47 1st Street, Suite 1
Redlands, CA 92373-4601
(909) 915-5900

January 16, 2019

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

RE: Biological Resources Assessment, Jurisdictional Waters Delineation
TopGolf – Corner of Archibald and 4th Street
Ontario, CA

Dear Cheryl:

Jericho Systems Inc (Jericho) is pleased to provide the results of a general biological resources assessment (BRA) and jurisdictional waters delineation (JD) for the above-referenced Project to develop a golf entertainment complex in Ontario. Compliance with the California Environmental Quality Act (CEQA) will be required and prepared by others.

The purpose of the BRA/JD was to address potential effects of the 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) and/or the California Native Plant Society (CNPS). Jericho assessed Project site for habitat to support sensitive species with attention focused on those State- and/or federally-listed as threatened or endangered species and California species of special concern that have been documented in the Project vicinity and/or whose habitat requirements are present within the vicinity of the Project site, primarily the burrowing owl (BUOW) and the San Bernardino kangaroo rat (SBKR). The purpose of the JD was to determine if there are waters on-site that may be subject to jurisdictional permitting for site development.

PROJECT LOCATION

The approximately 22-acre Project site is located at the southeast corner of Archibald Avenue and Fourth Street (APN: 0210-181-34 and 45). The site is a vacant parcel within the Cucamonga-Guasti Regional Park Facility, which is owned and operated by the County of San Bernardino Regional Parks Department. (Figure 1 and Figure 2). The site is located on the *Guasti* USGS quadrangle Section 23, Township 1 South, Range 7 West, generally at longitude -117.59161, longitude 34.07634 (North American Datum 83).

PROJECT DESCRIPTION

Topgolf is a golf entertainment complex with approximately 34 locations nationwide. The proposed Ontario TopGolf facility (the "Project") will feature climate-controlled hitting bays where players hit golf balls with embedded microchips into an outdoor outfield enclosed by perimeter netting.

The proposed Topgolf Facility will consist of a three-level, 53,000 square-foot main building, outdoor patio, and a 4-acre outdoor driving range that is completely enclosed by a 180-foot high perimeter net. The proposed 53,000 square-foot building features 102 hitting bays for golf instruction and team practice. The main building will include a full-service bar and restaurant, and an outdoor patio and rooftop terrace. The project may also include a miniature golf component that has not yet been specifically defined.

PROJECT SETTING

The climate in the Project region is typically characterized as Mediterranean with cool to cold winters and dry, hot summers. In Ontario, the summers are hot, arid, and clear and the winters are long, cool, and partly cloudy. Over the course of the year, the temperature typically varies from 44°F to 93°F and is rarely below 37°F or above 102°F. Typical rainfall averages approximately 15 inches per year. During the autumn months, the Santa Ana winds prevail from the east and northeast through the San Gorgonio and Cajon passes respectively.

The Project area is within the Chino Hydrologic Sub-Area (HSA 801.21) which comprises a 190,505-acre drainage area within the larger Chino Creek Watershed area (HUC 180702030704). The Chino Creek drainage basin spans 218 square miles (560 km^2) in parts of Los Angeles, San Bernardino and Riverside Counties, with the vast majority within southwestern San Bernardino County. The broad, flat watershed comprises much of the southeastern slopes of the San Gabriel Mountains and alluvial plains that lie to the south of the range. More than half of the basin is urbanized development with major cities including Rancho Cucamonga, Ontario Upland, Pomona and Chino. The largest tributaries of Chino Creek are San Antonio Creek and Mill Creek (called Cucamonga Creek in San Bernardino County), both of which are longer than the main stem. Other tributaries include Little Chino Creek and an unnamed left fork that drains a large area south of Chino and north of the El Prado Golf Course. The San Gabriel River borders the west side of the Chino Creek drainage basin, Etiwanda Creek lies to the north, and Lytle Creek, another Santa Ana River tributary, lies to the northeast.

The Chino Creek watershed is notable for containing the heaviest concentration of dairy farms in the United States. A 50-square-mile (130 km^2) area of farmland in the southern part of the basin was found to have up to 400,000 cows in a study by the Regional Water Quality Control Board. Waste generated on these farms has led to severely raised nitrate and salinity levels in the creek. The Chino Creek Wetlands conservation area was established at the creek's mouth in 2008 in an effort to filter pollutants in the stream. The preserve comprises 22 acres (8.9 ha) and includes artificial wetlands irrigated with water from the creek

The Project area is situated within the City of Ontario which lies approximately 307 feet above mean sea level (ASL), and is topographically relatively flat.

The soils are on site are predominantly Tujunga loamy sands with 0 to 5 percent slope (TuB) in the eastern half of the site and Hanford coarse sandy loam, 2 to 9 percent slope (HaC) in the western half of the site (Figure 3).

SPECIAL STATUS SPECIES AND JURISDICTIONAL WATERS REGULATIONS

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

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) administers the federal ESA of 1973. The ESA provides a legal mechanism for listing species as either threatened or endangered, and a process of protection for those species listed. Section 9 of the ESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. "Take" can include adverse modification of habitats used by a threatened or endangered species during any portion of its life history. Under the regulations of the ESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act. Take authorization can be obtained under Section 7 or Section 10 of the act.

California Endangered Species Act

The CDFW administers the State CESA. The State of California considers an endangered species one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. And a rare species is one present in such small numbers throughout its range that it may become endangered if its present environment worsens. Rare species applies to California native plants. Further, all raptors and their nests are protected under Section 3503.5 of the California Fish and Game Code. Species that are California fully protected include those protected by special legislation for various reasons, such as the California condor. Species of Special Concern (SSC) is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW.

The Migratory Bird Treaty Act

Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA prohibits take of nearly all native birds. 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

Federal CWA jurisdiction exists over every water body (including intermittent and ephemeral streams) determined to have a significant nexus with a traditionally navigable water. State jurisdiction exists over drainage features with a bed and bank that holds biological value for fish and wildlife resources as defined by Section 1602 of the FGC.

METHODS

Literature Review

Data regarding biological resources in the Project area were obtained through database review and field investigations. Prior to conducting the field survey, background information from various databases was gathered to determine which species would be expected in the Project area. These databases contain records of reported occurrences of State- and/or federally-listed endangered or threatened species, proposed endangered or threatened species, California Species of Special Concern (SSC), or otherwise sensitive species or habitats that may occur within or in the immediate vicinity of the Project area. The query was further refined to include all known occurrences within a 3-mile radius of the subject properties due to the level and extent of surrounding residential, commercial, industrial and infrastructure development within the study area (Figure 4 and Figure 5).

