

**LEAST BELL'S VIREO AND SOUTHWESTERN WILLOW
FLYCATCHER FOCUSED SURVEY REPORT
MARTIN RANCH**

**Unincorporated San Bernardino County, California
USGS Topographic Quadrangles:
San Bernardino North, T2N, R5W, Sections 25 and 36
Devore, T2N, R5W, Sections 26 and 27**

Prepared for:

Montecito Equities, Ltd.
22 Water Lily Way
Coto de Caza, CA. 92679

Contact: Tom Wilkinson

Prepared by:

Michael Brandman Associates
621 E. Carnegie Drive, Suite 100
San Bernardino, California 92408
909.884.2255

Contact: Mikael Romich, Project Biologist



Surveys Conducted By: Marnie McKernan and Mikael Romich

Survey Conducted On: April 10, 20, May 1, 24, June 12, 21, July 6, 16, 31, 2007

Report Date: August 27, 2007

TABLE OF CONTENTS

Section 1: Summary	1
Section 2: Introduction	2
2.1 - Project Location	2
2.2 - Project Description.....	2
Section 3: Background	7
Section 4: Methodology	8
Section 5: Results and Discussion	9
5.1 - Riparian Habitat	9
5.2 - LBV and SWF Focused Surveys.....	9
5.3 - Other Sensitive Bird Species	10
5.4 - Other Significant Findings	10
Section 6: Conclusions and Recommendations	12
6.1 - Least Bell's Vireo	12
6.2 - Southwestern Willow Flycatcher	12
6.3 - Nesting Birds	12
6.4 - California Mule Deer Nursing Site	12
Section 7: Certification	13
Section 8: Literature Cited	14

LIST OF EXHIBITS

Exhibit 1: Regional Location Map	3
Exhibit 2: Local Vicinity Map	4
Exhibit 3: USGS Topographic Map	5
Exhibit 4: Site Plan	6
Exhibit 5: LBV/SWF Survey Area	11

APPENDICES

Appendix A: Faunal Compendia

SECTION 1: SUMMARY

This report contains the findings of Michael Brandman Associates (MBA) focused survey for the least Bell's vireo (*Vireo bellii pusillus*) (LBV) and southwestern willow flycatcher (*Empidonax traillii extimus*) (SWF) on an approximately 353-acre project site located in an unincorporated area of San Bernardino County, adjacent to the northwestern boundary of the City of San Bernardino and within the City of San Bernardino Sphere of Influence. Although migrant willow flycatchers were observed on May 24, 2007, the focused survey determined that the project site is not occupied by SWF. One LBV territory occurs on Cable Creek in the area of the preferred secondary access road. The riparian habitat surveyed is continuing to recover following the 2003 fire and floods, and is expected to provide more suitable habitat for SWF and LBV as it matures.

SECTION 2: INTRODUCTION

At the request of Montecito Equities, Ltd., MBA conducted a focused LBV and SWF survey consistent with accepted survey protocols issued by the US Fish and Wildlife Service (USFWS) for a 353-acre project site located in an unincorporated area of San Bernardino County, California. This property is hereinafter referred to as project site or site.

