Biological Resources Technical Report

Gateway South Building 9

City of San Bernardino, California

DRAFT REPORT

APN's 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11

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CADRE Environmental

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INTRODUCTION

The following biological resources technical report describes a detailed assessment of potential sensitive natural resources located within and/or immediately adjacent to the "Gateway South Building 9" project site (Project Site). The report has been prepared to support compliance with the California Environmental Quality Act (CEQA) documentation including the preparation of an Initial Study (IS), Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) and environmental review process conducted by the City of San Bernardino, California. As discussed below, the assessment included a thorough literature review, site reconnaissance characterizing existing conditions (including floral, faunal and dominant vegetation communities), impact analysis, and applicable standards and regulations to ensure impacts remain at a level below significance.

PROJECT LOCATION

The 18.67-acre Project Site, Assessor Parcel Numbers (APNs) 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11 is located within the southeastern region of the City of San Bernardino, San Bernardino County, California, as shown in Figure 1, *Regional Location Map*. Specifically, the Project Site is located immediately south of East Norman Road, north of East Orange Show Road and northwest of the Santa Ana River flood prone area, as shown in Figure 2, *Project Site Map*.

PROJECT DESCRIPTION

The proposed action includes the development of one (1) warehouse buildings totaling 397,700 square feet including associated offices, employee parking, and trailer stalls.

The Project Site is currently developed by residential homesites, used as a commercial storage facility, heavily disturbed, and possesses no suitable habitat for any state and/or federally listed threatened/endangered or regionally sensitive species.

No wetlands or jurisdictional resources regulated by the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), or Regional Water Quality Control Board (RWQCB) occur within the Project Site. The Project Site is located immediately northwest of the Santa Ana River and the proposed action will not result in a direct or indirect to the regulated drainage (regional wildlife movement corridor).

Following a detailed biological resources habitat assessment, the following applicable pre-construction conservation measures will be implemented as conditions of approval to ensure compliance with CEQA.

- CM BIO-1: City of San Bernardino's Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34) tree removal permit requirement.

- CM BIO-2: Nesting Bird and Raptor Preconstruction Survey

APN's 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11

Figure 1 - Regional Location Map
Biological Resources Technical Report
Gateway South Building 9

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N
not to scale

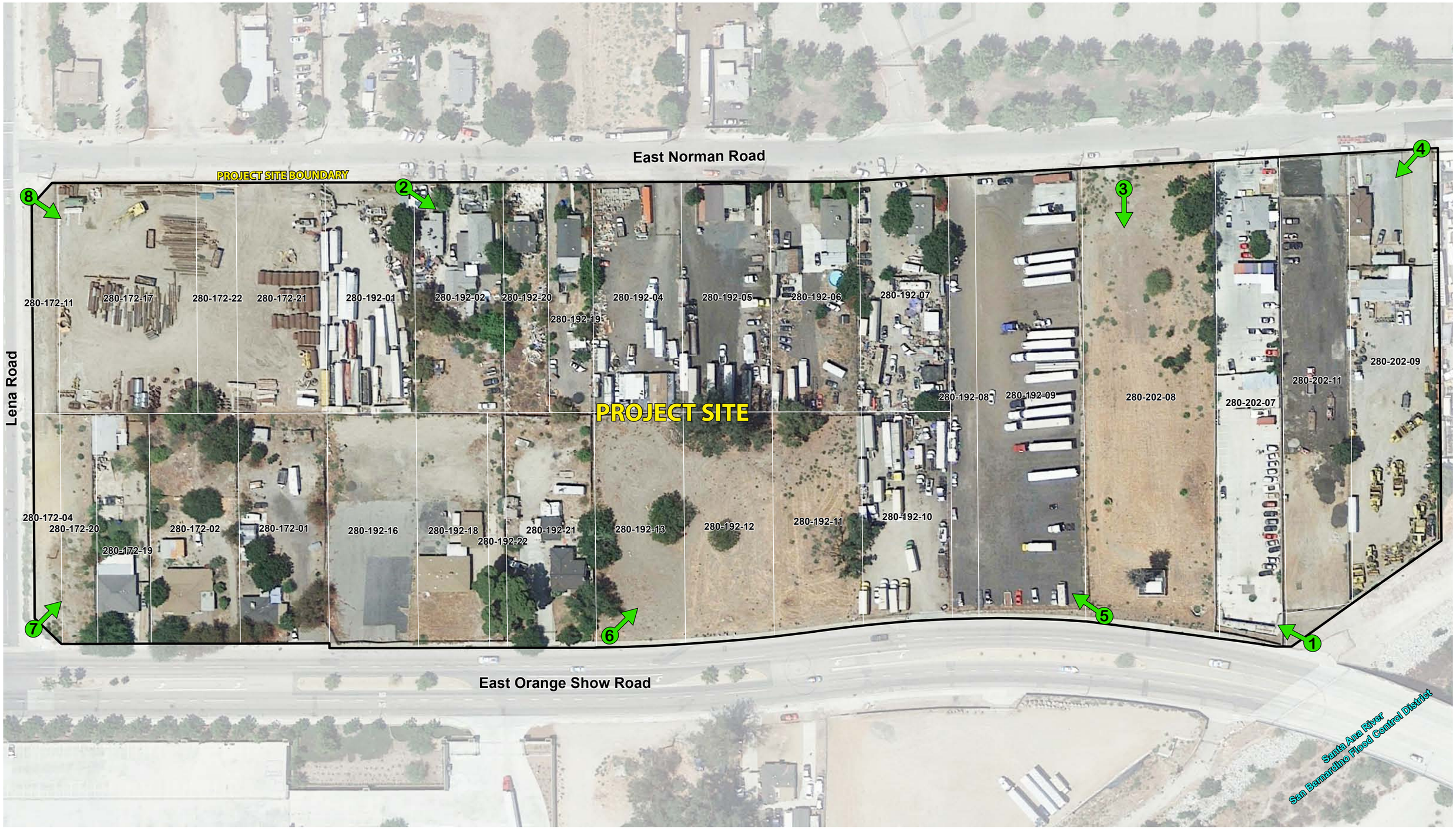

Photo Point & Direction

Figure 2 - Project Site Map
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N

1 inch = 100 feet

METHODOLOGY

The following section details the methods implemented prior to and during the reconnaissance survey conducted throughout the Project Site.

