# BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL DELINEATION FOR THE PROPOSED XEBEC WAREHOUSE PROJECT ON KENDALL DRIVE IN UNINCORPORATED SAN BERNARDINO COUNTY, CALIFORNIA

***Prepared for:***

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**Contents**

## SECTION 1.0 – INTRODUCTION

Jennings Environmental, LLC (Jennings) was retained by Lilburn Corporation (Lilburn) to conduct a literature review and reconnaissance-level survey for the proposed XEBEC Warehouse Project on Kendall Drive within Assessor Parcel Numbers (APNs: 0261-161-20, 21, 22, 23, 24, & 25; 0261-171-05 & 07) [Project] in unincorporated San Bernardino County, California. The survey identified vegetation communities, the potential for the occurrence of special status species, or habitats that could support special status wildlife species, and recorded all plants and animals observed or detected within the Project boundary. This biological resources assessment is designed to address the potential effects of the proposed Project on 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). Information contained in this document is in accordance with accepted scientific and technical standards that are consistent with the requirements of the United States Fish and Wildlife Service (USFWS) and (CDFW). Additionally, the site was surveyed for any drainage features that would meet the definition of the Waters of the US (WOUS), Waters of the State (WOS), or CDFW jurisdiction.

### 1.1 PROJECT LOCATION

The project is generally located in Section 2, Township 1 North, Range 5 West, and is depicted on the *Devore and San Bernardino North* U.S. Geological Survey's (USGS) 7.5-minute topographic maps. More specifically the project is located within Assessor Parcel Numbers (APNs) 0261-161-20, 21, 22, 23, 24, & 25; 0261-171-05 & 07 within unincorporated San Bernardino County, California. The Project site is located on the northeast corner of the intersection of Little League Drive and Kendell Drive. The site is bordered by commercial and industrial parcels to the east, south and west. With Interstate 215 to the north/northeast. (Figures 1 and 2 in Appendix A).

### 1.2 PROJECT DESCRIPTION

The proposed Project is to construct an approximately 213,335-square-foot industrial building. The building will consist of 207,335 feet of warehouse space with 6,000 feet of office space. Additional improvements include paved parking, landscaping, exterior lighting, and fencing.

## SECTION 2.0 – METHODOLOGY

### 2.1 LITERATURE REVIEW

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records were reviewed for the following quadrangle containing and surrounding the Project site: *Devore and San Bernardino North* USGS 7.5-minute quadrangles. These databases contain records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise special status species or habitats that may occur within or in the immediate vicinity of the Project site. These sources include:

- California Natural Diversity Database (CNDDB) managed by CDFW (CDFW 2023)

- USFWS Critical Habitat Mapper (USFWS 2023)
- California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2023), issuer of the California Rare Plant Rank.
- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USDA Natural Resources Conservation Service (NRCS) Web Soil Survey;
- USGS National Map;
- Calwater Watershed Maps
- Environmental Protection Agency My Waters Maps
- USFWS Designated Critical Habitat Maps
- San Bernardino County Biotic Resources Map

## 2.2 SOILS

Before conducting the surveys, soil maps for San Bernardino County were referenced online to determine the types of soil found within the Project site. Soils were determined in accordance with categories set forth by the United States Department of Agriculture (USDA) Soil Conservation Service and by referencing the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2023).

## 2.3 BIOLOGICAL RECONNAISSANCE-LEVEL SURVEY

Jennings biologist, Gene Jennings, conducted the general reconnaissance survey within the Project site to identify the potential for the occurrence of special status species, vegetation communities, or habitats that could support special status wildlife species. The surveys were conducted on foot, throughout the Project site between 0900 and 1030 hours on May 9, 2023. Weather conditions during the survey included temperatures ranging from 63.9 to 65.8 degrees Fahrenheit, with cloudy skies, no precipitation, and 0 to 1.6 mile-per-hour winds. Photographs of the Project site were taken to document existing conditions (Appendix B).

## 2.4 JURISDICTIONAL FEATURES

A general assessment of jurisdictional waters regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW was conducted for the proposed Project area. Pursuant to Section 404 of the Clean Water Act, USACE regulates the discharge of dredged and/or fill material into waters of the United States. The State of California (State) regulates the discharge of material into waters of the State pursuant to Section 401 of the Clean Water Act and the California Porter- Cologne Water Quality Control Act (California Water Code, Division 7, §13000 et seq.). Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife and its' associated riparian vegetation. The assessment was conducted by a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity. An additional discussion of the regulatory framework is provided in Appendix C.

### 2.5 VEGETATION

All plant species observed within the Project site were recorded. Vegetation communities within the Project site were identified and qualitatively described. Plant communities were determined in accordance with the *Manual of California Vegetation*, *Second Edition* (Sawyer et al. 2009). Plant nomenclature follows that of *The Jepson Manual, Second Edition* (Baldwin et al. 2012). A comprehensive list of the plant species observed during the survey is provided in Appendix D.

### 2.6 WILDLIFE

All wildlife and wildlife signs observed and detected, including tracks, scat, carcasses, burrows, excavations, and vocalizations, were recorded. Additional survey time was spent in those habitats most likely to be utilized by wildlife (native vegetation, wildlife trails, etc.) or in habitats with the potential to support state- and/or federally listed or otherwise special-status species. Notes were made on the general habitat types, species observed, and the conditions of the Project site. A comprehensive list of the wildlife species observed during the survey is provided in Appendix D.

## SECTION 3.0 – RESULTS

### 3.1 LITERATURE REVIEW RESULTS

According to the CNDDB, CNPSEI, and other relevant literature and databases, 57 sensitive species, 12 of which are listed as threatened, or endangered, and 3 sensitive habitats have been documented in the *Devore and San Bernardino North* quads. This list of sensitive species and habitats includes any State and/or federally-listed threatened or endangered species, CDFW-designated Species of Special Concern (SSC), and otherwise Special Animals. “Special Animals” is a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species.” The CDFW considers the taxa on this list to be those of greatest conservation need.

An analysis of the likelihood of the occurrence of all CNDDB-sensitive species documented in the *Devore and San Bernardino North* quads is provided in Table 2, in Appendix D. This analysis takes into account species range as well as documentation within the vicinity of the Project area and includes the habitat requirements for each species and the potential for their occurrence on the site, based on required habitat elements and range relative to the current site conditions. According to the databases, no sensitive habitat, including USFWS-designated critical habitat, occurs within or adjacent to the Project site.

#### 3.1.1 SOILS

After a review of the USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2023), it was determined that the Project site is located within the San Bernardino County Southwestern Area (California area CA677). Based on the results of the database search, one (1) soil type is documented in the area:

Tujunga gravelly loamy sand, 0 to 9 percent slopes (TvC). This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite,

typically ranges in elevation from 10 to 1,500 feet above mean sea level (AMSL), and is not considered prime farmland.

