

# **Biological Technical Report for the Pepper Clinic LLC Development Project**

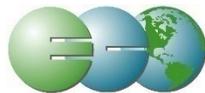
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**San Bernardino County, California**

**Prepared For:**

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**TABLE OF CONTENTS**

1.0 INTRODUCTION ..... 1

    1.1 Project Description and Location..... 1

2.0 FEDERAL, STATE, AND LOCAL REGULATIONS..... 1

    2.1 Federal Regulations..... 4

        2.1.1 The Federal Endangered Species Act ..... 4

        2.1.2 Migratory Bird Treaty Act..... 4

        2.1.3 Federal Clean Water Act ..... 4

    2.2 State and Local Regulations ..... 6

        2.2.1 California Endangered Species Act..... 6

        2.2.2 Fully Protected Species ..... 6

        2.2.3 California Fish and Game Code ..... 7

        2.2.4 Porter-Cologne Water Quality Act ..... 8

        2.2.5 San Bernardino County Biotic Resources Overlay ..... 9

        2.2.6 California Environmental Quality Act Significance Criteria ..... 9

        2.2.7 City of Colton ..... 10

3.0 METHODS ..... 11

    3.1 Literature Review..... 11

    3.2 Field Surveys ..... 13

        3.2.1 Biological Reconnaissance Survey ..... 13

        3.2.2 Delhi Sands Flower-Loving Fly Habitat Assessment..... 13

4.0 RESULTS..... 14

    4.1 Literature Review..... 14

        4.1.1 Special-Status Plants and Wildlife ..... 14

        4.1.2 U.S. Fish and Wildlife Service Designated Critical Habitat ..... 14

        4.1.3 Aquatic Resources..... 14

    4.2 Biological Reconnaissance Survey..... 14

        4.2.1 Property Characteristics..... 17

        4.2.2 Vegetation Communities and Land Cover Types ..... 17

        4.2.3 Plants..... 20

        4.2.4 Wildlife..... 20

        4.2.5 Potential for Special-Status Plant and Wildlife Species to Occur in the Project Area  
..... 20

        4.2.6 Raptors and Migratory Birds..... 30

        4.2.7 Aquatic Resources..... 30

4.2.8	Wildlife Movement Corridors, Linkages, and Native Wildlife Nursery Sites .....	30
4.3	Delhi Sands Flower-Loving Fly Habitat Assessment .....	31
5.0	IMPACT ANALYSIS.....	31
5.1	Area to be Developed .....	32
5.1.1	Special Status Species.....	32
5.1.2	Sensitive Natural Communities.....	35
5.1.3	State and Federally Protected Wetlands and Waters of the United States.....	35
5.1.4	Wildlife Corridors and Nursery Sites.....	35
5.1.5	Local Policies, Plans, Ordinances and Habitat Conservation Plans.....	36
5.2	Proposed Conservation Area.....	36
5.2.1	Special-Status Species.....	36
5.2.2	Sensitive Natural Communities.....	40
5.2.3	State and Federally Protected Wetlands and Waters of the United States.....	40
5.2.4	Wildlife Corridors and Nursery Sites.....	41
5.2.5	Local Policies, Plans, Ordinances and Habitat Conservation Plans.....	41
6.0	MITIGATION MEASURES AND RECOMMENDATIONS.....	42
6.1	Additional Recommendations .....	45
6.1.1	Lighting/Glare.....	45
6.1.2	Recommended Practices .....	46
7.0	CERTIFICATION.....	47
8.0	LITERATURE CITED .....	48

**LIST OF TABLES**

Table 1.	Weather Conditions During the Biological Reconnaissance Survey.....	17
Table 2.	Vegetation Community Acreages Within the Project Area .....	19
Table 3.	California Rare Plant Rank Status Designations.....	21
Table 4.	Weather Conditions During the Delhi Sands Flower-Loving Fly Habitat Assessment.....	31

**LIST OF FIGURES**

Figure 1.	Project Vicinity .....	2
Figure 2.	Project Location.....	3
Figure 3.	National Wetlands Inventory .....	15
Figure 4.	Natural Resources Conservation Service Soil Types.....	16
Figure 5.	Vegetation Communities, Land Cover Types, and Biological Survey Results.....	18

**LIST OF APPENDICES**

- Appendix A – Representative Site Photographs
- Appendix B – Plant Species Observed
- Appendix C – Wildlife Species Observed
- Appendix D – Special-Status Plant Species Potential for Occurrence
- Appendix E – Special-Status Wildlife Species Potential for Occurrence
- Appendix F – Delhi Sands Flower-Loving Fly Habitat Assessment

**LIST OF ACRONYMS AND ABBREVIATIONS**

<b>Term</b>	<b>Definition</b>
°F	degrees Fahrenheit
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society’s Electronic Inventory
CRPR	California Rare Plant Rank
CWA	Clean Water Act
ECORP	ECORP Consulting, Inc.
ESA	Endangered Species Act
FR	Federal Register
GPS	Global Positioning System
HCP	Habitat Conservation Plan
MBTA	Migratory Bird Treaty Act
mph	miles per hour
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OHWM	Ordinary High-Water Mark
Procedures	Procedures for Discharges of Dredged or Fill Material to Waters of the State
Project	Pepper Clinic LLC Development Project
PUS	palustrine, unconsolidated shore
RLC	Rivers and Lands Conservancy
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SSC	California Species of Special Concern
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WEAP	Worker Environmental Awareness Program
WOTUS	Waters of the United States

## 1.0 INTRODUCTION

ECORP Consulting, Inc. (ECORP) conducted a biological reconnaissance survey at an approximately 9-acre property Assessor's Parcel Number 025-071-10-0000 along N Pepper Avenue in the City of Colton, San Bernardino County, California. The survey was conducted to identify any potential biological resources that could be affected by the proposed Pepper Clinic LLC Development Project (Project) pursuant to the terms of the California Environmental Quality Act (CEQA), and for the purposes of identifying any biological constraints that would affect the proposed site plan for the Project. The Project will be subject to county, state, and federal regulations regarding compliance with the federal Endangered Species Act (ESA), California ESA, Migratory Bird Treaty Act (MBTA), Clean Water Act (CWA) regulations, California Fish and Game Code, and the West Valley Habitat Conservation Plan.

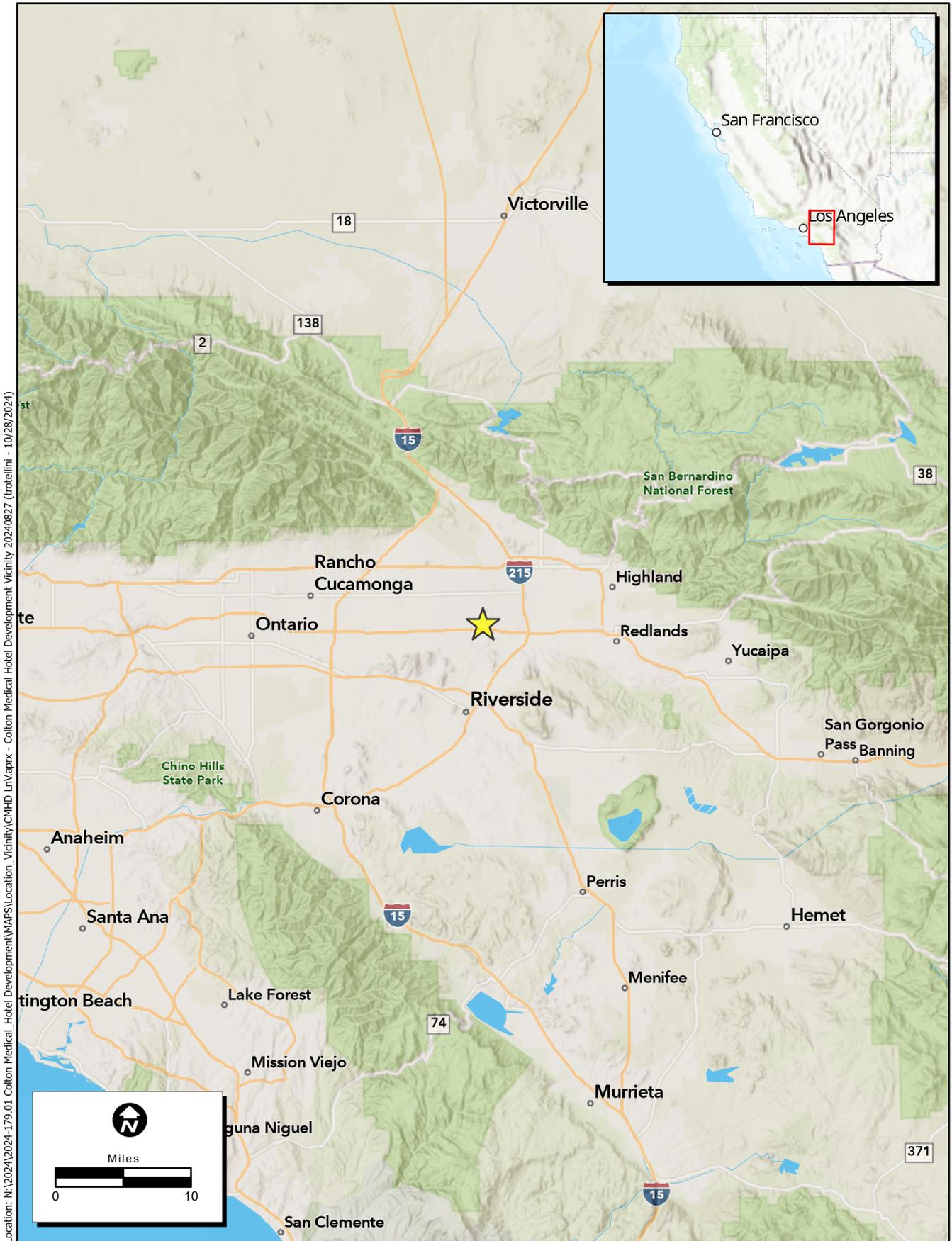
### 1.1 Project Description and Location

The Project proposes construction of a three-story 60,000-square-foot medical office clinic, a five-story 71,000-square-foot commercial hotel with 112 guestrooms, a three-story parking structure, and associated site improvements. For the purposes of this report, the Project Area refers to the entire approximately 9-acre property for the Pepper Clinic LLC Development. The Project Area is located within the West Valley Habitat Conservation Plan (HCP), which has delineated habitat within its planning area that can be developed and areas to be conserved as habitat for the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*), both of which occur within the Project Area. The proposed development is planned to occur over 3.84 acres along North Pepper Avenue (referred to hereafter as Area to be Developed) in a developable area of the West Valley HCP. The remaining 5.1 acres of the property is proposed to be reserved for habitat conservation purposes (referred to hereafter as Proposed Conservation Area) in accordance with the West Valley HCP.

The Project Area is located in Section 24 Township 1 South, Range 5 West in the San Bernardino Baseline Meridian as depicted on the San Bernardino South, California, U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map. The Project Area is located north of Interstate (I-) 10, south I-210, west of I-215 and east of I-15 in the City of Colton, California (Figures 1 and 2). The elevation of the Project Area ranges from approximately 1,070 to 1,090 feet above Mean Sea Level (MSL).

## 2.0 FEDERAL, STATE, AND LOCAL REGULATIONS

This biological reconnaissance survey was conducted to identify potential biological resource constraints on the Project and ensure compliance with federal, state, and local regulations regarding listed, protected, and special-status species and resources. The regulations are detailed below.



Location: N:\2024\2024-179.01 Colton Medical\_Hotel Development\_Vicinity\CWHD Ln\V.aprx - Colton Medical Hotel Development Vicinity 20240827 (trotellini - 10/28/2024)

Map Date: 9/19/2024  
Sources: ESRI

**Figure 1. Project Vicinity**



Figure 2. Project Location

## **2.1 Federal Regulations**

### **2.1.1 The Federal Endangered Species Act**

The federal ESA protects plants and animals that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service. Section 9 of the ESA prohibits the taking of endangered wildlife, where taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 U.S. Code 1538).

Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed (or proposed) species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity provided the activity will not jeopardize the continued existence of the species. Section 10 of the ESA provides for issuance of incidental take permits where no other federal actions are necessary provided a habitat conservation plan is developed.

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

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

### **2.1.3 Federal Clean Water Act**

Under Section 404 of the federal CWA, potential Waters of the United States (WOTUS), including wetlands, may be regulated by the U.S. Army Corps of Engineers (USACE). The limit of USACE jurisdiction for non-tidal watercourses (without adjacent wetlands) is defined in 33 CFR 328.4(c)(1) as the *Ordinary High-Water Mark* (OHWM).

The OHWM is defined as the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. The upstream limits of other waters are defined as the point where the OHWM is no longer perceptible.

Jurisdictional WOTUS are delineated in accordance with the "Revised Definition of 'Waters of the United States'" rule, published in the Federal Register (FR) in 2022 and which became final on January 18, 2023. This rule, set forth by the U.S. Environmental Protection Agency (USEPA) and USACE, was consistent with the pre-2015 regulatory definition as all waters that are currently used, or were used in the past, or may be susceptible to use in interstate commerce, including all waters subject to the ebb and flow of the tide. This definition also includes all interstate waters, including interstate wetlands, interstate lakes, rivers, streams (including all intermittent and ephemeral streams), mudflats, sand flats, sloughs, and prairie potholes, wet meadows, playa lakes, or natural ponds where the use, degradation, or destruction of which could affect interstate or foreign commerce. Under this rule, WOTUS do not include prior converted cropland.

The definition of WOTUS in accordance with this rule (40 CFR 230.3[s]), is summarized below.

1. 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;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters: (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the U.S. under the definition;
5. Tributaries of waters identified in paragraphs (s)(1)-(4) of this section;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not WOTUS.

On May 25, 2023, the U.S. Supreme Court adopted a narrower definition of WOTUS in the case *Sackett v. Environmental Protection Agency*. Under the majority opinion, WOTUS refers to "geographical features that are described in ordinary parlance as 'streams, oceans, rivers, and lakes' and to adjacent wetlands that are 'indistinguishable' from those bodies of water due to a continuous surface connection." On August 29, 2023, the agencies issued a final rule to amend the final "Revised Definition of 'Waters of the United

States” rule to conform the definition of “waters of the United States” to the U.S. Supreme Court’s May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*.

Parts of the January 2023 Rule are invalid under the U.S. Supreme Court’s interpretation of the CWA in the *Sackett* decision. Therefore, the agencies have amended key aspects of the regulatory text to conform to the Court’s decision. Key changes under the amendment include:

- Definition of “adjacent” is now “having a continuous surface connection;”
- Only tributaries that are relatively permanent, standing or continuously flowing bodies of water (or tributaries with a continuous surface connection to those) are considered jurisdictional;
- Interstate wetlands are no longer jurisdictional just by virtue of being interstate; and
- Significant nexus test is eliminated.

Where areas jurisdictional to the USACE are present, and will be impacted by a project, the project proponent must usually apply for permitting with the agency, which generally consists of submittal of a Pre-Construction Notification under Section 404 of the CWA. As of the writing of this report, we do not know the details of how the individual USACE offices will implement the conforming rule for permitting purposes.

## **2.2 State and Local Regulations**

### **2.2.1 California Endangered Species Act**

The California ESA generally parallels the main provisions of the ESA but, unlike its federal counterpart, the California ESA applies the take prohibitions to species proposed for listing (called “candidates” by the state). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the California Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The California ESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the California Department of Fish and Wildlife (CDFW) to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat.

### **2.2.2 Fully Protected Species**

The State of California first began to designate species as *fully protected* prior to the creation of the federal and California ESAs. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under the federal and/or California ESA. Previously, the regulations that implement the Fully Protected Species Statute (California Fish and Game Code § 4700) provide that fully protected species may not be taken or possessed at any time. However, as of July 10, 2023 Senate Bill 147 (SB147) was signed into law,

authorizing the CDFW to issue take permits under the California ESA for fully protected species for qualifying projects through 2033. As stated in section 2081.15 of SB147, qualifying projects include:

- a maintenance, repair, or improvement project to the State Water Project, including existing infrastructure, undertaken by the Department of Water Resources;
- a maintenance, repair, or improvement project to critical regional or local water agency infrastructure;
- a transportation project, including any associated habitat connectivity and wildlife crossing project, undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel;
- a wind project and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the state to a point of junction with any California based balancing authority; and
- a solar photovoltaic project and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the state to a point of junction with any California-based balancing authority.

## **2.2.3 California Fish and Game Code**

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

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

### **2.2.3.2 Streambed Alteration Agreement**

Pursuant to Section 1602 of the California Fish and Game Code, a Streambed Alteration Agreement (SAA) application must be submitted for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake” (CDFW 2021). In Title 14 of the California Code of Regulations (CCR), Section 1.72, the CDFW defines a *stream* (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.”

In Chapter 9, Section 2785 of the Fish and Game Code, *riparian habitat* is defined as “lands which contain habitat which grows close to, and which depends upon, soil moisture from a nearby freshwater source.”

The CDFW’s jurisdiction includes drainages with a definable bed, bank, or channel and areas associated with a drainage channel that support intermittent, perennial, or subsurface flows; supports fish or other

aquatic life; or supports riparian or hydrophytic vegetation. It also includes areas that have a hydrologic source.

The CDFW will determine if the proposed actions will result in diversion, obstruction, or change of the natural flow, bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. If warranted, the CDFW will issue an SAA that includes measures to protect affected fish and wildlife resources; this SAA is the final proposal agreed upon by the CDFW and the applicant.

### **2.2.3.3 Migratory Birds**

The CDFW enforces the protection of nongame native birds in §§ 3503, 3503.5, and 3800 of the California Fish and Game Code. Section 3513 of the California Fish and Game Code prohibits the possession or take of birds listed under the MBTA. These sections mandate the protection of California nongame native birds' nests and also make it unlawful to take these birds. All raptor species are also protected from "take" pursuant to California Fish and Game Code § 3503.5 and are also protected at the federal level by the MBTA of 1918 (USFWS 1918).

### **2.2.3.4 Bats and Bat Roosts**

Bats in California are currently protected directly and indirectly by the California Fish and Game Code, Sections 86, 1600, 2000, 2014, 3007, and 4150; California Public Resources Code, Division 14, Section 21000 et seq.; and CCR, Title 14 including, but not limited to Section 251.1, CEQA regulations (Section 15000 et seq.), and Section 15382 – Significant Effect on the Environment.

Regulations of particular relevance to the protection of bats and bat roosts include Title 14, Section 251.1 of the CCR, which prohibits harassment (defined in that section as an intentional act that disrupts an animal's normal behavior patterns, including breeding, feeding, or sheltering) of nongame mammals (e.g., bats), and California Fish and Game Code Section 4150, which prohibits *take* or possession of all nongame mammals or parts thereof. Any activities resulting in bat mortality (e.g., the destruction of an occupied bat roost that results in the death of bats), disturbance that causes the loss of a maternity colony of bats (resulting in the death of young), or various modes of nonlethal pursuit or capture may be considered *take* as defined in Section 86 of the California Fish and Game Code. In addition, impacts to bat maternity colonies, which are considered native wildlife nursery sites, could be considered significant under CEQA.

## **2.2.4 Porter-Cologne Water Quality Act**

The Porter-Cologne Water Quality Control Act requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the State to file a report of discharge" with the Regional Water Quality Control Board (RWQCB) through State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) (CCR, title 23, § 3855; State Water Resources Control Board 2021). *Waters of the State* is defined as any surface water or groundwater, including saline waters, within the boundaries of the State (California Water Code § 13050[e]). Pollution is defined as an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects its beneficial uses (California Water Code § 13050) and includes filling in

waters of the State. Note that CCR, title 23, § 3855 applies only to individual water quality certifications, but the new Procedures extend the application of § 3855 to individual waste discharge requirements for discharges of dredged or fill material to Waters of the State and waivers thereof.

A permit for impacts to Waters of the State of California would likely be required under the CWA and/or Porter-Cologne Water Quality Control Act. To determine whether a project should be regulated pursuant to the Porter-Cologne Water Quality Control Act, the RWQCB considers whether project activities could impact the quality of Waters of the State.

On September 27, 2023, the USEPA published its final 2023 CWA Section 401 Quarter Quality Certification Improvement Rule (88 FR 66558.) The final 2023 Rule revises and replaces the 2020 Rule's regulatory requirements for water quality certification that were adopted by the prior federal administration. The updates realign the scope of the Section 401 certification process with established practices, while also restoring the roles of states, territories, and authorized Tribes as certifying agencies.

### **2.2.5 San Bernardino County Biotic Resources Overlay**

The San Bernardino County Biotic Resources Overlay was established by the Land Use Plan and Land Use Zoning Districts (§§ 82.01.020) and the Overlays (§§ 82.01.0230) of the County of San Bernardino. The purpose of the Biotic Resources Overlay is to implement General Plan policies regarding the "protection and conservation of beneficial rare and endangered plants and animal resources and their habitats" (County of San Bernardino 2024). Projects within the County of San Bernardino are required to address the biological resources that appear within the Biotic Resources Overlay and overlap with their project site. Further, project proponents must identify mitigation measures that will reduce or eliminate impacts to the identified resources.