LITERATURE REVIEW

Existing biological resource conditions within and adjacent to the Project Site were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were also reviewed in conjunction with anticipated federally listed species potentially occurring within the region of the Project Site. The California Natural Diversity Database (CNDDB) (CDFW 2022a), a California Department of Fish and Wildlife (CDFW) Natural Heritage Division species account database, was also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the reviewed sources provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other CDFW reports and publications consulted include the following:

- Special Animals (CDFW 2022b);
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2022c);
- Endangered, Threatened, and Rare Plants of California (CDFW 2022d); and
- Special Vascular Plants and Bryophytes List (CDFW 2022e).

FIELD SURVEY

A reconnaissance surveys of the Project Site was conducted by Ruben Ramirez of Cadre Environmental (USFWS Permit 780566-14) on May 23rd and August 29th, 2022 in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, vegetation and rare plant maps prepared for previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within or adjacent to the Project Site. Habitat assessments were conducted for, but not limited to, the following target species/groups.

- Delhi sands flower loving fly – Federally Endangered (FE)
- Coastal California gnatcatcher – Federally Threatened (FT)/State Species of Special Concern (SSC)
- Burrowing owl - SSC
- Southwestern willow flycatcher (FE)/State Endangered (SE)
- Least Bell's vireo (FE/SE)
- San Bernardino kangaroo rat – FE/SSC
- Common and sensitive bat species

- Sensitive plants

Vegetation Communities/Habitat Classification Mapping

Natural community names and hierarchical structure follows the "*Manual of California Vegetation*" (Sayer and Keeler-Wolf 2009) classification system, which has been refined and augmented where appropriate to better characterize the habitat types observed onsite.

A general plant survey was conducted throughout the Project Site during the reconnaissance in a collective effort to identify all species occurring onsite.

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Scientific nomenclature and common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012) for updated taxonomy. Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were documented. In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species.

Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2022 for amphibians and reptiles), the American Ornithologists' Union (1988 and supplemental) for birds, and Baker et al. (2003) for mammals. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Jurisdictional Resources Assessment

The Project Site was assessed for the presence/absence of United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board jurisdictional resources. Non-wetland waters of the United States were assessed based on the limits of the Ordinary High-Water Mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in vegetation and soil characteristics. The assessment utilized the methodology for routine wetland determination according to the methods outlined in the USACE Wetland Delineation Manual (Environmental Laboratory 1987) and the Arid West Wetland Delineation Supplement and updated regulatory guidance letters (USACE 2008). Wetlands are identified by the presence of three characteristics: hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these criteria were met, one or more transects were run to determine the extent of the wetland. Specifically, the presence of wetland hydrology was evaluated throughout the Project Site by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil pits, where applicable. In addition, indicators of wetland or riverine hydrology were recorded, including water marks, drift lines, rack, debris, and sediment deposits, as

warranted. Any indicators of hydric soils, such as redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor were also recorded.

EXISTING ENVIRONMENTAL SETTING

The following section presents the existing conditions of the Project Site assessment area. The Project Site is characterized as 18.67-acres of primarily developed lands currently used as commercial storage facilities, residential home sites, undeveloped disturbed lands, and ornamental trees scattered throughout the Project Site, as shown in Figure 3, *Vegetation Communities Map*, and Figures 4 to 7, *Current Project Site Photographs*. With the exception of a short 200-foot reach of the southeast Project Site boundary located adjacent to the Santa Ana River flood prone area, the balance of the property is bordered by high-traffic roads, distribution centers, residential home sites and disturbed lands. Substrates onsite are characterized exclusively as Tujunga gravelly loamy sand, 0 to 9 percent slopes (TvC), somewhat excessively drained, as shown in Figure 8, *Soils Association Map* (NRCS 2022).

VEGETATION COMMUNITIES

Developed

A total of 13.46-acres of the Project Site is characterized as developed and includes areas devoid of vegetation and currently being utilized for commercial storage, existing structures, residential home sites and an existing antenna tower, as outlined in Table 1*, Project Site Vegetation Community Acreages*. As described below, ornamental trees are scattered throughout this region.

Disturbed

A total of 3.54-acres of the Project Site is characterized as disturbed habitat with indications that annual clearing occurs. The soils are heavily compacted and this vegetation community is dominated by species commonly occurring in disturbed habitats including cheeseweed (*Malva parviflora),* Russian thistle (*Salsola tragus*), puncture vine (*Tribulus terrestris*), telegraph weed (*Heterotheca grandiflora*), Asian mustard (*Brassica tournefortii*), Jimson weed (*Datura stramonium*), annual bursage (*Ambrosia acanthicarpa*) red-stemmed filaree (*Erodium cicutarium*), and to a lesser extent wild oat (*Avena fatua*), and ripgut brome (*Bromus diandrus*).

Ornamental Landscaping

Several ornamental trees and palms are scattered through the Project Site including but not limited to Eucalyptus (*Eucalyptus* sp.), tamarisk (*Tamarix ramosissima*), Mexican fan palm (*Washingtonia robusta*), Palo Verde tree (*Parkinsonia aculeata*), mulberry (*Morus alba*), and tree of heaven (*Ailanthus altissima*).

Table 1.
Project Site Vegetation Community Acreages

Vegetation Community	Acres
Developed	13.46
Disturbed	3.54
Ornamental Landscaping	1.67
TOTAL	**18.67**

Source: Cadre Environmental 2022.