Although this soil has been historically mapped by the USDA, the site has been subject to ongoing disturbances in the form of paving, importation of gravel, grading, and development of structures. The site currently consists of paved surfaces, buildings, or imported materials. Therefore, no native soils are currently present within the Project area.

### 3.1.2 SPECIAL STATUS SPECIES BACKGROUND

Of the 57 species found within the *Devore and San Bernardino North* quad, 12 have a special designation of either: federally listed under the US Fish and Wildlife or state listed under the California Fish and Game Code. The discussion below provides the background information on those species that have the potential to occur within the Project site.

*Burrowing Owl (Athene cunicularia) – (SSC)*

The burrowing owl (BUOW) is a state and federal Species of Special Concern (SSC). This owl is a mottled, brownish, and sand-colored, dove-sized raptor, with large, yellow eyes, a rounded head lacking ear tufts, white eyebrows, and long legs compared to other owl species. It 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 is heavily dependent upon the presence of mammal burrows, with ground squirrel burrows being a common choice, in its habitat to provide shelter from predators, and inclement weather, and to provide a nesting place (Coulombe 1971). They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows.

BUOW spends a great deal of time standing on dirt mounds at the entrance to a burrow or perched on a fence post or other low to the ground perch from which they hunt for prey. BUOW frequently hunt by hovering in place above the ground and dropping on their prey from above. They feed primarily on insects such as grasshoppers, June beetles, and moths, but will also take small rodents, birds, and reptiles. They are active during the day and night but are considered a crepuscular owl; generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31. Up to 11, but typically 7 to 9, eggs are laid in a burrow, abandoned pipe, or other subterranean hollows where incubation is complete in 28-30 days. Young BUOW fledges in 44 days. The BUOW is considered a migratory species in portions of its range, which includes western North America from Canada to Mexico, and east to Texas and Louisiana. BUOW populations in California are considered to be sedentary or locally migratory.

Throughout its range, the BUOW is vulnerable to habitat loss, predation, vehicular collisions, and destruction of burrow sites and the poisoning of ground squirrels (Grinnell and Miller 1944, Zarn 1974, Remsen 1978). BUOW has disappeared from significant portions of their range in the last 15 years and, overall, nearly 60% of the breeding groups of owls known to have existed in California during the 1980s had disappeared by the early 1990s (Burrowing Owl Consortium 1993). The BUOW is not listed under the state or federal Endangered Species Act but is considered both a federal and state Species of Special Concern. The BUOW is a migratory bird 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).

### 3.1.3 DESIGNATED CRITICAL HABITAT

The site is adjacent to the USFWS-designated Critical Habitat for the San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*). However, as mentioned above the site is completely void of native soils and does not offer suitable habitat for this species. Additionally, the site is also separated from the critical habitat by Interstate 215, which presents a barrier to entry to the Project site. Therefore, there are no proposed impacts on the critical habitat for this species. No further action is required.

### 3.1.4 WILDLIFE CORRIDORS AND HABITAT CONSERVATION PLAN

According to the California Essential Habitat Connectivity Project, the Project site is mapped within a low permeability area for wildlife movement. However, the proposed Project site is already a developed site with existing structures and current trucking operations. Additionally, the Project site is surrounded by commercial development and Interstate 215. All of which would be a barrier for wildlife to move across the site. Because the site is already developed, fenced, and continues to be used for trucking operations, it is unlikely that any wildlife would use the site for movement. Also, the Project site is not within an adopted habitat conservation plan. Therefore, the proposed Project will not have an impact on any current wildlife corridors or habitat conservation plans.

### 3.1.5 JURISDICTIONAL WATERS

Aerial imagery of the site was examined and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated by topographic changes, blue-line features, or visible drainage patterns. The U.S. Fish and Wildlife Service National Wetland Inventory and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas had been documented within the vicinity of the site. Similarly, the Soil maps from the U.S. Department of Agriculture (USDA) - Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2022) were reviewed to identify the soil series on-site and to check if they have been identified regionally as hydric soils. Upstream and downstream connectivity of waterways (if present) was reviewed in the field, on aerial imagery, and topographic maps to determine jurisdictional status.

### 3.1.6 HYDROLOGY AND HYDROLOGIC CONNECTIVITY

Hydrologically, the Project site is located within the Bunker Hill Hydrologic Sub-Area (HSA 801.52), as identified on the Calwater Watershed maps. The Bunker Hill HSA area comprises a 124,791-acre drainage area within the larger Lytle Creek Watershed Area (Hydrologic Unit Code [HUC10] 1807020303, US Watershed Maps) (CalTrans, 2023). The Lytle Creek watershed in the San Bernardino area is bordered to the north by the Sheep Creek-El Mirage Lake, Upper Fremont Wash, Bell Mountain Wash-Mojave River, and West Fork Mojave River watersheds, to the east by the Upper Santa Ana River watershed, to the south by the Middle Santa Ana River and Chino Creek watersheds, and to the west by Upper San Gabriel watershed. (Figure 3 in Appendix A).

## 3.2 FIELD STUDY RESULTS

### 3.2.1 VEGETATION

The vegetation on-site consists of a mixture of ruderal/disturbed vegetation, bare ground, and commercial buildings. As mentioned above the site is highly disturbed. The southwest portion of the Project site was a commercial truck facility until recently and is completely paved. The northwest portion of the Project site is still a commercial trucking facility and is partially paved and coved with imported rock material. No native habitats exist on-site. A complete list of all plants observed is provided in Table 1 of Appendix D.

### 3.2.2 WILDLIFE

The Project site is within a highly developed area and, as mentioned above, contains little native vegetation. Species observed or otherwise detected on or in the vicinity of the Project site during the survey include: house finch (*Haemorhous mexicanus*) and Anna's hummingbird (*Calypte anna*).

### 3.2.3 SPECIAL STATUS SPECIES

No State and/or federally listed threatened or endangered species or other sensitive species were observed on-site during surveys. Additionally, no plant species with the California Rare Plant Rank (CRPR) of 1 or 2 were observed on-site or documented to occur on-site in the relevant databases.

*Burrowing Owl – SSC*

The conditions present onsite are not suitable for BUOW. The site is completely disturbed and consists of non-native fill material in the form of gravel and asphalt. The assessment survey was structured, in part, to detect BUOW, which has been observed in the near vicinity of the Project site (within 5 miles). The survey consisted of walking transects spaced to provide 100% visual coverage of the Project site. The result of the survey was that no evidence of BUOW was found in the survey area. No BUOW pellets, feathers, or whitewash were found. No burrowing owl individuals were observed.

