October 16, 2025

Transtech
Attn: *Haylie Alcorn*
13367 Benson Avenue
Chino, California 91710

SUBJECT: **Biological Resources Assessment for the Proposed Pioneer Soundstage Project Located within Assessor Parcel Numbers 0594-391-06, -07, and -08 in the Community of Pioneertown, San Bernardino County, California**

Introduction

This report contains the findings of ELMT Consulting's (ELMT) biological resources assessment for the proposed Pioneer Soundstage Project located in the community of Pioneertown, San Bernardino County, California. The field investigation was conducted by biologists Jacob H. Lloyd Davies and Rachael A. Lyons on March 20, 2024, to document baseline conditions and assess the potential for special-status[1] plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support burrowing owl (*Athene cunicularia*), desert tortoise (*Gopherus agassizii*), Joshua tree (*Yucca brevifolia*), and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB), and other electronic databases as potentially occurring in the general vicinity of the project site. Additionally, the report also addresses resources protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC), federal Clean Water Act (CWA) regulated by the United States Army Corps of Engineers (Corps) and Regional Water Quality Control Board (Regional Board) respectively, and Section 1602 of the FGC administered by CDFW.

Project Location

The approximately 1.84-acre project site is generally located north of State Route 62, south and west of State Route 247, and east of State Route 38 in the community of Pioneertown, San Bernardino County, California. The site is depicted on the Yucca Valley North quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Section 26 of Township 2 North, Range 4 East. Specifically, the project site is bounded to the north by Mane Street and to the south by Pioneertown Road, and is located within APN 0594-391-06, 07, and -08. Refer to Exhibits 1-3 in Attachment A.

Project Description

The Pioneer Soundstage Project is proposed as an event and community gathering space and hospitality project on 10,337 SF (0.24 acre) of a 1.84 acre lot located at 53585 Mane St. Pioneertown, California 92268,

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

and 53563 Mane St. Pioneertown, CA 92268, respectively, in the unincorporated community of the Morongo Basin region of San Bernardino. Refer to Attachment B, *Site Plan*.

The Applicant proposes to improve an existing 1.84-acre, multi-use commercial site serving the Pioneertown area in unincorporated San Bernardino County (refer to **Figure 3**). The main proposed uses are as follows:

The Pioneertown Soundstage

- The Pioneertown Soundstage (6,223 square feet [SF]) would be renovated to facilitate musical programming that residents and visitors of Pioneertown would expect, such as cowboy karaoke, line dancing, and country rock performances, in addition to more varied programming like vinyl listening sessions and current popular music options.
- The interior of Soundstage will be a flexible open area in the middle with permanent seating on the interior perimeter. The enclosed outdoor patio area associated with the Soundstage would be 3,258 SF.
- The renovation would keep the Soundstage as a community resource, as it hosts fundraisers for local organizations, such as the San Bernardino County Sheriff's Department and California Highway Patrol (CHP) Holiday Party, Joshua Tree National Park Association, and local residential uses such as Pioneertown Holiday Potluck and various celebration of life events for residents.
- The Soundstage would continue to be a venue available to rent for weddings and events on evenings when programming is not scheduled.
- The existing historical wood block signs associated with the Pioneertown Soundstage will be retained.

The Pioneertown Gazette-Cowboy Coffee & Creamery

- The goal is to turn the dilapidated former local newspaper building into an all-day café for the community and visitors of Pioneertown. The Pioneertown Gazette-Cowboy Coffee & Creamery (831 SF) would serve coffee and espresso in the morning along with light breakfast snacks, transitioning into family friendly snacks and ice creamery serving community and visitors needs later in the day. The business will provide a respite from the heat and cold. The Pioneertown Gazette will include the original Pioneertown Gazette sign that was restored by a legendary craftsman consistent with that which exists throughout Pioneertown.

Outdoor Dining/Gathering Pavilion-The Hitching Post

- The Outdoor Dining/Gathering Pavilion (3,024 SF) would serve as a central gathering place between the Pioneertown Soundstage and Gazette, with shade and ample seating for guests at either establishment or visitors/residents of the town to gather while enjoying food, music, or Pioneertown's vistas and climate. The outdoor patio area will have non-fixed picnic tables.

As part of this project, the Pioneertown Soundstage and Pioneertown Gazette would be sensitively restored to a Western look in the vein of what currently exists in Pioneertown to retain the unique historical character of the area.

Additional modular structures are proposed to serve as public restrooms, mobile snack cart, and a self-

contained mobile kitchen (225 SF). These features are shown on the site plan provided on **Figure 3**. The Soundstage remodel includes new Americans with Disabilities Act (ADA) restrooms, ADA parking, bar area, and lounge. Parking will primarily be installed on the southern portion of the site, with ADA parking installed adjacent to the Soundstage. Additionally, a new wood deck (that will be 1,831 SF in size) will be installed along the project's northern frontage, which will provide for ADA accessible entrances to each of the three proposed uses (Pioneertown Soundstage, Pioneertown Gazette, and Outdoor Dining/Gathering Pavilion).

Access to the site will occur through the installation of two new driveways; each will only serve as exit or entry only, along Pioneertown Road. The driveway entrance will utilize gravel to provide a compacted gravel access road and driveway in accordance with the fire department standards. The proposed project is anticipated to retain existing native plants/landscaping onsite. Landscaped areas on site will be 13,033 SF, while paved areas on site would be 2,029 SF per County landscaping standards. The parking and drive aisles will be compacted native soil at 21,934 SF. The project will also remove the existing wood fence and install a new wood fence along the southern property line. Additionally, the fenced area behind the Soundstage will remain an open area on native soil at 3,266 SF.

Site Layout and Access

Pedestrian access to the site will occur from the wood deck located along the project's northern boundary to the Pioneertown Gazette and project site as a whole. Pedestrian access to the Pioneertown Soundstage will face west adjacent to the accessible parking.

Parking

The parking onsite includes 50 automobile parking spaces, which includes 5 accessible (American Disabilities Act [ADA]) parking spaces that would be paved, and 1 loading space. While no EV charging stations are planned at this time, the developer is open to providing space for such installation if feasible. Other than the accessible parking spaces, the parking lot will remain unpaved compacted native soil at 21,934 SF. The accessible parking spaces will also be accompanied by a concrete walkway totaling 710 SF.

Methodology

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

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-

status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

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

- Google Earth Pro historic aerial imagery (1985-2023);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey[2];
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

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

Field Investigation

Following the literature review, biologist Jacob H. Lloyd Davies and Rachael A. Lyons inventoried and evaluated the condition of the habitat on side and within a 200-foot buffer around the project site (approximately 9.64 acres), where applicable, on March 20, 2024. Private properties that were not accessible were visually inspected with binoculars from public right-of-way. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Soil Series Assessment

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

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009),

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

delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

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

Wildlife

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

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Conditions

The proposed project site is located in the heart of the rural community of Pioneertown in the Morongo Basin region located east of the San Bernardino Mountains. Land in the vicinity of the site is supports a mosaic of developed and undeveloped land, with developed land dominated by residential and commercial parcels and undeveloped land supporting a mixture of natural plant communities and disturbed/modified landscapes. Pioneertown was established in 1946 as a wild-west themed community that was developed as a shooting location for Western films and television series, and Mane Street Historic District is listed on the National Register of Historic Places. The site is bounded to the north by Mane Street with commercial development beyond; to the east by commercial development; to the south by Pioneertown Road with undeveloped, vacant land and residential development beyond; and to the west by commercial development. The site itself primarily supports commercial development with associated infrastructure and unpaved parking areas, and also supports narrow swathes of undeveloped land that are periodically cleared of vegetation in association with routine weed abatement activities and infrastructure maintenance.