GENERAL PLANT & WILDIFE SPECIES

General plant species documented within the Project Site area are presented in the previous section. General wildlife species documented onsite or within the vicinity during the site assessment include mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and northern mockingbird (*Mimus polyglottos*).

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The adjacent reach of the Santa Ana River located southeast of the Project Site will not be directly or indirectly impacted as a result of project initiation as discussed in the following sections.

Impacts to water quality would be less than significant during both construction and operation (i.e., if warranted, compliance with National Pollutant Discharge Elimination System (NPDES) permit and MS4 code provisions would ensure no impacts to species, and compliance with County of San Bernardino Phase 1 Municipal Separate Storm Sewer System (MS4) permit requirements and LID manual would also ensure no impacts to species).

East Norman Road

PROJECT SITE BOUNDARY

Lena Road

PROJECT SITE

East Orange Show Road

Santa Ana River
San Bernardino Flood Control District

Legend

DEV	Developed
DIS	Disturbed Habitat
ORN	Ornamental Landscaping

APN's 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11

Figure 3 - Vegetation Communities Map
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N

1 inch = 100 feet

PHOTOGRAPH 1

PHOTOGRAPH 2

Refer to Figure 2 for Photographic Key Map

Figure 4 - Current Project Site Photographs
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PHOTOGRAPH 3

PHOTOGRAPH 4

Refer to Figure 2 for Photographic Key Map

Figure 5 - Current Project Site Photographs
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PHOTOGRAPH 5

PHOTOGRAPH 6

Refer to Figure 2 for Photographic Key Map

Figure 6 - Current Project Site Photographs
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PHOTOGRAPH 7

PHOTOGRAPH 8

Refer to Figure 2 for Photographic Key Map

Figure 7 - Current Project Site Photographs
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East Norman Road

PROJECT SITE BOUNDARY

Lena Road

TvC
Tujunga gravelly loamy sand, 0 to 9 percent slopes

PROJECT SITE

TvC
Tujunga gravelly loamy sand, 0 to 9 percent slopes

East Orange Show Road

Santa Ana River
San Bernardino Flood Control District

APN's 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11

Figure 8 - Soils Association Map
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N

1 inch = 100 feet

SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered species act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS. CDFW uses various terminology and classifications to describe vulnerable species.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment sources used to determine the sensitive status of biological resources are:

Plants: USFWS (2022), CNDDB (CDFW 2022a), CDFW (2022d, 2022e), CNPS (2022), and Skinner and Pavlik (1994),

Wildlife: California Wildlife Habitat Relationships (2008), USFWS (2021), CNDDB (CDFW 2022a), and CDFW (2022b, 2022c).

Habitats: CNDDB (CDFW 2022a, 2022f).

FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no

longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS. For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

The designation of critical habitat can also have a significant impact on the development of land designated as "*critical habitat*." The FESA prohibits federal agencies from taking any action that will "*adversely modify or destroy*" critical habitat (16 U.S.C. § 1536(a)(2)). This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the USFWS who then issues a biological opinion evaluating whether the action will "*adversely modify"* critical habitat. Thus, the designation of critical habitat effectively gives the USFWS extensive regulatory control over the development of land designated as critical habitat.

The Migratory Bird Treaty Act of 1918 (MBTA) makes it unlawful to "*take*" any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, the Republic of Mexico, Japan, and the Union of Soviet States. For purposes of the MBTA, "*take*" is defined as to pursue, hunt, capture, kill, or possess or attempt to do the same.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (16 U.S.C. 668-668d).

STATE PROTECTION AND CLASSIFICATIONS

California's Endangered Species Act (CESA) defines an endangered species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although

not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of CESA addresses the taking of threatened or endangered species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided..." Under CESA, "take" is defined as "...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require "...permits or memorandums of understanding..." and can be authorized for "...endangered species, threatened species, or candidate species for scientific, educational, or management purposes." Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. SSC ("special" animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management (BLM) and US Forest Service (USFS) sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW's CNDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected

SR	State Rare
SSC	California Species of Special Concern
CWL	California Watch List

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by CDFW. The CNPS has developed five categories of rarity (CRPR):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2A	Plants presumed extirpated in California but common elsewhere
CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

> “*Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of*

concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension." (CNPS 2022)

0.1	Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

LOCAL PROTECTION AND CLASSIFICATIONS

General Plan 2005

Goal 12.1 Conserve and enhance San Bernardino's biological resources.

Policies

2.1.1 Acquire and maintain current information regarding the status and location of sensitive biological elements (species and natural communities) within the planning area, as shown on Figure NRC-1. (NR-3).

A site assessment to document existing conditions and presence/absence of sensitive resources was conducted throughout the Project Site on May 23rd and August 29th, 2022. The entire Project Site is developed or heavily disturbed and does not possess any native habitats or suitable conditions for sensitive floral or faunal species as shown in Figure 3, *Vegetation Communities* and Figures 4 to 7, *Current Project Site Photographs*.

12.1.2 Site and develop land uses in a manner that is sensitive to the unique characteristics of and that minimizes the impacts upon sensitive biological resources. (LU-1).

As previously stated, the entire Project Site is developed, heavily disturbed and does not possess any native habitats or suitable conditions for sensitive floral or faunal species.

12.1.3 Require that all proposed land uses in the "Biological Resource Management Area" (BRM), Figure NRC-2, be subject to review by the Environmental Review Committee (ERC).

The Project Site is not located within the Biological Resource Management Area and review by the ERC is not required.

12.1.4 Require that development in the BRM: a. Submit a report prepared by a qualified professional(s) that addresses the proposed project's impact on sensitive species and habitat, especially those that are identified in State and Federal conservation programs;

b. Identify mitigation measures necessary to eliminate significant adverse impacts to sensitive biological resources; c. Define a program for monitoring, evaluating the effectiveness of, and ensuring the adequacy of the specified mitigation measures; and d. Discuss restoration of significant habitats.

