BIOLOGICAL RESOURCES ASSESSMENT AND JURISDICTIONAL DELINEATION FOR THE PROPOSED SPECULATIVE WAREHOUSE CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA

Prepared for:

Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408
909-890-1818

Prepared by:

Jennings Environmental, LLC
35414 Acacia Ave.
Yucaipa, CA 92399
909-534-4547

December 2021

Contents

SECTION 1.0 - INTRODUCTION

Jennings Environmental, LLC (Jennings) was retained by Lilburn Corporation (Lilburn) to conduct a literature review and reconnaissance-level survey for the proposed speculative warehouse (Project) in Rialto, CA. The survey identified vegetation communities, the potential for the occurrence of special status species, or habitats that could support special status wildlife species, and recorded all plants and animals observed or detected within the Project boundary. This biological resources assessment is designed to address potential effects of the proposed project on designated critical habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) or species designated as sensitive by the California Department of Fish and Wildlife (CDFW) or the California Native Plant Society (CNPS). Information contained in this document is in accordance with accepted scientific and technical standards that are consistent with the requirements of the United States Fish and Wildlife Service (USFWS) and (CDFW). Additionally, the site was surveyed for any drainage features that would meet the definition of the Waters of the US (WOUS), Waters of the State (WOS), or CDFW jurisdiction.

1.1 PROJECT LOCATION

The project is generally located in the northwestern portion of Section 21, Township 1 North, Range 5 West, and is depicted on the southeastern section of the *Devore* U.S. Geological Survey's (USGS) 7.5-minute topographic map. More specifically the project is located within Assessor Parcel Number (APN) 0239-193-11, within the City of Rialto, San Bernardino County, California. The Project site is located 0.41 mile south of the intersection of W Casa Grande Dr. and N Locust Ave. The site is within an area for commercial and residential development. The site is surrounded by commercial development to the north, south, and west, with residential development to the east. (Figures 1 and 2 in Appendix A).

1.2 PROJECT DESCRIPTION

The proposed project is to develop the site with an approximately 98,962 sq. ft. speculative warehouse. Additional improvements also include office space, semi-trailer parking and docking station, automotive parking (including EV and Carpool), landscaping, and driveway construction.

2.0 – METHODOLOGY

2.1 LITERATURE REVIEW

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records of the California Natural Diversity Database (CNDDB) managed by CDFW (CDFW 2021), the USFWS Critical Habitat Mapper (USFWS 2021), and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2021) were reviewed for the following quadrangles containing and surrounding the Project site: *Devore*, *San Bernardino North, San Bernardino South,* and *Fontana*, USGS 7.5-minute quadrangles. The *San Bernardino North, San Bernardino South,* and *Fontana* quads were included in this search due to the site's proximity to its border. These databases contain records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise special status species or habitats that may occur within or in the immediate vicinity of the Project site.

2.2 SOILS

Before conducting the surveys, soil maps for San Bernardino County were referenced online to determine the types of soil found within the Project site. Soils were determined in accordance with categories set forth by the United States Department of Agriculture (USDA) Soil Conservation Service and by referencing the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2021).

2.3 BIOLOGICAL RECONNAISSANCE-LEVEL SURVEY

Jennings biologist, Gene Jennings, conducted the general reconnaissance survey within the Project site to identify the potential for the occurrence of special status species, vegetation communities, or habitats that could support special status wildlife species. The surveys were conducted on foot, throughout the Project site between 0900 and 1000 hours on December 13, 2021. Weather conditions during the survey included temperatures ranging from 49.4 to 50.1 degrees Fahrenheit, with partly cloudy skies, no precipitation, and 2.6 to 5.2 mile per hour winds. Photographs of the Project site were taken to document existing conditions (Appendix B).

2.4 JURISDICTIONAL FEATURES

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

2.4.1 VEGETATION

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

2.4.2 WILDLIFE

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

SECTION 3.0 – RESULTS

3.1 LITERATURE REVIEW RESULTS

According to the CNDDB, CNPSEI, and other relevant literature and databases, 90 sensitive species, 21 of which are listed as threatened or endangered, and 5 sensitive habitats have been documented in the *Devore, San Bernardino North, San Bernardino South,* and *Fontana* quads. This list of sensitive species and habitats includes any State and/or federally listed threatened or endangered species, CDFW designated Species of Special Concern (SSC) and otherwise Special Animals. "Special Animals" is a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species." The CDFW considers the taxa on this list to be those of greatest conservation need.

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

3.1.1 SOILS

After review of USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2021), it was determined that the Project site is located within the San Bernardino County Southwestern Part, California area CA677. Based on the results of the database search, two (2) soil types are documented in the area (Figure 3):

Soboba gravelly loamy sand, 0 to 9 percent slopes (SoC). This soil is excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite, typically ranges in elevation from 30 to 4,200 feet amsl, and is not considered prime farmland.

Soboba gravelly loamy sand, 2 to 9 percent slopes (SpC). This soil is excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite, typically ranges in elevation from 960 to 3,690 feet amsl, and is not considered prime farmland.

3.1.2 SPECIAL STATUS SPECIES BACKGROUND

Burrowing owl (BUOW)

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

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

Throughout its range, the BUOW is vulnerable to habitat loss, predation, vehicular collisions, and destruction of burrow sites, and the poisoning of ground squirrels (Grinnell and Miller 1944, Zarn 1974, Remsen 1978). BUOW has disappeared from significant portions of their range in the last 15 years and, overall, nearly 60% of the breeding groups of owls known to have existed in California during the 1980s had disappeared by the early 1990s (Burrowing Owl Consortium 1993). The BUOW is not listed under the state or federal Endangered Species Act but is considered both a federal and state Species of Special Concern. The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

Additional Species

As mentioned above, there are 21 threatened or endangered species known to occur within the *Devore, San Bernardino North, San Bernardino South,* and *Fontana* quads. However, the Project site is outside the known range for these species, and/or suitable habitat does not occur within the Project site. Therefore, no further discussion or recommendations are required for the following species:

- marsh sandwort
- Nevin's barberry
- salt marsh bird's-beak
- San Bernardino kangaroo rat
- Stephens' kangaroo rat
- slender-horned spineflower
- Santa Ana River woollystar
- quino checkerspot butterfly
- Gambel's water cress
- steelhead - southern California DPS
- southern mountain yellow-legged frog
- Delhi Sands flower-loving fly
- least Bell's vireo
- tricolored blackbird
- Swainson's hawk
- southern rubber boa

- California black rail
- thread-leaved brodiaea
- Santa Ana sucker
- western yellow-billed cuckoo
- coastal California gnatcatcher

3.1.3 JURISDICTIONAL WATERS

Aerial imagery of the site was examined and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated from topographic changes, blue-line features, or visible drainage patterns. The U.S. Fish and Wildlife Service National Wetland Inventory and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas had been documented within the vicinity of the site. Similarly, the Soil maps from the U.S. Department of Agriculture (USDA) - Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2021) were reviewed to identify the soil series on-site and to check if they have been identified regionally as hydric soils. Upstream and downstream connectivity of waterways (if present) was reviewed in the field, on aerial imagery, and topographic maps to determine jurisdictional status. No obvious signs of jurisdictional features were observed during the literature review.

