APPROXIMATELY 48-ACRE PROPERTY

CITY OF UPLAND, SAN BERNARDINO COUNTY, CALIFORNIA

Habitat Assessment

Prepared For:

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November 2019

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director Biologist

Thomas J. McGill, Ph.D.
Managing Director

November 2019

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EXHIBITS

APPENDIX

Section 1 Introduction

This report contains the findings of ELMT Consulting (ELMT) Habitat Assessment for the Approximately 48-Acre Property (Project) located in the City of Upland, San Bernardino County, California. ELMT biologists Travis J. McGill and Jacob H. Lloyd Davies inventoried and evaluated the condition of the habitat within the project site on August 29, 2019. The habitat assessment was conducted to characterize existing site conditions and to assess the probability of occurrence of special-status[1] plant and wildlife species that could pose a constraint to project implementation. This report provides an in-depth assessment of the suitability of the on-site habitat to support sensitive habitats (i.e., Riversidean alluvial fan sage scrub [RAFSS]), as well as several other special-status plant and wildlife species identified by the California Natural Diversity Data Base (CNDDB) and other electronic databases as potentially occurring in the vicinity of the project site.

1.1 PROJECT LOCATION

The project site is generally located north of Interstate 10, south of State Route 210, west of Interstate 15, and east of State Route 57 in the City of Upland, San Bernardino County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Ontario quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 2 of Township 1 South, Range 8 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located north of Foothill Boulevard (Route 66), west of Benson Avenue, East of Central Avenue, and south of Cable Airport within Assessor Parcel Numbers (APNs) 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, and 1006-574-10. (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The proposed Bridge Point Upland Project (proposed Project) is comprised of one warehouse/parcel delivery service building with an ancillary office/retail space on approximately 50.25 acres, as shown in Exhibit 4, *Depiction of Proposed Project.* The Project site is located on Assessor Parcel Nos. (APN) 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, and 1006-574-10.

Project entitlement includes a Design Review and Site Plan Review application; a Lot Line Adjustment; and a determination from the Airport Land Use Committee that the Project is compatible with the Cable Airport Land Use Compatibility Plan. For additional information regarding the requested land use entitlements, please reference *Section III, Requested Approvals*.

The Project building is proposed to be one level and total approximately 201,096 square feet (sf), of which approximately 191,096 sf would be warehouse/parcel delivery uses and 10,000 sf would be office/retail uses. The office/retail component would include an office area for employees, and a small area for visitors to pick up pre-ordered packages. The site plan for the Project is shown in Exhibit 4. To be conservative, the

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally or State listed, proposed, or candidates; plant species that have been designated a California Native Plant Society (CNPS) Rare Plant Rank; and wildlife species that are designated by the California Department of Fish and Wildlife (CDFW) as fully protected, species of special concern, or watch list species.

Initial Study and technical studies prepared for this Project analyzed a 276,250 sf building, which is 75,154 square feet more than the 201,096 sf building shown in Figure 3. Therefore, the Initial Study and technical analyses likely overestimate the environmental impacts of the Project that will be constructed substantially consistent with Exhibit 4.

The western building frontage would include 16 dock-hi doors for trucks, and 8 van loading doors would be located on each of the northern and southern building frontages. The Project would require a minimum of 220 automobile parking spaces, and approximately 337 automobile parking spaces would be provided. Trailer parking for the warehouse building would include approximately 12 trailer stalls and an additional 1,104 van parking stalls would be located on-site.

Building Design

The warehouse/parcel delivery service building is designed as a class A building. The building architecture features a modern aesthetic including glazing with brow projections to focus attention on the entries and street frontages. The major building material is concrete which lends itself to a modern palette with reveals to enhance the building architecture. The building would have a maximum height of approximately 44 feet with parapets and façade, which would provide depth and shadowing and points of visual interest for the architecture. This relief in the design also provides locations for accents in the landscape design.

Access and Parking

Vehicular access to the Project would be provided via 13th Street, the north leg of Central Avenue/Foothill Boulevard, and two right-in/right-out driveways on Foothill Boulevard. The driveway on 13th Street and two easterly driveways on Foothill Boulevard would provide access to automobiles and vans only; trucks would access the site only via the driveway at the north leg of Central Avenue/Foothill Boulevard. Street improvements would be provided along Foothill Boulevard parallel to the Project frontage for curbs, gutters, sidewalks, street lights, traffic signal equipment and signing and striping as required. Street improvements would also be made to Central Avenue and 13th Street.

