BIOLOGICAL RESOURCES ASSESSMENT, JURISDICTIONAL DELINEATION, AND NATIVE PLANT PROTECTION PLAN FOR THE WAALEW ROAD TRUCK AND TRAILER FACILITY PROJECT, IN THE TOWN OF APPLE VALLEY, 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

October 2024

Table of 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 Waalew Road Truck and Trailer Facility Project in the Town of Apple Valley, California (Project). The survey identified vegetation communities, the potential for the occurrence of special status species, or habitats that could support special status wildlife species, and recorded all plants and animals observed or detected within the Project boundary. This biological resources assessment is designed to address the potential effects of the proposed project on designated critical habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) or species designated as sensitive by the California Department of Fish and Wildlife (CDFW) or the California Native Plant Society (CNPS).

Information contained in this document is in accordance with accepted scientific and technical standards that are consistent with the requirements of the United States Fish and Wildlife Service (USFWS) and (CDFW). Additionally, the site was surveyed for any drainage features that would meet the definition of the Waters of the US (WOUS), Waters of the State (WOS), or CDFW jurisdiction. Also, the project is located within the desert of San Bernardino County. As such, this report also contains the results of the Native Plant Protection Plan in accordance with San Bernardino County Development Code Section 88.01.060.

1.1 PROJECT LOCATION

The project is generally located in Section 3, Township 5 North, Range 3 West, and is depicted within the *Apple Valley North* U.S. Geological Survey's (USGS) 7.5-minute topographic map. More specifically the project is located within APN 0440-014-11, within the Town of Apple Valley, San Bernardino County, California. The Project site is located approximately 0.25 miles west of the intersection of Waalew Road and Walpi Road. The site is surrounded by vacant lands to the north and south, with rural residences to the east and west (Figures 1 and 2 in Appendix A).

1.2 PROJECT DESCRIPTION

The proposed Project is for the development of a truck and tractor-trailer facility. Improvements include asphalt pavement, block wall, landscaping, and stormwater basin. The Project site is approximately 15.4 acres.

SECTION 2.0 – METHODOLOGY

2.1 LITERATURE REVIEW

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records of the California Natural Diversity Database (CNDDB) managed by CDFW (CDFW 2024), the USFWS Critical Habitat Mapper (USFWS 2024), and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2024) were reviewed for the following quadrangle containing and surrounding the Project site: *Apple Valley North* USGS 7.5-minute quadrangle. These databases contain records of reported occurrences of federal- or

state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise special status species or habitats that may occur within or in the immediate vicinity of the Project site. These sources include:

- California Natural Diversity Database (CNDDB) managed by CDFW (CDFW 2024)
- USFWS Critical Habitat Mapper (USFWS 2024)
- California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2024)
- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USGS National Map;
- Calwater Watershed Maps
- USFWS Designated Critical Habitat Maps
- San Bernardino County Biotic Recourses Overlay
- San Bernardino County Development Code, 88.01.060 Desert Native Plant Protection
- Western Joshua Tree Conservation Act 2023

2.2 SOILS

Before conducting the surveys, soil maps for Los Angeles 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 2024).

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 survey was conducted on foot, throughout the Project site between 1000 and 1100 hours on October 16, 2024. Weather conditions during the survey included temperatures ranging from 78.2 to 83.5 degrees Fahrenheit, with no cloud cover, no precipitation, and 0.00 to 1.5 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 substantial 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 initial assessment was conducted by a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity. Additional assessment

findings are discussed in Sections 3.1.2 and 3.2.5. A discussion of the regulatory framework is provided in Appendix C.

2.5 VEGETATION

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

2.6 WILDLIFE

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

2.7 WILDLIFE CORRIDORS AND HABITAT CONSERVATION PLAN

According to the California Essential Habitat Connectivity Project, the Project Site is not mapped within an area for wildlife movement and is not within a habitat conservation plan. Additionally, the site is not within a wildlife linkage as mapped by Mojave Desert Land Trust. Therefore, the proposed Project will have a less than significant impact on any current wildlife corridors or habitat conservation plans.

SECTION 3.0 – RESULTS

3.1 LITERATURE REVIEW RESULTS

According to the CNDDB, CNPSEI, and other relevant literature and databases, 13 sensitive species including 4 listed species, have been documented in the *Apple Valley North* quad. This list of sensitive species and habitats includes any State and/or federally-listed threatened or endangered species, CDFW-designated Species of Special Concern (SSC), and otherwise Special Animals. “Special Animals” is a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species.” The CDFW considers the taxa on this list to be those of greatest conservation need.

An analysis of the likelihood of the occurrence of all CNDDB-sensitive species documented in the *Apple Valley North* quad 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 USFWS-designated critical habitat occurs within or adjacent to the project site.

3.1.1 SOILS

After a review of the USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2023), it was determined that the Project site is located within the Mojave River Area, California area CA671. Based on the results of the database search, four (4) soil type was documented in the area (Figure 3 in Appendix A):

Bryman Loamy Fine Sand, 0 to 2 percent slopes (105). This soil is well drained with a moderately high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 2,800 to 3,200 feet above mean sea level (amsl), and is considered prime farmland if irrigated.

Cajon Sand, 9 to 15 percent slopes (114). This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 1,800 to 4,000 feet amsl, and is not considered prime farmland.

Helendale-Bryman Loamy Sands, 2 to 5 percent slopes (133). This soil is well drained with a high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 2,500 to 4,000 feet amsl, and is considered prime farmland if irrigated.

Rosamond Loam, Saline-Alkali (159). This soil is well drained with a moderately high capacity to transmit water. This soil consists of alluvium derived from granite sources, typically ranges in elevation from 1,700 to 2,900 feet amsl, and is considered farmland of statewide importance. Additionally, this soils is classified as hydric.

