Chevron Bloomington Biotic Resources Report

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ROCKS
BIOLOGICAL CONSULTING

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1. SUMMARY

This report presents the results of a general biological resource assessment conducted by Rocks Biological Consulting (RBC) for the Chevron Bloomington Project (project) in the County of San Bernardino, California. The approximately 4.19-acre project site is a disturbed parcel under active agriculture surrounded by other development or disturbed land. The project does not support suitable habitat for any species listed as threatened or endangered under state or federal regulations, nor does it support riparian habitats or waters that would be jurisdictional by the U.S. Army Corps of Engineers, Santa Ana Regional Water Quality Control Board or the California Department of Fish and Wildlife. Impacts on biological resources will be less than significant with implementation of the suggested mitigation measures outlined in this report.

2. INTRODUCTION

2.1 Project Location and Background

The approximately 4.19-acre project parcel is located in the County of San Bernardino, California. The site is bounded by Slover Avenue to the north, Cedar Avenue to the east, a housing development and Otilla Street to the south, and Valencia Street to the west (Figure 1). The project occurs on the U.S. Geological Survey (USGS) 7.5" quadrangle (quad) map Fontana, Township 1 South, Range 5 West, Section 27.

2.2 Project Description

Under the proposed project, the site would be developed with a Chevron gas station.

2.3 Scope of Work

This report identifies and evaluates impacts on biological resources associated with the proposed project in the context of County of San Bernardino Land Use regulations, the California Environmental Quality Act (CEQA), and state and federal regulations, such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code (CFGC).

Lee Ripma of RBC conducted a field study on September 22, 2016 that focused on a number of objectives to comply with CEQA requirements, including: (1) General biological surveys and vegetation mapping; (2) Habitat assessments for listed plant and wildlife species; (3) Habitat assessment for burrowing owl (*Athene cunicularia*); and (4) Assessment for areas subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the CWA and the jurisdiction of the California Department of Fish and Wildlife (CDFW) pursuant to Division 2, Chapter 6, Section 1600 – 1602 of the CFGC.

2.4 Existing Conditions

The project site is flat with elevations of approximately 1,060 to 1,075 feet above mean sea level (amsl). Overall, the site is disturbed and contains a variety of ruderal (i.e., weedy) plant species such as tumbleweed (*Salsola australis*), horseweed (*Erigeron canadensis*), London

rocket (*Sisymbrium irio*), several non-native grass species, and sunflower (*Helianthus annuus*). Approximately half of the site is comprised of planted corn, though other crops (e.g., pumpkin, squash, tomatillo) are present.

2.5 Regulatory Framework

Federal, state, and local agencies have established several regulations to protect and conserve biological resources. The descriptions below provide a brief overview of the agency regulations that may be applicable to the project. The final determination as to what types of permits are required is made by the regulating agencies.

2.5.1 Federal Regulations

Federal Endangered Species Act

The federal Endangered Species Act (ESA) of 1973, as amended, provides for the listing of endangered and threatened species of plants and animals and the designation of critical habitat for these listed species. ESA regulates the "taking" of any endangered fish or wildlife species, per Section 9. As development is proposed, the responsible agency or individual landowner is required to consult with the U.S. Fish and Wildlife Service (USFWS) to assess potential impacts on listed species (including plants) or the critical habitat of a listed species, pursuant to Sections 7 and 10 of the ESA. USFWS is required to make a determination as to the extent a project would impact a particular species. If USFWS determines that a project is likely to potentially impact a species, measures to avoid or reduce such impacts must be identified. Following consultation and the issuance of a Biological Opinion, USFWS may issue an incidental take statement which allows for the take of a species if it is incidental to another authorized activity and will not adversely affect the existence of the species. Section 10 of the ESA provides for issuance of incidental take permits to non-federal parties in conjunction with the development of a habitat conservation plan (HCP); Section 7 of the ESA provides for permitting of projects requiring federal permits.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code [U.S.C.] 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed at 50 CFR 10.13. USFWS enforces the MBTA and prohibits "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird, or attempt such actions, except as permitted by regulation.

Rivers and Harbors Act of 1899

The Rivers and Harbors Act of 1899 prohibits the discharge of any material into navigable waters of the United States, or tributaries thereof, without a permit. The act also makes it a misdemeanor to excavate, fill, or alter the course, condition, or capacity of any port, harbor, or channel, or to dam navigable streams without a permit.

Many activities originally covered by the Rivers and Harbors Act are now regulated under the CWA of 1972, discussed below. However, the 1899 act retains relevance and created the structure under which the USACE oversees permitting under CWA Section 404.

Clean Water Act

Pursuant to Section 404 of the Clean Water Act (CWA), the USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into waters of the U.S., including wetlands and those waters listed in 33 CFR 328.3. USACE, with oversight from the U.S. Environmental Protection Agency (EPA), has the principal authority to issue CWA Section 404 permits.

A water quality certification or waiver pursuant to Section 401 of the CWA is required for all Section 404 permitted actions. The Regional Water Quality Control Boards (RWQCBs), divisions of the State Water Resources Control Board, provide oversight of the 401-permit process in California. The RWQCBs are required to provide "certification that there is reasonable assurance that an activity that may result in the discharge to waters of the United States will not violate water quality standards." Water Quality Certification must be based on the finding that a proposed discharge will comply with applicable water quality standards.

The National Pollutant Discharge Elimination System (NPDES) permit program regulates discharge of pollutants into surface waters of the U.S. under Section 402 of the CWA. Under the permit program, a project causing substantial impacts to wetlands may require an Individual Permit whereas those projects only minimally affecting wetlands may meet the conditions of one of the existing Nationwide Permits.