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

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

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or the USFWS;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- conflict with the provisions of an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or state HCP.

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

## **2.2.7 City of Colton**

### **2.2.7.1 Tree Protection Guidelines**

Per the City of Colton Municipal Code, Chapter 12.20 Trees and Shrubs, all mature and healthy trees will strongly be considered during the application process (Section 12.20.041; City of Colton 2019)

Per the Tree Protection Guidelines, the following will be ensured:

- Tree protection guidelines are the standards and specifications for the protection of trees under this chapter. The tree protection guidelines, and any revision thereto, shall be effective as of the date of their adoption by resolution of the City Council; or
- All departments, agencies and personnel of the City shall consult with the Public Works Director prior to engaging in any action which would require the removal of, or which would otherwise substantially affect or seriously jeopardize the health of any existing public tree; or
- It shall be the policy of the City to protect and maintain mature and healthy trees. Special consideration shall be afforded to mature, public, landmark, landmark-eligible, native and specimen trees as forth in this chapter; or
- The preservation of mature trees is strongly considered during an application for any permit or approval. A decision may be made through the design review process or other entitlement process to waive development standards or accept alternative solutions to assist in the preservation of these trees. The review authority or director, if there is no other review authority, may modify the development standards or accept alternative solutions to these standards.

### **2.2.7.2 West Valley Habitat Conservation Plan**

A notice in the FR for the proposed West Valley HCP was posted in July 2014 and a 30-year incidental take permit was issued for the West Valley HCP effective February 2015. The focus of the West Valley HCP is on the preservation of populations for the Delhi Sands flower-loving fly that occur north of the I-10 freeway

(RBF 2014) within the city of Colton in San Bernardino County, California. At least four populations are known to occur within the West Valley HCP plan area and would be covered under the West Valley HCP. The West Valley HCP would encompass approximately 416.3 acres to the north of the I-10 freeway and 5.8 acres of a portion of East Slover Avenue south of the I-10 freeway. Despite approximately 248.2 acres having been developed, the remaining 148.5 acres have been documented to possess potentially suitable Delhi Sands flower-loving fly habitat. The West Valley HCP designated land within their planning area as high, moderate, or low quality habitat for the Delhi sands flower-loving fly. Under the issued incidental take permit, authorized development could occur on 79.4 acres of low, moderate, and high-quality Delhi sands flower-loving fly habitat north of the I-10 freeway. 50.3 acres of habitat for the Delhi sands flower-loving fly would be conserved as part of the West Valley HCP. Covered activities, as defined by the West Valley HCP would be required to implement mitigation and species-specific avoidance measures within developable lands and biological monitoring, surveys and habitat restoration within conservation areas (RBF 2014).

## 3.0 METHODS

### 3.1 Literature Review

Prior to conducting the biological reconnaissance survey, ECORP biologists performed a literature review using the CDFW's California Natural Diversity Database (CNDDDB; CDFW 2024a) and the California Native Plant Society's (CNPS') Electronic Inventory (CNPSEI; CNPS 2024b) to determine the special-status plant and wildlife species that have been documented near the Project Area. ECORP searched CNDDDB and CNPSEI records within the Project Area boundaries as depicted on USGS 7.5-minute San Bernardino South topographic quadrangle and the surrounding five miles, which included occurrences within the topographic quadrangles of San Bernardino North, Devore, and Fontana. The CNDDDB and CNPSEI searches for special-status plant and wildlife species were limited to species that have been documented within five miles of the Project Area since it is surrounded by development, the Project Area's history of disturbance, and the lack of mobility for plant species. Additionally, the CNPSEI search was restricted to an elevation range of 500 feet to 1,600 feet in order to eliminate species associated with the high elevations within the San Bernardino Mountains from the literature search that would not be expected to occur in the Project Area. The CNDDDB and CNPSEI contain records of reported occurrences of federally and/or state-listed endangered, threatened, proposed endangered or threatened species, California Species of Special Concern (SSC), or other special-status species or habitat that may occur within or near the Project. Additional information was gathered from the following sources and includes, but is not limited to:

- *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2024b);
- *Special Animals List* (CDFW 2024c);
- *The Jepson Manual: Vascular Plants of California* (Baldwin et al. 2012);
- *The Manual of California Vegetation*, 2nd Edition (Sawyer et al. 2009);
- *West Valley Habitat Conservation Plan* (RBF 2014);

- Countywide – All Biotic Resources Overlay Map (County of San Bernardino 2012);
- National Wetlands Inventory (NWI; USFWS 2024a); and
- various online websites (e.g., Calflora 2024).

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

- have been designated as either rare, threatened, or endangered by the CDFW, the CNPS, or the USFWS, or are protected under either the federal ESA or California ESA;
- are candidate species being considered or proposed for listing under these same acts;
- are fully protected by the California Fish and Game Code, §§ 3511, 4700, 5050, or 5515; or
- are of expressed concern to resource and regulatory agencies or local jurisdictions.

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

- Present: The species was observed onsite during a site visit or focused survey.
- High: Habitat (including soils and elevation factors) for the species occurs within the Project Area and a known occurrence has recently been recorded (within the last 20 years) within 5 miles of the area.
- Moderate: Habitat (including soils and elevation factors) for the species occurs within the Project Area and a documented observation occurs within the database search, but not within 5 miles of the area; or a recently documented observation occurs within 5 miles of the area and marginal or limited amounts of habitat occurs in the Project Area.
- Low: Limited or marginal habitat for the species occurs within the Project Area and a recently documented observation occurs within the database search, but not within five miles of the area; a historic documented observation (more than 20 years old) was recorded within 5 miles of the Project Area; or suitable habitat strongly associated with the species occurs on site, but no records or only historic records were found within the database search.
- Presumed Absent: Species was not observed during a site visit or focused surveys conducted in accordance with protocol guidelines at an appropriate time for identification; habitat (including soils and elevation factors) does not exist onsite; or the known geographic range of the species does not include the Project Area.

Note that location information on some special-status species may be of questionable accuracy or unavailable. Therefore, for survey purposes, the environmental factors associated with a species' occurrence requirements may be considered sufficient reasons to give a species a positive potential for occurrence. In addition, just because a record of a species does not exist in the databases does not mean

it does not occur. In many cases, records may not be present in the databases because an area has not been surveyed for that species.

A review of the Natural Resources Conservation Service (NRCS; NRCS 2024a) Web Soil Survey, NRCS Hydric Soils List (NRCS 2024b), NWI (USFWS 2024a), and the corresponding USGS topographic maps was also conducted to determine if there were any blue line streams or drainages present on the Project Area that potentially fall under the jurisdiction of either federal or state agencies.

## **3.2 Field Surveys**

### **3.2.1 Biological Reconnaissance Survey**

The biological reconnaissance survey was conducted by biologists who walked the entire Project Area and a 500-foot buffer, where accessible, to determine the vegetation communities and wildlife habitats present on the site. Areas that were not accessible by foot were scanned using binoculars for suitable habitat. The biologists documented the plant and wildlife species present on the Project Area, and the location and condition of the Project Area were assessed for the potential to provide habitat for special-status plant and wildlife species. Additionally, the biologists documented features within the Project Area with the potential to be jurisdictional to the USACE, RWQCB, and/or the CDFW; however, a formal aquatic resources delineation was not performed as part of the survey. Data were recorded in the field utilizing ArcGIS™ Field Maps on a device (smartphone or tablet) connected to a Global Positioning System (GPS) unit, field notebooks, or maps. Photographs were also taken during the survey to provide visual representation of the conditions within the Project Area. The Project Area was also examined to assess its potential to facilitate wildlife movement or function as a movement corridor for wildlife moving throughout the region. The biologists also documented the vegetation communities present on the Project Area. Vegetation communities were mapped in accordance with the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018). Vegetation communities were classified to the alliance level and followed *A Manual of California Vegetation Online* (CNPS 2024a).

Plant and wildlife species, including any special-status species that were observed during the survey, were recorded. Plant nomenclature follows that of the *Jepson eFlora* (Jepson Flora Project [eds.] 2024) and *The Jepson Manual: Vascular Plants of California* (Baldwin et al. 2012). Wildlife nomenclature follows Society for the Study of Amphibians and Reptiles (2017), *Check-list of North American Birds* (Chesser et al. 2023), and the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014). In instances where a special-status species was observed, the date, species, location and habitat, and GPS coordinates were recorded.

### **3.2.2 Delhi Sands Flower-Loving Fly Habitat Assessment**

A habitat assessment for the Delhi Sands flower-loving fly was conducted by a qualified permitted Delhi Sands flower-loving fly biologist. The biologist walked the Project Area by foot and documented the presence or absence of indicator plants for the species, other native plant species that occur in Delhi Sands flower-loving fly habitat, and additional habitat characteristics such as open unconsolidated soils in the Project Area.

## 4.0 RESULTS

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

### 4.1 Literature Review

#### 4.1.1 Special-Status Plants and Wildlife

The literature review and database searches identified 40 special-status plant species and 28 special-status wildlife species that have been previously documented within five miles of the Project Area. A list was generated from the results of the literature review and the Project Area was evaluated for suitable habitat that could support any of the special-status plant or wildlife species on the list. Additionally, the Project Area is located within the San Bernardino County Biotic Resources Overlay for Delhi Sands flower-loving fly and burrowing owl (*Athene cunicularia*) (County of San Bernardino 2012).

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

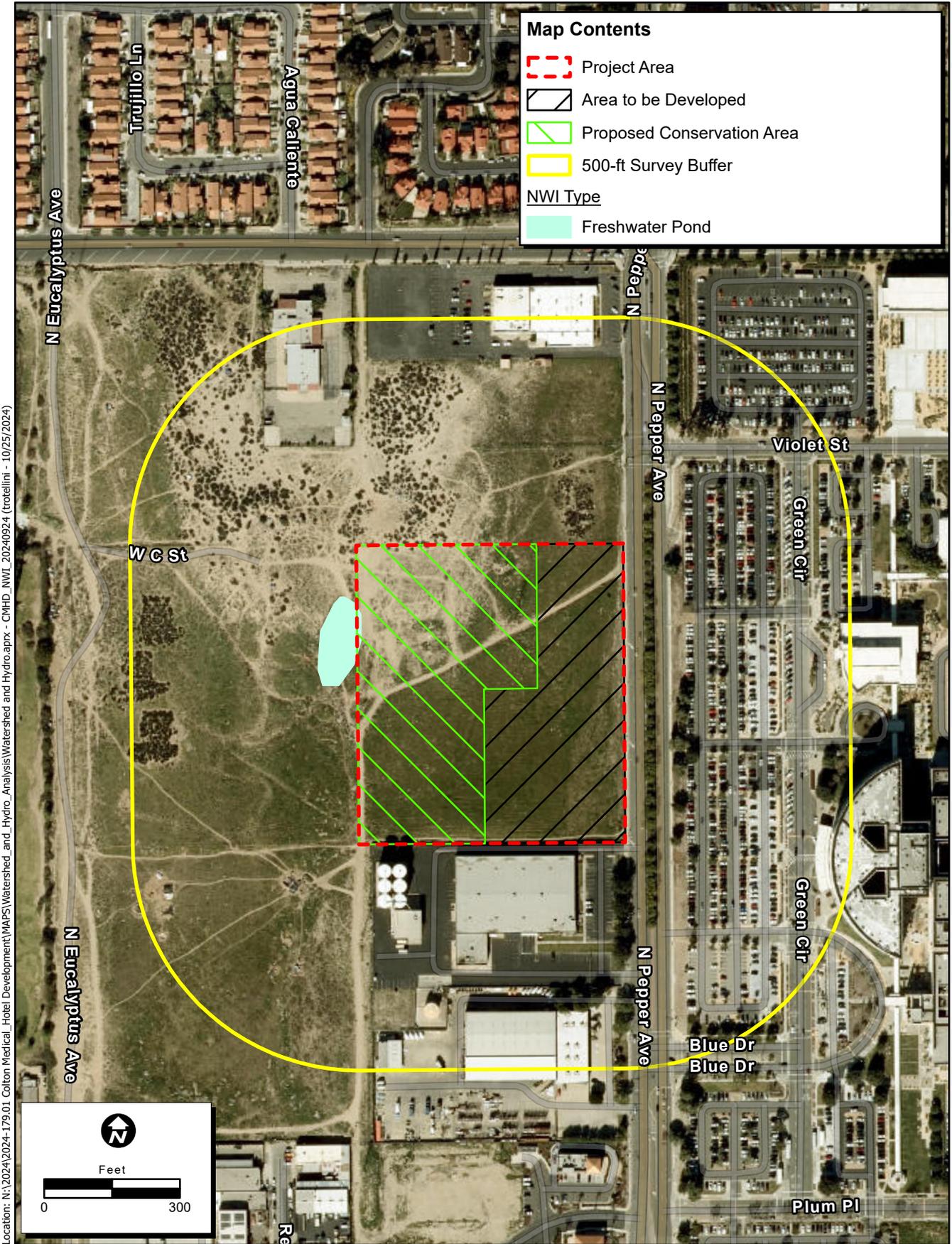
The Project Area is not located within or adjacent to any USFWS-designated Critical Habitat (USFWS 2024b). Designated Critical Habitat for the following species is present in the vicinity of the Project Area: Southwestern willow flycatcher (*Empidonax traillii extimus*) and Santa Ana sucker (*Catostomus santaanae*) is present approximately 1.5 miles south of the Project Area, Coastal California gnatcatcher (*Polioptila californica californica*) is present approximately 2 miles south of the Project Area, San Bernardino Merriam's Kangaroo rat (*Dipodomys merriami parvus*) is present approximately 2.5 miles northeast of the Project Area, and least Bell's vireo (*Vireo bellii pusillus*) is present approximately 8 miles southwest of the Project Area.

#### 4.1.3 Aquatic Resources

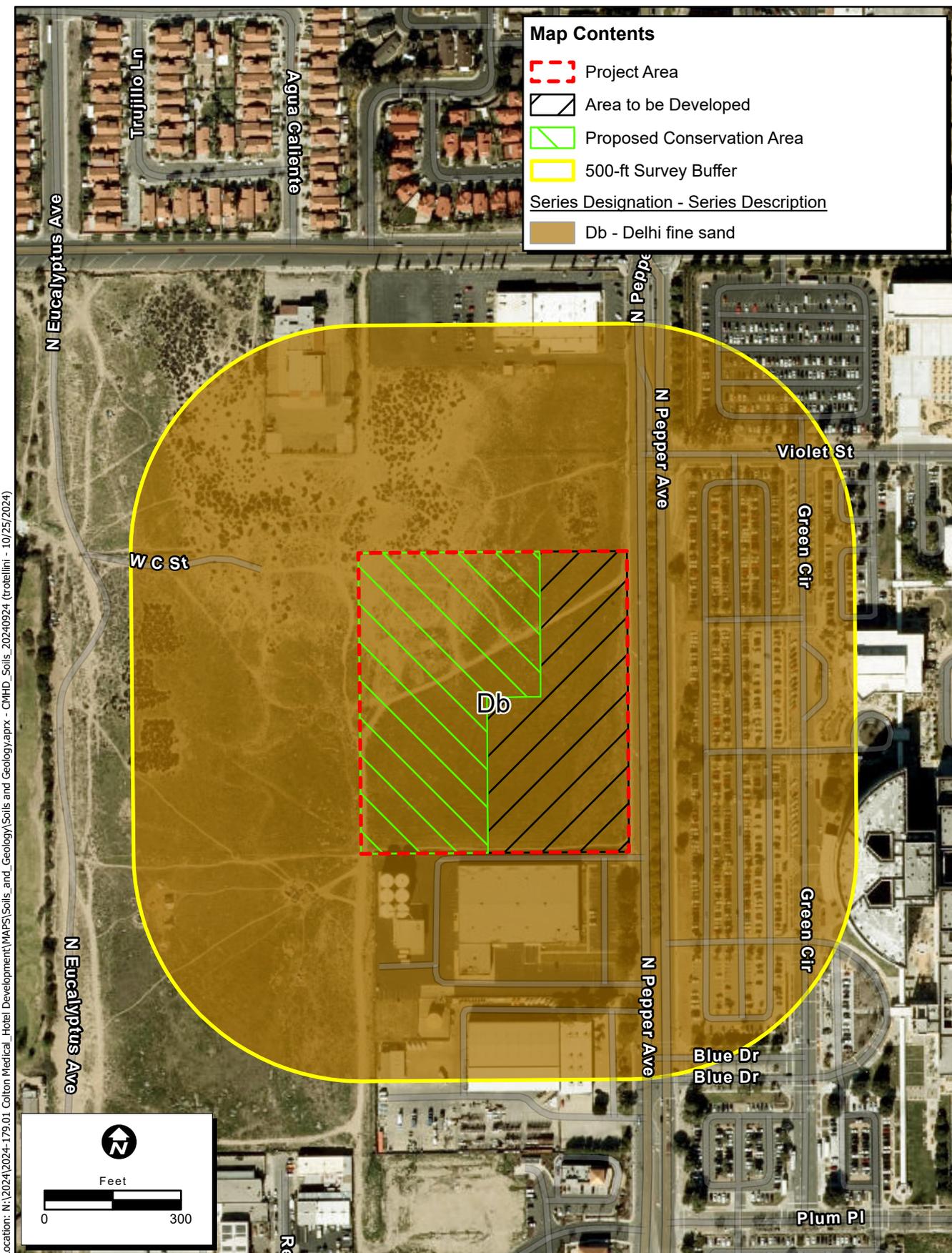
The NWI (USFWS 2024a) mapped one aquatic resource, a freshwater pond, within the Project Area. The freshwater pond is predominantly located in the survey buffer and only marginally overlaps with the western portion of the Project Area (Figure 3). The freshwater pond is classified under the NWI as Palustrine, Unconsolidated Shore (PUS; USFWS 2024a). Additionally, the desktop review of the NRCS identified one hydric soil type on the site: Delhi fine sand (NRCS 2024a, 2024b; Figure 4). According to the NRCS, Delhi sands are only potentially hydric where depressional features occur.

### 4.2 Biological Reconnaissance Survey

The biological reconnaissance survey was conducted within the entire Project Area and a 500-foot survey buffer, where accessible, on September 9, 2024, by ECORP biologists Alexandra Dorough and Shelby Dunn. Summarized below are the results of the biological reconnaissance survey including site characteristics, plant communities present, wildlife observed, special-status species observed, and special-status habitats present (including any potential wildlife corridors). Weather conditions during the survey are summarized in Table 1.



