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May 28, 2019

Cheryl A. Tubbs
Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408

RE: Biological Resources Assessment, BUOW Habitat Assessment, and Jurisdictional Delineation
Montclair Condos Project - Southeast corner of Sierra Avenue and Casa Grande Avenue
City of Montclair, CA

Dear Kari:

Jericho Systems, Inc. (Jericho) is pleased to provide this letter report that details the results of a general Biological Resources Assessment (BRA) that includes habitat suitability assessments for nesting birds, Burrowing owl (*Athene cunicularia*) [BUOW, and a Jurisdictional Waters Delineation (JD) for the proposed construction and operation of the Montclair Condos (Project).

This report is designed to address potential effects of the proposed Project to designated Critical Habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), or species designated as sensitive by the California Department of Fish and Wildlife (CDFW), or the California Native Plant Society (CNPS). Attention was focused sensitive species known to occur locally. This report also addresses resources protected under the Migratory Bird Treaty Act, federal Clean Water Act (CWA) regulated by the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) respectively; and Section 1602 of the California Fish and Game Code (FCG) administered by the CDFW.

SITE LOCATION

The approximately 4.7-acre Project site is located along the south side of Mission Boulevard, east of Central Avenue, west of S. Benson Avenue and north of Howard Street, and is identified as APN 1011-351-02-0-000. It is within unincorporated area of San Bernardino County near Montclair, CA. Ontario Quad, Township 1S, Range 8W, Section 26.

ENVIRONMENTAL SETTING

The Project site is a rectangular shape of vacant and graded land on approximately 4.7-acres (APNs: 1011-351-02-0-000). The site is bound by development on all sides

The local area is characterized as Mediterranean with warm summers and mild winters. Montclair is located within the Chino Basin has an average annual rainfall of approximately 18 inches and an average temperature range from 37° F to 97° F. Hydrologically, the Project site is within the Chino (Split) Hydrologic Sub-Area (HSA

801.21) which comprises a 190,515-acre drainage area within the larger Chino Creek Watershed (HUC 180702030703). The subject parcel is situated in a developed area of the Southern California Mountains and Valleys ecoregion.

METHODS

As stated above, the objective of this document is to determine whether the Project area supports special status or otherwise sensitive species and/ or their habitat, and to address the potential effects associated with the Proposed project on those resources. The species and habitats addressed in this document are based on database information and field investigation.

Prior to conducting the field study, species and habitat information was gathered from the reports related to the specific project and relevant databases for the *Ontario* USGS quadrangle to determine which species and/or habitats would be expected to occur on site. These sources include:

- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USFWS Information for Planning and Consultation System (IPaC);
- California Natural Diversity Database (CNDDB) *Rarefind 5*);
- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- USDA Natural Resources Conservation Service (NRCS) Web Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers
- USFWS Designated Critical Habitat Maps

We also reviewed other available technical information on the biological resources of the site, including previous trapping surveys and discussed recent findings with researchers in the field.

Jericho biologist Christian Nordal conducted a general biological resources assessment on May 28, 2019, with an emphasis on special-status species known to occur in the area. Mr. Nordal has advanced degrees and multiple years of experience surveying biological resources within Southern California. Mr. Nordal conducted the systematic and comprehensive survey during calm weather, between the hours of 7 a.m. and 12 p.m. Weather conditions during the survey consisted of clear skies with temperatures ranging from 70 degrees Fahrenheit (° F) to 73° F and light wind <5 mph.

Wildlife species were detected during field surveys by sight, calls, tracks, scat, or other sign. In addition to species observed, expected wildlife usage of the site was determined per known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The focus of the faunal species surveys was to identify potential habitat for special status wildlife within the project area. Disturbance characteristics and all animal sign encountered on the site are recorded in the results section.

The site was also evaluated for the presence of jurisdictional waters, i.e. waters of the U.S. as regulated by the USACE and RWQCB, and/or streambed and associated riparian habitat as regulated by the CDFW. Evaluation of potential federal jurisdiction followed the regulations set forth in 33CFR part 328 and the USACE guidance documents and evaluation of potential State jurisdiction followed guidance in the Fish and Game Code and A Review of Stream Processes and Forms in Dryland Watersheds (CDFW, 2010).

RESULTS

The database searches identified 35 sensitive species (16 plant, 16 animal, 3 invertebrate) and 1 sensitive habitat within the *Ontario* USGS 7.5-minute series quadrangle. A full summary of these results is outlined in Attachment A. The database searches indicated that no State- and/or federally-listed threatened or endangered species have been documented in the immediate vicinity of the project site and no USFWS-designated Critical Habitat occurs within or adjacent to the Project site.