2.5.2 State Regulations

State of California Endangered Species Act

California's Endangered Species Act (CESA) defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The CESA defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an Endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already

listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the federal ESA, the CESA does not list invertebrate species.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened, endangered, or candidate species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided." Under the CESA, "take" is defined as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. Sections 1901 and 1913 of the CFGC provide that notification is required prior to disturbance.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) was established in 1970 as California's counterpart to the National Environmental Policy Act (NEPA). This statute requires state and local agencies to identify significant environmental impacts related to their actions and to avoid or mitigate those impacts, where feasible.

A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity that must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency that may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

California Endangered Species Act and Natural Community Conservation Planning Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the state. California also lists species of special concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. CDFW is responsible for assessing development projects for their potential to impact listed species and their habitats. State-listed special status species are addressed through the issuance of a 2081 permit (Memorandum of Understanding).

In 1991, the California Natural Community Conservation Planning (NCCP) Act was approved and the NCCP Coastal Sage Scrub program was initiated in Southern California. California law (CFGC Section 2800 et seq.) established the NCCP program "to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth." The NCCP Act encourages preparation of plans that address habitat conservation and management on an ecosystem basis rather than one species or habitat at a time.

California Fish and Game Code Sections 1600-1602

Pursuant to Division 2, Chapter 6, Section 1602 of the California Fish and Game Code (CFGC), CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream or lake that supports fish or wildlife. A Lake or Streambed Alteration Agreement Application must be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW has jurisdiction over riparian habitats associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources. CDFW reviews the proposed actions and, if necessary, submits (to the applicant) a proposal that includes measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the applicant is the Lake or Streambed Alteration Agreement.

California Fish and Game Code Sections 3503, 3511, 3513, 3801, 4700, 5050, and 5515

Within California, fish, wildlife, and native plant resources are protected and managed by CDFW. The California Fish and Game Commission and/or CDFW are responsible for issuing permits for the take or possession of protected species. The following sections of the CFGC address protected species: Section 3511 (birds), Section 4700 (mammals), Section 5050 (reptiles and amphibians), and Section 5515 (fish). In addition, the protection of birds of prey is provided for in Sections 3503, 3513, and 3800 of the CFGC.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) provides for statewide coordination of water quality regulations through establishment of the State Water Resources Control Board (WRCB) which serves as the statewide authority and nine separate Regional Water Quality Control Boards (RWQCBs) which oversee water quality on a day-to-day basis.

The WRCB is the primary agency responsible for protecting water quality in California. As discussed above, the WRCB regulates discharges to surface waters under the CWA and is responsible for administering the Porter-Cologne Water Quality Control Act.

Pursuant to the Porter-Cologne Water Quality Control Act, the state is given authority to regulate waters of the state, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body must first file a Report of Waste Discharge if the discharge could affect the water quality of the water body and Section 404 of the CWA is not applicable. "Waste" is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

2.5.1 Regional and Local Plans

County of San Bernardino Land Use Services, Planning Division

According to the County's Biotic Resources Overlay Map the project site is located within the burrowing owl overlay zone. The burrowing owl is listed as a species of special concern by CDFW.

Bloomington Community Plan, County of San Bernardino

A community plan for Bloomington was adopted in 2007 to guide future use and development within the plan area. The project site is located within the plan area and is part of the General Commercial land use district for which the community plan does not propose regulations pertaining to the protection and conservation of biological resources.

3. METHODS

Lee Ripma of RBC conducted a field study on September 22, 2016 to carry out general biological surveys, vegetation mapping, habitat assessments for listed plant and wildlife species, a burrowing owl habitat assessment, and a preliminary jurisdictional determination.

3.1 Building Requirements and Standards Summary

Prior to the field survey, the project proponents provided RBC with the County of San Bernardino Building Requirements and Standards Summary (BRASS) Report (Appendix A) for the project site.

3.2 Biological Resource Database Review

RBC queried CDFW's California Natural Diversity Database (CNDDB), the database of USFWS species, and USFWS designed critical habitat for a one-mile radius around the project site.

3.2 Burrowing Owl Habitat Assessment

Burrowing owl habitat was assessed in accordance with the Staff Report on Burrowing Owl Mitigation developed by CDFW dated March 7, 2012 (referred to herein as, the Guidelines). Suitable burrowing owl habitats can be found in annual and perennial grasslands, deserts, and scrublands characterized by low-growing vegetation (Zarn 1974). Suitable owl habitat may also include trees and shrubs if the canopy covers less than 30 percent of the ground surface. Burrows are the essential component of burrowing owl habitat; both natural and artificial burrows provide protection, shelter, and nests for burrowing owl (Henny and Blus 1981). Burrowing owls typically use burrows made by rodents, such as ground squirrels or badgers, but may also use human-made structures, such as concrete culverts; concrete, asphalt, or wood debris piles; or openings beneath concrete or asphalt pavement. According to the Guidelines, verification of occupied burrowing owl habitat can be achieved through observation of one of the following: at least one owl, molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance.

3.3 Vegetation Mapping and General Plant and Wildlife Surveys

Vegetation was mapped directly onto a 200-scale (1" = 200') aerial photograph following Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986). All flora and fauna identified on-site during vegetation mapping were included in plant and wildlife lists for the property.

3.4 Preliminary Jurisdictional Determination

The jurisdictional delineation began by examining the USGS topographic maps for the area. The site was examined to determine areas of potential jurisdiction by USACE/CDFW. Any suspected jurisdictional areas were field checked for the presence of definable channels and/or wetland vegetation, soils and hydrology as put forth in the USACE 1987 Wetland Delineation Manual and the 2008 Regional Supplement to the USACE Wetland Delineation Manual: Arid West Supplement.

