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**BTC III ACQUISITIONS LLC**

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**SUBJECT: Habitat Assessment for an Approximately 8.9-Acre Property Located on the Northeast Corner of Cherry Avenue and Santa Ana Avenue in the City of Fontana, San Bernardino County, California**

**Introduction**

This report contains the findings of ELMT Consulting's (ELMT) habitat assessment an approximately 8.9-Acre property located on the northeast corner of the intersection of Cherry Avenue and Santa Ana Avenue (project site or site) in the City of Fontana, San Bernardino County, California. The habitat assessment was conducted by biologist Travis J. McGill on April 9, 2019 to document baseline conditions and assess the potential for special-status<sup>1</sup> plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support burrowing owl (*Athene cunicularia*) and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

**Project Location**

The project site is generally located south of Interstate 10, east of Interstate 15, north of State Route 60, and west of Interstate 215 in the City of Fontana, San Bernardino County, California. The project site is depicted on the Fontana quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Section 26 of Township 1 South, Range 6 West. Specifically, the project site is located on the northeast corner of the intersection of Cherry Avenue and Santa Ana Avenue within Assessor Parcel Numbers (APNs) 236-122-11 and 236-122-12. Refer to Exhibits 1 thru 3 in Attachment A.

**Project Description**

The project consists of the grading, construction, and operation of a single industrial building (approximately 205, 967 square feet) encompassing approximately 8.9-acres.

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<sup>1</sup> As used in this report, "special-status" refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

## **Methodology**

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

### *Literature Review*

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

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

- Google Earth Pro historic aerial imagery (1994-2018);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

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

### *Habitat Assessment/Field Investigation*

Following the literature review, biologist Travis J. McGill inventoried and evaluated the condition of the habitat within the project site on April 9, 2019. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Plant species observed during the field investigation were identified by visual characteristics and morphology in the field. Unusual and less familiar plant species were photographed during the field investigation and identified in the laboratory using taxonomical guides. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities and land cover types, and presence of potential jurisdictional drainage and/or wetland features were noted.

### Soil Series Assessment

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

### Plant Communities

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

### Plants

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

### Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names in this report (first reference only).

### Jurisdictional Drainages and Wetlands

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

are also subject to state and federal regulatory jurisdiction.

### **Existing Site Condition**

The project site is relatively with no areas of significant topographic relief. On-site elevation ranges from approximately 980 to 990 feet above mean sea level and generally slopes from north to south. Based on the NRCS USDA Web Soil Survey<sup>2</sup>, the project site is underlain by the following soil unit: Tujunga loamy sand (0 to 5 percent slopes). Refer to Exhibit 4, *Soils*, in Attachment A. Soils on-site have been mechanically disturbed and heavily compacted from historic land uses (i.e., agricultural activities, grading activities and surrounding development).

The project site is located within a heavily developed area in the City of Fontana. The project site occurs in an area surrounded by land that has undergone a conversion from natural habitats into residential, commercial and industrial land uses. The project site is bordered by industrial developments to the west, industrial and residential developments to the south, a construction site to the east, and an undeveloped property to the north.

### **Vegetation**

Due to existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances that was historically used for agricultural land uses. The project site no longer is used for agricultural activities but has been subject to on-going weed abatement activities and disturbance associated with surrounding development. These disturbances have eliminated and/or greatly disturbed the natural plant communities that once occurred within the boundaries of the project site. Refer to Attachment B, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the proposed project.

The project site primarily supports a land cover type that would be classified as disturbed, with eucalyptus (*Eucalyptus sp.*) stands scattered on the northern portion of the project site and along the northern boundary. Refer to Exhibit 5, *Vegetation* in Attachment A. Early successional and non-native weedy plant species compose a majority of the project site as a result of the on-going disking/weed abatement activities. Plant species observed on-site include Russian thistle (*Salsola tragus*), wild oat (*Avena sp.*), prickly lettuce (*Lactuca serriola*), ripgut (*Bromus diandrus*), pigweed (*Chenopodium album*), golden crownbeard (*Verbesina encelioides*), cheeseweed (*Malva parviflora*), fiddleneck (*Amsinckia menziesii*), mouse barley (*Hordeum murinum*), filaree (*Erodium sp.*), sow thistle (*Sonchus oleraceus*), London rocket (*Sisymbrium irio*), and Tasmanian goosefoot (*Chenopodium pumilio*).