> ***Findings****: The conditions present on-site are not suitable for BUOW. California ground squirrels (Otospermophilus beecheyi), a burrow surrogate species, were not observed on-site. No evidence of BUOW was found in the survey area. No burrows of appropriate size, aspect, or shape were located and no BUOW pellets, feathers, or whitewash were found. No burrowing owl individuals were observed. Additionally, the site is completely disturbed and is currently used for a trucking facility. Therefore, this species is considered absent from the Project site and no further surveys or mitigation measures are required or recommended.*

### 3.2.4 NESTING BIRDS

The large trees on-site (eucalyptus and palm tree) and within the immediate surrounding area (eucalyptus) do provide suitable habitats for nesting birds. There are also other non-natural refugia (telephone poles, light poles, and buildings) both on and off-site that provide adequate nesting habitat for birds that may be impacted by Project development. As such the Project site is subject to the following nesting bird regulations. Recommendations for avoidance and minimization are in Section 4.

*Migratory Bird Treaty Act*

The Migratory Bird Treaty Act of 1918. This Act implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The Act has been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service.

*California Fish and Game Code*

The Project site is also subject to Sections 3503 and 3503.5 of the Fish and Game Code. Section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto". And Section 3503.5 states, "It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto".

### 3.2.5 JURISDICTIONAL WATERS

Waters of the United States and Waters of the State

The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. (WOUS) under Section 404 CWA. While the Regional Water Quality Board has authority over the discharge of dredged or fill material in Waters of the State under Section 401 CWA as well as the Porter-Cologne Water Quality Control Act. The Project area was surveyed with 100 percent visual coverage and no drainage features were present on site that met the definition for WOUS. As such, the subject parcel does not contain any wetlands, Waters of the U.S., or Waters of the State.

Fish and Game Code Section 1602 - State Lake and/or Streambed

The CDFW asserts jurisdiction over any drainage feature that contains a definable bed and bank or associated riparian vegetation. The Project area was surveyed with 100 percent visual coverage and no definable bed or bank features exist on the Project site. As such, the subject parcel does not contain any areas under CDFW jurisdiction.

## Section 4.0 – CONCLUSIONS AND RECOMMENDATIONS

Based on the literature review and personal observations made in the immediate vicinity, no State and/or federally-listed threatened or endangered species are documented/or expected to occur within the Project site. Additionally, no plant species with the California Rare Plant Rank (CRPR) of 1 or 2 were observed on-site or documented to occur on-site in the relevant databases. No other sensitive species were observed within the Project area or buffer area.

*Jurisdictional Features*

There are no streams, channels, washes, or swales that meet the definitions of Section 1600 of the State of California Fish and Game Code (FGC) under the jurisdiction of the CDFW, Section 401 ("Waters of the

State" ) of the Clean Water Act (CWA) under the jurisdiction of the Regional Water Quality Control Board (RWQCB), or "Waters of the United States" (WoUS) as defined by Section 404 of the CWA under the jurisdiction of the U.S. Army Corps of Engineers (Corps) within the subject parcel. Therefore, no permit, certification, or agreement is required from the Army Corps, RWQCB, and CDFW, respectively.

*Nesting Birds*

Since there is some habitat within the Project site and adjacent area that is suitable for nesting birds in general, the following mitigation measure should be implemented.

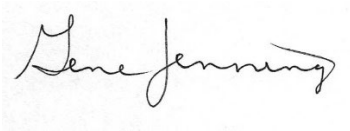
> Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist 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 the 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.

*Certification*

I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this analysis to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and standards. Fieldwork conducted for this assessment was performed by me. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the Project proponent and that I have no financial interest in the Project.

Please do not hesitate to contact me at 909-534-4547 should you have any questions or require further information.

Sincerely,



Gene Jennings
Principal/Regulatory Specialist

Appendices:

Appendix A – Figures
Appendix B – Site Photos

## Section 5 – REFERENCES

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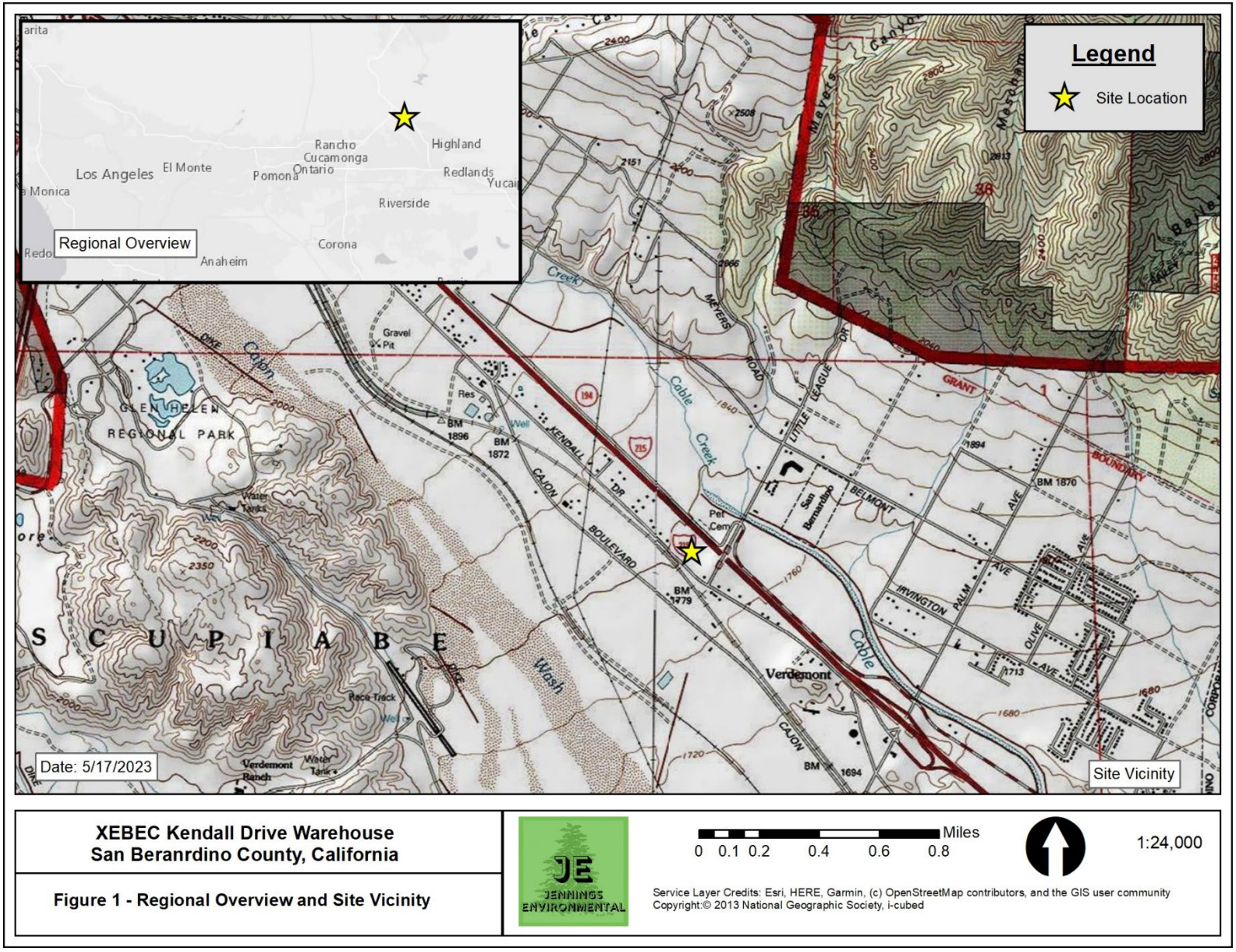
# Appendix A - Figures