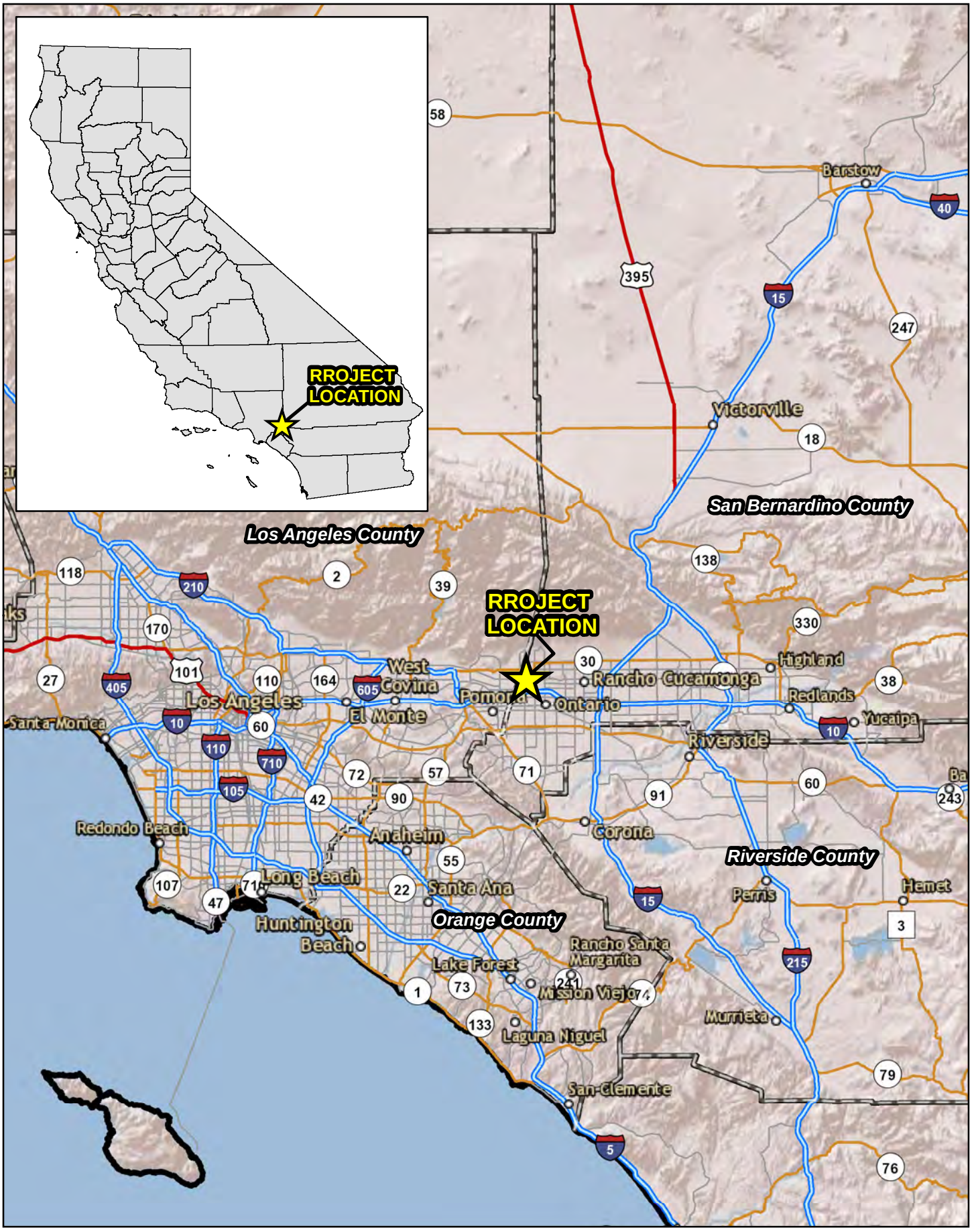
Landscaping

The Project would be landscaped along all four frontages of the site, including landscaped slopes along the western and southern portions of the site. Landscaping would also be installed throughout the parking areas. The conceptual landscape design would feature California drought tolerant and native species in an aesthetically pleasing and colorful palette.

The Project building would include 1,000 new trees and in excess of 10 acres (464,380 sf) of landscaping, which would account for more than 21% landscape coverage, more than four times the City's minimum requirement of 5%. The warehouse/parcel delivery service building would be setback more than 200 feet on the southern building frontage and would exceed minimum setback requirements of 5 feet for front and side setbacks and rear setbacks of 10 feet. Trees and other vegetation would serve to screen the van loading areas on the southern side of the building from Foothill Boulevard.

Construction

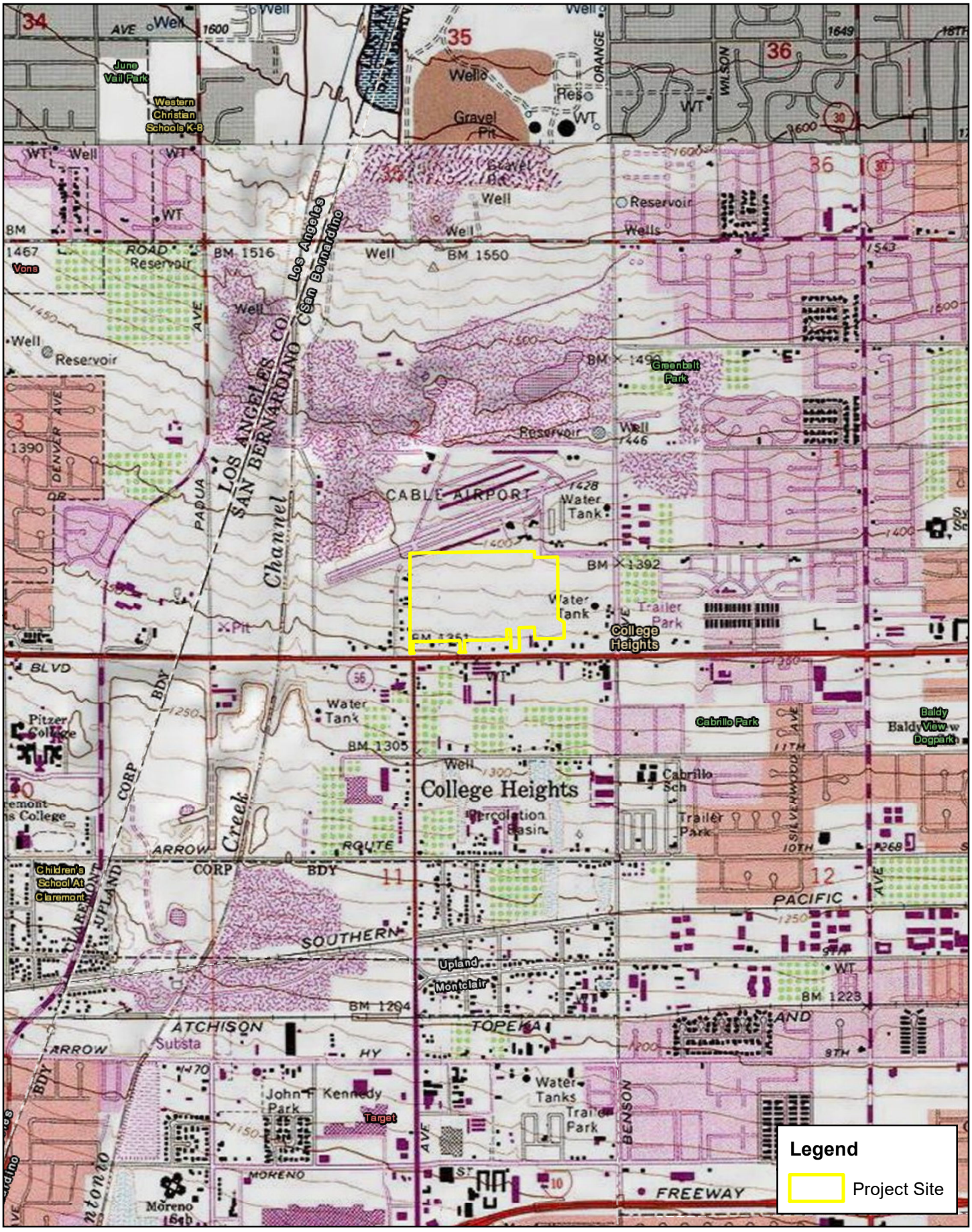
Construction of the proposed Project is expected to commence in the first Quarter of 2020 with a construction duration of approximately 7 months. Project construction would be completed in one phase with buildout by the third quarter of 2020. Total excavation and fill of soils for the proposed Project is mostly balanced with approximately 431 cubic yards (cy) of exported soil.