### **Wildlife**

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used a general reference and is limited by the season,

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2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

### Fish

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

### Amphibians

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

### Reptiles

During the field investigation Great Basin fence lizard (*Sceloporus occidentalis longipes*) was the only reptilian species observed on-site. Common reptilian species adapted to a high degree of anthropogenic disturbances that have the potential to occur on-site include western side-blotched lizard (*Uta stansburiana elegans*), and alligator lizard (*Elgaria multicarinata*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status reptilian species are expected to occur within project-site.

### Birds

The project site provides minimal foraging habitat for bird species adapted to a high degree of human disturbance. Bird species detected during the field investigation included American kestrel (*Falco sparverius*), lesser goldfinch (*Spinus psaltria*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaidura macroura*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), red-tailed hawk (*Buteo jamaicensis*), Cassin's kingbird (*Tyrannus vociferans*), Anna's hummingbird (*Calypte anna*), killdeer (*Charadrius vociferus*), hooded oriole (*Icterus cucullatus*), and Say's phoebe (*Sayornis saya*).

### Mammals

During the field investigation cottontail (*Sylvilagus audubonii*) was the only mammalian species observed on-site. Common mammalian species adapted to a high degree of anthropogenic disturbances that have the potential to occur within the project site include California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*).

### Nesting Birds

During the field investigation an occupied red-tailed hawk nest was observed in a eucalyptus tree in the middle of the northern boundary of the project site. The project site provides suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. Most

of the nesting habitat is associated with the eucalyptus trees found along the northern boundary of the project site. Additionally, the open, disturbed habitat on-site provides nesting opportunities for ground-nesting species such as killdeer.

Priro to site development, a pre-construction nesting bird clearance survey will need to be conducted to ensure the red-tailed hawk nest is not occupied/active.

### **Migratory Corridors and Linkages**

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

The proposed project will be confined to existing disturbed areas and is surrounded by development, which has removed natural plant communities from the surrounding area. The project site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the project site to any identified wildlife corridors or linkages. As a result, implementation of the proposed project will not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area.

### **Jurisdictional Areas**

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The project sites do not support any discernible drainage courses, inundated areas, wetland features, or hydric soils that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required.

### **Special-Status Biological Resources**

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Fontana USGS 7.5-minute quadrangle. Only one quadrangle was quired since the project site is heavily disturbed, completely surrounded by existing development, and does not connect with any natural areas or native plant communities in the region. The habitat assessment



evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified sixteen (16) special-status plant species, forty-three (43) special-status wildlife species, and one (1) special-status plant community as having potential to occur within the Fontana USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources*, provided in Attachment C.

### *Special-Status Plants*

According to the CNDDDB and CNPS, sixteen (16) special-status plant species have been recorded in the Fontana quadrangle (refer to Attachment C). No special-status plant species were observed on-site during the habitat assessment. The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances including on-going disking/weed abatement activities. These disturbances have eliminated the natural plant communities that once occurred on-site which has removed suitable habitat for special-status plant species known to occur in the general vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site. No focused surveys are recommended.

### *Special-Status Wildlife*

According to the CNDDDB, forty-three (43) special-status wildlife species have been reported in the Fontana quadrangle (refer to Attachment C). No special-status wildlife species were observed on-site during the habitat assessment. The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances including on-going disking/weed abatement activities. These disturbances have eliminated the natural plant communities that once occurred on-site which have greatly reduced potential foraging opportunities for wildlife species.

Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), and California horned lark (*Eremophila alpestris actia*); and a low potential to provide suitable habitat for burrowing owl. Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and surrounding development.

In order to ensure impacts to the aforementioned species do not occur from implementation of the proposed project, a pre-construction burrowing owl and nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of mitigation through the pre-construction clearance survey, impacts to the aforementioned species will be less than significant.

Based on regional significance, the potential occurrence of burrowing owl within the project site is described in further detail below.

### Burrowing Owl

The burrowing owl is currently listed as a California Species of Special Concern. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent sign (i.e., pellets, feathers, castings, or white wash) was observed during the field investigation. The project site is unvegetated and/or vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, the project site lacks suitable burrows (>4 inches in diameter) capable of providing roosting and nesting opportunities. Further, several power poles, overhead power lines, and eucalyptus tree row border the project site which decrease the likelihood that burrowing owls would occur on the project site as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls.

Based on the results of the field investigation, it was determined that the project site has a low potential to support burrowing owls and focused surveys are not recommended. However, a pre-construction burrowing owl clearance survey shall be conducted prior to development to ensure burrowing owl remain absent from the project site.