Legend
Site Location
Regional Overview
Los Angeles
El Monte
Pomona
Rancho Cucamonga
Ontario
Highland
Redlands
Riverside
Corona
Anaheim
Monica
Redo
Date: 5/17/2023
Site Vicinity
GLEN HELEN REGIONAL PARK
SCUPIABE
Verdemont
Verdemont Ranch
Cable Creek
Wash
KENDALL DR
CAJON BOULEVARD
MEYERS ROAD
LITTLE LEAGUE DR
BELMONT AVE
IRVINGTON AVE
PALM AVE
OLIVE AVE
GRANT
BOUNDARY
Gravel Pit
Water Tanks
Pet Cem
San Bernardino
Race Track
BM 1896
BM 1872
BM 1870
BM 1779
BM 1694
XEBEC Kendall Drive Warehouse
San Beranrdino County, California
Figure 1 - Regional Overview and Site Vicinity
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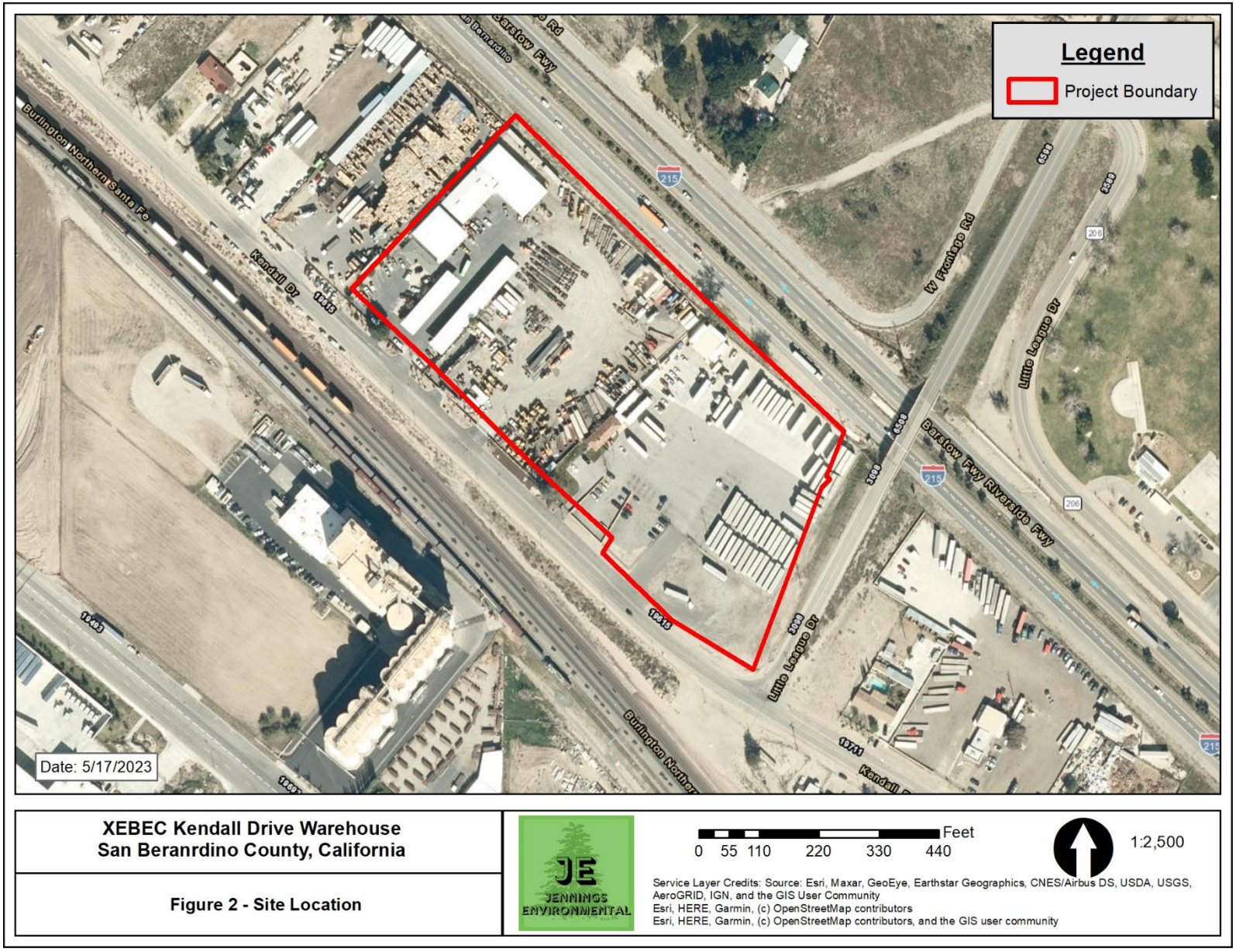
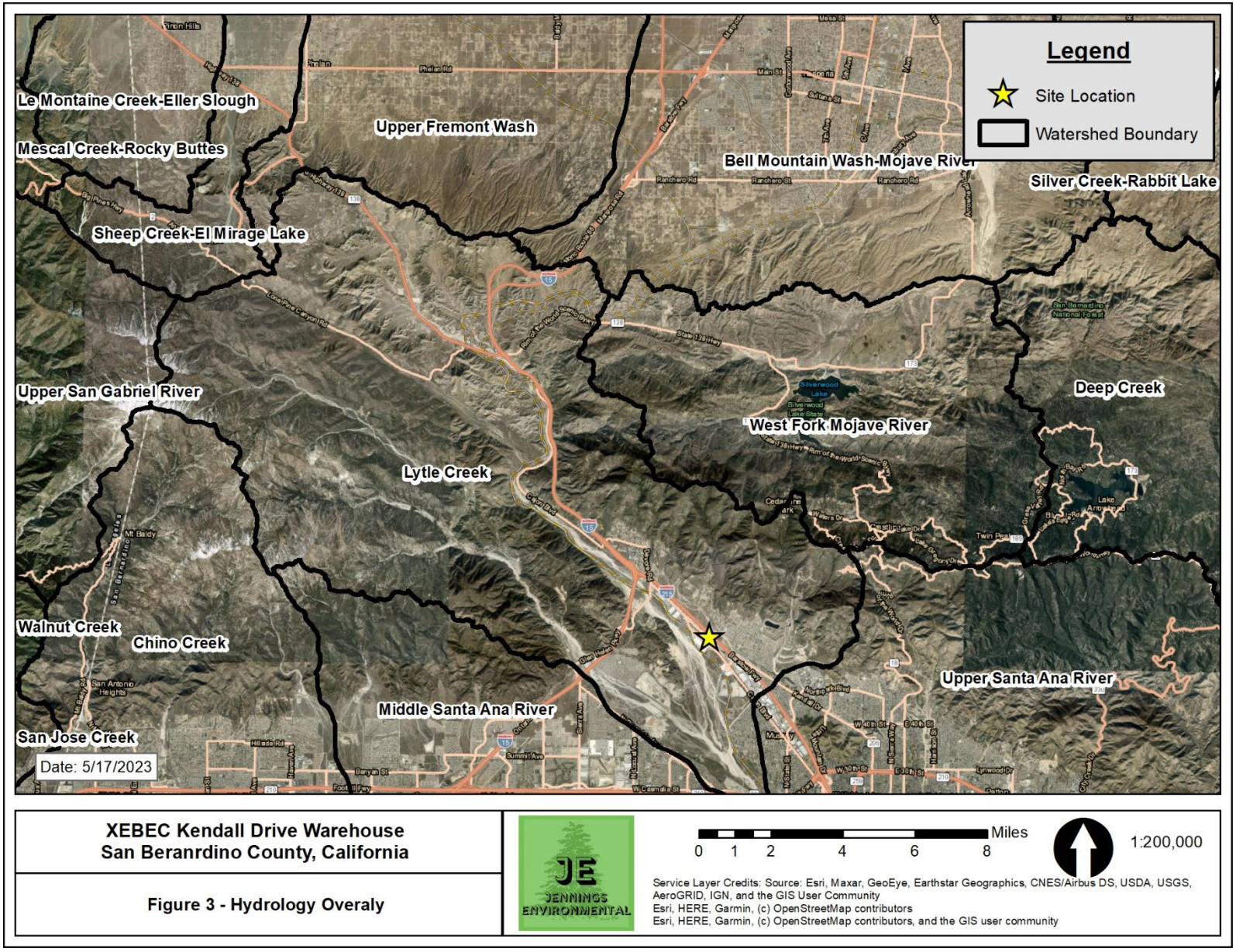
JENNINGS ENVIRONMENTAL
0 0.1 0.2 0.4 0.6 0.8
Miles
1:24,000
Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Copyright:© 2013 National Geographic Society, i-cubed