3.1.2 SPECIAL STATUS SPECIES

Desert Tortoise (Gopherus agassizii) (Fedal/State Threatened)

The desert tortoise is a State and federally-listed threatened species. Throughout its range, it is threatened by habitat loss, domestic grazing, predation, collections, and increased mortality rates. The desert tortoise is typically found in creosote bush scrub. They are most often found on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and hillsides. Because a single tortoise may have many burrows distributed throughout its home range, it is not possible to predict the exact numbers of individuals on a site based upon burrow numbers.

In 1992 the US Bureau of Land Management issued the *California Statewide Desert Tortoise Management Policy* which included categorizing habitat into three levels of classification. The management goal for Category I areas is to maintain stable, viable populations and to increase the population where possible. The management goal for Category II areas is to maintain stable, viable populations. The management goal for Category III areas is to limit population declines to the extent feasible. In April 1993, the BLM amended the CDCA plan to delineate these three categories of desert tortoise habitat on public lands. Although habitat categories apply only to public lands administered by the BLM, regulatory agencies typically determine habitat compensation ratios based on the nearest BLM habitat categories. With the adoption of the West Mojave Plan all lands that are outside Desert Wildlife Management Areas, including

the subject parcel, are characterized as Category 3 Habitat, which is the lowest priority management area for viable populations of the desert tortoise.

Burrowing Owl (Athene cunicularia) – Candidate Species (State) and Species of Species Concern (SSC)

The burrowing owl (BUOW) is a state and federal SSC. Additionally, on October 10, 2024, the California Fish and Game Commission listed BUOW as a Candidate Species under the California Endangered Species Act (CESA). 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. 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. 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. 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).

Desert Kit Fox (*Vulpes macrotis*)

The desert kit fox is not federally- or state-listed, but is considered a species of local concern by the County of Los Angeles. It is an uncommon to rare permanent resident in arid habitats within southern California. Kit foxes are threatened by a number of human activities, including poaching, pesticide and rodenticide use, and direct poisoning, as well as heavy agricultural and urban development. Desert kit foxes occur in the desert and other arid habitats, including sagebrush flats, creosote scrub, and annual grassland habitats, and other areas with scattered brush, scrub, and shrubs. They are an important predator of small mammals, preying on black-tailed jackrabbits (*Lepus californicus*), desert cottontails (*Sylvilagus audubonii*), kangaroo rats, ground squirrels, and other rodents, insects, reptiles, birds, and bird eggs.

Limited vegetation may be taken. Desert kit foxes excavate burrows in loose-textured sandy or loamy soils for shelter, pupping, and as an escape from extreme heat and cold. Open, level areas are preferred for burrowing. Man-made structures and infrastructure, including culverts and pipes, also may be used for denning where suitable friable soils are not present.

American Badger (*Taxidea taxus*)

The American badger is a CDFW Species of Special Concern. Badgers are uncommon, permanent residents throughout California, and occur most commonly in open stages of shrub, woodland, and herbaceous habitats. They are tenacious diggers and occur where friable soils support denning and burrowing activities. They are active year-round, and most often nocturnal, although they may be active during the day. They prey upon fossorial rodents, especially California ground squirrels and pocket gophers; rats and mice, some reptiles, insects, eggs, birds, and carrion also may be taken. Breeding typically occurs in the summer and early fall, with pups being born the following March or April in burrows dug in relatively dry, often sandy soil. American badgers are threatened primarily by indiscriminate trapping, agricultural conversion, and the eradication of ground squirrels and other fossorial rodents that comprise the majority of their prey base.

Mohave Ground Squirrel (Xerospermophilus mohavensis) (State – Threatened)

The Mohave ground squirrel (MGS) is a State listed threatened species. Mohave ground squirrel is endemic to 2 million hectares in the western Mojave Desert. It typically inhabits sandy soils of alkali sink and creosote bush scrub habitat. In much of this region, the geographic range of the species is considered to lie west of the Mojave River. Mohave ground squirrel is listed as threatened by CDFW due to habitat loss, fragmentation, and deterioration. CDFW does not designate critical habitat for this species.

MGS is small, grayish, diurnal squirrel measuring about 9 inches from nose to tip of tail. They forage on leaves and seeds and aestivate/hibernate for long periods of the year. Plants documented as forage for MGS include: fiddleneck (*Amsinckia tessellata*), wolfberry (*Lycium andersonii*), Joshua tree (*Yucca brevifolia*), winterfat (*Krascheninnikovia lanata*), spiny hopsage (*Grayia spinosa*), allscale (*Atriplex canescens* and *A. polycarpa*), desert holly (*A. hymenelytra*), coreopsis (*Coreopsis* sp.), and the seeds of Joshua tree. It is suspected that Mohave ground squirrel forage on the plant species with the highest water content available at the time. The project site falls within the historic range of the MGS but is located outside, to the south, of the Mohave ground squirrel Conservation Area set forth in the West Mojave Plan.

Western Joshua Tree (*Yucca brevifolia*) (State Candidate for Listing)

Western Joshua trees occur throughout the Mojave Desert in Southern California and are typically found at an elevation of 400 to 1,800 meters (~1,200 to ~5,400 feet). Western Joshua trees within the western portion of the Mojave Desert typically receive more annual precipitation during "normal" years; consequently, cloning occurs more often resulting in numerous trunks sprouting from the same root system. Western Joshua tree habitats provide habitat for a variety of wildlife species including desert woodrats *(Neotoma* sp.) and night lizards *(Xantusia* sp.) both of which utilize the base of the trees. A variety of birds also utilize Western Joshua trees for nesting such as hawks, common ravens, and cactus wrens. CDFW consider Western Joshua tree woodlands as areas that support relatively high species

diversity and as such are considered to be a sensitive desert community. Western Joshua trees are also considered a significant resource under the California Environmental Quality Act (CEQA) and are included in the Desert Plant Protection Act, Food and Agricultural Code (80001 - 80006).

Additionally, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its September 22, 2020, meeting, accepted for consideration the petition submitted to list the western Joshua tree (Yucca brevifolia) as threatened or endangered under the California Endangered Species Act. Based on that finding and the acceptance of the petition, the Commission also provided notice that the western Joshua tree is a candidate species as defined by Section 2068 of the Fish and Game Code.

