



INFORMATION SUMMARY

- A. Report Date: July 11, 2006
- B. Report Title: General Habitat Assessment Results for the 3.65-acre Property located at 18452 Buena Vista Ave, City of Yorba Linda, Orange County, California
- C. APN#: 343-401-13
- D. Project Location: USGS 7.5' series Yorba Linda Quadrangle, City of Yorba Linda, and is within the land grant Canon de Santa Ana. The property extends southeast from the intersection of Buena Vista Avenue and Walnut Lane.
- E. Applicant: Taylor Grove LLC
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- F. Principal: Environmental & Regulatory Specialists, Inc. (EARS I)
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Contact: Jonathan E. Campbell (310) 903-7876
- G. Date of Survey: May 18, 2006
- H Summary: The Site possesses federal and state jurisdictional waters that would represent a constraint to development or would involve coordination with the resource agencies prior to permits being issued. A formal jurisdictional delineation was not performed.
- The Site is dominated by orchard, ruderal/non-native grassland, ornamental, and disturbed habitats as indicated in the following letter and illustrated in Attachment A, Biological Resources Map. No suitable habitat for federal or state listed species was documented within or adjacent to the Site.

SUBJECT

General Habitat Assessment of 3.65 Acres, APN: 343-401-13, 18452 Buena Vista Ave in the City of Yorba Linda, Orange County, California

This report presents the findings of a general habitat assessment analysis for the Taylor Grove property (the "Site"), 18452 Buena Vista Ave, City of Yorba Linda, Orange County, California. The purpose of this study, conducted by Environmental & Regulatory Specialists, Inc. (EARS), is to document the existing biological resources, identify vegetation communities, and assess the potential biological and regulatory constraints associated with development of the Site.

The 3.65-acre Site is located in the City of Yorba Linda, in the northeastern region of Orange County, California. The Site extends southeast from the intersection of Buena Vista Avenue and Walnut Lane. The property is located on the United States Geological Survey (USGS) 7.5' Yorba Linda Quadrangle, and is within the land grant Canon de Santa Ana.

The site is surrounded on the west, north, and east by lower-density residential uses. The site forms part of the northern boundary of Yorba Linda Lake, a dry flood control reservoir serving as open space.

This report incorporates the findings of a literature review, compilation of existing documentation, and a field reconnaissance conducted on May 18, 2006. Focused surveys were not performed during the investigation. This document is consistent with accepted scientific and technical standards, the requirements of the United States Fish and Wildlife Service (USFWS), and the requirements of the California Department of Fish and Game (CDFG). When appropriate, general biological resources are described in summary form in an effort to provide the reader with adequate background information. However, the report focuses on documenting those resources considered to be significant and/or sensitive as outlined in the California Environmental Quality Act (CEQA).

METHODS OF STUDY

APPROACH

Prior to visiting the Site, a review of available and relevant data on the biological characteristics, sensitive habitats, and species potentially present on or adjacent to the Site was conducted. Aerial photography, a USGS topographic map, and digital ortho quarter quadrangle (DOQQ) data were examined. After reviewing the available information, an EARSI biologist conducted a physical site assessment.

During this initial survey, the entire Site's habitat was characterized, vegetation communities were mapped, and the potential to support sensitive species was evaluated. The accuracy of the site assessment was enhanced by the use of detailed aerial photography data. This data, which contains a digital image derived from aerial photography with orthographic projection properties, were used in conjunction with EARSI's in-house geographic information system (GIS) database as an important base layer to identify vegetation communities, drainage features, and the relationship to USFWS designated critical habitat boundaries. Vegetation communities were then "ground-truthed" during field observations to obtain characteristic descriptions.

LITERATURE REVIEW

The study was initiated with a review of relevant literature on the biological resources potentially present on the Site and in the vicinity. Federal register listings, protocols, and species data provided by the USFWS were reviewed in conjunction with anticipated federally listed species potentially occurring within the Site. The California Natural Diversity Database (CNDDDB), a California Department of Fish and Game (Natural Heritage Division) species account database, was also reviewed for pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the Site. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Documents consulted regarding potential onsite biological conditions are listed in the references section at the end of this report.

FIELD INVESTIGATION

The Site was surveyed on May 18, 2006. The survey included complete coverage of the Site, with special attention focused toward sensitive habitats or those areas potentially supporting sensitive flora or fauna.

Plant Community/Habitat Classification and Mapping

Plant communities were preliminarily mapped with the aid of a 1:400 scale aerial photograph and a 7.5-minute USGS DOQQ map. Sensitive or unusual biological resources observed in the field were noted on the aerial photo as well (if applicable). Scientific names are employed upon initial mention of each species; common names are employed thereafter (if applicable).

General Plant Inventory

All plants observed during the reconnaissance survey were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Common plant names, when not available from Hickman, were taken from Munz (1974) and McAuley (1996) (if applicable).