Habitat on site consists of exotic annual grasses that are mowed/crushed with castor bean (*Ricinus communis)* scattered throughout the northern half of the parcel and is bordered by clipped Mexican fan palm trees (*Washingtonia robusta*). There are two, unmanaged fan palms in the northern half of the parcel. The southern half of the parcel is bordered by tree of heaven (*Ailanthus altissima*), with ornamental cactus (*Opuntia ssp.*) and from developed neighboring areas. The non-native vegetation present within the project area consists (e.g. red brome *Bromus rubens,* ripgut brome *Bromus diandrus*), wild oat (*Avena barbata*) with redstem filaree (*Erodium cicutarium*) and mustard (*Barssica incana*).

Wildlife species observed or otherwise detected on site during the surveys included: mourning dove, black phoebe, American goldfinch, California towhee, spotted towhee, house finch, Say's phoebe and Cassin's kingbird. No small mammal burrows were found on site.

Due to the lack of burrows on site, there is a low potential for occurrence of BUOW.

Burrowing owl (BUOW)

BUOW are known to occur locally within suitable habitat areas. BUOW is a ground-dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW depends on the presence of mammal burrows, i.e. ground squirrel burrows to provide shelter from predators, inclement weather and to provide a nesting place. They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows. They feed primarily on insects but will also take small rodents, birds, and reptiles. They are active during the day and night, generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31. The BUOW is not listed under the State or Federal Endangered Species Act but is considered both a State and federal SSC. The BUOW is a protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

Per the definition provided in the *2012 CDFG Staff Report on Burrowing Owl Mitigation*, "Burrowing owl habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey." Therefore, the project site and immediate vicinity does not contain suitable habitat for this species for the following reasons:

- *Burrows of appropriate size are not present on site.*

No evidence of BUOW was found in the survey area. No burrows of appropriate shape size or aspect for BUOW or BUOW pellets, feathers or whitewash were found on site. No BUOW individuals were observed. Therefore, BUOW are considered absent from the site at the time of surveys.

Nesting Birds and Raptors

The site is suitable for use by raptors for foraging purposes. The project site and immediate surrounding areas do contain habitat suitable for nesting birds in general, including the shrubs on site.

Nesting birds are protected under the MBTA which provides protection for nesting birds that are both residents and migrants whether they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

Jurisdiction Waters

There are no drainages on site. No aspect of the site presents any evidence of jurisdictional waters. None of the following indicators are present on site: riparian vegetation, facultative, facultative wet or obligate wet vegetation, harrow marks, sand bars shaped by water, racking, rilling, destruction of vegetation, defined bed and bank, distinct line between vegetation types, clear natural scour line, meander bars, mud cracks, staining, silt deposits, litter- organic debris. No jurisdictional waters occur on site.

CONCLUSIONS AND RECOMMENDATIONS

There is very low potential for BUOW due to the lack of suitable habitat.

The vegetation on site does have a potential to support nesting birds and foraging raptors such as red-tailed hawks. Therefore, to reduce the potential impacts to nesting birds, the following is recommended:

- Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

Please do not hesitate to contact me at 909-915-5900 should you have any questions or require further information.

Sincerely,

Shay Lawrey, President
Ecologist/Regulatory Specialist

Attachments:

Attachment A – Table of Documented Occurrences
Attachment B – Figures
Attachment C – Site Photos

ATTACHMENT A – TABLE OF DOCUMENTED OCCURENCES

Attachment A – Table of Database Queries (CNDDB, IPAC, CNPSEI)