APPROXIMATELY 48-ACRE PROPERTY

Regional Vicinity

Exhibit 1



0 500 1,000 2,000 Feet

Source:USA Topographic Maps

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Site Vicinity

Exhibit 2

ELMT CONSULTING

0 250 500 1,000 Feet

Source: ESRI Aerial Imagry, San Bernardino County

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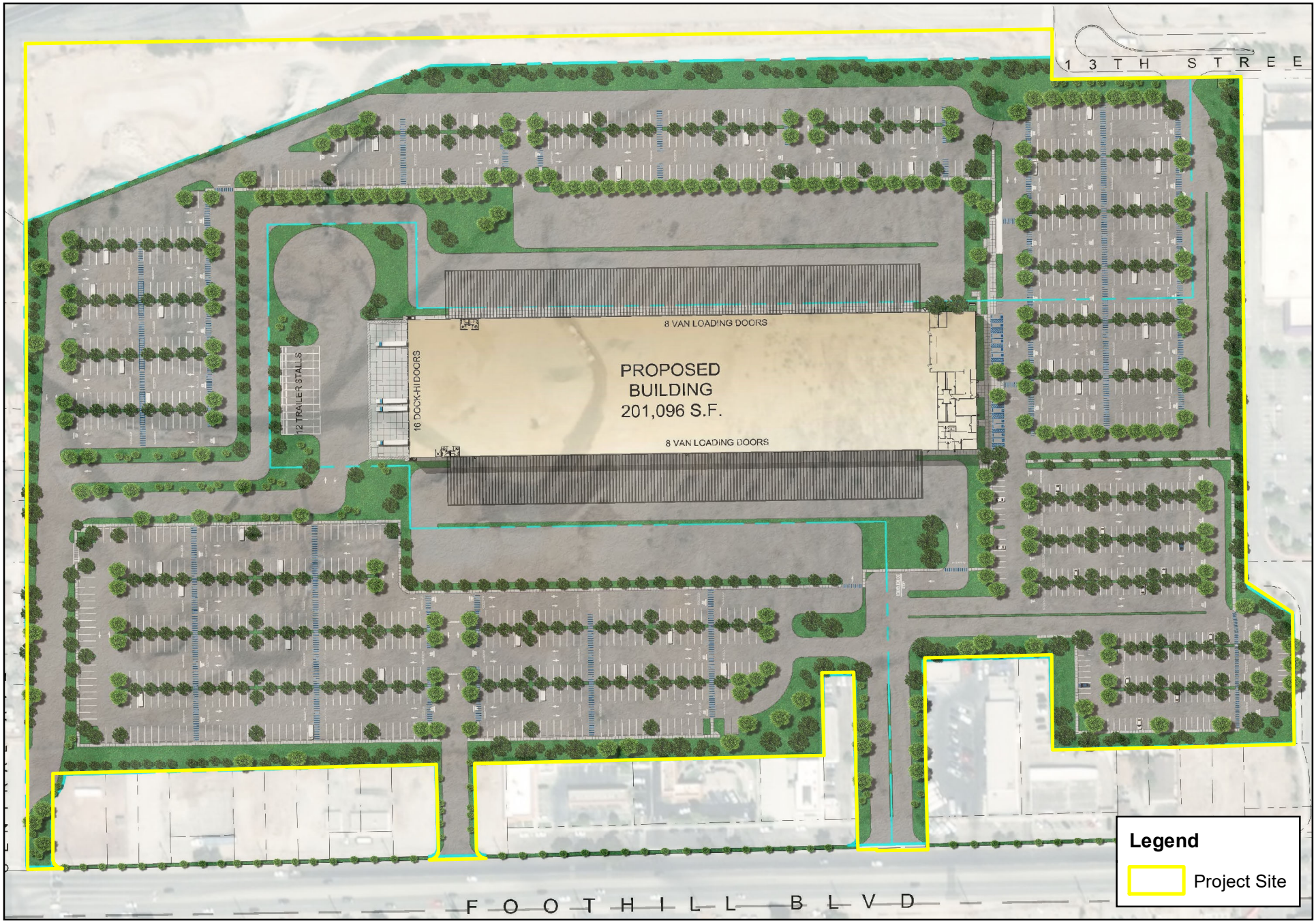
Project Site

Exhibit 3



ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagry, San Bernardino County

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Depiction of Propsoed Project

Exhibit 4

Section 2 Methodology

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

2.1 LITERATURE REVIEW

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

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

- Google Earth Pro historic aerial imagery (1993-2018);
- Historic Aerial Viewer imagery (1938-2016);
- San Bernardino County General Plan;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey; and
- USFWS Critical Habitat designations for Threatened and Endangered Species.

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

2.2 FIELD INVESTIGATION

ELMT biologists Travis J. McGill and Jacob H. Lloyd Davies evaluated the extent and conditions of the plant communities found within the boundaries of the project site on August 29, 2019. Plant communities identified on aerial photographs during the literature review were verified in the field by walking meandering transects through the on-site plant communities and along boundaries between plant communities. The plant communities were evaluated for their potential to support special-status plant and wildlife species. In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area. Special attention was given to special-status habitats and/or undeveloped areas, which have higher potentials to support special-status plant and wildlife species.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities, and presence of potential jurisdictional drainage and/or wetland features were noted.

2.3 SOIL SERIES ASSESSMENT

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

2.4 PLANT COMMUNITIES

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), CDFW (2010) and Holland (1986), delineated on an aerial photograph, and then digitized into ArcGIS. The ArcGIS application was used to compute the area of each plant community in acres.

2.5 PLANTS

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

2.6 WILDLIFE

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North

America (Reid 2006). Although common names of wildlife species are fairly well standardized, scientific names are provided immediately following common names in this report (first reference only).

2.7 JURISDICTIONAL DRAINAGES AND WETLANDS

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may be considered riparian/riverine habitat and/or fall under the jurisdiction of the United State Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

San Bernardino County is characterized by cool winter temperatures and warm summer temperatures, with its rainfall occurring almost entirely in the winter. Relative to other areas in Southern California, winters are colder with chilly to cold morning temperatures common. Climatological data obtained for the City of Highland indicates the annual precipitation averages 1.37 inches per year. Almost all of the precipitation occurs in the months between January and March, with hardly any occurring in July. The wettest month is February, with a monthly average total precipitation of 3.70 inches. The average maximum and minimum temperatures for the region are 80.2 and 51.7 degrees Fahrenheit (F) respectively with July and August (monthly average 96° F) being the hottest months and December (monthly average 41° F) being the coldest. The temperature during the site visit was in the mid-80s ° F with minimal clouds present overhead and calm winds.

3.2 TOPOGRAPHY AND SOILS

On-site surface elevation ranges from approximately 1,350 to 1,400 feet above mean sea level and generally slopes from north to south. The project site is generally flat with no areas of significant topographic relief except for the northwest corner of the project site that supports a sand and gravel processing plant. This processing plant has created small mounds of earthen material altering the topography of the northwest corner. According to the Custom Soil Resource Report, the subject property is underlain by the following soil units: Soboba stony loamy sand (2 to 9 percent slopes), and Soboba gravelly loamy sand (0 to 9 percent slopes) (Exhibit 5, *Soils*). Soils on-site have been mechanically disturbed from historic land uses (i.e., sand and gravel processing plant, and weed abatement activities) and support rocky and compacted soils.

3.3 SURROUNDING LAND USES

The project site is located in an urbanized area and is completely surrounding by existing development. The project site is bordered by Cable Airport to the north, and commercial developments to the south, east and west.

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0 250 500 1,000 Feet

Source: ESRI Aerial Imagry, San Bernardino County

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Soils

Exhibit 5

Section 4 Discussion

4.1 SITE CONDITIONS

The project site consists of both disturbed and undeveloped land that has been subject to a variety of human-related disturbances from sand and gravel processing activities, surrounding developments, weed abatement activities, illegal dumping, and homeless encampments. A sand and gravel processing plant is located on the northwest corner of the project site which has eliminated the natural plant communities that once occurred on the northwest corner of the project site. Further, due to many years of illegal trespassing and dumping, numerous trash and debris piles were observed throughout the project site. Recent mowing and weed abatement activities have added to the refuse piles and significantly thinned vegetation on-site. These activities left many of the larger canopy species (i.e. scale broom [*Lepidospartum squamatum*], laurel sumac [*Malosma laurina*], etc.) intact, but have cleared the areas around them of low-growing plant species. As a result, plant communities on-site have been heavily disturbed and fragmented. These land uses have resulted in the majority of the project site being converted to a mosaic of highly disturbed plant communities that have been cut off from the influences of San Antonio Creek.