### *Special-Status Plant Communities*

According to the CNDDDB, one (1) special-status plant community has been reported in the Fontana USGS 7.5-minute quadrangle: Riversidean Alluvial Fan Sage Scrub. Based on the results of the field investigation, no special-status plant communities were observed onsite.

### **Critical Habitat**

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



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

The project site is not located with federally designated Critical Habitat. Refer to Exhibit 6, *Critical Habitat* in Attachment A. The nearest designated Critical Habitat is located approximately 0.84 mile southeast of the project site for coastal California gnatcatcher (*Poliophtila californica californica*). Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS for impacts to Critical Habitat will not be required for implementation of the proposed project.

### **Discussion of Impacts and Mitigation**

The discussion below provides a summary of survey results; avoidance and minimization efforts; direct, indirect, and cumulative project impacts; and compensatory mitigation measures for each biological resource area required to be analyzed according to the California Environmental Quality Act (CEQA), based on Appendix G (Environmental Checklist Form) of the CEQA Guidelines.

***CEQA Threshold:*** *Would the proposed Project 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 California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

#### *Special-Status Plant Species*

**No Impact.** Due to existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances that was historically used for agricultural land uses. The project site no longer is used for agricultural activities but has been subject to on-going weed abatement activities and disturbance associated with surrounding development. These disturbances have eliminated the natural plant communities that once occurred within and surrounding the project site. No native plant communities will be impacted from implementation of the proposed project. The project site primarily supports a land cover type that would be classified as disturbed, with eucalyptus stands scattered on the northern portion of the project site and along the northern boundary. Early successional and non-native weedy plant species compose a majority of the project site as a result of the on-going disking/weed abatement activities.

Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site. Since the project site has been heavily disturbed and occurs in an area surrounded by land that has undergone a conversion from natural habitats into

residential, commercial and industrial land uses, no direct or indirect impacts to special-status plant species are anticipated.

Since the project site does not provide suitable habitat for special-status plant species, no avoidance or minimization measures are proposed, and no impacts to special-status plant species are identified or anticipated, and no mitigation measures are required.

### *Special-Status Wildlife Species*

**Less Than Significant with Mitigation Incorporated.** Special-status wildlife species listed are considered to be of special concern based on (1) federal, State, or local laws regulating their development; (2) limited distributions; and/or (3) the habitat requirements of special-status animals occurring on site. A total of forty-three (43) special-status wildlife species were identified by the CNDDDB record search as potentially occurring within the general vicinity of the project site. Of the 43 species identified, three (3) special-status wildlife species were determined to have a moderate to high potential to occur on the project site. These three special-status species are not federally or state listed as threatened or endangered. All other special-status wildlife species were determined to have a low potential to occur or are presumed absent and are not expected to occur.

### Survey Results

The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances including on-going disking/weed abatement activities. These disturbances have eliminated the natural plant communities that once occurred on-site which has reduced potential foraging opportunities for wildlife species. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk, sharp-shinned hawk, and California horned lark; and a low potential to provide suitable habitat for burrowing owl. All remaining special-status wildlife species were presumed to be absent from the project site.

### Direct and Indirect Project Impacts

Impacts would primarily occur to the three aforementioned special-status species if found on-site from the loss of nesting and foraging habitat. Although the project site is located within a heavily developed area in the City of Fontana and is bordered by industrial developments to the west and south, a construction site to the east, and an undeveloped property to the north, the project site provides minimal suitable nesting habitat associated with the eucalyptus trees found along the northern boundary of the project site.

Construction-related disturbance may have an adverse impact on these species, especially during the avian nesting season if individuals within the project site may be attempting to incubate eggs or raise young. Construction-related noise or visual disturbances may disrupt nesting activities or may cause birds to leave the area until construction has vacated. In extreme cases nesting efforts may be abandoned, resulting in take of young or eggs. Although limited, impacts may occur to avian foraging opportunities from development of the proposed project.

## Avoidance and Minimization Efforts

In order to ensure impacts to the aforementioned species do not occur from implementation of the proposed project, and nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). To protect the special-status wildlife species that were determined to have the potential to occur on the project site and migratory bird species, development of the site shall adhere to the following:

### **BIO-1: Pre-Construction Nesting Bird Clearance Survey**

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1<sup>st</sup> and August 31<sup>st</sup>, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

As part of the nesting bird clearance, it is recommended that a burrowing owl pre-construction clearance survey be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls remain absent from the project site in accordance with the CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).

## Compensatory Mitigation

With implementation of the avoidance and minimization measures BIO-1 described above, impacts

to the aforementioned species will be less than significant and no compensatory mitigation will be required.

