the site are expected to be relatively low (BLM, 1990). There are no USFWS designated critical habitats for the tortoise in the immediate area nor is there any proposed critical habitat in the area. The protocol survey results outlined in this report are valid for one year as per CDFW and USFWS requirements, and an additional survey may be required if the 12-month time limit is exceeded before development activities are completed. However, regardless of the results of the tortoise survey, desert tortoises cannot be taken under State and Federal law. The survey report and any mitigation included do not constitute authorization for incidental take of the desert tortoise. If tortoises are observed during future activities on the property, CDFW and USFWS should be contacted.

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

3.0 METHODOLOGY

The site was surveyed for desert tortoises by Randall Arnold, and as required by the CDFW and USFWS survey protocol, 10 meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for tortoises and/or tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were not conducted due to the presence of existing houses and private property to the north, south, east, and west. All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable tortoise foraging habitat. Surveys were performed on the site and in the surrounding area from about 0730 to about 1130 hours on each survey day.

USFWS and CDFW specify when surveys for tortoises can be conducted (i.e., April through May and September through July); therefore, surveys were performed on July 10, 2018. Comprehensive surveys combined with identification of the habitat on the site and in the surrounding area will provide data on the potential presence or absence of tortoises. Temperatures during the July survey were in the 60's to 65's (AM, °F) with wind speeds of about 0 to 5 mph (mainly from the south), and no cloud coverage. No precipitation was recorded during the survey.

Limitations:

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

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

4.0 GENERAL BIOLOGICAL SURVEY RESULTS

A creosote bush community covers the entire site and is relatively undisturbed. Most of the vegetation throughout the site consists of moderately tall creosote bushes (1 to 5 feet) and other shrubs about 1 to 3 feet in height (Figure 3). About thirty Joshua trees (*Yucca brevifolia*) were also scattered throughout the site. Creosote bush (*Larrea tridentata*), Joshua trees, and burrobush (*Franseria dumosa*) were the most common perennials. (Appendix A, Tables 2). Annuals scattered throughout adjacent areas included schsimus (*Schismus barbatus*), brome grasses (*Bromus sp.*), and ricegrass (*Oryzopsis hymenoides*). Figure 4 depicts the general biological resources present on the site and in the surrounding area.

Ravens (*Corvus corax*), desert cottontail (*sylvilagus audubonii*), sage sparrows (*Artemisiospiza*), and side-blotched lizards (*Uta stansburiana*) were the only wildlife species observed during the July 2018 surveys. Coyotes (*Canis latrans*), which are the most common carnivore in the desert, occasionally traverse the site during hunting activities as indicated by the presence of scats and tracks. Other common species which may occur on the site include California ground squirrels (*Spermophilus beecheyi*), western whiptail lizards (*Cnemidophorus tigris*), and desert spiny lizards (*Sceloporus magister*) (Appendix A, Table 3). No distinct wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife observed.

FIGURE 4
AERIAL VIEW OF SITE
(TMP NO. 19569, NOT TO SCALE)

5.0 RESULTS OF FOCUSED SURVEY

No desert tortoises or scats were observed within the boundaries of the property or in the zone of influence during the July 10, 2018 survey. The absence of tortoises and tortoise sign (e.g., burrows, scats, etc.) on the property indicates that the species has not occurred on the property. The population levels in the general area surrounding the site have seen a decline over the last two decades due to several factors such as disease, habitat loss, and significant predation of the young by ravens. Based on the results of the field investigations and the current population levels, it is the opinion of RCA Associates, Inc. that tortoises are not expected to migrate onto the site in the near future due to the presence of houses in the immediate area.

6.0 IMPACTS AND RECOMMENDATIONS

6.1 SIGNIFICANT CRITERIA

The California Environmental Quality Act (CEQA) Guidelines define "significant effect on the environment" as a "substantial or potentially substantial adverse change in the environment." The CEQA Guidelines further indicate that there may be significant effect on biological resources if a project will:

1. Cause a fish or wildlife population to drop below self-sustaining levels.
2. Threaten or eliminate a plant or animal community.
3. Substantially affect, reduce the number, or restrict the range of unique, rare, or endangered species of animal or plant, or the habitat of the species.
4. Substantially diminish or reduce habitat for fish, wildlife, or plants.
5. Interfere substantially with the movement of resident or migratory fish and wildlife species.
6. Change the diversity of species, or number of any species of plants or animals.
7. Introduce new species of plants and animals into an area, or act as a barrier to the normal replenishment of existing species.
8. Deteriorate existing fish and wildlife habitat.
9. Conflict with any approved regional Habitat Conservation Plan.