4.2 VEGETATION

Two (2) plant communities were observed within the boundaries of the project site during the habitat assessment: disturbed scalebroom scrub and non-native grassland (Exhibit 6, *Vegetation*). In addition, the project site contains a land cover type that would be classified as disturbed. These plant communities and land cover type are described in further detail below.

4.2.1 Disturbed Scalebroom Scrub

The disturbed scalebroom scrub plant community was primarily observed on the eastern half of the project site. This plant community has been heavily disturbed by surrounding development, illegal dumping, and weed abatement activities. Soils within this plant community are rocky and compacted. Trash and debris piles were observed throughout this plant community. Further, this plant community has been cut off from the fluvial processes since Cable Airport was developed to the north. Predominant plant species observed within this plant community on-site, that were observed in patches throughout the site, include scalebroom, laurel sumac, California buckwheat (*Eriogonum fasciculatum*), yerba santa (*Eriodictyon trichocalyx*), coyote bush (*Baccharis pilularis*), pine goldenbush (*Ericameria pinifolia*), poison oak (*Toxicodendron diversifolum*), sugarbush (*Rhus ovata*), common phacelia (*Phacelia distans*), sapphire woollystar (*Eriastrum sapphirinum*), showy penstemon (*Penstemon spectabilis*), and prickly pear (*Opuntia littoralis*). Short-podded mustard (*Hirschfeldia incana*) was observed interspersed throughout the understory of this plant community.

4.2.2 Non-Native Grassland

On the southwest corner of the project site, south of the existing sand and gravel processing plant, a heavily disturbed non-native grassland plant community was observed that was dominated non-native and early successional plant species. Additional patches of disturbed non-native grassland plant community were

ELMT CONSULTING

0 250 500 1,000 Feet

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Vegetation

Exhibit 6

observed along the southern boundary of the project site and eastern half of the project site, intermixed in a mosaic with native patches across the eastern half of the project site. Many of these patches are likely the result of mowing activities. Dominant plant species observed within this plant community include short-podded mustard, tree tobacco (*Nicotiana glauca*), Bermuda grass (*Cynodon dactylon*), Russian thistle (*Salsola tragus*), white horehound (*Marrubium vulgare*), tumbling pigweed (*Amaranthus albus*), and castor bean (*Ricinus communis*).

4.2.3 Disturbed

Disturbed areas are generally areas that have been subject to a high level of human disturbances and no longer comprise a native plant community. These areas are unpaved and are primarily or entirely devoid of vegetation, or support ruderal/weedy plant species. Within the project site, disturbed areas were observed on the northwest corner of the project site in association with the sand and gravel processing plant and on the northeastern portion of the project site. In addition, disturbed areas within the project site include several dirt access roads that traverse the project site.

4.3 WILDLIFE

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

4.3.1 Fish

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

4.3.2 Amphibians

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

4.3.3 Reptiles

The project site provides a limited amount of habitat for a few reptile species adapted to a high degree of human disturbance associated with the on-site agricultural activities and surrounding development. The only reptilain species obseved on-stie during the field investigaiton were Great Basin fence lizard (*Sceloporus occidentalis longipes*), and common side-blotched lizard (*Uta stansburiana elegans*). Other common reptilian species expected to occur on-site include gopher snake (*Pituophis catenifer*), and southern alligator lizard (*Elgaria multicarinata*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status reptilian species are expected to occur on-site.

4.3.4 Birds

The project site provides suitable foraging and cover habitat for a variety of resident and migrant bird species. Bird species detected during the field survey include Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), mourning dove (*Zenaida macroura*), California towhee (*Melozone crissalis*), and rock pigeon (*Columba livia*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status bird species are expected to occur on-site.

4.3.5 Mammals

The project site and surrounding areas have the potential to support mammalian species adapted to human presence and disturbance. The only mammalian species observed during the field investigation was Audubon's cottontail (*Sylvilagus audubonii*) and California ground squirrel (*Otospermophilus beecheyi*). Other common mammalian species expected to occur include coyote (*Canis latrans*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*). No bat species are expected to occur due to a lack of suitable roosting habitat (i.e., trees, crevices, abandoned structures) within and surrounding the project site.

4.4 NESTING BIRDS

No active nests or birds displaying nesting behavior were observed during the field survey. The project site and surrounding area provides suitable foraging and minimal nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. The project site has the potential to provide suitable nesting opportunities for birds. A pre-construction nesting bird clearance survey shall be conducted within three (3) days prior to ground disturbance to ensure no nesting birds will be impacted from site development.

4.5 WILDLIFE CORRIDORS AND LINKAGES

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

The project site has not been identified as a wildlife corridor or linkage in accordance with the San Bernardino County General Plan. The proposed development will be confined to existing areas that have been heavily disturbed and surrounded by development. The project site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the project site to the San Gabriel Mountains. As such, development of the project site is not expected to impact wildlife movement opportunities or prevent existing wildlife movement corridors in the region from functioning. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

4.6 STATE AND FEDERAL JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge and/or fill materials into "waters of the United States" pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code.

No jurisdictional drainage and/or wetland features were observed within the project site during the field survey. Therefore, development of the project site will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required. There are no existing blueline streams traversing the project site. Further, the development of Cable Airport north of the project site and channelization of San Antonio Creek has eliminated any potential water movement from north to south across the project site.

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

The CNDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Ontario USGS 7.5-minute quadrangle. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified eighteen (18) special-status plant species, forty (40) special-status wildlife species, and one (1) special-status plant community as having potential to occur within the Ontario quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity are presented in *Table B-1: Potentially Occurring Special-Status Biological Resources*, provided in Appendix B. Refer to Table B-1 for a determination regarding the potential occurrence of special-status plant and wildlife species within the project site.

4.7.1 Special-Status Plants

According to the CNDDB and CNPS, eighteen (18) special-status plant species have been recorded in the Ontario quadrangle (refer to Appendix B). The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from sand and gravel activities and weed abatement activities, surrounding development, and illegal trash dumping. These disturbances, and surrounding development have isolated the proposed project site form undisturbed native plant communities which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does

not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site.

4.7.2 Special-Status Wildlife

According to the CNDDB, forty (40) special-status wildlife species have been reported in the Ontario quadrangle (refer to Appendix B). No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to provide suitable habitat for Cooper's hawk (*Accipiter cooperii*), a low potential to provide suitable habitat for Costa's hummingbird (*Calypte costae*). Further, it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and existing development.

In order to ensure impacts to Cooper's hawk and Costa's hummingbird do not occur from site development, a pre-construction nesting bird clearance survey shall be conducted within three (3) days prior to ground disturbance. With implementation of a pre-construction nesting bird clearance survey, impacts to these species will be less than significant and no mitigation will be required.