4. RESULTS

4.1. BRASS Report and CNDDB Results

The BRASS Report results reveal that the project is subject to CEQA and in the burrowing owl overlay zone. The CNDDB results show historical occurrences of four plant species and the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*, federally endangered) within one mile of the project site (Figure 2; Table 1). The entire site is disturbed and under active agriculture, however, and does not have the potential to support the four special status plants. The Delhi sands flower-loving fly is only found in the Delhi sands soil series, which this site does not support (Figure 5). The USFWS results did not reveal any additional USFWS sensitive species within a mile of the project site and there is no USFWS designated critical habitat for any species within a mile of the project site.

Table 1: Special Status Plant and Wildlife Species – Potential for Occurrence

Species	Status	Habitat Description	Potential for Occurrence within Project Area
Plants			
Marsh sandwort (*Arenaria paludicola*)	CRPR 1B.1	Perennial herb. Blooms Mar.-Aug. Occurs in freshwater wetlands and freshwater riparian. Elev. 20-820 ft.	None. Suitable habitat not present within project site.
Salt marsh bird's beak (*Chloropyron maritimum* ssp. *maritimum*)	CRPR 1B.2	Hemiparasitic annual herb. Blooms Mar.-Oct. Occurs in coastal dunes and coastal salt marsh. Elev. 0-100 ft.	None. Suitable habitat not present within project site.

Slender-horned spineflower (*Dodecahema leptoceras*)	CRPR 1B.1	Annual herb. Blooms Apr.-Jun. Occurs in chaparral and coastal sage scrub. Elev. 1180-2690 ft.	None. Suitable habitat not present within project site.
Mesa horkelia (*Horkelia cuneata* var. *puberula*)	CRPR 1B. 1	Perennial herb. Blooms Feb.-Jul. Occurs in chaparral, cismontane woodland, and coastal scrub. Elev. 130-3640 ft.	None. Suitable habitat not present within project site.
Wildlife			
Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*)	FE	Found in areas containing Delhi Fine Sands soil type.	None. No Delhi Fine Sands soil present within project site.

4.2. Burrowing Owl Habitat Assessment Results

No burrowing owl individuals or burrowing owl sign was observed on site. Further, no fossorial mammal burrows, fossorial mammals, or California ground squirrels (*Otospermophilus beecheyi*) were observed on site. The disturbed sandy nature of the soil and active agriculture likely make burrowing by small mammals difficult. If the site is no longer used for active agriculture in the future, there could be potential that burrowing owl in a debris pile and it is possible that California ground squirrels could colonize the parcel. Based on these conditions, a pre-construction burrowing owl survey should be performed prior to site grading to ensure impacts on burrowing owls are avoided.

4.3 Vegetation Mapping and General Plant and Wildlife Survey Results

The project site is composed of disturbed land, disturbed agriculture, developed areas, and ornamental vegetation. Disturbed areas are either unvegetated or dominated by non-native, ruderal species, including Russian thistle, London rocket, Bermuda grass, and sunflower. Disturbed agricultural areas primarily consist of planted corn. The four vegetation communities/land uses that occur within the project site are detailed below and their area/extent is shown in Figure 3.

Disturbed Habitat

Disturbed habitat (0.76 acre) is typically classified as land on which the native vegetation has been significantly altered by agriculture, construction, or other land-clearing activities, and the species composition and site conditions are not characteristic of the disturbed phase of a plant association (e.g., disturbed chaparral). Disturbed habitat is typically found in vacant lots, along roadsides, within construction staging areas, and in abandoned fields. The habitat is typically dominated by non-native annual species and perennial broadleaf species, although this project site consists mainly of barren areas devoid of vegetation due to ground disturbance.

Disturbed Agriculture

Disturbed agricultural land constitutes over half of the site (2.27 acres) and is composed of actively maintained agriculture intermixed with disturbed areas containing bare ground and non-native plants. The primary crop grown on-site is corn, but pumpkin, tomatillo, squash, and gourds are also present.

Developed

Developed areas onsite (1.1 acre) are composed of residential housing, parking lots, and a market. In addition, developed areas primarily composed of residential housing surround the project site to the north, west, and south.

Ornamental

Ornamental land (0.06 acres) is typically classified as an area containing planted ornamental, non-native plant species. Two small areas of ornamental vegetation are present on the project site and contain non-native species such as Mexican fan palm (*Washingtonia robusta*).

4.4 Preliminary Jurisdictional Determination

There are no blue line streams or associated jurisdictional features within a mile of the site based on the USGS Quad Map (Figure 4). The nearest jurisdictional feature is a canal about 1.5 miles east of the site. The Santa Ana River occurs approximately 3 miles to the southeast of the site. No areas of ponded water were observed on-site, and no evidence of vernal pools or fairy shrimp habitat were observed on the parcel.

4.5. Soils

The entire site is developed or under active agriculture. According to the Natural Resources Conservation Service (NRCS) soils map, the project site consists of Hanford coarse sandy loam and Tujunga loamy sand (Figure 5). The soils on site are highly disturbed and appear to include some fill material (Photo 4).

5. IMPACTS

Direct impacts refer to any alteration, disturbance, or destruction of biological resources caused by and occurring at the same time and place as the project. Examples include direct losses to native habitats, potential jurisdictional waters, wetlands, and special status species; the crushing of adult plants, bulbs, or seeds; the diversion of natural surface water flows; injury, death, and/or harassment of listed and/or special status species; and the destruction of habitats necessary for species breeding, feeding, or sheltering.

Indirect impacts may occur later in time or at a place that is farther removed in distance from the project than direct impacts, but indirect impacts are still reasonably foreseeable and attributable to project-related activities. Examples include habitat fragmentation; elevated noise, dust, and lighting levels; changes in hydrology, runoff, and sedimentation;

decreased water quality; soil compaction; increased human activity; and the introduction of invasive wildlife (domestic cats and dogs) and plants.