Legend
Project Boundary
Barstow Fwy
Burlington Northern Santa Fe
Kendall Dr
W Frontage Rd
Little League Dr
Barstow Fwy Riverside Fwy
Date: 5/17/2023
XEBEC Kendall Drive Warehouse
San Beranrdino County, California
Figure 2 - Site Location
JE
JENNINGS ENVIRONMENTAL
Feet
0 55 110 220 330 440
1:2,500
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community


Legend
Site Location
Watershed Boundary
Le Montaine Creek-Eller Slough
Upper Fremont Wash
Mescal Creek-Rocky Buttes
Bell Mountain Wash-Mojave River
Silver Creek-Rabbit Lake
Sheep Creek-El Mirage Lake
Upper San Gabriel River
Deep Creek
West Fork Mojave River
Lytle Creek
Walnut Creek
Chino Creek
Upper Santa Ana River
Middle Santa Ana River
San Jose Creek
Date: 5/17/2023
XEBEC Kendall Drive Warehouse
San Beranrdino County, California
Figure 3 - Hydrology Overaly
JE
JENNINGS ENVIRONMENTAL
0 1 2 4 6 8 Miles
1:200,000
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# Appendix B - Photos

| | |
|---|---|
|  | Photo 1 – Southwest corner of the Project site, facing northeast. |
|  | Photo 2 – Southeast corner of the Project site, facing northwest. |

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|---|---|
|  | Photo 3 – Northeast boundary of the Project site, facing west. |
|  | Photo 4 – Southwest boundary of the Project site, facing northeast. |

| | |
|---|---|
|  | Photo 5 – Northeast boundary of the Project site, facing northwest. |
|  | Photo 6 – Northwest corner of the Project site, facing east. |

# Appendix C – Regulatory Framework

## 1.1 FEDERAL JURISDICTION

### 1.1.1 United States Army Corps of Engineers

Activities within inland streams, wetlands, and riparian areas in California are regulated by agencies at the federal, state, and regional levels. At the federal level, the U.S. Army Corps of Engineers (USACE) Regulatory Program regulates activities within wetlands and waters of the US pursuant to Section 404 of the Federal Clean Water Act (CWA).

At the state level, the California Department of Fish and Wildlife (CDFW) regulates activities within the bed, bank, and associated habitat of a stream under the Fish and Game Code §§ 1600–1616. The California State Water Resources Board (SWRB) delegates authority at the regional level to Regional Water Quality Control Boards (RWQCB) that are responsible for regulating discharge into waters of the US under Section 401 of the federal CWA and waters of the State under the California Porter-Cologne Water Quality Act.

The CWA was implemented to maintain and restore the chemical, physical, and biological integrity of the Waters of the United States (33 Code of Federal Regulations [CFR] Part 328 Section 328.3). "Waters of the US" are defined as follows:

> **§ 328.3 Definitions.**
> For the purpose of this regulation these terms 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, including interstate wetlands;
> (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:
> (i) That are relatively permanent, standing or continuously flowing bodies of water; or
> (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
> (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)(i) of this section and with a continuous surface connection to those waters; or

(iii) Waters identified in paragraph (a)(2) or (3) of this section when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section:

(i) 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)(i) of this section; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) 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 bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like are ''adjacent wetlands.''

(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 at 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.

(6) *Significantly affect* means a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of

this section. To determine whether waters, either alone or in combination with similarly situated waters in the region, have a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section, the
functions identified in paragraph (c)(6)(i) of this section will be assessed and the factors identified in paragraph (c)(6)(ii) of this section will be considered:

(i) Functions to be assessed:

(A) Contribution of flow;

(B) Trapping, transformation, filtering, and transport of materials (including nutrients, sediment, and other pollutants);

(C) Retention and attenuation of floodwaters and runoff;

(D) Modulation of temperature in waters identified in paragraph (a)(1) of this section; or

(E) Provision of habitat and food resources for aquatic species located in waters identified in paragraph (a)(1) of this section;

(ii) Factors to be considered:

(A) The distance from a water identified in paragraph (a)(1) of this section;

(B) Hydrologic factors, such as the frequency, duration, magnitude, timing, and rate of hydrologic connections, including shallow subsurface flow;

(C) The size, density, or number of waters that have been determined to be similarly situated;

(D) Landscape position and geomorphology; an

(E) Climatological variables such as temperature, rainfall, and snowpack.

## 1.2 STATE JURISDICTION

The State of California (State) regulates discharge of material into waters of the State pursuant to Section 401 of the CWA as well as the California Porter-Cologne Water Quality Control Act (Porter-Cologne; California Water Code, Division 7, §13000 et seq.). Waters of the State are defined by Porter-Cologne as “any surface water or groundwater, including saline waters, within the boundaries of the state” (Water Code Section 13050(e)). Waters of the State broadly includes all waters within the State’s boundaries (public or private), including waters in both natural and artificial channels.