The proposed Project site is situated in the *Guasti* USGS 7.5-minute series quadrangle. The following databases were reviewed for reported occurrences of State and federally listed species or otherwise sensitive species and habitats that may occur within the vicinity of the project site:

- California Natural Diversity Database (CNDDB);
- California Native Plant Society Electronic Inventory (CNPSEI) databases
- Calflora Database

Field Study

On December 20, 2018, Jericho biologist Todd White conducted two biological resources field surveys of the entire Project site, plus an approximate 200-foot buffer, by walking transects spaced to provide 100 percent visual coverage. The surveys were structured in part to detect BUOW and conducted at the times of day when BUOW would be most active. The surveys were conducted during calm weather, between the hours of 6:30 a.m. and 11:00 a.m., with weather conditions during the survey consisting of partly cloudy skies with temperatures ranging from 50 degrees Fahrenheit (°50 F) to 68° F and light wind <5 mph). Visibility was good and cloud cover was scattered. The second survey was conducted the same day between the hours of 2:30 pm and 5 pm. Weather conditions during this survey consisted of clear skies with temperatures ranging from 70 degrees Fahrenheit (°70 F) to 64° F and light wind <5 mph).

General 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 according to known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The main focus of the assessment was to identify potential habitat for special status wildlife within the project area, and centered attention on the specific sensitive species that have been documented in the project vicinity and/or whose habitat requirements are present within the Project alignment as identified through the database search. The survey was conducted at approximately daybreak and again at dusk to capture any potential foraging behavior.

The surveyor also carefully assessed the site for indicators of active surface flow and corresponding physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris. Suspected jurisdictional areas were checked for the presence of definable channels, soils, and hydrology. The JD was conducted in accordance with the California FGC the USACE guidance documents.

RESULTS – LITERATURE REVIEW

Sensitive Species

The database searches identified 24 sensitive species (9 plant, 14 animals, 1 insect) and no sensitive habitats within the USGS 7.5-minute series *Guasti* quadrangle and therefore have the potential to occur in the Project area (Attachment C). A summary of these results is outlined in Table 1. Based on the queried results of known occurrences within the 3-mile radius study area, there were 7 sensitive species identified (Table 2). All but the burrowing owl (BUOW) returned only one occurrence within the study radius.

One species, the burrowing owl, has been documented less than 1 mile east of the Project site (Figure 4).

Table 1 – Documented Sensitive Species Occurrences within 3-Mile Radius of Project Site

Scientific Name	Common Name	Federal/State Listing	Other Rankings	Habitat	Presence
Anniella stebbinsi	southern California legless lizard	None / None	G3, S1S2, SSC-CDFW	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.	Habitat to support this species does not occur onsite. Potential for this species to occur is **low**.
Athene cunicularia	burrowing owl	None / None	G4, S3, SSC-CDFW	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.	Habitat to support this species does occur onsite. Anecdotal evidence indicates historical presence. Potential for this species to occur is **high**.
Dipodomys merriami parvus	San Bernardino kangaroo rat	Endangered / None	G5T1, S1, SSC-CDFW	Alluvial scrub vegetation on sandy loam substrates characteristic of alluvial fans and flood plains. Needs early to intermediate seral stages.	Habitat to support this species does not occur onsite. Potential for this species to occur is **low**
Eumops perotis californicus	western mastiff bat	None / None	G5T4, S3S4, SSC-CDFW	Many open, semi-arid to arid habitats, including conifer & deciduous woodlands, coastal scrub, grasslands, chaparral, etc. Roosts in crevices in cliff faces, high buildings, trees and tunnels.	Habitat to support this species does potentially occur onsite, however site is landlocked and surrounded by urban development. Potential for this species to occur is **low**.
Phrynosoma blainvillii	coast horned lizard	None / None	G3G4, S3S4, SSC-CDFW	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.	Habitat to support this species does potentially occur onsite, however site is landlocked and surrounded by urban development. Potential for this species to occur is **low**.
Pseudognaphalium leucocephalum	white rabbit-tobacco	None / None	G4, S2, CNPS 2B.2	Riparian woodland, cismontane woodland, coastal scrub, chaparral. Sandy, gravelly sites. 35-515 m.	Habitat to support this species does not occur onsite. Potential for this species to occur is **low**
Rhaphiomidas terminatus abdominalis	Delhi Sands flower-loving fly	Endangered / None	G1T1, S1	Found only in areas of the Delhi Sands formation in southwestern San Bernardino & northwestern Riverside counties. Requires fine, sandy soils, often with wholly or partly consolidated dunes & sparse vegetation. Oviposition req. shade.	Habitat to support this species does not occur onsite. Potential for this species to occur is **low**

Burrowing owl (BUOW)

BUOW are protected under the Migratory Bird Treaty Act (MBTA) and are considered by CDFW as a Species of Special Concern. The BUOW is a small, long-legged, ground-dwelling bird species, well-adapted to open, relatively flat expanses. In California, preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils (Haug et al. 1993). Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, BUOW may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures, and flood control facilities, if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al 2008).

Unique among North American raptors, the BUOW requires underground burrows or other cavities for nesting during the breeding season and for roosting and cover, year-round. Burrows used by the owls are usually dug by other species termed host burrowers. In California, California ground squirrel (*Spermophilus beecheyi*) and round-tailed ground squirrel (*Citellus tereticaudus*) burrows are frequently used by BUOW but they may use dens or holes dug by other fossorial species.

Habitat loss, fragmentation, and alteration of the ecosystem have contributed to burrowing owl declines. According to the CNDDB, there are 16 documented occurrences of BUOW within the *Guasti* quadrangle search area listed above, with 7 total occurrences falling within the 3-mile study radius. The nearest documented BUOW occurrence was approximately 1 mile northeast from the site and was recorded on July 7, 2004. All occurrences within the study area are to the east of the Site.

Burrowing owl survey guidelines for areas within San Bernardino County are identified in the "Staff Report on Burrowing Owl Mitigation," State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012. The Staff Report recommends that burrowing owl surveys be conducted whenever burrowing owl habitat or sign is encountered on or adjacent (within 150 meters) of a project site.

San Bernardino kangaroo rat

Federally listed as endangered in 1998, SBKR is a subspecies of one of three subspecies of the Merriam's kangaroo rat. The Merriam's kangaroo rat is a widespread species that can be found within inland valleys and deserts of southwest United States of America and northern Mexico. The Dulzura (*Dipodomys simulans*), the Pacific kangaroo rat (*Dipodomys agilis*) and the Stephens kangaroo rat (*Dipodomys stephensi*) occur in areas occupied by SBKR, but these other species have a wider habitat range. The SBKR, however, has a restricted southern California distribution, confined to certain inland valley scrub communities and, more particularly, to scrub communities occurring along rivers, streams, and drainages. Most of these drainages have been historically altered as a result of flood control efforts and the resulting increased use of river resources, including mining, off-road vehicle use and road and housing development. This increased use of river floodplain resources resulted in a reduction in both the amount and quality of habitat available for the SBKR.

The literature review identifies that there is a 1992 occurrence of SBKR approximately 3 miles due east of the project near the intersection of 4th Street and the I-15.