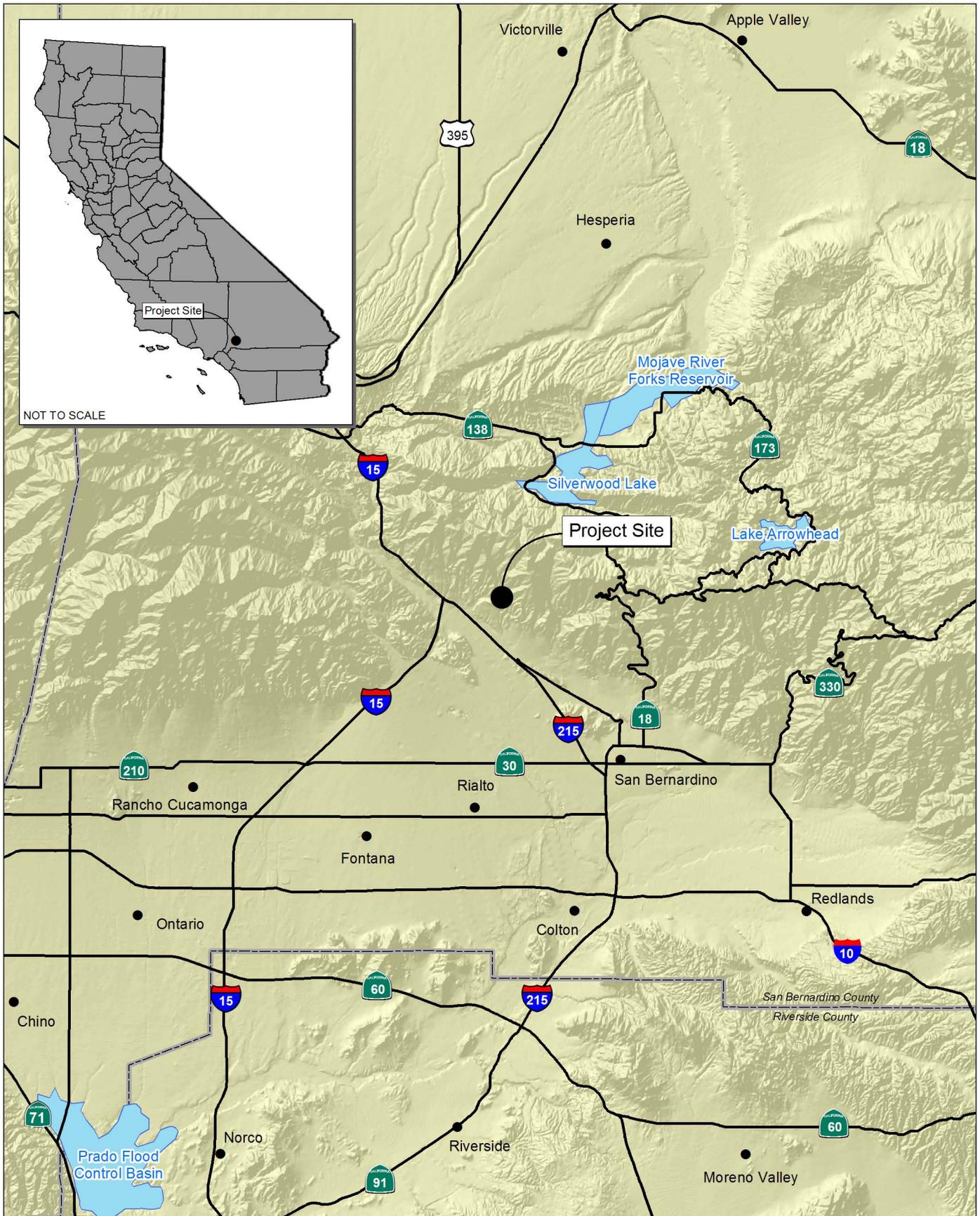
2.1 - Project Location

The approximately 353-acre project site is located in an unincorporated area of San Bernardino County, adjacent to the northwestern boundary of the City of San Bernardino and within the City of San Bernardino Sphere of Influence (Exhibit 1). The site is within the community of Verdemon in the foothills of the San Bernardino Mountains on the northeast side of Meyers Road, approximately one-third mile northwesterly of its intersection with Little League Drive. The project site is approximately 1.5 miles east of the unincorporated community of Devore and the junction of the Interstate 215 (I-215) and Interstate 15 (I-15) freeways (Exhibit 2).

The Martin Ranch property is located in the San Bernardino North United States Geologic Survey (USGS) topographic quadrangle in Sections 26 and 35. The primary access road is within Section 35 of the San Bernardino North USGS topographic quadrangle and the secondary access roads are within an unsectioned portion of the northeast quadrat of the northeast quarter of the Devore USGS topographic quadrangle (Exhibit 3).

2.2 - Project Description

The proposed project consists of an approximate 359-lot subdivision including 329 residential lots, open space lots, mini-park sites, water reservoir parcels, private streets, and two access roads to the site. Primary access to the Martin Ranch site would be by the westerly extension of Verdemon Drive west of Little League Drive to the project site entry. The proposed secondary access road would be developed west of Martin Ranch Road, enter the site at its most southerly east-west street, and connect to Dement Street in the community of Devore. Subsequent to the Draft Environmental Impact Report (EIR), a preferred alternative to the secondary access road was developed. The project site for this report includes the Martin Ranch property, the access road, and the preferred alternative access road as noted on Exhibit 4.



Source: Census 2000 Data, The CaSIL, MBA GIS 2007.



