3.3 Biological Resources

This section assesses the existing conditions of biological resources on the Project site and the impacts associated with Project development. The biological resources information presented in this section is based on review of available background reports, previous studies conducted on the Project site, review of aerial photography, and reconnaissance site survey. This analysis utilizes the Final Supplemental Environmental Impact Report for Bohemia/Wal-Mart prepared in November 1993, a wetland delineation report conducted during December 1990, an arborist report conducted in June of 2000, and a wetland delineation prepared in November 2000. These reports are on file with the County.

Environmental Setting

The Project site is located within the *Auburn/Bowman Community Plan* area. The Project site is located in unincorporated Placer County approximately one and one-half miles north of the Auburn city limits, just east of State Route 49. The site is bordered by the Union Pacific Railroad right-of-way and residential development to the north, Canal Street and residential land uses to the east, a PG&E corporation yard to the south, and a lumber company and proposed retail/commercial land use to the west.

Existing Site Conditions

The Project site is located on the former Bohemia Lumber Company property and totals 18.5 acres. Aside from remnants of foundations, no structures from the lumber mill remain on the Project site. From the northern Project site boundary, Fiddler Green Canal bisects the Project site in a north-south direction and bends east to form part of the southern boundary. Wise Canal forms the western Project site boundary (**Figure 3.3-1**). Located at the western side of the Project site are remnant features of the lumber mill. These features include cut and fill slopes with associated banks, cement building foundations, and asphalt pads. Three bridges are located on the Project site, two crossing Wise Canal and the third crossing Fiddler Green Canal. Topography of the site consists of a series of relatively level terraces. Elevation on the Project site ranges from 1,480 to 1,428 feet above mean sea level. Dominant vegetation on the Project site is annual non-native grasses with intermittent stands of blue and interior oaks and blackberry bramble thicket. The Project site typically drains to the west toward Wise Canal.

Vegetation

The Project site is dominated by non-native annual grasses such as slender wild oats (*Avena sativa*), wild barley (*Hordeum* sp.), soft chess (*Bromus* sp.), and rip-gut brome (*Bromus diandrus*). Adjacent to Fiddler Green Canal at the south eastern project boundary is a bramble thicket of invasive Himalaya blackberry (*Rubus procerus*). Large interior live oak (*Quercus*

wislizenii), blue oak (*Quercus douglasii*), and valley oak (*Quercus lobata*) are scattered throughout the Project site with most trees and woody vegetation concentrated along the southeastern periphery of Fiddler Green Canal. The most abundant trees on the Project site are interior live oak and blue oak. Habitat on the Project site can be classified as blue oak woodland with associated non-native annual grassland. A small seasonal wetland is located on the Project site. Vegetation associated with the seasonal wetland includes Goodding's black willow (*Salix gooddingii*), red willow (*Salix laevigata*), and Fremont's cottonwood (*Populus fremontii*). Representative site photos and a photo point location map are shown in **Figures 3.3-1, 3.3-2, 3.3-3, and 3.3-4**. A compendia of plants observed on the Project site is included in Appendix C.

Wildlife

Wildlife species likely to utilize the Project site include those species that have adapted to environments close to urban development and human activity. Amphibians and reptiles that may occur on the Project site are mostly those associated with non-native annual grassland ecosystems and include: California salamander (*Dicamptodon ensatus*), western toad (*Bufonidae boreas*), western yellow-bellied racer (*Coluber constrictor mormon*), common garter snake (*Thamnophis sirtalis*), California whipsnake (*Masticophis* sp.), gopher snake (*Pituophis melonoleucus*), western skink (*Eumeces skiltonianus*), Gilbert's skink (*Eumeces gilbertii*), southern alligator lizard (*Elgaria coerulea*), and western fence lizard *(Sceloporus occidentalis)*.

Oaks provide food for various songbirds and nesting opportunities for cavity nesters such as acorn woodpecker (*Melanerpes formicivorus*), Northern flicker (*Colaptes auratus*), oak titmouse (*Baeolophus wollweberi*), ash-throated flycatcher (*Myiarchus sagrae*), and violet-green swallow (*Tachycineta thalassina*). Other common birds associated with oak woodland and non-native annual grassland include: mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), house wren (*Troglodytes aedon*), American robin (*Turdus migratorius*), and European starling (*Sturnis vulgaris*). Common mammals expected to occur on the Project site include Virginia opossum (*Didelphis virginianus*), Audubon cottontail (*Sylvilagus audubonii*), deer mouse (*Peromyscus maniculatus*), raccoon (*Procyon lotor*), California ground squirrel (*Spermophilus beecheyi*), and striped skunk (*Mephitis mephitis*). A compendium of wildlife observed or expected to occur on the Project site is included in Appendix C.

Special-Status Species

Plant or wildlife species may be considered "special status" due to declining populations, vulnerability to habitat change, or restricted distributions. Special-status species are those species that have been listed as Threatened or Endangered under Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), or are of concern to State or federal resource agencies or private conservation organizations.

Figure 3.3-1
Photo Point Locations

View 1 : Looking south across the site.

View 2 : Looking north towards seasonal wetland.

