APPENDIX H
WESTERN JOSHUA TREE INVENTORY

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PROJECT MEMORANDUM
TTM 20426 VICTORVILLE

Date: August 12, 2024
To: Timothy Roofian, J.D.
From: Justin Wood, Senior Biologist
Subject: Western Joshua Tree Inventory Results

This memorandum was prepared by Aspen Environmental Group (Aspen) to describe the results of a western Joshua tree (*Yucca brevifolia*) inventory at the Tentative Tract Map 20426 Project (Project) in Victorville, California. Aspen is preparing an Incidental Take Permit (ITP) application on behalf of Rodeo Credit Enterprises, LLC to support the development of approximately 140 residential parcels. This memorandum is intended to provide a census of individual western Joshua trees within the Project site, including a 50-foot buffer, and meet the requirements of the Western Joshua Tree Conservation Act (WJTCA).

Project Location

The Project is located on an approximately 40-acre vacant lot within the City of Victorville, San Bernardino County, California. It is located west of Highway 395 and south of Highway 18. It is located on the north side of Dos Palmas Road and Bellflower street runs north to south through the center of the project site. The project site is immediately surrounded by vacant land, and scattered residential development further to the north, east, and west. The project site itself has been previously cleared and has little vegetation. The Project site is located on portions of Assessor Parcel Numbers 310346106, 310350101, 310350102, 310350103, 310350104, 310350105, and 310350106.

Methods

A site visit to inventory the western Joshua trees on the Project site was conducted on December 1, 2023, by Aspen biologist Haley Jensen. The biologist systematically walked the entire Project site including a 50-foot buffer surrounding the Project footprint to ensure thorough coverage of the area. When a western Joshua tree was encountered, data collected included a photo, GPS location, size class, life status (i.e., live, or dead), maturity, reproductive status, and any additional relevant information. All trees were mapped in Arc GIS Field Maps using a differential GPS unit with sub-meter accuracy (EOS Positioning Systems, Arrow 100).

Results and Conclusions

A total of 6 western Joshua trees were determined to be present within the survey area. The western Joshua trees are summarized below in Table 1 by size class and impact type.

Table 1. Western Joshua Tree Inventory Summary

	Impact Type		
Size Class	**Indirect**	**Direct**	**Total**
Less than 1 m in height	0	0	0
1 m to less than 5 m in height	4	2	6

Table 1. Western Joshua Tree Inventory Summary

	Impact Type		
Size Class	**Indirect**	**Direct**	**Total**
5 m of greater in height	0	0	0
Dead	0	0	0
Total	**4**	**2**	**6**

All trees varied in size, health, and maturity as summarized in the attached Western Joshua Tree Census Results (Attachment 1). These trees will be included on the ITP application and will need to be mitigated for prior to Project activities. Based on these results, no further focused surveys for western Joshua tree are required. Should you have any questions regarding the information contained in this memorandum, please contact Justin Wood at (909)568-5235.

Attachments:

Attachment 1: Project Location and Figures
Attachment 2: Photo Exhibit
Attachment 3: Project Diagrams, Design Plans, and Construction Specifications
Attachment 4: Western Joshua Tree Census Data
Attachment 5: Habitat Assessment for TTM 20426, City Of Victorville, San Bernardino County, California

Attachment 1 – Project Location and Figures

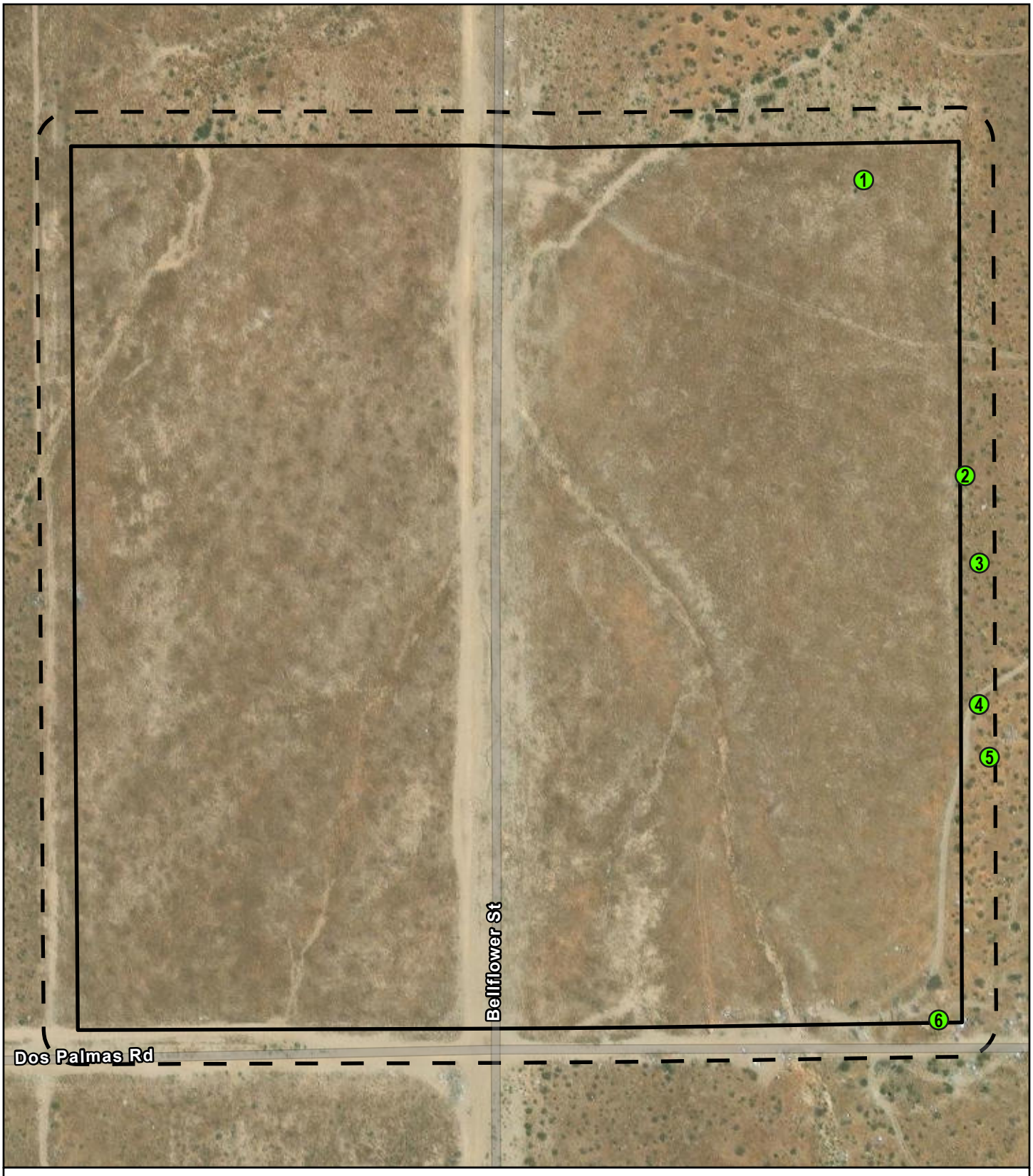
Project Site

Scale: 1:2,400
1 inch = 200 feet
0 100 200 feet

Figure 1

Project Location

Sources: Aspen, 2024; Nearmap, 2023.



Scale: 1:2,400
1 inch = 200 feet

0 100 200
Feet

Western Joshua Tree
TTM 20426 Project Area
50-ft Survey Buffer

Figure 2

Western Joshua Tree Census Results

Sources: ESRI, 2024.

Attachment 2 – Photo Exhibit

Photo 1: South-facing overview of Project site from Bellflower Street.

Photo 2: East-facing overview of Project site.

Photo 3: North-facing overview of western half of the Project site.

Photo 4: West-facing overview of Project site.

Photo 5: Southeast-facing view of Project site.

Photo 6: North-facing overview of the eastern half of the Project site.

Photo 7: Western Joshua Tree 1.

Photo 8: Western Joshua tree 3.

Photo 9: Western Joshua Tree 2

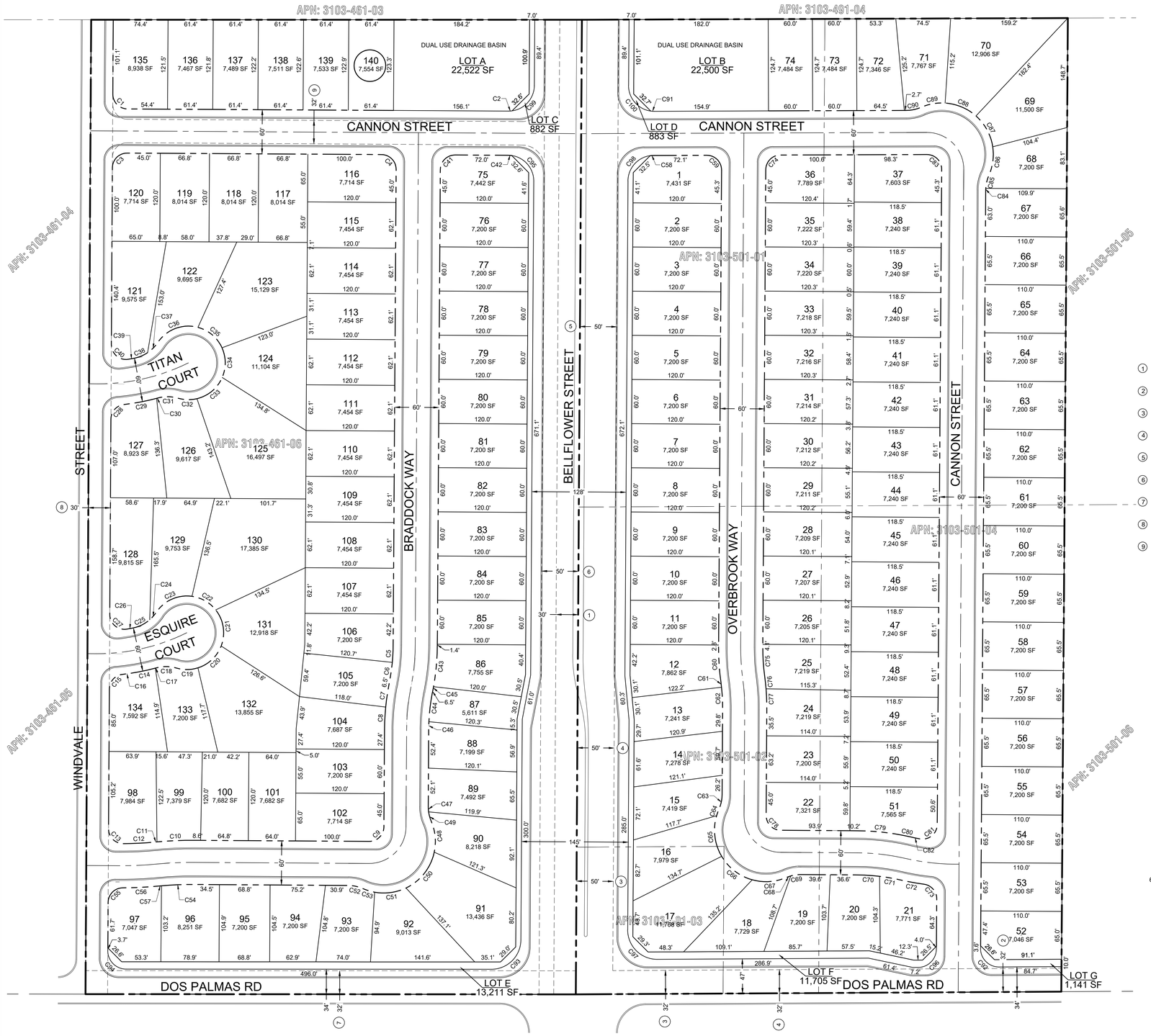
Photo 10: Western Joshua tree 5.

Photo 11: Western Joshua tree 4.

Photo 12: Western Joshua tree 6.

Attachment 3 – Project Diagrams, Design Plans, and Construction Specifications

TENTATIVE TRACT MAP NO. 20426



LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VICTORVILLE IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE SOUTH 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL DATED MARCH 19, 1856.

APN: 3103-461-06

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VICTORVILLE IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

APN: 3103-501-01

PARCEL 2:
THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE SOUTH 200 FEET OF THE WEST 200 FEET THEREOF.

APN: 3103-501-02

PARCEL 3:
THE SOUTH 200 FEET OF THE WEST 200 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

APN: 3103-501-03

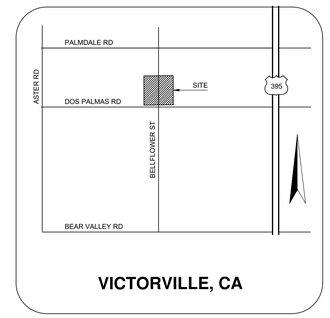
PARCEL 4:
THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

RESERVING AND EXCEPTING A 23 PERCENT INTEREST IN ALL OIL, GAS, HYDROCARBON AND MINERALS IN AND UNDER SAID LAND, AS SET FORTH IN DOCUMENT RECORDED APRIL 05, 2004 AS INSTRUMENT NO. 2004-0230914 OF OFFICIAL RECORDS.

APN: 3103-501-04

LEGEND:

1. PUBLIC UTILITY, INGRESS & EGRESS, AND INCIDENTAL PURPOSES EASEMENT RECORDED MAY 17, 1991 AS INSTRUMENT NO. 91-169353, O.R.
2. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED APRIL 23, 2004 AS INSTRUMENT NO. 2004-0282937, O.R.
3. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED APRIL 23, 2004 AS INSTRUMENT NO. 2004-0282938, O.R.
4. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED APRIL 23, 2004 AS INSTRUMENT NO. 2004-0282939, O.R.
5. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED APRIL 23, 2004 AS INSTRUMENT NO. 2004-0282940, O.R.
6. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED JULY 23, 2004 AS INSTRUMENT NO. 2004-0528560, O.R.
7. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED SEPTEMBER 21, 2005 AS INSTRUMENT NO. 20050703739, O.R.
8. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED OCTOBER 4, 2005 AS INSTRUMENT NO. 20050743815, O.R.
9. STREET, HIGHWAYS, SEWERS, DRAINAGE, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT RECORDED NOVEMBER 6, 2006 AS INSTRUMENT NO. 2006-0756831, O.R.



VICTORVILLE, CA

VICINITY MAP NOT TO SCALE

HORIZONTAL GRAPHIC SCALE
60 30 0 30 60
1 inch = 60 ft.