3.2 FIELD STUDY RESULTS

3.2.1 HABITAT

The habitat on-site consists of bare ground that has been heavily disturbed from grading and moving of piled materials. The site has ruderal vegetation along with some invasive species from the surrounding neighborhoods. A complete list of all plants observed is provided in Table 1 of Appendix D.

3.2.2 WILDLIFE

Several birds were seen or heard during the survey. Species observed or otherwise detected on or in the vicinity of the project site during the surveys included; house sparrow (*Passer domesticus*) and American Anna's hummingbird (*Calypte anna*). A complete list of all species observed is provided in Table 1 of Appendix D.

3.2.3 SPECIAL STATUS SPECIES

Burrowing owl (BUOW)

Based on the December 2021 field survey, the site does not contain suitable habitat for this species. The property is heavily disturbed from grading and moving of piled materials. No burrowing owls were observed during the site visit. No burrows of any kind were located within the Project site. No portion of the Project site showed any evidence of past or present BUOW activity. No feathers, whitewash, or castings were found and no suitable burrow surrogate species are present on-site. No suitable habitat exists on-site; therefore, no focused surveys are required.

Designated Critical Habitat

The site is located adjacent USFWS designated Critical Habitat for the federally listed San Bernardino kangaroo rat (*Dipodomys merriami parvus*). However, due the disturbed nature of the site and the development that completely surrounds the site, no suitable habitat for this species occurs within or directly adjacent to the Project site. Therefore, no trapping studies are required and no further action is required.

Nesting Birds

The Project site and immediate surrounding area does contain habitat suitable for nesting birds. Nesting bird surveys should be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15th to September 15th), and conducting a worker awareness training. However, if all work cannot be conducted outside of the nesting season, a project-specific Nesting Bird Management Plan can be prepared to determine suitable buffers.

3.2.4 JURISDICTIONAL WATERS

Waters of the United States and Waters of the State

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

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

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

Section 4.0 - CONCLUSIONS AND RECOMMENDATIONS

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

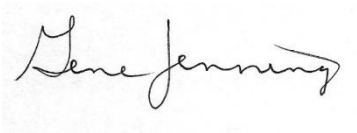
There are no streams, channels, washes, or swales that meet the definitions of Section 1600 of the State of California Fish and Game Code (FGC) under the jurisdiction of the CDFW, Section 401 (“Waters of the State”) of the Clean Water Act (CWA) under the jurisdiction of the Regional Water Quality Control Board (RWQCB), or “Waters of the United States” (WoUS) as defined by Section 404 of the CWA under the jurisdiction of the U.S. Army Corps of Engineers (Corps) within the subject parcel. Therefore, no permit from any regulatory agency will be required.

Additionally, since there is some habitat within the project site and adjacent area that is suitable for nesting birds in general, a preconstruction nesting bird survey is recommended before the commencement of any project-related work activities to avoid any potential project-related impacts to nesting birds.

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

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

Sincerely,



Principal/Regulatory Specialist

Appendices:

- Appendix A – Figures
- Appendix B – Site Photos
- Appendix C – Regulatory Framework
- Appendix D – Tables

Section 5 – REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, and D.H. Wilken (editors) 2012 *The Jepson Manual: Vascular Plants of California, Second Edition.* University of California Press, Berkeley, CA.

Barbour, M.G., J.H. Burk, W.D. Pitts, F.S. Gilliam, and M.W. Schwartz. 1999 *Terrestrial Plant Ecology, Third Edition.* Addison Wesley Longman, Inc. Menlo Park, CA.

California Department of Fish and Wildlife (CDFW) 2020 California Natural Diversity Database (CNDDB). RareFind Version 3.1.0. Wildlife and Habitat Data Analysis Branch. [Accessed December 2021]

California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation. Memo from C.F. Raysbrook, Interim Director to Biologist, Environmental Services Division, Department of Fish and Game. Sacramento, CA.

California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency. March 7, 2012.

California Native Plant Society (CNPS)2020 Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). Rare Plant Scientific Advisory Committee, California Native Plant Society, Sacramento, California. Website http://www.rareplants.cnps.org; [Accessed December 2021].