Topography and Soils

On-site elevation ranges from approximately 4,045 to 4,055 feet above mean sea level, is generally flat, and slopes gently from south to north. Based on the NRCS USDA Web Soil Survey, soils underlying the project site have not been mapped in detail, but the surrounding area is mapped as being underlain by Nebona-Mirage-Joshua-Cajon soil complex.

Vegetation

Due to historic and ongoing land uses, no natural plant communities are supported within or adjacent to the project site. The site supports two (2) land cover types that would be classified as disturbed and developed (refer to Exhibit 4, *Vegetation* in Attachment A). Refer to Attachment B, *Site Photographs*, for representative site photographs.

Narrow swathes of disturbed land are supported along site boundaries where routine weed abatement and maintenance activities occur. These areas primarily support weedy/early successional species that are adapted to establishing in routinely disturbed areas. Common plant species observed in the disturbed portions of the project site include devil's lettuce (*Amsinckia tesselata*), desert mariposa-lily (*Calochortus kennedyi*), wingnut cryptantha (*Cryptantha pectocarya*), sacred datura (*Datura wrightii*), rubber rabbitbrush (*Ericameria nauseosa*), California buckwheat (*Eriogonum fasciculatum*), Saharan mustard (*Brassica tournefortii*), red brome (*Bromus rubens*), red-stemmed filaree (*Erodium cicutarum*), foxtail (*Hordeum murinum*), prickly lettuce (*Lactuca serriola*), Mediterranean grass (*Schismus barbatus*), and London rocket (*Sisymbrium irio*).

The majority of the project site supports developed land with existing commercial development, ornamental landscaping, parking lots, and the Mane Street Historic District. Vegetation supported in the developed portions of the site is generally limited to ornamental landscaping, with limited weedy/early successional species present. Parking lots are unpaved; however, they are periodically subject to sufficient disturbances from lot maintenance and vehicle and pedestrian access as to prevent the establishment of a plant community. Common species observed in the developed and ornamentally landscaped portions of the project site include western Joshua tree (*Yucca brevifolia*), oleander (*Nerium oleander*), Italian cypress (*Cupressus sempervirens*), red-stemmed filaree, Saharan mustard, and desert mariposa-lily.

Wildlife

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

Fish

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

Amphibians

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

Reptiles

The project site and surrounding area provide suitable foraging and cover habitat for local reptile species that are adapted to development and routine anthropogenic disturbance. Reptiles observed during the field investigation include desert spiny lizard (*Sceloporus magister uniformis*) and western side-blotched lizard (*Uta stansburiana elegans*). None of these species are special-status species. Other common reptilian species that could be expected to occur include Great Basin whiptail (*Aspidoscelis tigris tigris*), Great Basin fence lizard (*Sceloporus occidentalis longipes*), Great Basin gopher snake (*Pituophis catenifer deserticola*), and southwestern speckled rattlesnake (*Crotalus mitchellii pyrrhus*).

Birds

The project site and surrounding area provide suitable foraging and nesting habitat for local bird species adapted to development and routine anthropogenic disturbance. Bird species detected during the field investigation include ladder-backed woodpecker (*Dryobates scalaris*), house finch (*Haemorhous mexicanus*), northern mockingbird (*Mimus polyglottos*), house sparrow (*Passer domesticus*), Eurasian collared dove (*Streptopelia decaocto*), and European starling (*Sturnus vulgaris*).

Mammals

The project site and surrounding area provide limited foraging and cover habitat for local mammalian species that are adapted to development and routine anthropogenic disturbance. No mammals were observed during the field investigation. Common mammalian species that could be expected to occur include coyote (*Canis latrans*), black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Otospermophilus beecheyi*), and desert cottontail (*Sylvilagus audubonii*).

Nesting Birds

No active nests associated with native avian species were observed on-site during the field investigation. Multiple avians, including ladder-backed woodpecker, northern mockingbird, and house finch, were observed exhibiting nesting behaviors including territorial displays and nest construction and excavation. The project site and surrounding area, including structures, provide suitable nesting opportunities for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to frequent vehicle and pedestrian presence. In addition, tall electrical poles and ornamental trees observed in the surrounding area provide suitable nesting opportunities for raptor species adapted to the aforementioned routine disturbances.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

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

According to the San Bernardino Countywide Plan, the project site has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the San Bernardino County Countywide Plan Open Space Element, the nearest major open space area to the site is located approximately 9.8 miles to the northwest within the San Bernardino Mountains. In addition, the Open Space Element identifies Wilderness Areas as occurring approximately 5.6 miles to the northwest.

The proposed project will be confined to existing areas that have been heavily disturbed or developed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, the project site is not expected to contribute to local wildlife movement opportunities and no impacts to wildlife corridors or linkages will occur from project implementation.

Jurisdictional Areas

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

A query of the NWI database found no potential blueline streams, riverine, or other aquatic resources within or adjacent to the project site. During the field investigation, one (1) swale was observed traversing the northern boundary of the project site from west to east along the middle of Mane Street, a dirt access road. This feature is an erosional feature that only receives flows from direct precipitation during storm events and surface runoff from adjacent developed areas.

The project site does not support any discernible drainage courses, inundated areas, wetland features, or hydric soils that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Rimrock and Yucca Valley North USGS 7.5-minute quadrangle.

One quadrangle was queried due to the proximity of the site to quadrangle boundaries. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified twenty-five (25) special-status plant species and ten (10) special-status wildlife species as having potential to occur within the Rimrock and Yucca Valley North USGS 7.5-minute quadrangles. Two quadrangles were queried due to the proximity of the site to quadrangle boundaries. No special-status plant communities are identified as occurring within the Rimrock and Yucca Valley North quadrangles. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment C*: Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDB and CNPS, twenty-five (25) special-status plant species have been recorded in the Rimrock and Yucca Valley North quadrangles (refer to Attachment D). The project site supports exclusively developed and highly disturbed land and no natural plant communities are supported within or adjacent to site boundaries. One (1) special-status plant species, western Joshua tree, was observed on-site during the field investigation. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not have potential to support any of the other special-status plant species known to occur in the vicinity of the site and all are presumed to be absent.

Western Joshua Tree

The California Fish and Game Commission (Commission) designated the western Joshua tree as a candidate for listing under the California Endangered Species Act (CESA) in October 2020. This action afforded the western Joshua tree the same CESA protections as listed species, which means that removal of the desert trees was subject to fines and criminal penalties unless authorized by a "take" permit issued by the CDFW. Such permits were difficult to obtain, and when issued would authorize removal only in limited circumstances. The new law, which became effective July 1, streamlines the western Joshua Tree take permit process and broadens the purposes for which a permit may be issued. A western Joshua tree may now be removed for any purpose, so long as a permit is obtained and the removal is fully mitigated, or alternatively, an in-lieu mitigation fee is paid. The table below summarizes the new rules for the area in which the project site is located.

