



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer to:
FWS-SB-19B0157-20I1643

December 8, 2020
Sent by Email

Eduard T. De Mesa
Planning Division Chief
U.S. Army Corps of Engineers LA District
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3489

Attn: Megan T. Wong

Subject: Informal Section 7 Consultation for the Rancho Miramonte Housing Development
Project Flowage Easement Exchange, Chino, San Bernardino County, California

Dear Mr. De Mesa:

This letter is in response to your correspondence received on September 9, 2020, requesting our concurrence with your determination that the flowage easement exchange (Easement Exchange) in the City of Chino, San Bernardino County, California may effect, is not likely to adversely affect the federally endangered least Bell's vireo (*Vireo bellii pusillus*, LBV), the federally endangered southwestern willow flycatcher (*Empidonax trailii extimus*, SWFL), or their designated critical habitats in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

This informal consultation is based on information from the September 9 initiation letter, the June 2018 Rancho Miramonte Riparian Habitat Restoration Project Biological Assessment (ESA 2018a), LBV and SWFL focused surveys from 2018 (ESA 2018b, ESA 2018c), and phone calls between this office and Megan Wong of the U.S. Army Corps of Engineers (Corps).

The Easement Exchange is associated with the 61.72 acre (ac) Rancho Miramonte riparian habitat restoration footprint as well as the adjacent, roughly 200 ac Rancho Miramonte residential housing development. The Rancho Miramonte project originally included both the development and the restoration activities. TH Miramonte Investors, LLC (Applicant) split the project up for the purposes of consultations with the Service as all impacts to endangered species and their designated critical habitat were contained within the restoration project footprint. The majority of the habitat restoration project footprint will be excavated to provide fill for the housing development. The graded area along the creek will then be improved for riparian species. We issued a concurrence letter in 2019 to the Corps regarding the riparian habitat restoration project and its impacts on LBV, SWFL, and their designated critical habitats (Service 2019). The Corps is seeking a second concurrence determination for the issuance of a flowage easement exchange that applies to areas both within the 2019 concurrence footprint and the larger housing development.

Project Description

The Easement Exchange area is located along Mill Creek approximately 4 miles upstream from Prado Dam in the City of Chino, San Bernardino County, California. Directly to the northeast of the Rancho Miramonte development and restoration sites is the Mill Creek Wetlands Project (Service 2012a, Service 2012b). To the west lies Prado Regional Park. To the east is a landscaping business, agricultural land, and a small regional airport. The Prado dam lies to the south. The eastern side of the Easement Exchange area contains riparian woodland vegetation, while the western side of the site contains highly disturbed agricultural and ruderal vegetation.

The Corps holds a flowage easements up to the 556 foot (ft) elevation line average mean sea level for water retention associated with Prado Dam. This elevation represents the maximum elevation that water was designed to be held behind the dam. The Easement Exchange would remove 30.23 ac of existing flowage easement from the Corps' holdings and add 4.91 ac elsewhere on the site. A total of 115.22 ac in the flowage easement area will then be excavated and the resulting fill will be used to raise the housing development area to above the 566 ft elevation line. Approximately 4,245,426 cubic yards of material will be excavated using heavy equipment such as excavators, bulldozers, and dump trucks to achieve these changes in topography. The net flowage easement area will be decreased by 25.32 ac in total, however there will be no change in overall flood volume capacity below the 556 elevation line.

Effects of the Action

Earthwork in the Easement Exchange area will redistribute soil primarily from the eastern side of the property near Mill Creek into residential development area. Surveys conducted in 2018 showed no LBV or SWFL outside of the wooded portion of the Project footprint (ESA 2018b, ESA 2018c). Actions occurring in this area as part of the habitat restoration project were fully assessed during the previous informal consultation. The current Project does not include any effects to LBV, SWFL, or their designated critical habitat that were not previously addressed in the 2019 consultation.

If the Project is completed as described, the Service concurs with your determination that the proposed Rancho Miramonte Housing Development Project Flowage Easement Exchange is not likely to adversely affect LBV or SWFL or their designated critical habitats. Therefore, the interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act will be reconsidered if new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not previously considered, or this action is subsequently modified in a manner that was not considered in this assessment.

Thank you for your coordination on this project. If you have any questions regarding this letter, please contact [Emily Hockman](#) of this office at (760) 322-2070, extension 420.

Sincerely,

for 
Roland White
Assistant Field Supervisor

LITERATURE CITED

- [ESA] Environmental Science Associates. 2018a. Rancho Miramonte Riparian Habitat Restoration Project Biological Assessment, Prepared by ESA for Trumark Homes and submitted to the Palm Springs Fish and Wildlife Office, Palm Springs, California. June 2018.
- [ESA] Environmental Science Associates. 2018b. Results of Focused Least Bell's Vireo Surveys on the Rancho Miramonte Riparian Habitat Restoration Project, City of Chino, San Bernardino County, California. Prepared by ESA for Trumark Homes and submitted to the Palm Springs Fish and Wildlife Office, Palm Springs, California. August 13, 2018.
- [ESA] Environmental Science Associates. 2018c. Results of Focused Southwestern Willow Flycatcher Surveys for the Rancho Miramonte Riparian Habitat Restoration Project, City of Chino, San Bernardino County, California. Prepared by ESA for Trumark Homes and submitted to the Palm Springs Fish and Wildlife Office, Palm Springs, California. August 13, 2018.
- [Service] U.S. Fish and Wildlife Service. 2012a. Cucamonga Creek Watershed Regional Water Quality Proposal Alternative 2A, San Bernardino County, California (FWS-SB-12B0014-12I0139). Palm Springs Fish and Wildlife Office, Palm Springs, California.
- [Service] U.S. Fish and Wildlife Service. 2012b. Cucamonga Creek Watershed Regional Water Quality Proposal Alternative 2A Amendment, San Bernardino County, California (FWS-SB-12B0014-12I0482). Palm Springs Fish and Wildlife Office, Palm Springs, California.
- [Service] U.S. Fish and Wildlife Service. 2019. Rancho Miramonte Riparian Habitat Restoration Project, Chino, San Bernardino County, California (FWS-SB-19B0157-19I1044). Palm Springs Fish and Wildlife Office, Palm Springs, California.