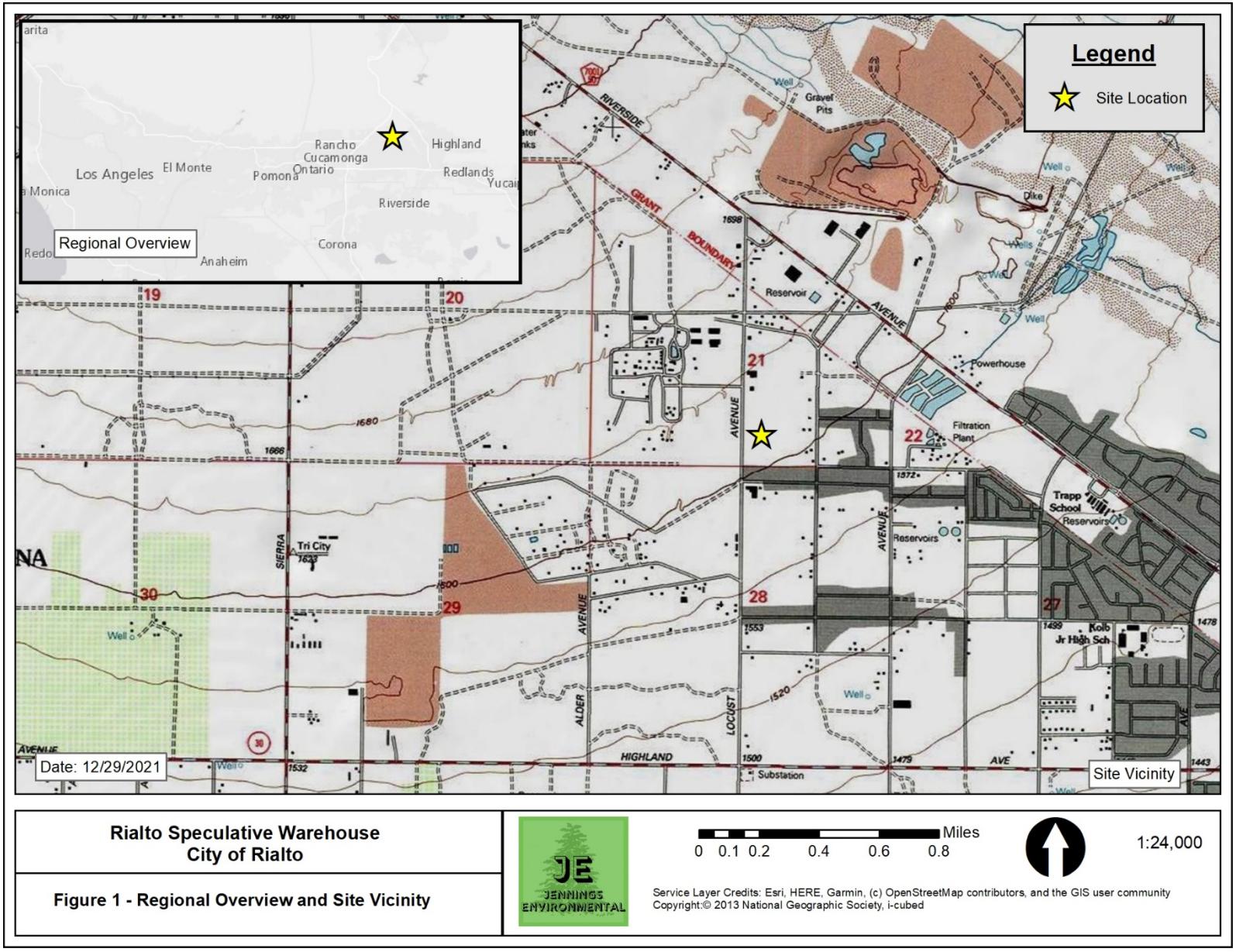
Hall, E.R. 1981. The Mammals of North America. John Wiley and Sons, New York. 2 Vol. 1181

Sawyer, J.O., Jr., T. Keeler-Wolf, J. Evens2009 *A Manual of* California *Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA.

U.S. Fish and Wildlife Service (USFWS). National Wetlands Inventory. Website: http://wetlands.fws.gov. (Accessed: December 2021)

U.S. Department of Agriculture (USDA)2020 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions [Online Edition]. Website https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx [Accessed December 2021].

Appendix A - Figures



Rialto Speculative Warehouse
City of Rialto

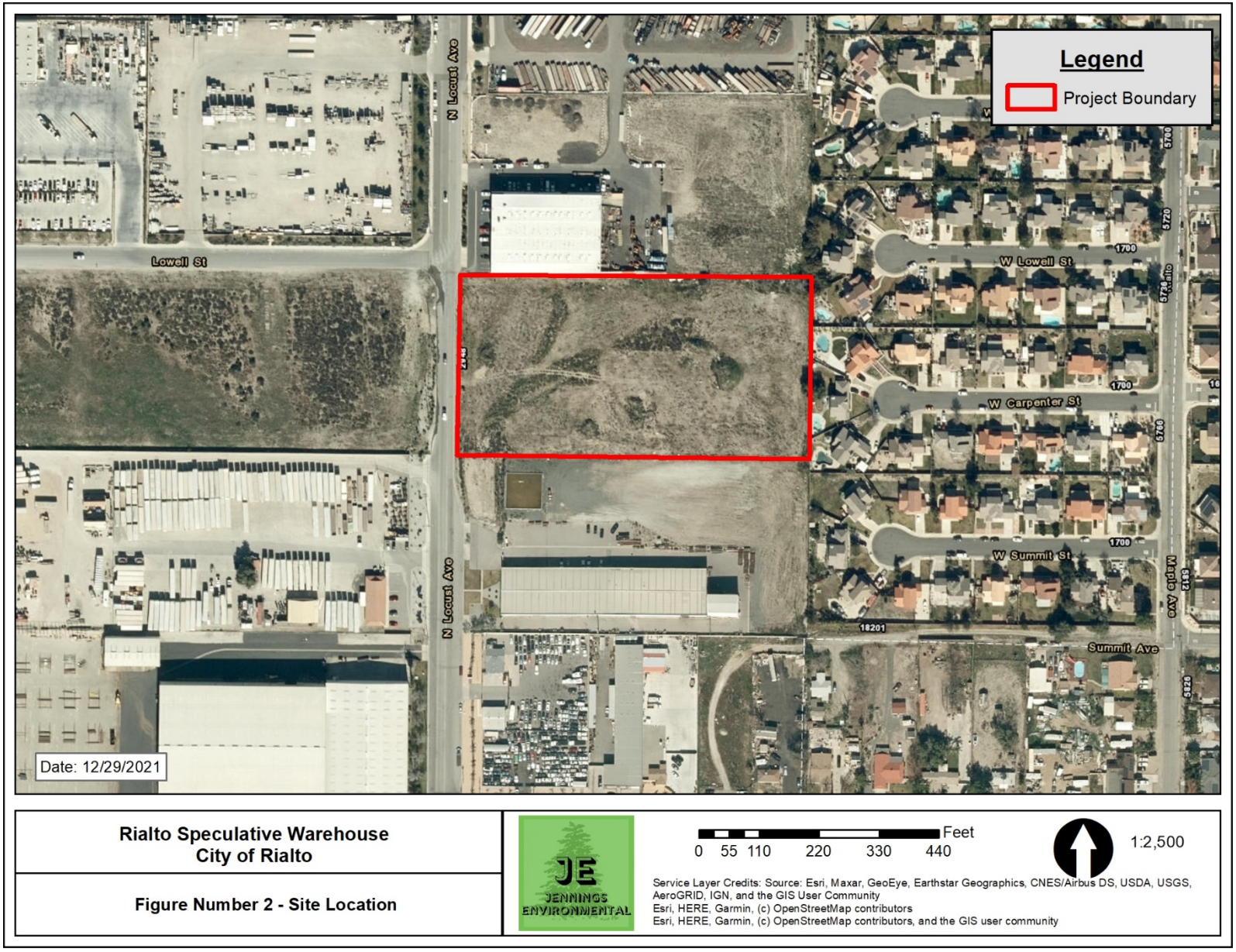
Figure 1 - Regional Overview and Site Vicinity