Sensitive Habitat

There are no documented sensitive habitats within or adjacent to the Project site according to the state and Federal databases.

Designated Critical Habitat

There is no critical habitat within or adjacent to the Project site according to the state and Federal databases. The closest critical habitat is located approximately 5 miles to the northwest, at the northwest intersection of CA Route 210 and I-15, designated for the federally-endangered San Bernardino kangaroo rat (Unit 4 as described Federal Register, April 23, 2002; Figure 5).

RESULTS – FIELD STUDY

The site is vacant and is subject to ongoing human disturbances. The site has historically been graded with the westernmost third of the site covered in old gravel road base. There is evidence of dumping and use as a staging area for various equipment and materials. There are several berms and escarpments running north/south through the site, with trees along the perimeter and scattered throughout the site in varying degrees of health.

All burrows encountered were examined for BUOW sign, including molted feathers, cast pellets, whitewash, prey remains and BUOW individuals.

Habitat

The habitat on the Site consists primarily of non-native, ruderal vegetation and non-native grasses with trees planted along most of the perimeter; conifers between 20 and 40 feet high along the west and northern boundaries, palms along the east end and some palo verde along the southern end bordering Deer Creek. Eucalyptus trees are scattered along the north center, southeastern and center of the site. No raptor or other nests were observed within any of the trees on site, though they provide optimal perches for foraging raptors, especially with the abundant prey base of desert cottontail and California ground squirrels occupying the site. The ruderal vegetation present within the project area consists mainly of annual non-native grasses and forbs such as red brome (*Bromus rubens*), ripgut brome (*Bromus diandrus*), coastal heron's bill (*Erodium cicutartium*) and common groundel (*Senecio vulgaris*) with scattered areas of annual and perennial native and non-native weedy species including telegraph plant (*Heterotheca grandiflora),* Mediterranean hoary mustard (*Hirschfeldia incana*), and Russian thistle (*Salsola tragus*). There are also shrubby growths of red castor bean (*Ricinus communis*), common sunflower (*Helianthus annuus*), tree tobacco (*Nicotania* glauca), and white horehound (*Marrubium vulgare*) scattered throughout the site. The site has been subject to historic human impacts and showed signs of historical and recent disturbances such as vehicle and foot traffic, grading, paving, dumping of trash, soil and rock, and grubbing/mowing.

Wildlife

Several animal species were observed during the survey. Species observed or otherwise detected on or in the vicinity of the Project site during the surveys included: rock dove or pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), western fence lizard (*Sceloporus occidentalis*), California ground squirrel (*Otospermophilus beecheyi*), desert cottontail (*Sylvilagus auduboni*), house finch (*Haemorhous mexicanus*), and yellow-rumped warbler (*Setophaga coronada*).

Special Status Species

Sensitive species that occur within the *Guasti* USGS quad is identified in Table 1. However, no sensitive species were identified within the Project site or buffer area during the field surveys. Additionally, the Project site surveyed has a very low potential for occurrence of all species considered for this area with the exception of the burrowing owl. This conclusion was based on several factors:

1. The Project site is small and landlocked on the north, east and west by intensive urban development, and on the south side by a deep, wide concrete lined channel for Deer Creek.
2. The vacant areas of the alignment are heavily disturbed currently and historically and have ongoing impacts from human activities.
3. There are potentially suitable habitat types for several of the species listed in Table 1, however the values are greatly diminished due to the above factors.

Therefore, no State and/or federally listed threatened or endangered species, or other sensitive species were observed within the site or buffer area during surveys.

Nesting Birds

The Project site and immediate surrounding areas do contain habitat suitable for nesting birds. The site and surrounding areas provide an abundance of suitable nesting habitat for ground, burrow, cavity and arboreal nesting birds (See Photographs).

Burrowing owl

On November 27, 2018 Jeanette McKenna, Project archaeologist, was on site surveying for evidence of archeological artifacts or ecofacts including anything possibly uncovered by soil disturbances which include fossorial rodent and other burrows. While approaching a burrow in the northwestern corner of the Project site near N. Archibald Ave. and 4th St, Ms. McKenna witnessed a BUOW flush from one of the north-facing burrows alighting on a small berm running along the western boundary bordering Archibald Ave. Ms. McKenna was able to capture a photo of the owl at this location before it flew out of the Project area. Based on this information, BUOW are considered present. Ms. McKenna provided this information to Jericho biologists informally before Jericho's survey and formally, which is included as Attachment D.

The field surveys conducted by Mr. White on December 20, 2018 were structured in part to detect BUOW, including focus on the location of Ms. McKenna's sighting, recorded via GPS at 34º04'36.90"N, 117º35'33.27"W. Although BUOW were observed during the archeological surveys, Jericho's surveys did not discover evidence of BUOW, such as castings, feathers or other sign, during the December 20, 2018 survey at any of the burrows on site. No portion of the Project site showed any evidence of past or present BUOW activity. No BUOW individuals were observed by Jericho within the survey area or adjacent survey buffer. However, there were many suitable burrows of appropriate size, aspect, and shape observed throughout the site that could support BUOW. Additionally, Jericho located the burrow provided by Ms. McKenna, but no evidence of recent BUOW presence was observed.

Significant rain events occurred on December 5 and 6, 2018 and may have erased any recent sign of BUOW, such as tracks and whitewash. It was evident from Jericho's field survey that the December 5 and 6, 2018 rain events had moistened the soil well enough to allow easy burrowing, and approximately 50 percent of the burrows observed had freshly excavated soil near and around the burrow entrances (See Attachment B, Photographs).

The site is predominantly vegetated with sparse, low growing non-native grasses, and BUOW typically occur in areas with low, sparse vegetation. The site has suitable burrows and foraging habitat throughout, and though no evidence of current BUOW presence was observed during surveys by Jericho Systems, the McKenna sighting on November 27, 2018 documents BUOW presence. A summary of Ms. McKenna's BUOW observation can be seen in Attachment D.

San Bernardino kangaroo rat

The San Bernardino kangaroo rat habitat requirements consist of early to intermediate seral stages of alluvial scrub vegetation on sandy loam substrates characteristic of alluvial fans and flood plains historically characteristic of the area, specifically Riversidian alluvial fan sage scrub (RAFSS). The Project site does not currently support RAFSS. Therefore, there is no potential for this species to occur on site.

Jurisdiction Waters

The site is adjacent to the Deer Creek Channel, located along the southern boundary of the Project site. The channel is concrete lined and owned and operated by the San Bernardino County Flood Control District (Figure 6). However, there are no drainages on site. There are no visible storm drains or culverts coming onto or leaving the property. No aspect of the site presents any evidence of jurisdictional waters or riverine/riparian areas. 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 riverine/riparian areas occur on site.