Cumulative impacts are the direct and indirect impacts of a proposed project which, when considered alone, would not be deemed substantial, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. 'Related projects' refers to past, present, and reasonably foreseeable future projects which would have similar impacts on the proposed project.

CEQA Guidelines Form J thresholds of significance have been used to determine whether project implementation would result in a significant direct, indirect, and/or cumulative impact. These thresholds are based on Appendix G of the CEQA Guidelines (CCR Title 14, Division 6, Chapter 3, Sections 15000–15387). A significant biological resources impact would occur if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS;
- Have a substantial adverse effect on federal protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marshes, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy, or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan.

5.1 Native Habitat Impact Analysis

The proposed project will not impact any native vegetation communities or habitats, including special status communities. As noted above, the entire property is disturbed or under active agriculture, with vegetated areas dominated by disturbed, non-native, ruderal species. Impacts on vegetation would be less than significant.

5.2 Special Status Plants Impact Analysis

The proposed project will not impact special status plants. Impacts on special status plants would be less than significant.

5.3 Special Status Animals Impact Analysis

The proposed project is not expected to result in a loss of habitat for special status animals due to a lack of suitable habitat for most species and the high level of site disturbance. As noted above, the project site has a low potential to support burrowing owls if the active agriculture activity ceases. As described below, pre-construction burrowing owl surveys\ will be required 30 days prior to any ground disturbing activity if the activity is to take place after October 22, 2016. Through compliance with the project-specific measure in Section 6.1 of this report, project activities will avoid impacts on burrowing owls and impacts on special status animals would be less than significant.

5.4 Nesting Bird Impact Analysis

The proposed project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to August 31). Impacts on nesting birds are prohibited by the MBTA and CFGC. A project-specific measure that will avoid project impacts on nesting birds is identified in Section 6.2 of this report. With the implementation of this measure, impacts on nesting birds would be less than significant.

5.5 Jurisdictional Riparian Areas Impact Analysis

The proposed project will not impact riparian areas or vernal pools.

5.6 Jurisdictional Waters Impact Analysis

The proposed project will not impact jurisdictional waters of the U.S. or state.

5.7 Indirect Impact Analysis

In the context of biological resources, indirect impacts are those effects associated with construction activities adjacent to native open space. Potential indirect effects associated with development include water quality impacts from drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc. Temporary, indirect effects may also occur as a result of construction-related activities.

Since the project is adjacent to already developed or disturbed areas the project will not result in significant indirect effects on biological resources.

5.8 Cumulative Impact Analysis

Due to the level of disturbance at the project site, adjacent development, and the lack of sensitive biological resources, the proposed project will not result in any significant cumulative impacts on biological resources.

6. MITIGATION AND AVOIDANCE MEASURES

The following discussion provides project-specific mitigation/avoidance measures for actual or potential impacts on special status resources.

6.1 Burrowing Owl

As noted above, burrowing owls or their sign were not observed at the project site during the habitat assessment. However, based on marginally suitable habitat, if construction takes place after October 22, 2016 a pre-construction burrowing owl survey should be conducted prior to project construction to ensure that burrowing owl have not colonized the site.

> **MM-1:** A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls within 30 days prior to site disturbance. If burrowing owls are detected on site, then a plan for exclusion or avoidance shall be made in coordination with CDFW. If the survey is negative, the project may proceed without further restrictions related to burrowing owls.

6.2 Nesting Birds

As noted above, the project site has the potential to support nesting birds in the trees or on the ground. To avoid impacts on nesting birds, the following measure is recommended:

> **MM-2:** Vegetation clearing should be conducted outside of the nesting season (February 1 through August 31). If avoidance of the nesting season is not feasible, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species detected, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

7. CONCLUSION

As outlined above, the proposed project will not result in significant impacts on biological resources with the implementation of the Mitigation Measures 1 and 2 (MM-1 and MM-2). No burrowing owls, burrowing owl sign, or suitable burrows needed for nesting were observed during the site visit. Burrowing owls are presumed absent from the site. A pre-construction burrowing owl survey should be conducted to document the continued absence of burrowing owl from the project site (see recommended MM-1).

A disturbed or active agriculture plant community occupies the majority of the project site and no special status plant/wildlife species or sensitive habitats were observed within the project boundaries. Special status plant/wildlife species and sensitive habitats do not have the potential to occur and are presumed absent from the project site, based on their current distribution, habitat requirements, and presence of suitable habitat within and adjacent to the site. Vegetation within the project site provides suitable avian nesting

opportunities. If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (February 1 to August 31), a pre-construction clearance survey for nesting birds should be conducted to ensure there are no impacts on nesting birds (see recommended MM-2).