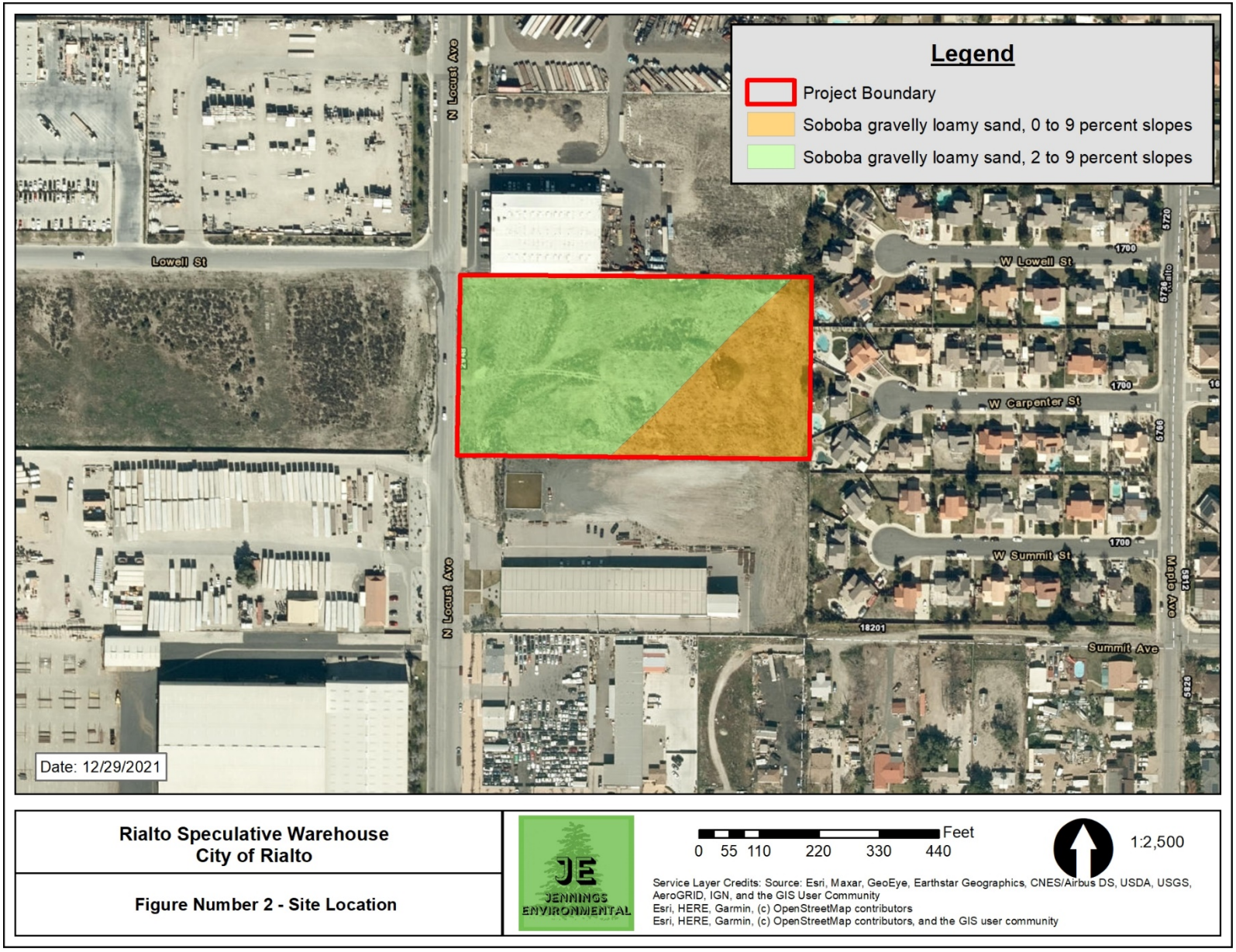
JE JENNINGS ENVIRONMENTAL

0 0.1 0.2 0.4 0.6 0.8 Miles

1:24,000

Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Copyright:© 2013 National Geographic Society, i-cubed


Legend
Project Boundary
N Locust Ave
Lowell St
W Lowell St
W Carpenter St
W Summit St
Summit Ave
Maple Ave
1700
18201
Date: 12/29/2021
Rialto Speculative Warehouse
City of Rialto
Figure Number 2 - Site Location
JE
JENNINGS ENVIRONMENTAL
0 55 110 220 330 440
Feet
1:2,500
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community


Legend
Project Boundary
Soboba gravelly loamy sand, 0 to 9 percent slopes
Soboba gravelly loamy sand, 2 to 9 percent slopes
N Locust Ave
Lowell St
W Lowell St
W Carpenter St
W Summit St
Summit Ave
Maple Ave
1700
18201
Date: 12/29/2021
Rialto Speculative Warehouse
City of Rialto
Figure Number 2 - Site Location
JE
JENNINGS ENVIRONMENTAL
0 55 110 220 330 440
Feet
1:2,500
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Appendix B - Photos

	Photo 1 – Southwest corner of parcel facing east. Showing ruderal vegetation.
	Photo 2 – Southern center of parcel, facing east. Showing bare ground with ruderal vegetation.

	Photo 3 – Southeast portion of the parcel, facing northwest. Showing bare ground and ruderal vegetation.
	Photo 4 – Northern center of parcel, facing west. Showing bare ground, and ruderal vegetation.

	Photo 5 – Northwest corner of parcel, facing west. Showing bare ground, and ruderal vegetation.

Appendix C – Regulatory Framework

1.1 FEDERAL JURISDICTION

1.1.1 United States Army Corps of Engineers

Pursuant to Section 404 of the CWA, the United States Army Corps of Engineers (USACE) regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined by 33 Code of Federal Regulations (CFR) Part 328 and currently includes: (1) all navigable waters (including all waters subject to the ebb and flow of the tide), (2) all interstate waters and wetlands, (3) all other waters (e.g., lakes, rivers, intermittent streams) that could affect interstate or foreign commerce, (4) all impoundments of waters mentioned above, (5) all tributaries to waters mentioned above, (6) the territorial seas, and (7) all wetlands adjacent to waters mentioned above. Waters of the United States do not include (1) waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (CWA), and (2) prior converted cropland. Waters of the United States typically are separated into two types: (1) wetlands and (2) "other waters" (non-wetlands) of the United States.

Wetlands are defined by 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support … a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987, USACE published a manual (1987 Wetland Manual) to guide its field personnel in determining jurisdictional wetland boundaries. This manual was amended in 2008 to the USACE 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (2008 Arid West Supplement). Currently, the 1987 Wetland Manual and the 2008 Arid West Supplement provide the legally accepted methodology for identification and delineation of USACE-jurisdictional wetlands in southern California.