Location	Mitigation Fees
The project site is not located within the Reduced Mitigation Fee Area.	Full mitigation, or in-lieu fee as follows: • $2,544.75 per tree > 5 meters tall • $509.00 per tree 1 to 5 meters tall • $346.00 per tree < 1 meter tall

A total of six (6) western Joshua trees measuring between 1 and 5 meters in height were observed on the northern boundary of the project site along Mane Street during the site survey in accordance with western Joshua tree protocols. No western Joshua trees are expected to be directly impacted from project

implementation, and they will be protected in place. Project impacts will occur within 50 feet of the mapped western Joshua trees.

Special-Status Wildlife

According to the CNDDB, ten (10) special-status wildlife species have been reported in the Rimrock and Yucca Valley North quadrangles (refer to Attachment D). The project site supports exclusively developed and highly disturbed land and no natural plant communities are supported within or adjacent to site boundaries. No special-status wildlife species or sign (i.e., burrows, scat, etc.) were observed during the field investigation. Based on habitat requirements for specific species and the availability and quality of on-site habitats and isolation of the site from natural habitats, it was determined that the proposed project site does not have potential to support any of the special-status wildlife species known to occur in the vicinity of the site and all are presumed to be absent.

In order to ensure impacts to special-status avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to special-status avian species will be less than significant and no mitigation will be required.

Due to regional significance and listing status, the potential occurrence of burrowing owl and desert tortoise are discussed in further detail below.

Burrowing Owl

The western burrowing owl (*Athene cuincularia*) is currently listed as Candidate Endangered species under the California Endangered Species Act. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or new sign of use (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. The land cover types supported by the site allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches) for roosting and nesting were observed on-site. Further, routine anthropogenic disturbance associated with existing land uses preclude burrowing owl from occurring on-site. Therefore, the project site was determined not have potential to support burrowing owl. No further surveys are recommended.

Desert Tortoise

The Mojave population of the desert tortoise (*Gopherus agassizii*) inhabits areas north and west of the

Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as Mojavean desert scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush; however, other shrubs including burrobush (*Ambrosia dumosa*), Mojave yucca, cheesebush (*Ambrosia salsola*), and Mojave prickly pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

No live desert tortoises, suitable burrows, or other sign were observed during the field investigation. The land cover types supported by the project site provide neither suitable foraging habitat nor burrowing conditions for desert tortoise. Further, isolation by surrounding development and routine anthropogenic disturbance associated with existing land uses preclude desert tortoise from occurring on-site. Therefore, the project site was determined not to have potential to support desert tortoise. No further surveys are recommended.

Special-Status Plant Communities

No special-status plant communities were identified as occurring in the Rimrock and Yucca Valley North quadrangles and no special-status plant communities were observed during the field investigation. Therefore, no special-status plant communities will be impacted by project implementation.

Critical Habitat

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

The project site is not located within federally designated Critical Habitat. The nearest Critical Habitat designations to the site is located approximately 10.8 miles to the northwest for Cushenbury buckwheat (*Eriogonum ovalifolium* var. *vineum*) and Parish's daisy (*Erigeron parishii*). Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

San Bernardino County Development Code

Section 88.01.060 of the Development Code provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to coincide with the Desert Native Plants Act (Food and Agricultural Code Section 8001 et seq.) and the State Department of Food and Agriculture to implement and enforce the Act.

Pursuant to Section 88.01.060 of the Development Code, the following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit:

1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
   (A) *Dalea spinosa* (smoke tree)
   (B) All species of the genus *Prosopis* (mesquites)
2) All species of the family *Agavaceae* (century plants, nolinas, yuccas)
3) Creosote Rings, 10 feet or greater in diameter
4) All Joshua trees (*Yucca brevifolia*)
5) Any part of any of the following species, whether living or dead:
   (A) *Olneya tesota* (desert ironwood)
   (B) All species of the genus *Prosopis* (mesquites)
   (C) All species of the genus *Cercidium* (palos verdes)

Based on the results of the field investigation, western Joshua Tree is present on-site. If this species is expected to be impacted by project implementation, respective Tree or Plant Removal Permits will be required for each individual prior to ground disturbance in association with Section 88.01.060 of the County of San Bernardino Development Code. However, no impacts are proposed.

Conclusion

Based on the literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. No further surveys are recommended. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

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

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

Western Joshua Tree ITP Coordination

No western Joshua trees are expected to be directly impacted from project implementation, and they will be protected in place. Project impacts will occur within 50 feet of the mapped western Joshua trees. Per CDFW any project activities within 50 feet of a western Joshua Tree may result in indirect impacts, requiring a CDFW ITP to be prepared and processed. However, since the existing western Joshua trees are surrounded by existing development and are mixed in existing landscaping, no indirect impacts are expected to occur. Coordination with CDFW will be required to determine if a WJT ITP will be required.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis at (909) 816-1646 or travismcgill@elmtconsulting.com