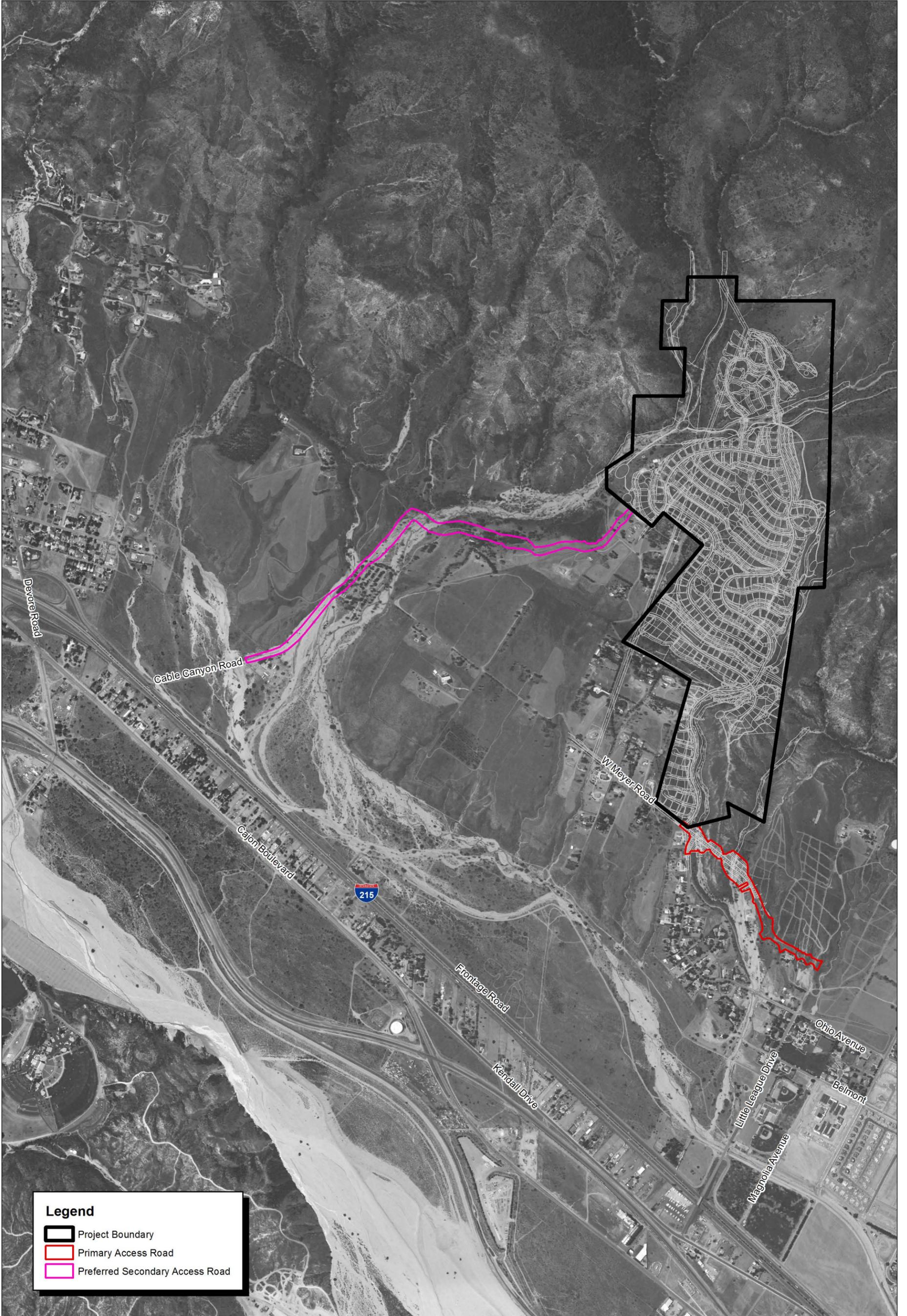
Michael Brandman Associates

30940004 • 08/2007 | 1_regional.mxd

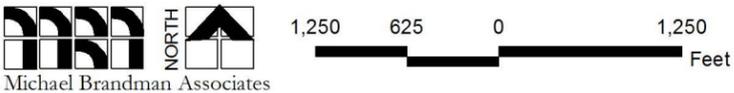


Exhibit 1 Regional Location Map

MARTIN RANCH
LEAST BELL'S VIREO AND
SOUTHWESTERN WILLOW FLYCATCHER
SURVEY REPORT



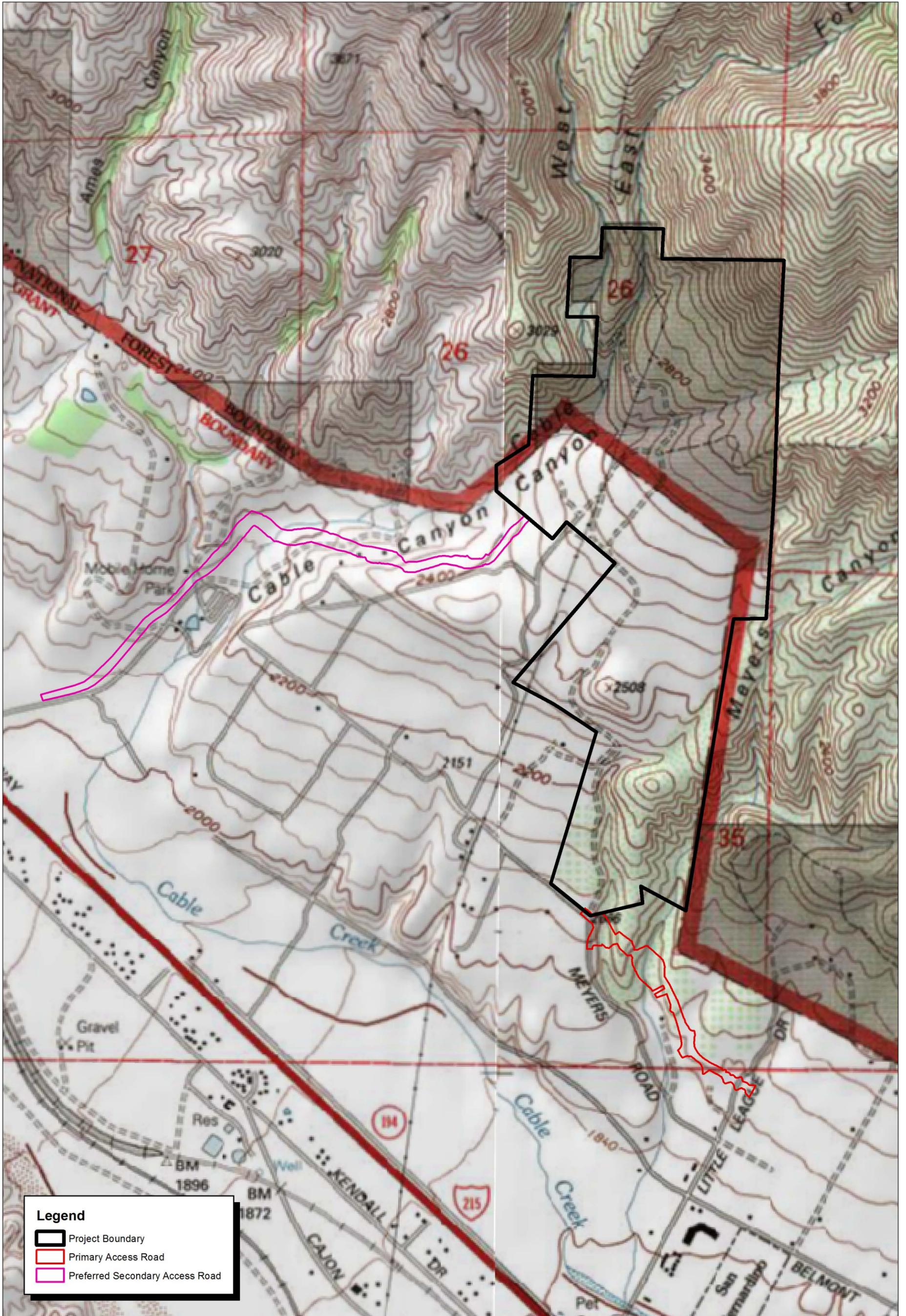
Source: TOPO! USGS San Bernardino North (1996) 7.5' DRG.