The Project Site is not located within the Biological Resource Management Area. No Impact.

Goal 12.2 Protect riparian corridors to provide habitat for fish and wildlife.

Policies

12.2.1 Prohibit development and grading within fifty (50) feet of riparian corridors, as identified by a qualified biologist, unless no feasible alternative exists. (LU-1).

No riparian scrub, forest, woodland habitat or riparian corridor are located within or adjacent to the Project Site as shown in Figure 3, *Vegetation Communities* and Figures 4 to 7, *Current Project Site Photographs*. No Impact.

12.2.2 Generally permit the following uses within riparian corridors: a. Education and research, excluding buildings and other structures; b. Passive (non-mechanized) recreation; c. Trails and scenic overlooks on public land(s); d. Fish and wildlife management activities; e. Necessary water supply projects; f. Resource consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code; g. Flood control projects where no other methods are available to protect the public safety; h. Bridges and pipelines when supports are not in significant conflict with corridor resources. (LU-1).

No riparian scrub, forest, woodland habitat or riparian corridor are located the Project Site. No Impact.

12.2.3 Pursue voluntary open space or conservation easements to protect sensitive species or their habitats. (NR-1).

As previously stated, the entire Project Site is developed, heavily disturbed and does not possess any native habitats or suitable conditions for sensitive floral or faunal species.

12.2.4 Development adjacent to riparian corridors shall: a. Minimize removal of vegetation; b. Minimize erosion, sedimentation, and runoff by appropriate protection or vegetation and landscape; c. Provide for sufficient passage of native and anadromous fish as specified by the California Department of Fish and Game; d. Minimize wastewater discharges and entrapment; e. Prevent groundwater depletion or substantial interference with surface and subsurface flows; and provide for natural vegetation buffers.

As previously stated, no riparian scrub, forest, woodland habitat or riparian corridor is located within the Project Site. The adjacent reach of the Santa Ana River (wildlife movement corridor) located southeast of the Project Site will not be directly or indirectly impacted as a result of project initiation as discussed in the following sections. No Impact.

12.2.5 Permit modification of the boundaries of the designated riparian corridors based on field research and aerial interpretation data as part of biological surveys.

As previously stated, no riparian scrub, forest, woodland habitat or riparian corridor is located within the Project Site. No Impact.

Goal 12.2 Establish open space corridors between and to protected wildlands.

Policies

12.3.1 Identify areas and formulate recommendations for the acquisition of property, including funding, to establish a permanent corridor contiguous to the National Forest via Cable Creek and/or Devil Canyon. The City shall consult with various federal, state and local agencies and City departments prior to the adoption of any open space corridor plan.

The Project Site is not located within or adjacent to Cable Creek or Devil Canyon. No Impact.

12.3.2 Seek to acquire real property rights of open space corridor parcels identified as being suitable for acquisition. (NR-1).

The Project Site is not located within an open space corridor. No Impact.

12.3.3 Establish the following habitat types as high-priority for acquisition as funds are available: a. Habitat of endangered species; b. Alluvial scrub vegetation; c. Riparian vegetation dominated by willow, alder, sycamore, or native oaks; and d. Native walnut woodlands.

A site assessment to document existing conditions and presence/absence of sensitive resources was conducted throughout the Project Site on May 23rd and August 29th, 2022. The entire Project Site is developed or heavily disturbed and does not possess any native habitats or suitable conditions for sensitive floral or faunal species as shown in Figure 3, *Vegetation Communities* and Figures 4 to 7, *Current Project Site Photographs*. No Impact.

12.3.4 Preserve and enhance the natural characteristics of the Santa Ana River, City Creek, and Cajon Creek as habitat areas.

12.3.5 Prevent further loss of existing stands of Santa Ana River Wooly-star (*Eriastrum densifolium sanctorum*) and Slender-horned Centrostegia (*Centrostegia leptoceras*).

The entire Project Site is developed, heavily disturbed and does not possess any native habitats or suitable conditions for sensitive floral or faunal species including the Santa Ana River wooly-star and slender-horned spineflower.

Municipal Codes

As stated by the Placeworks General Plan Update and Associated Specific Plans EIR:

> "*City Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34) prohibits the removal and/or destruction of more than five (5) trees within any thirty-six (36) month period from a development site or parcel of property without first being issued a permit from the Development Services Department. Per the ordinances, a permit shall not be required when a lawful order to remove the trees for health and safety purposes has been issued by a local, state or federal government agency; nor shall a permit be required if a removal is to be accomplished by, or under the auspices of a governmental entity*." (Placeworks 2005)

As stated by the Placeworks General Plan Update and Associated Specific Plans EIR:

> **Development Codes**
>
> *"The City's Development Code (Title 19, Land Use/Subdivision Regulations) also contains a Hillside Management Overlay District that allows for low-density residential development in the City's hillside areas. Policies of this overlay district regulate protection of the hillside's natural and topographic character, environmental, and aesthetic qualities through requirements to minimize grading and erosion effects, and preservation of slope banks, ridgelines, significant rock outcroppings, native plant materials, and natural hydrology."* (Placeworks 2005)

SENSITIVE HABITATS

As stated by CDFW:

> "*One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe's Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled*". (CDFW 2022f)

No sensitive or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as developed and heavily disturbed.

PROTECTED TREES

Several mature trees are located throughout the Project Site. To ensure the proposed action does not conflict with the City of San Bernardino's Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34) a tree removal permit will be required from the Development Services Department. Specifically, a certified arborist survey and report will be required to evaluate existing trees and proposed replacement as warranted prior to the issuance of a tree removal permit, as determined by the Development Services Department (**CM BIO-1**).

SENSITIVE PLANTS

Based on a review of the CNDDB and existing conditions within and adjacent to the property, a total of eleven (11) sensitive plant species listed in the State database have potential to occur within the vicinity of the Project as presented in Table 2, *Sensitive Plant Species Assessment* (CNDDB 2022a). No suitable habitat for sensitive plant species including those listed as federal or state threatened/endangered was documented within the Project Site. No sensitive plant species listed in Table 2 or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as developed and heavily disturbed.