Sincerely,

Thomas J. McGill, Ph.D.
Managing Director

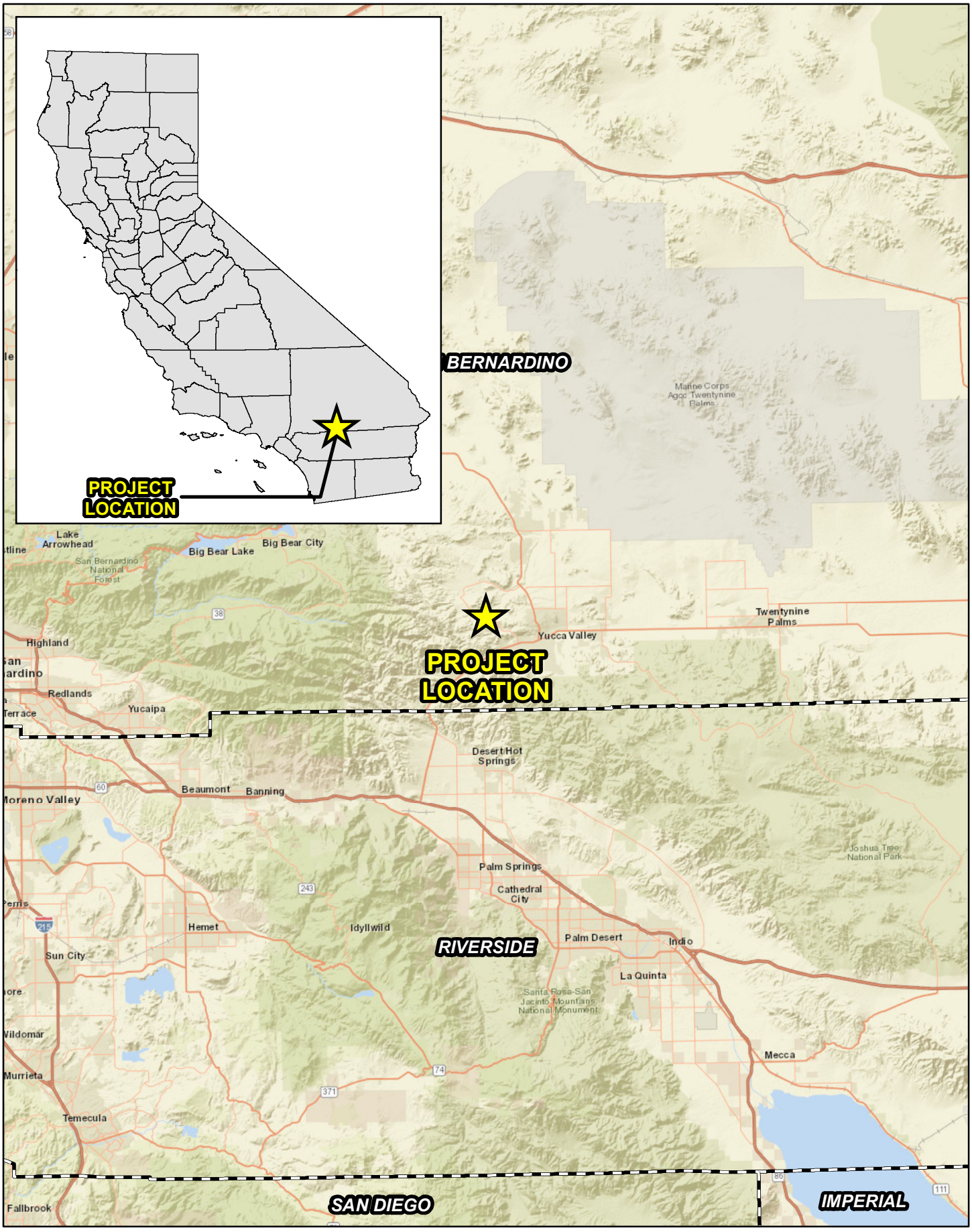
Travis J. McGill
Director/Biologist

Attachments:

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

Attachment A

Project Exhibits



ELMT CONSULTING

Source: World Street Map, San Bernardino County

PIONEERTOWN SOUNDSTAGE PROJECT

Regional Vicinity

Exhibit 1

PIONEERTOWN SOUNDSTAGE PROJECT

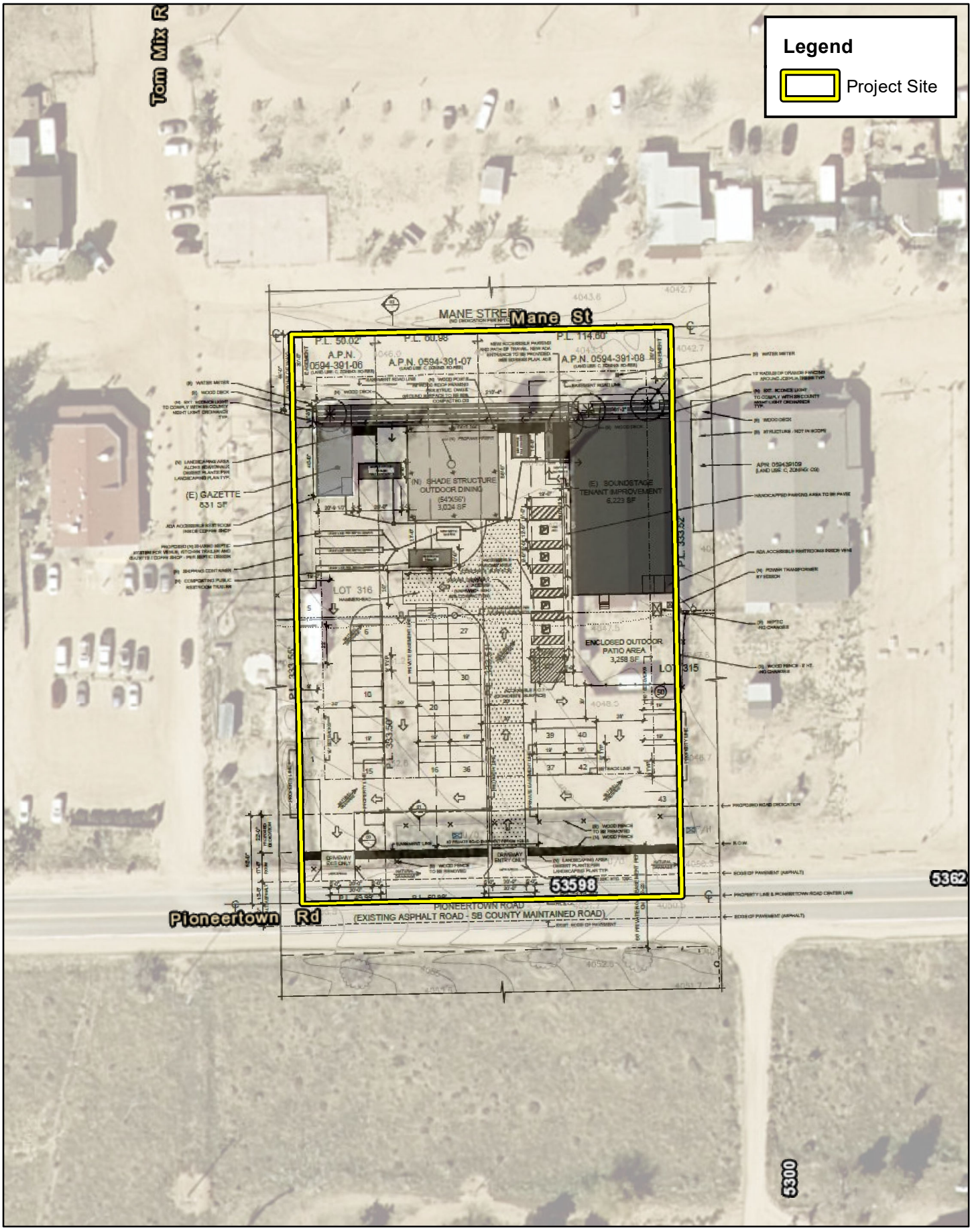
ELMT CONSULTING

0 1,000 2,000 4,000 Feet

Source: USA Topographic Map, San Bernardino County

Site Vicinity

Exhibit 2



ELMT CONSULTING

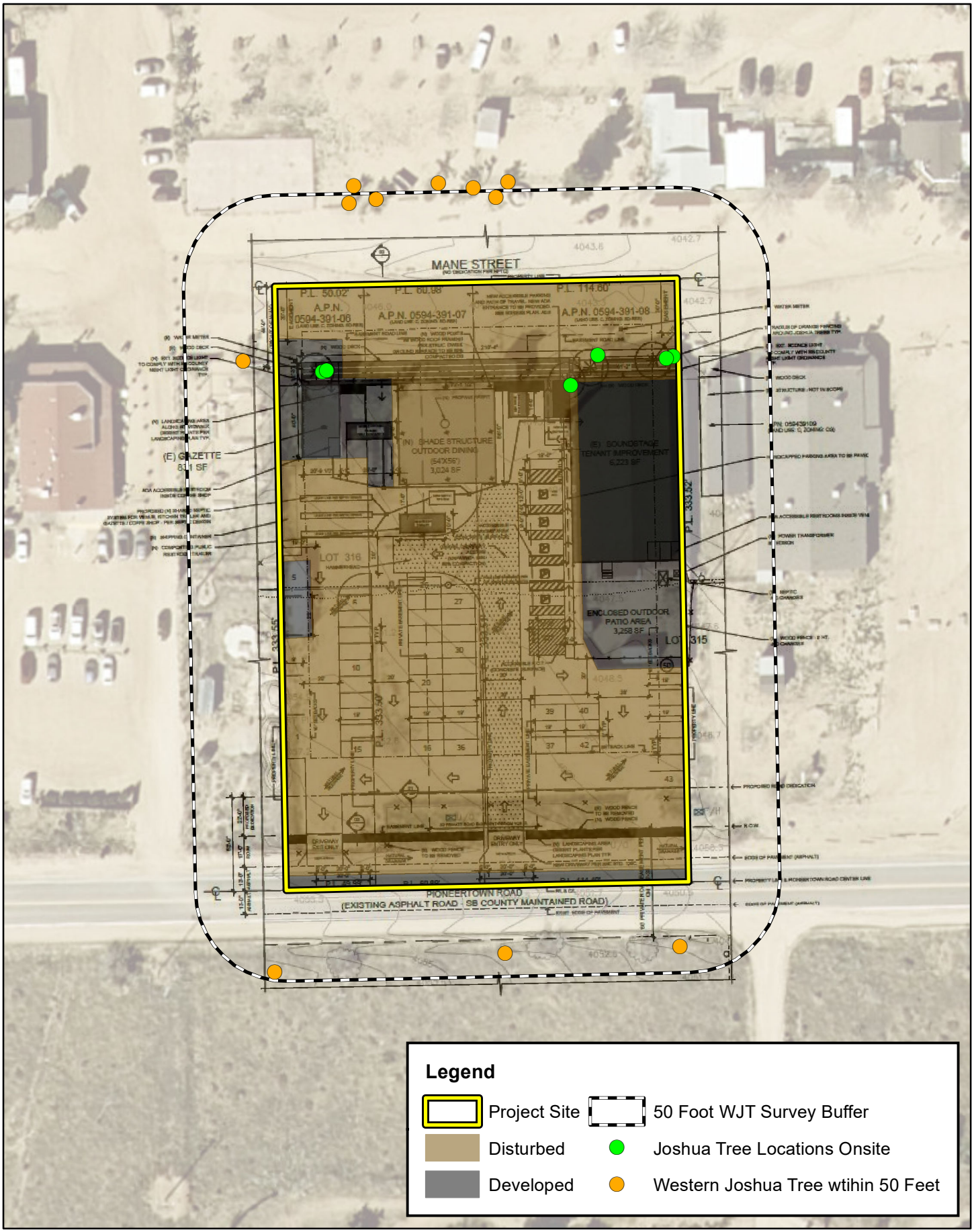
0 25 50 100 Feet

Source: ESRI Aerial Imagery, San Bernardino County

PIONEERTOWN SOUNDSTAGE PROJECT

Project Site

Exhibit 3



ELMT CONSULTING

0 25 50 100 Feet

Source: ESRI Aerial Imagery, San Bernardino County

PIONEERTOWN SOUNDSTAGE PROJECT

Vegetation

Exhibit 4

Attachment B

Site Plan

VICINITY MAP:

PROJECT LOCATION