6.2 IMPACTS

Would the proposed project cause a fish and wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community (CEQA Guidelines, Section 15065)?:

Future development activities associated with the parcel map are not expected to cause any direct or indirect mortality of the tortoise nor is the project expected to decrease the overall carrying capacity for any wildlife species in the project area or eliminate a plant or animal community

Would the proposed project substantially diminish or reduce habitat for fish, wildlife, or plants (CEQA Guidelines, Section 15065)?:

Loss of 10-acres of creosote bush habitat would not be considered an adverse impact due to the absence of desert tortoises on the site. In addition, the habitat on the site is similar to that in the immediate surrounding area and loss of 10-acres of creosote bush would not be considered an adverse cumulative impact.

Would the proposed project interfere substantially with the movement of resident or migratory fish or wildlife species (CEQA Guidelines, Section 15065)?:

Although future development activities would result in the loss of 10-acres of a creosote bush community, future development of the property is not expected to have a significant impact on the movement of any resident or migratory fish or wildlife (including the desert tortoise). No migratory corridors occur within the boundaries of the property.

Would the proposed project conflict with any approved Habitat Conservation Plans (HCP) (CEQA Guidelines, Section 15065)?:

Future development activities will not conflict with any HCP being prepared for any other project in the area.

Would the proposed project change the diversity of species, or number of any species of plants (CEQA Guidelines, Section 15065)?:

Future development activities will not change the diversity of species or number of any species, nor will the proposed project have an adverse impact on the tortoise population levels in the region. In addition, future construction of single-family houses on the site is not expected to cause a disruption of any continuity of any important wildlife habitat or habitat/wildlife corridors.

6.3 RECOMMENDATIONS

No additional investigations are recommended at this time; however, the results of the tortoise survey are only valid for 12-months based on CDFW and USFWS requirements. Additional tortoise surveys may be required if development activities do not occur by July 27, 2015. In addition, the property cannot be modified, graded, or cleared prior to receipt of approval of future development activities. Such action prior to project approval may violate State and Federal endangered species laws and may be considered grounds for denial of the project. Mitigation and restoration plans may also be required under such actions. Although the proposed project is not expected to have any adverse impact on the desert tortoise, CDFW and USFWS should be contacted for concurrence with the conclusions presented in this report as per agency requirements.

7.0 PROPOSED MITIGATION MEASURES

The site does not support tortoises at the present time and the proposed project is not expected to impact the species. No mitigation measures are proposed at the present time; however, CDFW and USFWS may require implementation of "standard" measures during future construction activities such as (1) Participation of all construction personnel in a "desert tortoise awareness" program; (2) Minimize cross-country vehicle use during the construction phase; (3) Keep vehicle speeds to 20-mph on the site; and (4) Implement proper disposal of all trash and construction waste to minimize the presence of ravens. In addition, if tortoises are observed on the property during future construction activities, CDFW and USFWS should be contacted to initiate consultations, and to discuss additional mitigation measures which may be required. CDFW and USFWS are the only agencies which can grant authorization for the "take" of the desert tortoise.

8.0 REFERENCES

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1989 The Desert Tortoise Emergency and Proposed Listing. Portland , OR.

1989 Endangered and Threatened Wildlife and Plants; Desert Tortoise; Proposed Rule. Federal Register 50 CFR Part 17:42270-42278.

1990 Desert Tortoise Density Category Designation Maps. Maps obtained from Ray Bransfield, U.S.F.W.S. biologist, Laguna Niguel office, Laguna Niguel, CA.