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
Monocots				
Calochortus catalinae	Catalina mariposa lilly	none/none	Chaparral | Cismontane woodland | Coastal scrub | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Calochortus plummerae	Plummer's mariposa-lily	none/none	Chaparral | Cismontane woodland | Coastal scrub | Lower montane coniferous forest | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Cladium californicum	California saw-grass	none/none	Alkali marsh | Freshwater marsh | Meadow & seep | Wetland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Muhlenbergia californica	California muhly	none/none	Chaparral | Coastal scrub | Lower montane coniferous forest | Meadow & seep	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Dicots				
Berberis nevinii	Nevin's barberry	Endangered/Endangered	Chaparral | Cismontane woodland | Coastal scrub | Riparian scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
Calystegia felix	lucky morning-glory	none/none	Meadow & seep | Riparian scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Centromadia pungens ssp. *laevis*	smooth tarplant	none/none	Riparian | Meadows | Playas	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Chorizanthe parryi var. *parryi*	Parry's spineflower	none/none	Chaparral | Coastal Sage Scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Dodecahema leptoceras	slender-horned spineflower	Endangered/Endangered	Chaparral | Cismontane woodland | Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Horkelia cuneata var. *puberula*	mesa horkelia	none/none	Chaparral | Cismontane woodland | Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Lepidium virginicum var. *robinsonii*	Robinson's pepper-grass	none/none	Chaparral | Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
Navarretia prostrata	prostrate vernal pool navarretia	none/none	Coastal scrub | Meadow & seep | Valley & foothill grassland | Vernal pool | Wetland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Pseudognaphalium leucocephalum	white rabbit-tobacco	none/none	Chaparral | Cismontane woodland | Coastal scrub | Riparian woodland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Sidalcea neomexicana	salt spring checkerbloom	none/none	Alkali playa | Chaparral | Coastal scrub | Lower montane coniferous forest | Mojavean desert scrub | Wetland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Symphyotrichum defoliatum	San Bernardino aster	none/none	Cismontane woodland | Coastal scrub | Lower montane coniferous forest | Marsh & swamp | Meadow & seep | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Thysanocarpus rigidus	rigid fringepod	none/none	Pinon & juniper woodlands	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Birds				
Athene cunicularia	burrowing owl	none/none	Coastal prairie | Coastal scrub | Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Sonoran desert scrub | Valley & foothill grassland	No burrows were found on site and soils are not easily friable. Potential to occur is low.

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
Buteo swainsoni	Swainson's hawk	none/Threatened	Great Basin grassland | Riparian forest | Riparian woodland | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Laterallus jamaicensis coturniculus	California black rail	none/Threatened	Brackish marsh | Freshwater marsh | Marsh & swamp | Salt marsh | Wetland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Polioptila californica californica	coastal California gnatcatcher	Threatened/none	Coastal bluff scrub | Coastal scrub	No sgae scrub habitat occurs on site.. Potential to occur is low.
Vireo bellii pusillus	least Bell's vireo	Endangered/Endangered	Riparian scrub, riparian forest	No riparian habitat occurs on site for this riprian obligate species.. Potential to occur is low.
Mammals				
Antrozous pallidus	pallid bat	none/none	Chaparral | Coastal scrub | Desert wash | Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Riparian woodland | Sonoran desert scrub | Upper montane coniferous forest | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Chaetodipus fallax fallax	northwestern San Diego pocket mouse	none/none	Chaparral | Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
Dipodomys merriami parvus	San Bernardino kangaroo rat	Endangered/none	Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Eumops perotis californicus	western mastiff bat	none/none	Chaparral | Cismontane woodland | Coastal scrub | Valley & foothill grassland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Lasiurus xanthinus	western yellow bat	none/none	Desert wash, high association with palms	Site has two healthy adult palm trees. Species has potential to occur.
Neotoma lepida intermedia	San Diego desert woodrat	none/none	Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Nyctinomops macrotis	big free-tailed bat	none/none	Need high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Reptiles				
Anniella stebbinsi	southern California legless lizard	none/none	Broadleaved upland forest | Chaparral | Coastal dunes | Coastal scrub	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Arizona elegans occidentalis	California glossy snake	none/none	Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Phrynosoma blainvillii	coast horned lizard	none/none	Chaparral | Cismontane woodland | Coastal bluff scrub | Coastal scrub | Desert wash | Pinon & juniper woodlands | Riparian scrub | Riparian	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.

Scientific Name	Common Name	Federal/State Ranking	Habitat	Potential to Occur
			woodland | Valley & foothill grassland	
Thamnophis hammondii	two-striped gartersnake	none/none	Marsh & swamp | Riparian scrub | Riparian woodland | Wetland	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Insects				
Bombus crotchii	Crotch bumble bee	none/none	Coastal California east to the Sierra-Cascade crest and south into Mexico.	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Diplectrona californica	California diplectronan caddisfly	none/none	Aquatic	Habitat on site is entirely graded annual grassland with ornamental trees bordering the perimeter and castor bean. Potential to occur is low.
Rhaphiomidas terminatus abdominalis	Delhi sands flower-loving fly	Endangered/none	Sand dunes in the Delhi series	No delhi-sands or vegetation associated with this species occurs on site. Potential to occur is low.
Habitats				
Riversidian Alluvial Fan Sage Scrub	Riversidian Alluvial Fan Sage Scrub	none/none	Coastal scrub	Absent