OFFICIAL USE ONLY:

PARKING CALCULATIONS:

PARKING LOAD BREAKDOWN

STRUCTURE / USE	SQUARE FOOTAGE	PARKING RATIO	SPACES REQUIRED
SOUNDSTAGE (RETAIL / TRADE)	6,223 SQ.FT.	1:100 SQ.FT.	63
COFFEE SHOP (RETAIL / TRADE)	831 SQ.FT.	1:200 SQ.FT.	5
MOBILE KITCHEN TRAILER (RETAIL / TRADE)	225 SQ.FT.	1:200 SQ.FT.	2
PUBLIC OUTDOOR DINING AREA (RETAIL / TRADE)	3,024 SQ.FT.	N/A	-
		TOTAL REQUIRED	70

PARKING TOTALS:

STANDARD SPACES
50

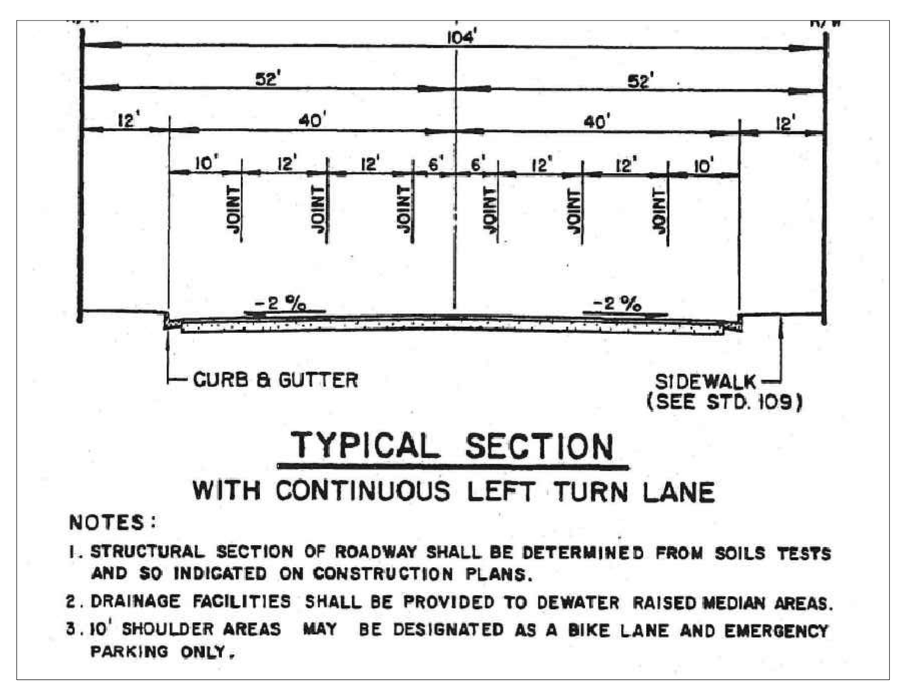
ASSESSABLE SPACES
5

TOTAL
55

LEGAL DESCRIPTION:

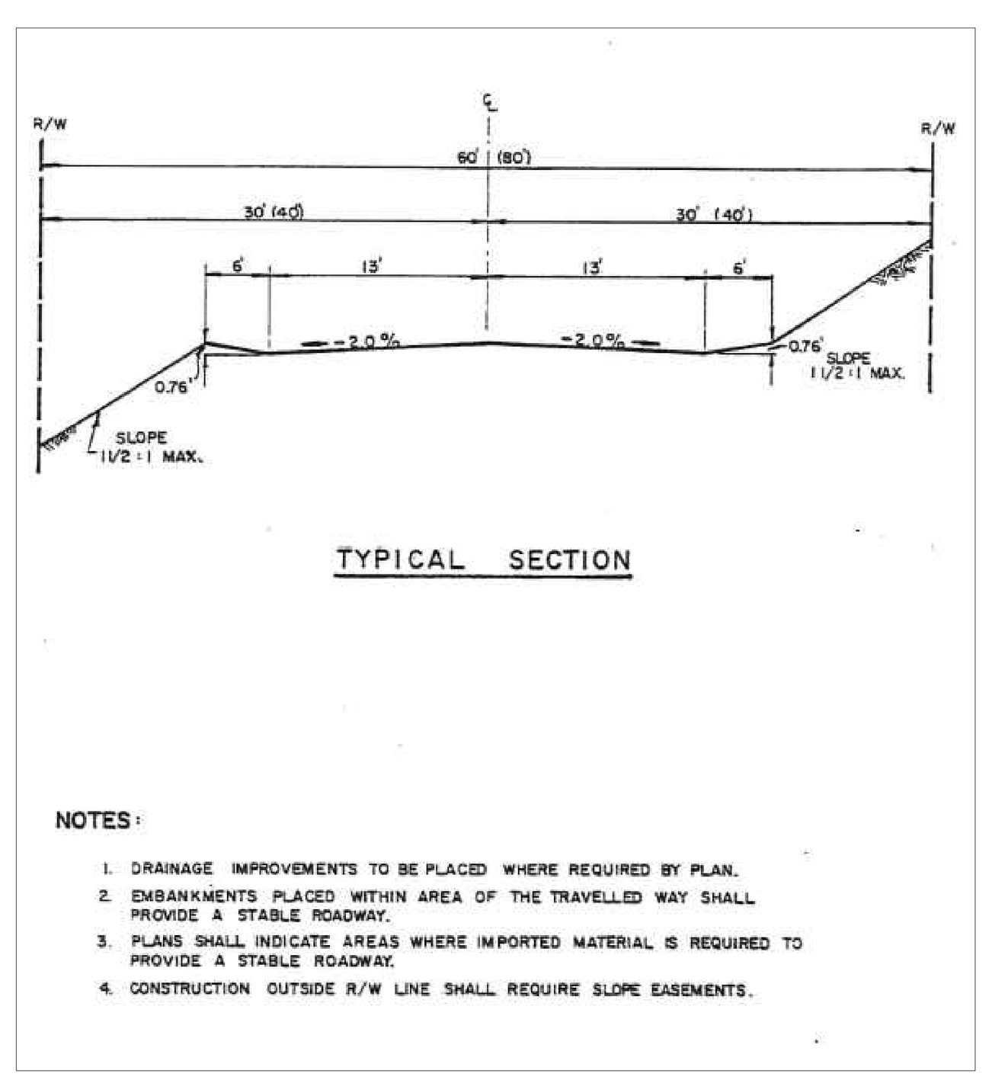
APN:	059439108, 059439107, & 059439106
LOT AREA:	1.84 ACRES
ZONING:	RURAL COMMERCIAL
COUNTYWIDE PLAN LAND USE:	C (COMMERCIAL)
ZONING DISTRICT:	SD RES (SPECIAL DEVELOPMENT - RESIDENTIAL)
OCC. TYPE:	SOUNDSTAGE: A-2 COVERED PATIO: A-2 GAZETTE: GROUP B & GROUP M