30940004 • 08/2007 | 2_local_aerial.mxd

Exhibit 2 Local Vicinity Aerial Map

MARTIN RANCH
LEAST BELL'S VIREO AND
SOUTHWESTERN WILLOW FLYCATCHER
SURVEY REPORT

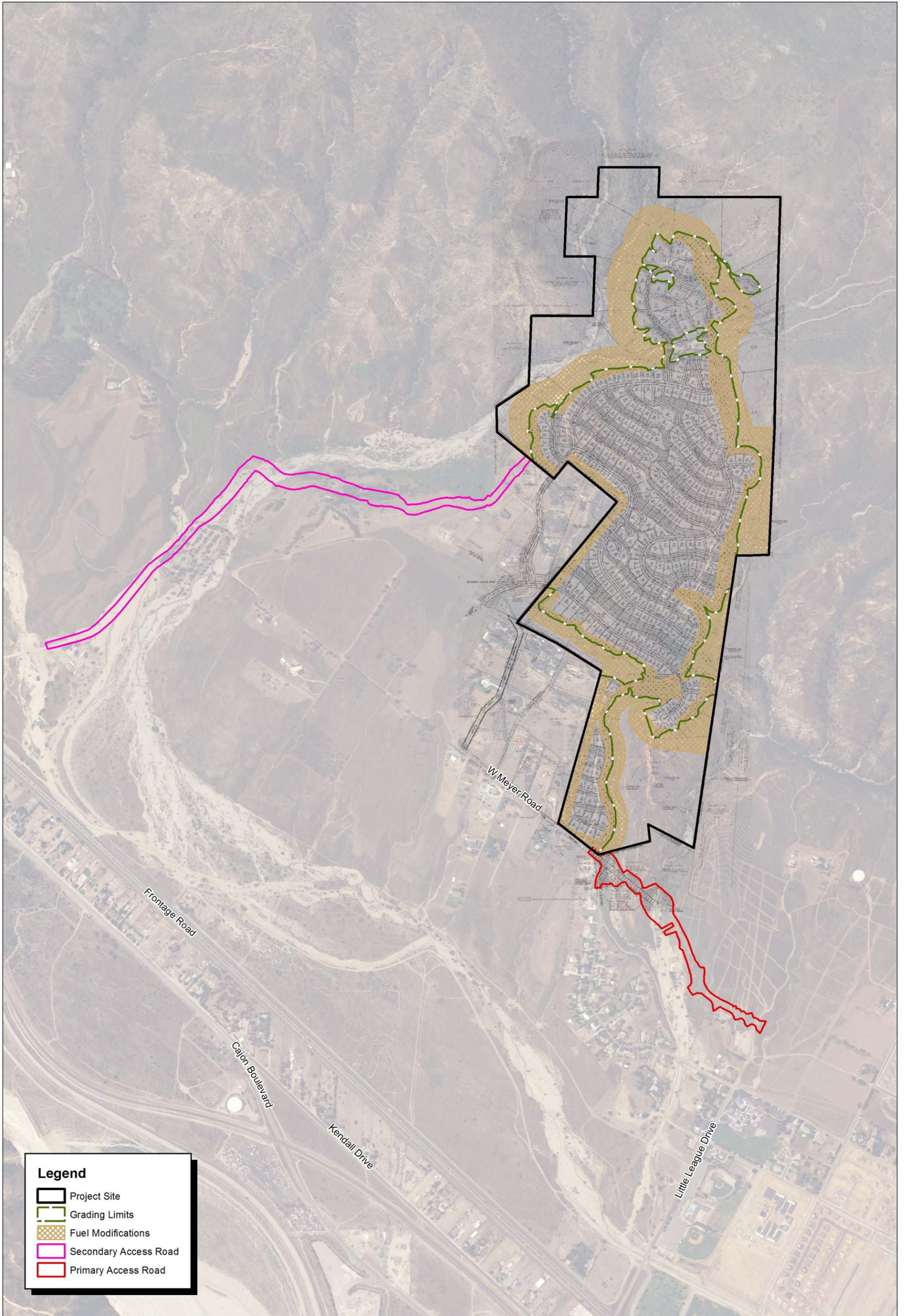


Source: TOPO! USGS San Bernardino North (1996) 7.5' DRG.