Table 2.
Sensitive Plant Species Assessment

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Horn's milk-vetch (*Astragalus hornii* var. *hornii*) CRPR 1B.1	Annual herb generally blooming from May to October in meadows, seeps and playas (CNPS 2022).	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Smooth tarplant (*Centromadia pungens* ssp. *laevis*) CRPR 1B.1	Annual herb which generally blooms from April to September within chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grassland (alkaline substrates). (CNPS 2022)	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Parry's spineflower (*Chorizanthe parryi var. parryi*) CRPR 1B.1	Annual herb which generally blooms from April to June within chaparral, cismontane woodland, coastal scrub and grassland habitats with sandy and/or rocky openings. (CNPS 2022)	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Slender-horned spineflower (*Dodecahema leptoceras*) CRPR 1B.1 FE/SE	Annual herb which generally blooms from April to June within chaparral, cismontane woodland and coastal scrub (alluvial fan) with sandy substrates. (CNPS 2022)	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Santa Ana River woollystar (*Eriastrum densifolium ssp. sanctorum*) FE/SE CRPR 1B.1	Perennial herb which generally blooms from April to September within chaparral, coastal scrub (alluvial fan) in sandy and gravelly substrates (CNPS 2022).	Not detected or expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Mesa horkelia (*Horkelia cuneata ssp. puberula*) CRPR 1B.1	Perennial herb which generally blooms from February to September within chaparral (maritime), cismontane woodland and coastal scrub with sandy or gravelly substrates. (CNPS 2022)	Not detected or expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Southern California black walnut (*Juglans californica*) CRPR 4.2	Perennial tree generally blooming from March to August (CNPS 2022)	Not detected onsite.
Robinson's pepper-grass (*Lepidium virginicum var. robinsonii*) CRPR 4.3	Annual herb which generally blooms from January to July within chaparral and coastal sage scrub habitats (CNPS 2022).	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Parish's desert-thorn (*Lycium parishii*) CRPR 2B.3	Perennial herb which generally blooms from March to April in coastal scrub and Sonoran Desert scrub habitats. (CNPS 2022)	Not detected or expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Pringle's monardella (*Monardella pringlei*) CRPR 1A	Annual herb which generally blooms from May to June in coastal scrub dominated sandy substrates. (CNPS 2022)	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Chaparral ragwort (*Senecio aphanactis*) CRPR 2B.2	Annual herb which generally blooms from January to May within chaparral, cismontane woodland and coastal scrub habitats. (CNPS 2022)	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

California Native Plant Society (CNPS): California Rare Plant Rank (CRPR)
CRPR 1A – plants presumed extinct in California
CRPR 1B – plants rare, threatened, or endangered in California, but more common elsewhere
CRPR 2A – plants presumed extirpated in California but common elsewhere
CRPR 2B – plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3 – plants about which we need more information, a review list
CRPR 4 – plants of limited distribution, a watch list
.1 – Seriously endangered in California
.2 – Fairly endangered in California
.3 – Not very endangered in California

Federal (USFWS) Protection and Classification
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate for Listing

State (CDFW) Protection and Classification
SE – State Endangered
ST – State Threatened

SENSITIVE WILDLIFE

Based on a review of the CNDDB and existing site conditions, a total of twenty-four (24) sensitive wildlife species are have the potential of occurring within the vicinity of the Project Site as presented in Table 3, *Sensitive Wildlife Species Assessment* (CNDDB 2022a). No suitable habitat for species listed as federal or state threatened/endangered was documented within the Project Site. No sensitive wildlife species or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as developed and heavily disturbed.