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	31.42'	20.00'	90°00'05"
C2	4.96'	35.00'	8°07'01"
C3	31.42'	20.00'	89°59'55"
C4	31.43'	20.00'	90°01'35"
C5	23.58'	270.00'	5°00'14"
C6	25.38'	270.00'	5°23'05"
C7	29.56'	330.00'	5°07'58"
C8	30.27'	330.00'	5°15'22"
C9	31.42'	20.00'	90°00'00"
C10	50.86'	530.00'	5°29'52"
C11	3.05'	530.00'	0°19'49"
C12	42.61'	470.00'	5°11'42"
C13	31.63'	20.00'	90°36'29"
C14	32.97'	305.00'	6°11'35"
C15	29.04'	20.00'	83°11'49"
C16	12.50'	305.00'	2°20'53"
C17	1.47'	305.00'	0°16'31"
C18	27.67'	50.00'	31°42'42"
C19	29.65'	50.00'	33°58'42"
C20	44.72'	50.00'	51°14'35"
C21	51.99'	50.00'	59°34'35"
C22	38.05'	50.00'	43°36'20"
C23	56.19'	50.00'	64°23'36"
C24	13.39'	50.00'	15°20'46"
C25	25.84'	50.00'	29°36'23"
C26	8.12'	245.00'	1°54'00"
C27	34.85'	20.00'	99°51'07"
C28	29.04'	20.00'	83°11'49"
C29	45.18'	305.00'	8°29'17"
C30	1.75'	305.00'	0°19'42"
C31	27.67'	50.00'	31°42'42"
C32	26.03'	50.00'	29°49'28"
C33	46.42'	50.00'	53°11'26"
C34	41.60'	50.00'	47°39'54"
C35	44.27'	50.00'	50°43'42"
C36	62.29'	50.00'	71°22'37"
C37	19.67'	50.00'	22°32'22"
C38	19.55'	50.00'	22°24'15"
C39	8.14'	245.00'	1°54'15"
C40	34.85'	20.00'	99°51'07"
C41	31.41'	20.00'	89°58'25"
C42	4.97'	35.00'	8°08'36"
C43	56.49'	330.00'	9°48'30"
C44	38.25'	270.00'	8°07'00"
C45	3.34'	330.00'	0°34'50"
C46	10.71'	270.00'	2°16'20"
C47	7.37'	50.00'	8°26'25"
C48	42.95'	70.00'	35°09'25"
C49	13.19'	50.00'	15°06'58"
C50	64.18'	70.00'	52°31'53"

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C51	43.70'	70.00'	35°46'17"
C52	20.56'	50.00'	23°33'23"
C53	16.68'	70.00'	13°39'11"
C54	44.21'	470.00'	5°23'23"
C55	31.24'	20.00'	89°30'09"
C56	49.08'	530.00'	5°18'20"
C57	3.60'	470.00'	0°26'18"
C58	4.80'	35.00'	7°51'08"
C59	31.61'	20.00'	90°33'20"
C60	46.71'	330.00'	8°06'35"
C61	8.05'	270.00'	1°42'33"
C62	30.16'	270.00'	6°24'02"
C63	20.56'	50.00'	23°33'23"
C64	9.22'	70.00'	7°32'58"
C65	57.30'	70.00'	46°54'06"
C66	53.71'	70.00'	43°57'36"
C67	47.28'	70.00'	38°42'07"
C68	6.33'	50.00'	7°15'30"
C69	14.22'	50.00'	16°17'53"
C70	30.53'	270.00'	6°28'43"
C71	29.14'	270.00'	6°11'00"
C72	32.01'	330.00'	5°33'30"
C73	28.95'	20.00'	82°55'36"
C74	31.22'	20.00'	89°26'40"
C75	38.22'	270.00'	8°06'35"
C76	18.35'	330.00'	3°11'08"
C77	28.36'	330.00'	4°55'26"
C78	31.42'	20.00'	90°00'00"
C79	60.67'	330.00'	10°32'03"
C80	12.25'	330.00'	2°07'40"
C81	34.88'	20.00'	99°55'37"
C82	12.75'	270.00'	2°42'17"
C83	31.62'	20.00'	90°35'08"
C84	2.28'	50.00'	2°37'02"
C85	18.27'	50.00'	20°56'22"
C86	39.68'	70.00'	32°28'57"
C87	48.74'	70.00'	39°53'36"
C88	46.23'	70.00'	37°50'31"
C89	33.57'	70.00'	27°28'51"
C90	20.56'	50.00'	23°33'23"
C91	5.14'	35.00'	8°24'28"
C92	39.58'	25.00'	90°42'24"
C93	62.60'	40.00'	89°40'07"
C94	39.40'	25.00'	90°18'24"
C95	50.02'	35.00'	81°52'59"
C96	38.96'	25.00'	89°17'36"
C97	63.30'	40.00'	90°40'36"
C98	49.84'	35.00'	81°35'32"
C99	50.00'	35.00'	81°51'24"
C100	50.18'	35.00'	82°08'52"

NO.	REVISIONS	DATE

ENGINEER'S STATEMENT

THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND ALL EASEMENTS OF RECORD ARE SHOWN PER THE TITLE REPORT.

ZVI PLOTNIK DATE
R.C.E. NO. 29604

BENCHMARK:

NGS B.M. # EV1380 ELEV = 3412.40' NAVD 88

BENCHMARK DISK ON TOP OF CONCRETE MONUMENT STAMPED "Y 1046 1960", 6.95 MILES EAST ALONG PHELAN ROAD FROM THE JUNCTION OF SHEEP CREEK ROAD AT PHELAN, THENCE 3.0 MILES NORTH ALONG BALDY MESA ROAD, 56 FEET NORTHWEST OF THE CENTER OF THE INTERSECTION OF TEA KETTLE LANE, 34 FEET WEST OF THE CENTER LINE OF THE ROAD, 35 FEET NORTH OF THE CENTER LINE OF THE LANE, 9.5 FEET WEST OF A SECTION CORNER REFERENCE MARK, 1.9 FEET NORTH OF A WITNESS POST, ABOUT 1 FOOT HIGHER THAN THE ROAD, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.4 FOOT ABOVE THE GROUND.

ELEVATIONS HAVE BEEN TRUNCATED FOR CLARITY, TO OBTAIN TRUE ELEVATIONS ADD 3,000 FEET.

NOTES:

PREPARED FOR:

ROYAL INVESTORS GROUP, LLC
9595 WILSHIRE BLVD., SUITE 708
BEVERLY HILLS, CA 90212
PHONE: 818-981-3000 EXT. 110

PREPARED BY:

Plotnik & Associates
Civil Engineering & Land Surveying
18626 S. Wilmington Ave., Suite 100
Rancho Dominguez, California 90220
Tel: (310) 605-6657
Fax: (310) 605-6658
www.plotnik.com

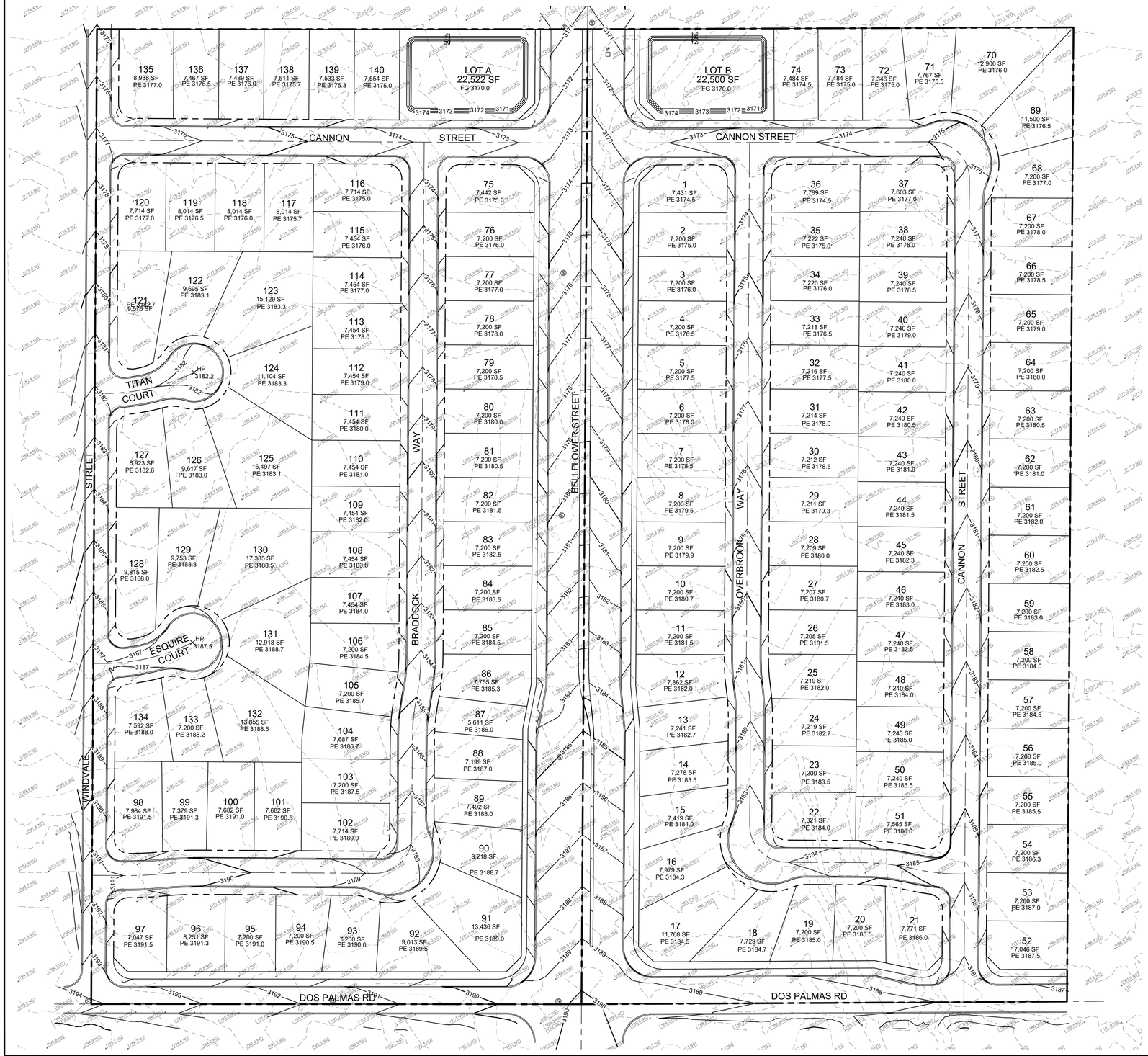
ZVI PLOTNIK, R.C.E. NO. 29604 EXP. 3/31/23 DATE

Victorville

TTM NO. 20426
BOUNDARY/LOTTING

SCALE:	1" = 60'
DRAWN:	DH
CHECKED:	PC
DATE:	07/27/21
SHEET NO.	1/3

TENTATIVE TRACT MAP NO. 20426

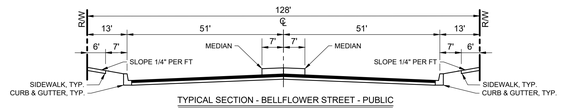


HORIZONTAL GRAPHIC SCALE
60 30 0 30 60
1 inch = 60 ft.

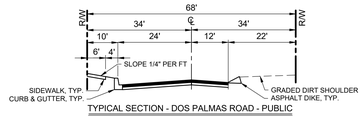
LEGEND:
EXISTING CONTROURS ——— 3000 ———
PROPOSED CONTROURS ——— 3000 ———

BENCHMARK:
NGS B.M. # EV1380 ELEV = 3412.40' NAVD 88
BENCHMARK DISK ON TOP OF CONCRETE MONUMENT STAMPED "Y 1046 1960", 6.95 MILES EAST ALONG PHELAN ROAD FROM THE JUNCTION OF SHEEP CREEK ROAD AT PHELAN, THENCE 3.0 MILES NORTH ALONG BALDY MESA ROAD, 56 FEET NORTHWEST OF THE CENTER OF THE INTERSECTION OF TEA KETTLE LANE, 34 FEET WEST OF THE CENTER LINE OF THE ROAD, 35 FEET NORTH OF THE CENTER LINE OF THE LANE, 9.5 FEET WEST OF A SECTION CORNER REFERENCE MARK, 1.9 FEET NORTH OF A WITNESS POST, ABOUT 1 FOOT HIGHER THAN THE ROAD, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.4 FOOT ABOVE THE GROUND.

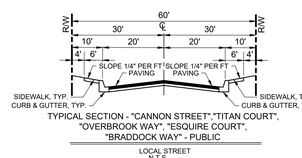
NOTE:
ELEVATIONS HAVE BEEN TRUNCATED FOR CLARITY, TO OBTAIN TRUE ELEVATIONS ADD 3,000 FEET TO EXISTING.



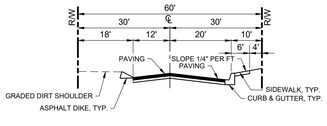
TYPICAL SECTION - BELLFLOWER STREET - PUBLIC
SUPER ARTERIAL
N.T.S.



TYPICAL SECTION - DOS PALMAS ROAD - PUBLIC
COLLECTOR STREET
N.T.S.



TYPICAL SECTION - "CANNON STREET","TITAN COURT",
"OVERBROOK WAY", "ESQUIRE COURT",
"BRADDOCK WAY" - PUBLIC
LOCAL STREET
N.T.S.



TYPICAL SECTION - "WINDVALE STREET" - PUBLIC
LOCAL STREET
N.T.S.

NO.	REVISIONS	DATE

ENGINEER'S STATEMENT

THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND ALL EASEMENTS OF RECORD ARE SHOWN PER THE TITLE REPORT.

ZVI PLOTNIK DATE
R.C.E. NO. 29604

BENCHMARK:
NGS B.M. # EV1380 ELEV = 3412.40' NAVD 88
BENCHMARK DISK ON TOP OF CONCRETE MONUMENT STAMPED "Y 1046 1960", 6.95 MILES EAST ALONG PHELAN ROAD FROM THE JUNCTION OF SHEEP CREEK ROAD AT PHELAN, THENCE 3.0 MILES NORTH ALONG BALDY MESA ROAD, 56 FEET NORTHWEST OF THE CENTER OF THE INTERSECTION OF TEA KETTLE LANE, 34 FEET WEST OF THE CENTER LINE OF THE ROAD, 35 FEET NORTH OF THE CENTER LINE OF THE LANE, 9.5 FEET WEST OF A SECTION CORNER REFERENCE MARK, 1.9 FEET NORTH OF A WITNESS POST, ABOUT 1 FOOT HIGHER THAN THE ROAD, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.4 FOOT ABOVE THE GROUND.

ELEVATIONS HAVE BEEN TRUNCATED FOR CLARITY, TO OBTAIN TRUE ELEVATIONS ADD 3,000 FEET.