In the absence of wetlands, the limits of USACE jurisdiction in nontidal waters, including intermittent Relatively Permanent Water (RPW) streams, extend to the Ordinary High Water Mark (OHWM), which is defined by 33 CFR 328.3(e) as:

> … that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

On January 9, 2001, the U.S. Supreme Court ruled (in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers) (SWANCC) that USACE jurisdiction does not extend to previously regulated isolated waters, including but not limited to isolated ponds, reservoirs, and wetlands. Examples of isolated waters that are affected by this ruling include vernal pools, stock ponds, lakes (without outlets), playa lakes, and desert washes that are not tributary to navigable or interstate waters or to other jurisdictional waters. A joint legal memorandum by EPA and USACE was signed on January 15, 2003.

In May 2007, USACE and EPA jointly published and authorized the use of the Jurisdictional Determination Form Instructional Guidebook (USACE 2007). The form and guidebook define how to determine if an area is USACE jurisdictional and if a significant nexus exists per the Rapanos decision. A nexus must have more than insubstantial and speculative effects on the downstream TNW to be considered a significant nexus. This guidebook is updated by the 2008 Arid West Supplement, the 2010 Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States, and the 2011 Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region.

A joint guidance by EPA and USACE was issued on June 5, 2007, and revised on December 2, 2008, is consistent with the Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States (126 S. Ct. 2208 [2006]) (Rapanos), which addresses the jurisdiction over waters of the United States under the CWA (33 U.S.C. §1251 et seq.). A draft guidance was circulated in April 2011 to supercede both the 2003 SWANCC guidance and 2008 Rapanos decision; however, this guidance is not finalized and lacks the force of law.

USACE will continue to assert jurisdiction over Traditionally Navigable Waters (TNWs), wetlands adjacent to TNW, non-navigable tributaries of TNW that are Relatively Permanent Waters (RPW) where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months), and wetlands that directly abut such tributaries.

USACE generally will not assert jurisdiction over swales or erosional features (e.g., gullies or small washes characterized by low volume, infrequent, or short duration flow) or nontidal drainage ditches (including roadside ditches) that are (1) excavated wholly in and draining only uplands and (2) that do not carry a relatively permanent flow of water. USACE defines a drainage ditch as:

> A linear excavation or depression constructed for the purpose of conveying surface runoff or groundwater from one area to another. An "upland drainage ditch" is a drainage ditch constructed entirely in uplands (i.e., not in waters of the United States) and is not a water of the United States, unless it becomes tidal or otherwise extends the ordinary high water line of existing waters of the United States.

Furthermore, USACE generally does not consider "[a]rtificially irrigated areas which would revert to upland if the irrigation ceased" to be subject to their jurisdiction. Such irrigation ditches are linear excavations constructed for the purpose of conveying agricultural water from the adjacent fields. Therefore, such agricultural ditches are not considered to be subject to USACE jurisdiction.

USACE will use fact-specific analysis to determine whether waters have a significant nexus with (1) TNW for nonnavigable tributaries that are not relatively permanent (non-RPW); (2) wetlands adjacent to nonnavigable tributaries that are not relatively permanent; and (3) wetlands adjacent to, but that do not directly abut, a relatively permanent nonnavigable tributary. According to USACE, "a significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to

determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters," including consideration of hydrologic and ecologic factors. A primary component of this determination lies in establishing the connectivity or lack of connectivity of the subject drainages to a TNW.

1.2 STATE JURISDICTION

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

1.2.1 Regional Water Quality Control Board

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

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

1.2.2 California Department of Fish and Wildlife

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

CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other

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

In a CDFW guidance of stream processes and forms in dryland watersheds (Vyverberg 2010), streams are identified as having one or more channels that may all be active or receive water only during some high flow event. Subordinate features, such as low flow channels, active channels, banks associated with secondary channels, floodplains, and stream-associated vegetation, may occur within the bounds of a single, larger channel. The water course is defined by the topography or elevations of land that confine a stream to a definite course when its waters rise to their highest level. A watercourse is defined as a stream with boundaries defined by the maximal extent or expression on the landscape even though flow may otherwise be intermittent or ephemeral.

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

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

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

In A Clarification of the U.S. Fish and Wildlife Service's Wetland Definition (Tiner 1989), the USFWS definition was further clarified "that in order for any area to be classified as wetland by the Service, the area must be periodically saturated or covered by shallow water, whether wetland vegetation and/or hydric soils are present or not; this hydrologic requirement is

addressed in the first sentence of the definition." When considering whether an action would result in a net loss of wetlands, CDFW will extend jurisdiction to USFWS-defined wetland conditions where such conditions exist within the riparian vegetation that is associated with a stream or lake and does not depend on whether those features meet the three-parameter USACE methodology of wetland determination. If impacts to wetlands under the jurisdiction of CDFW are unavoidable, a mitigation plan will be implemented in coordination with CDFW to support the CDFW policy of "no net loss" of wetland habitat.

Appendix D – Tables

Table 1. Species Observed On-Site

Common Name	Scientific Name
Plants	
common sunflower	*Helianthus annuus*
ripgut brome	*Bromus diandrus*
Mediterranean mustard	*Hirschfeldia incana*
coastal heron's bill	*Erodium cicutarium*
Chinese bushclover	*Lespedeza cuneata*
Russian thistle	*Salsola australis*
Wild tarragon	*Artemisia dracunculus*
California buckwheat	*Eriogonum fasciculatum*
Deerweed	*Acmispon glaber*
Pacific Blackberry	*Rubus ursinus*
Fig tree	*Ficus carica*
Lantana	*Lantana camara*
Telgraph weed	*Heterotheca grandiflora*
Peruvian pepper tree	*Schinus molle*
White sweetclover	*Melilotus albus*
California croton	*Croton californicus*
Hollyleaf cherry	*Prunus ilicifolia*
Tree tabaco	*Nicotiana glauca*
Slender wild oat	*Avena barbata*
Rush skeletonweed	*Chondrilla juncea*
African sumac	*Searsia lancea*
Mammals	
Anna's hummingbird	*Calypte anna*
White-crowned sparrow	*Zonotrichia leucophrys*
House finch	*Haemorhous mexicanus*
House sparrow	*Passer domesticus*

Table 2 – CNDDB Potential to Occur for the *Devore*, *San Bernardino North, San Bernardino South,* and *Fontana* USGS 7.5-minute quadrangles