TABLES

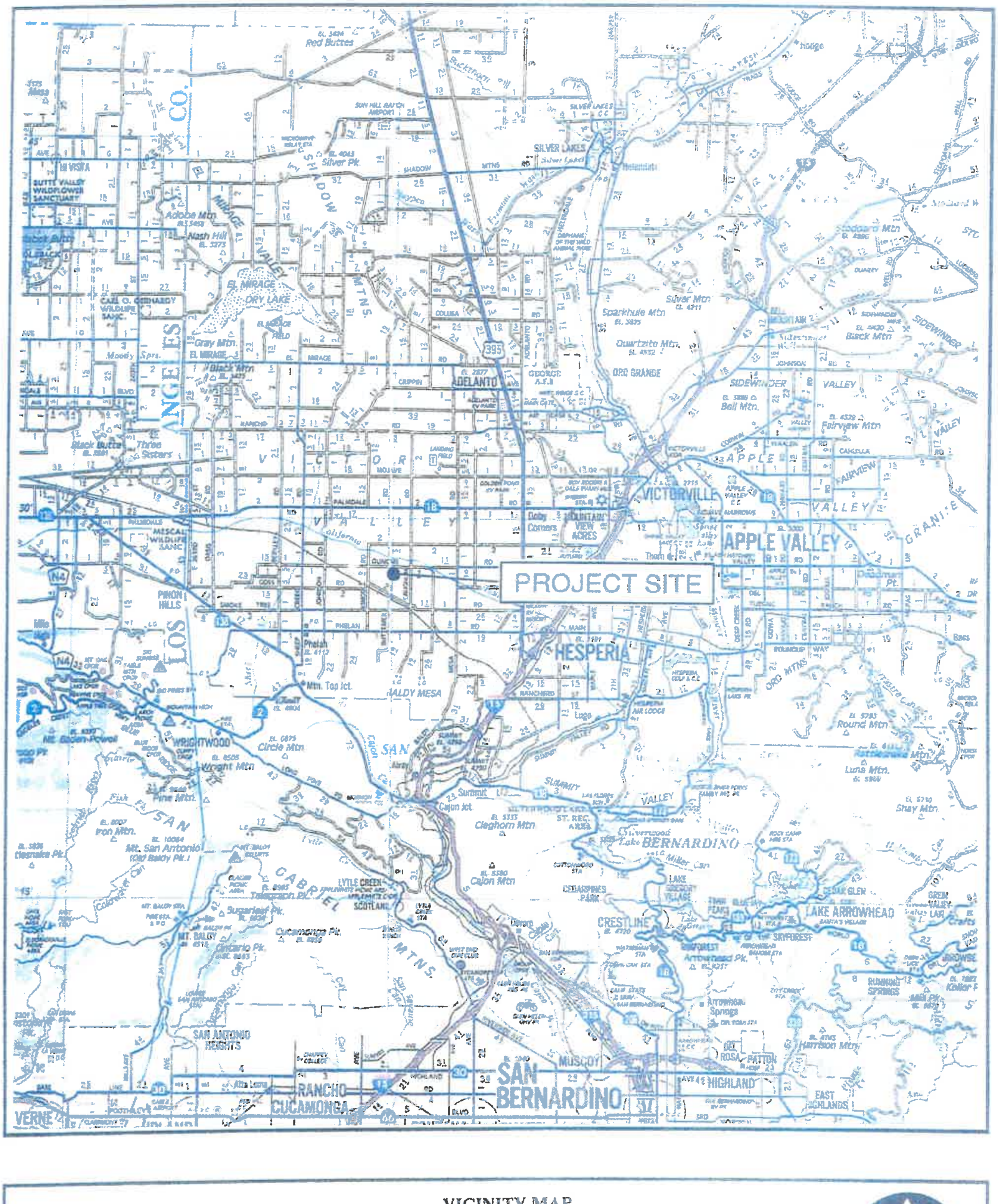
Desert Tortoise Occurrences

Table 1: Desert tortoise occurrences in surrounding area based on California Natural Diversity Data Base (CNDDB; 2018). (T = Threatened).