Michael Brandman Associates
 30940004 • 08/2007 | 3_local_usgs.mxd

Exhibit 3
 Local Vicinity USGS Map

MARTIN RANCH
 LEAST BELL'S VIREO AND
 SOUTHWESTERN WILLOW FLYCATCHER
 SURVEY REPORT



Source: National Agriculture Imagery Program (2005).



SECTION 3: BACKGROUND

The LBV is a small insectivorous migratory songbird that nests during the spring and summer months in riparian areas of Southern California and Baja California. In California, LBV typically occupy areas with willows and mule fat either near water or in dry areas along river bottoms. The once common riparian bird now occupies only a small portion of its former range. Habitat loss and brood parasitism by the brown-headed cowbird have been attributed to the decline of this species. The LBV is currently listed as an endangered species by both the State of California (1980) and the USFWS (1986).

The SWF is also an insectivorous migratory songbird that nests during the late spring and summer months in dense riparian habitats. The SWF is one of four subspecies of willow flycatcher (WIFL) that occupy relatively distinct breeding ranges in the continental United States. The breeding range of the SWF occurs in the southwestern region of the states (primarily southern California, Arizona, New Mexico including portions of Nevada, Utah, and Colorado). SWF breeds in dense riparian vegetation near surface water or saturated soil. The other subspecies of WIFL may nest in shrubby habitats away from water. Habitat loss and brood parasitism by the brown-headed cowbird have been attributed to the decline of this species. The SWF is listed as an endangered species by the State of California (1991) and USFWS (1995).

SECTION 4: METHODOLOGY

All riparian habitat on the project site was surveyed on foot by MBA biologist Mikael Romich on April 10 from 0645 to 1100, May 24 from 0600 to 1000, June 12 from 0620 to 1000, June 21 from 0600 to 1000, July 6 from 0600 to 0845, July 16 from 0630 to 1000, and July 31 from 0545 to 0815, 2007. MBA biologist Marnie McKernan surveyed the site on April 20 and May 1, 2007 (Table I). MBA biologist Mikael Romich has a federal permit (TE 068799-2) for SWF presence/absence surveys. LBV focused surveys do not require a permit. For increased detection of SWF, taped playbacks were played at numerous locations along the survey route (every 100 feet). Exhibit 5 presents the LBV and SWF survey area.

These methods conformed to accepted protocols for these species. SWF surveys are dictated by two protocols: the USFWS *Southwestern Willow Flycatcher Protocol Revision 2000* and Sogge et al. (1997) *A Southwestern Willow Flycatcher Natural History Summary and Survey Protocol*. LBV surveys are dictated by the USFWS *Least Bell's Vireo Survey Guidelines* (2001).

Table 1. Survey dates and weather conditions during the LBV/SWF surveys, 2007.

Date	Time		Temperature (°F)	Cloud Cover (%)	Wind Speed Average (MPH)	Surveyor
	Begin	End				
4/10/07	0645	1100	52	fog	3-4	Mikael Romich
4/20/07	0630	1015	51	100	1-3	Marnie McKernan
5/1/07	0615	1015	58	0	calm	Marnie McKernan
5/24/07	0600	1000	54	0	calm	Mikael Romich
6/12/07	0620	1000	56	0	3-4	James Hickman, Mikael Romich
6/21/07	0600	1000	65	0	1-2	Mikael Romich
7/6/07	0600	0845	64	0	calm	Mikael Romich
7/16/07	0630	1000	64	0	1-3	Mikael Romich
7/31/07	0545	0815	65	0	calm	Mikael Romich

SECTION 5: RESULTS AND DISCUSSION

5.1 - Riparian Habitat

The riparian habitat on the project site occurs along Cable Creek, within one freshwater spring on the northern portion of the project site, and within one spring in the central portion of the site (Exhibit 5). The habitat along Cable Creek is dominated by southern sycamore-alder riparian woodland and southern willow scrub. Plant species observed includes arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*), mulefat (*Baccharis salicifolia*), Fremont's cottonwood (*Populus fremontii* ssp. *fremontii*), big leaf maple (*Acer macrophyllum*), coast live oak (*Quercus agrifolia*), white alder (*Alnus rhombifolia*), western sycamore, California bay (*Umbellularia californica*), California black walnut (*Juglans californica*), and Mexican elderberry. The understory consisted of wild grape (*Vitis californicus*), poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), California blackberry (*Rubus ursinus*), and numerous ferns. The habitat associated with the two springs were dominated by willows, California black walnut, Mexican elderberry, mulefat, and western sycamore. The understory was dominated by wild grape, wild cucumber (*Marah fabaceus*), common cattail (*Typha latifolia*), stinging nettle (*Hesperocnide tenella*), whitethorn (*Ceanothus cordulatus*), and common evening primrose (*Oenothera biennis*). The spring in the central portion of the project site is particularly diverse with plant species.