The Western Joshua Tree Conservation Act (WJTCA) was passed in July 2023 to conserve the western Joshua tree and its habitat while supporting the state's renewable energy and housing priorities. The WJTCA creates a streamlined permitting framework for certain development activities and collects mitigation fees for the acquisition and conservation of western Joshua tree habitat and other actions to conserve western Joshua trees. This will offset the impacts of permitted projects that negatively impact western Joshua trees and help to conserve the species on a landscape scale.

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 2023) were reviewed to identify the soil series on-site and to check if they have been identified regionally as hydric soils. Upstream and downstream connectivity of waterways (if present) was reviewed in the field, on aerial imagery, and topographic maps to determine jurisdictional status.

3.1.4 DESIGNATED CRITICAL HABITAT

The site is not located within or adjacent to any USFWS-designated Critical Habitat. No further action is required.

3.1.5 HYDROLOGY AND HYDROLOGIC CONNECTIVITY

Hydrologically, the Project site is located within an undefined Hydrologic Sub-Area (HSA 628.20), as identified on the Calwater Watershed maps. This undefined area comprises a 556,821-acre drainage area within the larger Apple Valley Dry Lake Hydrologic Area (Hydrologic Unit Code [HUC10] 1809020803) (CalTrans, 2024). The Apple Valley Dry Lake watershed in Apple Valley is bordered to the north by the Wild Wash watershed, to the east by the North Lucerne Valley and Crystal Creek-Lucerne Lake watersheds, to the south by the Silver Creek-Rabbit Lake watershed, and to the west by the Bell Mountain Wash-Mojave River watershed (Figure 4 in Appendix A).

3.1.6 APPLE VALLEY CODE OF ORDINANCES, CHAPTER 9.76

§ 9.76.020 Desert Native Plant Protection.

A. **Purpose.** The Town finds that it is in the public interest to preserve and protect specified desert native plants and provide for the conservation and wise use of our desert resources, through regulation, guidelines and enforcement that manage the removal or harvesting of such plants. They are also necessary to augment and coordinate with the State Department of Food and Agriculture in its efforts to implement and enforce the Desert Native Plant Act.

B. **Scope**

1. The provisions of this Chapter shall apply to all regulated desert native plants growing on private land within the Town of Apple Valley and to desert native plants growing on public land owned by the County of San Bernardino or the state of California, except as specified by this Chapter and as specified by this Section.

2.Except as otherwise provided by this Chapter, any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the Town to do so in accordance with the procedures set forth in this Chapter.

C. **Transplanting of Desert Native Plants**

1. The commercial harvesting of desert native plants shall be prohibited. The Town Manager, or designee, shall be responsible for the issuance of the appropriate permits required by the State for the transplanting of desert native plants.

a. Protected desert native plants as specified by subsection 9.76.020.E may only be removed by a scientific or educational institution which has obtained a permit from the Town Manager, or designee, for a specified number and species of these plants.

b. Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the Town Manager, or designee, prior to issuance of the permit.

D. **Findings for Transplanting of Desert Native Plants.** The Town Manager, or designee, or other Reviewing Authority, shall only authorize the transplanting of desert native plants listed in subsection 9.76.020.E subject to the provisions of this Chapter only if one or more of the following findings are made:

1. The desert native plants are to be transplanted in a manner approved by the Town Manager, or designee, or other Reviewing Authority, including any requirement for the issuance of plant tag seals and/or wood receipts.

2. The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a Desert Native Plant Expert and the removal of such plant will not adversely affect the desert environment on the subject site.

3. Any desert native plant on the site which is determined by the Town Manager, or designee, or other Reviewing Authority, as requiring transplanting has or will be transplanted or stockpiled for

transplanting in accordance with methods approved by Town Manager, or designee. A Desert Native Plant Expert shall supervise and manage any required transplanting of desert native plants.

E. **Subject Desert Native Plants.** The following desert native plants are subject to the regulations specified by this Chapter. In all cases the Botanical names shall govern the interpretation of this Chapter.

1.**Regulated Desert Native Plants.** The following desert native plants or any part thereof except the fruit, shall not be harvested or removed except under a permit issued by the Town Manager, or designee:

a. The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

1) Dalea, Spinosa (smoketree).

2) All species of the family Agavaceae (century plants, nolinas, yuccas, cacti). Including the following known to Apple Valley:

a) Mohave Yucca (Yucca schidigera)

b) Lords candle (Yucca whipplei)

c) Barrel cactus (Ferocactus acanthodes)

3) All species of the genus Prosopis (mesquites).

b. Creosote Rings, ten feet or greater in diameter.

c. All Joshua trees (mature and immature), subject to the provision of Section 9.76.040.

2. All plants protected or regulated by the State Desert Native Plant Act (i.e., Food and Agricultural Code 80001, et. seq.) shall be required to comply with the provisions of those statutes prior to the issuance of any county development permit or land use application approval. The Town Manager, or designee, is responsible for the issuance of any required wood tags, seals or permits.

3.2 FIELD STUDY RESULTS

3.2.1 HABITAT

The habitat on-site consists of sparse Snakeweed scrub (*Gutierrezia sarothrae - Gutierrezia microcephala* Shrubland Alliance) and bare ground. The site did show signs of disturbance in the form of vehicle and pedestrian traffic. Table 1 in Appendix D contains a list of all plants found on-site. Surrounding land uses include undeveloped parcels and rural residential developments.

3.2.2 WILDLIFE

Species observed or otherwise detected on or in the vicinity of the project site during the surveys included; white-crowned sparrow (*Zonotrichia leucophrys*), common raven (*Corvus corax*), and house finch (*Haemorhous mexicanus*). Table 1 in Appendix D contains a list of all wildlife observed on-site.

3.2.3 SPECIAL STATUS SPECIES

No State and/or federally listed threatened or endangered species or other sensitive species were observed on-site during surveys.