Figure 3.3-2
Views 1 and 2

View 3 : Looking south along Fiddler Green Canal.

View 4 : Looking east along Fiddler Green Canal.

Figure 3.3-3
Views 3 and 4

View 5 : Looking southwest toward Canal Street.

View 6 : Looking east toward Canal Street.

Plants

Figure 3.3-4
Views 5 and 6

No State or federally threatened or endangered plant species are expected to occur on the Project site. Two special-status plant species were identified in the literature search as potentially occurring in the Project region. Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeeae*) and Boggs Lake hedge-hyssop (*Gratiola heterosepala*) are both List 1B plant species. These plants are considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered in California and elsewhere.[1] Brandegee's clarkia is often found in roadcuts and is known to be associated with non-native annual grasslands, interior live oak, and Foothill pine. Appropriate habitat conditions exist on the Project site for this List 1B species. Boggs Lake hedge-hyssop is associated with marshes, freshwater swamps, clay soils, and vernal pools or on lake margins. There is no potential for Boggs Lake hedge-hyssop to occur due to the lack of suitable habitat on the Project site.

Wildlife

No State or federally listed threatened or endangered animal species are expected to occur on the Project site. However, blue oak woodlands and non-native annual grasslands at the Project site provide foraging and nesting opportunities for several wildlife species of concern. Animals known to occur in this part of western Placer County include: California horned lizard (*Phrynosoma coronatum frontale*) and western pond turtle (*Clemmys marmorata*). The Project site provides foraging and nesting habitat for raptors and other special-status bird species, including Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius*), golden eagle (*Aquila chrysaetos*), western burrowng owl (*Athene cunicularia*), purple martin (*Progne subis*), horned lark (*Eremophila alpestris actia*), and yellow warbler (*Dendroica petechia*). These species are all considered State listed species of special concern with the exception of the red-tailed hawk which has no State listing.

Sensitive Habitats

Special-status habitats are considered to be "depleted" habitats by the CDFG and are typically protected by ordinance, code, or regulation under which conformance typically requires a permit or other discretionary action prior to impacting the habitat.[2]

Blue Oak Woodland

Blue oak woodland occurs as isolated stands in areas where surrounding habitats have been modified by agriculture or urban development. Conversion of oak woodland to irrigated agricultural lands and development has had the largest effect on the decline of this community. Three species of oak trees occupy the Project site: interior live oak (*Quercus wislizenii*), blue oak (*Quercus douglasii*), and valley oak (*Quercus lobata*), with the most abundant species being blue oak. Oak trees are relatively slow growing, long-lived trees. The oak trees on the Project site exist as a group of medium- to large-sized trees with few or no young oaks.

An arborist report was completed by Yamasaki Landscape Architecture Planning and Construction in June 2000 identifying all significant oak and heritage trees on the Project site.[3] Oak and heritage trees are trees considered to have a high value because of their species, size,

age, cultural value, and historic associations. Trees with a diameter breast height (DBH) of six inches or greater were considered significant and counted in the Yamasaki study. The study identified a total of 56 oak and heritage trees on the Project site with the majority of these trees being Interior live oak (28 trees) and blue oak (22 trees). The study conducted by Yamasaki does not represent the total number of trees on the Project site; it only identified the oak and heritage trees. Oak trees and other heritage trees provide shelter, nesting, and foraging opportunities for wildlife and add aesthetic value to a community. Two Foothill pine (*Pinus sabiniana*) trees were identified in the Yamasaki report as heritage trees. Per the Placer County Tree Preservation Ordinance, Section 12.16.020 Definitions, Foothill pine are not included in those species defined as heritage trees. Therefore, per the County guidelines, the number of oak and heritage trees on the Project site totals 54.

Table 3.3-1 lists the health and diameter breast height of oak and heritage trees inventoried on the Project site by Yamasaki. **Figure 3.3-5** shows the location of trees on the Project site with the development overlay.

Table 3.3-1
Inventoried Oak and Heritage Tree Species on the Project Site

Tree No.	Species	Trunk DBH (inches)	Drip Line Radius (Feet)	Trunk Status	Overall Health
713	Interior Live Oak	10	15	Normal w/ Dieback	Good to Fair
714	Interior Live Oak	8	10	Sound with Slight Decay	Good to Fair
715	Blue Oak	9	12	Normal	Good
716	Interior Live Oak	6, 8	12	Normal	Good
717	Blue Oak	14	18	Normal	Good
718	Blue Oak	6	8	Normal	Good
719	Blue Oak	16, 16	15	Normal	Good
720	Blue Oak	10	12	Normal	Good
721	Blue Oak	8	10	Normal	Fair
722 Not Used	x	x	x	x	x
723	Interior Live Oak	8	15	Normal	Good
724	Interior Live Oak	6	10	Normal with Dieback	Fair to Poor
725	Interior Live Oak	15	17	Normal with Dieback	Good
726	Foothill pine	30	20	Normal	Good
727	Interior Live Oak	15	18	Normal	Fair
728	Interior Live Oak	30	20	Normal	Good
729	Blue Oak	10	10	Normal	Good