5.2 - LBV and SWF Focused Surveys

The focused survey determined that the riparian habitat on the project site is not occupied by SWF. Possible constraints for the occupation of this species concludes that the site is still recovering from the 2003 fires and floods. As it matures, canopy and vertical complexity will increase, resulting in it becoming progressively more suitable to SWF. Two WIFL (*Empidonax traillii*) were observed along Cable Creek on May 24, 2007, but neither were displaying territorial behavior and were not observed on subsequent surveys. Based on these observations and the date they were observed (WIFL are known as a late migrants), these two individuals were determined to be migrants.

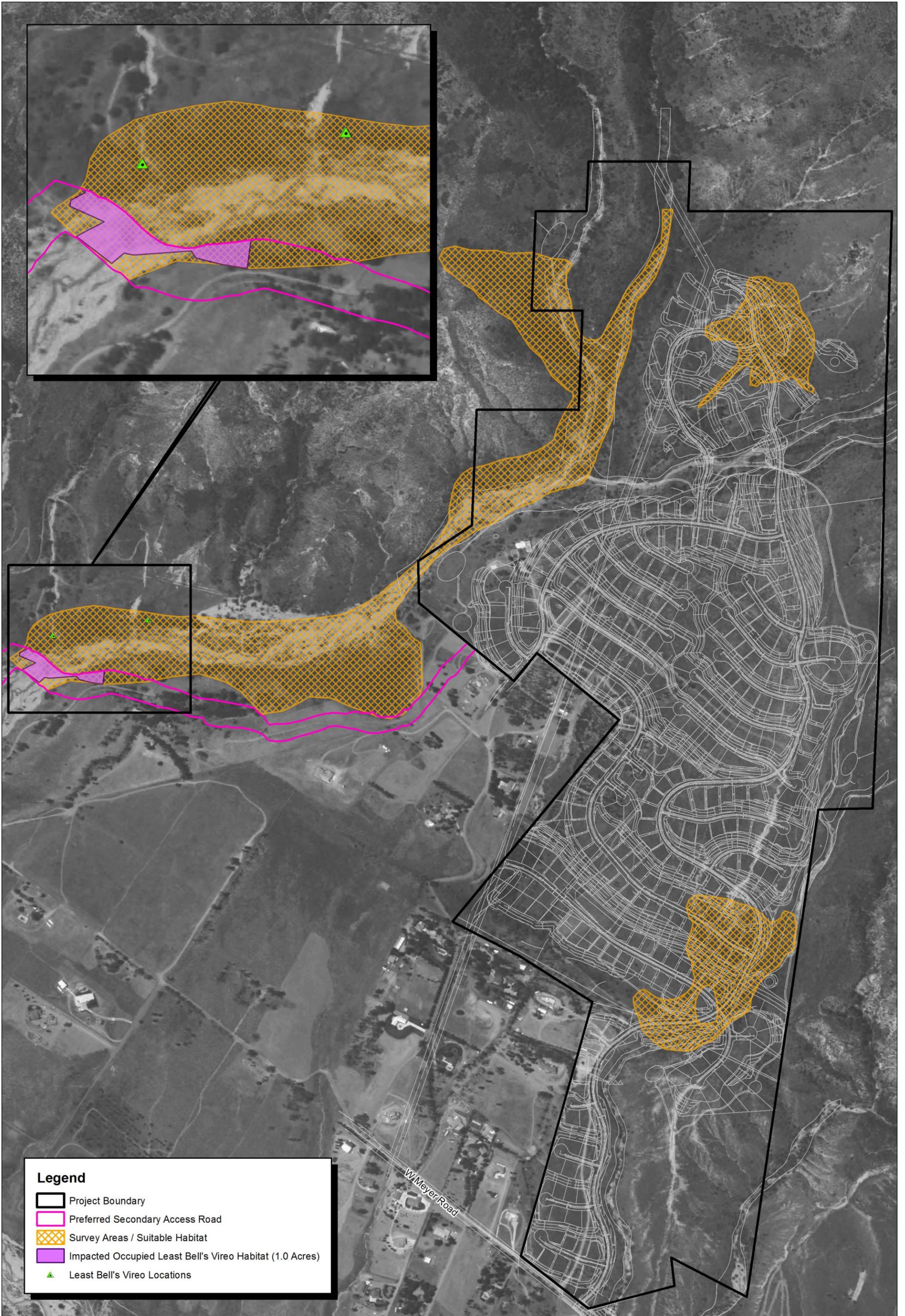
One LBV territory was observed along the lower portion of Cable Creek on July 16 and 31, 2007 (Exhibit 5). A portion of this territory overlaps the preferred secondary access road as shown in Exhibit 5. Although the LBV was not observed within the project site suitable habitat does occur onsite (Exhibit 5). In total, the project will remove 1.0 acre of riparian habitat that is suitable and considered occupied by LBV. The best riparian habitat occurs at the widest point due to the confluence of Cable Creek with several springs to the north and south. The abundance of water at this location has created a diversity of riparian habitat that is becoming increasingly suitable to LBV as it matures and becomes more vertically complex.

5.3 - Other Sensitive Bird Species

Also detected during the surveys were several California special concern (CSC) species. These included yellow-breasted chat (*Icteria virens*), yellow warbler (*Dendroica petechia*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), and Bell's sage sparrow (*Amphispiza belli belli*).