**Figure 3. National Wetlands Inventory**



**Map Contents**

- Project Area
- Area to be Developed
- Proposed Conservation Area
- 500-ft Survey Buffer

Series Designation - Series Description

- Db - Delhi fine sand

Location: N:\2024\2024-179.01 Colton Medical\_Hotel Development\MAPS\Soils\_and\_Geology\Soils and Geology.aprx - CMHD\_Soils\_20240924 (tracellini - 10/25/2024)

Map Date: 10/24/2024  
Sources: Esri World Imagery, County of San Bernardino (2023), NRCS

**Figure 4. Natural Resources Conservation Service Soil Types**

**Table 1. Weather Conditions During the Biological Reconnaissance Survey**

Date	Time		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
	Start	End	Min	Max	Min	Max	Min	Max
9/09/24	0730	1000	79	86	0*	0*	1-3	0-3

Notes: °F = degrees Fahrenheit; mph = miles per hour; \*=smoke cover was present due to nearby wildfires

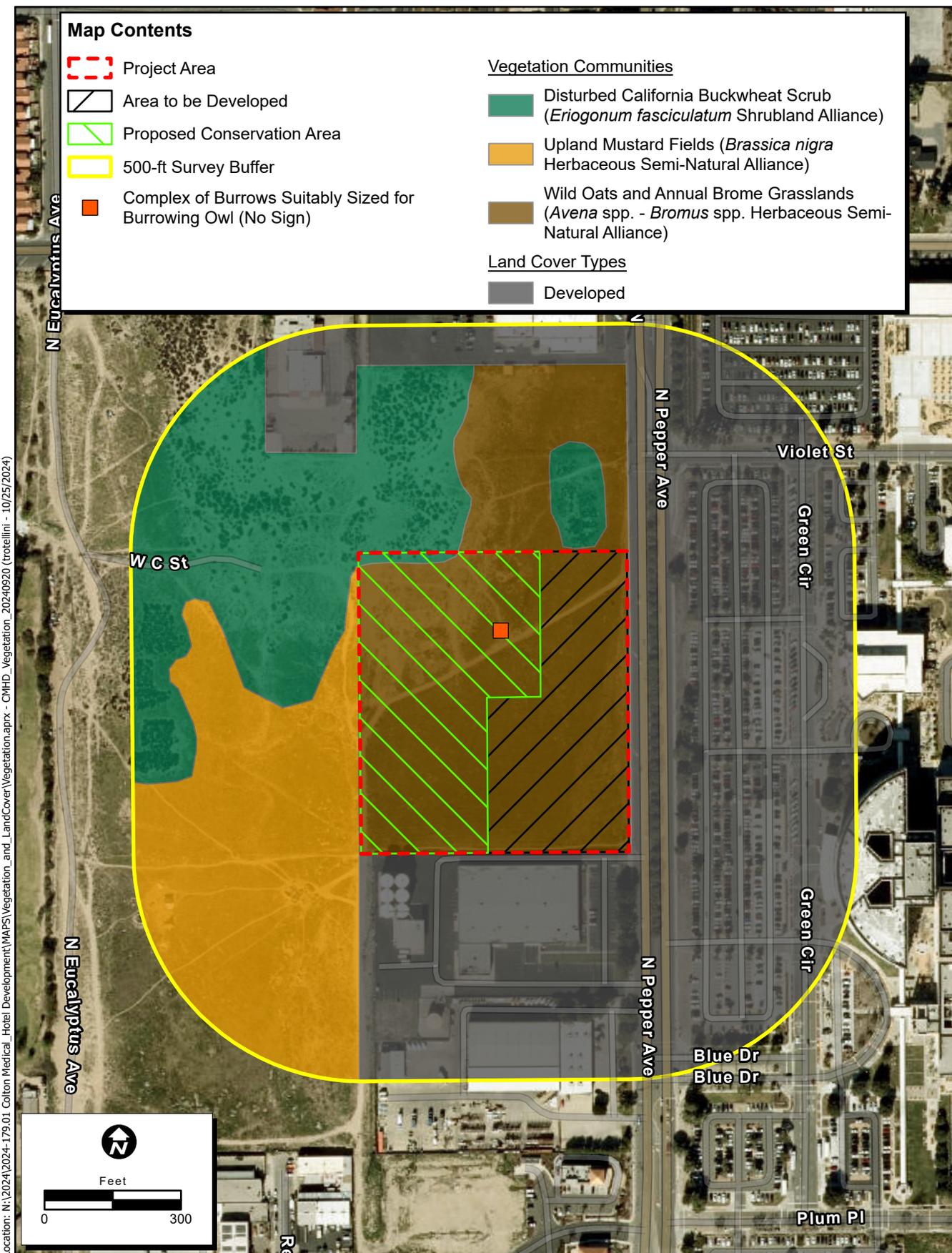
**4.2.1 Property Characteristics**

The Project Area consists of a sloped, undeveloped lot. Anthropogenic disturbances are abundant throughout the Project Area in the form of disturbed soils (e.g., signs of recent discing, previous sign of grading such as compacted gravelly soil, depressions and pits dug in the ground, fire pit scars), mowed vegetation, scattered trash, unauthorized dumping, homeless encampments, vehicle tracks, and domestic cats and dogs. Small mammal burrows, including California ground squirrel (*Otospermophilus beecheyi*) burrows, are present throughout the Project Area. The Area to be Developed is gently sloped with disced soils in the north, mowed vegetation, is relatively open with few scattered annual species and perennial shrubs, and has compacted gravelly soils along the eastern Project boundary. The Proposed Conservation Area includes the previously described anthropogenic disturbances and small mammal burrows but is also composed of sandy open hills in the northwest. An existing powerline easement bisects the Project Area and includes a dirt road that extends southwest from North Pepper Avenue through the Area to Be Developed and Proposed Conservation Area. Additionally, metal power poles are present in the powerline easement at the northern boundary and at the northwestern boundary of the Project Area.

The Project Area is immediately bound by undeveloped land to the north and west and commercial development to the south and east. General surrounding land uses around the Project Area consist of commercial and residential development to the north, Arrowhead Regional Medical Center to the east, commercial development to the south, and an existing West Valley HCP Conservation Area managed by the Rivers and Lands Conservancy (RLC), the Laing Conservation Site, to the west (RBF 2014; RLC 2024). The Laing Conservation Site is hereby referred to as Existing Conservation Area. Representative photographs of the Project Area are presented in Appendix A.

**4.2.2 Vegetation Communities and Land Cover Types**

The Project Area is located in an undeveloped lot that is generally subjected to repeated and ongoing disturbance from human activities such as mowed vegetation and homeless encampments. Vegetation communities present within the Project Area included Disturbed California Buckwheat Scrub (*Eriogonum fasciculatum* Shrubland Alliance) and Wild Oat and Annual Brome Grassland (*Avena* spp. - *Bromus* spp. Herbaceous Semi-Natural Alliance) (Figure 5). Vegetation communities and land cover types within the 500-foot survey buffer include the previously mentioned vegetation communities, Upland Mustard Fields (*Brassica nigra* Herbaceous Semi-Natural Alliance), and Developed. These vegetation communities and land cover types are described below and the acreages of each, as they exist within the Project Area, are provided in Table 2.



Location: N:\2024\2024-179.01 Colton Medical\_Hotel Development\MAPS\Vegetation\_and\_LandCover\Vegetation.aprx - CMHD\_Vegetation\_20240920 (trcrlini - 10/25/2024)

**Figure 5. Vegetation Communities, Land Cover Types, and Biological Survey Results**

2024-179.01 Pepper Clinic LLC Development Project

<b>Vegetation Communities</b>	<b>Acreage Within the Area to be Developed</b>	<b>Acreage Within Proposed Conservation Area</b>	<b>Total Acreage Within the Project Area</b>
Disturbed California Buckwheat Scrub	0.00	0.11	0.11
Wild Oat and Annual Brome Grassland	3.84	5.00	8.84
<b>Total</b>	<b>3.84</b>	<b>5.11</b>	<b>8.95</b>

Disturbed California Buckwheat Scrub California buckwheat scrub (*Eriogonum fasciculatum* Shrubland Alliance) is dominated by California buckwheat (*Eriogonum fasciculatum*) in the shrub canopy and occurs with other species such as California sagebrush (*Artemisia californica*), sticky monkeyflower (*Diplacus aurantiacus*), brittlebush (*Encelia farinosa*), and white sage (*Salvia apiana*). This community typically occurs at elevations between 0 and 4,000 feet above MSL in coarse, well-drained soils with a continuous or intermittent canopy and a variable, sometimes grassy, herbaceous layer (CNPS 2024a). This community is classified as disturbed due to the heavy presence of anthropogenic disturbances such as trash, homeless encampments, and the presence of nonnative species. Disturbed California buckwheat scrub is present in the northwest portion of the Project Area, within the Proposed Conservation Area, and within the 500-foot survey buffer as depicted in Figure 5. Species observed in this vegetation community at the time of the survey include California buckwheat, California croton (*Croton californicus*), and hollyleaf cherry (*Prunus ilicifolia*).

#### **4.2.2.1 Wild Oat and Annual Brome Grasslands**

Wild oat and annual brome grassland (*Avena* spp. - *Bromus* spp. Herbaceous Semi-Natural Alliance) is dominated by one or more nonnative annual grass species with an open to continuous herb layer of herbage up to four feet in height (CNPS 2024a). The following nonnative grass species may be dominant or co-dominant on the landscape and occur with other nonnatives in the herb layer: slender oat (*Avena barbata*), wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), soft brome (*Bromus hordeaceus*), and foxtail barley (*Hordeum murinum*) (CNPS 2024a). This vegetation community accounts for the largest acreage of nonnative grassland vegetation in cismontane California, and occurs in all topographic settings including foothills, disturbed areas, rangelands, and openings in woodlands (CNPS 2024a). Wild oat and annual brome grassland is present throughout the majority of the Project Area, including the entirety of the Area to be Developed and most of the Proposed Conservation Area, as depicted in Figure 5. The dominant nonnative grass in the Project Area is a species of brome (*Bromus* spp.); however, due to recent discing and mowing on the Project Site, the plant was not identifiable to the species level due to a lack of characteristics. Species observed in this vegetation community at the time of the survey include California croton, turkey-mullein (*Croton setiger*), annual bursage (*Ambrosia acanthicarpa*), golden crownbeard (*Verbesina encelioides*), and flax-leaved horseweed (*Erigeron bonariensis*).

#### **4.2.2.2 Upland Mustard Fields**

Upland mustard fields (*Brassica nigra* Herbaceous Semi-Natural Alliance) is dominated by one or more nonnative, ruderal herb species with open to continuous cover of herbage up to approximately nine feet in height (CNPS 2024a). The following nonnative, ruderal herb species may be dominant or co-dominant on the landscape and occur with other nonnatives in the herb or shrub layer: black mustard (*Brassica nigra*), common mustard (*Brassica rapa*), italian thistle (*Carduus pycnocephalus*), maltese star thistle (*Centaurea melitensis*) and short podded mustard (*Hirschfeldia incana*) (CNPS 2024a). This community typically occurs in elevations ranging from 0 to 9,186 feet above MSL, in clay to sandy loam soils and disturbed habitats (CNPS 2024a). Upland mustard fields are present in the western portion of the 500-foot survey buffer as depicted in Figure 5. Species observed in this vegetation community during the time of the survey include mustard (*Brassica* sp.), telegraph weed (*Heterotheca grandiflora*), fiddleneck (*Amsinckia* sp.), and spotted spurge (*Euphorbia maculata*). Most annual species in this community were dead during the time of the survey and could only be identified to the genus level.

#### **4.2.2.3 Developed**

Developed areas are present to the south, north, and east of the Project Area within the 500-foot survey buffer and included roadways, commercial buildings and associated landscaping. Areas characterized as developed are depicted in Figure 5.

#### **4.2.3 Plants**

Plant species observed in the Project Area are generally characteristic of disturbed areas. The dominant non-native plant species present in the Project Area included brome grasses, golden crownbeard, and spotted spurge. Despite the disturbed nature of the Project Area, native plant species are interspersed throughout the Project Area and include California croton, telegraph weed, turkey mullein, annual bursage, deerweed (*Acmispon glaber*), California buckwheat, and other buckwheat species (*Eriogonum* spp.) A full list of plant species observed on and immediately adjacent to the Project Area is included in Appendix B.

#### **4.2.4 Wildlife**

Despite the disturbed nature of the Project Area, the biologists documented numerous wildlife species during the survey. Wildlife incidentally observed during the biological reconnaissance survey include species such as common side-blotched lizard (*Uta stansburiana*), house finch (*Haemorhous mexicanus*), Cassin's kingbird (*Tyrannus vociferans*), and California ground squirrel. A full list of wildlife species observed on and immediately adjacent to the Project Area is included in Appendix C.

#### **4.2.5 Potential for Special-Status Plant and Wildlife Species to Occur in the Project Area**

The literature review and database searches identified 40 special-status plant species and 28 special-status wildlife species that have previously been documented on or near the Project Area. Many of the species are presumed absent from the Project Area due to the level of human disturbance in the Project

Area and current lack of suitable habitat, including soils. However, 17 special-status plant species and 13 special-status wildlife species identified in the literature review are determined to have potential to occur in the Project Area. Details regarding these findings are described in more detail below.

**4.2.5.1 Special-Status Plants**

There were 40 special-status plant species that appeared in the literature review and database searches for the Project Area (CDFW 2024a; CNPS 2024b). A list was generated from the results of the literature review and the Project was evaluated for suitable habitat that could support any of the special-status plant species on the list. With various habitat types occurring within the nine-quadrangle search, including the San Bernardino Mountains, several species appeared in the literature review results that have no potential to occur on or near the Project Area due to elevational requirements.

After review, 17 special-status plant species identified in the literature review have a potential to occur, while the remaining 23 are presumed absent due to the lack of suitable habitat (including elevation and soils), or because the Project Area is located outside of the known range for the species.

Descriptions of the California Rare Plant Rank (CRPR) designations are found in Table 3. A table outlining each species, their designations, and potential for occurrence on the Project Area can be found in Appendix D.

<b>Table 3. California Rare Plant Rank Status Designations</b>	
<b>List Designation</b>	<b>Meaning</b>
1A	Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B	Plants Rare, Threatened, or Endangered in California and Elsewhere
2A	Plants Presumed Extirpated in California, But Common Elsewhere
2B	Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3	Plants about which more information is needed; a review list
4	Plants of limited distribution; a watch list
CBR	Considered but rejected
<b>List .1, .2 and .3 extension meanings:</b>	
.1	Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
.2	Moderately threatened in California (20 to 80 percent occurrences threatened / moderate degree and immediacy of threat)
.3	Not very threatened in California (less than 20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known)

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

#### **4.2.5.2 Plant Species with a Moderate Potential to Occur**

Two species have a moderate potential to occur in the Project Area. A brief natural history of this species is below.

##### **Smooth tarplant**

Smooth tarplant (*Centromadia pungens* ssp. *laevis*) has a CRPR of 1B.1. This annual herb in the Asteraceae family blooms from April to September and occurs at elevations ranging from 0 to 2,100 feet above MSL (CNPS 2024b). Smooth tarplant is typically found in alkaline soils of chenopod scrub, meadows and seeps, playas, riparian woodlands, and valley and foothill grasslands (CNPS 2024b). This subspecies is also known to occur in disturbed areas. Threats to this subspecies include foot traffic, agriculture, road maintenance, disking, urbanization, hydrological alterations, and flood control projects (CNPS 2024b).

The Project Area contains limited coastal scrub habitat in the disturbed California buckwheat scrub and suitable disturbed grassland habitat in the wild oats and annual brome grasslands (Figure 5). One recent CNDDDB occurrence (Occ. #2) was documented in 2016 approximately 4.7 miles east of the Project Area, and additional historic CNDDDB records were documented within 5 miles of the Project Area (CDFW 2024a). Due to the presence of suitable habitat and a recently documented occurrence of the subspecies within 5 miles of the Project Area, this subspecies has a moderate potential to occur.

##### **Santa Ana River Woollystar**

Santa Ana River woollystar (*Eriastrum densifolium* spp. *sanctorum*) is state and federally listed as endangered and has a CRPR of 1B.1. This perennial herb in the Polemoniaceae family blooms from March through September and occurs at elevations ranging from 300 to 2,000 feet above MSL (CNPS 2024b). This subspecies typically occurs in chaparral and alluvial fans of coastal scrub, sometimes in sandy or gravelly soils (CNPS 2024b). Threats to this species include off-road vehicle use, development, altered hydrology and illegal dumping (CNPS 2024b).

The Project Area contains limited coastal scrub habitat with sandy soils in the disturbed California buckwheat scrub (Figure 5). Multiple recent and historic CNDDDB occurrences were documented within the vicinity of the Project Area. The most recent record (Occ. # 29) was documented in 2020 approximately 2.3 miles southeast of the Project Area, and the closest recent record (Occ. # 40) was documented in 2013 approximately 1.7 miles south of the Project Area (CDFW 2024a). Due to the presence of limited suitable habitat and recently documented occurrences of the species within 5 miles of the Project Area, this species has a moderate potential to occur.

#### **4.2.5.3 Plant Species with a Low Potential to Occur**

Fourteen species have a low potential to occur within the Project Area due to limited habitat for the species within the Project Area and a recently documented observation occurs within the database search, but not within 5 miles of the area; a historic documented observation (more than 20 years old) was recorded within 5 miles of the Project Area; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search.

- Nevin's Barberry (*Berberis nevini*), state- and federally listed (Endangered), CRPR 1B.1;
- Catalina mariposa lily (*Calochortus catalinae*) CRPR 4.2;
- Plummer's mariposa lily (*Calochortus plummerae*) CRPR 4.2;
- Parry's spineflower (*Chorizanthe parryi* var. *parryi*) CRPR 1B.1;
- Paniculate tarplant (*Deinandra paniculata*) CRPR 4.2;
- Slender-horned spineflower (*Dodecahema leptocera*) state- and federally listed (Endangered), CRPR 1B.1;
- Mesa horkelia (*Horkelia cuneata* var. *puberula*), CRPR 1B.1;
- California satintail (*Imperata brevifolia*), CRPR 2B.1;
- Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*), CRPR 4.3;
- Parish's desert-thorn (*Lycium parishii*), CRPR 2B.3;
- California muhly (*Muhlenbergia californica*), CRPR 4.3;
- Chaparral ragwort (*Senecio aphanactis*) CRPR 2B.2;
- Salt spring checkerbloom (*Sidalcea Neomexicana*), CRPR 2B.2; and
- San Bernardino aster (*Symphyotrichum defoliatum*), CRPR 1B.2

#### **4.2.5.4 Plant Species Presumed Absent**

The following 24 species are presumed absent from the Project Area due to the disturbed nature of the Project Area and the lack of suitable habitat (including elevation and soils), or because the Project Area is located outside of the known range for the species:

- Singlewhorl burrobrush (*Ambrosia monogyra*), CRPR 2B.2;
- Marsh sandwort (*Arenaria paludicola*), federally- and state listed (Endangered), CRPR 1B.1
- Western spleenwort (*Asplenium vespertinum*), CRPR 4.2
- Horn's milk-vetch (*Astragalus hornii* var. *hornii*), CRPR 1B.1
- Thread-leaved brodiaea (*Brodiaea filifolia*), federally listed (Threatened), state listed (Endangered), CRPR 1B.1
- Bristly sedge (*Carex comosa*), CRPR 2B.1
- Salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*), state- and federally listed (Endangered), CRPR 1B.2
- Peninsular spineflower (*Chorizanthe leptotheca*), CRPR 4.2

- White-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*), CRPR 1B.2
- Peruvian dodder (*Cuscuta obtusiflora* var. *glandulosa*), CRPR 2B.2
- Hot springs fimbriatilis (*Fimbristylis thermalis*), CRPR 2B.2
- Alvin Meadow bedstraw (*Galium californicum* ssp. *primum*), CRPR 1B.2
- Los Angeles sunflower (*Helianthus nuttallii* ssp. *parishii*), CRPR 1A
- Southern California black walnut (*Juglans californica*), CRPR 4.2
- Ocellated Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*), CRPR 4.2
- Parish's bush-mallow (*Malacothamnus parishii*), CRPR 1A
- Pringle's monardella (*Monardella pringlei*), CRPR 1A
- Gambel's water cress (*Nasturtium gambelii*), federally listed (Endangered), state listed (Threatened), CRPR 1B.1
- Short-joint beavertail (*Opuntia basilaris* var. *brachyclada*), CRPR 1B.2
- San Gabriel oak (*Quercus durata* var. *gabrielensis*), CRPR 1A
- Parish's gooseberry (*Ribes divaricatum* var. *parishii*), CRPR 1A
- Black bog rush (*Schoenus nigricans*), CRPR 2B.2
- San Gabriel ragwort (*Senecio astephanus*), CRPR 4.3
- Prairie wedge grass (*Sphenopholis obtusata*), CRPR 2B.2

#### **4.2.5.5 Special-Status Wildlife**

The literature search identified 28 special-status wildlife species that had previously been documented on or in the vicinity of the Project Area. A list was generated from the results of the literature review and the Project was evaluated for suitable habitat that could support any of the special-status wildlife species on the list. The Project Area's disturbed nature, proximity to commercial development, and anthropogenic influences likely preclude many of these species from occurring. A brief natural history and discussion of the special-status wildlife species that are determined to have a high or moderate potential to occur within the Project Area is provided below. A table outlining each species, their designations, and potential for occurrence on the Project Area can be found in Appendix E.

#### **4.2.5.6 Wildlife Species Present with a High Potential to Occur**

Three species were found to have a high potential to occur in the Project Area. Although these species were not incidentally observed in the Project Area during the biological reconnaissance survey, habitat (including soils and elevation factors) for the species occurs within the Project Area and a known occurrence has recently been recorded (within the last 20 years) within 5 miles of the area.

## **Burrowing Owl**

Burrowing owl was petitioned for listing under the California ESA in August 2024 (CDFW 2024d) and advanced to candidacy in October 2024, which awarded the species the same protection as an endangered species. Burrowing owls historically occurred throughout much of California and the western U.S.; however, many former California populations have been extirpated. Burrowing owls typically inhabit open habitats, primarily grasslands and deserts. Burrowing owls require burrows for roosting and nesting cover. Although they often nest in abandoned California ground squirrel burrows, they will also use other small mammal burrows, pipes, culverts, and nest boxes, particularly where burrows are scarce (Zeiner et al. 1990).

Suitable habitat for the species is present within the wild oat and annual grassland habitat and disturbed California buckwheat scrub in the Project Area (figure 5). Habitat characteristics such as low-growing vegetation, friable soils, and California ground squirrel burrows provide habitat for burrowing owl. Additionally, foraging habitat is present throughout the Project Area with food sources such as small mammals and lizards. Although no burrowing owls or burrowing owl sign were incidentally observed during the biological survey, a complex of burrows suitably sized for burrowing owl use were observed (Figure 5). Due to the mobile nature of the species, it is possible for burrowing owls to move onto or off of the site throughout the year.