Desert Tortoise

The habitat on site is not suitable for desert tortoise. The dominant soil type on-site is of a saline-alkaline nature. Additionally, no sign of desert tortoise (i.e. burrows, tracks, or pellets) was observed during the survey and no desert tortoise individuals were observed. The site also contained evidence of ongoing disturbance in the form of off-road vehicle use and pedestrian/domestic dog use.

> ***Findings***: This species is considered absent from the project site and no further surveys are required.

Burrowing Owl

Based on the October 2024 field survey, the site does contain marginally suitable habitat for this species. No burrowing owls were observed during the site visit. 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.

> ***Findings***: Because the site is minimally suitable, it is recommended that pre-construction surveys be completed for this species. These surveys should be conducted by a qualified biologist and at an appropriate time of day/year using the appropriate survey protocols.

Desert Kit Fox

The site is not suitable for this species. This species was not observed during the survey. No burrows or suitable size or shape were observed, and no evidence of this species was observed either (scat, predation remains, tracks, etc.).

> ***Findings***: This species is considered absent from the project site and no further surveys are required.

American Badger

The site is not suitable for this species. This species was not observed during the survey. No burrows or suitable size or shape we observed, and no evidence of this species was observed either (scat, predation remains, tracks, etc.).

> ***Findings***: This species is considered absent from the project site and no further surveys are required.

Mohave Ground Squirrel

The site is not suitable for MGS. The project site falls within the historic range of the MGS but is located outside, to the southeast, of the Mohave ground squirrel Conservation Area set forth in the West Mojave

Plan. Additionally, no evidence (suitable burrows, tracks, etc.) was observed during the survey and the site lacks the winterfat scrub that is typical of this species.

> ***Findings***: This species is considered absent from the project site and no further surveys are required.

Western Joshua Tree

The site is suitable for this species. However, this species was not observed during the survey.

> ***Findings***: This species is considered absent from the project site and no further surveys are required.

3.2.4 NESTING BIRDS

The Project site and immediate surrounding area does contain habitat suitable for nesting birds. As such the Project is subject to the following nesting bird regulations. Recommendations for avoidance and minimization are in section 4.

Migratory Bird Treaty Act

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

California Fish and Game Code

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

3.2.5 JURISDICTIONAL WATERS

Waters of the United States and Waters of the State

The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. (WOUS) under Section 404 CWA. While the Regional Water Quality Board has authority over the discharge of dredged or fill material in Waters of the State under Section 401 CWA as well as the Porter-Cologne Water Quality Control Act. The Project area was surveyed with 100 percent visual coverage and no drainage features were present on site that met the definition for WOUS. As such, the Project site 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.

3.2.6 WETLANDS AND BLUE LINE STREAM

NWI maps did not identify portions within the Project site as a Riverine/Riparian system. Additionally, only one of the requirements for wetland designation (hydric soils) was present on-site. For a site to meet the classification of wetland it must have all three classifications (hydric vegetation, hydric soils, and wetland hydrology). As such, there are no wetlands currently present on site.

3.2.7 NATIVE PLANT PROTECTION PLAN

The Proposed Project Site does not contain any other species that are protected species under Apple Valley Code of Ordinances, Chapter 9.76 (9.76.020 Desert Native Plant Protection) and the California Desert Native Plant Act. Therefore, the Project is considered in compliance with the Apple Valley Code of Ordinances and the Desert Native Plant Act.

SECTION 4.0 – CONCLUSIONS AND RECOMMENDATIONS

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

4.1 JURISDICTIONAL AREAS

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.

4.2 SENSITIVE SPECIES

Burrowing Owl

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities. If Project-related activities do not begin within 14-days of preconstruction survey, an additional survey will be required. This additional survey shall be no more than 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version. Preconstruction surveys shall be performed by a qualified biologist retained by the Project

applicant following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.

4.3 NESTING BIRDS

Nesting Birds

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

> Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field-checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

4.4 CERTIFICATION

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

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

Sincerely,

Gene Jennings

Principal/Regulatory Specialist

Appendices:

- Appendix A – Figures
- Appendix B – Site Photos
- 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)

A. 2024 California Natural Diversity Database (CNDDB). RareFind Version 5.3.0. Database Query. Wildlife and Habitat Data Analysis Branch. [Accessed October 2024]

B. California Wildlife Habitats Relationships Life History Accounts and Range Maps. (Accessed online at https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range). Accessed October 2024.

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 Department of Transportation. Water Quality Planning Tool. http://svctenvims.dot.ca.gov/wqpt/wqpt.aspx (Accessed October 2024)

California Native Plant Society (CNPS)

2024 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, California USGS 7.5 minute quadrangles; [Accessed October 2024].