Table 3.
Sensitive Wildlife Species Assessment

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
INVERTEBRATES		
Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) FE	Restricted to Delhi sand formations in Riverside and San Bernardino Counties.	No potential to occur onsite based on a lack of Delhi soils as shown in Figure 7, *Soils Association Map*. The Project Site is not located within a USFWS recovery unit and the property is developed and heavily disturbed.
FISH		
Santa Ana sucker (*Catostomus santaanae*) FT	Preferred habitat, open water and emergent vegetation.	No potential to occur onsite based on a lack of open water.
Arroyo chub (*Gila orcuttii*) SSC	Preferred habitat, open water and emergent vegetation in lower gradient streams with sand or mud substrate.	No potential to occur onsite based on a lack of open water.
REPTILES		
Orange-throated whiptail (*Aspidoscelis hyperythra*) SSC	The orange-throated whiptail occurs in RSS and chaparral where loose soils and occasional rocky areas are found.	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Coastal western whiptail (*Aspidoscelis tigris stejnegeri*) SSC	The coastal western whiptail occurs in a wide variety of habitats including coastal sage scrub, desert scrub, Riversidean alluvial fan scrub, woodlands, grasslands, playas, and respective ecotones between these habitats.	Not detected. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Red-diamond rattlesnake (*Crotalus ruber*) SSC	The red-diamond rattlesnake is often found in areas with dense vegetation especially chaparral and sage scrub up to 1,520 meters in elevation.	Not detected. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Blainville's horned lizard (*Phrynosoma blainvillii*) SSC	The horned lizard occurs primarily in scrub, chaparral, and grassland habitats.	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
BIRDS		
Bell's sage sparrow (*Artemisiospiza belli belli*) CWL	This species is typically found in chaparral on alluvial fans and foothills.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Cooper's hawk (*Accipiter cooperii*) SSC	Cooper's hawk is most commonly found within or adjacent to riparian/oak forest and woodland habitats.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) CWL	Southern California rufous-crowned sparrow is a non-migratory bird species that primarily occurs within sage scrub and grassland habitats and to a lesser extent chaparral sub-associations. This species generally breeds on the ground within grassland and scrub communities in the western and central regions of California.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Golden eagle (*Aquila chrysaetos*) CWL, SFP	Within southern California, the species prefers grasslands, brushlands (coastal sage scrub and chaparral), deserts, oak savannas, open coniferous forests, and montane valleys.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Burrowing owl (*Athene cunicularia)* SSC	The burrowing owl uses predominantly open land, including grassland, agriculture (e.g., dry-land farming and grazing areas), playa, sparse coastal sage scrub, desert	Not expected to occur onsite. No potential refugia or burrows greater than 4 inches were documented within the Project Site.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
	scrub habitats. Some breeding burrowing owls are year-round residents and additional individuals from the north may winter throughout the region.	
Northern Harrier (*Circus cyaneus*) SSC	The northern harrier frequents open wetlands, wet/lightly grazed pastures, fields, dry uplands/prairies, mesic grasslands, drained marshlands, croplands, meadows, grasslands, open rangelands, fresh and saltwater emergent wetlands.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) FT/SE	Although the preferred habitat, riparian scrub and forest, is well distributed at scattered locations within the Plan Area in the Riverside Lowland Bioregions, the western yellow-billed cuckoo apparently no longer inhabits much of this habitat.	No potential to occur onsite based on a lack of riparian scrub, forest or woodland habitats within the Project Site.
Southwestern willow flycatcher (*Empidonax traillii extimus*) FE/SE	The southwestern willow flycatcher is narrowly distributed at few locations within the Plan Area. Although the preferred habitat, riparian woodland and select other forests, is well distributed within all bioregions and spread over the entire Plan Area, few current locations for the willow flycatcher have been documented.	No potential to occur onsite based on a lack of riparian scrub, forest or woodland habitats within the Project Site. The Project Site is located immediately west of the USFWS designated critical habitat for the federally endangered southwestern willow flycatcher – Figure 9, *Vegetation Communities Impact Map*. The proposed action will not directly or indirectly impact USFWS designated critical habitat for the federally endangered southwestern willow flycatcher as indicated in the following section.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Loggerhead shrike (*Lanius ludovicianus*) SSC	This species of shrike hunts in open or grassy areas and nests in large chaparral shrubs such as ceanothus and lemonade berry.	Not expected to occur onsite based on a lack of suitable undisturbed foraging or nesting vegetation.
Coastal California gnatcatcher (*Polioptila californica californica*) FT/SSC	The coastal California gnatcatcher is a non-migratory bird species that primarily occurs within sage scrub habitats in coastal southern California dominated by California sagebrush.	Not expected to occur onsite based on a lack of suitable breeding and foraging habitat.
Least Bell's vireo (*Vireo bellii pusillus*) FE/SE	Least Bell's vireo resides in riparian habitats with a well-defined understory including southern willow scrub, mule fat, and riparian forest/woodland habitats.	No potential to occur onsite based on a lack of riparian scrub, forest or woodland habitats within the Project Site.
MAMMALS		
Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) SSC	The northwestern San Diego pocket mouse occurs in coastal sage, upland sage scrubs, and alluvial fan sage scrub, sage scrub/grassland ecotones, chaparral, and desert scrubs at all elevations up to 6,000 feet.	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
San Bernardino kangaroo rat (*Dipodomys merriami parvus*) FE/SSC	Prefers alluvial scrub, coastal sage scrub habitats with sandy and gravelly substrates.	Not expected to occur onsite based on a complete lack of suitable undisturbed vegetation or soils. The Project Site is devoid of native vegetation and no kangaroo rat burrows were detected onsite.
Western mastiff bat (*Eumops perotis californicus*) SSC	Roosts in rocky areas and forages in grassland, shrublands, and woodlands.	Not expected to occur onsite based on a lack of suitable habitat.
Western yellow bat (*Lasiurus xanthinus*) SSC	Roosts in the skirts of palm trees and forages in adjacent habitats.	Not expected to occur onsite based on a lack of suitable foraging habitat within the vicinity of the Project Site.

Species Name (*Scientific Name*) Status	Habitat Description	Comments
San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) SSC	The San Diego black-tailed jackrabbit in open habitats, primarily including grasslands, sage scrub, alluvial fan sage scrub, and Great Basin sage scrub.	Not observed or expected to occur onsite based on a lack of suitable habitat and sign of burrow structures.
Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) SSC	Low elevation grassland alluvial sage scrub and coastal sage scrub habitats.	Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils. The Project Site is devoid of native vegetation.

Federal (USFWS) Protection and Classification
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate for Listing

State (CDFW) Protection and Classification
SE – State Endangered
SSC – State Species of Special Concern
CWL – California Watch List
SPF – State Fully Protected

The Project Site is located immediately west of the USFWS designated critical habitat for the federally endangered southwestern willow flycatcher. The proposed action will not directly or indirectly impact USFWS designated critical habitat for the federally endangered southwestern willow flycatcher as indicated in the following section.

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The adjacent reach of the Santa Ana River located southeast of the Project Site will not be directly or indirectly impacted as a result of project initiation as discussed in the following sections.

Impacts to water quality would be less than significant during both construction and operation (i.e., if warranted, compliance with National Pollutant Discharge Elimination System (NPDES) permit and MS4 code provisions would ensure no impacts to species, and compliance with County of San Bernardino Phase 1 Municipal Separate Storm Sewer System (MS4) permit requirements and LID manual would also ensure no impacts to species).

ENVIRONMENTAL IMPACTS

The following section includes an analysis of the direct and/or indirect impacts of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible,

quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the CEQA at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

> "*Prevent the elimination of fish and wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities*…"

The following definitions apply to the significance criteria for biological resources:

- "*Endangered*" means that the species is listed as endangered under state or federal law.

- "*Threatened*" means that the species is listed as threatened under state or federal law.

- "*Rare*" means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.