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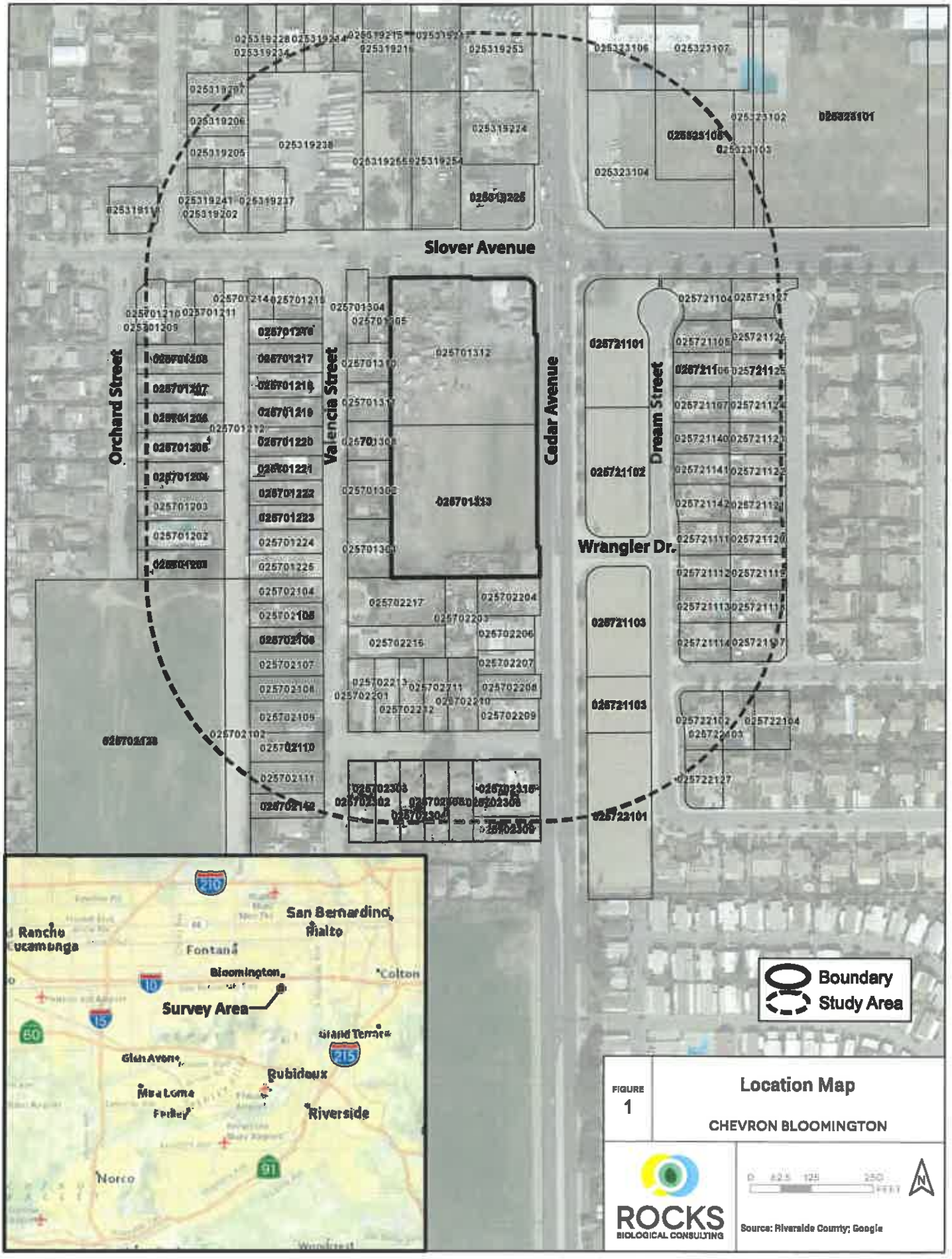
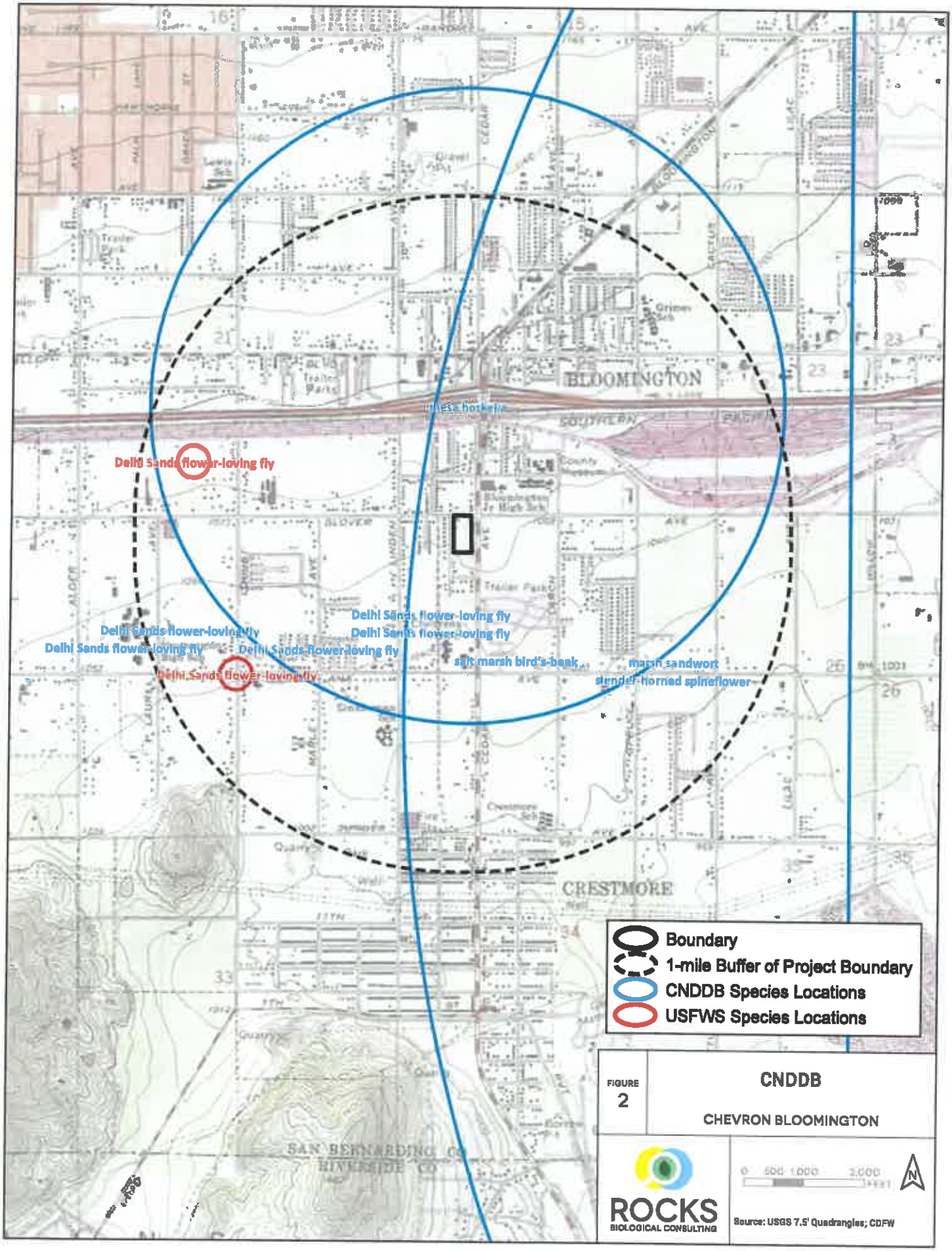