CONCLUSIONS

The Project site is subject to continuous human disturbance and is completely surrounded by development. No sensitive habitats exist onsite, nor were any sensitive species identified during site surveys. Habitat suitable to support BUOW exists onsite. Habitat suitable to support SBKR does not exist on site. Habitat suitable to support other sensitive species exists onsite however values are greatly diminished by human activities, ground disturbance and surrounding heavily urbanized land uses. The Project site is not part of any designated Critical Habitat locations.

RECOMMENDATIONS

The following are recommended to reduce and/or avoid potential impacts:

- A pre-construction survey for burrowing owls, in conformance with the latest protocols, shall be completed no more than 30 days prior to the start of construction within suitable habitat at the Project site and buffer zone.

- 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.

- Drainage from the site development should be kept on site to the maximum extent practicable. Any proposed connection to the Deer Creek Channel for storm drainage management will require a permit from the San Bernardino County Flood Control District, as well as from the various jurisdictional waters regulatory agencies.

Thank you for the opportunity to be of service. Please do not hesitate to contact me at (909) 915-5900 should you have any questions or require further information.

Sincerely,

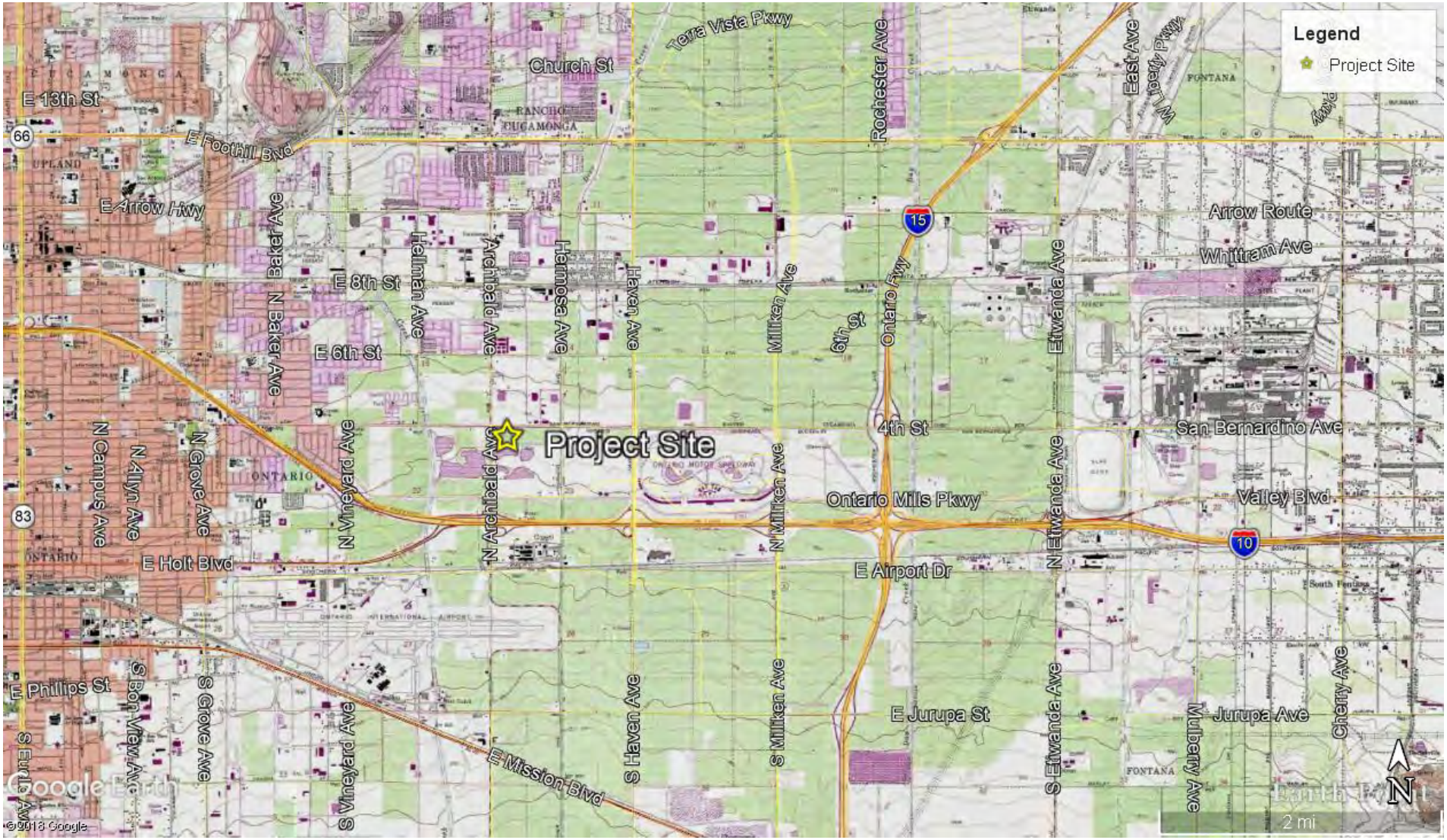
Shay Lawrey, President
Ecologist/Regulatory Specialist

Attachments:

Attachment A – Figures
- Figure 1 – Regional Location
- Figure 2 – Site Location
- Figure 3 – Site Soils
- Figure 4 – CNDBB
- Figure 5 – USFWS Overlay
- Figure 6 – Jurisdictional Waters

Attachment B – Site Photos
Attachment C – Database Search Results
Attachment D – BUOW Sighting, November 27, 2018, Jeanette McKenna