General Wildlife Inventory

General wildlife surveys were not conducted during the initial site investigation. However, animals identified during the reconnaissance survey by sight, call, tracks, nests, scat, remains, or other signs were recorded. All wildlife was identified in the field with the aid of binoculars and taxonomic keys (if applicable). Vertebrate taxonomy followed in this report is according to Stebbins (1985) for amphibians and reptiles, the American Ornithologists' Union (1983 and supplemental) for birds, and Jones et al. (1997) for mammals. Scientific names are used during the first mention of a species; common names only are used in the remainder of the text (if applicable).

Regional Connectivity/Wildlife Movement Corridor Assessment

The analysis of wildlife movement corridors associated with the Site and its immediate vicinity is based on information compiled from the literature, input from wildlife agency personnel, analysis of the aerial photograph and DOQQ data, and direct observations made in the field during the site visit.

A literature review was conducted that included documents on island biogeography (studies of fragmented and isolated habitat "islands"), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field verified detailed digital DOQQ data, in conjunction with the GIS database, allowed proper identification of vegetation communities and drainage features. This information was crucial to assessing the relationship of the Site to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in this report are intended to focus on wildlife movement associated with the Site and the immediate vicinity.

EXISTING CONDITIONS

PLANT COMMUNITY/HABITAT CLASSIFICATION

Natural community names and hierarchical structure follows “The Vegetation Classification and Mapping Program”, *List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database*, September 2003. In the case that a plant community is not adequately characterized by the classification system, a unique title has been derived from dominant vegetation.

Orchard (1.50 Acres)

The Site is dominated by widely spaced avocado (*Persea americana*) and orange (*Citrus* sp.) orchards. The understory of these communities is commonly made up of forbs, and ruderal and non-native grass species. The common understory species include California blackberry (*Rubus ursinus*), ripgut grass (*Bromus diandrus*), wild oats (*Avena fatua*), black mustard (*Brassica nigra*), tocalote (*Centaurea melitensis*), and California poppy (*Eschscholzia californica*).

Ruderal/Non Native Grassland (0.85 Acre)

Intermixed with the orchards, ruderal/non-native grassland plant communities are also common throughout the Site. These communities consist of low, herbaceous vegetation dominated by non-native annual grasses that are primarily Mediterranean in origin. Many species of native forbs and bulbs, as well as naturalized annual forbs, are also found in this community. These include several weedy species and wildflowers. Species diversity within annual grasslands is highly affected by past and present land use such as intensity and duration of disturbance (e.g. fire, disking, grazing). This particular community is dominated by species such as black mustard, ripgut grass, foxtail chess (*Bromus madritensis* ssp. *rubens*), tocalote, wild oats, and yellow sweet clover (*Melilotus officinalis*). Other common species include Italian ryegrass (*Lolium multiflorum*), woodsorrel (*Oxalis* sp.), scarlet pimpernel (*Anagallis arvensis*), prickly sow-thistle (*Sonchus asper*), bull thistle (*Cirsium vulgare*), elderberry (*Sambucus mexicana*), glaucous foxtail barley (*Hordeum murinum*), curley dock (*Rumex crispus*) castor bean (*Ricinus communis*), and tree tobacco (*Nicotiana glauca*) and common fiddleneck (*Amsinckia menziesii intermedia*).

Ornamental (0.61 Acre)

Generally found along the borders of the Site, ornamental plantings are common on the Site. Ornamental tree species found on the property include Eucalyptus (*Eucalyptus* spp.), palm, jacaranda (*Jacaranda mimosifolia*), pines (*Pinus* spp.), and tree of heaven (*Ailanthus altissima*). Other species found in and around these ornamental plantings include bamboo (*Bambusa* sp.), hottentot fig (*Carpobrotus edulis*), rose (*Rosa* sp.), iris (*Iris* sp.), banana (*Musa* sp.).

Disturbed (0.60 Acre)

Several active roads, ATV trails and parking areas are found throughout the Site. These unpaved areas are generally devoid of vegetation due to soil compaction, as they experience frequent traffic. In addition, several structures are present onsite, including a house and a garage.

WILDLIFE POPULATIONS

General wildlife species documented onsite include the western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), sharp-shinned hawk (*Accipiter striatus*), lesser goldfinch (*Carduelis psaltria*), dark-eyed junco (*Junco hyemalis*), northern mockingbird (*Mimus polyglottos*), house sparrow (*Passer domesticus*), turkey vulture (*Cathartes aura*), rock dove (*Coluba livia*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), California towhee (*Pipilo crissalis*), house finch (*Carpodacus mexicanus*), desert cottontail (*Sylvilagus audubonii*), and California ground squirrel (*Spermophilus beecheyi*).

REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT

Overview

Wildlife corridors link together areas of suitable 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. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967, Soule 1987, Harris and Gallager 1989, Bennett 1990). Corridors effectively act as links between different populations of a species. A group of smaller populations (termed "demes") linked together via a system of corridors is termed a "metapopulation". The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a population's genetic variability is generally associated with an increase in a population's health.