### 1.2.1 Regional Water Quality Control Board

Under Porter-Cologne, the State Water Resources Control Board (SWRCB) and the local Regional Water Quality Control Boards (RWQCB) regulate the discharge of waste into waters of the State. Discharges of waste include "fill, any material resulting from human activity, or any other 'discharge' that may directly or indirectly impact 'waters of the state.'" Porter-Cologne reserves the right for the State to regulate activities that could affect the quantity and/or quality of surface and/or groundwaters, including isolated wetlands, within the State. Wetlands were defined as waters of the State if they demonstrated both wetland hydrology and hydric soils. Waters of the State determined to be jurisdictional for these purposes require, if impacted, waste discharge requirements (WDRs).

When an activity results in fill or discharge directly below the OHWM of jurisdictional waters of the United States (federal jurisdiction), including wetlands, a CWA Section 401 Water Quality Certification is required. If a proposed Project is not subject to CWA Section 401 certification but involves activities that may result in a discharge to waters of the State, the Project may still be regulated under Porter-Cologne and may be subject to waste discharge requirements. In cases where waters apply to both CWA and Porter-Cologne, RWQCB may consolidate permitting requirements to one permit.

### 1.2.2 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation" (California Code of Regulations, Title 14, Section 1.72). The jurisdiction of CDFW may include areas in or near intermittent streams, ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams that are indicated on USGS maps, watercourses that may contain subsurface flows, or within the flood plain of a water body. CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW limits of jurisdiction typically include the maximum extents of the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

In a CDFW guidance of stream processes and forms in dryland watersheds (Vyverberg 2010), streams are identified as having one or more channels that may all be active or receive water only during some high flow event. Subordinate features, such as low flow channels, active channels, banks associated with secondary channels, floodplains, and stream-associated vegetation, may occur within the bounds of a single, larger channel. The water course is defined

by the topography or elevations of land that confine a stream to a definite course when its waters rise to their highest level. A watercourse is defined as a stream with boundaries defined by the maximal extent or expression on the landscape even though flow may otherwise be intermittent or ephemeral.

Artificial waterways such as ditches (including roadside ditches), canals, aqueducts, irrigation ditches, and other artificially created water conveyance systems also may be under the jurisdiction of CDFW. CDFW may claim jurisdiction over these features based on the presence of habitat characteristics suitable to support aquatic life, riparian vegetation, and/or stream-dependent terrestrial wildlife. As with natural waterways, the limit of CDFW jurisdiction of artificial waterways includes the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

CDFW does not have jurisdiction over wetlands but has jurisdiction to protect against a net loss of wetlands. CDFW supports the wetland criteria recognized by USFWS; one or more indicators of wetland conditions must exist for wetlands conditions to be considered present. The following is the USFWS accepted definition of a wetland:

> Wetlands are lands transitional between terrestrial and aquatic systems where the water
> table is usually at or near the surface or the land is covered by shallow water. For purposes
> of this classification, wetlands must have one or more of the following three attributes:
> (1) at least periodically, the lands supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin et al. 1979).

In A Clarification of the U.S. Fish and Wildlife Service's Wetland Definition (Tiner 1989), the USFWS definition was further clarified "that in order for any area to be classified as wetland by the Service, the area must be periodically saturated or covered by shallow water, whether wetland vegetation and/or hydric soils are present or not; this hydrologic requirement is addressed in the first sentence of the definition." When considering whether an action would result in a net loss of wetlands, CDFW will extend jurisdiction to USFWS-defined wetland conditions where such conditions exist within the riparian vegetation that is associated with a stream or lake and does not depend on whether those features meet the three-parameter USACE methodology of wetland determination. If impacts to wetlands under the jurisdiction of CDFW are unavoidable, a mitigation plan will be implemented in coordination with CDFW to support the CDFW policy of "no net loss" of wetland habitat.

# Appendix D – Tables

**Table 1. Species Observed On-Site**

| Common Name | Scientific Name |
|---|---|
| **Plants** | |
| Short pod mustard | *Hirschfeldia incana* |
| Slender wild oat | *Avena barbata* |
| Red brome | *Bromus madritensis* |
| Wild tarragon | *Artemisia dracunculus* |
| Annual sunflower | *Helianthus annuus* |
| Ripgut Brome | *Bromus diandrus* |
| Russian thistle | *Salsola tragus* |
| Lemmon scented gum | *Corymbia citriodora* |
| Common stork's bill | *Erodium cicutarium* |
| Tamarisk | *Tamarix ssp.* |
| Tree tobacco | *Nicotiana glauca* |
| **Birds** | |
| House finch | *Haemorhous mexicanus* |
| Anna's hummingbird | *Calypte anna* |