ATTACHMENT A - FIGURES



SOURCE: Google Earth, Earth Point Topo

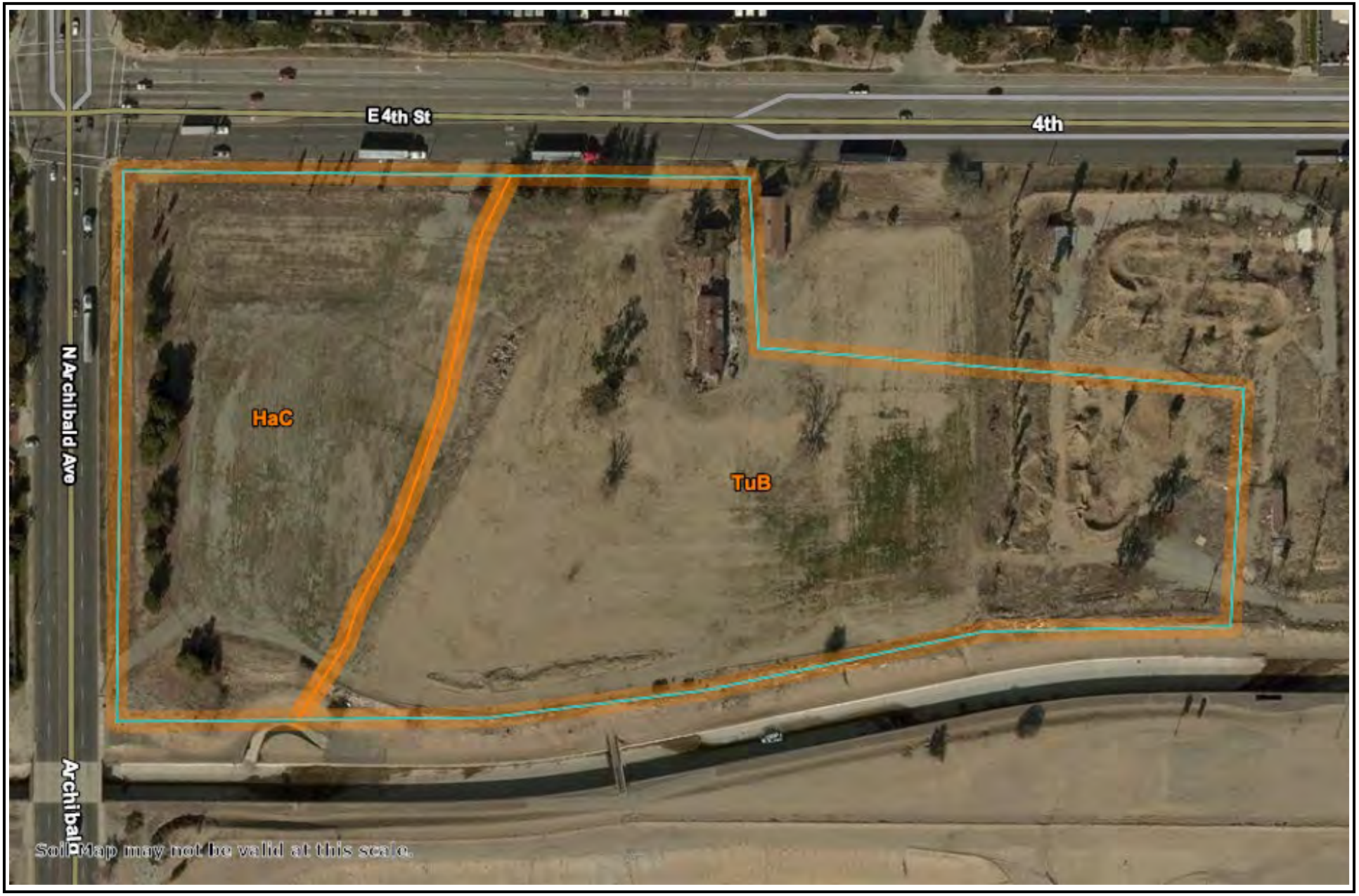
Top Golf – Ontario
Biological Resources Assessment

Figure 1 – Site Vicinity

SOURCE: Google Earth

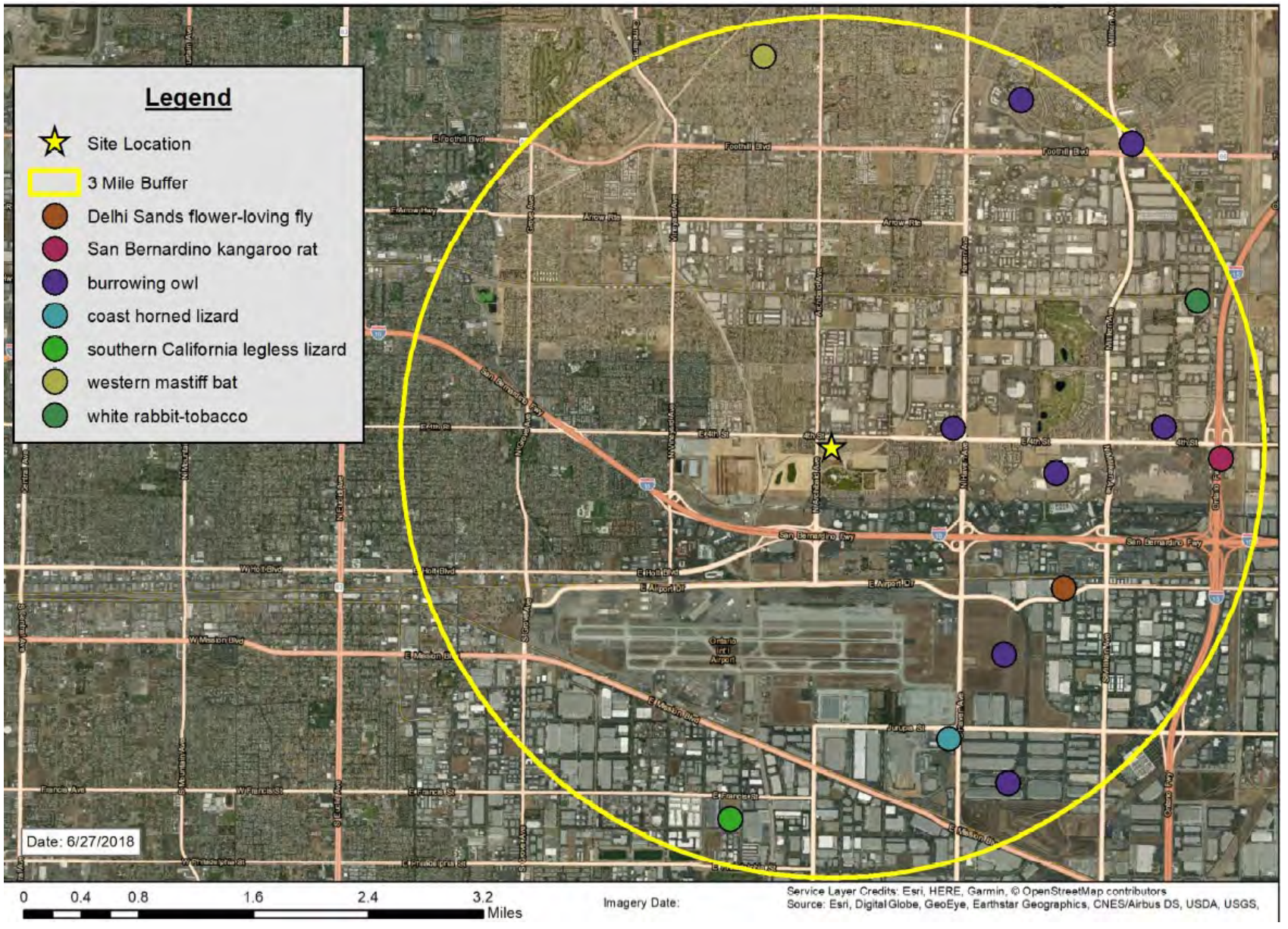
Top Golf – Ontario
Biological Resources Assessment