- "*Region*" refers to the area within southern California that is within the range of the individual species.

- "*Sensitive habitat*" refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.

- "*Substantial effect*" means significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

Also, the determination of impacts has been made according to the federal definition of "*take*". FESA prohibits the "*taking*" of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). FESA defines "*take*" as "*to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect*" an endangered or threatened species, or to attempt to engage in these activities.

DIRECT IMPACTS

Specifically, the biological resources assessment report addresses the following CEQA Environmental Checklist items.

Environmental Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				**X**
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				**X**
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				**X**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			**X**	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?*

No Impact. The 18.67-acre proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any plant or wildlife species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. No native undisturbed suitable habitat, soils or sensitive plant/wildlife species observations were documented or expected to occur within the Project Site as outlined in Table 2. *Sensitive Plant Species Assessment*, and Table 3, *Sensitive Wildlife Species Assessment*. No federal or state permits are required. The Project Site is characterized as developed and heavily disturbed and is primarily surrounded by existing high traffic roads and commercial /residential homesite development. Therefore, no mitigation is required or proposed.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS*?

No Impact. No riparian, sensitive or undisturbed native/natural habitats were documented within the Project Site as outlined in Table 4, *Project Site Vegetation Community Impacts,* and Figure 9, *Vegetation Communities Impact Map*.

The Project Site is characterized as developed, heavily disturbed with scattered ornamental trees and palms, no natural undisturbed habitats occur onsite, and the property is primarily surrounded by existing commercial development, residential homesites and high traffic roads. The adjacent reach of the Santa Ana River located southeast of the Project Site will not be directly impacted as a result of project initiation as discussed in the following sections. Therefore, no mitigation is required or proposed.

Table 4. Project Site Vegetation Community Impacts

Vegetation Community	Project Site Acres	Impacts (Acres)
Developed	13.46	13.46
Disturbed	3.54	3.54
Ornamental Landscaping	1.67	1.67
TOTAL	**18.67**	**18.67**

Source: Cadre Environmental 2022.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The adjacent reach of the Santa Ana River located southeast of the Project Site will not be directly or indirectly impacted as a result of project initiation as discussed in the following sections. Therefore, no mitigation is required or proposed.

East Norman Road

East Orange Show Road

Lena Road

PROJECT SITE BOUNDARY

BUILDING AREA
397,700 S.F.

PROJECT SITE

62 DOCK DOORS

APPROX. LOCATION OF EXISTING CELL TOWER

USFWS
Southwestern Willow Flycatcher
Critical Habitat

Santa Ana River
San Bernardino Flood Control District

Legend

DEV	Developed
DIS	Disturbed Habitat
ORN	Ornamental Landscaping

APN's 280-172-01, -02, -04, -11, -17, -19 to -22, 280-192-01, -02, -04 to -13, -16, -18 to -22, 280-202-07 to -09, and -11

Project Site Impact Boundary

Figure 9 - Vegetation Communities Impact Map
Biological Resources Technical Report
Gateway South Building 9

Source: HPA Architecture 2022

CADRE Environmental

1 inch = 100 feet

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The Project Site is developed, heavily disturbed, primarily surrounded by existing high traffic roads and commercial development and does not represent a wildlife movement corridor or route between open space habitats. The adjacent reach of the Santa Ana River (wildlife movement corridor) located southeast of the Project Site will not be directly impacted as a result of project initiation as discussed in the following sections. Therefore, no mitigation is required or proposed.

The onsite disturbed habitat represents low potential habitat for common ground nesting bird species such as killdeer. However, the numerous ornamental trees provide suitable nesting habitat for both birds and raptors. Loss of an active nest would conflict with CDFG Codes 3503 & 3513. Implementation of Conservation Measure **CM BIO-2**: Nesting Bird and Raptor Preconstruction Surveys will ensure compliance with the CDFG Codes.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant. Several mature trees are located throughout the Project Site. To ensure the proposed action does not conflict with the City of San Bernardino's Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34) a tree removal permit will be required from the Development Services Department. Specifically, a certified arborist survey and report will be required to evaluate existing trees and proposed replacement as warranted prior to the issuance of a tree removal permit, as determined by the Development Services Department (**CM BIO-1**).

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project Site is not located within or adjacent to a Conservation Program Area. Therefore, implementation of the project would not result in a conflict with the provisions of an adopted habitat conservation plan and no impact would occur. Also, the Project Site is not located within or adjacent to the adopted "Draft West Valley Habitat Conservation Plan" for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; DSF). Therefore, no mitigation is required or proposed.

INDIRECT IMPACTS

Potential indirect impacts include hydrological modification, discharges, lighting, and construction noise.

Water Quality

Potential indirect impacts to water quality would be less than significant during both construction and operation (i.e., compliance with NPDES permit and MS4 code provisions, as warranted, would ensure no impacts to species, and compliance with

County of San Bernardino Phase 1 Municipal Separate Storm Sewer System (MS4) permit requirements and LID manual would also ensure no impacts to species).

Toxics

Toxic sources within the Project Site would be limited to those commonly associated with commercial developments such as pesticides, insecticides, herbicides, fertilizers, and vehicle emissions. In order to mitigate for the potential effects of these toxics, the project will incorporate structural BMPs, as required in association with compliance with the NPDES permit system as warranted, in order to reduce the level of toxins introduced into the drainage system. Water quality measures will be implemented and no significant impacts are anticipated.

Lighting

No impacts related to lighting would occur during both construction and operation. All temporary and permanent lighting along the approximately 200-foot boundary located adjacent to the Santa Ana River will be directed away from the regional wildlife movement corridor and USFWS designated critical habitat for the federally endangered southwestern willow flycatcher. No impact.

Noise

Noise and vibration associated with the use of heavy equipment during project construction has the potential to disrupt bird nesting, foraging and breeding behavior within the Project Site. Conservation Measure **CM BIO-2:** Nesting Bird and Raptor Preconstruction Survey has been incorporated into the project to collectively contribute to reducing potential indirect noise impacts to nesting bird species located within the Project Site. No impact anticipated.