Slover Avenue
Orchard Street
Valencia Street
Cedar Avenue
Dream Street
Wrangler Dr.
Rancho Cucamonga
San Bernardino
Rialto
Fontana
Bloomington
Colton
Survey Area
Grand Terrace
Glen Avon
Rubidoux
Mira Loma
Jurupa Valley
Riverside
Norco
Boundary
Study Area
FIGURE
1
Location Map
CHEVRON BLOOMINGTON
ROCKS
BIOLOGICAL CONSULTING
Source: Riverside County; Google


BLOOMINGTON
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Delhi Sands flower-loving fly
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Delhi Sands flower-loving fly
Delhi Sands flower-loving fly
salt marsh bird's-beak
marsh sandwort
slender-horned spineflower
Boundary
1-mile Buffer of Project Boundary
CNDDB Species Locations
USFWS Species Locations
FIGURE 2
CNDDB
CHEVRON BLOOMINGTON
ROCKS BIOLOGICAL CONSULTING
0 500 1,000 2,000
Source: USGS 7.5' Quadrangles; CDFW


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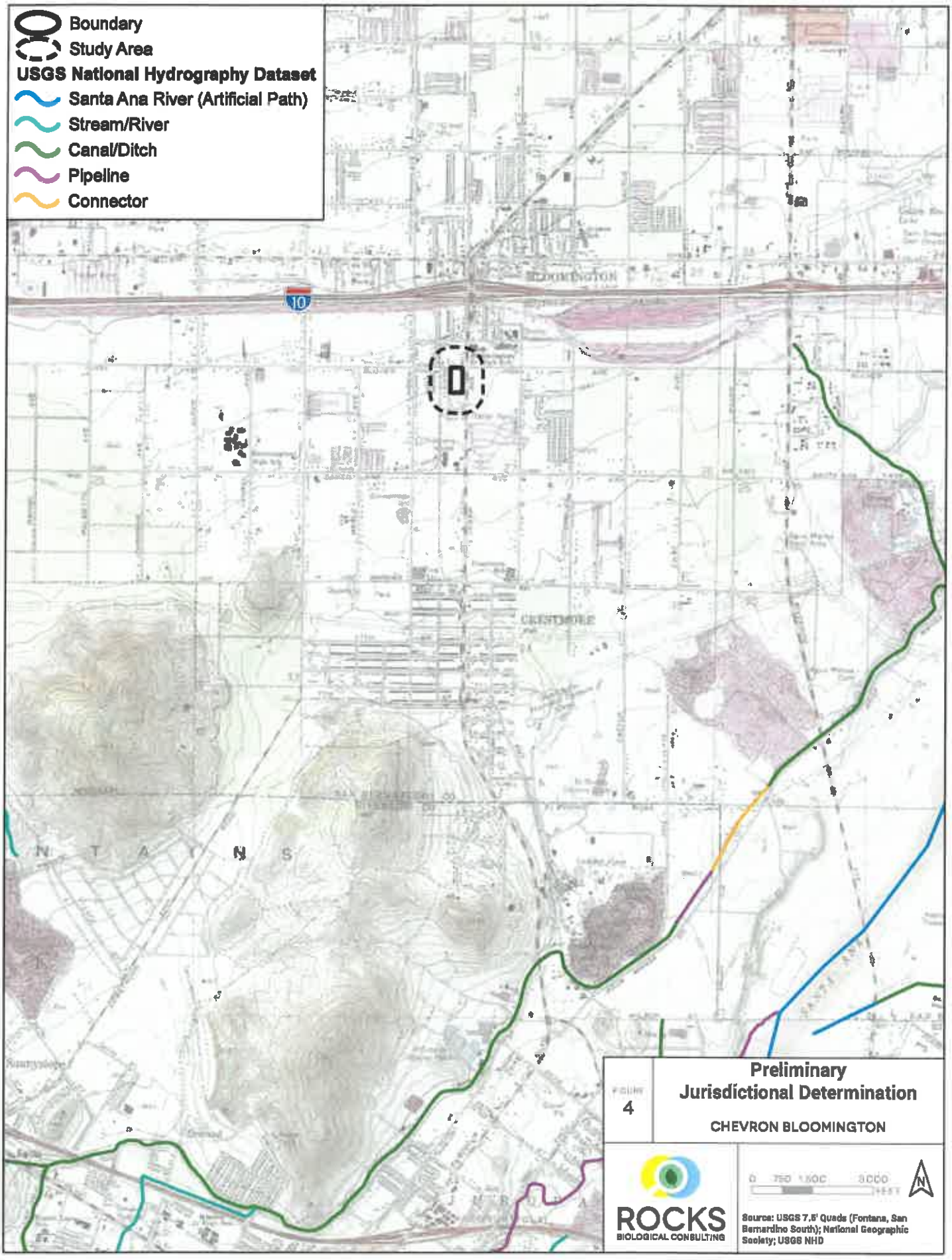
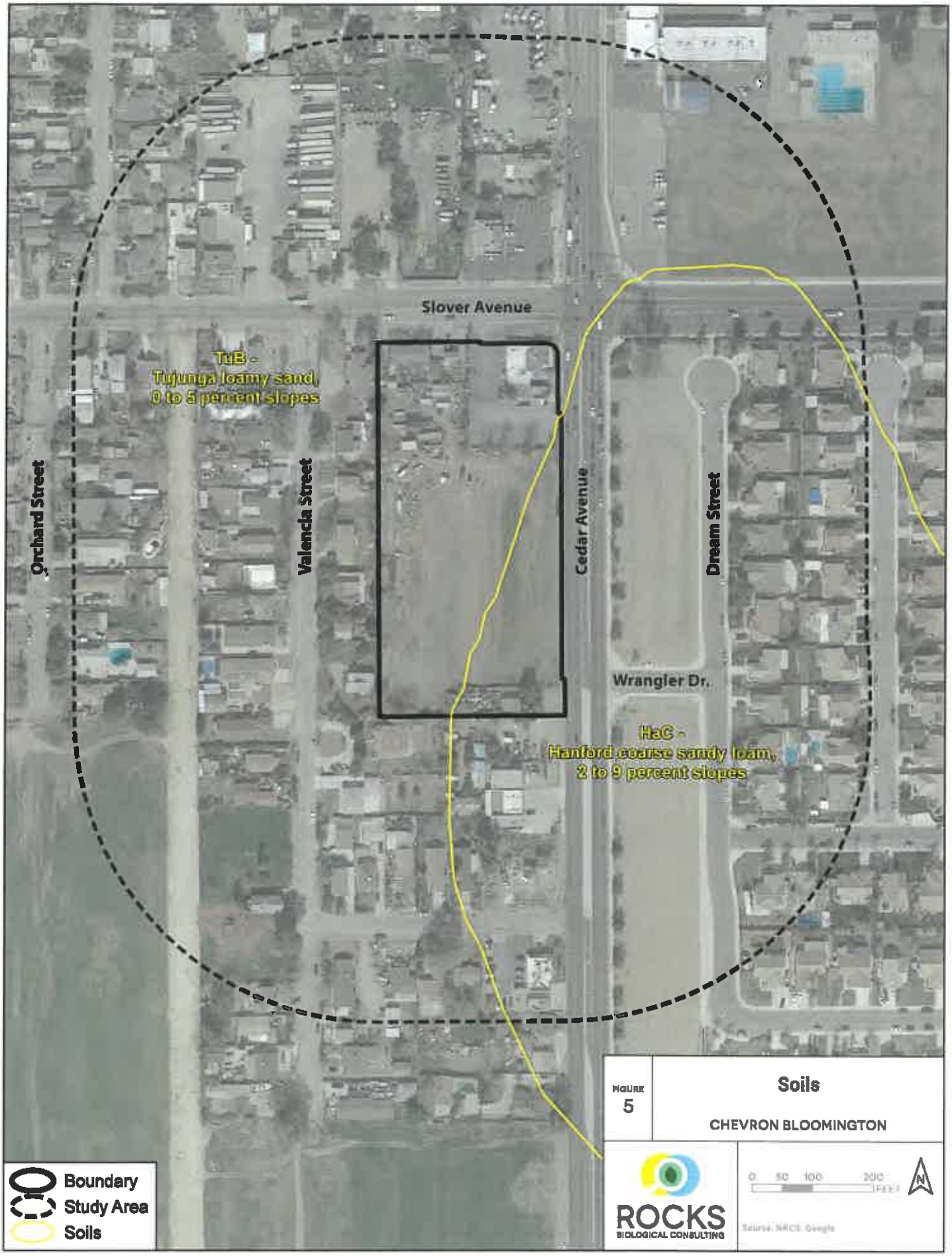
Wrangler Dr.
DIST
DIST
DIST
DEV
Boundary
Study Area
Vegetation
DEV – Developed
DIST – Disturbed
DIST/AG – Disturbed - Agriculture
ORN – Ornamental
FIGURE 3
Biological Resources
CHEVRON BLOOMINGTON
ROCKS BIOLOGICAL CONSULTING
0 50 100 200 FEET
N
Source: Google


Boundary
Study Area
USGS National Hydrography Dataset
Santa Ana River (Artificial Path)
Stream/River
Canal/Ditch
Pipeline
Connector
10
D
BLOOMINGTON
CRESTMORE
N T A I N S
FIGURE
4
Preliminary
Jurisdictional Determination