NOTES:

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ROYAL INVESTORS GROUP, LLC
9595 WILSHIRE BLVD., SUITE 708
BEVERLY HILLS, CA 90212
PHONE: 818-981-3000 EXT. 110

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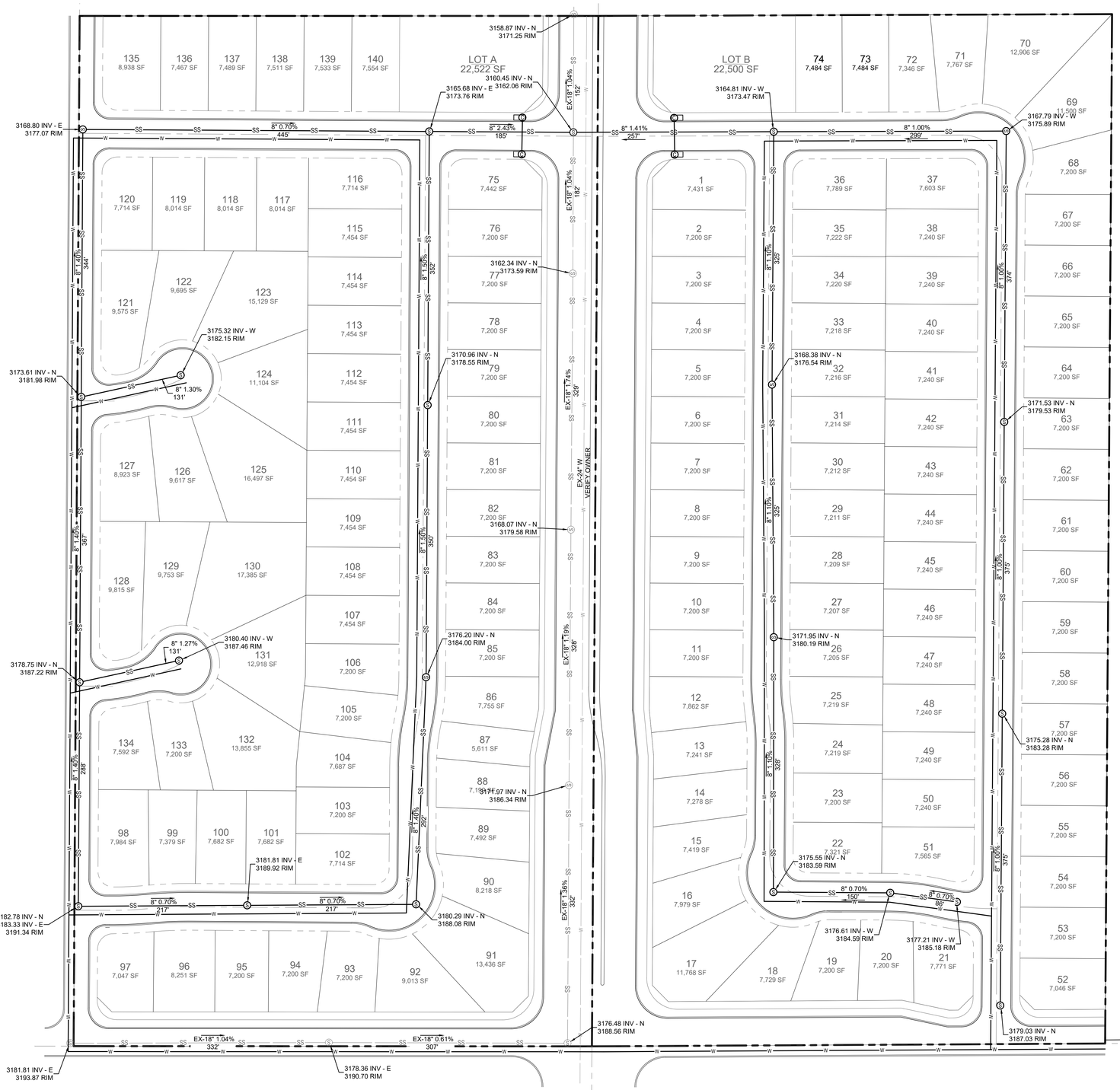
Tel: (310) 605-6657
Fax: (310) 605-6658
www.plotnik.com
ZVI PLOTNIK, R.C.E. NO. 29604 EXP. 3/31/23 DATE

Victorville

TTM NO. 20426
PRELIM GRADING/STREET

SCALE:	1" = 60'
DRAWN:	DH
CHECKED:	PC
DATE:	07/27/21
SHEET NO.	2/3

TENTATIVE TRACT MAP NO. 20426



LEGEND:

W	EXISTING WATER
SS	EXISTING SEWER
W	PROPOSED WATER
SS	PROPOSED SEWER
INV	INVERT
N - W - S - E	DIRECTION OF FLOW FROM MANHOLE (NORTH/WEST/SOUTH/EAST)
EX	EXISTING
→	DIRECTION OF FLOW WITHIN PIPES
Ⓒ	CATCH BASIN
Ⓢ	PROPOSED SEWER MANHOLE
Ⓔ	EXISTING SEWER MANHOLE

NO.	REVISIONS	DATE

ENGINEER'S STATEMENT

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BENCHMARK DISK ON TOP OF CONCRETE MONUMENT STAMPED "Y 1046 1960", 6.95 MILES EAST ALONG PHELAN ROAD FROM THE JUNCTION OF SHEEP CREEK ROAD AT PHELAN, THENCE 3.0 MILES NORTH ALONG BALDY MESA ROAD, 56 FEET NORTHWEST OF THE CENTER OF THE INTERSECTION OF TEA KETTLE LANE, 34 FEET WEST OF THE CENTER LINE OF THE ROAD, 35 FEET NORTH OF THE CENTER LINE OF THE LANE, 0.5 FEET WEST OF A SECTION CORNER REFERENCE MARK, 1.9 FEET NORTH OF A WITNESS POST, ABOUT 1 FOOT HIGHER THAN THE ROAD, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.4 FOOT ABOVE THE GROUND.

ELEVATIONS HAVE BEEN TRUNCATED FOR CLARITY, TO OBTAIN TRUE ELEVATIONS ADD 3,000 FEET.

NOTES:

PREPARED FOR:

ROYAL INVESTORS GROUP, LLC
9595 WILSHIRE BLVD., SUITE 708
BEVERLY HILLS, CA 90212
PHONE: 818-981-3000 EXT. 110

PREPARED BY:

Plotnik & Associates
Civil Engineering & Land Surveying
18626 S. Wilmington Ave., Suite 100
Rancho Dominguez, California 90220
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Fax: (310) 605-6658
www.plotnik.com
ZVI PLOTNIK, R.C.E. NO. 29604 EXP. 3/31/23 DATE

Victorville

TTM NO. 20426
PRELIM UTILITY PLAN

SCALE:	1" = 60'
DRAWN:	DH
CHECKED:	PC
DATE:	07/27/21
SHEET NO.	3/3

Attachment 4 – Western Joshua Tree Census Data

Attachment 4. Western Joshua Tree Census Data

Tree ID	Latitude	Longitude	Size Class	Height of Tree (m)	Live or Dead	Branched	Flowering or Fruiting Stage	Impact to Tree	Project activities within 15 meters of tree?	Relocation Site	Additional Notes
1	34.502904378	-117.415330910	B	2	Live	Y	Fruit	Removal	Yes	Not Applicable	
2	34.501714393	-117.414846792	B	1	Live	Y	Fruit	None	Yes	Not Applicable	
3	34.501362555	-117.414780359	B	2	Live	Y	Fruit	None	Yes	Not Applicable	
4	34.500794878	-117.414786250	B	2	Live	Y	Fruit	None	Yes	Not Applicable	
5	34.500582792	-117.414736600	B	2	Live	Y	Fruit	None	Yes	Not Applicable	
6	34.499529401	-117.414991039	B	4	Live	Y	Fruit	Removal	Yes	Not Applicable	

Attachment 5 – Habitat Assessment for TTM 20426

L&L ENVIRONMENTAL, INC.
REGULATORY SERVICES
BIOLOGICAL & CULTURAL INVESTIGATIONS & MONITORING

HABITAT ASSESSMENT
TTM 20426, CITY OF VICTORVILLE, SAN BERNARDINO COUNTY, CALIFORNIA

±34.48 Acre Property, ±40.29 Acres Surveyed

APNs 3103-461-06, 3103-501-01, 3103-501-02, 3103-501-03, and 3103-501-04,
City of Victorville, Sections 20 and 21, Township 5 North, Range 5 West,
USGS Adelanto 7.5' Topographic Quadrangle Map

Prepared For:

Royal Investors Group, LLC and Rodeo Credit Enterprises, LLC
15821 Ventura Boulevard, Suite 460
Encino, CA 91436
818-981-3000
kris@royalllc.com

Prepared By:

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Carla Wakeman, Senior Biologist	cwakeman@llenviroinc.com
Guy Bruyea, Field Biologist	gbruyea@llenviroinc.com
Jeffrey Sonnentag, GIS/Graphics	jsonnentag@llenviroinc.com

Report Summary:

L&L conducted a habitat assessment on a proposed residential development site. The site was previously cleared and vegetation is limited to mainly non-native grasses and a few small desert shrubs. No native or sensitive vegetation communities present. Two mature live Joshua trees present onsite and additional Joshua trees in buffer. An inventory of Joshua trees and incidental take permitting required for impacts. No other regulated desert plants found. No other listed or special status plants observed but could be present. Focused botanical survey recommended. No desert tortoise or sign observed; no Mohave ground squirrel or identifiable sign observed; no burrowing owl or sign observed. Protocol surveys for these species recommended. One special status wildlife species observed, California horned lark; others could be present. Biological resources assessment recommended. Ephemeral drainages present. Jurisdictional delineation and regulatory permitting required. The site is not within a wildlife corridor.

Survey Conducted By: Guy Bruyea

Survey Conducted: August 22, 2022

Report Date: August 2022, revised November 2023

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MANAGEMENT SUMMARY

L&L Environmental, Inc. conducted a biological survey on a ±34.48-acre proposed development site (Tentative Tract Map 20426) in the City of Victorville, San Bernardino County, California. Offsite road improvements bring the total survey area to ±40.29 acres. The Project site consists of Assessor's Parcel Numbers (APNs) 3103-461-06, 3103-501-01, -02, -03, and -04. Royal Investors Group, LLC and Rodeo Credit Enterprises, LLC propose to construct 140 residential lots on the site. The entire site would be permanently impacted.

The purpose of this study was to conduct a general biological reconnaissance survey and habitat assessment. Incidental observations were recorded, but the study did not include focused or protocol surveys for any plant or wildlife species.

The site is vacant land in the City of Victorville located to the west of Highway 395, at the intersection of Dos Palmas Road and Bellflower Street. The entire site was previously vegetated with creosote bush scrub and possibly Joshua tree woodland but was cleared of vegetation in 2006. Currently, vegetation on the site is limited and consists of mainly non-native grasses and a few small desert shrubs. Two mature live Joshua trees (*Yucca brevifolia*) are also present. The entire site is disturbed and there are no native or sensitive vegetation communities present.

No state or federally listed or special status plant species were observed on the site during the survey, with the exception of western Joshua tree. Joshua tree is a candidate for listing under the California Endangered Species Act and is also a regulated desert native plant under the California Desert Native Plants Act. The survey found two (2) Joshua trees on the site with many additional Joshua trees within a 186-foot buffer of the site. As of this time (August 2022), an incidental take permit from the California Department of Fish and Wildlife (CDFW) is required for any impacts to Joshua trees. An inventory of Joshua trees in accordance with the most recent CDFW guidance is required. No other regulated desert native plants were found on the site.

No other listed or special status plant species were found during the survey, but a focused survey has not been conducted. An analysis of the potential for occurrence of other listed or special status plant species is recommended with a focused botanical survey during the early, middle, and late flowering season, if warranted.

No state or federally listed wildlife species were observed during the survey. One special status wildlife species, California horned lark (*Eremophila alpestris actia*), was found on the site. Other special status species could be present. A biological resources assessment is recommended, including an analysis of potentials for occurrence of listed and special status wildlife species.

No desert tortoise or sign was incidentally observed on the site but tortoises could enter the site from adjacent undisturbed habitat. A protocol survey is recommended. If desert tortoise is present, incidental take permitting through USFWS and CDFW and/or an avoidance plan approved by those agencies will be required.

No Mohave ground squirrel or identifiable sign was incidentally observed on the site. A habitat assessment by a biologist permitted for Mohave ground squirrel is recommended, followed by a protocol survey if warranted. If Mohave ground squirrel is present, incidental take permitting through CDFW will be required.

No burrowing owls or owl sign were incidentally observed during the survey, but potentially suitable habitat is present. A protocol breeding season survey is recommended. If burrowing owls are present, additional mitigation would be required.

Habitat suitable for nesting birds protected by the Migratory Bird Treaty Act and California Fish and Game Code is present within and adjacent to the site. If construction activities cannot avoid the nesting season (January 1 to September 15), a preconstruction nesting bird clearance survey should be conducted. An avoidance buffer of 300 to 500 feet (or as recommended by a qualified biologist) should be implemented around any active nest until the nest has fledged or a qualified biologist has determined that the nest is no longer active.

The site does not have connectivity with any large blocks of habitat and is not within a wildlife corridor. Ephemeral drainages are present on the site and a jurisdictional delineation and regulatory permitting is required for impacts.

1.0) INTRODUCTION

The following report was prepared by L&L Environmental, Inc. for Royal Investors Group, LLC and Rodeo Credit Enterprises, LLC. It describes the results of a habitat assessment survey conducted on vacant parcels included in Tentative Tract Map (TTM) 20426 in the City of Victorville, San Bernardino County, California. The Project site consists of APNs 3103-461-06 and 3103-501-01 through 3103-501-04, totaling ±34.48 acres. Additional offsite road improvements bring the total survey area up to ±40.29 acres. The Proponent plans to construct 140 residential lots on the site. The entire site would be permanently impacted (Figure 7, Appendix F).

The assessment consisted of (1) a records search and literature review, conducted to determine the species of concern in the project area and (2) field reconnaissance, intended to identify plants and wildlife on the property and presence/absence of habitat for species of concern.

1.1) Location

The site is disturbed vacant land in the City of Victorville located to the west of Highway 395 and south of Highway 18/Palmdale Road, on the north side of Dos Palmas Road and on both east and west sides of Bellflower Street (Figure 1). It is situated within Sections 20 and 21 of Township 5 North, Range 5 West within the USGS *Adelanto, CA* 7.5' series quadrangle map (Figure 2).

The parcel is generally bounded as follows: to the west by vacant land and scattered rural residential/commercial buildings with Monte Vista Road beyond; to the east by vacant land and residential development with Highway 395 beyond; to the north by vacant land and Highway 18/Palmdale Road with residential development beyond; and to the south by Dos Palmas Road (unimproved), vacant land, and residential development. Bellflower Street (unimproved) traverses the central portion of the site north-south (Figure 3).