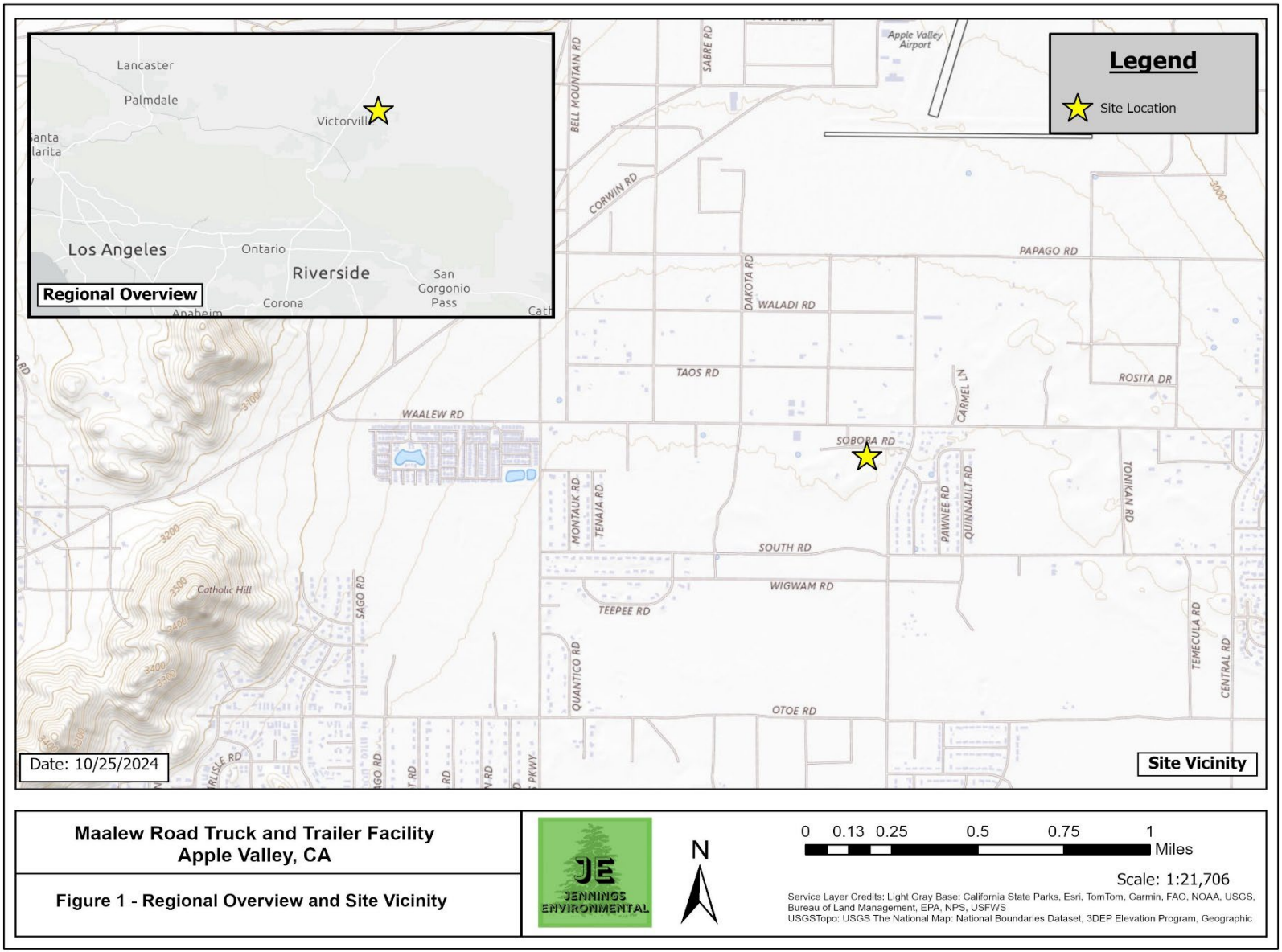
Sawyer, J.O., Jr., T. Keeler-Wolf, J. Evens

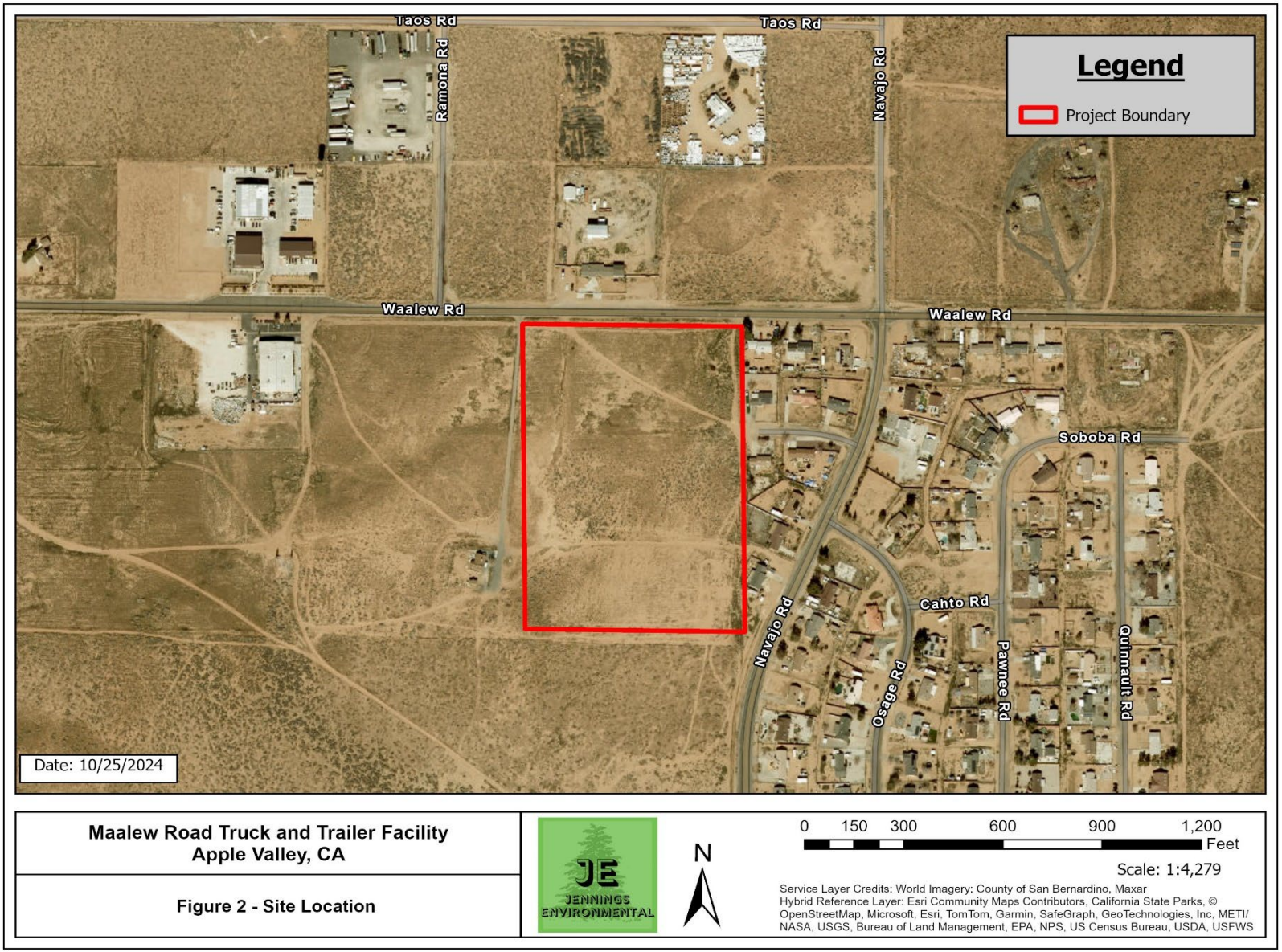
2009 *A Manual of* California *Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA.