The CNDDDB documented six occurrences of this species within the five miles of the Project Area (CDFW 2024a), one of which overlaps with the Project Area (CDFW 2024a). All six of these occurrences were recently documented (in the last 20 years). The closest occurrence which overlaps with the Project Area describes one adult and one breeding pair in May of 2007 (Occ. # 1785; CDFW 2024a). The most recent occurrence was recorded in 2007 approximately 4 miles northwest of the Project Area (Occ. # 7933; CDFW 2024a). This species has a high potential to occur within the Project Area due to presence of suitable habitat and the previous occurrence which overlaps with the Project Area.

## **Delhi Sands Flower-Loving Fly**

The Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) is a federally listed endangered species. As observed by the name, this species is associated with the Delhi series of sand. Within the life cycle of the fly, larval stages develop completely underground and may remain underground for several years before emerging as adults during summer (USFWS 2019). The Delhi Sands flower-loving fly prefers low density cover, often using habitat that has less than 50 percent cover (USFWS 1997). Indicator species include buckwheat, California croton, annual bursage, and telegraph weed. It is documented that oviposition occurs primarily near telegraph weed (USFWS 2008, 2019) and that California buckwheat is a primary feeding plant (USFWS 2019).

Suitable habitat for this species was found to occur throughout the Project Area (see Section 4.3 for more details). The Project Area is composed of Delhi Sand series, vegetation density was low, and indicator plant species for the fly were present. Despite the Project site having disturbances from mowing and discing, four native plant species that are indicator species for the fly, were found throughout the Project Area. These plants were California buckwheat, annual bursage, telegraph weed, and California croton. California buckwheat was concentrated in the northwest corner of the Project Area within the disturbed

California buckwheat scrub, telegraph weed was scattered throughout the Project Area, and California croton was concentrated in the northwest corner of the Project Area but scattered throughout. Additionally, the Existing Conservation Area is present west of the Project Area within the 500-foot survey buffer (RBF 2014; RLC 2024). This habitat is preserved for the Delhi sands flower-loving fly and other species that co-occur (RLC 2024).

A total of 30 recent and historic occurrences were documented in CNDDDB, all within 5 miles of the Project Area. Of the 16 recent occurrences, 10 had an overlap with the Project Area. Of the 14 historic occurrences, 10 had an overlap with the Project Area. The most recent occurrence was Occ. 34 which was documented within the Project Area in 2013 (CDFW 2024a). This species has a high potential to occur within the Project Area due to presence of indicator plant species, Delhi Sands series, and the numerous historic and recent occurrences which overlap with the Project Area.

### **Coastal Whiptail**

The coastal whiptail (*Aspidoscelis tigris stejnegeri*) is a CDFW SSC. Coastal whiptails are generally found in hot, dry open areas in chaparral, woodland and riparian habitats (CDFW 2024b and Navis 2019). This species commonly occurs in moist, warm, and loose soil with plant cover in sparsely vegetated areas. Typically occurs in habitats with beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks.

The Project Area has suitable habitat in the form of sandy loose soils and sparse vegetation throughout the disturbed California buckwheat scrub and wild oat and annual brome grassland (Figure 5). The wild oat and annual brome grassland within the Project Area appears to be regularly mowed and disced, keeping vegetation cover low. One recent occurrence and one historic occurrence were documented in CNDDDB within five miles of the Project Area. The most recent occurrence was documented in 2016 approximately 4 miles southeast of the Project Area (Occ. # 133). The closest occurrence was documented in 1995 less than a half mile from the Project Area (Occ. # 83). This species has a high potential to occur due to the presence of suitable habitat and occurrences within 5 miles of the Project Area.

#### **4.2.5.7 Wildlife Species with a Moderate Potential to Occur**

Three species have a moderate potential to occur in the Project Area. Although these species were not incidentally observed in the Project Area during the biological reconnaissance survey, habitat for the species occurs onsite, and a known occurrence has been reported in the database, but not within 5 miles of the site; or a recently documented observation occurs within 5 miles of the site and marginal or limited amounts of habitat occurs onsite.

### **Coast Horned Lizard**

The coast horned lizard (*Phrynosoma blainvillii*) is currently designated as a CDFW SSC (CDFW 2024b). The coast horned lizard occurs from central California west of the Cascade-Sierran Highlands south to Baja California (Stebbins 2003). Historically, the species occurred as far north as Kennett in Shasta County. This species can occur within a variety of environments including scrubland, annual grassland, valley-foothill woodlands, and coniferous forest from 0 to 8,000 feet above mean sea level. However, they most

commonly occur in and along lowland sandy washes with scattered low vegetation (Zeiner et al. 1988; Stebbins 2003). This species requires bushes to provide cover, open areas for sunning, and loose soils for burial. The species primarily eats harvester ants, but also eats various other invertebrates.

Marginally suitable habitat is present in the Project Area within the disturbed California buckwheat scrub in the northwest corner of the Project Area and wild oat and annual brome grassland (Figure 5). Habitat characteristics such as loose soil for burial, open areas for sunning and food sources such as ants are present. However, shrub cover within the Project Area was low and there were limited ant hills for foraging within both the Project Area and survey buffer. Shrub cover was more prevalent within the 500-foot survey buffer.

Four historic occurrences and one occurrence without an observation date were recorded in CNDDDB within five miles of the Project Area. The closest occurrence was recorded approximately 3 miles south of the Project Area without an observation date (Occ. # 5). This species has a moderate potential to occur due to occurrences within five miles of the Project Area and the presence of marginally suitable habitat within the Project Area and adjacent habitat.

### **Crotch Bumble Bee**

The Crotch bumble bee (*Bombus crotchii*) was petitioned for listing under the California ESA in October 2018 (Hatfield et al. 2018), advanced to candidacy in June 2019, was challenged in courts and the candidacy was temporarily stayed beginning in February 2021, and candidacy was recently reinstated in September 2022 (CDFW 2023). This species is associated with open grassland and scrub habitats and occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California (Williams et al. 2014). Crotch bumble bees primarily nest underground, and may occupy cavities in a variety of substrates including: thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs (Alford 1975; Free and Colin Gasking Alford 1959; Fussell and Corbet 1992; Lye et al. 2012; Sladen 1912; Williams et al. 2014) and have also been found nesting in manmade structures such as walls, rubble or abandoned furniture (Fussell and Corbet 1992; Williams et al. 2014). Bumble bee nests are annual and conclude with deaths of the queen, workers, and drones at the end of the season with only the mated gyne (future queen) surviving the winter (overwintering) in order to emerge the following spring to start the next year's colony. Similar to other bumble bee species, Crotch bumble bee is a generalist forager and reportedly visits a variety of flowering plants, including *Asclepias*, *Chaenactis*, *Lupinus*, *Medicago*, *Phacelia*, and *Salvia*.

The Project Area contains marginally suitable habitat for this species within the wild oat and annual brome grassland and in the disturbed California buckwheat scrub. Flowering plants, which provide nectar sources and foraging opportunities, were present throughout the Project Area including California croton, deerweed, turkey mullein, and California buckwheat. Additionally, small mammal burrows are scattered throughout the Project Area and 500-foot survey buffer that could provide marginal nesting and overwintering habitat. However, the wild oat and annual brome grassland appears to be subjected to repeated ground disturbances, which likely precludes this species from nesting/overwintering within the wild oat and annual brome grassland. This species has the potential to forage within Project Area or nest

along the edges of the disced areas within the disturbed California buckwheat scrub and the 500-foot survey buffer (Figure 5).

Three historic occurrences of the species were documented in CNDDDB all within 5 miles of the Project Area. The most recent and nearest occurrence was documented in 1938 approximately 1.5 miles northwest of the Project Area (Occ. # 184; CDFW 2024b). This species has a moderate potential to occur due to the presence of potential foraging, nesting, marginally suitable overwintering habitat, and CNDDDB records within 5 miles of the Project Area.

### **Los Angeles Pocket Mouse**

The Los Angeles pocket mouse, a CDFW SSC, is a small heteromyid averaging between 8 to 12 grams. The Los Angeles pocket mouse is one of eight subspecies of the little pocket mouse, *Perognathus longimembris* (Brylski et al. 1998). It inhabits areas containing fine sandy soils or sandy loams, which are excellent substrates for burrow excavation by this diminutive animal. Like many heteromyids, Los Angeles pocket mouse dig burrow systems near the base of shrubs or amidst other vegetation types and position themselves within the burrow as environmental conditions change. The species can occur in open grasslands entirely lacking shrubs (Montgomery 2014); however, trapping studies suggest that Los Angeles pocket mouse primarily forage under the protection of some form of vegetative canopy and are rarely found in exposed open areas. Los Angeles pocket mouse most commonly occur in sage scrub and grassland habitats, but also in alluvial fan sage scrub habitats. Plant species composition varies greatly among Los Angeles pocket mouse occupied habitat areas, but typically encompasses both native and nonnative plants commonly associated with sandy or granular soils, and often in lower elevational alluvial systems. The species range extends from the Los Angeles Basin, from approximately Burbank and San Fernando in the northwest, to San Bernardino on the northeast, and Cabazon, Hemet, and Aguanga on the east and southeast.

Habitat characteristics such as scrub, friable soils, and grassy areas are present in the Project Area within the wild oats and annual brome grassland and disturbed California buckwheat scrub (Figure 5). However, little shrub cover is present within the Project Area to provide protection for the species. Additionally, the scrub habitat is limited to the northwest portion of the Project Area and the grassy habitat appears to be regularly disced and mowed. Therefore, the habitat within the Project Area is marginally suitable for Los Angeles Pocket mouse.

One recent and five historic occurrences were documented in CNDDDB within 5 miles of the Project Area. CNDDDB occurrence 76 was documented in 2017 approximately 4 miles north of the Project Area (CDFW 2024a). The closest occurrence was documented in 2000 less than one mile south of the Project Area (Occ. 20; CDFW 2024a). This species has a moderate potential to occur due to the presence of marginally suitable habitat and CNDDDB records within 5 miles of the Project Area.

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

Seven species have a low potential to occur within the Project Area due to limited or marginal habitat for the species occurs within the Project Area and a recently documented observation occurs within the database search, but not within 5 miles of the area; a historic documented observation (more than 20

years old) was recorded within 5 miles of the Project Area; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search.

- Western spadefoot (*Spea hammondi*), federally proposed for listing (Threatened) and CDFW SSC;
- Southern California legless lizard (*Anniella stebbinsi*), CDFW SSC;
- California glossy snake (*Arizona elegans occidentalis*), CDFW SSC;
- Coastal California gnatcatcher (*Polioptila californica californica*), federally listed (Threatened) and CDFW SSC;
- San Diego desert woodrat (*Neotoma lepida intermedia*), CDFW SSC;
- Southern grasshopper mouse (*Onychomys torridus ramona*), CDFW SSC;
- American badger (*Taxidea taxus*), CDFW SSC

#### **4.2.5.9 Wildlife Species Presumed Absent**

A total of 15 species are presumed absent. The habitat present in the Project Area was not suitable or the Project Area is located outside the known range of these species. For some species, there were historic or recent sightings near the site; however, due to the lack of suitable habitat within the Project Area, these species are presumed absent.

- Quino checkerspot butterfly (*Euphydryas editha quino*), federally listed (Endangered);
- Santa Ana sucker (*Catostomus santaanae*), federally listed (Threatened);
- arroyo chub (*Gila orcutti*), CDFW SSC;
- Steelhead - southern California distinct population segment (*Oncorhynchus mykiss irideus* pop. 10), federally listed (Endangered) and state listed Candidate;
- Southern rubber boa (*Charina umbratica*) state listed (Threatened)
- San Diego banded gecko (*Coleonyx variegatus abbotti*), CDFW SSC;
- Tricolored blackbird (*Agelaius tricolor*) state listed (Threatened) and CDFW SSC;
- Swainson's hawk (*Buteo swainsoni*), state listed (Threatened);
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), state listed (Endangered), federally listed (Threatened);
- California black rail (*Laterallus jamaicensis coturniculus*), state listed (Threatened), CDFW Fully Protected;
- Least Bell's vireo (*Vireo bellii pusillus*), state- and federally listed (Endangered);
- San Bernardino kangaroo rat (*Dipodomys merriami parvus*), state listed (Candidate), federally listed (Endangered), CDFW SSC;

- Western mastiff bat (*Eumops perotis californicus*) CDFW SSC;
- Western yellow bat (*Lasiurus xanthinus*) CDFW SSC;
- Pocket free-tailed bat (*Nyctinomops femorosaccus*) CDFW SSC;

#### **4.2.6 Raptors and Migratory Birds**

Potential nesting habitat for migratory birds and raptors protected by the MBTA and California Fish and Game Code was present throughout the Project Area in the form of shrubs and metal telephone lines. Suitable nesting habitat for ground-nesting bird species, such as mourning doves, was also present in the Project Area. Due to the presence of suitable nesting habitat, nesting native and migratory birds could use the Project Area during the nesting bird season (typically February 1 through August 31).

#### **4.2.7 Aquatic Resources**

Although a formal aquatic resources delineation was not performed, potentially jurisdictional features were not identified within the Project Area. However, one freshwater pond classified by NWI as a PUS was mapped within the Project Area in the NWI Database (USFWS 2024a). The feature as mapped in the NWI Database is predominantly located in the 500-foot survey buffer and only marginally overlaps with the westernmost portion of the Project Area (Figure 3). This feature was searched during the biological survey, and no water or sign of water (e.g., cracked soils) was observed.

#### **4.2.8 Wildlife Movement Corridors, Linkages, and Native Wildlife Nursery Sites**

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

The Project Area was assessed for its ability to function as a wildlife corridor. Although the Project Area contains open areas, it is completely surrounded by urban development and is isolated from large, contiguous blocks of native habitat. The nearest natural wildlife corridor and area is the Santa Ana River approximately 2 miles south of the of the Project Area. Less than a half mile south of the Project Area is I-10, approximately 3 miles to east is State Route 215, and approximately 4 miles to the north is I-210; all three are major highways that limit wildlife movement. Additionally, the lack of consistent vegetative cover within the Project Area, the urban nature of the site, and the high density of nonnative weedy vegetation across the Project Area likely deter wildlife from using the area for movement opportunities

due to lack of suitable cover. Wildlife commonly found in urban areas (e.g., coyote [*Canis latrans*]) could use portions of the Project Area or areas immediately adjacent to the Project Area, such as the Existing Conservation Area to the west, for local travel but the Project Area itself does not provide wildlife movement corridor or linkage opportunities.

The Project Area was also assessed for its ability to function as a native wildlife nursery site and for bat roosting habitat. Bat roosting habitat was not identified within the Project Area. Some palm tree species and buildings, which can be considered bat roosting habitat, were present within the 500-foot survey buffer. However, the palm trees skirts had been removed and the buildings did not have crevices, both of which are necessary to support roosting bats. Suitable nesting habitat for bird species was documented within the Project Area. However, due to the level of disturbance within and adjacent to the Project Area, nursery site habitat for bird species (e.g., heron rookery) is not anticipated to occur.

### 4.3 Delhi Sands Flower-Loving Fly Habitat Assessment

The Delhi Sands Flower-loving fly habitat assessment was conducted by a qualified and permitted biologist, Dale Powell (TE-006559-8), on September 22, 2024. Summarized below are the results of the survey. Weather conditions are summarized in Table 4.

Date	Time		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
	Start	End	Min	Max	Min	Max	Min	Max
9/22/24	0330	0445	92	92	0	0	3	7

Notes: °F = degrees Fahrenheit; mph = miles per hour

The biologist documented three of the four indicator plant species for Delhi Sands flower loving fly in the Project Area including California buckwheat, annual bursage, and telegraph weed. Additionally, the biologist documented one native plant, deerweed (*Lotus scoparius*), known to occur in Delhi Sands loving fly habitat and large areas of open unconsolidated soil in the Project Area. A complete Delhi Sands Flower-loving fly habitat assessment report summarizing the survey methods, results, and recommendations is included as Appendix F.

## 5.0 IMPACT ANALYSIS

Two separate impacts analyses are presented in this section due to the difference in proposed uses of the Project Area. Impacts associated with the Area to be Developed are not expected to be the same as impacts associated with the Proposed Conservation Area. Impacts for each portion of the Project Area are described below.

## 5.1 Area to be Developed

### 5.1.1 Special Status Species

The Area to be Developed consists of an undeveloped lot with the vegetation community, wild oat and annual brome grassland. Disturbances were present throughout the Area to be Developed, including compacted gravelly soils along the eastern Project boundary, disced soils, mowed vegetation, abundant trash, and a powerline easement that bisects the area and includes metal power poles and a dirt road with vehicle tracks.

The literature review and database searches identified 40 special-status plant species and 28 special-status wildlife species that have previously been documented on or near the Project Area. 16 special-status plant species were determined to have a moderate or low potential to occur and the remaining 24 special-status plant species were determined to be absent due to the disturbed nature of the Project Area, the lack of suitable habitat (including elevation and soils), and/or because the Project is located outside of the known range for the species.

Within the Area to be Developed, five special-status plant species have a moderate or low potential to occur due to the presence of suitable habitat within the wild oat and annual brome grassland (Figure 5). Smooth tarplant (CRPR 1B.1) has a moderate potential to occur within the Area to Be Developed while Catalina mariposa lily (CRPR 4.2), Plummer's mariposa lily (CRPR 4.2), Parry's spineflower (CRPR 1B.1), and paniculate tarplant (CRPR 4.2) all have a low potential to occur. Should these species occur within the Area to be Developed, impacts to the species may occur in the form of ground disturbance, vegetation removal, mortality, dust, and habitat loss. If present, impacts to species with a CRPR rank of 4, including Catalina mariposa lily, Plummer's mariposa lily, and paniculate tarplant, would not be considered significant under CEQA. Impacts to smooth tarplant and Parry's spineflower would be less than significant with the implementation of Mitigation Measures BIO-1 and -2. The Mitigation Measures for the Proposed Project are discussed in Section 6.0.

Of the 28 special-status wildlife species identified in the literature review, 3 species have a high potential to occur, 3 species have a moderate potential to occur, and 7 have a low potential to occur. The remaining 15 species are presumed absent due to a lack of suitable habitat or because the Project Area being outside the known range for the species.

Burrowing owl has a high potential to occur within the Area to be Developed. This species is protected by the MBTA, California Fish and Game Code, and is a Candidate for state listing which affords the species the same protections as though it were listed under the California ESA. Within the Area to be Developed, suitable habitat was present in wild oat and annual brome grassland in the form of friable soils, suitable foraging habitat, and California ground squirrel burrows. The literature review and database search identified numerous recent occurrences within five miles of the Project Area in CNDDDB, one of which was documented in 2007 in the Area to be Developed (CDFW 2024a). Although no live owls or their sign were incidentally observed during the biological survey, suitable burrowing and foraging habitat is present in the Area to Be Developed. Due to the mobile nature of the species, burrowing owls may be present within the Project Area prior to the start of Project activities. Direct impacts in the form of ground disturbance,

vegetation removal, habitat loss, and mortality and indirect impacts from construction noise and vibrations may occur to this species. Impacts to burrowing owl would be less than significant with the implementation of Mitigation Measures BIO-1 and -3.

Delhi Sands flower-loving fly (federally listed Endangered) has a high potential to occur within the Area to Be Developed. Within the Area to be Developed, Delhi Sands soil series is present; this soil is necessary for the ecology of the Delhi Sands flower-loving fly. Additionally, foraging and oviposition resources are present within and adjacent to the Area to be Developed including all four indicator plant species, California buckwheat, California croton, annual bursage and telegraph weed. If present, direct impacts to Delhi Sands flower-loving fly could occur in the form of injury or mortality due to vehicle or equipment strikes and loss of habitat. If present, indirect impacts to this species may occur in the form of increased human activity, noise, dust, and ground vibrations. However, Project activities would be covered under the West Valley HCP incidental take permit, which would require the Project to implement the species-specific and construction-related avoidance and minimization measures in Sections 5.3 and 5.4 of the West Valley HCP. Impacts to Delhi Sands flower-loving fly would be less than significant because the existing West Valley HCP requires construction- and species-specific protection measures to reduce or eliminate impacts to the Delhi Sands flower-loving fly and these measures would be implemented prior to and during Project activities..