1.2) Vegetation and Setting

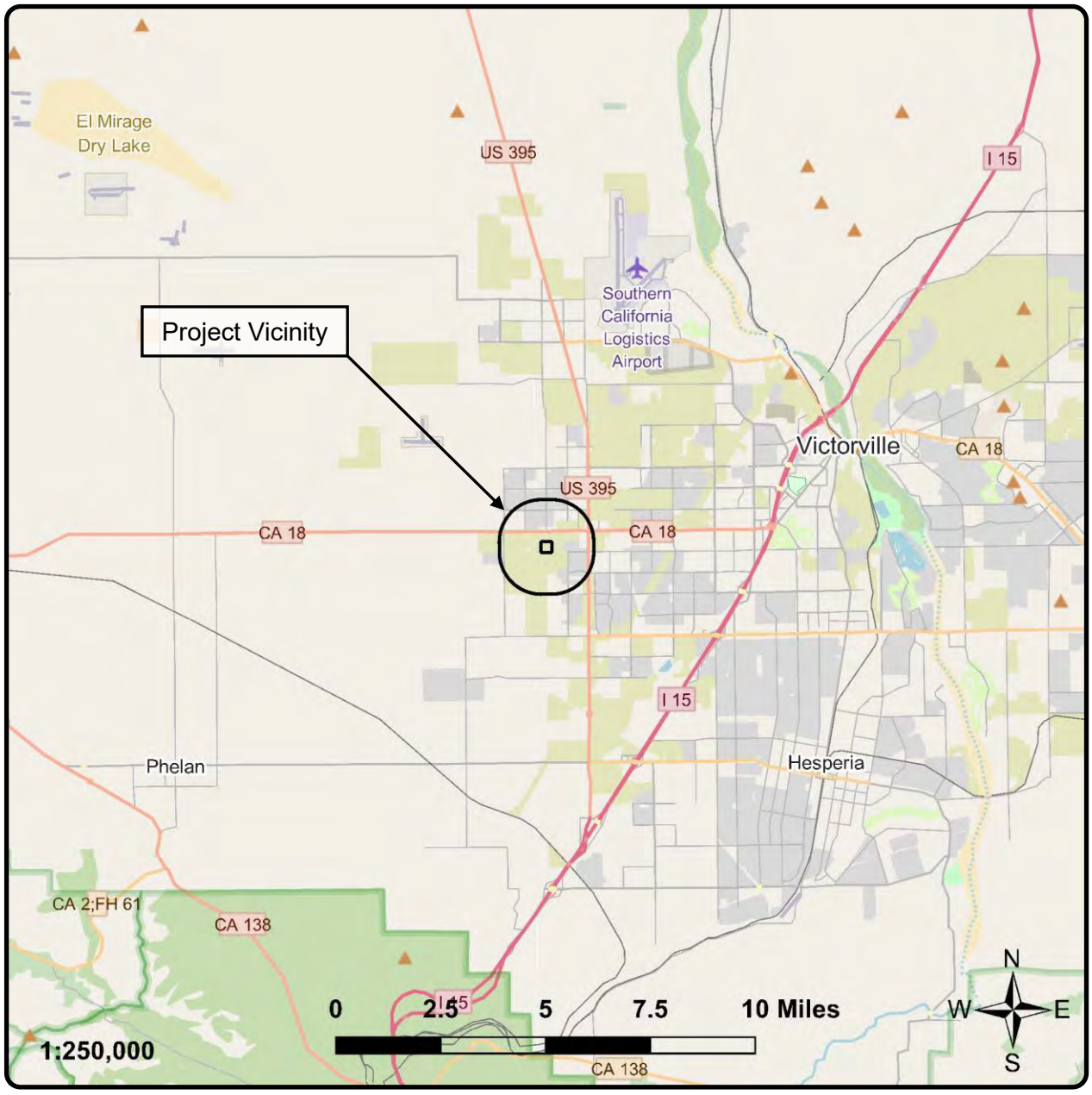
Based on aerial images (Google Earth 2022), the entire project site was cleared in 2006 and has little vegetation, mainly non-native grasses and a few small desert shrubs. Two mature live Joshua trees (*Yucca brevifolia*) are also present. Given the limited re-establishment of native vegetation, additional clearing has likely occurred since 2006. The site is surrounded by relatively undisturbed creosote bush scrub with scattered Joshua trees. Based on vegetation in

adjacent uncleared areas, the vegetation community onsite was historically creosote bush scrub with scattered Joshua trees or possibly Joshua tree woodland with a creosote bush understory.

Anthropogenic disturbances observed on portions of the site include off-road vehicle activity, trash dumping, and windblown debris. Several mature Joshua trees have also recently been dumped on the site. Based on aerial images, these trees did not come from the Project site. This incident was reported to CDFW (see Appendix D).

1.3) Soils and Topography

Topographically, the site is relatively flat but slopes downward slightly from southwest to northeast. Elevation onsite ranges between approximately 3,176 feet (968 meters) above mean sea level (AMSL) at the northeast corner of the site and 3,199 feet (975) AMSL at the southwest corner of the site. Ephemeral drainages (washes) are present on the site. A mapped blueline stream is present about 200 feet to the east of the site. Drainages on the site may be tributary to this blueline stream. Soils onsite are mapped as Cajon sand (0 to 2 percent slopes, see Figure 4) (NRCS 2022).



L&L Environmental, Inc.

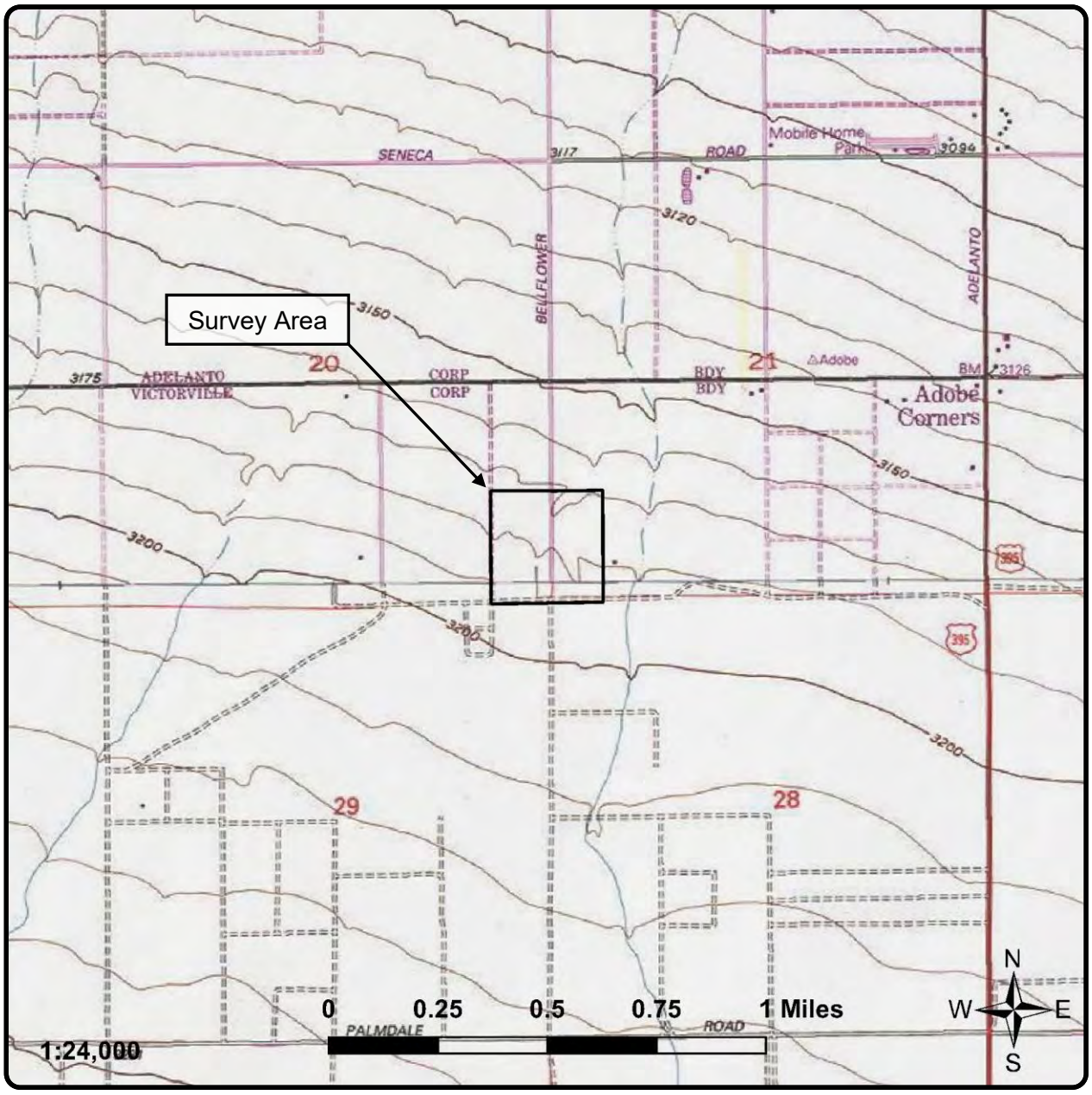
BIOLOGICAL AND CULTURAL INVESTIGATIONS AND MONITORING

RIGX-22-907

Figure 1

Project Vicinity Map

TTM 20426, City of Victorville
County of San Bernardino, California



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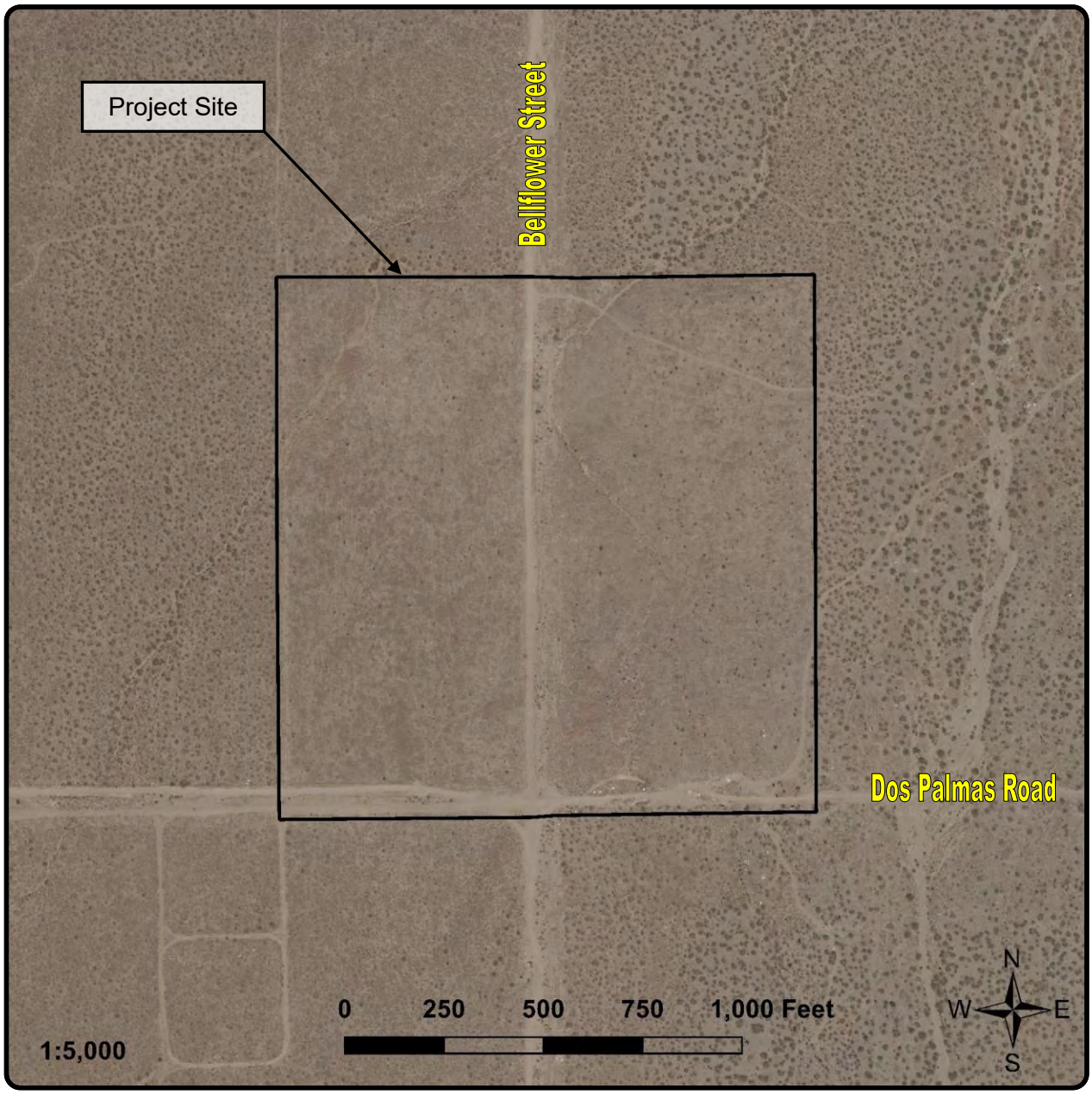
RIGX-22-907

Figure 2

Project Location Map

(USGS *Adelanto, CA* [1993] quadrangle,
Sections 20 & 21, Township 5 North, Range 5 West)

TTM 20426, City of Victorville
County of San Bernardino, California



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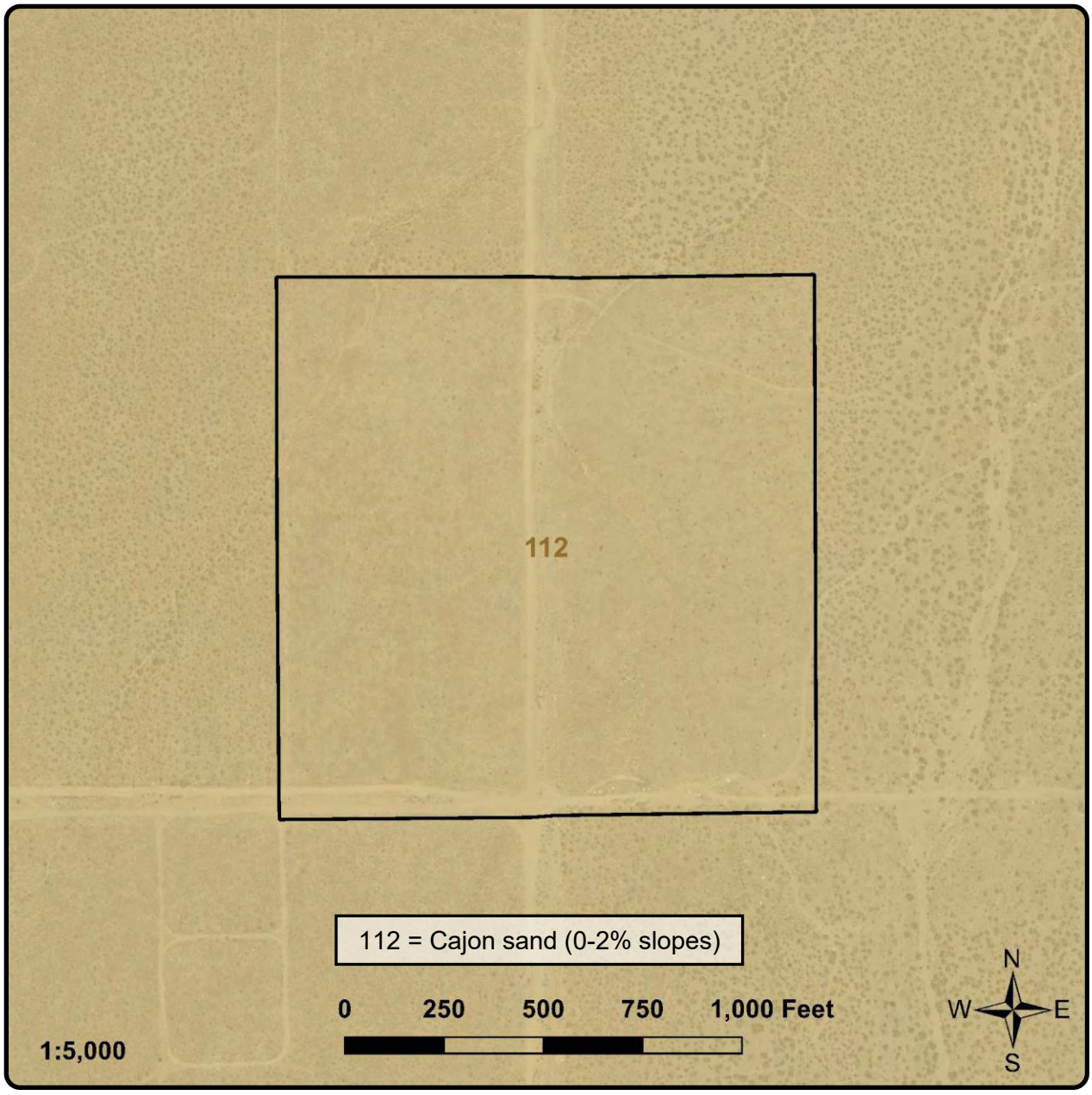
RIGX-22-907

Figure 3

Aerial Photograph
(Aerial obtained from Google Earth, October 2020)

TTM 20426, City of Victorville
County of San Bernardino, California



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RIGX-22-907

Figure 4

Soils Map

(Aerial obtained from Google Earth, October 2020, USDA Nat. Res. Cons. Serv. SSURGO Data)

TTM 20426, City of Victorville
County of San Bernardino, California

2.0) REGULATORY ENVIRONMENT

The following summary of the regulatory environment is provided for information purposes and is not intended for agency review or comment.