5.4 - Other Significant Findings

The project site was determined to be nursery site for California mule deer (*Odocoileus hemionus californicus*). Up to 11 female deer had been observed on the project site during surveys in April and early May. Then in early June, 2007 five female deer with at least four fawns were observed on the project site. Because mule deer birth in May and June (Jameson and Peters 2004), and are typically concealed in the same location for approximately 4 weeks (Whitaker 1980), it is likely that these fawns were born onsite. The project site is likely serving as nursing and fawning habitat mainly due to the year-round availability of water and the considerable cover habitat provided within the springs. Fawning habitat plays a key role in the life history of mule deer. For example, females select particular habitats to accommodate the higher physiological demands of pregnancy and lactation. In addition, selection of suitable cover habitat determines the success of the breeding season, as predation accounts for the majority of fawn mortality during the first 45 days of life (Fox and Krausman 1994).



Source: National Agriculture Imagery Program, San Bernardino County (2005) & MBA Field Survey.



30940004 • 08/2007 | 5_lbv_locations.mxd

Exhibit 5 Least Bell's Vireo Locations

MARTIN RANCH
LEAST BELL'S VIREO AND
SOUTHWESTERN WILLOW FLYCATCHER
SURVEY REPORT

SECTION 6: CONCLUSIONS AND RECOMMENDATIONS

6.1 - Least Bell's Vireo

The survey determined that the portion of the riparian habitat within Cable Creek is occupied by LBV. One territory overlaps within an area where habitat will be removed for the secondary access road. This will result in direct impacts (take) to 1.0 acre of habitat occupied by this species and will therefore require a section 7 consultation with the FWS. Through this consultation process, appropriate mitigation measures to compensate for the loss of occupied LBV habitat will be determined by the FWS. It is recommended that focused surveys be completed each year the site remains undeveloped to ensure the most current data on the distribution of this species on the project site.

6.2 - Southwestern Willow Flycatcher

No SWF were observed on the project site and no direct impacts to occupied habitat will occur. It is recommended that focused surveys be completed each year the site remains undeveloped to ensure the continued absence of this species.

6.3 - Nesting Birds

There are many species detected during the surveys that utilize the habitat on the project site for nesting opportunities, including several CSC species. Due to the size of the project site, the complexity of the habitat, and the difficulty locating nests of cavity-nesting and other species of birds, a preconstruction nesting bird survey is not feasible. Therefore, the project should time rough grading to occur outside of the nesting period for birds, generally February through July.

6.4 - California Mule Deer Nursing Site

Specific mitigation measures should be developed to avoid the California mule deer nursing and fawning habitat that have been observed on the project site. One of the thresholds to determining a significant impact to biological resources under California Environmental Quality Act (CEQA) is if the project will impede the use of native wildlife nursery sites.

SECTION 7: CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present 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: August 30, 2007

Signed: 
Mikael Romich, Project Biologist, TE 068799-2

SECTION 8: LITERATURE CITED

- Fox, K.B. and PR Krausman. 1994. Fawning habitat of desert mule deer. *Southwestern Naturalist*. (39) 3: 269-275.
- Jameson, E. W. Jr. and Hans J. Peeters. 2004. *Mammals of California, Revised Edition*. California Natural History Guides, 66.
- Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society, Sacramento, CA.
- Sogge, M.K., R.M. Marshall, S.J. Sferra, and T.J. Tibbitts. 1997. *A Southwestern Willow Flycatcher Natural History Summary and Survey Protocol*. Technical Report NPS/NAUCPRS/NRTR-97/12. USGS Colorado Plateau Research Station, Flagstaff, Arizona
- U.S. Fish and Wildlife Service (USFWS). 1986. *Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Least Bell's Vireo*. Federal Register 51 (85): 16474-16482.
- U.S. Fish and Wildlife Service (USFWS). 1994. *Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Least Bell's Vireo; Final Rule*. Federal Register 59 (85): 4845-4867.
- U.S. Fish and Wildlife Service (USFWS). 2001. *Least Bell's Vireo Survey Guidelines*. U.S. Fish and Wildlife Service, Carlsbad, CA.
- U.S. Fish and Wildlife Service (USFWS). October 19, 2005. *Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwestern Willow Flycatcher (Empidonax traillii extimus); Final Rule*. Federal Register 70 (201): 60885-60934.
- U.S. Fish and Wildlife Service (USFWS). 2000. *Southwestern Willow Flycatcher Protocol Revision 2000*. U.S. Fish and Wildlife Service, Sacramento, CA.
- U.S. Fish and Wildlife Service (USFWS). February 27, 1995. *Endangered and Threatened Species: Southwestern Willow Flycatcher; Final Rule*. Federal Register 60 (38): 10693-10715.
- Whitaker, Jr., J. 1980. *National Audubon society field guide to North American mammals*. New York: Alfred A. Knopf.