4.7.3 Special-Status Plant Communities

The CNDDB lists one (1) special-status plant community as being identified within the Ontario USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub. A heavily disturbed/fragmented scalebroom scrub plant community was observed on the project site during the field investigation, that has been cut off from fluvial processes and is isolated from natural undisturbed habitats. No special-status plant communities were observed on-site.

4.7.3.1 Riversidean Alluvial Fan Sage Scrub

Riversidean alluvial fan sage scrub (RAFSS) is considered a sensitive plant community and is listed by CDFW as rare. RAFSS is a vegetation type in which scale broom (*Lepidospartum squamatum*) is dominant, co-dominant, or conspicuous in the shrub canopy. Scale broom, a member of the aster family, is a long-lived, deep-rooted shrub found in riverine or alluvial soils, often in dry washes.

RAFSS is a plant community restricted to intermittently or rarely-flooded, low-gradient alluvial deposits along streams, washes, and fans within large canyons on the coastal slopes of the San Gabriel Mountains and San Bernardino Mountains in San Bernardino County. This community is composed of a variety of drought-deciduous subshrubs and large evergreen woody shrubs. In addition to scale broom, woody shrubs such as chamise (*Adenostoma fasciculatum*), California buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), and yerba santa (*Eriodictyon trichocalyx*) are present in RAFSS. Common subshrubs include deerweed (*Acmispon glaber*), matchweed (*Gutierrezia californica*), and Douglas' nightshade (*Solanum douglasii*). Native species found within the herbaceous understory include common fiddleneck (*Amsinckia intermedia*), croton (*Croton californicus*), and cryptantha (*Cryptantha* spp.). Due to intense, periodic flooding and erosion within the alluvial plain, a series of step-like terraces are created above wash channels, each exhibiting a different successional phase. These phases are related to the amount of time

elapsed since the most recent flood and occur as a sequential gradation of terrace types with increasing distance from the active channel.

Three phases (pioneers, intermediate, and mature), as well as two associated terrace levels of RAFSS plant communities have been described. The descriptions and the locations of the phases and terrace levels are provided below:

Terrace 1: Young or Pioneer Phase:

Sparsely vegetated with low species diversity and it is typically located within active stream channels or recently scoured streambeds. This terrace requires approximately 3 to 6 years to become established after a flood disturbance.

Terrace 2: Intermediate Phase:

Consists of relatively dense vegetation dominated by scale broom and California buckwheat, as well as grasses and other herbaceous species. This terrace requires approximately 5 to 14 years to become established after a flood disturbance.

Terrace 3: Old or Mature Phase:

Denser that Terrace 2, but includes yerba santa, cacti (*Opuntia* spp.), and chaparral yucca (*Hesperoyucca whipplei*). Very few annual species are present. This terrace requires approximately 6 to 18 years to become established after a flood disturbance.

Terrace 4: Isolated Phase:

Consists of other fully developed shrubs such as chamise, yerba santa, white sage, black sage (*Salvia mellifera*), and chaparral yucca. Emergent trees including mountain mahogany (*Cercocarpus betuloides*) and blue elderberry (*Sambucus nigra ssp. caerulea*) are also present at low cover. This terrace requires up to 15 years to become established after a flood disturbance.

Terrace 5: Isolated Phase:

Terrace 5 is another designation that was given to terraces located outside of the floodplain that are cut off from the active stream channel. Terrace 5 vegetation is succeeding to upland chaparral. Additional species present in this terrace include bigpod ceanothus (*Ceanothus megacarpus*), laurel sumac (*Malosma laurina*), holly-leaved cherry (*Prunus ilicifolia*), and California sycamore (*Platanus racemosa*).

A heavily disturbed/fragmented scalebroom scrub plant community was observed on the eastern half of the project site. This disturbed scalebroom scrub plant community has been effectively cut-off from the historic fluvial flow patterns and scouring regimes of San Antonio Creek and historic water flows exiting the San Gabriel Mountains due to the construction of Interstate 210, Cable Airport, surrounding developments, and flood control structures since 1945 when Cable Airport was installed. Channelization of San Antonio Creek for flood control purposes has changed the hydrology of the area, further altering the natural habitats in the

immediate vicinity of the project site. These activities have eliminated the fluvial processes from this area which are needed to maintain the physical and biotic attributes needed to provide suitable habitat for special-status plant and wildlife species associated with the RAFSS plant communities. Flooding events that characterize this plant community have not occurred in the general vicinity since the construction of Cable Airport, resulting in a change in soil and vegetation characteristics altering the composition of the plant community.

The isolated, heavily disturbed, and senescing scalebroom scrub habitat that occurs on the project site, can be classified as Terrace 5 RAFSS habitat. The habitats have either succeeded to upland chaparral habitat or are no longer functioning as viable RAFSS habitat with long-term conservation value for the following reasons:

- The project site's RAFSS habitat has been extensively disturbed by human activity for decades, and is heavily fragmented by roads, trails, and other human development. A sand and gravel processing plant is located on the northwest corner of the project site and the project site is surrounding be existing development. Additionally, due to many years of illegal trespassing and dumping, numerous trash and debris piles of varying size were observed throughout the project site.

- The RAFSS habitat is isolated from the historic fluvial flow patterns and scouring regimes due to the development of Cable Airport in 1945 and surrounding commercial development. Surrounding development has isolated the project site from undisturbed, natural plant communities in the region, and channelization of natural drainages has further isolated the habitat on the project site.

- The elimination of fluvial processes from the project area has removed the physical and biotic attributes needed to support viable RAFSS habitat and special-status plant and wildlife species. Flooding events vital to maintaining this plant community have not occurred on the project site since the development of Cable Airport in 1945, approximately 74 years ago.

- The RAFSS habitat is not occupied by any listed or otherwise special-status plant or animal species, indicating minimal or no value as biological habitat.