Crotch bumble bee has a moderate potential to occur within the Area to Be Developed and is a Candidate for state listing and is therefore afforded all the protections as though it were listed under the California ESA. This species has a moderate potential to occur within the wild oat and annual brome grassland which included suitable friable soils, suitable burrow habitat, suitable burrows (i.e., small mammal burrows), and nectar sources. Due to the disced soils and mowed vegetation within the Area to be Developed, it is unlikely that the species would use the Area to be Developed to nest. However, it is possible that the species could use the Area to Be Developed to forage. Three historic occurrences were documented in the CNDDDB within five miles of the Project Area (CDFW 2024a). If Crotch bumble bee is found to be using or nesting adjacent to the Area to Be Developed prior to the start of construction, impacts to Crotch bumble bee may occur in the form of direct mortality of individuals, direct mortality to an active nesting colony, direct mortality to an overwintering individual, conversion of foraging habitat, or permanent loss of foraging resources. Due to the location of the Project in an already mowed and disced area, the suitable foraging, nesting, and overwintering habitat is already subject to repeated disturbance. Because this species is a generalist forager that chooses nest and overwintering locations on an annual basis, temporary and permanent loss of habitat resulting from the Project would not be expected to contribute substantially to the overall decline of this species unless direct impacts were to occur to an active nest or overwintering gyne (future queen). Impacts to Crotch bumble bee would be less than significant with the implementation of Mitigation Measures BIO-1 and -4.

Coastal California gnatcatcher (federally listed Threatened and CDFW SSC) has a low potential to occur in the disturbed California buckwheat scrub in the northwest portion of the Proposed Conservation Area. The disturbed California buckwheat scrub is present immediately north and west of the Area to be Developed (Figure 5). Therefore, it is unlikely that the species will use the Area to be Developed to nest but could travel through the Area to be Developed to access suitable habitat in adjacent areas. If present,

direct impacts to this species could occur in the form of injury or mortality due to vehicle or equipment strikes or nest failure. If present, indirect impacts to this species may occur in the form of increased human activity, noise, dust, light pollution and ground vibrations. Impacts to coastal California gnatcatcher would be considered less than significant with the implementation of Mitigation Measures BIO-1 and -5.

Western spadefoot (federally proposed for listing, threatened, and CDFW SSC) is not expected to occur within the Area to be Developed. The species was determined to have a low potential due to the presence of an NWI pond feature that overlaps with the Proposed Conservation Area, disturbed California buckwheat scrub, and the presence of sandy soils. However, the habitat characteristics previously described were not present within the Area to Be Developed. Additionally, no sign of aquatic resources, such as the presence of cracked soils, were identified at the time of the biological survey. There is only one CNDDDB occurrence of the species, which is 12 years old and was recorded approximately 5 miles away from the Project Area (Occ. # 1016; CDFW 2024a). As a result, direct impacts to western spadefoot are not expected to occur within the Area to Be Developed. If present, indirect impacts to this species may occur in the form of increased human activity, noise, dust, light pollution and ground vibrations. Impacts to western spadefoot would be considered less than significant with the implementation of Mitigation Measure BIO-1.

Six additional CDFW SSC species have a low potential to occur within the Project Area: southern California legless lizard, California glossy snake, San Diego desert woodrat, southern grasshopper mouse, Los Angeles pocket mouse, and American badger. If present, direct impacts to these species could occur in the form of injury or mortality due to vehicle or equipment strike or entombment inside of burrows that are graded over during construction, and loss of habitat. If present, indirect impacts to these species could occur in the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. These species have a low probability of occurring in the Area to Be Developed, and if present, these species are not expected to occur at high densities due to limited or marginal habitat being present, the lack of contiguous habitat surrounding the Project Area, and the disturbed nature of the Area to be Developed. The potential loss of individuals in the Area to be Developed would not be expected to contribute to the decline in regional populations and would therefore not be considered a significant impact under CEQA. The remaining 15 special-status wildlife species are presumed absent from the Project Area or areas adjacent to the Project Area due to the lack of suitable habitat and ongoing disturbances within and adjacent to the Project Area. No impacts to the 15 presumed absent special-status wildlife species are anticipated to result from the development of this Project.

Metal power poles, shrub species, and grasses are present within and immediately adjacent to the Area to be Developed. These resources can provide nesting habitat for nesting songbirds and raptors protected by the MBTA and California Fish and Game Code. Furthermore, the Area to be Developed can provide nesting habitat for ground-nesting bird species such as mourning dove (*Zenaida macroura*). Ground-disturbing construction activities could directly affect birds protected by the MBTA and their nests through the removal of occupied habitat (e.g., destruction of nests, mortality of flightless juveniles) in the Area to be Developed, and indirectly through increased noise, vibrations, increased lighting/glare, and increased human activity. These impacts to nesting songbirds and raptors would be less than significant with the implementation of Mitigation Measures BIO-1 and -5.

### **5.1.2 Sensitive Natural Communities**

No sensitive natural communities, according to classifications described in the *Manual of California Vegetation Online* and by CDFW, were identified within the Area to be Developed. Only one vegetation community is present within the Area to be Developed, wild oats and annual brome grassland. No impacts to sensitive natural communities within the Area to be Developed are anticipated as a result of the Project.

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

Although a formal aquatic resources delineation was not performed, potentially jurisdictional features were not identified within the Area to be Developed. Impacts to aquatic resources within the Area to be Developed are not expected as a result of the Project.

### **5.1.4 Wildlife Corridors and Nursery Sites**

The Area to be Developed is located within and adjacent to areas containing existing disturbances (e.g., roadways, major highways, residential and commercial development). Despite these disturbances, the Area to be Developed contains open land and resources that could provide limited movement opportunities in the immediate vicinity. Additionally, to the west of the Area to be Developed is the Proposed Conservation Area, which will remain undeveloped per the West Valley HCP (RBF 2014). This adjacent habitat connects the Area to be Developed to other open spaces such as the Existing Conservation Area which supports native wildlife, such as the Delhi sands flower-loving fly, and may provide limited movement opportunities for wildlife. Despite these characteristics, the Area to be Developed is adjacent to urban development and anthropogenic disturbances and provides no connection between large, contiguous blocks of native habitat in the region. Due to being surrounded by development and low vegetative cover, impacts to wildlife corridors or linkages are not expected to occur within the Area to Be Developed as a result of the Project.

The Area to Be Developed was also assessed for its ability to function as a native wildlife nursery site and for bat roosting habitat. Bat roosting habitat was not identified within the Area to Be Developed. Some palm tree species and buildings, which can provide bat roosting habitat under the right conditions, are present within the 500-foot survey buffer. However, the palm trees and buildings lacked the correct features to support roosting bats (e.g., palm tree skirts and crevices). Suitable nesting habitat for bird species was documented within the Project Area. However, due to the level of disturbance within and adjacent to the Project Area, nursery site habitat for bird species (e.g., heron rookery) is not anticipated to occur. As a result, impacts to nursery sites are not expected to occur within the Area to Be Developed as a result of the Project.

## **5.1.5 Local Policies, Plans, Ordinances and Habitat Conservation Plans**

### **5.1.5.1 City of Colton— Tree Protection Guidelines**

No mature trees, according to the definitions provided in City of Colton Municipal Code, Chapter 12.20, were observed within the Area to be Developed. No impacts to these resources are expected to occur as a result of the Project.

### **5.1.5.2 West Valley Habitat Conservation Plan**

The West Valley HCP was developed to preserve populations of Delhi Sands flower-loving fly that occur north of the I-10 freeway (RBF 2014) within the city of Colton in San Bernardino County, California. The Area to be Developed lies within high quality habitat for the Delhi sands flower-loving fly, and within a developable area as defined by the West Valley HCP. Under the West Valley HCP, the current Project would be a "Covered Activity" due its status as "construction, operation, and maintenance of public or public use facilities/structures within 'Developed and Developable Lands' including... other public facilities and projects identified in the City's General Plan and/or Capital Improvements Plans" (RBF 2014). The Project would therefore be consistent with the West Valley HCP. As a Covered Activity, the Project is required to implement the species-specific avoidance and minimization measures identified in Sections 5.3 and 5.4 of the West Valley HCP (RBF 2014). Therefore, the Project would not conflict with a local management and impacts would not be significant.

## **5.2 Proposed Conservation Area**

### **5.2.1 Special-Status Species**

The Proposed Conservation Area consists of an open graded lot, sandy hills in the northwest corner, and a powerline easement that bisects the area and includes metal power poles and a dirt road. Vegetation communities present within the Proposed Conservation Area include wild oat and annual brome grassland and a small patch of disturbed California buckwheat scrub in the northwest (Figure 5). Disturbances were present throughout the Proposed Conservation Area including disced soils, mowed vegetation, abundant trash, homeless encampments, fire pit scars and vehicle tracks. No Project related impacts are expected to occur within the portion of the powerline easement which runs through the Proposed Conservation Area.

The Proposed Conservation Area will be subject to mitigation and restoration activities as part of the West Valley HCP requirements in order restore the habitat for the Delhi Sands flower-loving fly (RBF 2014). Activities may include "fencing, ... assessments, surveys, and biological monitoring of the habitat and/or species, ... weed abatement and monitoring, ... thinning of native vegetation to maintain prescribed ratios of vegetation to open ground/dune areas, ... habitat restoration and enhancement of disturbed areas ... and ... excess sand which accumulates at the downwind side of conservation areas will be collected within the plan area and distributed at the upwind side of conservation areas..." (RBF 2014). Aside from maintenance and restoration activities required by the West Valley HCP, Project-related activities are not

planned to occur in the Proposed Conservation Area; therefore, Project-related impacts are expected to be minimal to non-existent as indirect impacts only. These impacts are discussed in more detail below.

Sixteen special-status plant species have a moderate or low potential to occur in the disturbed California buckwheat scrub and/or wild oat and annual grassland present in the Proposed Conservation Area.

Twenty-four special-status plant species are presumed absent due to the disturbed nature of the Project Area, the lack of suitable habitat (including elevation and soils, and/or because the Project is located outside of the known range of the species. No Project-related impacts will occur to the species that are presumed absent.

Two special status species have moderate potential to occur within the Proposed Conservation Area including smooth tarplant (CRPR 1B.1) and Santa Ana River woollystar (state- and federally listed endangered and CRPR 1B.1). Smooth tarplant has potential to occur within the wild oat and annual brome grassland or the disturbed California buckwheat scrub while Santa Ana River woollystar has potential to occur only within the disturbed California buckwheat scrub (Figure 5). The following 4 plant species have a low potential to occur within the disturbed California buckwheat scrub and wild oat and annual brome grassland in the Proposed Conservation Area: catalina mariposa lily (CRPR 4.2), Plummer's mariposa lily (CRPR 4.2), Parry's spineflower (CRPR 1B.1), and paniculate tarplant (CRPR 4.2) (Figure 5). The following 10 plant species have a low potential to occur within the disturbed California buckwheat scrub in the northwest corner of the Proposed Conservation Area: Nevin's Barberry (state- and federally listed endangered and CRPR 1B.1), slender-horned spineflower (state- and federally listed endangered and CRPR 1B.1), mesa horkelia (CRPR 1B.1), California satintail (CRPR 2B.1), Robinson's pepper-grass (CRPR 4.3), Parish's desert-thorn (CRPR 2B.3), California muhly (CRPR 4.3), chaparral ragwort (CRPR 2B.2), salt spring checkerbloom (CRPR 2B.2), and San Bernardino aster (CRPR 1B.2). Project-related construction activities will not occur within the Proposed Conservation Area; therefore, no permanent loss of individuals or habitat will occur in the Proposed Conservation Area as a result of the Project. However, some minor beneficial impacts could occur during the restoration activities required by the West Valley HCP, such as non-native weed abatement, trash removal, and fencing to keep public foot traffic and vehicles out of the Proposed Conservation Area. During the restoration activities, impacts may occur in the form of ground disturbance, vegetation removal, mortality, or increased dust. However, these impacts would be beneficial overall to any special-status plant species occurring in the Proposed Conservation Area because the restoration activities would improve habitat quality and also prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). If present, impacts to species with a CRPR rank of 4 (Catalina mariposa lily, Plummer's mariposa lily, paniculate tarplant, southern California black walnut, Robinson's pepper-grass, and California muhly) would not be considered significant under CEQA and therefore do not require mitigation. Impacts to the remaining special-status plant species with potential to occur would be less than significant with the implementation of Mitigation Measures BIO-1 and -2.

Three special-status wildlife species have a high potential to occur, 3 species have a moderate potential to occur, and 7 have a low potential to occur. A total of 15 species are presumed absent due to a lack of suitable habitat or the Project Area being outside the known range for the species and Project-related impacts are not expected to occur to these species.

Burrowing owl has a high potential to occur throughout the Proposed Conservation Area in the wild oat and annual brome grassland and disturbed California buckwheat scrub (Figure 5). This species is protected by the MBTA, California Fish and Game Code, and is a Candidate for state listing which affords the species the same protections as though it were listed under the California ESA. Suitable habitat was present throughout the Proposed Conservation Area in the form of friable soils, suitable foraging habitat, and California ground squirrel burrows, including a complex of burrows suitably sized for burrowing owl use (Figure 5). The literature review and database search identified numerous recent occurrences within five miles of the Project Area in CNDDDB, one of which was documented in 2007 and describes a breeding pair in the Area to Be Developed (Occ. # 1785, CDFW 2024a). Although no live owls or their sign were incidentally observed during the biological survey, suitable burrowing and foraging habitat, were present within the Proposed Conservation Area. Due to the mobile nature of the species, burrowing owls may be present within the Proposed Conservation Area prior to the start of Project activities. Direct impacts may occur to the species in the form of nest failure and indirectly in the form of construction noise, ground vibrations, dust, and light pollution. Additionally, some minor beneficial impacts could occur during the mitigation and restoration activities required by the West Valley HCP, such as non-native weed abatement, trash removal, and fencing to keep public foot traffic and vehicles out of the Proposed Conservation Area. During the mitigation and restoration activities, impacts may occur in the form of ground disturbance and temporary increased human activity. However, these impacts would be beneficial overall for the species occurring in the Proposed Conservation Area because the mitigation and restoration activities would improve habitat quality and prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). Impacts to burrowing owl would be less than significant with the implementation of Mitigation Measures BIO-1 and 3.

Delhi Sands flower-loving fly (federally listed Endangered) has a high potential to occur throughout the Proposed Conservation Area in the wild oat and annual brome grassland and disturbed California buckwheat scrub (Figure 5). Within the Proposed Conservation Area, Delhi Sand soil series is present; this soil is necessary for the ecology of the Delhi Sands flower-loving fly. Additionally, foraging and oviposition resources are present within and adjacent to the Proposed Conservation Area, including all three indicator plant species: California buckwheat, California croton, and telegraph weed. If present, indirect impacts to this species may occur in the form of increased noise, dust, ground vibrations, and temporary increased human activity during Project related construction or mitigation and restoration activities. However, mitigation and restoration activities in the Proposed Conservation Area were designed specifically to protect the Delhi sands flower-loving fly and are expected to overall benefit the species. Impacts to Delhi Sands flower-loving fly in the Proposed Conservation Area would be less than significant because the existing West Valley HCP requires species-specific protection measures to reduce or eliminate impacts to the Delhi Sands flower-loving fly and these measures would be implemented prior to and during any activities undertaken at the Proposed Conservation Area.

Crotch bumble bee has a moderate potential to occur throughout the Proposed Conservation Area in the wild oat and annual brome grassland or disturbed California buckwheat scrub (Figure 5). This species is a Candidate for state listing and is therefore afforded all the protections as though it were listed under the California ESA. Habitat characteristics were present throughout the Proposed Conservation Area such as

suitable friable soils, suitable burrow habitat (i.e., small mammal burrows), and nectar sources. If Crotch bumble bee is found to be using or nesting in the Proposed Conservation Area prior to the start of construction related Project activities, impacts to this species may occur in the form of noise, dust, and ground vibrations. Additionally, some minor beneficial impacts could occur during the mitigation and restoration activities required by the West Valley HCP, such as non-native weed abatement, trash removal, and fencing to keep public foot traffic and vehicles out of the Proposed Conservation Area. During the restoration activities impacts may occur in the form of ground disturbance and temporary increased human activity. However, these impacts would be beneficial overall for the species occurring in the Proposed Conservation Area because the restoration activities would improve habitat quality and also prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). Temporary or permanent loss of habitat resulting from the Project is not expected to occur within the Proposed Conservation Area. Impacts to Crotch bumble bee would be less than significant with the implementation of Mitigation Measures BIO-1 and -4.

Coastal California gnatcatcher (federally listed Threatened and CDFW SSC) has a low potential to occur in the disturbed California buckwheat scrub in the northwest portion of the Proposed Conservation Area. Direct impacts may occur in the form of ground disturbance and habitat loss or nest failure during vegetation removal associated with restoration activities required by the West Valley HCP. Indirect impacts to this species may occur in the form of increased human activity, noise, dust, light pollution and ground vibrations. However, these impacts would be beneficial overall for the species occurring in the Proposed Conservation Area because the restoration activities would improve habitat quality and also prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). Temporary or permanent loss of habitat resulting from the Project is not expected to occur within the Proposed Conservation Area. Impacts to coastal California gnatcatcher would be considered less than significant with the implementation of Mitigation Measures BIO-1 and -5.

Western spadefoot (federally proposed for listing, threatened, and CDFW SSC) has low potential to occur in the Proposed Conservation Area, in the NWI freshwater pond and disturbed California buckwheat scrub. During the biological survey, no signs of aquatic resources were observed in association with the NWI freshwater pond feature; however, it is possible that the NWI freshwater pond feature seasonally holds water that could provide habitat for the species after rain events. There is only one CNDDDB occurrence of the species, which is 12 years old and was recorded approximately 5 miles away from the Project Area (Occ. # 1016; CDFW 2024a). Impacts may occur in the form of ground disturbance, habitat loss, or direct mortality during mitigation and restoration activities. Indirect impacts to western spadefoot may occur in the form of noise, dust, light pollution and ground vibrations during construction related Project activities. Impacts to western spadefoot would be considered less than significant with the implementation of Mitigation Measures BIO-1 and -6.

Six additional CDFW SSC species have a low potential to occur within the Project Area: southern California legless lizard, California glossy snake, San Diego desert woodrat, southern grasshopper mouse, Los Angeles pocket mouse, and American badger. If present, indirect impacts to these species could occur in

the form of increased human activity, noise, dust, nighttime lighting, and ground vibrations. During restoration activities, direct impacts may occur in the form of ground disturbance or loss of habitat during vegetation removal. However, these impacts would be beneficial overall for the species occurring in the Proposed Conservation Area because the restoration activities would improve habitat quality and also prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). Temporary or permanent loss of habitat resulting from the Project is not expected to occur within the Proposed Conservation Area. These species have a low probability of occurring in the Project Area, and if present, these species are not expected to occur at high densities due to the Project Area being surrounded by development without contiguous habitat nearby, the disturbed nature of the Project Area, and the presence of limited or only marginally suitable habitat. Any potential loss of individuals in the Project Area would not be expected to contribute to the decline in regional populations and would therefore not be considered a significant impact under CEQA.

Metal power poles, shrubs, and grasses are present within and immediately adjacent to the Proposed Conservation Area. These resources can provide nesting habitat for nesting songbirds and raptors protected by the MBTA and California Fish and Game Code. Furthermore, the Proposed Conservation Area can provide nesting habitat for ground-nesting bird species such as mourning dove (*Zenaida macroura*). Ground-disturbing restoration activities required by the West Valley HCP could directly affect birds protected by the MBTA and their nests through the removal of occupied habitat (e.g., destruction of nests, mortality of flightless juveniles). However, these impacts would be beneficial overall for the species occurring in the Proposed Conservation Area because the restoration activities would improve habitat quality and also prevent or drastically minimize the anthropogenic impacts currently present in the Proposed Conservation Area (e.g., trash, homeless encampments, off-road vehicle use). Temporary or permanent loss of habitat resulting from the Project is not expected to occur within the Proposed Conservation Area. Additionally, indirect impacts to nesting birds could occur through increased noise, vibrations, increased lighting/glare, and increased human activity. Impacts to nesting songbirds and raptors would be less than significant with the implementation of Mitigation Measures BIO-1 and -6.

### **5.2.2 Sensitive Natural Communities**

No sensitive natural communities, according to classifications described in the *Manual of California Vegetation Online* and by CDFW, were identified within the Proposed Conservation Area. Two vegetation communities are present within the Proposed Conservation Area, including disturbed California buckwheat scrub and wild oats and annual brome grassland (Figure 5). No impacts to sensitive natural communities within Proposed Conservation Area are anticipated as a result of the Project.

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

Although a formal aquatic resources delineation was not performed, potentially jurisdictional features were not identified within the Proposed Conservation Area during the biological survey. One NWI aquatic feature, a PUS freshwater pond, overlaps with the Proposed Conservation Area. However, the majority of the freshwater pond lies west of the Proposed Conservation Area within the 500-foot survey buffer. Project-related construction activities will not occur in the Proposed Conservation Area and impacts to

this feature are not expected as a result of the Project. No significant impacts to state and federally protected wetlands and waters of the U.S. will occur as a result of the Project.

If the Project design changes or offsite improvements are found to be necessary within the NWI freshwater pond feature as a result of the Project, then a formal aquatic resources delineation should be conducted to determine jurisdiction and extent of the feature. If it is found to be jurisdictional then mitigation and regulatory permitting under the California Fish and Game Code (Section 1600) and the federal CWA (Section 401) would be necessary prior to the start of construction.