2.1) Federal Endangered Species Act

Section 9 of the federal Endangered Species Act (FESA), 1973 (as amended) prohibits "take" of federally listed threatened and endangered species. Candidate species receive no protection under FESA, but the USFWS encourages conservation of these species. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. "Harm" is further defined to include habitat modification or degradation when it actually kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering.

Incidental take is take that results from, but is not the purpose of, carrying out an otherwise lawful activity. Incidental take of federally listed species may be authorized under Section 7 of FESA for federal properties or where federal actions (i.e., federal permitting or federal funding) are involved or under Section 10 of FESA for non-federal actions.

Section 7 requires all Federal agencies, in "consultation" with the USFWS, to ensure that their actions are not likely to jeopardize the continued existence of listed species or result in destruction or adverse modification of critical habitat. The Section 7 process requires preparation of a federal Biological Assessment to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat. After formal consultation, the USFWS will issue a Biological Opinion stating whether or not a Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Section 10 lays out the guidelines under which a permit may be issued to authorize take of endangered or threatened species (in the absence of any federal nexus). Application for an incidental take permit under Section 10 is subject to certain requirements, including preparation by the permit applicant of a conservation plan, generally known as a "Habitat Conservation Plan" or "HCP." An HCP is a plan that outlines ways of maintaining, enhancing, and protecting a given habitat type needed to protect species. The plan usually includes measures to minimize

impacts, such as provisions for permanently protecting land, restoring habitat, and relocating plants or animals to another area.

2.2) Jurisdictional Waters and Wetlands

Three agencies generally regulate activities within streams, wetlands, and riparian areas in California: (1) the U.S. Army Corps of Engineers (USACE) regulates activities under Section 404 of the federal Clean Water Act; (2) the Regional Water Quality Control Board (RWQCB) regulates activities under Section 401 of the federal Clean Water Act and the State Porter-Cologne Water Quality Control Act; and (3) the California Department of Fish and Wildlife (CDFW) regulates activities under California Fish and Game Code Sections 1600-1616.

2.2.1) Federal Clean Water Act, Section 404

Section 404 of the federal Clean Water Act (CWA) applies to "Waters of the United States" (WoUS). By definition these include waterways that could be used for interstate commerce and their tributaries, including any waters that flow into traditional navigable waters. In non-tidal waters, the limits of jurisdiction are "ordinary high water marks" (OHWM) such as stream banks.

There have been recent changes to the definition of WoUS and the agencies are interpreting WoUS consistent with the pre-2015 regulatory regime until further notice. Under this rule, WoUS includes:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

2. All interstate waters including interstate wetlands;

3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

c. Which are used or could be used for industrial purposes by industries in interstate commerce;

4. All impoundments of waters otherwise defined as waters of the United States under this definition;

5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;

6. The territorial sea;

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Final determination and delineation of federal jurisdiction is made by the USACE and not by the project biologists. Therefore, fieldwork and documentation of the site conditions are done as a preliminary delineation until the USACE reviews and concurs with the results.

2.2.2) Federal Clean Water Act Section 401 and Porter-Cologne

The RWQCB has jurisdiction over wetlands, WoUS, and Waters of the State under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne) under the California Water Code (§ 13000, et seq.) Permitting is required for activities that will result in a discharge of soils, nutrients, chemicals, detrital materials, or other pollutants into WoUS, Waters of the State, or adjacent wetlands that will affect the water quality of those bodies and the watershed.

2.2.3) California Fish and Game Code, Section 1600

The CDFW, through provisions of the California Fish and Game Code (Sections 1600-1616), is empowered to issue agreements ("Lake and Streambed Alteration Agreements") for projects that will adversely affect wildlife habitat associated with any river, stream, or lake edges. The Lake and Streambed Alteration Agreement will typically include required measures to mitigate impacts.

2.3) California Environmental Quality Act

The California Environmental Quality Act (CEQA) and CEQA Guidelines (§ 15000 et seq.) require identification of environmental effects from discretionary projects. Significant effects are to be mitigated by avoidance, minimization, rectification, or compensation whenever possible.

Effects to all state and federal listed species are considered significant under CEQA. In addition to formally listed species, CEQA considers effects to species that are demonstrably endangered or rare as important or significant. These definitions can include state designated species of special concern, federal candidate and proposed species, California Natural Diversity Database (CNDDB) tracked species, and California Rare Plant Rank (CRPR) 1B and 2 plants.

Appendix G of the CEQA Guidelines specifically addresses biological resources and encompasses a broad range of resources to be considered.

2.4) California Endangered Species Act

California Endangered Species Act (CESA) definitions of endangered and threatened species parallel those defined in the FESA. The CESA defines an endangered species as ". . . a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes including loss of habitat, change in habitat, over exploitation, predation, competition or disease." Endangered species are in serious danger of becoming extinct and threatened species are likely to become endangered species in the foreseeable future (according to Sections 2062 and 2067, respectively, of the California Fish and Wildlife Code). Candidate species are those under formal review by the CDFW for listing as endangered or threatened (Section 2067). Prior to being considered for protected status, the CDFW designates a species as being of special concern. Species of Special Concern are those for which the CDFW has information indicating population decline.

2.5) California Desert Native Plants Act

The purpose of the California Desert Native Plants Act (CDNPA) is to protect certain species of California desert native plants from unlawful harvesting on both public and privately owned lands. The CDNPA is a state law that applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. Within these counties, the CDNPA prohibits the harvest, transport, sale, or possession of specific native desert plants unless a valid permit or wood receipt, and the required tags and seals have been obtained. The

appropriate permits, tags and seals must be obtained from the sheriff or commissioner of the county where collecting will occur, and the county will charge a fee.

The following native plants, or any parts thereof, may not be harvested except for scientific or educational purposes under a permit issued by the commissioner of the county in which the native plants are growing:

(a) All species of Burseraceae family (elephant tree).
(b) *Carnegiea gigantea* (sahuaro cactus).
(c) *Ferocactus acanthodes* (barrel cactus).
(d) *Castela emoryi* (crucifixion thorn).
(e) *Dudleya saxosa* (panamint dudleya).
(f) *Pinus longaeva* (bristlecone pine).
(g) *Washingtonia filifera* (fan palm).

The following native plants, or any part thereof (except fruits), may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing:

(a) All species of the family Agavaceae (century plants, nolinas, yuccas).
(b) All species of the family Cactaceae (cacti).
(c) All species of the family Fouquieriaceae (ocotillo, candlewood).
(d) All species of the genus *Prosopis* (mesquites).
(e) All species of the genus *Cercidium* (palos verdes).
(f) *Acacia greggii* (catclaw).
(g) *Atriplex hymenelytra* (desert-holly).
(h) *Dalea spinosa* (smoke tree).
(i) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood.

Section 88.01.060 of the San Bernardino County Development Code also provides regulations for the removal or harvesting of specified desert native plants intended to augment and coordinate with the California Desert Native Plants Act and State efforts to implement and enforce the Act. These regulations specify that the following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit:

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
  (A) Dalea spinosa (smoketree).
  (B) All species of the genus Prosopis (mesquites).

(2) All species of the family Agavaceae (century plants, nolinas, yuccas).
(3) Creosote Rings, ten feet or greater in diameter.
(4) All Joshua trees*.
(5) Any part of any of the following species, whether living or dead:
  (A) Olneya tesota (desert ironwood).
  (B) All species of the genus Prosopis (mesquites).
  (C) All species of the genus Cercidium (palos verdes).

*Note: If Joshua tree becomes a listed species or remains a candidate for listing under the California Endangered Species Act, the removal of any western Joshua tree will require an incidental take permit from CDFW.

2.6) California Natural Diversity Database

The California Natural Diversity Database (CNDDB) is a database that ranks overall condition of listed and special status species and sensitive vegetation communities on global (throughout its range) and state (within California) levels. The CNDDB includes documented occurrences of listed and special status species that have been reported to CDFW. State ranking is numerical, ranging from one to five (S1 to S5), with one indicating very few remaining individuals or little remaining habitat and five indicating a demonstrably secure to ineradicable population condition.

2.7) California Rare Plant Rank

The California Native Plant Society (CNPS) Inventory of Rare and Endangered Species includes documented occurrences of special status plant species that are available through the Consortium of California Herbaria and other sources. The CNPS, in coordination with CDFW, has cataloged California's rare and endangered plants into lists according to population distributions and viability. These lists are numbered and indicate the following California Rare Plant Ranks (CRPR): (1A) presumed extinct in California; (1B) rare, threatened, or endangered throughout their range; (2A) presumed extirpated in California, but more common in other states; (2B) threatened or endangered in California, but more common in other states; (3) more information is needed to establish rarity; and (4) plants of limited distribution in California (i.e., naturally rare in the wild), but whose populations do not appear to be susceptible to threat. A CRPR may also have an extension (e.g., 1B.x) that indicates current level of threat: seriously threatened (x.1), moderately threatened (x.2), or not very threatened (x.3).

2.8) Information for Planning and Consultation

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) is a database that includes federally listed endangered or threatened species and species proposed for listing, designated critical habitat, Birds of Conservation Concern, and other federally regulated lands and biological resources.

2.9) Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that made it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Executive Order 13186 ensures that environmental analyses of federal actions required by the National Environmental Policy Act (NEPA) or other established environmental review processes evaluate the effects of actions on migratory birds, with emphasis on species of concern. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered “take” and constitute a violation of the MBTA.

2.10) California Fish and Game Code, Sections 3503 and 3513

California Fish and Game Code Section 3503 prohibits take, possession, or needless destruction of bird nests or eggs except as otherwise provided by the Code; Section 3503.5 prohibits take or possession of birds of prey or their eggs except as otherwise provided by the Code; and Section 3513 provides for the adoption of the provisions of the federal Migratory Bird Treaty Act, described above.

2.11) San Bernardino County General Plan

The County of San Bernardino General Plan Conservation Element and Open Space Element include relevant goals and policies that address biological resources:

GOAL CO 1. The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the County.

GOAL CO 2. The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Policies:

CO 2.3. In addition to conditions of approval that may be required for specific future development proposals, the County shall establish long-term comprehensive plans for the County's role in the protection of native species because preservation and conservation of biological resources are statewide, Regional, and local issues that directly affect development rights. The conditions of approval of any land use application approved with the BR [biotic resources] overlay district shall incorporate the mitigation measures identified in the report required by Section 82.13.030 (Application Requirements), to protect and preserve the habitats of the identified plants and/or animals.

CO 2.4. All discretionary approvals requiring mitigation measures for impacts to biological resources will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible.

GOAL OS 6. Improve and preserve open space corridors throughout the County.

Policies:

OS 6.1. Support and actively pursue an open space preservation and acquisition program which will create a linked system of both privately and publicly owned open space lands throughout the County.

OS 6.2. Use open space corridors to link natural areas.

2.11.1) Biotic Resources and Open Space Overlays

The San Bernardino County Development Code (County 2007) implements the goals and policies of the General Plan by regulating land uses within the unincorporated areas of the County. Overlay maps depict areas subject to various county policies. The Biotic Resources Overlay implements General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats.

The Open Space Element of the County of San Bernardino General Plan includes a plan to protect the major open space areas throughout the County. These areas are identified in a Plan of Open Space and Trails for the County of San Bernardino. This Plan was created to balance urban development with the protection of natural resources and other open space uses

including recreation, agriculture, preserving health and safety, scenic resources, and trails. Wildlife corridors are also shown on the Open Space Overlay Map.

For projects within the Biotic Resources and Open Space Overlay areas, Chapter 82.11 and 82.19 of the Development Code require that for proposed new land uses or increases of existing land use by more than 25 percent of disturbed area, the land use application shall include a biological resources report, along with mitigation measures to reduce or eliminate impacts to the identified resources.

2.11.2) Regulated Desert Native Plants

Chapter 88.01 of the Development Code regulates vegetation removal, including regulated desert native plants. A Tree or Plant Removal Permit and written permission from the landowner are required for the removal of regulated trees or plants as identified in Chapter 88.01.

Section 88.01.060 provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act (see Section 2.5).

The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits).

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
    (A) *Dalea spinosa* (smoketree).
    (B) All species of the genus *Prosopis* (mesquites).
(2) All species of the family Agavaceae (century plants, nolinas, yuccas).
(3) Creosote Rings, 10 feet or greater in diameter.
(4) All Joshua trees.*
(5) Any part of any of the following species, whether living or dead:
    (A) *Olneya tesota* (desert ironwood).
    (B) All species of the genus *Prosopis* (mesquites).
    (C) All species of the genus *Cercidium* (palos verdes).

Section 88.01.050 of the Development Code also lists additional requirements for Joshua trees:*

(A) Joshua trees that are proposed to be removed will be transplanted or stockpiled for future transplanting wherever possible.

(B) In the instance of stockpiling, the permittee has complied with Department policy to ensure that Joshua trees are transplanted appropriately. Transplanting shall comply with the provisions of the Desert Native Plants San Bernardino County Development Code Plant Protection and Management 88.01 Page 8-11 February 5, 2009 Act (Food and Agricultural Code Section 80001 et seq.), as required by Subsection 88.01.060(d) (Compliance with Desert Native Plants Act).

(C) No other reasonable alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting one or more of the following criteria:

(I) A circumference measurement equal to or greater than 50 inches measured at 4.5 feet above natural grade level.

(II) Total tree height of 15 feet or greater.

(III) Trees possessing a bark-like trunk.