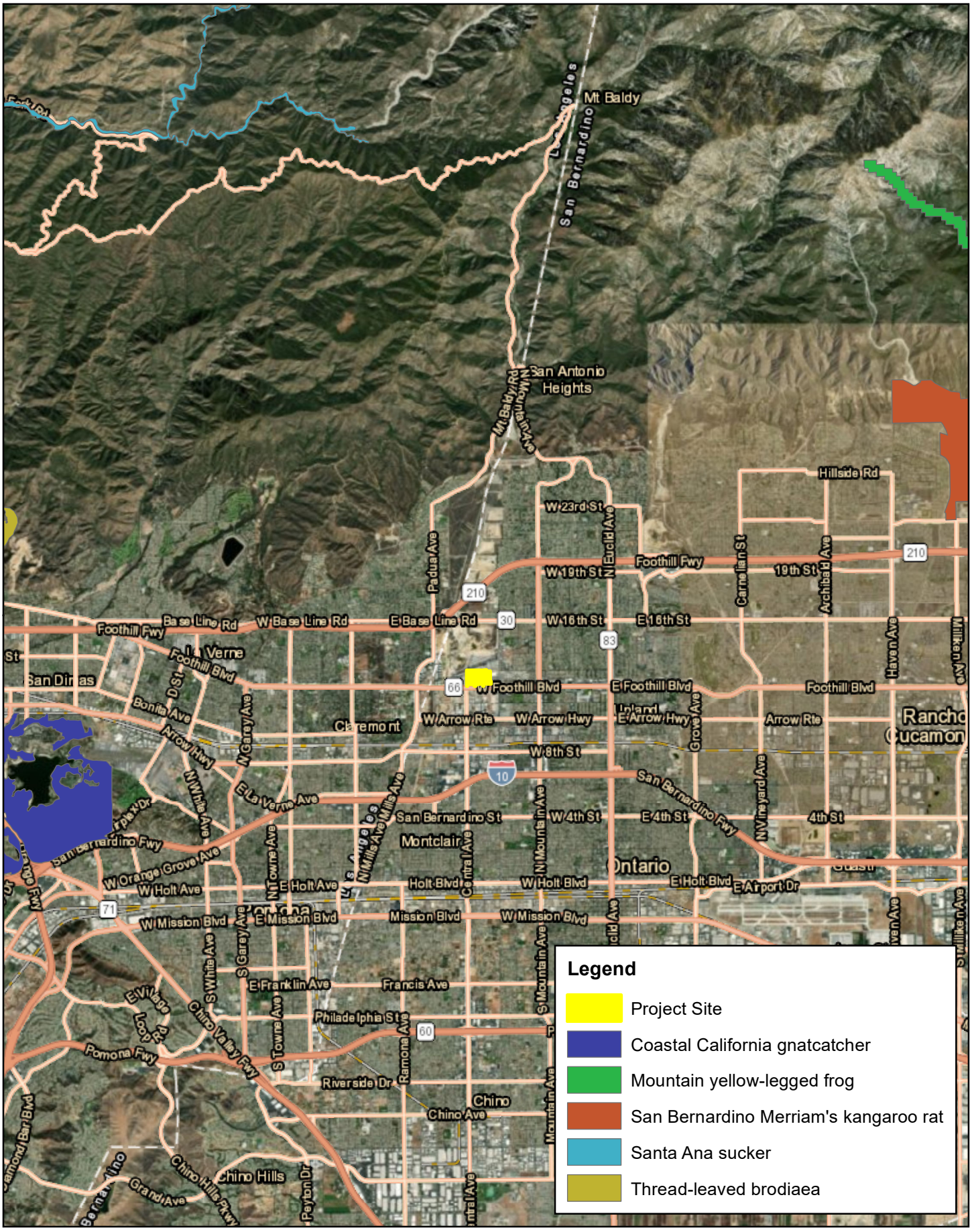
Accordingly, the loss of the disturbed, fragmented, low-quality scalebroom scrub on the project site is not considered a significant impact and requires no mitigation.

4.8 CRITICAL HABITAT

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the United States Fish and Wildlife Service (USFWS) regarding activities they authorize, fund, or permit which may affect a federally listed species or its

designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a CWA Permit from the Corps). If a there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. The closest Critical Habitat designation is located approximately 6 miles southwest of the project site in association with Puddingstone Reservoir for California gnatcatcher (*Polioptila californica*) (Exhibit 7, *Critical Habitat*).



ELMT CONSULTING

0 5,000 10,000 20,000 Feet

Source: ESRI World Imagery, San Bernardino County

APPROXIMATELY 48-ACRE PROPERTY

Critical Habitat

Exhibit 7

Section 5 Conclusion and Recommendations

The project site consists of both disturbed and undeveloped land that has been subject to a variety of human-related disturbances from sand and gravel processing activities, surrounding developments, weed abatement activities, illegal trash dumping, and homeless encampments. These land uses have resulted in the majority of the project site being converted to a mosaic of highly disturbed plant communities that have been cut off from the influences of San Antonio Creek. Two (2) plant communities were observed within the boundaries of the project site during the habitat assessment: disturbed scalebroom scrub and non-native grassland. In addition, the project site contains a land cover type that would be classified as disturbed.

No special-status plant species were observed on-site during the field survey. On-site disturbances have reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species. Based on habitat requirements for specific special-status plant species and the availability and quality of habitat needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species that were determined to have the potential to occur in the vicinity of the project site.

No special-status wildlife species were observed during the field investigation. Based on the field investigation, it was determined that the project site has a moderate potential to provide habitat for Cooper's hawk and Costa's hummingbird. All remaining special-status wildlife species are presumed to be absent from the project site based on habitat requirements, availability and quality of habitat needed by each species, and known distributions.

No jurisdictional drainage, and/or wetland features were observed within or adjacent to the project site. Therefore, development of the project site will not result in impacts to Corps, Regional Board, and/or CDFW jurisdictional areas and regulatory approvals will not be required.

Based on the proposed project footprint, and with the implementation of a pre-construction nesting bird clearance survey, none of the special-status species known to occur in the general vicinity of the project site will be directly or indirectly impacted from implementation of the proposed project. Therefore, it was determined that this project will have "no effect" on federally or State listed species or habitats known to occur in the general vicinity of the project site. Additionally, the project will have "no effect" on designated Critical Habitats.

Migratory Bird Treaty Act and Fish and Game Code Compliance

In order to ensure compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, it is recommended that construction activities and/or the removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. Nesting birds are protected pursuant to the MBTA and California Fish and Game Code (Sections 3503, 3503.3, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the

clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a 300-foot buffer around the active nest. For listed and raptor species, this buffer should be expanded to 500 feet. A biological monitor should be present to delineate the boundaries of the buffer area and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

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Appendix A Site Photographs

Photograph 1: From the southeast corner of the project site looking north along the eastern boundary.

Photograph 2: From the northeast corner of the project site looking south along the eastern boundary.

Photograph 3: Looking west at the rocky soils on the eastern portion of the project site.

Photograph 4: From the southeastern portion of the project site looking north.

Photograph 5: Looking at the eastern portion of the site. Recent mowing activities have thinned the non-native grasses/shrubby understory.

Photograph 6: Looking at vegetation on the eastern boundary of the project site.

Photograph 7: Illegal trash piles onsite.

Photograph 8: Looking north at the dirt and gravel piles from the on-site processing plants on the north west corner of the site.

Photograph 9: From the southwest corner of the project site looking northeast at the non-native grassland/disturbed habitats.

Photograph 10: Looking southwest from the northwest corner towards the on-site rock and gravel piles.

Photograph 11: Piles of plant material resulting from weed abatement activities, combined with existing illegal dumping.

Photograph 12: Non-native grassland habitat on dirt and gravel piles.