#### **5.2.4 Wildlife Corridors and Nursery Sites**

The Proposed Conservation Area is located within and adjacent to areas containing existing disturbances (e.g., roadways, major highways, residential and commercial development). Despite these disturbances, the Proposed Conservation Area contains open land and resources that could provide limited movement opportunities in the immediate vicinity. Additionally, immediately west of the Proposed Conservation Area is the Existing Conservation Area which supports native wildlife, such as the Delhi Sands flower-loving fly, and may provide limited movement opportunities for wildlife. Despite these characteristics, the Proposed Conservation Area is adjacent to urban development and anthropogenic disturbances and provides no connection between large, contiguous blocks of native habitat in the region. Due to being surrounded by development and low vegetative cover, impacts to wildlife corridors or linkages are not expected to occur within the Proposed Conservation Area as a result of the Project.

The Proposed Conservation Area was also assessed for its ability to function as a native wildlife nursery site and for bat roosting habitat. Bat roosting habitat was not identified within the Proposed Conservation Area. Some palm tree species and buildings, which can provide bat roosting habitat under the right conditions, were present within the 500-foot survey buffer. However, the palm trees and buildings lacked the correct features to support roosting bats (e.g., palm tree skirts and crevices). Suitable nesting habitat for bird species was documented within the Proposed Conservation Area. However, due to the level of disturbance within and adjacent to the Proposed Conservation Area, nursery site habitat for bird species (e.g., heron rookery) is not anticipated to occur. As a result, impacts to nursery sites are not expected to occur within the Proposed Conservation Area as a result of the Project.

#### **5.2.5 Local Policies, Plans, Ordinances and Habitat Conservation Plans**

##### **5.2.5.1 City of Colton— Tree Protection Guidelines**

No mature trees, according to the definitions provided in City of Colton Municipal Code, Chapter 12.20, were observed within the Proposed Conservation Area. No impacts to these resources are expected to occur as a result of the Project.

##### **5.2.5.2 West Valley Habitat Conservation Plan**

The West Valley HCP was developed to preserve populations of Delhi Sands flower-loving fly that occur north of the I-10 freeway within the city of Colton in San Bernardino County, California (RBF 2014). The Proposed Conservation Area lies within high quality habitat for the Delhi sands flower-loving fly, and

within a proposed "Conservation Area" as defined by the West Valley HCP. Under the West Valley HCP, the current Project activities within the Proposed Conservation Area would be a "Covered Activity" due to its status of "Construction, operation and maintenance within the Conservation Areas including ... management of designated Conservation Areas, natural open spaces, or sensitive habitats" (RBF 2014). As a Covered Activity, the Project is required to implement the species-specific avoidance and minimization measures identified in Sections 5.3 and 5.4 of the West Valley HCP (RBF 2014). Additionally, the Project is required to implement measures listed in Section 5.5.3 of the West Valley HCP required for conservation areas within the planning area. Therefore, the Project would not conflict with a local management and impacts would not be significant.

## 6.0 MITIGATION MEASURES AND RECOMMENDATIONS

The following mitigation measures are recommended prior to Project implementation:

**BIO-1 Worker Environmental Awareness Program and Biological Monitor:** Prior to the start of ground disturbing activities, a Worker Environmental Awareness Program (WEAP) will be developed by the City or the City's consultant. A qualified biologist with experience with the sensitive biological resources in the region will present the WEAP to all personnel working in the Project Area (either temporarily or permanently) prior to the start of Project activities. The WEAP may be videotaped and used to train newly hired workers or those not present for the initial WEAP. The WEAP could include but will not be limited to discussions of the sensitive biological resources associated with the Project, Project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with Project permits and agreements, and contact information for the lead biologist. Logs of personnel who have taken the training will be kept on the site at the construction or Project office.

In addition to a WEAP, a qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area will be present during initial ground-disturbing activities related to the Project (including fence installation and vegetation removal activities). Biological monitoring duties will include, but are not limited to, conducting worker education training, verifying compliance with Project permits, and helping to ensure Project activities stay within designated work areas.

The biological monitor will have the right to halt all activities in an affected area if a special-status species is identified in a work area and is in danger of injury or mortality. If work is halted by the biological monitor, work will proceed only after the hazards to the individual are removed and there is no longer a risk to the individual, or the individual has been moved from harm's way in accordance with the Project's permits and/or management/translocation plans. The biological monitor will take representative photographs of the daily activities and will also maintain a daily log that documents general Project activities and compliance with the Project's permit conditions. Non-compliances will also be documented in the daily log, including any measures that were implemented to rectify the issue.

**BIO-2 Rare Plant Survey:** A rare plant survey for smooth tarplant and Santa Ana River woollystar shall be conducted within suitable habitat within the Area to be Developed and Proposed Conservation Area during the appropriate blooming period. The survey shall be conducted by a botanist or qualified biologist in accordance with the *USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants*; the *CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*; and the *CNPS Botanical Survey Guidelines*. One survey will be conducted during a time of the year that overlaps with all blooming periods (April through September).

If the aforementioned special-status plant species are observed during the rare plant survey, individual plants or populations will be marked using a GPS unit with submeter accuracy. If any of these special-status plant species are detected in the Project Area and impacts to these species are unavoidable and impacts would result in deleterious effects to the regional population of the species as determined by the qualified Project botanist or biologist, then the Project will need to consult with CDFW to develop a mitigation plan or additional avoidance and minimization measures to ensure impacts to these plant species are minimized to the maximum extent practicable. Examples of measures that may be implemented after consultation with CDFW include establishing non-disturbance buffers around special-status plant locations or additional monitoring requirements during Project construction.

**BIO-3 Burrowing Owl Surveys:** Pre-construction surveys for burrowing owl shall be conducted prior to the start of ground-disturbing activities (including vegetation removal and fence installation activities), in the Area to be Developed, Proposed Conservation Area, and adjacent areas. The surveys shall follow the methods described in the California Department of Fish and Game (CDFG) *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) on take avoidance. Two surveys shall be conducted by a qualified biologist with experience surveying for and identifying burrowing owls and their sign. The first survey shall be conducted between 14 and 30 days prior to the start of ground-disturbing activities and the second survey shall be conducted no more than 24 hours prior to the start of ground-disturbing activities. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project site during the survey and impacts to the species or occupied burrows are unavoidable, additional mitigation measures consistent with those outlined in the Staff Report (CDFG 2012) may need to be implemented, such as implementing a non-disturbance buffer around occupied burrows, seasonal work restrictions, or passive relocation. The Project biologist shall coordinate with CDFW as appropriate prior to implementing additional mitigation measures consistent with those outlined in the Staff Report (CDFG 2012). If the pre-construction surveys result in no detections of live burrowing owls and no sign of owl use of the two potential burrows, then Project activities may commence.

If the burrowing owl is legally protected under the California ESA as a Candidate or Listed species at the time ground-disturbing activities are scheduled to begin and burrowing owl or sign of recent burrowing owl use is identified during the pre-construction surveys, then the Project biologist shall notify CDFW of the survey results. Further coordination may be required to avoid or mitigate certain impacts to burrowing owl and an incidental take permit may be required prior to the start of Project activities. If the burrowing owl is no longer a Candidate or a formally listed species under the California ESA at the time ground-disturbing activities occur and pre-construction surveys are positive for burrowing owl, then the Project biologist shall implement additional mitigation measures as appropriate to avoid or eliminate impacts to burrowing owls consistent with the Staff Report (CDFG 2012).

**BIO-4      **Preconstruction Surveys for Crotch Bumble Bee:**** If the Crotch bumble bee is no longer a Candidate or formally listed species under the California ESA at the time ground-disturbing activities occur, then no additional protection measures are proposed for the species.

If the Crotch bumble bee is legally protected under the California ESA as a Candidate or Listed species at the time ground-disturbing activities are scheduled to begin, preconstruction surveys shall be conducted in accordance with CDFW's Survey Considerations for California ESA Candidate Bumble Bee Species (CDFW 2023) the season immediately prior to Project-related ground disturbing activities (including but not limited to vegetation clearing, fence installation, and grading). A minimum of three Crotch bumble bee preconstruction surveys shall be conducted by a qualified biologist during the colony active period (April through August) and blooming period of flowering resources when Crotch bumble bees are most likely to be detected. If Crotch bumble bees are detected, CDFW shall be notified within 24 hours as further coordination may be required to avoid or mitigate certain impacts and an incidental take permit may be required. If no Crotch bumble bees are detected, then the Project activities may commence.

**BIO-5      **Preconstruction Survey for Coastal California Gnatcatcher and Nesting Birds:**** A preconstruction survey for coastal California gnatcatcher and nesting birds shall be conducted by a qualified avian biologist prior to ground-disturbing Project activities (e.g., grubbing, vegetation removal, grading, fence installation) regardless of the time of year Project-related activities are scheduled to begin. The preconstruction survey shall be performed to minimize impacts to coastal California gnatcatcher and ensure that active bird nests will not be disturbed or destroyed as a result of the Project. The survey shall be completed no more than three days prior to initial ground disturbance. The survey shall include the Project Area and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance.

If an active nest is identified, a qualified avian biologist shall establish an appropriately sized non-disturbance buffer around the nest using flagging or staking. Construction activities shall not occur within any non-disturbance buffer zones until the nest is deemed inactive by

the qualified avian biologist through regular nest status monitoring conducted by the avian biologist.

If coastal California gnatcatcher, or any other special-status avian species is identified during the preconstruction survey, and Project-related impacts are unavoidable, consultation with the appropriate agency (e.g., the USFWS and the CDFW) may need to occur to develop additional avoidance and minimization measures.

**BIO-6 Preconstruction Survey for Western Spadefoot:** Prior to the start of ground disturbing activities in the Proposed Conservation Area, a qualified biologist shall conduct at least one preconstruction daytime and nighttime survey for all life stages of western spadefoot. The survey shall be conducted when surface water is ponded in aquatic features, if feasible, between October through May (when suitable environmental conditions are met). Surveys will be conducted during or following rain events and in nonfreezing temperatures to the maximum extent feasible. Daytime surveys of aquatic features shall be conducted with the aid of binoculars and polarized sunglasses for all life stages of western spadefoot as well as adjacent upland habitat for burrowing adults and juveniles. Nighttime audio detection and eye-shine surveys shall be conducted with the aid of binoculars and flashlight for calling males in and near aquatic features. A preconstruction survey report shall be prepared and submitted to the USFWS and the CDFW, as appropriate, that includes the methods, results, and recommendations based on the survey. If the preconstruction survey(s) are conducted according to the above methods and no detections of western spadefoot occur within the Project Area or surroundings, then no further measures need to be taken. If the preconstruction survey(s) are conducted according to the above methods and there are detections of western spadefoot within the Project Area or surroundings, consultation with the appropriate regulatory agencies may be required based on the current status of the western spadefoot at the time of detection.

## 6.1 Additional Recommendations

### 6.1.1 Lighting/Glare

The Project is located within an urban environment with pre-existing light pollution from adjacent development (e.g., Arrowhead Medical Center, paved roadways, residential development). However, the Project will result in an increase in lighting/glare due to stadium lighting. Although light pollution is not a novel addition to the Project's vicinity due to existing development, it is recommended that to reduce the potential indirect impacts of increased lighting/glare from the Project to sensitive biological resources such as nesting birds, the following guidance be implemented:

- Eliminate all non-essential lighting;
- Avoid or limit use of lighting during dawn and dusk hours;
- Install shields on lights to reduce overpour into adjacent areas;
- Direct light downward;

- Incorporate light with warmer color temperatures; and
- Reduce light intensity where feasible.

### **6.1.2 Recommended Practices**

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

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

**7.0 CERTIFICATION**

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

SIGNED:

DATE:



October 24, 2024

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Shelby Dunn  
Associate Biologist  
ECORP Consulting, Inc.

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## **LIST OF APPENDICES**

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Appendix A – Representative Site Photographs

Appendix B – Plant Species Observed

Appendix C – Wildlife Species Observed

Appendix D – Special-Status Plant Species Potential for Occurrence

Appendix E – Special-Status Wildlife Species Potential for Occurrence

Appendix F – Delhi Sands Flower-Loving Fly Habitat Assessment

## **APPENDIX A**

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### Representative Site Photographs



**Photo 1. Representative Photo of the Area to be Developed with Flowering Resources Visible. Photo Taken Facing Northeast.**



**Photo 2. Northern Portion of the Area to Be Developed with Disturbed Discarded Soils Visible. Photo Taken Facing Southwest.**



**Photo 3. Compacted Gravelly Soil Along the Eastern Portion of the Area to Be Developed. Photo Taken Facing North.**



**Photo 4. Representative Photo of the Proposed Conservation Area with Mowed Vegetation and Trash Visible. Photo Taken Facing North.**



**Photo 5. Sandy Hills in the Northwestern Portion of the Proposed Conservation Area, Facing Northeast.**



**Photo 6. Mowed Vegetation Within the Wild Oat and Annual Brome Grassland Present in the Project Area. Photo Taken Facing North.**



**Photo 7. Representative Photo of the Disturbed California Buckwheat Scrub with a Homeless Encampment and Trash Visible, Facing West.**



**Photo 8. Electric Easement Which Bisects the Project Area with the Associated Dirt Road Electric Tower Visible. Photograph Taken Facing East.**



**Photo 9. Representative Photo of a Burrow Suitably Sized for Burrowing Owl Within the Project Area, Facing North.**



**Photo 10. Representative Photo of the Small Mammal Burrows Present Throughout the Project Area.**



**Photo 11. Human-Made Pit Present Within the Project Area, Facing South.**



**Photo 12. Fire Pit Scar Within the Project Area, Facing West.**

## **APPENDIX B**

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Plant Species Observed

Appendix B – Plant Species Observed

<b>Scientific Name</b>	<b>Common Name</b>
<b>VASCULAR PLANTS</b>	
<b>ANGIOSPERMS (DICOTS)</b>	
<b>Asteraceae</b>	<b>Sunflower Family</b>
<i>Ambrosia acanthicarpa</i>	Annual bursage
<i>Erigeron bonariensis</i> *	Flax-leaved horseweed
<i>Heterotheca grandiflora</i>	Telegraph weed
<i>Verbesina encelioides</i> *	Cowpen daisy
<b>Apocynaceae</b>	<b>Apocyns</b>
<i>Pachypodium lamerei</i> *	Madagascar palm
<b>Bignoniaceae</b>	<b>Bignonia family</b>
<i>Jacaranda mimosifolia</i> *	Jacaranda
<b>Boraginaceae</b>	<b>Borage family</b>
<i>Amsinckia</i> sp.	Fiddleneck
<b>Brassicaceae</b>	<b>Mustard Family</b>
<i>Brassica nigra</i> *	Black mustard
<b>Euphorbiaceae</b>	<b>Spurge Family</b>
<i>Croton californicus</i>	California croton
<i>Croton setiger</i>	Turkey mullein
<i>Euphorbia maculata</i> *	Spotted spurge
<i>Ricinus communis</i> *	Castor bean
<b>Fabaceae</b>	<b>Legume family</b>
<i>Acmispon glaber</i>	Deerweed
<b>Fagaceae</b>	<b>Oak Family</b>
<i>Quercus ilex</i> *	Holly oak
<b>Polygonaceae</b>	<b>Buckwheat Family</b>
<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>	California buckwheat
<i>Eriogonum gracils</i> var. <i>gracile</i>	Slender buckwheat
<i>Eriogonum</i> sp.	Buckwheat
<b>Rosaceae</b>	<b>Roses</b>
<i>Prunus ilicifolia</i>	Holly leaf cherry
<b>Sapindaceae</b>	<b>Soapberries</b>
<i>Cupaniopsis anacardioides</i> *	Carrotwood

Appendix B – Plant Species Observed

<b>Scientific Name</b>	<b>Common Name</b>
<b>ANGIOSPERMS (MONOCOTS)</b>	
<b>Areaceae</b>	<b>Palm Family</b>
<i>Washingtonia robusta</i> *	Mexican fan palm
<i>Syagrus romanzoffiana</i> *	Queen palm
<b>Poaceae</b>	<b>Grass Family</b>
<i>Cynodon dactylon</i> *	Bermuda grass
<i>Bromus sp.</i> *	Brome grass

Notes: \* = Not native to California

## **APPENDIX C**

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Wildlife Species Observed

Appendix C – Wildlife Species Observed

<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>
<b>REPTILES</b>	
<b>Iguanidae</b>	<b>Iguanids</b>
<i>Uta stansburiana</i>	Common side-blotched lizard
<b>BIRDS</b>	
<b>Aegithalidae</b>	<b>Bushtits</b>
<i>Psaltriparus minimus</i>	Bushtit
<b>Charadriidae</b>	<b>Plovers</b>
<i>Charadrius vociferus</i>	Killdeer
<b>Columbidae</b>	<b>Pigeons and Doves</b>
<i>Zenaida macroura</i>	Mourning dove
<b>Corvidae</b>	<b>Crows, Jays, and Magpies</b>
<i>Corvus brachyrhynchos</i>	American crow
<b>Fringillidae</b>	<b>Finches</b>
<i>Haemorhous mexicanus</i>	House finch
<i>Spinus psaltria</i>	Lesser goldfinch
<b>Passerelliidae</b>	<b>New World Sparrows</b>
<i>Melospiza melodia</i>	Song sparrow
<b>Sturnidae</b>	<b>Starlings</b>
<i>Sturnus vulgaris*</i>	European starling
<b>Trochilidae</b>	<b>Hummingbirds</b>
<i>Calypte anna</i>	Anna's hummingbird
<b>Troglodytidae</b>	<b>Wrens</b>
<i>Thryomanes bewickii</i>	Bewick's wren
<b>Tyrannidae</b>	<b>Tyrant Flycatchers</b>
<i>Sayornis nigricans</i>	Black phoebe
<i>Tyrannus vociferans</i>	Cassin's kingbird
<b>MAMMALS</b>	
<b>Sciuridae</b>	<b>Squirrels</b>
<i>Otospermophilus beecheyi</i>	California ground squirrel

Notes: \* = Not native to California

Special-Status Plant Species Potential for Occurrence

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<i>Ambrosia monogyra</i> singlewhorl burrobrush	Fed: Ca: CRPR:	none none 2B.2	Aug- Nov 35-1,640	Occurs in sandy soils within chaparral and Sonoran desert scrub.	Presumed Absent: No suitable habitat for this species is present within the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.
<i>Arenaria paludicola</i> marsh sandwort	Fed: Ca: CRPR:	END END 1B.1	May-Aug 10-560	Occurs in freshwater or brackish marshes and swamps, often in sandy soils and openings.	Presumed Absent: No suitable habitat for this species occurs within the Project Area. One historic CNDDDB occurrence (Occ. # 8) was documented in the vicinity of Project Area in 1899, however, the exact location of this occurrence is unknown (CDFW 2024).
<i>Asplenium vespertinum</i> western spleenwort	Fed: CA: CRPR:	none none 4.2	Feb-Jun 590 – 3,280	Occurs in rocky soils of chaparral, cismontane woodland, and coastal scrub.	Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area but lacks rocky soils. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.
<i>Astragalus hornii</i> var. <i>hornii</i> Horn's milk-vetch	Fed: CA: CRPR:	none none 1B.1	May-Oct 195-2,790	Occurs in meadows and seeps and playas. Often found along lake margins and/or in alkaline soils.	Presumed Absent: No suitable habitat for this species occurs within the Project Area. One historic CNDDDB occurrence (Occ. #1) was documented in 1900 approximately 3.2 miles northeast of the Project Area (CDFW 2024).