Figure 2 – Site Location



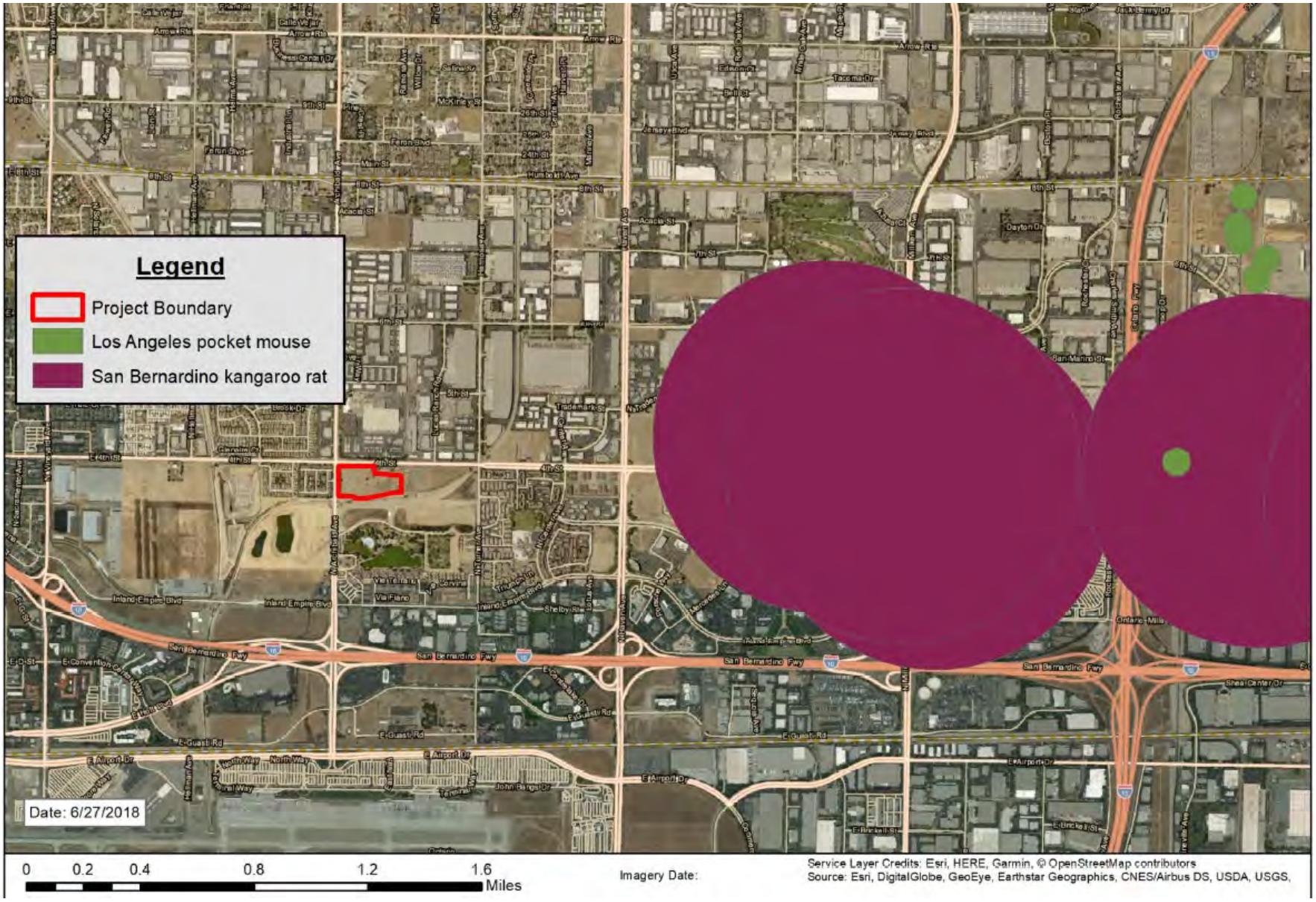
SOURCE: Source: United States Department of Agriculture, Natural Resources Conservation Service

Figure 3 – Site Soils



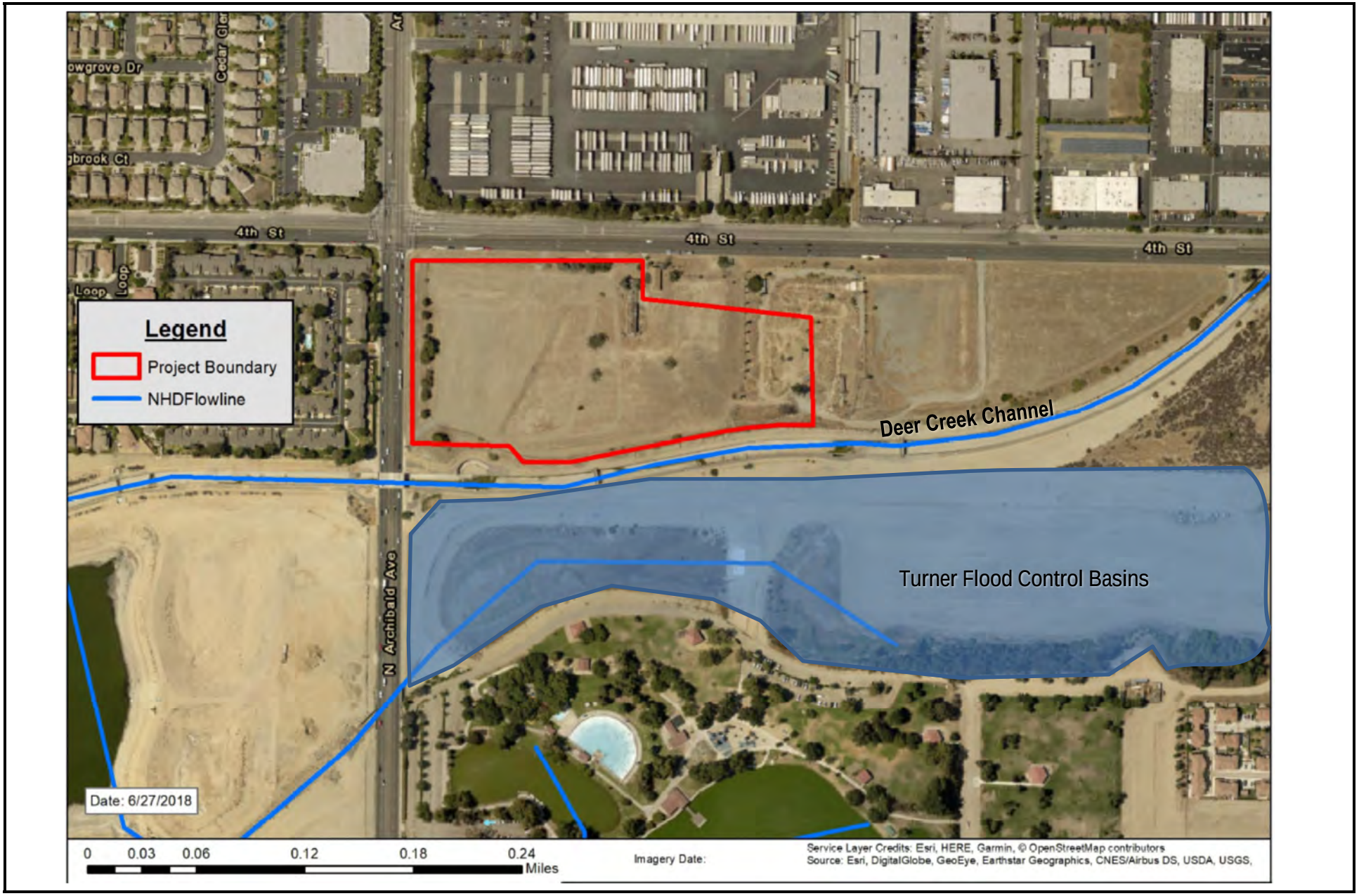
SOURCE: California Natural Diversity Database