Corridors mitigate the effects of habitat fragmentation by (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals as they move

within their home ranges in search of food, water, mates, and other needs (Noss 1983, Fahrig and Merriam 1985, Simberloff and Cox 1987, Harris and Gallagher 1989). Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as “wildlife corridor”, “travel route”, “habitat linkage”, and “wildlife crossing” to refer to areas in which wildlife moves from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

Travel Route: A landscape feature (such as a ridge line, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

Wildlife Corridor: A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as “habitat or landscape linkages”) can provide both transitory and resident habitat for a variety of species.

Wildlife Crossing: A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These are often “choke points” along a movement corridor.

Wildlife Movement within the Study Area

The Site is not expected to be utilized as a travel route, corridor or crossing by local wildlife due to the extensive low-density residential development and infrastructure located immediately to the north, east and west of the property.

SENSITIVE BIOLOGICAL RESOURCES

OVERVIEW OF CLASSIFICATIONS

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

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

Plants: U. S. Fish and Wildlife Service (USFWS 2002), California Department of Fish and Game (CDFG 2002), California Natural Diversity Data Base (CNDDDB 2002), and California Native Plant Society (CNPS) (Skinner and Pavlik 1994),

Wildlife: California Wildlife Habitat Relationships Database System (CWHRDS 1991), USFWS (2002), CDFG (2002), CNDDDB (2002), and

Habitats: CNDDDB (2002) and CDFG (2002).

Federal Protection and Classifications

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take". These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a

federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document, but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

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

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

State of California Protection and Classifications

California's Endangered Species Act (CESA) defines an endangered species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the federal ESA, CESA does not include listing provisions for invertebrate species.

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

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

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

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
CSC	California Species of Special Concern

California Native Plant Society

The California Native Plant Society is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative

characterization of rare, threatened, or endangered vascular plant species of California (Skinner and Pavlik, 2001). The list serves as the candidate list for listing as threatened and endangered by CDFG. The CNPS has developed five categories of rarity:

List 1A	Presumed extinct in California.
List 1B	Rare, threatened, or endangered throughout their range.
List 2	Rare, threatened, or endangered in California, but more common in other states.
List 3	Plant species for which additional information is needed before rarity can be determined.
List 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat.

POTENTIALLY SENSITIVE SPECIES

Determinations of sensitive species that could potentially occur on the Site are based on one or both of the following: (1) a record reported in the CNDDDB and; (2) the Site is within the known distribution of a species and contains appropriate habitat.

Sensitive Plant Communities

No sensitive plant communities are located onsite.

Sensitive Plant Species

No potentially sensitive plant species habitat is present onsite.

Sensitive Wildlife Species

No potentially sensitive wildlife species habitat is present onsite.

Jurisdictional Wetlands, Waters, and Streambeds

A jurisdictional delineation was not undertaken as a part of this general habitat assessment. However, a single drainage feature potentially subject to the jurisdiction of the California Department of Fish and Game, Army Corps of Engineers, and the Regional Water Quality Control Board occurs onsite. A formal jurisdictional delineation would be required to determine the extent of waters located onsite.

CONSTRAINTS ANALYSIS CONCLUSIONS

Based on the results of the general habitat assessment survey, no potential habitat for federal or state listed species was documented onsite. No species of concern or evidence of species of concern was detected during the site visit. Therefore, no USFWS/CDFG focused surveys are warranted. Also, no available habitat for sensitive plant species was documented onsite. Therefore, no focused surveys are warranted.

A single drainage feature potentially subject to the jurisdiction of the California Department of Fish and Game, Army Corps of Engineers, and the Regional Water Quality Control Board occurs toward the eastern corner of the site. A formal jurisdictional delineation would be necessary to determine the extent of jurisdictional waters located onsite. Development of this site would require a section 404 permit from the Army Corps of Engineers, a section 1600 Streambed Alteration Agreement from the California Department of Fish and Game, and a section 401 Water Quality Certification from the Regional Water Quality Control Board. These permits must be acquired prior to construction activities. Compliance with all terms and conditions imposed by these regulatory agencies would reduce project related impacts to jurisdictional waters to a level of less than significant.

REFERENCES

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U. S. Geological Survey. Yorba Linda 7.5' Topographic Quadrangle. 1988, photorevised 1988.

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.”

Author: Jonathan E. Campbell Date: May 29, 2006

Fieldwork Performed By: Jonathan E. Campbell

ATTACHMENTS

A - Biological Resources Map

B1 - Site Photographs

B2 - Site Photographs



Environmental & Regulatory Specialists, Inc.

Biological Resources Map

Attacment A



Disturbed area, looking North



Orchard, looking North

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Specialists, Inc.**

Site Photographs 1 & 2

Attacment B1



Ornamentals, looking East



Ruderal/Non-Native Grassland, looking North

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Specialists, Inc.**

Site Photographs 3 & 4

Attacment B2