CHEVRON BLOOMINGTON
ROCKS
BIOLOGICAL CONSULTING
0 750 1,500 3,000
Source: USGS 7.5' Quads (Fontana, San Bernardino South); National Geographic Society; USGS NHD


Slover Avenue
TuB -
Tujunga loamy sand,
0 to 5 percent slopes
Orchard Street
Valencia Street
Cedar Avenue
Dream Street
Wrangler Dr.
HaC -
Hanford coarse sandy loam,
2 to 9 percent slopes
Boundary
Study Area
Soils
FIGURE
5
Soils
CHEVRON BLOOMINGTON
ROCKS
BIOLOGICAL CONSULTING
0 50 100 200
FEET
N
Source: NRCS, Google


DEV
DIST
Slover Avenue
DEV
DIST
ORN
DIST/AG
ORN
DEV
Orchard Street
DEV
Valencia Street
Cedar Avenue
DIST
Dream Street
DEV
Wrangler Dr.
DIST
DIST
DIST
DEV
Boundary
Project Impacts
Study Area
Vegetation
DEV – Developed
DIST – Disturbed
DIST/AG – Disturbed - Agriculture
ORN – Ornamental
Figure
6
Biological Impacts
CHEVRON BLOOMINGTON
ROCKS
BIOLOGICAL CONSULTING
0 50 100 200
FEET
N
Source: Google

APPENDIX A

BUILDING REQUIREMENTS AND STANDARDS SUMMARY COUNTY OF SAN BERNARDINO LAND USE SERVICES DEPARTMENT

County of San Bernardino
Land Use Services, Planning Division
385 North Arrowhead Avenue
San Bernardino, CA 92415
Phone (909) 387-8311 • (909) 387-3249
www.sbcounty.gov

BRASS REPORT

Building Requirements and Standards Summary

The purpose of the BRASS Report is to provide guidance for the development of the property below. This Report is provided by the Land Use Services Department to help organize our comments on the proposed project.