(IV) A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.

*Note: If Joshua tree becomes a listed species or remains a candidate for listing under the California Endangered Species Act, the removal of any western Joshua tree will require an incidental take permit from CDFW.

2.12) City of Victorville General Plan

The Resource Element of the City of Victorville General Plan (Victorville 2008) is intended to function as a guide to the protection, use, and maintenance of the City's natural resources and open space lands. An assessment of biological habitat and potential impacts to listed or sensitive species is required as part of the City's routine California Environmental Quality Act (CEQA) compliance program, for new development projects in undeveloped areas.

The City of Victorville General Plan (Victorville 2008) includes goals, objectives, and policies to preserve biological resources.

GOAL #4: Conservation of Important Habitat; Preserve Land Containing Native Habitat That Sustains Rare, Threatened or Endangered Plants and Wildlife Species

Objective 4.1: Preservation of natural communities that support rare, threatened and/or endangered plants and wildlife species throughout the Planning Area.

Policy 4.1.1: Encourage development [sic] natural habitat that supports rare, threatened or endangered plants and wildlife (i.e., "sensitive" species), or require restoration of the same type of impacted habitat within an existing, planned or potential conservation area.

2.13) City of Victorville Joshua Tree Ordinance

Under the City of Victorville Joshua Tree Ordinance (Ordinance Number 1224; Municipal Code Chapter 13.33), it is unlawful for any person to cut, damage, destroy, dig up, or harvest any Joshua tree without the prior written consent of the director of parks and recreation or his designee.*

*Note: If Joshua tree becomes a listed species or remains a candidate for listing under the California Endangered Species Act, the removal of any western Joshua tree will require an incidental take permit from CDFW.

3.0) METHODS AND PERSONNEL

For the purposes of this report, the 'Project site' or 'site' refers to the entire ±34.48-acre property plus ±5.81 acres of offsite impact areas (for a total of ±40.29 acres) as shown on Figure 7. A full-size development plan is included in Appendix F.

3.1) Literature Review

Certain plants and animals have been listed as threatened or endangered under state or federal Endangered Species Acts. Other species have not been formally listed, but declining populations or habitat availability are reasons for concern regarding their long-term viability. These species are included in lists compiled by resource management agencies or conservation organizations. In this report, the term "listed" refers to all species that are listed, or candidates for listing, as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW). "Special status species" refers to all species included in one or more compendia of rare species, but not listed as threatened or endangered by USFWS or CDFW.

Pertinent literature was reviewed to identify local occurrences and habitat requirements of special status species and communities occurring in the region. Literature reviewed included compendia provided by resource agencies (CDFW 2022a, 2022b) and a search of the California Natural Diversity Database (CNDDB; CDFW 2022c) and the California Native Plant Society Inventory of Rare and Endangered Plants (CNPS 2022) for the Adelanto quad and adjacent quads (Shadow Mountains, Victorville NW, Helendale, Shadow Mountains SE, Victorville, Phelan, Baldy Mesa, and Hesperia). A search of the Information for Planning and Consultation database (IPAC; USFWS 2022a) was also conducted for the Project site.

Scientific names of plants follow Baldwin et al. (2012) with updates from the online Jepson eFlora (Jepson 2022). Scientific names of animals follow Stebbins (1985), Jameson and Peeters (1988), Cornell (2022), and Arnett (2000) with updates from academic sources. Current conservation status of plant and wildlife species determined from CDFW (2022a, 2022b). Vegetation community classifications follow Sawyer et al. (2009) with updates from CDFW (2022d). State ranks (S ranks) for vegetation communities are from CDFW (2022d).

3.2) Biological Survey Methods

Biological surveys conducted in 2022 consisted of a one-day general biological reconnaissance survey and habitat assessment. Any observations of federally or state listed or special status species were recorded but focused or protocol surveys were not conducted for any species. Any observations of regulated desert native plants were also recorded but an inventory was not conducted.

L&L biologist Guy Bruyea visited the Project site in August of 2022 to conduct a general biological reconnaissance survey and habitat assessment on the Project site (Table 1).

Table 1. Habitat Assessment Survey Dates, Times, and Weather Conditions

Date	Time	Weather	Wind Speed (mph)
08.22.2022	0715-0915	Clear, 69-84°F	3-8

A total of about 2.0 person-hours were spent onsite during the survey. All habitat types onsite were visited on foot. The site was surveyed by conducting a series of transects across the property where possible, stopping periodically for observations and notations. A general habitat map and field notes were completed at the time of the survey. The field survey was conducted during daylight hours. Digital photographs were taken to record conditions on the site.

Plants of uncertain identity, if any, were collected and subsequently identified from keys, descriptions, and illustrations in Abrams (1923, 1944, 1951, 1960), Abrams and Ferris (1960), Hickman (1993), Munz (1974), and Parker (1999).

4.0) RESULTS

4.1) Literature Review Results

4.1.1) San Bernardino County General Plan and Development Code

The Project site is not located in or near any designated Wildlife Corridor/Major Open Space Areas in the County General Plan (County, no date[a]). The nearest is the Mojave River wildlife corridor, located about seven (7) miles to the east of the Project. This corridor follows the alignment of the Mojave River from Lake Silverwood northward. The Mojave River is described in the General Plan as the major perennial river in the desert region and an area of extreme biologic importance containing rare desert riparian habitat.

The Development Code's biotic overlay map (County, no date[b]) shows potential habitat on the entire site for burrowing owl, Mohave ground squirrel, and desert tortoise (Figure 5).

4.2) Vegetation Communities

Based on aerial images (Google Earth 2022), the native vegetation on the site was cleared in 2006 and the site currently has little vegetation, mainly non-native grasses and a few small desert shrubs. Two mature live Joshua trees are also present. Given the limited re-establishment of native vegetation, additional vegetation clearing has likely occurred since 2006.

Portions of the site have also been impacted by off-road vehicle activity, trash dumping, and windblown debris. Several mature Joshua trees have also been dumped on the site. These Joshua trees are still green and appear to have been dumped relatively recently. Based on review of aerial images, these Joshua trees did not come from the Project site.

The site is currently entirely disturbed. Based on vegetation in adjacent uncleared area, the vegetation community onsite was historically creosote bush scrub with scattered Joshua trees. This vegetation community is best classified as *Larrea tridentata* Shrubland Alliance (Sawyer et al. 2009). This vegetation community is ranked by CDFW as S5 (common, widespread, and abundant) (CDFW 2022d). If sufficient Joshua trees were present, the vegetation community may have qualified as Joshua tree woodland (*Yucca brevifolia* Woodland Alliance), a sensitive vegetation community ranked as S3 (vulnerable to extirpation). However, in its current condition, the site is entirely disturbed and no native or sensitive vegetation communities are present. Representative photos are included in Appendix B.

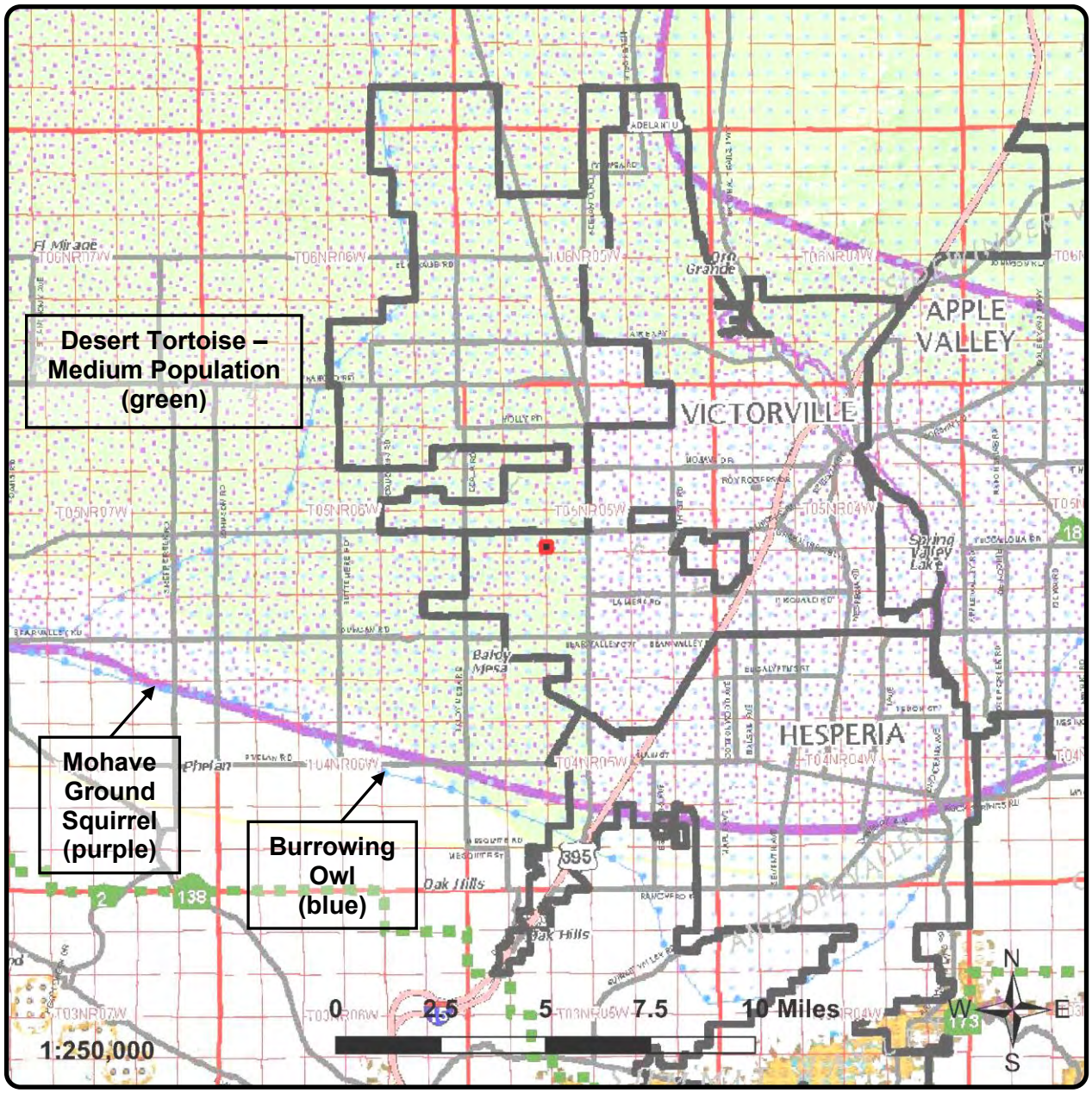

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Figure 5

San Bernardino County Mapped Biotic Resources

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4.3) Plant Species

A total of 10 plant species were observed onsite during the 2022 survey. A list of all plant species observed during the survey is included in Appendix A. The survey was conducted outside the flowering season and additional native and/or non-native annuals may occur onsite but were not detected. No state or federally listed or special status plant species were observed on the site during surveys, with the exception of western Joshua tree, described below.

The CNDDB documents one special status plant species within five miles of the site, sagebrush loeflingia (*Loeflingia squarrosa var. artemisiarum*, California Rare Plant Rank 2B.2). This occurrence is located about 1.7 miles south-southeast of the site and was observed in 2005. Other special status plants may potentially occur.

4.3.1) Western Joshua Tree and Other Regulated Desert Plants

Western Joshua tree (*Yucca brevifolia*) is an evergreen tree-like plant in the Agavaceae (Agave) family. It is found on flats and slopes in the Mojave Desert in California and Nevada at elevations from 1,900 to 7,200 feet. The range of a similar species, the eastern Joshua tree (*Yucca jaegeriana*), is found generally further east, extending into Arizona and Utah (USFWS 2018).

The western Joshua tree was considered for listing under the Federal Endangered Species Act in 2019. The U.S. Fish and Wildlife Service (USFWS) conducted a 12-month species status review of Joshua tree and issued a finding on August 15, 2019 that the species does not warrant federal listing (USFWS 2019).

On September 22, 2020, the California Fish and Game Commission (CFGC) made the western Joshua tree a candidate for listing as threatened under the California Endangered Species Act (CESA). Under CESA, a candidate species is provided the same protections as a listed species.

The California Department of Fish and Wildlife (CDFW) had one year (with an optional 6-month extension) from September 22, 2020 to conduct an evaluation and provide a recommendation on listing. An extension was granted and the CDFW review was submitted to the CFGC on April 21, 2022. This review recommended against listing the species as threatened or endangered. At the CFCG meeting in June 2022, the Commissioners' vote on the listing of

Joshua tree was split (2 to 2) and a decision was not reached. The issue was continued to the next CFGC meeting in October 2022.

The survey found two mature live Joshua trees present on the site (Figure 6). The Joshua tree in the southeast corner has a height of 13 feet and a trunk diameter (diameter breast height or DBH) of 14 inches. This tree is in moderate health. The Joshua tree in the northeast corner has a height of 17 feet and a DBH of 13 inches. This tree is in excellent health. Photos of both trees are provided in Appendix B.

Many additional Joshua trees are present within a 186-foot buffer around the site. An inventory of the Joshua trees in the buffer was beyond the scope of this survey and was not conducted. No other regulated desert plants (see Sections 2.5 and 2.11.2) were observed on the site.