**Table 2 – CNDDB Potential to Occur for the *Devore and San Bernardino North* USGS 7.5-minute Quadrangles**

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Aimophila ruficeps canescens | southern California rufous-crowned sparrow | None, None | G5T3, S3, CDFW-WL | Resident in Southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Ambrosia monogyra | singlewhorl burrobrush | None, None | G5, S2, 2B.2 | Chaparral, Sonoran desert scrub. Sandy soils. 5-475 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Anniella stebbinsi | Southern California legless lizard | None, None | G3, S3, CDFW-SSC | Generally south of the Transverse Range, extending to northwestern Baja California. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County. Variety of habitats; generally in moist, loose soil. They prefer soils with a high moisture content. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Arenaria paludicola | marsh sandwort | Endangered, Endangered | G1, S1, 1B.1 | Marshes and swamps. Growing up through dense mats of Typha, Juncus, Scirpus, etc. in freshwater marsh. Sandy soil. 3-170 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Arizona elegans occidentalis | California glossy snake | None, None | G5T2, S2, CDFW-SSC | Patchily distributed from the eastern portion of San Francisco Bay, southern San Joaquin Valley, and the Coast, Transverse, and Peninsular ranges, south to Baja California. Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Artemisiospiza belli belli | Bell's sparrow | None, None | G5T2T3, S3, CDFW-WL | Nests in chaparral dominated by fairly dense stands of chamise. Found in coastal sage scrub in south of range. Nest located on the ground beneath a shrub or in a shrub 6-18 inches above ground. Territories about 50 yds apart. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Aspidoscelis hyperythra | orange-throated whiptail | None, None | G5, S2S3, CDFW-WL | Inhabits low-elevation coastal scrub, chaparral, and valley-foothill hardwood habitats. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food: termites. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Aspidoscelis tigris stejnegeri | coastal whiptail | None, None | G5T5, S3, CDFW-SSC | Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Athene cunicularia | burrowing owl | None, None | G4, S3, CDFW-SSC | Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Batrachoseps gabrieli | San Gabriel slender salamander | None, None | G2G3, S2S3 | Known only from the San Gabriel Mtns. Found under rocks, wood, and fern fronds, and on soil at the base of talus slopes. Most active on the surface in winter and early spring. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Berberis nevinii | Nevin's barberry | Endangered, Endangered | G1, S1, 1B.1 | Chaparral, cismontane woodland, coastal scrub, riparian scrub. On steep, N-facing slopes or in low grade sandy washes. 90-1590 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Bombus crotchii | Crotch bumble bee | None, Candidate Endangered | G2, S2 | Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Brodiaea filifolia | thread-leaved brodiaea | Threatened, Endangered | G2, S2, 1B.1 | Chaparral (openings), cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools. Usually associated with annual grassland and vernal pools; often surrounded by shrubland habitats. Occurs in openings on clay soils. 15-1030 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Calochortus palmeri var. palmeri | Palmer's mariposa-lily | None, None | G3T2, S2, 1B.2 | Meadows and seeps, chaparral, lower montane coniferous forest. Vernally moist places in yellow-pine forest, chaparral. 195-2530 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Calochortus plummerae | Plummer's mariposa-lily | None, None | G4, S4, 4.2 | Coastal scrub, chaparral, valley and foothill grassland, cismontane woodland, lower montane coniferous forest. Occurs on rocky and sandy sites, usually of granitic or alluvial material. Can be very common after fire. 60-2500 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Castilleja lasiorhyncha | San Bernardino Mountains owl's-clover | None, None | G2?, S2?, 1B.2 | Meadows and seeps, pebble plain, upper montane coniferous forest, chaparral, riparian woodland. Mesic to drying soils in open areas of stream and meadow margins or in vernally wet areas. 1140-2320 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Centromadia pungens ssp. laevis | smooth tarplant | None, None | G3G4T2, S2, 1B.1 | Valley and foothill grassland, chenopod scrub, meadows and seeps, playas, riparian woodland. Alkali meadow, alkali scrub; also in disturbed places. 5-1170 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Chaetodipus fallax fallax | northwestern San Diego pocket mouse | None, None | G5T3T4, S3S4, CDFW-SSC | Coastal scrub, chaparral, grasslands, sagebrush, etc. in western San Diego County. Sandy, herbaceous areas, usually in association with rocks or coarse gravel. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Chaetodipus fallax pallidus | pallid San Diego pocket mouse | None, None | G5T3T4, S3S4, CDFW-SSC | Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Charina umbratica | southern rubber boa | None, Threatened | G2G3, S2S3 | Found in a variety of montane forest habitats. Previously considered morphologically intermediate, recent (2022) genomic analysis clarifies individuals from Mt Pinos, Tehachapi Mts, and southern Sierra Nevada are southern rubber boa. Found in vicinity of streams or wet meadows; requires loose, moist soil for burrowing; seeks cover in rotting logs, rock outcrops, and under surface litter. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Chloropyron maritimum ssp. maritimum | salt marsh bird's-beak | Endangered, Endangered | G4?T1, S1, 1B.2 | Marshes and swamps, coastal dunes. Limited to the higher zones of salt marsh habitat. 0-10 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Chorizanthe parryi var. parryi | Parry's spineflower | None, None | G3T2, S2, 1B.1 | Coastal scrub, chaparral, cismontane woodland, valley and foothill grassland. Dry slopes and flats; sometimes at interface of 2 vegetation types, such as chaparral and oak woodland. Dry, sandy soils. 90-1220 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Chorizanthe xanti var. leucotheca | white-bracted spineflower | None, None | G4T3, S3, 1B.2 | Mojavean desert scrub, pinyon and juniper woodland, coastal scrub (alluvial fans). Sandy or gravelly places. 365-1830 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Diadophis punctatus modestus | San Bernardino ringneck snake | None, None | G5T2T3, S2? | Most common in open, relatively rocky areas. Often in somewhat moist microhabitats near intermittent streams. Avoids moving through open or barren areas by restricting movements to areas of surface litter or herbaceous veg. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Dipodomys merriami parvus | San Bernardino kangaroo rat | Endangered, Candidate Endangered | G5T1, S1, CDFW-SSC | Alluvial scrub vegetation on sandy loam substrates characteristic of alluvial fans and flood plains. Needs early to intermediate seral stages. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Dodecahema leptoceras | slender-horned spineflower | Endangered, Endangered | G1, S1, 1B.1 | Chaparral, cismontane woodland, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes; associates include Encelia, Dalea, Lepidospartum, etc. Sandy soils. 200-765 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Eremophila alpestris actia | California horned lark | None, None | G5T4Q, S4, CDFW-WL | Coastal regions, chiefly from Sonoma County to San Diego County. Also main part of San Joaquin Valley and east to foothills. Short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Eriastrum densifolium ssp. sanctorum | Santa Ana River woollystar | Endangered, Endangered | G4T1, S1, 1B.1 | Coastal scrub, chaparral. In sandy soils on river floodplains or terraced fluvial deposits. 180-705 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Euchloe hyantis andrewsi | Andrew's marble butterfly | None, None | G4G5T1, S2 | Inhabits yellow pine forest near Lake Arrowhead and Big Bear Lake, San Bernardino Mtns, San Bernardino Co, 5000-6000 ft. Hostplants are Streptanthus bernardinus and Arabis holboellii var pinetorum; larval foodplant is Descurainia richardsonii. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Euphydryas editha quino | quino checkerspot butterfly | Endangered, None | G5T1T2, S1S2 | Sunny openings within chaparral and coastal sage shrublands in parts of Riverside and San Diego counties. Hills and mesas near the coast. Need high densities of food plants Plantago erecta, P. insularis, and Orthocarpus purpurescens. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Falco columbarius | merlin | None, None | G5, S3S4, CDFW-SSC | Seacoast, tidal estuaries, open woodlands, savannahs, edges of grasslands and deserts, farms and ranches. Clumps of trees or windbreaks are required for roosting in open country. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Fimbristylis thermalis | hot springs fimbristylis | None, None | G4, S1S2, 2B.2 | Meadows and seeps (alkaline). Near hot springs. 115-1585 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Glaucomys oregonensis californicus | San Bernardino flying squirrel | None, None | G5T1T2, S1S2, CDFW-SSC | Known from black oak or white fir dominated woodlands between 5200 - 8500 ft in the San Bernardino and San Jacinto ranges. May be extirpated from San Jacinto range. Needs cavities in trees/snags for nests and cover. Needs nearby water. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Horkelia cuneata var. puberula | mesa horkelia | None, None | G4T1, S1, 1B.1 | Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 15-1645 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Imperata brevifolia | California satintail | None, None | G3, S3, 2B.1 | Coastal scrub, chaparral, riparian scrub, mojavean desert scrub, meadows and seeps (alkali), riparian scrub. Mesic sites, alkali seeps, riparian areas. 3-1495 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Lasiurus xanthinus | western yellow bat | None, None | G4G5, S3, CDFW-SSC | Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Lepus californicus bennettii | San Diego black-tailed jackrabbit | None, None | G5T3T4, S3S4 | Intermediate canopy stages of shrub habitats and open shrub / herbaceous and tree / herbaceous edges. Coastal sage scrub habitats in Southern California. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Lilium parryi | lemon lily | None, None | G3, S3, 1B.2 | Lower montane coniferous forest, meadows and seeps, riparian forest, upper montane coniferous forest. Wet, mountainous terrain; generally in forested areas; on shady edges of streams, in open boggy meadows and seeps. 625-2930 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Lycium parishii | Parish's desert-thorn | None, None | G4, S1, 2B.3 | Coastal scrub, Sonoran desert scrub. -3-570 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Malacothamnus parishii | Parish's bush-mallow | None, None | GXQ, SX, 1A | Chaparral, coastal sage scrub. In a wash. 305-455 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Neolarra alba | white cuckoo bee | None, None | GH, SH | Known only from localities in Southern California. Cleptoparasitic in the nests of perdita bees. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Neotoma lepida intermedia | San Diego desert woodrat | None, None | G5T3T4, S3S4, CDFW-SSC | Coastal scrub of Southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Nyctinomops femorosaccus | pocketed free-tailed bat | None, None | G5, S3, CDFW-SSC | Variety of arid areas in Southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, desert riparian, etc. Rocky areas with high cliffs. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Opuntia basilaris var. brachyclada | short-joint beavertail | None, None | G5T3, S3, 1B.2 | Chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Sandy soil or coarse, granitic loam. 425-2015 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Perognathus longimembris brevinasus | Los Angeles pocket mouse | None, None | G5T2, S1S2, CDFW-SSC | Lower elevation grasslands and coastal sage communities in and around the Los Angeles Basin. Open ground with fine, sandy soils. May not dig extensive burrows, hiding under weeds and dead leaves instead. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Phrynosoma blainvillii | coast horned lizard | None, None | G4, S4, CDFW-SSC | Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Polioptila californica californica | coastal California gnatcatcher | Threatened, None | G4G5T3Q, S2, CDFW-SSC | Obligate, permanent resident of coastal sage scrub below 2500 ft in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Rana muscosa | southern mountain yellow-legged frog | Endangered, Endangered | G1, S1, CDFW-WL | Disjunct populations known from southern Sierras (northern DPS) and San Gabriel, San Bernardino, and San Jacinto Mtns (southern DPS). Found at 1,000 to 12,000 ft in lakes and creeks that stem from springs and snowmelt. May overwinter under frozen lakes. Often encountered within a few feet of water. Tadpoles may require 2 - 4 yrs to complete their aquatic development. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Rhinichthys osculus ssp. 8 | Santa Ana speckled dace | None, None | G5T1, S1, CDFW-SSC | Headwaters of the Santa Ana and San Gabriel rivers. May be extirpated from the Los Angeles River system. Requires permanent flowing streams with summer water temps of 17-20 C. Usually inhabits shallow cobble and gravel riffles. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Riversidian Alluvial Fan Sage Scrub | Riversidian Alluvial Fan Sage Scrub | None, None | G1, S1.1 | Coastal scrub | This habitat type is **absent** from the Project site. |
| Schoenus nigricans | black bog-rush | None, None | G4, S2, 2B.2 | Marshes and swamps. Often in alkaline marshes. 120-1525 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Setophaga petechia | yellow warbler | None, None | G5, S3S4, CDFW-SSC | Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Southern Riparian Forest | Southern Riparian Forest | None, None | G4, S4 | Riparian forest | This habitat type is **absent** from the Project site. |
| Southern Sycamore Alder Riparian Woodland | Southern Sycamore Alder Riparian Woodland | None, None | G4, S4 | Riparian woodland | This habitat type is **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Spea hammondii | western spadefoot | None, None | G2G3, S3S4, CDFW-SSC | Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Streptanthus bernardinus | Laguna Mountains jewelflower | None, None | G3G4, S3S4, 4.3 | Chaparral, lower montane coniferous forest. Clay or decomposed granite soils; sometimes in disturbed areas such as streamsides or roadcuts. 1440-2500 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Streptanthus campestris | southern jewelflower | None, None | G3, S3, 1B.3 | Chaparral, lower montane coniferous forest, pinyon and juniper woodland. Open, rocky areas. 605-2590 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Symphyotrichum defoliatum | San Bernardino aster | None, None | G2, S2, 1B.2 | Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernally mesic grassland or near ditches, streams and springs; disturbed areas. 3-2045 m. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