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Agelaius tricolor	tricolored blackbird	None ,Threatened	G1G2, S1S2, CDFW-SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Aimophila ruficeps canescens	southern California rufous-crowned sparrow	None ,None	G5T3, S3, CDFW-WL	Resident in Southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Ambrosia monogyra	singlewhorl burrobrush	None ,None	G5, S2, 2B.2	Chaparral, Sonoran desert scrub. Sandy soils. 5-475 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Anniella stebbinsi	Southern California legless lizard	None ,None	G3, S3, CDFW-SSC	Generally south of the Transverse Range, extending to northwestern Baja California. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County. Variety of habitats; generally in moist, loose soil. They prefer soils with a high moisture content.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Arenaria paludicola	marsh sandwort	Endangered ,Endangered	G1, S1, 1B.1	Marshes and swamps. Growing up through dense mats of Typha, Juncus, Scirpus, etc. in freshwater marsh. Sandy soil. 3-170 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Arizona elegans occidentalis	California glossy snake	None ,None	G5T2, S2, CDFW-SSC	Patchily distributed from the eastern portion of San Francisco Bay, southern San Joaquin Valley, and the Coast, Transverse, and Peninsular ranges, south to Baja California. Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Artemisiospiza belli belli	Bell's sage sparrow	None ,None	G5T2T3, S3, CDFW-WL	Nests in chaparral dominated by fairly dense stands of chamise. Found in coastal sage scrub in south of range. Nest located on the ground beneath a shrub or in a shrub 6-18 inches above ground. Territories about 50 yds apart.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Aspidoscelis hyperythra	orange-throated whiptail	None ,None	G5, S2S3, CDFW-WL	Inhabits low-elevation coastal scrub, chaparral, and valley-foothill hardwood habitats. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food: termites.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Aspidoscelis tigris stejnegeri	coastal whiptail	None ,None	G5T5, S3, CDFW-SSC	Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Astragalus hornii var. hornii	Horn's milk-vetch	None ,None	GUT1, S1, 1B.1	Meadows and seeps, playas. Lake margins, alkaline sites. 75-350 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Athene cunicularia	burrowing owl	None ,None	G4, S3, CDFW-SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Batrachoseps gabrieli	San Gabriel slender salamander	None ,None	G2G3, S2S3, USFS-S	Known only from the San Gabriel Mtns. Found under rocks, wood, and fern fronds, and on soil at the base of talus slopes. Most active on the surface in winter and early spring.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Berberis nevinii	Nevin's barberry	Endangered ,Endangered	G1, S1, 1B.1	Chaparral, cismontane woodland, coastal scrub, riparian scrub. On steep, N-facing slopes or in low grade sandy washes. 90-1590 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Bombus crotchii	Crotch bumble bee	None ,None	G3G4, S1S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Brodiaea filifolia	thread-leaved brodiaea	Threatened ,Endangered	G2, S2, 1B.1	Chaparral (openings), cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools. Usually associated with annual grassland and vernal pools; often surrounded by shrubland habitats. Occurs in openings on clay soils. 15-1030 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Buteo swainsoni	Swainson's hawk	None ,Threatened	G5, S3	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Calochortus palmeri var. palmeri	Palmer's mariposa-lily	None ,None	G3T2, S2, 1B.2	Meadows and seeps, chaparral, lower montane coniferous forest. Vernally moist places in yellow-pine forest, chaparral. 195-2530 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Calochortus plummerae	Plummer's mariposa-lily	None ,None	G4, S4, 4.2	Coastal scrub, chaparral, valley and foothill grassland, cismontane woodland, lower montane coniferous forest. Occurs on rocky and sandy sites, usually of granitic or alluvial material. Can be very common after fire. 60-2500 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Carex comosa	bristly sedge	None ,None	G5, S2, 2B.1	Marshes and swamps, coastal prairie, valley and foothill grassland. Lake margins, wet places; site below sea level is on a Delta island. -5-1010 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Castilleja lasiorhyncha	San Bernardino Mountains owl's-clover	None ,None	G2?, S2?, 1B.2	Meadows and seeps, pebble plain, upper montane coniferous forest, chaparral, riparian woodland. Mesic to drying soils in open areas of stream and meadow margins or in vernally wet areas. 1140-2320 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Catostomus santaanae	Santa Ana sucker	Threatened ,None	G1, S1	Endemic to Los Angeles Basin south coastal streams. Habitat generalists, but prefer sand-rubble-boulder bottoms, cool, clear water, and algae.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Centromadia pungens ssp. laevis	smooth tarplant	None ,None	G3G4T2, S2, 1B.1	Valley and foothill grassland, chenopod scrub, meadows and seeps, playas, riparian woodland. Alkali meadow, alkali scrub; also in disturbed places. 5-1170 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Chaetodipus fallax fallax	northwestern San Diego pocket mouse	None ,None	G5T3T4, S3S4, CDFW-SSC	Coastal scrub, chaparral, grasslands, sagebrush, etc. in western San Diego County. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Chaetodipus fallax pallidus	pallid San Diego pocket mouse	None ,None	G5T3T4, S3S4, CDFW-SSC	Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Charina umbratica	southern rubber boa	None ,Threatened	G2G3, S2S3, USFS-S	Known from the San Bernardino and San Jacinto mtns; found in a variety of montane forest habitats. Snakes resembling C. umbratica reported from Mt. Pinos and Tehachapi mtns group with C. bottae based on mtDNA. Further research needed. Found in vicinity of streams or wet meadows; requires loose, moist soil for burrowing; seeks cover in rotting logs, rock outcrops, and under surface litter.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Chloropyron maritimum ssp. maritimum	salt marsh bird's-beak	Endangered ,Endangered	G4?T1, S1, 1B.2	Marshes and swamps, coastal dunes. Limited to the higher zones of salt marsh habitat. 0-10 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Chorizanthe parryi var. parryi	Parry's spineflower	None ,None	G3T2, S2, 1B.1	Coastal scrub, chaparral, cismontane woodland, valley and foothill grassland. Dry slopes and flats; sometimes at interface of 2 vegetation types, such as chaparral and oak woodland. Dry, sandy soils. 90-1220 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Chorizanthe xanti var. leucotheca	white-bracted spineflower	None ,None	G4T3, S3, 1B.2	Mojavean desert scrub, pinyon and juniper woodland, coastal scrub (alluvial fans). Sandy or gravelly places. 365-1830 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Cicindela tranquebarica viridissima	greenest tiger beetle	None ,None	G5T1, S1	Inhabits the woodlands adjacent to the Santa Ana River basin. Usually found in open spots between trees.