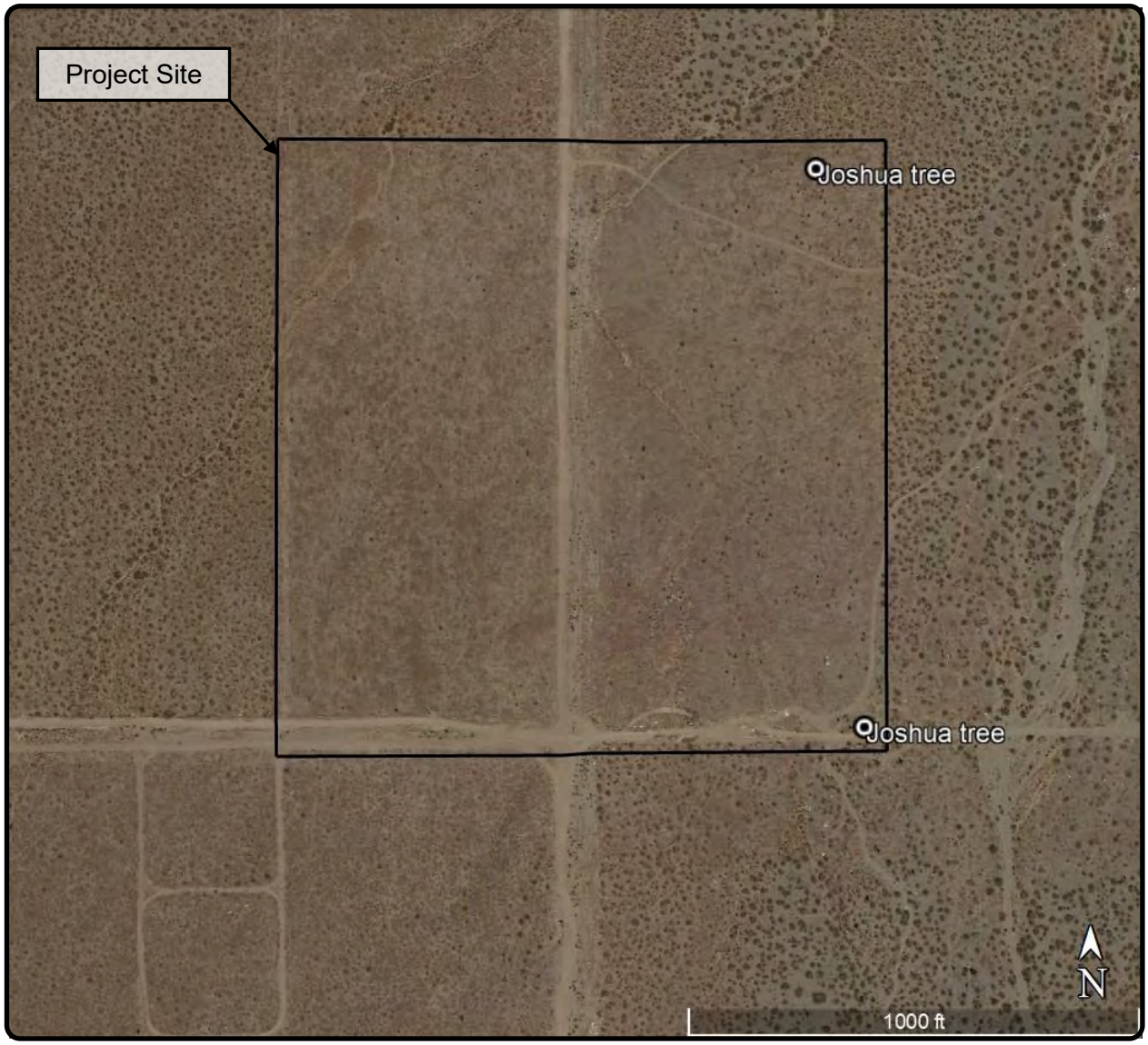

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Figure 6

Regulated Desert Plants
(Aerial obtained from Google Earth, August 2018)

TTM 20426, City of Victorville
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4.4) Wildlife Species

Four (4) vertebrate wildlife species were observed onsite during the 2022 survey. No federal or state-listed wildlife species were observed. One special status species, California horned lark (*Eremophila alpestris actia*; CDFW Watch List Species), was observed. A list of all wildlife species detected during the survey is included in Appendix A. A CNDDB form for the horned lark observation is provided in Appendix C.

4.4.1) Listed Wildlife Species

Desert Tortoise

The desert tortoise (*Gopherus agassizii*) is listed as threatened under both California and Federal Endangered Species Acts. On October 14, 2020, the California Fish and Game Commission determined that a change in state listing from threatened to endangered may be warranted. CDFW has one year from that date (with an optional 6-month extension) to conduct an evaluation and provide a recommendation on listing. CDFW's evaluation was due April 30, 2022, but as of this time (August 2022) it does not appear to have been submitted. Under CESA, a candidate species is provided the same protections as a listed species. While desert tortoise is now a candidate for state listing as an endangered species, it also retains its protected status as a state-listed threatened species during the candidacy period. The federal listing status is unaffected by this action.

Desert tortoises occupy a variety of arid habitats from sea level to 7,300 feet elevation, but most commonly occur on gently sloping terrain with sandy-gravel soils where there is sparse cover of low-growing shrubs. Typical habitat for the desert tortoise in the Mojave Desert has been characterized as creosote bush scrub below 5,500 feet elevation, where soils are friable enough for digging of burrows but firm enough so that burrows do not collapse, annual precipitation ranges from 2 to 8 inches, the diversity of perennial plants is relatively high, and production of ephemerals is high (USFWS 2011). Home range size, movements, and activity patterns of tortoises vary. Annual home range sizes of desert tortoises in the Mojave Desert are highly variable, ranging from 1 to 89 hectares (about 2.5 to 220 acres) (Franks et al. 2011).

There are two (2) CNDDB records of desert tortoise within 5 miles of the Project site. CNDDB Element Occurrence (EO) #1 is located about 4.2 miles northwest of the site. This occurrence consists of an area of approximately 1,700 square miles of (presumably) occupied habitat originally mapped in 1977 and does not document specific desert tortoise sightings.

EO #51 is located about 3.0 miles northeast of the site. This occurrence consists of observations of desert tortoise between 1990 and 2007 in creosote scrub habitat.

The Project site is not within USFWS designated critical habitat for this species (USFWS 2022b). The nearest critical habitat for desert tortoise is about 13 miles north of the site. The U.S. Geological Survey (USGS) has mapped the area that includes the Project site as predicted occupied desert tortoise habitat mapped with a habitat potential index of 0.8 to 1.0. The index is a scale of 0.0 to 1.0 and a value of 0.8 to 1.0 indicates that the site is highly likely to be suitable habitat for desert tortoise and this is strongly correlated with desert tortoise presence (CBI 2013, Nussear et al. 2009). However, the model does not account for anthropogenic changes that may have altered habitat with relatively high potential into areas with lower potential.

Vegetation on the site was cleared in 2006 (and likely also again later) and habitat potentially suitable for use by desert tortoise is not present onsite. However, suitable habitat is present immediately adjacent to the site and desert tortoise could potentially enter the site from adjacent habitat. Annual plants suitable for desert tortoise foraging may occur on the site. No desert tortoise or tortoise sign (active or inactive burrow sites, remains, courtship rings, tracks, etc.) were incidentally observed during the 2022 survey but a protocol desert tortoise survey was not conducted.

Mohave Ground Squirrel

The Mohave ground squirrel (*Xerospermophilus mohavensis*) is listed as threatened under the California Endangered Species Act. Its range is limited to the western Mojave Desert in San Bernardino, Los Angeles, Kern, and Inyo counties (Best 1995). Within its range it has a patchy distribution but occupies a variety of habitats, including saltbush scrub, creosote bush scrub, Joshua tree woodland, blackbrush (*Coleogyne ramosissima*) scrub, and big sagebrush (*Artemisia tridentata*) scrub. It occurs at elevations up to at least 5,580 feet (Gustafson 1993, Best 1995).

This species occupies areas with sandy soils or soils with a mix of sand and gravel, usually on fairly flat terrain with occasional rivulets and with a shrub cover of 10 to 19 percent. It usually avoids steep sloping and rocky terrains (Best 1995). Soil characteristics are critical because Mohave ground squirrel constructs burrows to provide temperature regulation, avoid predators, raise young, and shelter in during the inactive season.

There are three (3) CNDDB records of Mohave ground squirrel within 5 miles of the Project site. EO #11 is located about 2.5 miles southeast of the Project site. This occurrence consists of one

male Mohave ground squirrel found during a trapping survey in desert scrub habitat in 1977. This area has subsequently been entirely developed and this occurrence is considered extirpated. EO #318 is located about 3.4 miles south of the Project site. This occurrence consists of one juvenile found in creosote bush scrub habitat during a trapping survey in 2005. EO #372 is located 3.3 miles north-northwest of the Project site. This occurrence consists of one juvenile found in creosote bush – white bursage scrub habitat during a trapping survey in 2011. The site was subsequently developed as a solar farm.

The limited vegetation on the site is likely not potentially suitable habitat for Mojave ground squirrel. No Mojave ground squirrels or identifiable sign were incidentally observed during the 2022 survey, but a protocol survey was not conducted.

4.4.2) Special Status Wildlife Species

One special status species, California horned lark (*Eremophila alpestris actia*; CDFW Watch List Species), was observed during the 2022 survey. This observation consisted of six to eight horned larks foraging on the south-central portion of the site. A CNDDB form is included in Appendix C.

The CNDDB documents two occurrences of loggerhead shrike (*Lanius ludovicianus*; CDFW Species of Special Concern) within five miles of the site. This species may have some potential to forage within the site. Other special status wildlife may potentially occur, but the lack of native habitat limits this potential.

<u>Burrowing Owl</u>

Burrowing owl (*Athene cunicularia*) is protected under the federal Migratory Bird Treaty Act and California Fish and Game Code and is a CDFW Species of Special Concern. It is a small, ground-dwelling owl found in open dry grassland, desert, or shrubland areas and in uncultivated agricultural areas, rangelands, and other open areas with low-growing vegetation.

Burrows are an essential element of burrowing owl habitat. Although the burrowing owl is capable of excavating its own burrows in soft soils, it typically modifies and inhabits abandoned burrows of small burrowing mammals, such as ground squirrels and pocket gophers. Burrowing owl has also been known to use man-made structures such as cement culverts, debris piles, and other artificial burrows.

Occupancy of burrowing owl habitat can be verified at a site by observation of at least one (1) owl or owl sign (molted feathers, cast pellets, prey remains, eggshell fragments, or excrement) at or near a burrow entrance. A site is considered occupied if at least one (1) owl has been identified onsite in the past three (3) years, because (if undisturbed) burrowing owls exhibit high site fidelity (CDFG 2012, CBOC 1993).

The CNDDB (CDFW 2022c) has 21 documented occurrences of burrowing owl within five (5) miles of the site. The occurrences were recorded from 2004 to 2017. The closest is located 0.3 mile east of the site.

No burrowing owls or sign were incidentally observed during the 2022 survey but a protocol survey was not conducted. Potentially suitable habitat and small mammal burrows are present on the site.

Nesting Birds

Habitat suitable for nesting birds protected by the Migratory Bird Treaty Act and California Fish and Game Code is present within and adjacent to the site. Birds may nest in trees, shrubs, and other vegetation, in tree cavities, bluffs and cliffs, in burrows (e.g., burrowing owl), on open ground, or on structures, equipment, and materials. The 2022 survey was conducted towards the end of the nesting season and no active or inactive nests were observed.

4.5) Wildlife Corridors

Wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. Various studies have concluded that in the absence of corridors and larger habitat linkages that allow movement to adjoining open space areas, some wildlife species (especially the larger and more mobile mammals) will not likely persist over time. Such fragmented or isolated habitat areas hinder the transfer of new individuals and genetic information.

Corridors mitigate the effects of this fragmentation by:

- Allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange;
- Providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (fire, disease, etc.) will result in population or local species extinction; and

- Serving as travel routes for individual animals as they move in their home ranges in search of food, water, mates, and other necessary resources.

Wildlife movement activities usually fall into one of three movement categories: dispersal (e.g., juvenile animals from natal areas or individuals extending range distributions), seasonal migration, and movements related to home range activities (e.g., foraging for food or water, defending territories, or searching for mates, breeding areas, or cover).

The Project site is not adjacent to any conserved lands and existing development is present between the site and conserved lands several miles to the north (BLM lands) and south (San Bernardino and San Gabriel Mountains). The Project site is within an area mapped as "Limited Connectivity Opportunity" by CDFW's Areas of Conservation Emphasis – Terrestrial Connectivity (CDFW 2022e). Limited Connectivity Opportunity is defined as "areas where land use may limit options for providing connectivity (e.g., agriculture, urban) or no connectivity importance has been identified in models."

The site has been cleared, leaving little native vegetation. There is limited potential for movement of wildlife species within the site although wildlife may enter or cross the site from adjacent vacant lands with relatively undisturbed habitat. Drainages often serve as wildlife corridors and travel routes and the drainages across the site may provide movement opportunities for some species, although the lack of native habitat and cover limits this potential.

The Project site likely contributes generally to wildlife movement in the area, but it has little or no terrestrial connectivity to conserved habitat blocks and is not within or near a wildlife corridor.

4.6) Waters and Wetlands

Ephemeral drainages (washes) are present on the site. There are no blueline streams on the site but the drainages on the site may be tributary to a blueline stream located about 200 feet to the east of the site.

The Project design indicates that the entire site will be impacted, including the ephemeral drainages. A jurisdictional delineation will be required to assess and quantify the jurisdictional resources present on the site. Impacts to the ephemeral drainages require regulatory agency permits from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and possibly also the U.S. Army Corps of Engineers.

5.0) SUMMARY AND RECOMMENDATIONS

The information in this section is intended to serve as a planning tool for making decisions about future development of the Project site. The recommendations are based on the literature review, L&L's biological knowledge of species and habitats in the site vicinity, and the biological field survey.

The site is entirely disturbed and there are no native or sensitive vegetation communities. Two (2) mature live Joshua trees are present on the site and many additional Joshua trees are within a 186-foot buffer of the site. As of this time (August 2022), the Joshua tree is a candidate for state listing and impacts to Joshua trees require an incidental take permit from CDFW. An inventory of Joshua trees in accordance with the most recent CDFW guidance is required.

Other than Joshua trees, no regulated desert native plants were observed on the site and no other listed or special status plant species were found. However, the survey did not include a focused botanical study during the flowering season or an analysis of the potential for occurrence of other listed or special status plant species. A biological resources assessment is recommended, including an analysis of potentials for occurrence of listed and special status plant species, with a focused botanical survey during the early, middle, and late flowering season, if warranted.

No state or federally listed wildlife species were observed during the survey. One special status wildlife species, California horned lark, was observed foraging on the site. Other special status species could be present; however, the 2022 survey was a habitat assessment only and did not include an analysis of the potential for occurrence of listed or special status wildlife species. A biological resources assessment is recommended, including an analysis of potentials for occurrence of listed and special status wildlife species, with additional surveys as warranted.

No desert tortoise or sign was incidentally observed on the site, but a protocol survey was not conducted. A protocol survey is recommended. If desert tortoise is present, incidental take permitting through USFWS and CDFW and/or an avoidance plan approved by those agencies will be required.

No Mohave ground squirrel or identifiable sign was incidentally observed on the site, but a protocol survey was not conducted. A habitat assessment by a biologist permitted for Mohave ground squirrel is recommended, followed by a protocol survey if warranted. If Mohave ground squirrel is present, incidental take permitting through CDFW will be required.

No burrowing owls or owl sign were incidentally observed during the survey, but a protocol survey was not conducted. Potentially suitable habitat is present and a protocol breeding season survey is recommended. If burrowing owls are present, additional mitigation would be required including a relocation plan.

Suitable habitat for nesting birds is present on and adjacent to the site. If construction activities cannot avoid the nesting season (January 1 to September 15), a preconstruction nesting bird clearance survey should be conducted. An avoidance buffer of 300 to 500 feet (or as recommended by a qualified biologist) should be implemented around any active nest until the nest has fledged or a qualified biologist has determined that the nest is no longer active. An active nest is defined as a nest with eggs, chicks, or dependent juveniles or a nest that is being actively constructed or utilized for reproduction.

There is the potential for movement of wildlife species within the site and adjacent vacant lands, but the site does not have connectivity with any large blocks of habitat and is not within or near a wildlife corridor.

There are ephemeral drainages on the site and the development plan indicates that the entire site will be impacted, including these drainages. A jurisdictional delineation will be required as well as regulatory agency permits from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and possibly also the U.S. Army Corps of Engineers.