Appendix B Potentially Occurring Special-Status Biological Resources

Table B-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
SPECIAL-STATUS WILDLIFE SPECIES				
Accipiter cooperii Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests, but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	**Moderate**. The project site provides suitable foraging opportunities for this species, but no suitable nesting opportunities.
Anniella stebbinsi southern California legless lizard	Fed: None CA: SSC	Mostly found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. They live mostly underground, burrowing in the loose sandy soils.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Anodonta californiensis California floater	Fed: None CA: None	Limited to fresh water shallow muddy or sandy habitat in large rivers, reservoirs, and lakes.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Antrozous pallidus pallid bat	Fed: None CA: SSC	Locally common species of low elevation in California. Occurs in grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests. Most common in open, dry habitats with rocky areas for roosting.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Arizona elegans occidentalis California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Artemisiospiza belli belli Bell's sage sparrow	Fed: None CA: WL	Occurs in chaparral dominated by fairly dense stands of chamise. Also found in coastal sage scrub in south of range.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Aspidoscelis tigris stejnegeri coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Athene cunicularia burrowing owl	Fed: None CA: SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
Bombus crotchii Crotch bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Buteo swainsoni Swainson's hawk	Fed: None CA: **THR**	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Calypte costae Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	**Low**. The project site provides marginal habitat for this species.
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	Fed: None CA: SSC	Occurs in coastal sage scrub with patches of tall *Opuntia* cacti for nesting and breeding. This coastal population appears to nest almost exclusively in *Opuntia* cacti of at least 1m in height.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Circus hudsonius northern harrier	Fed: None CA: SSC	Most common in large, undisturbed tracts of wetlands and grasslands with low, thick vegetation. They breed in freshwater and brackish marshes, lightly grazed meadows, old fields, tundra, dry upland prairies, drained marshlands, high-desert shrubsteppe, and riverside woodlands. During winter they use a range of habitats with low vegetation, including deserts, coastal sand dunes, pasturelands, croplands, dry plains, grasslands, old fields, estuaries, open floodplains, and marshes.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Diadophis punctatus modestus San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Diplectrona californica California diplectronan caddisfly	Fed: None CA: None	Occurs in well-vegetated aquatic habitats, especially fast-flowing, cool streams. Larvae live in fixed retreats made from mostly plant materials and spin attached silken nets to filter food particles from the water.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
Dipodomys merriami parvus San Bernardino kangaroo rat	Fed: **END** CA: SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Emys marmorata western pond turtle	Fed: None CA: CSC	Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant vegetation, either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. May enter brackish water and even seawater. Found at elevations from sea level to over 5,900 feet (1,800 m).	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Eumops perotis californicus western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Falco columbarius merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Falco mexicanus prairie falcon	Fed: None CA: WL	In the winter, they prefer open desert habitat and grassland habitat. Breed in open, arid grassland with cliffs and bluffs for nesting.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Gonidea angulate western ridged mussel	Fed: None CA: None	Occurs on stable, highly oxygenated benthos in streams, rivers, and lakes. Requires water ways with low shear stress and high refuge availability. They rely on glochidial host fish for larvae survival and upstream migration.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Icteria virens yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Laterallus jamaicensis coturniculus California black rail	Fed: None CA: FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Neotoma lepida intermedia San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Nyctinomops macrotis big free-tailed bat	Fed: None CA: SSC	Mainly inhabits rugged and rocky terrain. They prefer rocky cliffs in weather rock fissures and crevices. Also known to roost in buildings, and in terrestrial plants including ponderosa pine, Douglas firs, and desert shrubs.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Perognathus longimembris brevinasus Los Angeles pocket mouse	Fed: None CA: SSC	Resides in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
Rana draytonii California red-legged frog	Fed: **THR** CA: SSC	Found mainly near ponds in humid forests, woodlands, grasslands, coastal scrub, and streamsides with plant cover. Most common in lowlands or foothills. Frequently found in woods adjacent to streams. Occurs along the coast ranges from Mendocino County south and in portions of the Sierra Nevada and Cascades ranges.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Salvadora hexalepis virgultea coast patch-nosed snake	Fed: None CA: SSC	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Setophaga petechia yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Spea hammondii western spadefoot	Fed: None CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Spinus lawrencei Lawrence's goldfinch	Fed: None CA: None	Typical habitats include valley foothill hardwood, valley foothill hardwood-conifer, and, in southern California, desert riparian, palm oasis, pinyon-juniper, and lower montane habitats. Nearby herbaceous habitats often used for feeding. Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Taricha torosa Coast Range newt	Fed: None CA: SSC	Occurs in wet forests, oak forests, chaparral, and rolling grasslands. In southern California, drier chaparral, oak woodland, and grassland are used.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Thamnophis hammondii two-striped gartersnake	Fed: None CA: SSC	Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
Thamnophis sirtalis ssp. south coast gartersnake	Fed: None CA: SSC	Utilizes a wide variety of habitats - forests, mixed woodlands, grassland, chaparral, farmlands, often near ponds, marshes, or streams.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
Xanthocephalus xanthocephalus yellow-headed blackbird	Fed: None CA: SSC	Occurs in freshwater emergent wetlands, and moist, open areas along croplands and mud flats of lacustrine habitats. Prefers to nest in dense wetland vegetation characterized by tules, cattails, or other similar plant species along the border of lakes and ponds.	No	**Presumed Absent** There is no suitable habitat within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
Berberis nevinii Nevin's barberry	Fed: **END** CA: **END** CNPS: 1B.1	Grows in sandy or gravelly soils within chaparral, cismontane woodland, coastal scrub, and riparian scrub habitats. Found at elevations ranging from 229 to 2,707 feet. Blooming period is from February to June.	No	**Presumed Absent** There is no suitable habitat on the project site.
Calochortus catalinae Catalina mariposa-lily	Fed: None CA: None CNPS: 4.2	Occurs on steep, north-facing slopes or in low-grade sandy washes in chaparral, cismontane woodland, coastal scrub, and riparian scrub. From 951 to 5,167 feet in elevation. Blooming period is from February to June.	No	**Presumed Absent** There is no suitable habitat on the project site.
Calochortus plummerae Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley and foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. From 328 to 5,577 feet in elevation. Blooming period is from May to July.	No	**Presumed Absent** There is no suitable habitat on the project site.
Calystegia felix lucky morning-glory	Fed: None CA: None CNPS: 1B.1	Historically associated with wetland and marshy places, but possibly in drier in situations with silty loam and alkaline soils. Found in meadows and seeps and riparian scrub. Blooming period ranges from March to September.	No	**Presumed Absent** There is no suitable habitat on the project site.
Centromadia pungens* ssp. *laevis smooth tarplant	Fed: None CA: None CNPS: 1B.1	Occurs in alkaline soils within chenopod scrub, meadows and seeps, playas, riparian woodland, and valley and foothill grassland habitats. Grows in elevation ranging from 0 to 2,100 feet. Blooming period ranges from April to September.	No	**Presumed Absent** There is no suitable habitat on the project site.
Chorizanthe parryi* var. *parryi Parry's spineflower	Fed: None CA: None CNPS: 1B.2	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	**Presumed Absent** There is no suitable habitat on the project site.
Cladium californicum California saw-grass	Fed: None CA: None CNPS: 2B.2	Found in meadows and seeps, marshes and swamps (alkaline or freshwater). Found at elevations ranging from -75 to 5,940 feet. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat on the project site.
Dodecahema leptoceras slender-horned spineflower	Fed: **END** CA: **END** CNPS: 1B.1	Chaparral, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes. Found at elevations ranging from 1,181 to 2,690 feet. Blooming period is from April to June.	No	**Presumed Absent** There is no suitable habitat on the project site.
Horkelia cuneata* var. *puberula mesa horkelia	Fed: None CA: None CNPS: 1B.1	Occurs on sandy or gravelly soils in chaparral, woodlands, and coastal scrub plant communities. Found at elevations ranging from 230 to 2,657 feet. Blooming period is from February to September.	No	**Presumed Absent** There is no suitable habitat on the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed Onsite**	**Potential to Occur**
Juglas californica southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	**Presumed Absent** There is no suitable habitat on the project site.
Juncus acutus ssp. leopoldiii Southwestern spiny rush	Fed: None CA: None CNPS: 4.2	Found in coastal dunes (mesic), meadows and seeps (alkaline seeps), and marshes and swamps (coastal salt). Found at elevations ranging from 0 to 3,115 feet. Blooming period is from May to July.	No	**Presumed Absent** There is no suitable habitat on the project site.
Lepidium virginicum* var. *robinsonii Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	**Presumed Absent** There is no suitable habitat on the project site.
Muhlenbergia californica California muhly	Fed: None CA: None CNPS: 4.3	Found in chaparral, coastal scrub, lower montane coniferous forest, meadows and seeps. Only known to occur in the San Bernardino Mountains. Found at elevations ranging from 328 to 6,562 feet. Blooming period is from June to September.	No	**Presumed Absent** There is no suitable habitat on the project site.
Navarretia prostrata prostrate vernal pool navarretia	Fed: None CA: None CNPS: 1B.1	Found in mesic soils in coastal scrub, meadows and seeps, valley and foothill grasslands (alkaline), and vernal pools. Found at elevations ranging from 65 to 2,100 feet. Blooming period is from April to July.	No	**Presumed Absent** There is no suitable habitat on the project site.
Pseudognaphalium leucocephalum white rabbit-tobacco	Fed: None CA: None CNPS: 2B.2	Grows in sandy, gravelly soils within chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 0 to 6,890 feet. Blooming period is from July to December.	No	**Presumed Absent** There is no suitable habitat on the project site.
Sidalcea neomexicana salt spring checkerbloom	Fed: None CA: None CNPS: 2B.2	Grows in alkaline, mesic soils in chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub, and playas. Found at elevations ranging from 0 to 4,560 feet. Blooming period is from May to June.	No	**Presumed Absent** There is no suitable habitat on the project site.
Symphyotrichum defoliatum San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Grows in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic). Can be found growing near ditches, streams, and springs within these habitats. Found at elevations ranging from 7 to 6,693 feet. Blooming period is from July to November.	No	**Presumed Absent** There is no suitable habitat on the project site.
Thysanocarpus rigidus rigid fringepod	Fed: None CA: None CNPS: 1B.2	Found in riparian dry rocky slopes, pinyon and juniper woodland. Blooming period is from February to May.	No	**Presumed Absent** There is no suitable habitat on the project site.