ROAD SECTION (PIONEERTOWN ROAD) 01



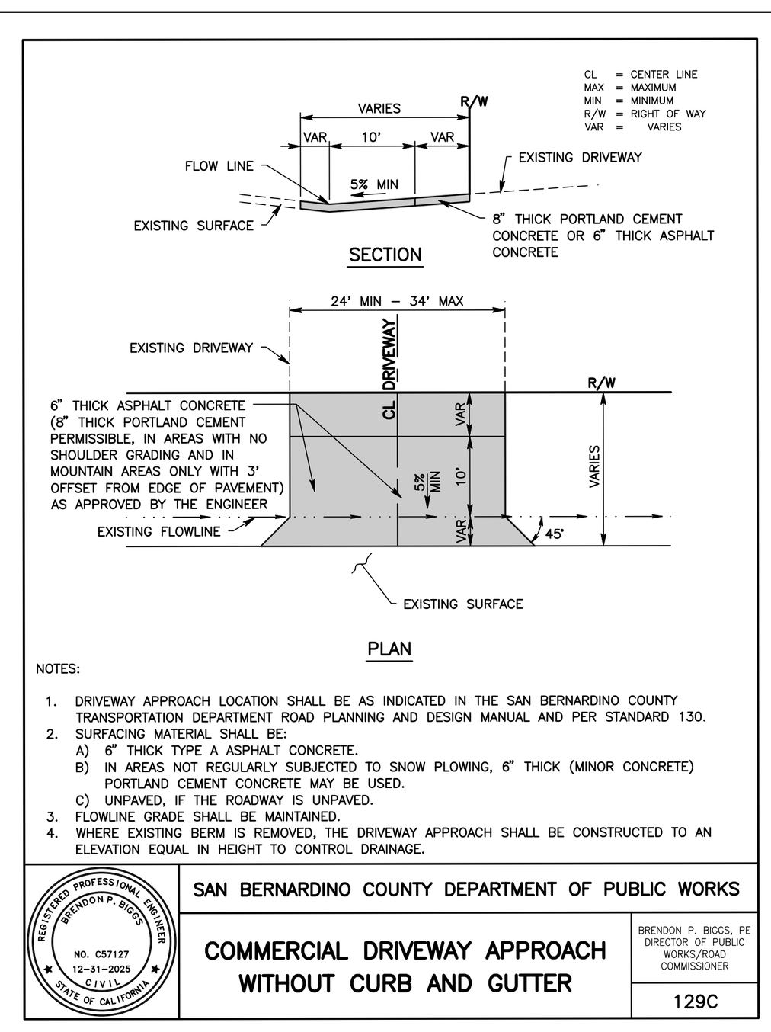
MAJOR HIGHWAY STD. 101

ROAD SECTION (MANE STREET) 02

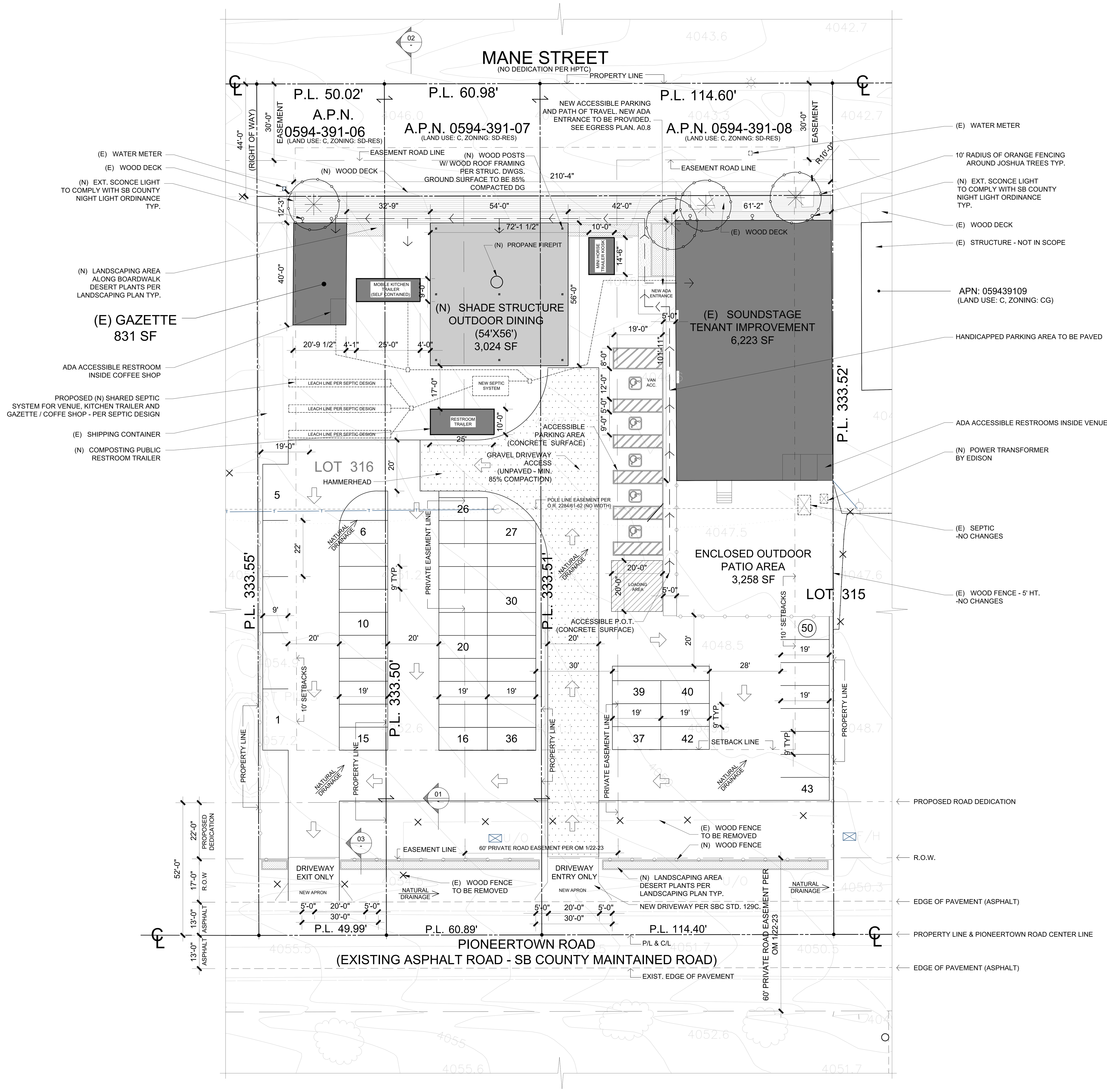


GRADED ROAD STD. 114

COMMERCIAL DRIVEWAY APPROACH W/O CURB 03



STD. 129C



LEGEND:

- (N) WOOD FENCE
- (E) WOOD FENCE
- PROPERTY LINE
- CENTERLINE
- PROPOSED ROAD DEDICATION
- EASEMENT ROAD LINE
- EASEMENT
- SETBACKS
- PROPERTY CORNER
- BUILDINGS / STRUCTURES - IN SCOPE
- BUILDINGS / STRUCTURES - NOT IN SCOPE
- BOARDWALK (ACCESSIBLE PATH - WOOD MATERIAL)
- DG SURFACE (MIN. 85% COMPACTION)
- DESERT LANDSCAPING AREAS
- (E) POWER POLE
- (E) OVERHEAD POWER LINES
- JOSHUA TREE
- 10' RADIUS OF ORANGE FENCING
- LOT TIE
- ACCESSIBLE PATH OF TRAVEL = 5'-0" WIDE
- S STANDARD PARKING SPACE
- C COMPACT PARKING SPACE
- (E) STREET LIGHT

NOTES:

1. SEE CIVIL DRAWINGS FOR DRAINAGE DETAILS
2. PARKING AREAS TO BE EXISTING DIRT / DG
3. OUTDOOR LIGHTING TO COMPLY WITH DESERT LIGHTING ORDINANCE
4. COUNTYWIDE PLAN LAND USE IS C (COMMERCIAL)
5. ZONING DISTRICT IS CG (GENERAL COMMERCIAL)

01 SITE PLAN - MASTER PLAN

PROPOSED DESIGN

scale: 1" = 20'

BLU HAUS
DESIGN | BUILD

BLU HAUS
DESIGN STUDIO

BY ART MARQUEZ

61416 29 PALMS HWY #1953
JOSHUA TREE, CA 92252

626-235-8751
ART@BLUHAUSDESIGN.COM

ART MARQUEZ, B. ARCH
CRC R106 & BUSINESS AND PROFESSIONS CODE 5536.2.

DATE	ISSUED FOR
23-0906	COUNTY SUBMITTAL
24-1007	COUNTY RESUBMITTAL

DATE	REVISION

PROJECT:
CUP - TENANT IMPROVEMENT

ADDRESS:
53585 MANE STREET
PIONEERTOWN, CA 92268

SHEET TITLE:
SITE PLAN

PROJECT:
SOUNDSTAGE

DATE:
24-1007

DRAWN BY:
ART MARQUEZ

SCALE:
AS NOTED

SHEET:
A0.2

Attachment C

Site Photographs

Photograph 1: From the northwest corner of the project site looking south along the western boundary.

Photograph 2: From the northwest corner of the project looking east along the northern boundary.

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

Photograph 4: From the northeast corner of the project looking south along the eastern boundary.

Photograph 5: From the southeast corner of the project looking north along the eastern boundary.

Photograph 6: From the southeast corner looking west along the southern boundary.

Photograph 7: From the southwest corner of the project site looking east along the southern boundary.

Photograph 8: From the southwest corner of the project site looking north along the western boundary.

Photograph 9: Two western Joshua trees on the northeast corner of the project site.

Photograph 10: Single western Joshua tree on the northeast corner of the site.

Photograph 11: Two western Joshua trees on the northwest corner of the project site.