| Scientific Name | Common Name | Federal/State Status | Other Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Thamnophis hammondii | two-striped gartersnake | None, None | G4, S3S4, CDFW-SSC | Coastal California from vicinity of Salinas to northwest Baja California. From sea to about 7,000 ft elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |
| Vireo bellii pusillus | least Bell's vireo | Endangered, Endangered | G5T2, S3 | Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite. | Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site. |

## Coding and Terms

E = Endangered T = Threatened C = Candidate FP = Fully Protected WL = Watch List SSC = Species of Special Concern R = Rare

**State Species of Special Concern:** An administrative designation given to vertebrate species that appear to be vulnerable to extinction because of declining populations, limited acreages, and/or continuing threats. Raptor and owls are protected under section 3502.5 of the California Fish and Game code: "It is unlawful to take, possess or destroy any birds in the orders Falconiformes or Strigiformes or to take, possess or destroy the nest or eggs of any such bird."

**State Fully Protected:** The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

**Global Rankings (Species or Natural Community Level):**

G1 = Critically Imperiled – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2 = Imperiled – At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3 = Vulnerable – At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5 = Secure – Common; widespread and abundant.
? = Uncertainty in the exact status of an element (could move up or down one direction from current rank)

**Subspecies Level:** Taxa which are subspecies or varieties receive a taxon rank (T-rank**)** attached to their G-rank. Where the G-rank reflects the condition of the entire species, the T-rank reflects the global situation of just the subspecies. For example: the Point Reyes mountain beaver, *Aplodontia rufa* ssp. *phaea* is ranked G5T2. The G-rank refers to the whole species range i.e., *Aplodontia rufa.* The T-rank refers only to the global condition of ssp. *phaea*.

**State Ranking:**

S1 = Critically Imperiled – Critically imperiled in the State because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.
S2 = Imperiled – Imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the State.
S3 = Vulnerable – Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the State.
S4 = Apparently Secure – Uncommon but not rare in the State; some cause for long-term concern due to declines or other factors.
S5 = Secure – Common, widespread, and abundant in the State.

**California Rare Plant Rankings (CNPS List):**

1A = Plants presumed extirpated in California and either rare or extinct elsewhere.
1B = Plants rare, threatened, or endangered in California and elsewhere.
2A = Plants presumed extirpated in California, but common elsewhere.
2B = Plants rare, threatened, or endangered in California, but more common elsewhere.
3 = Plants about which more information is needed; a review list.
4 = Plants of limited distribution; a watch list.

**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 (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)