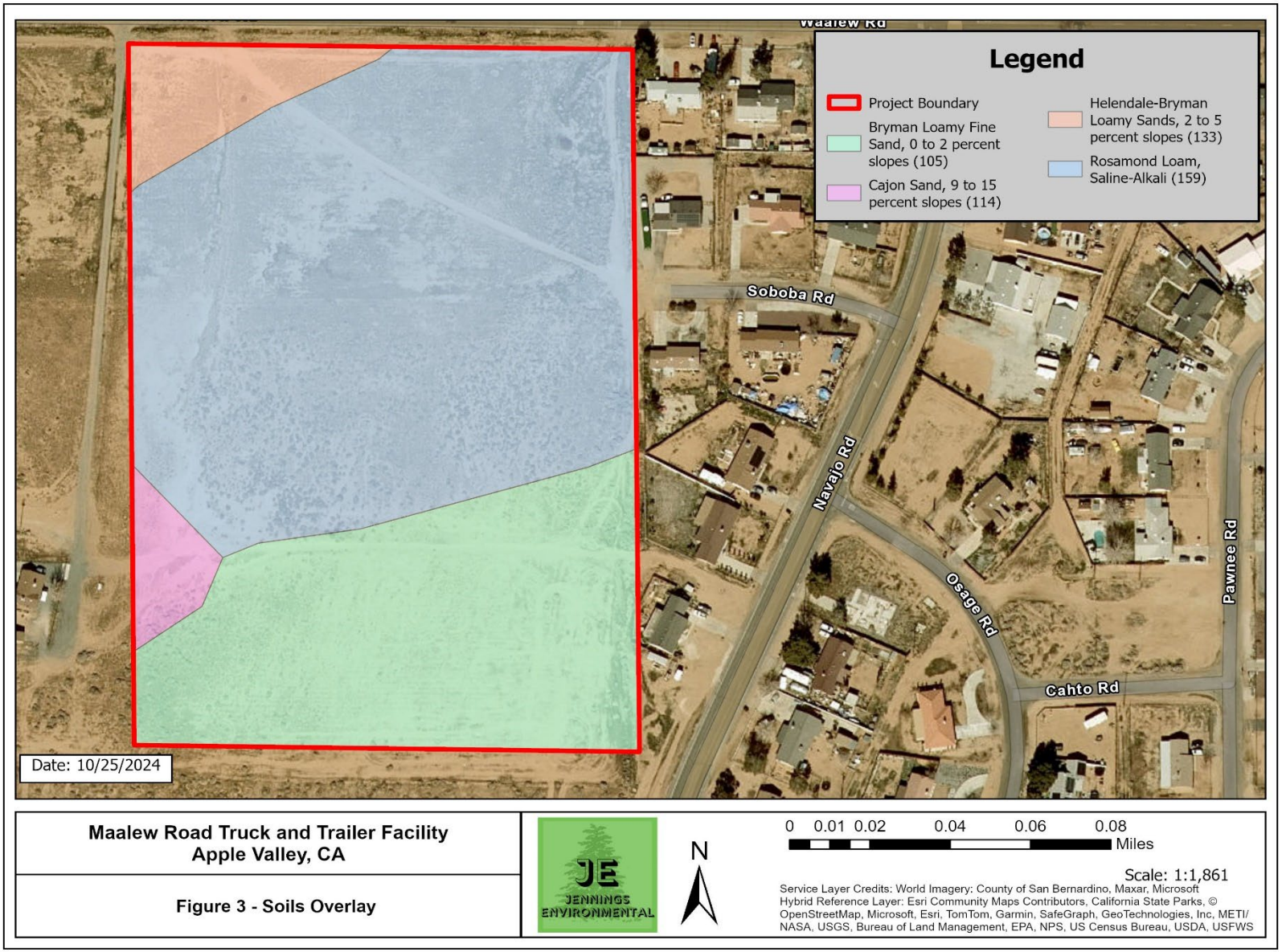
U.S. Department of Agriculture (USDA)