PROPERTY INFORMATION

Property Description

APN(s):	0257-013-12 & 0257-013-13
Community:	Bloomington
Sup. District:	5th Supervisorial District
Location:	10598 Cedar Ave. Bloomington, CA 92316
Land Use District:	General Commercial (BL/CG-SCp)
Community Plan:	Bloomington
Overlays:	Sign Control Burrowing Owl FEMA Flood Zone- X
Land Use Types Allowed:	Commercial retail, office and professional services, and other similar uses. Minor vehicle services and lodging facilities also permitted. *For a complete list of allowed uses, see Ch. 82.04 in the County Development Code for Commercial zoning information.

Vicinity Map -

GENERAL PLAN AND LAND USE

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Retail Market / Single Family Residential	General Commercial (BL/CG-SCp)
North	Retail Store	General Commercial (BL/CG-SCp)
South	Single Family Residential / Vacant Land	Single Residential (BL/RS) / (BL/CG-SCp)
East	Vacant Land	General Commercial (BL/CG-SCp)
West	Single Family Residential	Single Residential (BL/RS)

KEY FACTORS

- The site must be adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open space, parking areas, setbacks, walls and fences, yards, and other required features pertaining to a particular project.
- Any project shall be designed so that it will not have substantial adverse effects on abutting property or the allowed use of the abutting property, which means that the project will not generate excessive noise, traffic, vibration, or other disturbance.
- Any proposed signage shall comply with the development standards associated with the Sign Control Overlay.

DEVELOPMENT CODE & GENERAL PLAN STANDARDS

Zoning Development Standards: General Commercial (BL/CG-SCp)

Setbacks:	**Minimum**
Front	25 ft.
Rear	15 ft.
Side-Interior	10 ft.
Side-Street	15 ft.

Lot Coverage: 80%.

Height Limit: 60 ft.

Parking/Loading: See Ch. 83.11 - Parking and Loading Standards.

Landscaping: See Ch. 83.10 - Landscaping Standards.

ENVIRONMENTAL FACTORS

- ☒ **California Environmental Quality Act (CEQA):** Most projects will be subject to CEQA.
- ☒ **Greenhouse Gas Reduction Plan:** All projects shall comply with the County's Greenhouse Gas Reduction Plan. A proposed project can be evaluated using the Screening Tables. If under the threshold, the project is exempt.
- ☒ **Biotic Resources Overlay:** Burrowing Owl
- ☐ **Earthquake Fault Zone:**
- ☐ **Flood Plain Safety Overlay:**
- ☐ **Fire Safety Overlay:**
- ☐ **Landslide Susceptibility:**
- ☒ **Local/Regional Fee Areas (Traffic):** RIAS Regional Fee
- ☐ **Area of Dam Inundation:**
- ☐ **Airport Overlay/Flight Safety:**

APPENDIX B

SITE PHOTOGRAPHS

Photo 1: South facing view of the east side of the project site showing the disturbed vegetation community and active agriculture. September 22, 2016.

Photo 2. West facing view of southern end of the project site showing development and the disturbed vegetation community. September 22, 2016.

Photo 3. North facing view of project site showing disturbed agricultural land and abundance of weeds. September 22, 2016.

Photo 4. North facing view of the western side of the project site showing agriculture and recently plowed ground. September 22, 2016.

APPENDIX C

PLANT AND WILDLIFE SPECIES OBSERVED

PLANT AND WILDLIFE SPECIES OBSERVED

Family	Scientific Name	Common Name
Plants		
Amaranthaceae	*Amaranthus sp.**	amaranth
Arecaceae	*Washingtonia robusta**	Mexican fan palm
Asteraceae	*Erigeron canadensis*	Canada horseweed
Asteraceae	*Hellanthus annuus*	western sunflower
Brassicaceae	*Sisymbrium irio**	London rocket
Cactaceae	*Opuntia ficus-indica**	mission cactus
Chenopodiaceae	*Salsola australis**	Russian thistle
Cucurbitaceae	*Cucurbita sp.**	field pumpkin
Cucurbitaceae	*Cucurbita sp.**	squash
Cucurbitaceae	*Cucurbita sp.**	gourd
Malvaceae	*Malva sylvestris**	high mallow
Poaceae	*Arundo donax**	giant reed
Poaceae	*Bromus madritensis ssp. rubens**	foxtail brome
Poaceae	*Cynodon dactylon**	Bermuda grass
Poaceae	*Polypogon australis**	Chilean beard grass
Poaceae	*Zea mays**	corn
Solanaceae	*Physalis sp.*	tomatillo
Zygophyllaceae	*Tribulus terrestris**	puncture vine
Invertebrates		
Lycaenidae	*Euphilotes battoides*	western square-dotted blue
Birds		
Columbidae	*Streptopelia decaocto*	Eurasian collared dove
Falconidae	*Falco sparverius*	American kestrel
Tyrannidae	*Sayornis nigricans*	black phoebe

*Non-native species