SPECIAL-STATUS PLANT COMMUNITIES				
Riversidian Alluvial Fan Sage Scrub	CDFW Sensitive Habitat	Occur within broad washes of sandy alluvial drainages that carry rainfall runoff sporadically in winter and spring, but remain relatively dry through the remainder of the year. Is restricted to drainages and floodplains with very sandy substrates that have a dearth of decomposed plant material. These areas do not develop into riparian woodland or scrub due to the limited water resources and scouring by occasional floods.	No	**Absent.** A heavily disturbed/fragmented scalebroom scrub plant community was observed onsite that has been cut off from fluvial processes and is isolated from natural, undisturbed habitats.

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

California Department of Fish and Wildlife (CDFW) - California
END- California Endangered
CSC- California Species of Concern
WL- Watch List
FP- California Fully Protected

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

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

Appendix C Regulations

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

Federal Regulations

Endangered Species Act of 1973

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

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

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

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

Migratory Bird Treaty Act

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

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

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

State Regulations

California Environmental Quality Act (CEQA)

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

California Endangered Species Act (CESA)

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

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

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

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

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

Fish and Game Code

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

Native Plant Protection Act

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

California Native Plant Society Rare and Endangered Plant Species

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

California Rare Plant Rank

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

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

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

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

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

4- Plants of Limited Distribution - A Watch List

Threat Ranks

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

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

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

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

Section 404 of the Clean Water Act

Since 1972, the Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the filling of "waters of the U.S.," including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). The Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the CWA. The Corps and EPA define "fill material" to include any "material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States." Examples include, but are not limited to, sand, rock, clay, construction debris, wood chips, and "materials used to create any structure or infrastructure in the waters of the United States." In order to further define the scope of waters protected under the CWA, the Corps and EPA published the Clean Water Rule on June 29, 2015. Pursuant to the Clean Water Rule, the term "*waters of the United States*" is defined as follows:

(i) All waters which are 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) All interstate waters, including interstate wetlands[1].

(iii) The territorial seas.

(iv) All impoundments of waters otherwise defined as waters of the United States under the definition.

(v) All tributaries[2] of waters identified in paragraphs (i) through (iii) mentioned above.

(vi) All waters adjacent[3] to a water identified in paragraphs (i) through (v) mentioned above, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

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1 The term *wetlands* means those areas that are inundated or saturated by surface or groundwater 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.

2 The terms *tributary* and *tributaries* each mean a water that contributes flow, either directly or through another water (including an impoundment identified in paragraph (iv) mentioned above), to a water identified in paragraphs (i) through (iii) mentioned above, that is characterized by the presence of the physical indicators of a bed and banks and an ordinary high water mark.

3 The term *adjacent* means bordering, contiguous, or neighboring a water identified in paragraphs (i) through (v) mentioned above, including waters separated by constructed dikes or barriers, natural river berms, beach dunes, and the like.

(vii) All prairie potholes, Carolina bays and Delmarva bays, Pocosins, western vernals pools, Texas coastal prairie wetlands, where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (i) through (iii) meantioned above.

(viii) All waters located within the 100-year floodplain of a water identified in paragraphs (i) through (iii) mentioned above and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (i) through (v) mentioned above, where they are determined on a case-specific basis to have a significant nexus to a waters identified in paragraphs (i) through (iii) mentioned above.

The following features are not defined as "waters of the United States" even when they meet the terms of paragraphs (iv) through (viii) mentioned above:

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

(ii) Prior converted cropland.

(iii) The following ditches:

(A) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
(B) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
(C) Ditches that do not flow, either directly or through another water, into a water of the United States as identified in paragraphs (i) through (iii) of the previous section.

(iv) The following features:

(A) Artificially irrigated areas that would revert to dry land should application of water to that area cease;
(B) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;
(C) Artificial reflecting pools or swimming pools created in dry land;
(D) Small ornamental waters created in dry land;
(E) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;
(F) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of a tributary, non-wetland swales, and lawfully constructed grassed waterways; and
(G) Puddles.

(v) Groundwater, including groundwater drained through subsurface drainage systems.

(vi) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

(vii) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

Section 401 of the Clean Water Act

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

State Regulations

Fish and Game Code

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

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

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

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

Porter Cologne Act

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