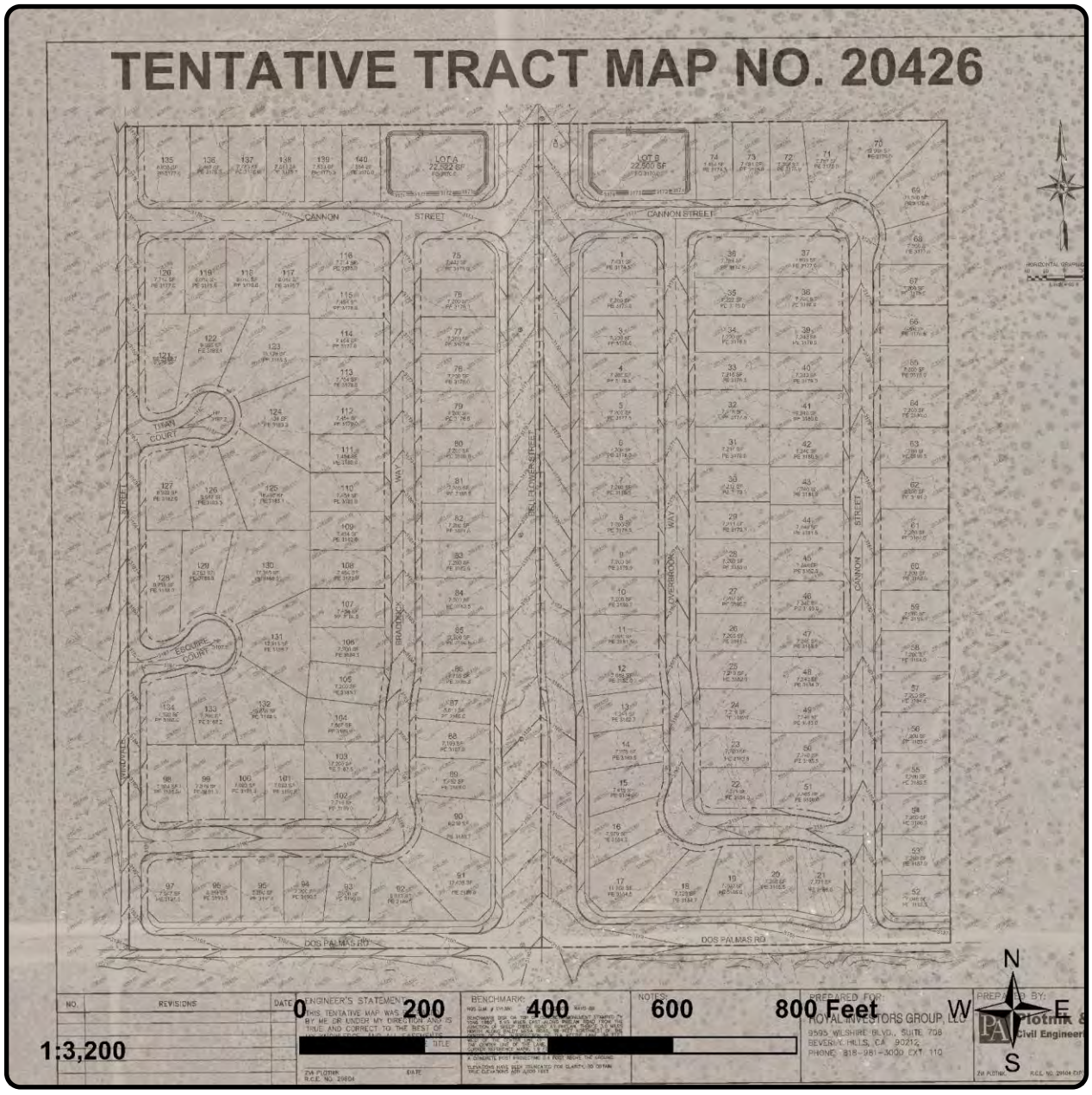

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Figure 7

Development Plan

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APPENDIX A: PLANT AND WILDLIFE SPECIES OBSERVED

Plant and vertebrate wildlife species identified on the site during 2022 survey. One asterisk (*) indicates a non-native species; two asterisks (**) indicates a special status species; a question mark (?) indicates uncertainty regarding identification or native status.

Scientific Name	**Common Name**
VASCULAR PLANTS	
DICOTYLEDONS	
ASTERACEAE	ASTER FAMILY
Ambrosia acanthicarpa	Annual bur-sage, annual sandbur
Ericameria nauseosa (Chrysothamnus nauseosus)	Common rabbitbrush
BRASSICACEAE	MUSTARD FAMILY
* *Brassica tournefortii*	Sahara mustard, wild turnip (senesced)
CUCURBITACEAE	GOURD FAMILY, CUCUMBER FAMILY
Cucurbita palmata	Coyote melon
EUPHORBIACEAE	SPURGE FAMILY
Euphorbia albomarginata (Chamaesyce albomarginata)	Rattlesnake sandmat, rattlesnake weed
GERANIACEAE	GERANIUM FAMILY
* *Erodium cicutarium*	Redstem filaree
ZYGOPHYLLACEAE	CALTROP FAMILY
Larrea tridentata	Creosote bush
* *Tribulus terrestris*	Puncture vine
MONOCOTYLEDONS	
AGAVACEAE	CENTURY PLANT FAMILY, AGAVE FAMILY
** *Yucca brevifolia*	Joshua tree
POACEAE	GRASS FAMILY
* *Schismus barbatus*	Mediterranean grass

Scientific Name	**Common Name**
VERTEBRATES	
Birds	
Alaudidae	Larks
** *Eremophila alpestris actia*	California horned lark
Corvidae	Crows and Jays
Corvus corax	Common raven
Mammals	
Leporidae	Rabbits
Lepus californicus	Black-tailed jackrabbit
Sylvilagus audubonii	Audubon's cottontail

APPENDIX B: SITE PHOTOGRAPHS

All photos taken on August 22, 2022.

Joshua tree in southeast corner of site, facing north. Trash that has been dumped on the site is also visible.

Joshua tree in northeast corner of site, facing southwest.

Project site from south-central boundary, facing north. Bellflower Street (unimproved) visible at left.

Project site from northwestern corner facing southeast. Vegetation in background is offsite.

Project site from northeastern corner facing northwest.

Creosote bush on Project site, south-central area of site facing north-northwest.

Bellflower Street (on right) running through the Project site, from the north-central area of the site facing south.

This photo shows vegetation outside the Project site is creosote bush scrub with scattered Joshua trees (potentially Joshua tree woodland), from southern boundary of the site facing southwest.

Ephemeral drainage in northwestern area of site, from northwestern site boundary facing south.

Ephemeral drainage in eastern area of site, from central area of site facing north-northeast.

Ephemeral drainage running alongside Bellflower Street, from central area of site facing north-northwest.

Trash dumping on the site, southeast corner of site facing south-southwest.

Trash dumping on the site, southeast corner of site facing southwest.

APPENDIX C: CNDDB FORM

This observation of a special status species has been submitted to the CNDDB through the CDFW website. A copy of the submission is provided below.

CNDDB Online Field Survey Form Report

California Natural Diversity Database
Department of Fish and Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: 916.324.0475
cnddb@wildlife.ca.gov
www.dfg.ca.gov/biogeodata/cnddb/

This data has been reported to the CNDDB, but may not have been evaluated by the CNDDB staff

Source code BRU22F0008
Quad code 3411754
Occ. no.
EO index no.
Map index no.

Scientific name: *Eremophila alpestris actia*

Common name: California horned lark

Date of field work (mm-dd-yyyy): 08-22-2022

Comment about field work date(s):

OBSERVER INFORMATION

Observer: Guy Bruyea

Affiliation: L&L Environmental, Inc.

Address: 700 E. Redlands Blvd, Suite U-351 , Redlands, CA 92373

Email: cwakeman@llenviroinc.com

Phone: (909) 335-9897

Other observers:

DETERMINATION

Keyed in:

Compared w/ specimen at:

Compared w/ image in:

By another person:

Other: Identified by experienced field biologist

Identification explanation:

Identification confidence: Very confident

Species found: Yes **If not found, why not?**

Level of survey effort: Biological reconnaissance survey

Total number of individuals: 6-8

Collection? **Collection number:**

Museum/Herbarium:

ANIMAL INFORMATION

How was the detection made? Seen

Number detected in each age class:

adults	juveniles	larvae	egg mass	unknown
6-8				

Age class comment:

Submitted: 08/25/2022 BRU22F0008 Page 1 of 3

Bird site use:

☐ Nesting ☐ Rookery ☐ Nesting colony ☐ Burrow site ☐ Lek
☐ Non-breeding (over-wintering) ☐ Communal roost ☑ Other

Site use description: Foraging

What was the observed behavior? Foraging

Describe any evidence of reproduction:

SITE INFORMATION

Habitat description: Cleared area within creosote bush scrub

Slope: Land owner/manager: Private

Aspect:

Site condition + population viability: Poor

Immediate & surrounding land use: Vacant and residential

Visible disturbances: Vegetation clearing, dirt roads, trash dumping

Threats: Proposed development

General comments:

MAP INFORMATION

ID	County	24K Quadrangle	Elev. (ft)	Latitude NAD83	Longitude NAD83	UTME NAD83	UTMN NAD83	UTM Zone
	San Bernardino	Adelanto	3185	34.50063	-117.41694	461724	3817746	11
1	**Public Land Survey**	**Feature Comment**						
	S T05N R05W 21							

The mapped feature is accurate within: 20 m

Source of mapped feature: approximate location from Google Earth

Submitted: 08/25/2022 BRU22F0008 Page 2 of 3

Mapping notes:

Location/directions comments:

Attachment(s):

APPENDIX D: CDFW COMMUNICATION

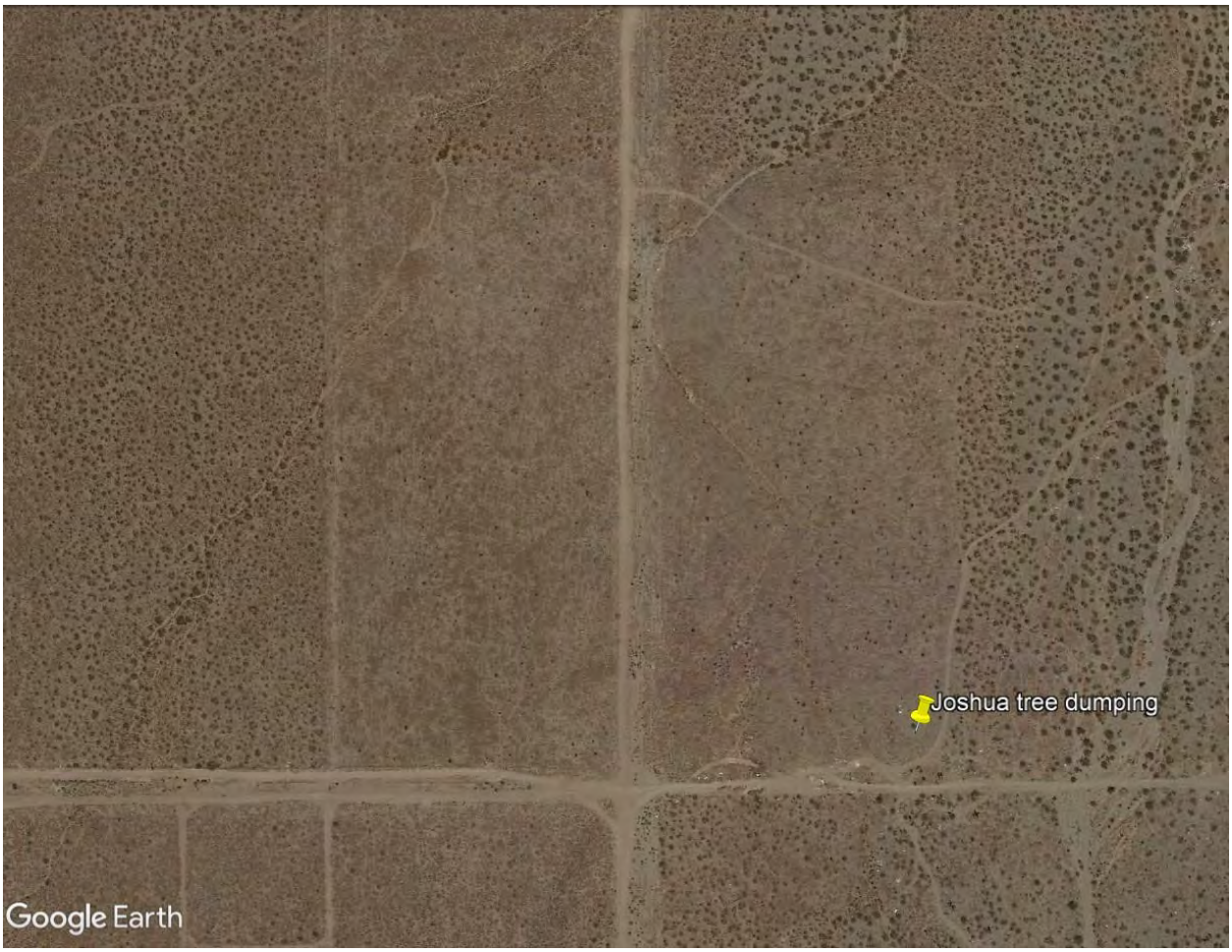
From: Carla Wakeman
To: Chan, Eric@Wildlife (Eric.Chan@Wildlife.ca.gov)
Cc: Kris Pinero; Leslie Irish
Subject: Report of dumped Joshua trees - Dos Palmas Road in Victorville
Date: Wednesday, August 24, 2022 2:51:00 PM
Attachments: TH010822.jpg
Joshua tree dumping - Dos Palmas Road, Victorville.kmz

Good afternoon Eric,
We would like to report an incident of Joshua trees being dumped and document that the dumped trees are not associated with our project. During a recent biological survey of a project site, our field biologist found that several Joshua trees had recently been dumped on the site. These mature trees are still green and mixed with other dumped trash and vegetation debris. The trees did not come from the project site (two mature live Joshua trees are present within the site and have not been disturbed and other vegetation on the site has been cleared since 2006).

The dumped Joshua trees are located just north of Dos Palmas Road in Victorville, about 0.9 mile west of Highway 395. A photo is attached along with a kmz of the location.

Please let us know if you need additional information or if we should report this to someone else at CDFW.
Thank you,

Carla Wakeman, Senior Biologist
L&L Environmental, Inc. | LLenviroinc.com | Service is Our Only Business
Office: 909-335-9897 | Cell: 909-520-2056 | cwakeman@llenviroinc.com
Mailing Address: 700 East Redlands Blvd., #U351, Redlands CA 92373
Physical Address: 721 Nevada, Suite 307, Redlands, CA 92373


Joshua tree dumping
Google Earth

APPENDIX E: CERTIFICATION

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

DATE: November 6, 2023 SIGNED: _____

Leslie Irish, Principal, L&L Environmental, Inc.
909-335-9897

1) Fieldwork Performed By:

Guy Bruyea
Name

2) Fieldwork Performed By:

_____
Name

3) Fieldwork Performed By:

_____
Name

4) Fieldwork Performed By:

_____
Name

5) Fieldwork Performed By:

_____
Name

6) Fieldwork Performed By:

_____
Name

APPENDIX F: DEVELOPMENT PLAN