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Coccyzus americanus occidentalis	western yellow-billed cuckoo	Threatened ,Endangered	G5T2T3, S1	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Coleonyx variegatus abbotti	San Diego banded gecko	None ,None	G5T5, S1S2, CDFW-SSC	Coastal and cismontane Southern California. Found in granite or rocky outcrops in coastal scrub and chaparral habitats.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Crotalus ruber	red-diamond rattlesnake	None ,None	G4, S3, CDFW-SSC	Chaparral, woodland, grassland, and desert areas from coastal San Diego County to the eastern slopes of the mountains. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Cuscuta obtusiflora var. glandulosa	Peruvian dodder	None ,None	G5T4?, SH, 2B.2	Marshes and swamps (freshwater). Freshwater marsh. 15-280 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Diadophis punctatus modestus	San Bernardino ringneck snake	None ,None	G5T2T3, S2?, USFS-S	Most common in open, relatively rocky areas. Often in somewhat moist microhabitats near intermittent streams. Avoids moving through open or barren areas by restricting movements to areas of surface litter or herbaceous veg.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Dipodomys merriami parvus	San Bernardino kangaroo rat	Endangered ,Candidate Endangered	G5T1, S1, CDFW-SSC	Alluvial scrub vegetation on sandy loam substrates characteristic of alluvial fans and flood plains. Needs early to intermediate seral stages.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Dipodomys stephensi	Stephens' kangaroo rat	Endangered ,Threatened	G2, S2	Primarily annual and perennial grasslands, but also occurs in coastal scrub and sagebrush with sparse canopy cover. Prefers buckwheat, chamise, brome grass and filaree. Will burrow into firm soil.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Dodecahema leptoceras	slender-horned spineflower	Endangered ,Endangered	G1, S1, 1B.1	Chaparral, cismontane woodland, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes; associates include Encelia, Dalea, Lepidospartum, etc. Sandy soils. 200-765 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Eremophila alpestris actia	California horned lark	None ,None	G5T4Q, S4, CDFW-WL	Coastal regions, chiefly from Sonoma County to San Diego County. Also main part of San Joaquin Valley and east to foothills. Short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Eriastrum densifolium ssp. sanctorum	Santa Ana River woollystar	Endangered ,Endangered	G4T1, S1, 1B.1	Coastal scrub, chaparral. In sandy soils on river floodplains or terraced fluvial deposits. 180-705 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Euchloe hyantis andrewsi	Andrew's marble butterfly	None ,None	G3G4T1, S1	Inhabits yellow pine forest near Lake Arrowhead and Big Bear Lake, San Bernardino Mtns, San Bernardino Co, 5000-6000 ft. Hostplants are Streptanthus bernardinus and Arabis holboellii var pinetorum; larval foodplant is Descurainia richardsonii.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Eugnosta busckana	Busck's gallmoth	None ,None	G1G3, SH	Coastal dunes | Coastal scrub	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Eumops perotis californicus	western mastiff bat	None ,None	G4G5T4, S3S4, CDFW-SSC	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral, etc. Roosts in crevices in cliff faces, high buildings, trees and tunnels.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Euphydryas editha quino	quino checkerspot butterfly	Endangered ,None	G5T1T2, S1S2	Sunny openings within chaparral and coastal sage shrublands in parts of Riverside and San Diego counties. Hills and mesas near the coast. Need high densities of food plants Plantago erecta, P. insularis, and Orthocarpus purpurescens.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Falco columbarius	merlin	None ,None	G5, S3S4, CDFW-WL	Seacoast, tidal estuaries, open woodlands, savannahs, edges of grasslands and deserts, farms and ranches. Clumps of trees or windbreaks are required for roosting in open country.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Fimbristylis thermalis	hot springs fimbristylis	None ,None	G4, S1S2, 2B.2	Meadows and seeps (alkaline). Near hot springs. 115-1585 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Galium californicum ssp. primum	Alvin Meadow bedstraw	None ,None	G5T2, S2, 1B.2	Chaparral, lower montane coniferous forest. Grows in shade of trees and shrubs at the lower edge of the pine belt, in pine forest-chaparral ecotone. Granitic, sandy soils. 1460-1830 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Gila orcuttii	arroyo chub	None ,None	G2, S2, CDFW-SSC	Native to streams from Malibu Creek to San Luis Rey River basin. Introduced into streams in Santa Clara, Ventura, Santa Ynez, Mojave and San Diego river basins. Slow water stream sections with mud or sand bottoms. Feeds heavily on aquatic vegetation and associated invertebrates.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Glaucomys oregonensis californicus	San Bernardino flying squirrel	None ,None	G5T1T2, S1S2, CDFW-SSC	Known from black oak or white fir dominated woodlands between 5200 - 8500 ft in the San Bernardino and San Jacinto ranges. May be extirpated from San Jacinto range. Needs cavities in trees/snags for nests and cover. Needs nearby water.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Helianthus nuttallii ssp. parishii	Los Angeles sunflower	None ,None	G5TX, SX, 1A	Marshes and swamps (coastal salt and freshwater). 35-1525 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Horkelia cuneata var. puberula	mesa horkelia	None ,None	G4T1, S1, 1B.1	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 15-1645 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Imperata brevifolia	California satintail	None ,None	G4, S3, 2B.1	Coastal scrub, chaparral, riparian scrub, mojavean desert scrub, meadows and seeps (alkali), riparian scrub. Mesic sites, alkali seeps, riparian areas. 3-1495 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Lasiurus xanthinus	western yellow bat	None ,None	G4G5, S3, CDFW-SSC	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Laterallus jamaicensis coturniculus	California black rail	None ,Threatened	G3G4T1, S1, CDFW-FP	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Lepidium virginicum var. robinsonii	Robinson's pepper-grass	None ,None	G5T3, S3, 4.3	Chaparral, coastal scrub. Dry soils, shrubland. 4-1435 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Lepus californicus bennettii	San Diego black-tailed jackrabbit	None ,None	G5T3T4, S3S4, CDFW-SSC	Intermediate canopy stages of shrub habitats and open shrub / herbaceous and tree / herbaceous edges. Coastal sage scrub habitats in Southern California.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Lilium parryi	lemon lily	None ,None	G3, S3, 1B.2	Lower montane coniferous forest, meadows and seeps, riparian forest, upper montane coniferous forest. Wet, mountainous terrain; generally in forested areas; on shady edges of streams, in open boggy meadows and seeps. 625-2930 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Lycium parishii	Parish's desert-thorn	None ,None	G4, S1, 2B.3	Coastal scrub, Sonoran desert scrub. -3-570 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Malacothamnus parishii	Parish's bush-mallow	None ,None	GXQ, SX, 1A	Chaparral, coastal sage scrub. In a wash. 305-455 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Monardella pringlei	Pringle's monardella	None ,None	GX, SX, 1A	Coastal scrub. Sandy hills. 