ATTACHMENT B
FIGURES

Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,

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Figure 1 - Regional Overview
Site Vicinity

Montclair Condo Project
Crestwood Corporation
Monclair, CA

Imagery Date: 8/6/2017

Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,

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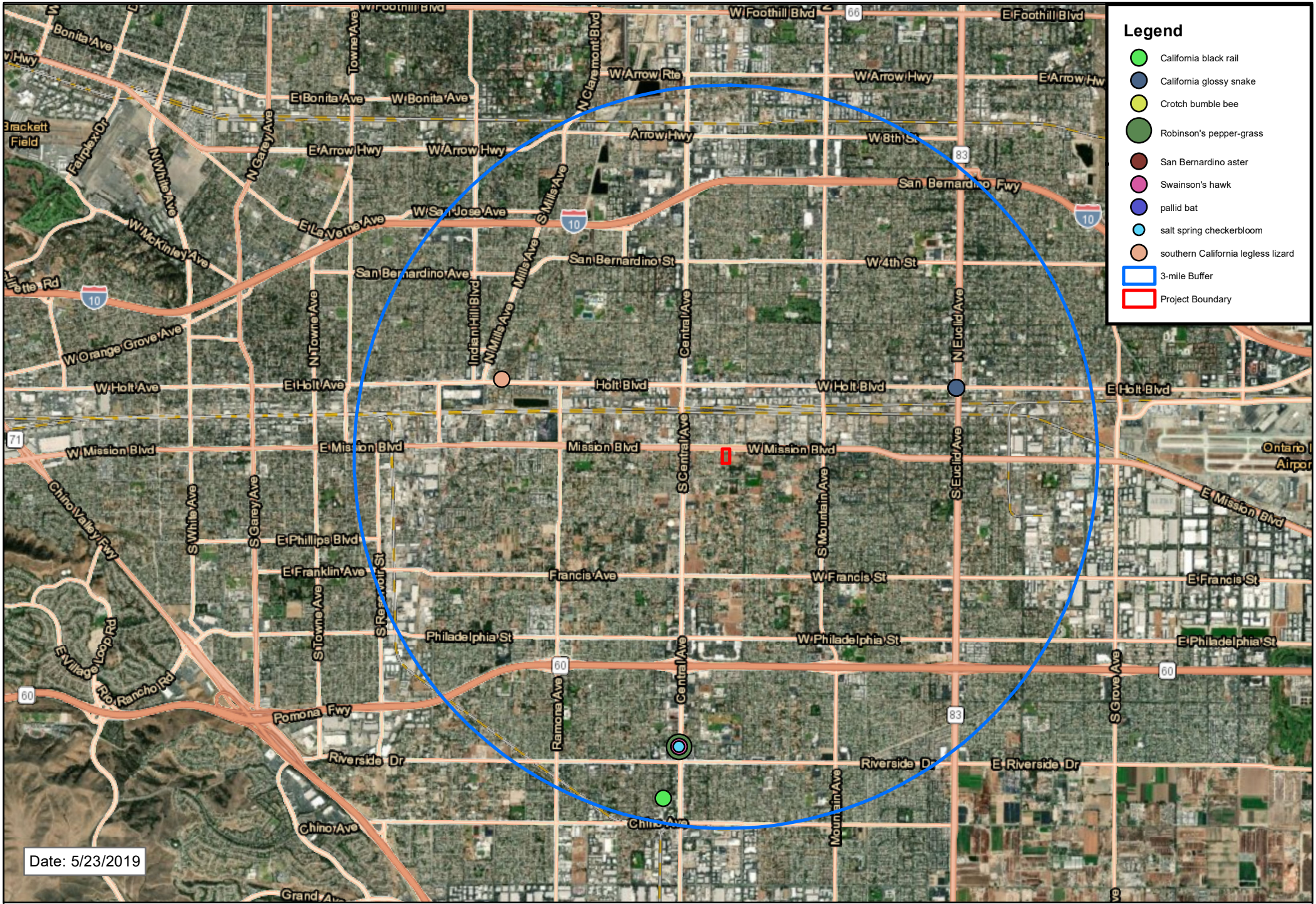
Figure 2
Site Location