CUMULATIVE IMPACTS

The temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Section 15310) to environmental resources within the region of the Project Site. Cumulative impacts refer to incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. The project represents the development of 18.67-acres of disturbed habitat, surrounded by commercial development and high traffic roads, and therefore will not result in an adverse cumulative impact to sensitive resources. Impacts related to buildout of the City and Sphere of Influence are anticipated to be less than significant if projects comply with General Plan policies and standard conditions.

No sensitive species or habitats were detected within the Project Site. Therefore, project initiation would not conflict with the general plan policies and standard conditions for the protection of sensitive resources.

CONSERVATION MEASURE

The following biological conservation measures (Conditions of Approval) are relevant to the protection of biological resources to the extent practicable as part of ensuring all potential impacts to sensitive or regulated biological resources are in compliance with CEQA.

CM BIO-1: City of San Bernardino Tree Removal Permit

Several mature trees are located throughout the Project Site. To ensure the proposed action does not conflict with the City of San Bernardino's Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34) a tree removal permit will be required from the Development Services Department. Specifically, a certified arborist survey and report will be required to evaluate existing trees and proposed replacement as warranted prior to the issuance of a tree removal permit, as determined by the Development Services Department.

CM BIO-2: Nesting Bird and Raptor Preconstruction Survey

To avoid impacts to nesting birds within or adjacent to the Project Site and to comply with the CDFG Codes 3503 & 3513, initial grubbing should occur between the non-nesting (or non-breeding) season for ground nesting birds (generally, September 1st to January 31st). If this avoidance schedule is not feasible, the alternative is to carry out such activities under the supervision of a qualified biologist. This shall entail the following:

A qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiating ground disturbance activities. The survey will consist of full coverage of the proposed disturbance limits, determined by the biologist and taking into account the species nesting in the area and the habitat present. If no active nests are found, no additional measures are required.

If "occupied" nests are found, their locations shall be mapped, species documented, and, to the degree feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area will be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.

LITERATURE CITED

American Ornithologist Union (AOU). 1998. Check-list of North American Birds. 7th ed. American Ornithologists' Union, Washington, DC.

Baker, R. J., L. C. Bradley, R. D. Bradley, J. W. Dragoo, M. D. Engstrom, R. S. Hoffman, C. A. Jones, F. Reid, D. W. Rice, and C. Jones. 2003. Revised checklist of North American mammals north of Mexico. Occasional Papers of the Museum of Texas Tech University. No. 229: 1-23.

California Department of Fish and Wildlife (CDFW), Natural Diversity Data Base (CNDDB). 2022a. Sensitive Element Record Search for the San Bernardino South Quadrangle. California Department of Fish and Wildlife. Sacramento, California. Accessed August 2022.

California Department of Fish and Wildlife (CDFW). 2022b. Special Animals. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW). 2022c. State and Federally Listed Endangered and Threatened Animals of California. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW). 2022d. Endangered, Threatened, and Rare Plants of California. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW). 2022e. Special Vascular Plants, Bryophytes, and Lichens. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW) 2022f. Sensitive Natural Communities. https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities

California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency.

California Native Plant Society. 2022. Inventory of Rare and Endangered Plants in California, 8th Edition, http://www.cnps.org/cnps/rareplants/inventory/ Accessed August 2022.

City of San Bernardino. 2005. General Plan

County of San Bernardino. 2012. Biotic Resources Overlay Map. http://www.sbcounty.gov/Uploads/lus/BioMaps/cnty_all_biotic_resources_map_final.pdf

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

Jepson Flora Project. 2022 (v. 1.0 & supplements). Jepson eFlora. http://ucjeps.berkeley.edu/IJM.html. Accessed August 2022.

North American Herpetology. 2022. http://www.cnah.org/. Accessed August 2022.

Placeworks. 2005. General Plan Update and Associated Specific Plans EIR.

Santa Ana Regional Water Quality Control Board. 2017. Water Code Section 13383 Order to Submit Method to Comply with Statewide Trash Provisions; Requirements for Phase 1 Municipal Separate Strom Sewer (MS4) Co-Permittees within the Jurisdiction of the Santa Ana Regional Water Quality Control Board.

Sayer and Keeler-Wolf. 2009. A Manual of California Vegetation.

Skinner, M. W. and B. M. Pavlik. 1994. California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society. Special Publication, no. 1, 5th ed. Sacramento, California.

Tibor, D. [ed.]. 2001. California Native Plant Society. Inventory of Rare and Endangered Plants of California. California Native Plant Society, Special Publication Number 1, Sixth Edition.

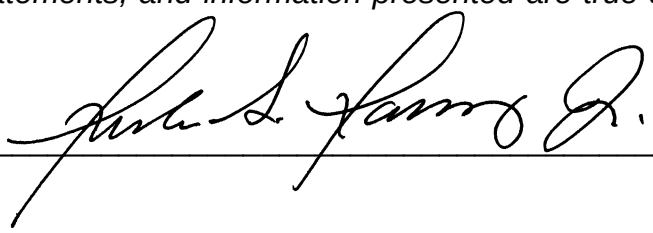
U.S. Army Corps of Engineers, Engineer Research and Development Center (ERDC). September 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).

U.S. Army Corps of Engineers. 2014. 2014 National Wetland Plant List. http://wetland-plants.usace.army.mil/nwpl_static/index.html.

U.S. Department of Agriculture. 2022. Custom Soil Resources Report for San Bernardino County, California. Natural Resources Conservation Service.

U.S. Fish and Wildlife Service (USFWS). 2022. Threatened and Endangered Species Occurrence Database. Pacific Southwest Region. Carlsbad Office. Accessed August 2022.

Certification "*I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge".*

Author:  Date: August 30th, 2022

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