Figure 4 – Sensitive Species in Vicinity



SOURCE: USFWS Database

Figure 5 – USFWS Critical Habitat



SOURCE: USFWS Database

Figure 6 – Jurisdictional Waters

ATTACHMENT B
SITE PHOTOS

ATTACHMENT B
SITE PHOTOS


Site Photo Map
4th St
N Archibald Ave
Photo 1
Photo 2
Photo 3
Photo 4
Photo 5
Photo 6
Photo 7
Photo 8
Photo 9
Photo 10
Photo 11
Photo 12
Photo 13
Photo 14
Photo 15
Photo 16
Photo 17
Photo 18
Photo 19
Photo 20
Photo 21
Photo 22
© 2018 Google
Google Earth

	**Photo 1** Looking north from SE portion of site.
	**Photo 2** Looking NW from berm running N/S along eastern portion of site.

Photo 3

Looking west from east end of site.

Photo 4

Looking south from 4th Street side.

	**Photo 5** Looking east from SW entrance off of Archibald Ave.
	**Photo 6** Looking NW from center of site.

Photo 7

Looking SE from SW entrance to site off of Archibald Ave.

Photo 8

Looking NE from center north side of site along 4th Street.

	**Photo 9** Looking north towards 4th Street down N/S running berm along east side of site.
	**Photo 10** Looking SE from SW entrance off of Archibald Ave.

Photo 11

Looking north from southwest site boundary along Deer Creek.

Photo 12

Looking north aong western fence line from SW entrance off of Archibald Ave.

Photo 13

Looking SE from southern side of site.

Photo 14

Looking SW from just outside of the eastern site boundary.

	**Photo 15** Looking NE from eastern site boundary
	**Photo 16** Suitable burrows for BUOW along northern site boundary.

	**Photo 17** Suitable burrows for BUOW along south end of berm along eastern project boundary.
	**Photo 18** Suitable burrows for BUOW along southern site boundary.

Photo 19

Suitable burrows for BUOW along southern site boundary

Photo 20

Suitable burrows for BUOW along northern site boundary

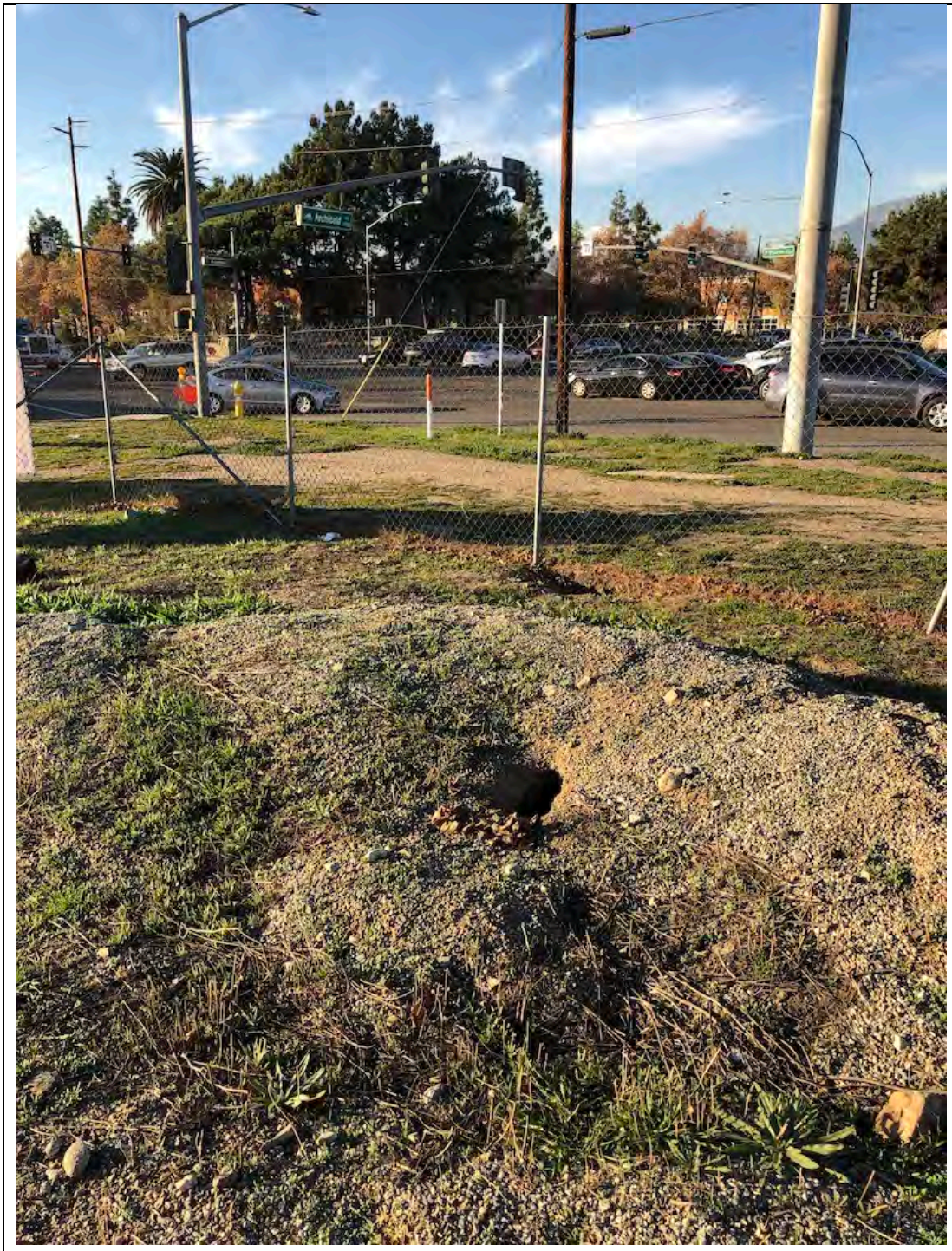


Photo 21

Suitable burrow for BUOW at NW corner of site – Archibald and 4th Street intersection.

Photo 22

Looking south along western fence line - Archibald and 4th Street intersection.