Appendix A: Faunal Compendia

AVIAN SPECIES LIST

Family/Species Name	Common Name
BIRDS	
Ciconiidae <i>Cathartes aura</i>	American Vultures turkey vulture
Accipitridae <i>Buteo jamaicensis</i>	Kites, Hawks, Eagles & Vultures red-tailed hawk
Falconidae <i>Falco sparverius</i>	Falcons American kestrel
Phasianidae <i>Callipepla californica</i>	Pheasants, Partridges & Quail California quail
Columbidae <i>Columba fasciata</i> <i>Zenaida macroura</i>	Pigeons & Doves band-tailed pigeon mourning dove
Trochilidae <i>Archilochus alexandri</i> <i>Calypte anna</i> <i>Calypte costae</i> <i>Selasphorus rufus</i>	Hummingbirds black-chinned hummingbird Anna's hummingbird Costa's hummingbird rufous hummingbird
Picidae <i>Picoides pubescens</i> <i>Colaptes auratus</i> <i>Melanerpes formicivorus</i> <i>Picoides nuttallii</i>	Woodpeckers downy woodpecker northern flicker acorn woodpecker Nuttall's woodpecker
Tyrannidae <i>Contopus sordidulus</i> <i>Empidonax difficilis</i> <i>Empidonax traillii</i> <i>Myiarchus cinerascens</i> <i>Sayornis nigricans</i> <i>Sayornis saya</i> <i>Tyrannus verticalis</i> <i>Tyrannus vociferans</i>	Tyrant Flycatchers western wood-peewee pacific-slope flycatcher willow flycatcher ash-throated flycatcher black phoebe Say's phoebe western kingbird Cassin's kingbird
Apodidae <i>Aeronautes saxatalis</i>	Swifts white-throated swift
Hirundinidae <i>Hirundo pyrrhonota</i> <i>Hirundo rustica</i> <i>Stelgidopteryx serripennis</i>	Swallows cliff swallow barn swallow northern rough-winged swallow

Family/Species Name	Common Name
Corvidae <i>Aphelocoma coerulescens</i> <i>Corvus corax</i> <i>Cyanocitta stelleri</i>	Crows, Jays western scrub jay common raven Steller's jay
Paridae <i>Baeolophus inornatus</i>	Titmice oak titmouse
Regulidae <i>Regulus calendula</i>	Kinglets ruby-crowned kinglet
Aegithalidae <i>Psaltriparus minimus</i>	Bushtit common bushtit
Troglodytidae <i>Catherpes mexicanus</i> <i>Troglodytes aedon</i> <i>Thryomanes bewickii</i> <i>Salpinctes obsoletus</i>	Wrens canyon wren house wren Bewick's wren rock wren
Sylviidae <i>Polioptila caerulea</i> <i>Chamaea fasciata</i>	Gnatcatchers, Wrentits blue-gray gnatcatcher wrentit
Turdidae <i>Catharus guttatus</i> <i>Sialia mexicana</i> <i>Turdus migratorius</i>	Thrushes hermit thrush western bluebird American robin
Mimidae <i>Mimus polyglottos</i> <i>Toxostoma crissale</i>	Mockingbirds & Thrashers northern mockingbird California thrasher
Ptilonotidae <i>Phainopepla nitens</i>	Silky-Flycatchers phainopepla
Sturnidae * <i>Sturnus vulgaris</i>	Starlings European starling
Vireonidae <i>Vireo bellii pusillus</i>	Vireos least Bell's vireo
Fringillidae <i>Agelaius phoeniceus</i> <i>Aimophila ruficeps</i> <i>Amphispiza belli</i> <i>Carduelis psaltria</i> <i>Carduelis tristis</i> <i>Carpodacus mexicanus</i> <i>Chondestes grammacus</i> <i>Dendroica coronata</i> <i>Dendroica nigrescens</i> <i>Dendroica petechia</i>	Buntings, Finches, Grosbeaks, Finches, Sparrows red-winged blackbird rufous-crowned sparrow sage sparrow lesser goldfinch American goldfinch house finch lark sparrow yellow-rumped warbler black-throated gray warbler yellow warbler

Family/Species Name	Common Name
<i>Euphagus cyanocephalus</i>	Brewer's blackbird
<i>Geothlypis trichas</i>	common yellowthroat
<i>Guiraca caerulea</i>	blue grosbeak
<i>Icterus cucullatus</i>	hooded oriole
<i>Icterus galbula bullocki</i>	Bullock's oriole
<i>Icteria virens</i>	yellow-breasted chat
<i>Junco hyemalis</i>	dark-eyed junco
<i>Melospiza melodia</i>	song sparrow
<i>Molothrus ater</i>	brown-headed cowbird
<i>Oporornis tolmiei</i>	MacGillivray's warbler
<i>Passerina ciris</i>	lazuli bunting
<i>Pheucticus melanocephalus</i>	black-headed grosbeak
<i>Pipilo erythrophthalmus</i>	spotted towhee
<i>Pipilo crissalis</i>	California towhee
<i>Piranga ludoviciana</i>	western tanager
<i>Piranga rubra</i>	summer tanager
<i>Quiscalus mexicanus</i>	great-tailed grackle
<i>Spizella atrogularis</i>	black-chinned sparrow
<i>Vermivora celata</i>	orange-crowned warbler
<i>Wilsonia pusilla</i>	Wilson's warbler
<i>Zonotrichia atricapilla</i>	golden-crowned sparrow
<i>Zonotrichia leucophrys</i>	white-crowned sparrow