300-400 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Nasturtium gambelii	Gambel's water cress	Endangered ,Threatened	G1, S1, 1B.1	Marshes and swamps. Freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level. 5-305 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Neolarra alba	white cuckoo bee	None ,None	GH, SH	Known only from localities in Southern California. Cleptoparasitic in the nests of perdita bees.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Neotoma lepida intermedia	San Diego desert woodrat	None ,None	G5T3T4, S3S4, CDFW-SSC	Coastal scrub of Southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Nyctinomops femorosaccus	pocketed free-tailed bat	None ,None	G5, S3, CDFW-SSC	Variety of arid areas in Southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, desert riparian, etc. Rocky areas with high cliffs.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Oncorhynchus mykiss irideus pop. 10	steelhead - southern California DPS	Endangered ,None	G5T1Q, S1	Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Onychomys torridus ramona	southern grasshopper mouse	None ,None	G5T3, S3, CDFW-SSC	Desert areas, especially scrub habitats with friable soils for digging. Prefers low to moderate shrub cover. Feeds almost exclusively on arthropods, especially scorpions and orthopteran insects.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Opuntia basilaris var. brachyclada	short-joint beavertail	None ,None	G5T3, S3, 1B.2	Chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Sandy soil or coarse, granitic loam. 425-2015 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Perognathus longimembris brevinasus	Los Angeles pocket mouse	None ,None	G5T2, S1S2, CDFW-SSC	Lower elevation grasslands and coastal sage communities in and around the Los Angeles Basin. Open ground with fine, sandy soils. May not dig extensive burrows, hiding under weeds and dead leaves instead.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Phrynosoma blainvillii	coast horned lizard	None ,None	G3G4, S3S4, CDFW-SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Polioptila californica californica	coastal California gnatcatcher	Threatened ,None	G4G5T3Q, S2, CDFW-SSC	Obligate, permanent resident of coastal sage scrub below 2500 ft in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Rana muscosa	southern mountain yellow-legged frog	Endangered ,Endangered	G1, S1, CDFW-WL	Disjunct populations known from southern Sierras (northern DPS) and San Gabriel, San Bernardino, and San Jacinto Mtns (southern DPS). Found at 1,000 to 12,000 ft in lakes and creeks that stem from springs and snowmelt. May overwinter under frozen lakes. Often encountered within a few feet of water. Tadpoles may require 2 - 4 yrs to complete their aquatic development.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Rhaphiomidas terminatus abdominalis	Delhi Sands flower-loving fly	Endangered ,None	G1T1, S1	Found only in areas of the Delhi Sands formation in southwestern San Bernardino and northwestern Riverside counties. Requires fine, sandy soils, often with wholly or partly consolidated dunes and sparse vegetation. Oviposition req. shade.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Rhinichthys osculus ssp. 8	Santa Ana speckled dace	None ,None	G5T1, S1, CDFW-SSC	Headwaters of the Santa Ana and San Gabriel rivers. May be extirpated from the Los Angeles River system. Requires permanent flowing streams with summer water temps of 17-20 C. Usually inhabits shallow cobble and gravel riffles.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Ribes divaricatum var. parishii	Parish's gooseberry	None ,None	G5TX, SX, 1A	Riparian woodland. Salix swales in riparian habitats. 65-300 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Riversidian Alluvial Fan Sage Scrub	Riversidian Alluvial Fan Sage Scrub	None ,None	G1, S1.1	Coastal scrub	This habitat is **absent** from the project site.
Schoenus nigricans	black bog-rush	None ,None	G4, S2, 2B.2	Marshes and swamps. Often in alkaline marshes. 120-1525 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Senecio aphanactis	chaparral ragwort	None ,None	G3, S2, 2B.2	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 20-1020 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Setophaga petechia	yellow warbler	None ,None	G5, S3S4, CDFW-SSC	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Sidalcea neomexicana	salt spring checkerbloom	None ,None	G4, S2, 2B.2, USFS-S	Playas, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub. Alkali springs and marshes. 3-2380 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Southern Cottonwood Willow Riparian Forest	Southern Cottonwood Willow Riparian Forest	None ,None	G3, S3.2	Riparian forest	This habitat is **absent** from the project site.
Southern Riparian Forest	Southern Riparian Forest	None ,None	G4, S4	Riparian forest	This habitat is **absent** from the project site.
Southern Riparian Scrub	Southern Riparian Scrub	None ,None	G3, S3.2	Riparian scrub	This habitat is **absent** from the project site.
Southern Sycamore Alder Riparian Woodland	Southern Sycamore Alder Riparian Woodland	None ,None	G4, S4	Riparian woodland	This habitat is **absent** from the project site.
Spea hammondii	western spadefoot	None ,None	G2G3, S3, CDFW-SSC	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Sphenopholis obtusata	prairie wedge grass	None ,None	G5, S2, 2B.2	Cismontane woodland, meadows and seeps. Open moist sites, along rivers and springs, alkaline desert seeps. 15-2625 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Streptanthus bernardinus	Laguna Mountains jewelflower	None ,None	G3G4, S3S4, 4.3	Chaparral, lower montane coniferous forest. Clay or decomposed granite soils; sometimes in disturbed areas such as streamsides or roadcuts. 1440-2500 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Streptanthus campestris	southern jewelflower	None ,None	G3, S3, 1B.3	Chaparral, lower montane coniferous forest, pinyon and juniper woodland. Open, rocky areas. 605-2590 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Symphyotrichum defoliatum	San Bernardino aster	None ,None	G2, S2, 1B.2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernally mesic grassland or near ditches, streams and springs; disturbed areas. 3-2045 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Taxidea taxus	American badger	None ,None	G5, S3, CDFW-SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Occurrence Potential
Thamnophis hammondii	two-striped gartersnake	None ,None	G4, S3S4, CDFW-SSC	Coastal California from vicinity of Salinas to northwest Baja California. From sea to about 7,000 ft elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Vireo bellii pusillus	least Bell's vireo	Endangered ,Endangered	G5T2, S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Coding and Terms

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

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

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

Global Rankings (Species or Natural Community Level):

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

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

State Ranking:

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

California Rare Plant Rankings (CNPS List):

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

Threat Ranks:

.1 = Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2 = Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
.3 = Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)