ATTACHMENT C –
DATABASE SEARCH
RESULTS

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Guasti (3411715))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
Anniella stebbinsi southern California legless lizard	ARACC01060	None	None	G3	S3	SSC
Arizona elegans occidentalis California glossy snake	ARADB01017	None	None	G5T2	S2	SSC
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Calochortus plummerae Plummer's mariposa-lily	PMLIL0D150	None	None	G4	S4	4.2
Chaetodipus fallax fallax northwestern San Diego pocket mouse	AMAFD05031	None	None	G5T3T4	S3S4	SSC
Chorizanthe parryi var. parryi Parry's spineflower	PDPGN040J2	None	None	G3T2	S2	1B.1
Cladium californicum California saw-grass	PMCYP04010	None	None	G4	S2	2B.2
Dipodomys merriami parvus San Bernardino kangaroo rat	AMAFD03143	Endangered	None	G5T1	S1	SSC
Dipodomys stephensi Stephens' kangaroo rat	AMAFD03100	Endangered	Threatened	G2	S2	
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
Horkelia cuneata var. puberula mesa horkelia	PDROS0W045	None	None	G4T1	S1	1B.1
Lasiurus xanthinus western yellow bat	AMACC05070	None	None	G5	S3	SSC
Laterallus jamaicensis coturniculus California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
Muhlenbergia californica California muhly	PMPOA480A0	None	None	G4	S4	4.3
Navarretia prostrata prostrate vernal pool navarretia	PDPLM0C0Q0	None	None	G2	S2	1B.1
Neotoma lepida intermedia San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
Perognathus longimembris brevinasus Los Angeles pocket mouse	AMAFD01041	None	None	G5T1T2	S1S2	SSC
Phacelia stellaris Brand's star phacelia	PDHYD0C510	None	None	G1	S1	1B.1
Phrynosoma blainvillii coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Polioptila californica californica coastal California gnatcatcher	ABPBJ08081	Threatened	None	G4G5T2Q	S2	SSC
Pseudognaphalium leucocephalum white rabbit-tobacco	PDAST440C0	None	None	G4	S2	2B.2
Rhaphiomidas terminatus abdominalis Delhi Sands flower-loving fly	IIDIP05021	Endangered	None	G1T1	S1	
Symphyotrichum defoliatum San Bernardino aster	PDASTE80C0	None	None	G2	S2	1B.2

Record Count: 24

ATTACHMENT D – BUOW SIGHTING, NOVEMBER 27 2018, JEANETTE MCKENNA

McKenna et al.

History/Archaeology/Architectural History/Ethnography/Paleontology

Jeanette A. McKenna, MA, HonDL
Reg. Professional Archaeologist
Owner and Principal Investigator

January 7, 2019

Jericho Systems
Attn: Julie Gilbert
julie.gilbert@jericho.systems.com

RE: Owl sighting at TopGolf site, Ontario.

Ms. Gilbert:

In response to your request, I have compiled the data I have regarding an owl sighting on the TopGolf project site in Ontario, California. I was on site doing the archaeological survey (November 27, 2018) and, per our protocols, examine rodent burrows and other disturbed areas for any evidence of buried artifacts or ecofacts that may be uncovered by soil disturbances. While traversing the northwestern portion of the property, I noted a series of north-facing burrows on the artificial terrace dominating the western third of the property. As I neared the burrows, an owl flew out of one burrow and came to rest on the western property boundary (along Archibald Avenue). I was able to get a photo of the owl (from a distance and zooming in), but it took off as I tried to get closer.

I also took a photo of the burrow (photos attached). I have placed a circle on the aerial photograph of the property (note orientation). The photograph faces south. The general area of the burrow was near UTM coordinates (NAD 83) = 445333E/3770939N. If you open my photos in “Paint”, you can zoom in and get a better view of the owl.

If you need any additional data, please feel free to call at your convenience.

Sincerely,

Jeanette A. McKenna

Jeanette A. McKenna, Principal

6008 Friends Avenue, Whittier, California 90601-3724 or 1941 E. Pegasus Drive, Tempe, Arizona 85283
(562) 696-3852 (CA Office and FAX) (480) 664-0682 (AZ Office and FAX)
Email = jeanette.mckennaetal@gmail.com

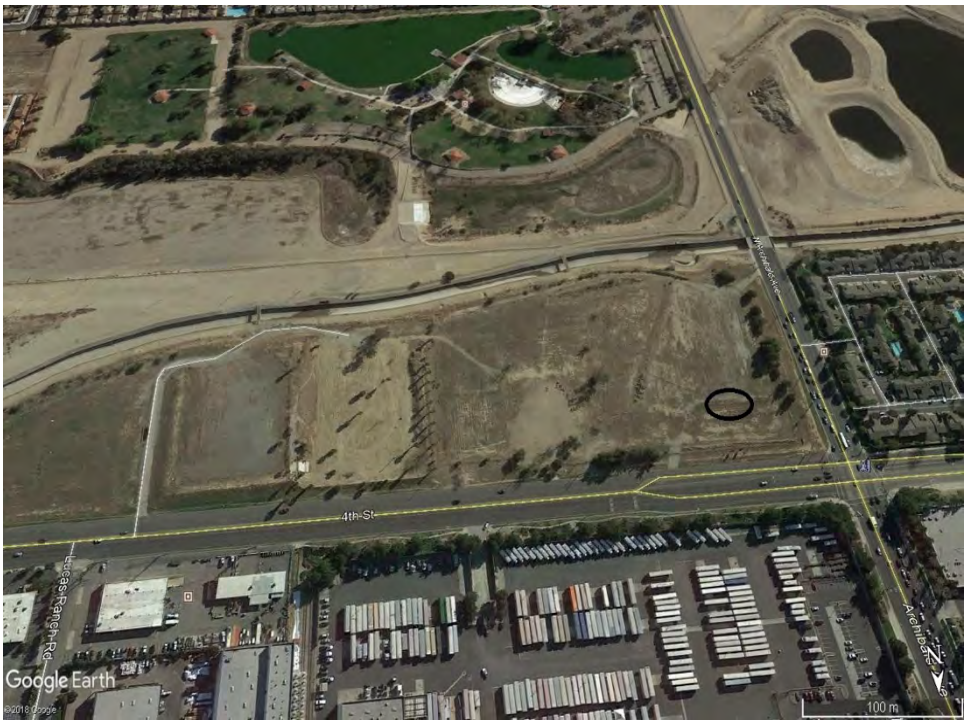
	***Photo 1*** *Location of occupied burrow as indicated by Ms. McKenna.*
	**Photo 2** Location of occupied burrow plotted on Google Earth using GPS coordinates obtained by Jericho Systems.

	***Photo 3*** *Photo of actual burrow entrance taken by Ms. McKenna on 11/27/2018.*
	**Photo 4** Photo of actual burrow entrance taken by Jericho Survey on 12/20/18.

	***Photo 5*** *Flushed BUOW perched on a rock in earthen berm along Archibald Ave.*
	**Photo 6** Zoomed in perspective of Photo 3.