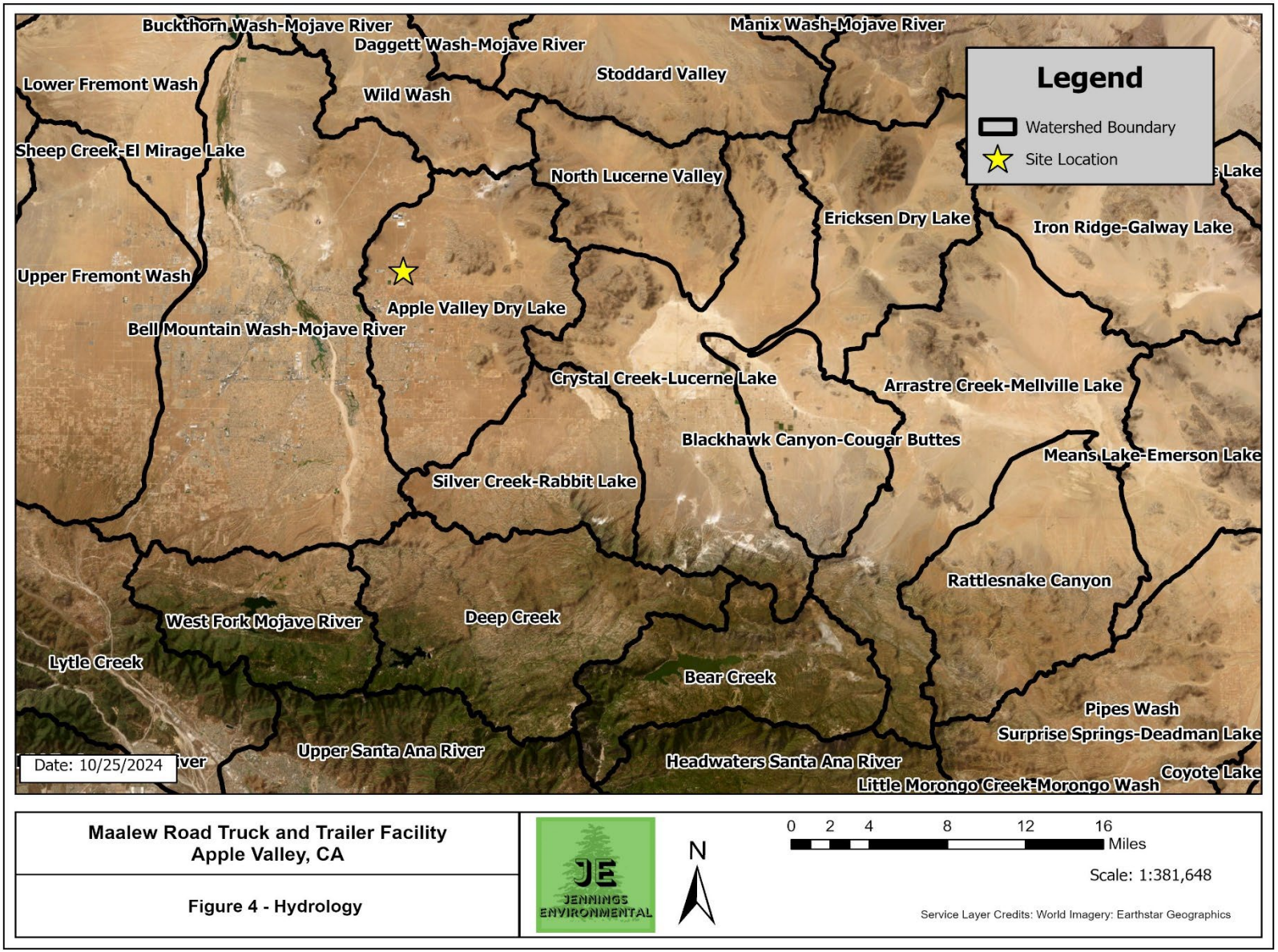
2024 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions [Online Edition]. Website https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx [Accessed October 2024].

Appendix A – Figures


Legend
Site Location
Regional Overview
Lancaster
Palmdale
Victorville
Los Angeles
Ontario
Riverside
San Gorgonio Pass
Corona
Anaheim
Apple Valley Airport
BELL MOUNTAIN RD
SABRE RD
CORWIN RD
PAPAGO RD
DAKOTA RD
WALADI RD
TAOS RD
CARMEL LN
ROSITA DR
WAALEW RD
SOBOBA RD
MONTAUK RD
TENAJA RD
PAWNEE RD
QUINNAULT RD
TONIKAN RD
SOUTH RD
WIGWAM RD
TEEPEE RD
SAGO RD
QUANTICO RD
TEMECULA RD
CENTRAL RD
OTOE RD
Catholic Hill
Date: 10/25/2024
Site Vicinity
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 1 - Regional Overview and Site Vicinity
JE JENNINGS ENVIRONMENTAL
N
0 0.13 0.25 0.5 0.75 1
Miles
Scale: 1:21,706
Service Layer Credits: Light Gray Base: California State Parks, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS
USGSTopo: USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic


Taos Rd
Taos Rd
Ramona Rd
Navajo Rd
Legend
Project Boundary
Waalew Rd
Waalew Rd
Soboba Rd
Cahto Rd
Navajo Rd
Osage Rd
Pawnee Rd
Quinnault Rd
Date: 10/25/2024
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 2 - Site Location
JE
JENNINGS ENVIRONMENTAL
N
0 150 300 600 900 1,200
Feet
Scale: 1:4,279
Service Layer Credits: World Imagery: County of San Bernardino, Maxar
Hybrid Reference Layer: Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS


Waalew Rd
Legend
Project Boundary
Bryman Loamy Fine Sand, 0 to 2 percent slopes (105)
Cajon Sand, 9 to 15 percent slopes (114)
Helendale-Bryman Loamy Sands, 2 to 5 percent slopes (133)
Rosamond Loam, Saline-Alkali (159)
Soboba Rd
Navajo Rd
Osage Rd
Cahto Rd
Pawnee Rd
Date: 10/25/2024
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 3 - Soils Overlay
JE
JENNINGS ENVIRONMENTAL
N
0 0.01 0.02 0.04 0.06 0.08
Miles
Scale: 1:1,861
Service Layer Credits: World Imagery: County of San Bernardino, Maxar, Microsoft
Hybrid Reference Layer: Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS


Buckthorn Wash-Mojave River
Daggett Wash-Mojave River
Manix Wash-Mojave River
Stoddard Valley
Lower Fremont Wash
Wild Wash
Sheep Creek-El Mirage Lake
North Lucerne Valley
Ericksen Dry Lake
Iron Ridge-Galway Lake
Upper Fremont Wash
Apple Valley Dry Lake
Bell Mountain Wash-Mojave River
Crystal Creek-Lucerne Lake
Arrastre Creek-Mellville Lake
Blackhawk Canyon-Cougar Buttes
Means Lake-Emerson Lake
Silver Creek-Rabbit Lake
Rattlesnake Canyon
West Fork Mojave River
Deep Creek
Lytle Creek
Bear Creek
Pipes Wash
Surprise Springs-Deadman Lake
Upper Santa Ana River
Headwaters Santa Ana River
Coyote Lake
Little Morongo Creek-Morongo Wash
Legend
Watershed Boundary
Site Location
Date: 10/25/2024
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 4 - Hydrology
JE
JENNINGS ENVIRONMENTAL
N
0 2 4 8 12 16
Miles
Scale: 1:381,648
Service Layer Credits: World Imagery: Earthstar Geographics

Appendix B – Photos

	Photo 1 – Northwest corner of Project Site, facing southeast.
	Photo 2 – Southwest corner of Project Site, facing northeast.