Attachment D

Potentially Occurring Special-Status Biological Resources

Table D-1: Potentially Occurring Sensitive Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
SPECIAL – STATUS WILDLIFE SPECIES				
Aquila chrysaetos golden eagle	Fed: None CA: FP/WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus fallax pallidus pallid San Diego pocket mouse	Fed: None CA: SSC	Common resident of sandy herbaceous areas, usually in association with rocks or course gravel in southwestern California. Occurs mainly in arid coastal and desert border areas. Habitats include coastal scrub, chamise-redshank chaparral, mixed chaparral, sagebrush, desert wash, desert scrub, desert succulent shrub, pinyon-juniper, and annual grassland.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Gopherus agassizii desert tortoise	Fed: **THR** CA: **THR**	Occurs in desert scrub, desert wash, and Joshua tree habitats with friable, sandy, well-drained soils for nest and burrow construction. Highest densities occur in creosote bush scrub with extensive annual wildflower blooms and succulents with little to no non-native plant species.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Paranomada californica California cuckoo bee	Fed: None CA: None	Habitat data is unknown. It is a kleptoparasite of other solitary ground-nesting bees, likely including Exomalopsis verbesinae.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spizella breweri Brewer's sparrow	Fed: None CA: None	Habitats include sagebrush scrub and brushy plains with a strong sagebrush component. Prefers open areas for foraging.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Taxidea taxus American badger	Fed: CA: None SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site or off-site street improvement areas.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Toxostoma bendirei Bendires thrasher	Fed: None CA: SSC	Found in areas with permanent water, low gradient topography, and dense multistoried riparian vegetation. Restricted to shallow, freshwater aquatic habitats such as wetlands and marshes. Requires open water for foraging.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Toxostoma lecontei Le Conte's thrasher	Fed: None CA: SSC	An uncommon to rare, local resident in southern California deserts from southern Mono Co. south to the Mexican border, and in western and southern San Joaquin Valley. Occurs primarily in open desert wash, desert scrub, alkali desert scrub, and desert succulent shrub habitats; also occurs in Joshua tree habitat with scattered shrubs.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
SPECIAL – STATUS PLANT SPECIES				
Allium parishii Parish's onion	Fed: None CA: None CNPS: 4.3	Rocky microhabitats within Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland. Found at elevations ranging from 2955 to 5695 feet. Blooms in April-May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Astragalus bernardinus San Bernardino milk-vetch	Fed: None CA: None CNPS: 1B.2	Carbonate (often), Granitic (often) microhabitats within Joshua tree "woodland", Pinyon and juniper woodland. Found at elevations ranging from 2955 to 6560 feet. Blooms in April-June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Astragalus nutans Providence Mountains milk-vetch	Fed: None CA: None CNPS: 4.3	Gravelly (sometimes), Sandy (sometimes) microhabitats within Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland, Sonoran desert scrub. Found at elevations ranging from 1475 to 6400 feet. Blooms in March-June(October).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Berberis fremontii Fremont berry	Fed: None CA: None CNPS: 2B.3	Granitic (sometimes), Rocky microhabitats within Joshua tree "woodland", Pinyon and juniper woodland. Found at elevations ranging from 3755 to 5645 feet. Blooms in March-May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Boechera dispar pinyon rockcress	Fed: None CA: None CNPS: 2B.3	Granitic, Gravelly microhabitats within Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland. Found at elevations ranging from 3935 to 8335 feet. Blooms in March-June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Boechera shockleyi Shockleys rockcress	Fed: None CA: None CNPS: 2B.2	Pinyon and juniper woodland (carbonate, gravelly, quartzite, rocky). Found at elevations ranging from 2870 to 7580 feet. Blooms in May-June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Calochortus palmeri* var. *palmeri Palmer's mariposa-lily	Fed: None CA: None CNPS: 1B.2	Mesic microhabitats within Chaparral, Lower montane coniferous forest, Meadows and seeps. Found at elevations ranging from 2330 to 7840 feet. Blooms in April-July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Camissonia kernensis ssp. Kernensis Kern County evening primrose	Fed: None CA: None CNPS: 4.3	Granitic, gravelly (sometimes), sandy (sometimes) soils within chaparral, Joshua tree "woodland", and pinyon and juniper woodland habitats. Found at elevations ranging from 2,590 to 6,990 feet. Blooming period is from March to May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Canbya candida white pygmy-poppy	Fed: None CA: None CNPS: 4.2	Granitic, Gravelly, Sandy microhabitats within Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland. Found at elevations ranging from 1970 to 4790 feet. Blooms in March-June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Erigeron parishii Parish's daisy	Fed: **THR** CA: None CNPS: 1B.1	Carbonate (usually), Granitic (sometimes) microhabitats within Mojavean desert scrub, Pinyon and juniper woodland. Elevation range is unknown; known from 2625 feet. Blooms in May-August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Eschscholzia androuxii Joshua Tree poppy	Fed: None CA: None CNPS: 4.3	Flats, Gravelly, Rocky, Sandy, Slopes, Washes microhabitats within Joshua tree "woodland", Mojavean desert scrub. Elevation range is unknown; known from 1920 feet. Blooms in February-May(June).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Euphorbia abramsiana Abram's spurge	Fed: None CA: None CNPS: 2B.2	Sandy microhabitats within Mojavean desert scrub, Sonoran desert scrub. Elevation range is unknown; known from -15 feet. Blooms in (August)September-November.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Euphorbia vallis-mortae Death Valley sandmat	Fed: None CA: None CNPS: 4.2	Mojavean desert scrub (gravelly, sandy). Elevation range is unknown; known from 755 feet. Blooms in May-October.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Galium angustifolium* ssp. *gracillimum slender bedstraw	Fed: None CA: None CNPS: 4.2	Granitic, Rocky microhabitats within Joshua tree "woodland", Sonoran desert scrub. Elevation range is unknown; known from 425 feet. Blooms in April-June(July).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Galium johnstonii Johnston's bedstraw	Fed: None CA: None CNPS: 4.3	Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland, Riparian woodland. Elevation range is unknown; known from 4005 feet. Blooms in June-July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Linanthus bernardinus Pioneertown linanthus	Fed: None CA: None CNPS: 1B.2	Joshua tree "woodland", Pinyon and juniper woodland. Elevation range is unknown; known from 3905 feet. Blooms in March-May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Linanthus killipii Baldwin Lake linanthus	Fed: None CA: None CNPS: 1B.2	Joshua tree "woodland", Meadows and seeps (alkaline), Pebble (Pavement) plain, Pinyon and juniper woodland. Elevation range is unknown; known from 5580 feet. Blooms in May-July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Linanthus maculatus* ssp. *maculatus Little San Bernardino Mtns. linanthus	Fed: None CA: None CNPS: 1B.2	Sandy microhabitats within Desert dunes, Joshua tree "woodland", Mojavean desert scrub, Sonoran desert scrub. Elevation range is unknown; known from 460 feet. Blooms in March-May.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lycium torreyi Torrey's box-thorn	Fed: None CA: None CNPS: 4.2	Rocky, Sandy, Streambanks, Washes microhabitats within Mojavean desert scrub, Sonoran desert scrub. Elevation range is unknown; known from -165 feet. Blooms in (January-February)March-June(September-November).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Monardella robisonii Robisons monardella	Fed: None CA: None CNPS: 1B.3	Pinyon and juniper woodland. Elevation range is unknown; known from 2000 feet. Blooms in (February)April-September(October).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Muilla coronata crowned muilla	Fed: None CA: None CNPS: 4.2	Chenopod scrub, Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland. Elevation range is unknown; known from 2200 feet. Blooms in March-April(May).	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phacelia mohavensis Mojave phacelia	Fed: None CA: None CNPS: 4.3	Gravelly (sometimes), Sandy (sometimes) microhabitats within Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Pinyon and juniper woodland. Elevation range is unknown; known from 4595 feet. Blooms in April-August.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Saltugilia latimeri Latimer's woodland-gilia	Fed: None CA: None CNPS: 1B.2	Granitic (often), Rocky (sometimes), Sandy (sometimes), Washes (sometimes) microhabitats within Chaparral, Mojavean desert scrub, Pinyon and juniper woodland. Elevation range is unknown; known from 1310 feet. Blooms in March-June.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Streptanthus campestris southern jewelflower	Fed: None CA: None CNPS: 1B.3	Rocky microhabitats within Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland. Elevation range is unknown; known from 2955 feet. Blooms in (April)May-July.	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Yucca brevifolia western Joshua tree	Fed: None CA: CE CNPS: N/A	Occurs in a variety of arid habitats within the Mojave Desert. Found at elevations ranging from 1,600 to 6,600 feet. Blooming period is from March to June.	Yes	**Present** While suitable habitat for western Joshua tree is no longer present due to historic and ongoing land uses, several western Joshua trees persist on-site in association with ornamental landscaping. .

U.S. Fish and Wildlife Service (USFWS) - Federal
END - Federal Endangered
THR - Federal Threatened

California Department of Fish and Wildlife (CDFW) - California
END - California Endangered
THR - California Threatened
SSC - California Species of Concern
WL - Watch List
FP - California Fully Protected
CE - California Candidate Endangered

California Native Plant Society (CNPS)
California Rare Plant Rank
1A - Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B - Plants Rare, Threatened, or Endangered in California and Elsewhere
2B - Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
4 - Plants of Limited Distribution – A Watch List

Threat Ranks
0.1 - Seriously threatened in California
0.2 - Moderately threatened in California
0.3 - Not very threatened in California

Attachment E

Regulations

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

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits "take" of threatened or endangered species. "Take" under the ESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

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

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

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

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

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

State Regulations

California Environmental Quality Act (CEQA)

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

California Endangered Species Act (CESA)

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

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

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

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

Fish and Game Code

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

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

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

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

2A- Plants Presumed Extirpated in California, But More Common Elsewhere

2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of "Waters of the United States"; Conforming (September 8, 2023), "waters of the United Sates" are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in paragraph (a)(1) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) ***Wetlands*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) ***Adjacent*** means having a continuous surface connection

(3) ***High tide line*** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) ***Ordinary high water mark*** means that 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.

(5) ***Tidal waters*** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Section 401 of the Clean Water Act

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

State Regulations

Fish and Game Code

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

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

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

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

Porter Cologne Act

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