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Berberis nevinii</i> Nevin's Barberry</p>	<p>Fed: Ca: CRPR:</p>	<p>END END 1B.1</p>	<p>Feb (Mar)-Jun 230-2,705</p>	<p>Occurs in chaparral, cismontane woodland, coastal scrub, and riparian scrub, sometimes in sandy or gravelly soils.</p>	<p>Low: Limited coastal scrub habitat with sandy soils are present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic Calflora occurrence (ID # UC13376) was documented in 1896 approximately 4.5 miles northeast of the Project Area (Calflora 2024).</p>
<p><i>Brodiaea filifolia</i> thread-leaved brodiaea</p>	<p>Fed: CA: CRPR:</p>	<p>THR END 1B.1</p>	<p>Mar-Jun 80 – 3,675</p>	<p>Occurs in cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools, and in openings of chaparral. Often found in clay soils.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area but lacks clay soils. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Calochortus catalinae</i> Catalina mariposa lily</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.2</p>	<p>Feb-Jun 50 – 2,295</p>	<p>Occurs in cismontane woodland, chaparral, coastal scrub, valley and foothill grassland.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub and grassland habitat is present in the wild oats and annual brome grasslands in the Project Area. However, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Calochortus plummerae</i></p> <p>Plummer's mariposa lily</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.2</p>	<p>May-Jul 330-5,580</p>	<p>Occurs in granitic, rocky soils of chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and valley and foothill grassland.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub and grassland habitat is present in the wild oats and annual brome grasslands in the Project Area. One historic Calflora occurrence (ID # SD25602) was documented in 1939 approximately 4.4 miles northeast of the Project Area (Calflora 2024).</p>
<p><i>Carex comosa</i></p> <p>bristly sedge</p>	<p>Fed: CA: CRPR:</p>	<p>none none 2B.1</p>	<p>May-Sep 0-2,050</p>	<p>Occurs in coastal prairie, along lake margins in marshes and swamps, and in valley and foothill grassland.</p>	<p>Presumed Absent: No suitable habitat for this species is present within the Project Area. One historic CNDDDB occurrence (Occ. # 1) was documented in 1884 within 5 miles of the Project Area.</p>
<p><i>Centromadia pungens ssp. laevis</i></p> <p>smooth tarplant</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1B.1</p>	<p>Apr-Sep 0-2,100</p>	<p>Occurs in alkaline soils of chenopod scrub, meadows and seeps, playas, riparian woodlands, and valley and foothill grassland. Sometimes found in disturbed areas.</p>	<p>Moderate: Limited coastal scrub is present in the disturbed California buckwheat scrub and suitable grassland habitat is present in the wild oats and annual brome grasslands in the Project Area. One recent CNDDDB occurrence (Occ. #2) was documented in 2016 approximately 4.7 miles east of the Project Area (CDFW 2024). Additional historic CNDDDB records were documented within 5 miles of the Project Area.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Chloropyron maritimum</i> ssp. <i>maritimum</i> salt marsh bird's-beak</p>	<p>Fed: Ca: CRPR:</p>	<p>END END 1B.2</p>	<p>May-Oct 0-100</p>	<p>Occurs in coastal dunes and in coastal salt marshes and swamps.</p>	<p>Presumed Absent: The Project Area lies outside of the elevational range for this species, and no suitable habitat is present in the Project Area. One historic CNDDDB occurrence (Occ. # 16) was documented in the vicinity of Project Area in 1888, however, the exact location of this occurrence is unknown (CDFW 2024).</p>
<p><i>Chorizanthe leptotheca</i> peninsular spineflower</p>	<p>Fed: Ca: CRPR:</p>	<p>None None 4.2</p>	<p>May-Aug 985-6,235</p>	<p>Occurs in granitic soils of alluvial fans of chaparral, coastal scrub, and lower montane coniferous forest.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area but lacks granitic soils. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1B.1</p>	<p>Apr-Jun 902-4,005</p>	<p>Occurs in openings of chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland. Sometimes found in sandy or rocky soils.</p>	<p>Low: Limited coastal scrub is present in the disturbed California buckwheat scrub and suitable grassland habitat is present in the wild oats and annual brome grasslands in the Project Area. One historic CNDDDB occurrence (Occ. #2) was documented in the vicinity of the Project Area, but the exact location is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Chorizanthe xanti</i> var. <i>leucotheca</i></p> <p>white-bracted spineflower</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1B.2</p>	<p>Apr-Jun 985-3,935</p>	<p>Occurs in Mojavean desert scrub, pinyon and juniper woodland, and in alluvial fans of coastal scrub. Sometimes found in gravely or sandy soils.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Cuscuta obtusiflora</i> var. <i>glandulosa</i></p> <p>Peruvian dodder</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 2B.2</p>	<p>Jul-Oct 50-920</p>	<p>Occurs in freshwater marshes and swamps.</p>	<p>Presumed Absent: No suitable habitat for this species is present within the Project Area. One historic CNDDDB occurrence (Occ. # 1) was documented in 1882 within 5 miles of the Project Area, however, the exact location of this occurrence is unknown (CDFW 2024).</p>
<p><i>Deinandra paniculata</i></p> <p>paniculate tarplant</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.2</p>	<p>Mar-Nov 80-3,085</p>	<p>Occurs in coastal scrub, valley and foothill grassland, and vernal pools. Usually found in vernal mesic soils and sometimes in sandy soils. Sometimes found in disturbed areas.</p>	<p>Low: Limited coastal scrub is present in the disturbed California buckwheat scrub and suitable grassland habitat is present in the wild oats and annual brome grasslands in the Project Area. No occurrences in the vicinity of the Project Area were revealed during the literature review.</p>

<b>Scientific Name</b> <b>Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Dodecahema leptoceras</i></p> <p>slender-horned spineflower</p>	<p>Fed: Ca: CRPR:</p>	<p>END END 1B.1</p>	<p>Apr-Jun 655-2,495</p>	<p>Occurs in sandy soils of chaparral, cismontane woodland, and in alluvial fans of coastal scrub.</p>	<p>Low: Limited coastal scrub is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic CNDDB occurrence (Occ. #4) was documented in the vicinity of the Project Area, but the exact location is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).</p>
<p><i>Eriastrum densifolium</i> ssp. <i>sanctorum</i></p> <p>Santa Ana River woollystar</p>	<p>Fed: Ca: CRPR:</p>	<p>END END 1B.1</p>	<p>Apr-Sep 300-2,000</p>	<p>Occurs in chaparral and in alluvial fans of coastal scrub. Sometimes occurs in sandy or gravelly soils.</p>	<p>Moderate: Limited coastal scrub habitat with sandy soils is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. Multiple recent and historic CNDDB occurrences were documented within the vicinity of the Project Area. The most recent record (Occ. # 29) was documented in 2020 approximately 2.3 miles southeast of the Project Area (CDFW 2024). The closest, recent record (Occ. # 40) was documented in 2013 approximately 1.7 miles south of the Project Area (CDFW 2024).</p>

Scientific Name Common Name	Status		Bloom Period & Elevation (feet)	Habitat Requirements	Potential for Occurrence
<p><i>Fimbristylis thermalis</i></p> <p>Hot Springs fimbristylis</p>	<p>Fed: CA: CRPR:</p>	<p>none none 2B.2</p>	<p>Jul-Sep 360-4,395</p>	<p>Occurs in alkaline meadows and seeps, near hot springs.</p>	<p>Presumed Absent: No suitable habitat for this species occurs within the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Galium californicum</i> ssp. <i>primum</i></p> <p>Alvin Meadow bedstraw</p>	<p>Fed: CA: CRPR:</p>	<p>none none 1B.2</p>	<p>May-Jul 4,430-5,580</p>	<p>Occurs in granitic, sandy soils of chaparral and lower montane coniferous forest.</p>	<p>Presumed Absent: No suitable habitat for this species occurs within the Project Area. One historic CNDDDB occurrence (Occ. # 2) was documented in the vicinity of Project Area in 1891, however, the exact location of this occurrence is unknown (CDFW 2024).</p>
<p><i>Helianthus nuttallii</i> ssp. <i>parishii</i></p> <p>Los Angeles sunflower</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1A</p>	<p>Aug-Oct 35-5,005</p>	<p>Occurs in coastal salt and freshwater marshes and swamps.</p>	<p>Presumed Absent: No suitable habitat for this species is present within the Project Area. One historic CNDDDB occurrence (Occ. #5) was documented in 1937 in the vicinity of the Project Area, however, the exact location of this occurrence is unknown (CDFW 2024). This species is presumed to be extirpated from California.</p>

Scientific Name Common Name	Status		Bloom Period & Elevation (feet)	Habitat Requirements	Potential for Occurrence
<p><i>Horkelia cuneata</i> <i>var. puberula</i> mesa horkelia</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1B.1</p>	<p>Feb-Jul (Sep) 230-2,660</p>	<p>Occurs in cismontane woodland, coastal scrub, and maritime chaparral. Sometimes found in sandy or gravelly soils.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. Three historic CNDDDB occurrences (Occ. #7, 9, and 10) were documented between 1888 and 1908 in the vicinity of the Project Area, however, the exact location of these records is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).</p>
<p><i>Imperata brevifolia</i> California satintail</p>	<p>Fed: CA: CRPR:</p>	<p>none none 2B.1</p>	<p>Sep-May 0-3,985</p>	<p>Occurs in mesic soils of chaparral, coastal scrub, Mojavean desert scrub, meadows and seeps, and riparian scrub. Meadows and seeps where this species is found are often alkali.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. Two historic Calflora occurrences (ID # JEPS78023 and UC167331) were documented in 1887 and 1907 within 5 miles of the Project Area (Calflora 2024).</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Juglans californica</i> southern California black walnut</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.2</p>	<p>Mar-Aug 165-2,955</p>	<p>Occurs in alluvial soils of chaparral, cismontane woodland, coastal scrub, and riparian woodland.</p>	<p>Presumed Absent: Although limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area, this species was not observed during the biological survey. Since this species is a tree and would have been visible during the survey, this species is presumed absent from the Project Area. One recent Calflora occurrence (ID # UCR0100415) was documented in 2011 approximately 2.7 miles southeast of the Project Area.</p>
<p><i>Lepidium virginicum</i> var. <i>robinsonii</i>  Robinson's pepper-grass</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.3</p>	<p>Jan-Jul 5-2,905</p>	<p>Occurs in chaparral and coastal scrub.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area portion of the Project Area. Two historic CNDDDB occurrences (Occ. #20 and 139) were documented in 1888 and 1952 in the vicinity of the Project Area, however, the exact location of these records is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Lilium humboldtii</i> <i>ssp. ocellatum</i>  ocellated Humboldt lily</p>	<p>Fed: CA: CRPR:</p>	<p>none none 4.2</p>	<p>Mar-Jul (Aug) 100-5,095</p>	<p>Occurs in openings in chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area. No occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Lycium parishii</i>  Parish's desert-thorn</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 2B.3</p>	<p>Mar-Apr 445-3,280</p>	<p>Occurs in coastal scrub and Sonoran desert scrub.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic CNDDDB occurrence (Occ. # 4) was documented in 1885 in the vicinity of the Project Area, however the exact location is unknown (CDFW 2024).</p>
<p><i>Malacothamnus parishii</i>  Parish's bush-mallow</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1A</p>	<p>Jun-Jul 1,000-1,492</p>	<p>Occurs in chaparral and coastal scrub habitats.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area. One historic CNDDDB occurrence (Occ. # 2) was documented in 1895 in the vicinity of the Project Area, however, the exact location is unknown (CDFW 2024). This species is presumed to be extirpated from California.</p>

<b>Scientific Name</b> <b>Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<i>Monardella pringlei</i>  Pringle's monardella	Fed: Ca: CRPR:	none none 1A	May-Jun 984-1,310	Occurs in sandy soils of coastal scrub.	Presumed Absent: Limited coastal scrub habitat with sandy soils is present in the disturbed California buckwheat scrub in the Project Area. One historic CNDDDB occurrence (Occ. # 2) was documented in 1941 in the vicinity of the Project Area, however, the exact location is unknown (CDFW 2024). This species is presumed to be extirpated from California.
<i>Muhlenbergia californica</i>  California muhly	Fed: Ca: CRPR:	none none 4.3	Jun-Sep 330-6,560	Occurs in chaparral, coastal scrub, lower montane coniferous forest, and meadows and seeps. Found in mesic soils, seeps, and streambanks.	Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. Multiple historic Calflora occurrences were documented in 1890 within 5 miles of the Project Area (Callfora 2024).
<i>Nasturtium gambelii</i>  Gambel's water cress	Fed: Ca: CRPR:	END THR 1B.1	Apr-Oct 15-1,085	Occurs in marshes and swamps (brackish, freshwater).	Presumed Absent: No suitable habitat for this species is present within the Project Area. One historic CNDDDB occurrence (Occ. #4) was documented in 1935 in the vicinity of the Project Area, but the exact location is unknown (CDFW 2024).

Scientific Name Common Name	Status		Bloom Period & Elevation (feet)	Habitat Requirements	Potential for Occurrence
<p><i>Opuntia basilaris</i> <i>var. brachyclada</i></p> <p>short-joint beavertail</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 1B.2</p>	<p>Apr-Jun (Aug) 1,395-5905</p>	<p>Occurs in chaparral, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland.</p>	<p>Presumed Absent: The Project Area lies outside of the elevational range for this species, and no suitable habitat is present in the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Quercus durata</i> <i>var. gabrielensis</i></p> <p>San Gabriel oak</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 4.2</p>	<p>Apr-May 1,475-3,280</p>	<p>Occurs in chaparral and cismontane woodland.</p>	<p>Presumed Absent: The Project Area lies outside of the elevational range for this species, and no suitable habitat is present in the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Ribes divaricatum</i> <i>var. parishii</i></p> <p>Parish's gooseberry</p>	<p>Fed: CA: CRPR:</p>	<p>none none 1A</p>	<p>Feb-Apr 215-985</p>	<p>Occurs in riparian woodlands.</p>	<p>Presumed Absent: The Project Area lies outside of the elevational range for this species, and no suitable habitat is present in the Project Area. Two historic Calflora occurrences (ID # 108861 and 108866) were documented in 1882 and 1917 in the vicinity of the Project Area, however, the exact location of these records is unknown (Calflora 2024). This species is presumed to be extirpated from California.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Schoenus nigricans</i> black bog rush</p>	<p>Fed: CA: CRPR:</p>	<p>none none 2B.2</p>	<p>Aug-Sep 490 – 6,560</p>	<p>Occurs in marshes and swamps, often in alkaline soils.</p>	<p>Presumed Absent: No suitable habitat for this species is present in the Project Area. Additionally, no occurrences in the vicinity of the Project Area were revealed during the literature review.</p>
<p><i>Senecio aphanactis</i> chaparral ragwort</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 2B.2</p>	<p>Jan-Apr (May) 50-2,625</p>	<p>Occurs in chaparral, cismontane woodland, and coastal scrub. Sometimes found in alkaline soils.</p>	<p>Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic CNDDDB occurrence (Occ. # 84) was documented in 2002 approximately 3.6 miles southeast of the Project Area (CDFW 2024).</p>
<p><i>Senecio astephanus</i> San Gabriel ragwort</p>	<p>Fed: Ca: CRPR:</p>	<p>none none 4.3</p>	<p>May-Jul 1,310-4,920</p>	<p>Occurs in rocky soils and along slopes of chaparral and coastal scrub.</p>	<p>Presumed Absent: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub in the Project Area. No occurrences in the vicinity of the Project Area were revealed during the literature review.</p>

<b>Scientific Name</b> <b>Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<i>Sidalcea neomexicana</i>  salt spring checkerbloom	Fed: Ca: CRPR:	None none 2B.2	Mar-Jun 50-5,020	Occurs in alkaline, mesic soils of chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub, and playas.	Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic CNDDDB occurrence (Occ. # 6) was documented in 1906 in the vicinity of the Project Area, however the exact location is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).
<i>Sphenopholis obtusata</i>  prairie wedge grass	Fed: Ca: CRPR:	none none 2B.2	Apr-Jul 985-6,560	Occurs in mesic soils of cismontane woodlands, and meadows and seeps.	Presumed Absent: No suitable habitat for this species is present within the Project Area. Two historic CNDDDB occurrences (Occ. #11 and 12) were documented in 1917 and 1907 within 5 miles of the Project Area (CDFW 2024).

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Bloom Period &amp; Elevation (feet)</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<i>Symphytotrichum defoliatum</i> San Bernardino aster	Fed: Ca: CRPR:	none none 1B.2	Jul-Nov 5-6,695	Occurs in meadows and seeps, marshes and swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, and vernal mesic valley and foothill grassland. Often found in disturbed areas, along streambanks, and near ditches, streams, and springs.	Low: Limited coastal scrub habitat is present in the disturbed California buckwheat scrub located in the Proposed Conservation Area. One historic CNDDDB occurrence (Occ. # 32) was documented in 1917 in the vicinity of the Project Area, however the exact location is unknown (CDFW 2024). Additional historic Calflora records were documented within 5 miles of the Project Area (Calflora 2024).

Notes: CDFW = California Department of Fish and Wildlife; CNDDDB = California Natural Diversity Database; CRPR = California Rare Plant Rank

Federal Designations:

(Federal Endangered Species Act, USFWS)

END: federally listed, endangered

THR: federally listed, threatened

CRPR Ranking

1A: Presumed extinct

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

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

3: Review list of plants requiring more study

4: Plants of limited distribution watch list

CBR: Considered but rejected

State Designations:

California Endangered Species Act, CDFW)

END: state-listed, endangered

THR: state-listed, threatened

CAN: Candidate for state listing

FP: Fully Protected Species

SSC: Species of Special Concern

CRPR Threat Code

0.1: Seriously threatened in California

0.2: Fairly threatened in California

0.3: Not very threatened in California

Sources: California Natural Diversity Data Base (CNDDDB) and California Native Plant Society Electronic Inventory (CNPSEI) Fontana, Devore, San Bernardino South, San Bernardino North 7.5-minute quads with a CNPSEI elevation range of 500-1,600 feet.

Calflora. 2024. Information on California plants for education, research and conservation. [Web application]. Berkeley, California: *The Calflora Database* [a non-profit organization], <http://www.calflora.org/>.

California Department of Fish and Wildlife (CDFW). 2024. *RareFind* California Department of Fish and Game Natural Diversity Database (CNDDDB). California. Sacramento, CA, California Department of Fish and Wildlife, Biogeographic Data Branch.