	Photo 3 – Southeast corner of Project Site, facing northwest.
	Photo 4 – Northeast corner of Project Site, facing southwest.

Appendix C – Regulatory Framework

1.1 FEDERAL JURISDICTION

1.1.1 United States Army Corps of Engineers

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

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

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

> **§ 328.3 Definitions.**
> For the purpose of this regulation these terms are defined as follows:
> (a) *Waters of the United States* means:
> (1) Waters which are:
> (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
> (ii) The territorial seas; or
> (iii) Interstate waters, including interstate wetlands;
> (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
> (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section:
> (i) That are relatively permanent, standing or continuously flowing bodies of water; or
> (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
> (4) Wetlands adjacent to the following waters:
> (i) Waters identified in paragraph (a)(1) of this section; or
> (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) of this section and with a continuous surface connection to those waters; or

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

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

(i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i) of this section; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.

(b) The following are not ‘‘waters of the United States’’ even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

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

(2) Prior converted cropland designated by the Secretary of Agriculture The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area’s status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) *Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically

adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) *Adjacent* means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like are ‘‘adjacent wetlands.’’

(3) *High tide line* means the line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such at those accompanying a hurricane or other intense storm.

(4) *Ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) *Tidal waters* means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

(6) *Significantly affect* means a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section. To determine whether waters, either alone or in combination with similarly situated waters in the region, have a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section, the

functions identified in paragraph (c)(6)(i) of this section will be assessed and the factors identified in paragraph (c)(6)(ii) of this section will be considered:

(i) Functions to be assessed:

(A) Contribution of flow;

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

(C) Retention and attenuation of floodwaters and runoff;

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

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

(ii) Factors to be considered:

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

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

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

(D) Landscape position and geomorphology; an

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

1.2 STATE JURISDICTION

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

1.2.1 Regional Water Quality Control Board

Under Porter-Cologne, the State Water Resources Control Board (SWRCB) and the local Regional Water Quality Control Boards (RWQCB) regulate the discharge of waste into waters of the State. Discharges of waste include "fill, any material resulting from human activity, or any other 'discharge' that may directly or indirectly impact 'waters of the state.'" Porter-Cologne reserves

the right for the State to regulate activities that could affect the quantity and/or quality of surface and/or groundwaters, including isolated wetlands, within the State. Wetlands were defined as waters of the State if they demonstrated both wetland hydrology and hydric soils. Waters of the State determined to be jurisdictional for these purposes require, if impacted, waste discharge requirements (WDRs).

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

1.2.2 California Department of Fish and Wildlife

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

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

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

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

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

> Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the lands supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated 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	
Tumbleweed	*Salsola tragus*
Flat spine burr-ragweed	*Ambrosia acanthicarpa*
Creosote bush	*Larrea tridentata*
Asian mustard	*Brassica tournefortii*
Schismus grass	*Shicsmus spp.*
Broom snakeweed	*Gutierrezia sarothrae*
Mediterranean mustard	*Hirschfeldia incana*
Desert globemallow	*Sphaeralcea ambigua*
Four-winged saltbush	*Atriplex canescens*
Birds	
White-crown sparrow	*Zonotrichia leucophrys*
Common raven	*Corvus corax*
House finch	*Haemorhous mexicanus*
Mourning dove	*Zenaida macroura*
Say's phoebe	*Sayornis saya*
Mammals	
Black-tailed jackrabbit	*Lepus californicus*
White-tailed antelope squirrel	*Ammospermophilus leucurus*

Table 2 – Potential to Occur for the *Apple Valley North* Quadrangle

Scientific Name	Common Name	Federal/State Status	Other Status	Habitat	Potential to Occur
Aquila chrysaetos	golden eagle	None, None	G5, S3, CDWF-WL	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	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, S2, 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.	**Marginally suitable** habitat for this species exists. Although no evidence of occupation was observed, pre-construction surveys are recommended.
Bombus crotchii	Crotch's bumble bee	None, Candidate Endangered	G2, S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Buteo swainsoni	Swainson's hawk	None, Threatened	G5, S4,	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.
Cymopterus deserticola	desert cymopterus	None, None	G2, S2, 1B.2	Joshua tree woodland, Mojavean desert scrub. On fine to coarse, loose, sandy soil of flats in old dune areas with well-drained sand. 625-1220 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Diplacus mohavensis	Mojave monkeyflower	None, None	G2, S2, 1B.2	Joshua tree woodland, Mojavean desert scrub. Dry sandy or rocky washes along the Mojave River. 660-1270 m.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Falco mexicanus	prairie falcon	None, None	G5, S4, CDFW-WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Gopherus agassizii	desert tortoise	Threatened, Threatened	G3, S2S3	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Monardella exilis	Mojave monardella	None, None	G3?, S3, 4.2	Chenopod scrub, Desert dunes, Great Basin scrub, Joshua tree "woodland", Lower montane coniferous forest, Mojavean desert scrub, Pinyon and juniper woodland	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.
Siphateles bicolor mohavensis	Mohave tui chub	Endangered, Endangered	G4T1, S1, CDFW-FP	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	Suitable habitat for this species does not occur on site. As such, this species is considered **absent** from the Project site.

Toxostoma lecontei	Le Conte's thrasher	None, None	G4, S3, CDFW-SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	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 and owls are protected under section 3502.5 of the California Fish and Game code: "It is unlawful to take, possess or destroy any birds in the orders Falconiformes or Strigiformes or to take, possess or destroy the nest or eggs of any such bird."

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

Global Rankings (Species or Natural Community Level):

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

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

State Ranking:

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

California Rare Plant Rankings (CNPS List):

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

Threat Ranks:

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