***CEQA Threshold:*** *Would the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

**No Impact.** Riparian habitat is not present and nor are sensitive natural communities listed in local or regional plans, policies, or regulations or by the CDFW or USFWS. No impacts associated with the proposed project would occur; no mitigation is required.

***CEQA Threshold:*** *Would the proposed Project 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?  
Riparian Habitat and Special-Status Natural Communities*

**No Impact.** The project sites do not support any discernible drainage courses, inundated areas, wetland features, hydric soils, or areas that support riparian habitat that would be considered jurisdictional by the Corps, Regional Board, or CDFW. Therefore, project activities will not result in impacts to Corps, Regional Board, or CDFW jurisdictional areas and regulatory approvals will not be required. No mitigation is required.

***CEQA Threshold:*** *Would the proposed Project 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 proposed project will be confined to existing disturbed areas and is surrounded by development, which has removed natural plant communities from the surrounding area. The project site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the project site to any identified wildlife corridors or linkages. As a result, implementation of the proposed project will not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area. Therefore, this issue will not be further analyzed.

***CEQA Threshold:*** *Would the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Less Than Significant.** The City of Fontana Municipal Code Section 28.61-74 addresses tree protection, maintenance, and replacement policies. It outlines the definition of a “heritage tree,” “significant tree,” and “specimen tree” and the procedures necessary to replacing them within a property. As stated in the City’s Code, “Except as provided in section 28-65, no person shall remove or cause the removal of any heritage, significant or specimen tree unless a tree removal permit is first obtained.”

*Heritage tree* means any tree which:

1. Is of historical value because of its association with a place, building, natural feature or event of local, regional, or national historical significance as identified by city council resolution; or
2. Is representative of a significant period of the city's growth or development (windrow tree, European Olive tree); or
3. Is a protected or endangered species as specified by federal or state statute; or
4. Is deemed historically or culturally significant by the city manager or his or her designee because of size, condition, location, or aesthetic qualities.

*Significant tree* means any tree that is one of the following species:

- *Juglans californica* - Southern California black walnut
- *Quercus agrifolia* - Coast live oak
- *Cedrus deodora* - cedar
- *Platanus racemosa* - California (western) sycamore
- *Platanus acerifolia* - London plane

*Specimen tree* is defined as a mature tree (which is not a heritage or significant tree) which is an excellent example of its species in structure and aesthetics and warrants preservation, relocation, or replacement as provided in sections 28.66, 28.67 and 28.68. Specimen trees shall not include any tree located on a private parcel of property of less than one acre zoned for residential use.

*Windrow* means a series of trees (minimum of four), usually a variety of eucalyptus, planted in a closely spaced line no more than ten feet apart to provide a windbreak for the protection of property and/or agricultural crops.

The project site does not contain any heritage, significant or specimen trees, as defined by the Fontana Municipal Code. As indicated above, the trees onsite may likely be remnants of a past windrow, but as they stand, they no longer fit the definition as listed above in the Fontana Municipal Code. The position of trees onsite suggests they are the remaining trees of a relic windrow. The tree canopies were observed to be in a tight stand and in poor growth form. Since these trees are not significant, specimen, or heritage trees, the preservation of these trees is not required. As such, impacts associated with onsite trees is considered less than significant.

***CEQA Threshold:*** *Would the proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?*

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, no impacts to local, regional, or state habitat conservation plans are identified or anticipated, and no mitigation measures are required.

## Conclusion

The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances (i.e. weed abatement, surrounding development) and supports disturbed land with eucalyptus trees on the northern portion of the site with heavily mixed and compacted soils, that historically supported agricultural land uses. The project site has been subject to a variety of anthropogenic disturbances including on-going disking/weed abatement activities, historic agricultural activities and surrounding development.

Based on the proposed project footprint and existing site conditions discussed in this report, none of the special-status plant or wildlife species known to occur in the general vicinity of the project site are expected to be directly or indirectly impacted from implementation of the proposed project. With completion of the recommendations provided above, no impacts to year-round, seasonal, or special-status avian residents will occur from implementation of the proposed project. Therefore, it was determined that implementation of the project will have “no effect” on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will not impact designated Critical Habitats, regional wildlife movement corridors/linkages, riparian habitats, or jurisdictional features.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or [tmcgill@elmtconsulting.com](mailto:tmcgill@elmtconsulting.com) or Travis McGill at (909) 816-1646 or [travismcgill@elmtconsulting.com](mailto:travismcgill@elmtconsulting.com) should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.  
Managing Director



Travis J. McGill  
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*