Special-Status Wildlife Species Potential for Occurrence

Scientific Name Common Name	Status		Habitat Requirements	Potential for Occurrence
<b>Invertebrates</b>				
<p><i>Bombus crotchii</i> Crotch bumble bee</p>	<p>Fed: CA:</p>	<p>none CAN</p>	<p>Found in coastal California east to the Sierra-Cascade crest and south into Mexico. Occurs in open grassland and scrub habitats. Prefers a diet consisting of certain plant species including milkweeds, dusty maidens, lupines, medics, phacelias, sages, clarkias, poppies, and wild buckwheats. Nests are often located underground in abandoned rodent nests or above ground in tufts of grass, old bird nests, rock piles, or cavities in dead trees.</p>	<p>Moderate Potential to Occur. Marginally suitable habitat is present within the Project Area and suitable habitat is present adjacent to the Project Area within 100 feet. Suitable habitat within the Project Area was present within the disturbed California buckwheat scrub and wild oat and annual brome grassland which included open ground, small mammal burrows providing nesting habitat, and flowering plants which provide nectar sources such as California croton, turkey mullein, and California buckwheat. Habitat adjacent to the Project Area included disturbed California buckwheat scrub and small mammal burrows for nesting. The disced nature of the Project Area will likely preclude this species from nesting/overwintering in the Project Area. However, it is possible the species could use the Project Area to forage. Three historic occurrences were documented in CNDDDB all within 5 miles of the Project Area. OCC 184 was the most recent and documented in 1938 approximately 1.5 miles northwest of the Project Area.</p>
<p><i>Euphydryas editha quino</i> Quino checkerspot butterfly</p>	<p>Fed: CA:</p>	<p>END none</p>	<p>Occurs in chaparral and coastal sage scrublands, containing the proper host plants (i.e. dwarf plantain, white snapdragon, woolly plantain, and Chinese houses) and abundant nectar resources.</p>	<p>Presumed Absent. No suitable habitat occurs within the Project Area because the host plants were not present. The Project Area is located out of the known range and survey area for this species. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Rhaphiomidas terminatus abdominalis</i></p> <p>Delhi Sands flower-loving fly</p>	Fed: CA:	END none	<p>Occur in Delhi Sands series soils. Indicator plant species include telegraph weed (<i>Heterotheca grandiflora</i>), California buckwheat (<i>Eriogonum fasciculatum</i>), and California croton (<i>Croton californica</i>).</p>	<p>High Potential. Suitable habitat is present within the Project Area. The Project Area is comprised of Delhi Sands series, and indicator plant species including telegraph weed, California buckwheat and California croton are present. A total of 30 recent and historic occurrences were documented in CNDDDB, all within 5 miles of the Project Area. Of the 16 recent occurrences, 10 had an overlap with the Project Area. Of the 14 historic occurrences, 10 had an overlap with the Project Area. The most recent occurrence was OCC 34 which was documented within the Project Area in 2013.</p>
<b>Fish</b>				
<p><i>Catostomus santaanae</i></p> <p>Santa Ana sucker</p>	Fed: CA:	THR none	<p>Occurs in clean, shallow portions of rivers and streams. They occur in water systems that experience a range of currents from swift to sluggish.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. Three recent occurrences were documented in CNDDDB within 5 miles of the Project Area. OCC 27 was the most recent and was documented in 2005 approximately 2 miles south of the Project Area.</p>
<p><i>Gila orcuttii</i></p> <p>arroyo chub</p>	Fed: CA:	none SSC	<p>Occurs primarily in the warm streams and rivers of the Los Angeles plain.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. Three historic occurrences were documented in CNDDDB within 5 miles of the Project Area.</p>
<p><i>Oncorhynchus mykiss irideus pop. 10</i></p> <p>steelhead - southern California DPS</p>	Fed: CA:	END CAN	<p>Freshwater lagoons, river mouths/tidal rivers, bays/sounds, rivers, and creeks for breeding. Spawning streams are relatively warm. Migrate between freshwater breeding and marine non-breeding habitats. Marine habitat is pelagic and near shore.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>	<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<b>Amphibians</b>			
<i>Spea hammondi</i> western spadefoot	Fed: CA:	PT SSC	Typically occurs in scrub, chaparral, vernal pools, and rivers with sandy banks, willows, cottonwoods, and sycamores with loose, gravelly areas of streams in drier parts of range.
			Low Potential. Limited suitable habitat is present within the Project Area and 500-foot buffer. The Project Area and survey buffer were comprised of sandy soils. A small portion of disturbed California scrub was present in the Proposed Conservation Area and within the 500-foot buffer. No water was present on site at the time of the biological survey. However, NWI mapped one freshwater pond within the 500-foot buffer that overlaps with the western portion of the Proposed Conservation Area. This pond could provide a seasonal water source for the species. Additionally, depressions were present within the Proposed Conservation Area that could temporarily hold water after rain events and provide habitat for the species. One recent occurrence was documented in CNDDDB within 5 miles of the Project Area. OCC 1016 was documented in 2012 approximately 5 miles south of the Project Area.
<b>Reptiles</b>			
<i>Anniella stebbinsi</i> Southern California legless lizard	Fed: CA:	none SSC	Typically occurs in moist warm loose soil with plant cover in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks.
			Low potential. Limited habitat occurs in the Project Area including loose soils with sparse vegetation. However, permanent water sources are not present nearby, and soils are likely only seasonally moist. Five recent occurrences were documented in CNDDDB and occurred within 5 miles of the Project Area. Additionally, two historic occurrences were documented within 5 miles of the Project Area.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Arizona elegans occidentalis</i></p> <p>California glossy snake</p>	Fed: CA:	none SSC	Typically occurs in rocky washes, chaparral, scrub and grassland habitat, often with loose or sandy soils.	Low Potential. Limited suitable habitat is present within the Project Area and buffer. Limited suitable habitat within the Project Area included loose sandy soils, disturbed California buckwheat scrub, and wild oat and annual brome grassland. However, the disced nature of the Project Area would likely encourage the species to use habitat within the buffer over the Project Area. Suitable habitat within the buffer included loose sandy soils and disturbed California buckwheat scrub. Five historic occurrences were documented in CNDDDB, all within 5 miles of the Project Area. OCC 97 was the most recent and documented in 2002 approximately 0.5 miles south of the Project Area.
<p><i>Aspidoscelis tigris stejnegeri</i></p> <p>coastal whiptail</p>	Fed: CA:	none SSC	Found in a variety of habitats. They prefer hot, dry open areas that have little cover. Common habitats include chaparral, woodland, and riparian.	High Potential. Suitable habitat is present within the Project Area in areas with disturbed California buckwheat scrub, and wild oat and annual brome grassland which appeared to be regularly diced, keeping vegetation cover low. One recent occurrence and one historic occurrence were documented in CNDDDB, within 5 miles of the Project Area. OCC 133 was documented in 2016 approximately 4 miles southeast from the Project Area, and OCC 83 was documented in 1995 less than 0.5 miles from the Project Area.
<p><i>Charina umbratica</i></p> <p>southern rubber boa</p>	Fed: CA:	none THR	Occurs in oak-conifer and mixed-conifer forests at elevations between roughly 5,000 to 8,200 feet. Microhabitats include rocks and logs or other debris that provide shelter.	Presumed Absent. No suitable habitat is present within the Project Area. In addition, the Project Area is outside of the species elevation. Two historical occurrences were documented in CNDDDB within 5 miles of the Project Area.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Coleonyx variegatus abbotti</i></p> <p>San Diego banded gecko</p>	<p>Fed:</p> <p>CA:</p>	<p>none</p> <p>SSC</p>	<p>Occur within rocky areas in coastal sage scrub and chaparral habitats.</p>	<p>Presumed Absent. No suitable habitat was present within the Project Area. Disturbed California buckwheat scrub was present in the northwestern boundary of the Project Area and within the 500-foot buffer, which is associated with coastal sage scrub. However, rocky areas were not present within the Project Area or within the disturbed California buckwheat scrub within the buffer. One recent occurrence was documented in CNDDDB within 5 miles of the Project Area. OCC 6 was documented in 2015 approximately 3 miles from the Project Area.</p>
<p><i>Phrynosoma blainvillii</i></p> <p>coast horned lizard</p>	<p>Fed:</p> <p>CA:</p>	<p>none</p> <p>SSC</p>	<p>Occurs in chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinon &amp; juniper woodlands, riparian scrub, riparian woodland, and valley &amp; foothill grassland habitats. Requires open areas for sunning, bushes to provide cover, and loose soil for burial. Diet consists mainly of ants and also small invertebrates. Most commonly found in lowlands along sandy washes with scattered low bushes.</p>	<p>Moderate Potential. Suitable habitat is present within the Project Area. Plant species associated with coastal scrub, open areas for sunning, bushes for cover, and loose soils all occur within the Project Area. However, shrub cover within the Project Area was sparse and there were limited ant hills for foraging within the Project Area and 500-foot buffer. Four historic occurrences, and one occurrence without an observation date, were documented in CNDDDB all within 5 miles of the Project Area.</p>
<b>Birds</b>				
<p><i>Agelaius tricolor</i></p> <p>tricolored blackbird (nesting colony)</p>	<p>Fed:</p> <p>CA:</p>	<p>none</p> <p>THR/SS</p> <p>C</p>	<p>Occurs in freshwater marsh, swamp, and wetland habitats. Largely endemic to California. Highly colonial species, most numerous in Central Valley &amp; vicinity. Requires open water, protected nesting substrate, and foraging area with insect prep within a few kilometers of the colony. Forages in open habitat such as cultivated fields and pastures.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Athene cunicularia</i></p> <p>burrowing owl (burrow &amp; some wintering sites)</p>	<p>Fed: CA:</p>	<p>none CAN</p>	<p>Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Occurs in coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, and valley &amp; foothill grassland habitats. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel. Also found in vacant lots and airports.</p>	<p>High Potential. Suitable habitat is present throughout the Project Area within the wild oats and annual brome grassland and disturbed California buckwheat scrub. During the biological reconnaissance survey, California ground squirrels and their burrows were observed within the Project Area and 500-foot buffer. Some of the California ground squirrel burrows observed were suitably sized for burrowing owl use. The Project area appeared regularly disced. However, six recent occurrences were documented in CNDDDB within 5 miles of the Project Area, one of which overlaps with the Project Area (OCC 1785).</p>
<p><i>Buteo swainsoni</i></p> <p>Swainson's hawk (nesting)</p>	<p>Fed: CA:</p>	<p>none THR</p>	<p>Occurs in Great Basin grassland, riparian forest, riparian woodland, and valley &amp; foothill grassland habitats. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, &amp; agricultural or ranch lands with groves or lines of trees. Nests in solitary bush or tree, or in small groves. Requires adjacent suitable foraging areas such as grasslands or alfalfa/grain fields supporting rodent populations.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. The southernmost extent of the nesting range for this species is in the high desert. One occurrence was documented in CNDDDB within 5 miles of the Project Area but lacked any data on the observation date and the "exact location is unknown".</p>
<p><i>Coccyzus americanus occidentalis</i></p> <p>western yellow-billed cuckoo (nesting)</p>	<p>Fed: CA:</p>	<p>THR END</p>	<p>Occurs in riparian forest habitat. Nests along the broad (≥ 12.4 acres) patches of multi-layered riparian woodland, often dominated by willows and cottonwoods of lower flood bottoms of larger river systems.</p>	<p>Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area. The historic occurrence was documented approximately 2 miles from the Project Area in 1930 (OCC 79). However, CNDDDB states that the habitat has since been cut down for agricultural use.</p>

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Laterallus jamaicensis coturniculus</i></p> <p>California black rail</p>	Fed: CA:	none THR/FP	Occurs in marshes, wet meadows, riparian marshes, coastal prairies, salt marshes, and impounded wetlands. Water levels are usually shallow, less than 2 inches deep. American glasswort ( <i>Salicornia</i> sp.), bulrush species ( <i>Typha angustifolia</i> ), and alkali seaheath ( <i>Frankenia salina</i> ) are common plant species.	Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area. OCC 64 was documented in 1919 approximately 3 miles northeast of the Project Area.
<p><i>Polioptila californica californica</i></p> <p>coastal California gnatcatcher</p>	Fed: CA:	THR SSC	Occurs in coastal sage scrub, desert scrub, and coastal dune scrub.	Low Potential. Limited habitat was present within the Proposed Conservation Area. Disturbed California buckwheat scrub is present in the northwestern portion of the Proposed Conservation Area and provides a small portion area of suitable habitat for this species. However, the disturbed California buckwheat scrub is concentrated within the 500-foot buffer. Therefore, the species could use the small portion of disturbed California buckwheat scrub present in the Proposed Conservation Area but would be more likely to occur within the 500-foot buffer. Four historic occurrences were documented in CNDDDB, all within 5 miles of the Project Area. The closest CNDDDB occurrence was documented approximately 1 mile away from the Project Area in 1924 (OCC 452).
<p><i>Vireo bellii pusillus</i></p> <p>least Bell's vireo (nesting)</p>	Fed: CA:	END END	Occurs in riparian forest, riparian scrub, and riparian woodland habitats. Summer resident of Southern California in low riparian vegetation in the vicinity of water or in dry river bottoms, below 2,000 ft mean sea level. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, mule fat, and mesquite.	Presumed Absent. No suitable habitat is present within the Project Area. One historic and two recent occurrences were documented in CNDDDB within 5 miles of the Project Area. However, these occurrences are associated with the Santa Ana River which is not adjacent to the Project Area.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<b>Mammals</b>				
<i>Dipodomys merriami parvus</i> San Bernardino kangaroo rat	Fed: CA:	END END/SS C	Occur on the gentle slopes of alluvial fans, flood plains, washes, and adjacent habitats. Common habitats include alluvial sage scrub, coastal sage scrub, and chaparral.	Presumed Absent. The Project Area is not located along an alluvial fan, flood plain, or wash therefore not providing suitable habitat. Six recent occurrences and one historic occurrence were documented in CNDDDB, all within 5 miles of the Project Area. OCC 2 was the most recent and was documented in 2017 approximately 4 miles from the Project Area.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: CA:	none SSC	Occurs in open areas that have potential roosting areas. Primarily roosts in cliffs and rock crevices. Found in semi-arid to arid habitats.	Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented within 5 miles of the Project Area. OCC 83 was documented in 1993 approximately 0.5 miles from the Project Area.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: CA:	none SSC	Occurs within riparian woodland habitats, open grassland habitats, and in canyons. As a tree roosting species, they are often associated with cottonwoods ( <i>Populus</i> sp.) in riparian habitats but are known to commonly roost between the fronds of an intact fronds skirt of palm trees.	Presumed Absent. No suitable habitat is present within the Project Area. Four historic occurrences were documented in CNDDDB within 5 miles of the Project Area. The most recent occurrence, OCC 34 was documented in 1996 approximately 4 miles west of the Project Area.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	Fed: CA:	none SSC	Occur in a variety of habitats such as desert scrub. They are known to prefer rock outcroppings and cactus patches.	Low Potential. Limited habitat was present in the Project Area and 500-foot buffer within the disturbed California buckwheat scrub. However, the California buckwheat scrub within the Project Area was limited to a small portion of the northwestern Project boundary, providing a limited area of habitat for the species. Additionally, the Project Area and buffer lacked rock outcrops and cactus patches. One recent occurrence was documented approximately within 5 miles of the Project Area. OCC 44 was documented in 2017 approximately 4 miles from the Project Area.

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<p><i>Nyctinomops femorosaccus</i> pocketed free-tailed bat</p>	Fed: CA:	none SSC	Occurs in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis habitat. Primarily roosts in cliffs and rock crevices. This species is a colonial roosting bat that is also known to roost in buildings and caves. This species is not known to roost in bridges.	Presumed Absent. No suitable habitat is present within the Project Area. One historic occurrence was documented in CNDDDB in 1985 and overlapped with the Project Area (OCC 23). However, CNDDDB states that OCC 23 was mapped with an uncertainty of 9.2 miles.
<p><i>Onychomys torridus ramona</i> southern grasshopper mouse</p>	Fed: CA:	none SSC	Low, semi-open, and open scrub habitats with flat, sandy valley floors. Habitats include coastal and mixed chaparral, coastal sage scrub, riparian scrub, low sagebrush, and grasslands with interspaced shrubs.	Low Potential. Limited habitat was present in the Project Area and 500-foot buffer disturbed California buckwheat scrub and wild oats and annual brome grassland which both had interspaced shrubs and friable sandy soils. California buckwheat scrub is often associated with coastal sage scrub. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area. OCC 35 was documented in 1923 approximately 4 miles north of the Project Area.
<p><i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse</p>	Fed: CA:	none SSC	Occurs in low elevational grassland, alluvial sage scrub, and coastal sage scrub.	Moderate Potential. Marginally suitable habitat was present in the Project Area including friable soils, disturbed California buckwheat scrub, and wild oats and annual brome grassland. California buckwheat scrub is often associated with coastal sage scrub. One recent and five historic occurrences were documented in CNDDDB within 5 miles of the Project Area. OCC 76 was documented in 2017 approximately 4 miles north of the Project Area. The closest occurrence was documented in 2000 less than one mile south of the Project Area (OCC 20).

<b>Scientific Name Common Name</b>	<b>Status</b>		<b>Habitat Requirements</b>	<b>Potential for Occurrence</b>
<i>Taxidea taxus</i> American badger	Fed: CA:	none SSC	Open habitats with friable soil such as grasslands, brushlands with sparse ground cover, open chaparral, and sometimes riparian zones.	Low Potential. Marginally suitable habitat was present in the Project Area including friable soils and open habitat within the wild oat and annual brome grassland. One historic occurrence was documented in CNDDDB within 5 miles of the Project Area.

Notes: CNDDDB = California Natural Diversity Database

Federal Designations:

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

END: Federally-listed, Endangered

THR: Federally-listed, Threatened

PT: Proposed threatened

FC: Federal Candidate Species

DL: Federally-delisted

State Designations:

(California Endangered Species Act, CDFW)

END: State-listed, Endangered

THR: State-listed, Threatened

CAN: Candidate for state listing

SSC: Species of Special Concern

FP: Fully Protected Species

Source: California Natural Diversity Data Base (CNDDDB) California Native Plant Society Electronic Inventory (CNPSEI) Fontana, Devore, San Bernardino South, San Bernardino North 7.5-minute quads.

California Department of Fish and Wildlife (CDFW). 2024. *RareFind* California Department of Fish and Game Natural Diversity Database (CNDDDB). California. Sacramento, CA, California Department of Fish and Wildlife, Biogeographic Data Branch.

Delhi Sands Flower-Loving Fly Habitat Assessment

October 18, 2024

ECORP Consulting, Inc.  
215 North Fifth Street  
Redlands, CA 92374

**RE: Delhi Sands Flower-Loving Fly Habitat Assessment for the Pepper Clinic LLC Development Project**

To Whom It May Concern:

On September 22, 2024, from approximately 3:30 p.m. to 4:45 p.m., I, Dale Powell (TE-006559-8) from Powell Environmental Consultants, examined the Pepper Avenue, South of San Bernardino Avenue site to determine whether the site possessed suitable habitat for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*, DSFLF) (Assessor's Parcel Number: 0254-071-10).

The Project Area consists of an approximately 9-acre Project site. The temperature at the beginning of the survey was 92 degrees Fahrenheit, and the wind speed varied from being 3 to 7 miles per hour with clear skies. Survey methods consisted of walking the 9-acre project site.

The DSFLF Species Account is included in Appendix A. Upon examination of the site, three of the four DSFLF *indicator plants*: California buckwheat (*Eriogonum fasciculatum*), annual bursage (*Ambrosia acanthicarpa*), or telegraph weed (*Heterotheca grandiflora*), which DSFLF is frequently found associated with, were observed. The fourth *indicator plant*, California croton (*Croton californicus*), was not observed. A biological reconnaissance survey conducted in September 2024 by ECORP Consulting, Inc. (ECORP) observed all four *indicator plants* growing upon the site including California buckwheat, annual bursage, telegraph weed, and California croton (ECORP 2024). Other native plant species frequently found to occur in DSFLF habitat (California evening primrose [*Oenothera californica*], lessinga [*Lessingia glandiflora*], sapphire woolly-star [*Eriastrum sapphirinum*], and Thurber's buckwheat [*Eriogonum thurberi*]) were not observed. Deerweed [*Lotus scoparius*] was observed, however.

A requirement for the inhabitation of an area by the DSFLF is soil of the Delhi Soil Series. According to the Natural Resources Conservation Service, the entire site is mapped as possessing unconsolidated soil of the Delhi Soil Series (NRCS 2024, See Map). Large areas of the site possess open soils.

Because most of the site consists of unconsolidated and uncontaminated soils, possesses three of the four DSFLF indicator plants, and has native habitat, I recommend that focused surveys for DSFLF be conducted. Additionally, past communication with Amanda Swaller of the U.S. Fish and Wildlife Service has emphasized the importance of unconsolidated soils in determination of suitable habitat for this species. According to Amanda Swaller: "The Service needs to be as careful as possible. Other habitat indicators of suitability have been proven false (i.e., indicator plant species). That's why the newest standard for habitat is unconsolidated Delhi Sand" (Personal communication 2024).

## Delhi Sands Flower-loving Fly Background Information

DSFLF (family Mydidae) was listed as an endangered species under the Endangered Species Act, as amended on September 23, 1993. The California Natural Diversity Data Base lists the DSFLF rank as being: G1T1S1 - Federally listed as being extremely endangered (G1); found only in California (T1); and as being extremely endangered in California (S1) (California Department of Fish and Wildlife 2024).

The DSFLF is considered to be endangered primarily because of the loss of its habitat, mainly due to the habitat's conversion to agricultural, residential, and industrial uses. Its historic range has been reduced by over approximately 97% (U.S. Fish and Wildlife Service [USFWS] 1993). DSFLF is known only to inhabit areas where Delhi Sands series soils are located. These soils consist of fine, sandy soils, often forming wholly or partially consolidated dunes, located in an irregular 40 square mile area, in southwestern San Bernardino and northwestern Riverside Counties (U.S. Department of Agriculture Soil Conservation Service 1980).

Fine unconsolidated soils are required for oviposition. The female DSFLF inserts the end of her abdomen deep into the soil to lay her eggs (Rogers and Mattoni 1993). The life history of the larval stages is largely unknown. The larvae develop underground. It is not known whether the early stages of the DSFLF are herbivorous, detritivorous, or carnivorous. The DSFLF's adult flight period lasts approximately six weeks from late June through mid- September. The adult is approximately 1 inch long, tan to orange-brown in color, with dark brown bands and spots upon its abdomen. Its wings are hyaline. It has large green eyes and a long slender proboscis, which it has been seen to use to feed upon nectar from California buckwheat and telegraph weed. The adults frequent open areas, usually near unconsolidated soil. The adult males patrol open areas looking for females to mate with. The females are more sedentary and perch upon plants or sit upon the ground for long periods. Adults are most often observed from 9:00 or 10:00 a.m. until 3:00 or 4:00 p.m.

The DSFLF is frequently associated with certain plants, sometimes called *indicator plants*: California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), annual bursage (*Ambrosia acanthicarpa*), and telegraph weed (*Heterotheca grandiflora*). Other native plant species also occur in DSFLF habitat: California evening primrose (*Oenothera californica*), deerweed (*Lotus scoparius*), lessinga (*Lessingia glandulifera*), rancher's fiddleneck (*Amsinckia menziesii*), sapphire woolly-star (*Eriastrum sapphirinum*), and Thurber's buckwheat (*Eriogonum thurberi*).

## Delhi Sands Flower-loving Fly Recovery Plan

In 1997, the U.S. Fish and Wildlife Service issued the final recovery plan for DSFLF (USFWS 1997). The plan establishes three recovery units: the Colton, Jurupa, and Ontario Recovery Units. The Colton Recovery Unit contains the most known habitat, followed by the Jurupa Recovery Unit. Of the three recovery units, the Ontario Recovery Unit contains the least suitable habitat. Most of the Ontario Recovery Unit's habitat has been degraded by long-term agricultural use and much of the remainder of "suitable" habitat is highly fragmented and is in very close proximity to residential, commercial, or industrial development. While DSFLF is known to occur in the Ontario Recovery Unit, the possibility of using the Ontario Recovery Unit to protect DSFLF is limited because of its prior history and fragmented nature.

The Pepper Avenue, South of San Bernardino Avenue Project site is located within the Colton Recovery Unit.

Sincerely,

Dale Powell  
Powell Environmental Consultants  
Email: [dajrpowell@msn.com](mailto:dajrpowell@msn.com)

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## LITERATURE CITED

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