Montclair Condo Project
Crestwood Corporation
Monclair, CA



Imagery Date: 8/6/2017

Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,

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1 inch = 5,123 feet

Figure 3
3-mile CNDDB Occurences

Montclair Condo Project
Crestwood Corporation
Monclair, CA

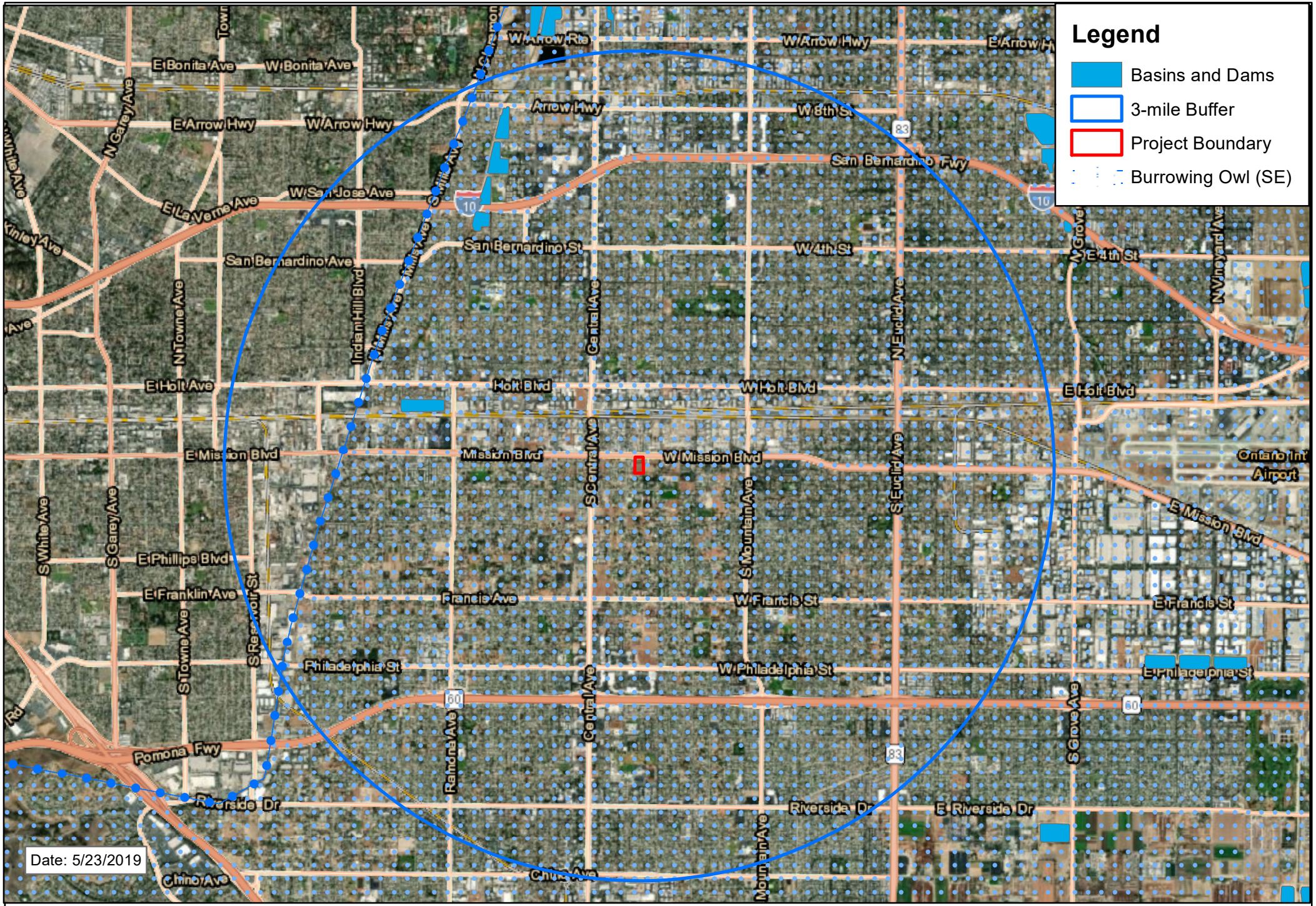

Figure 4
San Bernardino County Biotic Resources

Montclair Condo Project
Crestwood Corporation
Monclair, CA

ATTACHMENT C
SITE PHOTOS

	Photo 1. Northeast corner of the project site, looking in.
	Photo 2. Northwest corner of the project site, looking in.

	Photo 3. Southeast corner of the project site, looking in.
	Photo 4. Southwest corner of the project site, looking in.