Name	Listing Status	Habitat Requirements	Presence/Absences	Comments
Desert tortoise (*Gopherus agassizii*)	Federal: T State: T	Desert scrub communities.	Site does not support any tortoises based on the results of the July 10, 2018 survey.	Property is located within the documented distribution of species (Occ. #4.5-miles southeast of site., CNDDB, 2018)

FIGURES

Vicinity Map

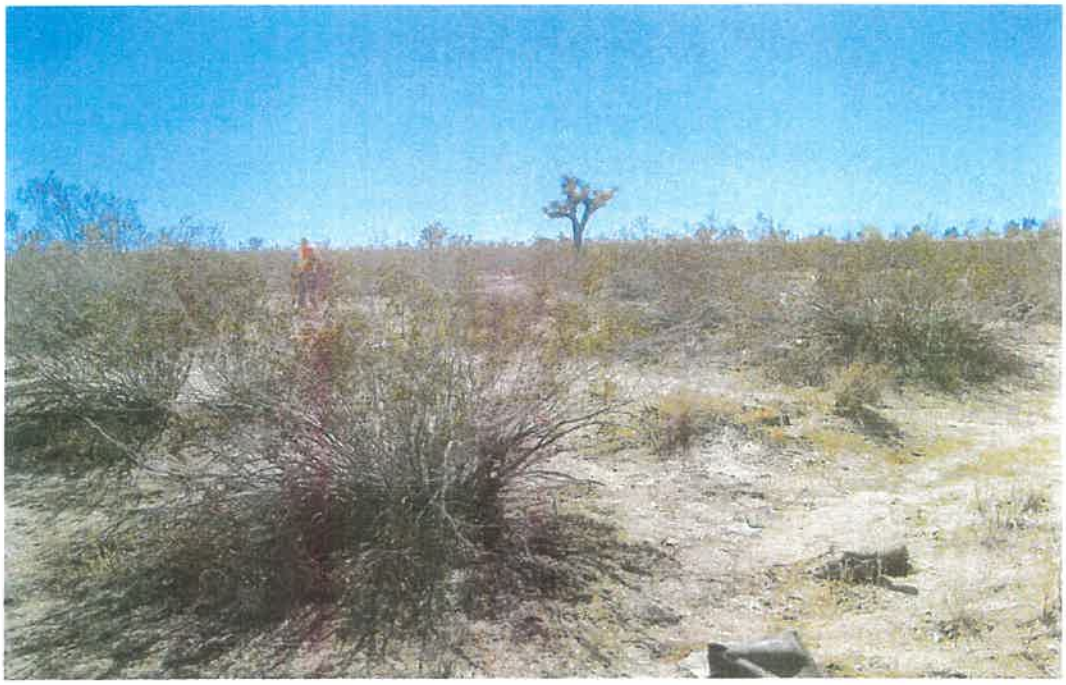


VICINITY MAP

(Tentative Parcel 19569)
(Source: ACSC Map Source, 2014)

SITE PHOTOGRAPHS

SOUTHWEST CORNER LOOKING NORTHEAST



NORTHWEST CORNER LOOKING SOUTHEAST

SITE PHOTOGRAPHS
(TENTATIVE PARCEL MAP NO. 19569)

APPENDIX A

Flora and Fauna Compendia

Table 2 - Plants observed on the site and in the immediate surrounding area.

Common Name	Scientific Name	Location
Yellow-green matchweed	*Gutierrezia sarothrae*	On-site & ZOI.
Joshua tree	*Yucca brevifolia*	"
Burrobush	*Franseria dumosa*	"
Creosote bush	*Larrea tridentata*	"
Ricegrass	*Oryzopsis hymenoiddes*	"
Brome grasses	*Bromus sp.*	"
Schismus	*Schismus barbatus*	"

ZOI = Zone of Influence (surrounding area)

Table 3 - Wildlife observed on the site and those species expected to occur in surrounding area.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site & ZOI
Song sparrow	*Melospiza melodia*	ZOI
Mourning dove	*Zenaida macroura*	"
Side-blotched lizard	*Uta stansburiana*	May occur on-site.
Western whiptail lizard	*Cnemidophorus tigris*	"
Desert spiny lizard	*Sceloporus magister*	"
Desert cottontail rabbit	*Sylvilagus auduboni*	On-site
Coyotes	*Canis latrans*	On-site & ZOI
California ground squirrel	*Spermophilus beecheyi*	May occur on-site & ZOI
Jackrabbit	*Lepus californica*	On-site & ZOI

ZOI = Zone of Influence (surrounding area)

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which were identified on the site during the one-day survey or which are common in the region.

APPENDIX B

Certification

CERTIFICATION FOR DESERT TORTOISE SURVEY

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

Date: 7-10-2018 Signed: _____
Report Author

Field Work Performed By: Randall Arnold
Senior Biologist