Table 3.3-1
Inventoried Oak and Heritage Tree Species on the Project Site

730	Blue Oak	8	10	Normal with Dieback	Good
731	Blue Oak	8	8	Normal with Dieback	Good to Fair
732	Blue Oak	10	15	Normal with Dieback	Good
733	Interior Live Oak	17	15	Normal with Dieback	Good
734	Interior Live Oak	10	12	Normal with Dieback	Poor
735	Interior Live Oak	10, 8	12	Normal with Dieback	Fair to Poor
736	Blue Oak	22	20	Normal with Dieback	Good
737-1020 (not used)	x	x	x	x	x
1021	Blue Oak	27	25	Normal with Dieback	Fair
1022	Blue Oak	19	18	Normal with Dieback	Fair
1023	Blue Oak	27	21	Normal with Dieback	Good
1024	Blue Oak	37	33	Normal with Dieback	Good to Fair
1025	Blue Oak	34	32	Excessive Dieback - Damaged	Fair to Poor
1026	Interior Live Oak	6,6 5,4	10	Normal	Good
1027 Not Used	X	X	X	X	X
1028	Interior Live Oak	20	25	Normal	Good
1029	Valley Oak	13	18	Normal with Dieback	Poor
1030	Foothill pine	18	20	Normal	Good
1032	Interior Live Oak	9,6	12	Normal with Dieback	Good
1033	Interior Live Oak	7	10	Normal with Dieback	Good
1034	Valley Oak	12	15	Normal	Good
1035	Interior Live Oak	7 ,5	12	Normal with Dieback	Good
1036	Valley Oak	7	10	Normal	Good
1037-1048 Not Used	X	X	X	X	X
1049	Interior Live Oak	4,4,3	12	Normal	Good
1050-1066 Not Used	X	X	X	X	X

Table 3.3-1
Inventoried Oak and Heritage Tree Species on the Project Site

1067	Interior Live Oak	8,8,5	18	Normal with Dieback	Good
1068	Interior Live Oak	9	15	Normal	Good
1069	Interior Live Oak	7,7,3	12	Normal	Good
1070	Interior Live Oak	7,6,6',5,4	15	Normal with Dieback	Good
1071-1075 Not Used	X	X	X	X	X
1076	Valley Oak	5,4	10	Normal	Good
1077	Blue Oak	17	15	Normal – Damaged	Good
1078	Blue Oak	8	15	Excessive Dieback	Poor
1079	Blue Oak	10	8	Normal with Dieback	Good
1080	Blue Oak	15	18	Normal with Dieback	Good
1081	Interior Live Oak	6	13	Excessive Dieback	Fair
1082	Blue Oak	6	6	Normal with Dieback	Good to Fair
1083	Blue Oak	6	6	Excessive Dieback	Fair to Poor
1084	Interior Live Oak	18	15	Excessive Dieback	Fair to Poor
1085	Interior Live Oak	4,3	15	Excessive Dieback	Fair to Poor
1086	Interior Live Oak	19	18	Excessive Dieback	Poor
1087	Interior Live Oak	6	12	Excessive Dieback	Fair to Poor
1088	Blue Oak	10	12	Normal with Dieback	Good
1089	Interior Live Oak	10	12	Normal with Dieback	Fair

Notes: DBH – Diameter at breast height. TREE CONDITION CATEGORIES: EXCELLENT Trees with this designation have no apparent faults as determined by a thorough examination of the aerial as well as the subterranean parts of the tree. GOOD/FAIR Trees which are given this rating show good annual growth, very few parasites and good balanced branching with little damage. There is very little decay and no evidence of internal decay. The root crown is situated above or at the natural grade. The trunk and branches are sound, with little decay. FAIR The trees may have some decay of branches and twig and branch dieback. Wounds are evident which are healed (calloused over). There is no decay which will negatively affect the strength of the trunk or branch. The tree may have mistletoe and insects. There may be more dieback than normally existing. The structure of the branching may exhibit more lean of trunk or branch and show more sparse leaf cover. FAIR/POOR The trees may have some decay of branches and twig and excessive branch dieback. Wounds are evident which are healed (calloused over). There is decay which may negatively affect the strength of the trunk or branch. The tree may have mistletoe and may exhibit leaner of trunk or branch and show more sparse leaf cover. POOR Trees in this rating exhibit excessive root crown decay, hollow trunk and branches. Cavities are evident and structurally weak. Fungus may be present in the form of adult bodies. Dead branches and twig dieback are extensive. Foliage is sparse and may exhibit abundant mistletoe growth.

Source: Yamasaki, Landscape Architecture, 2000.

Seasonal Wetland

Seasonal wetlands are defined as isolated wetlands and swales that pond water during the rainy season but lack the distinctive flora and many of the physical characteristics that characterize vernal pools. Seasonal wetlands support a lower diversity of plant species than vernal pools, with a much higher proportion of non-native species. Characteristic waterbirds that visit seasonal wetlands in western Placer County include snowy egret (*Egretta thula*) and black-crowned night-heron (*Nycticorax nycticorax*). State-listed species of special concern include white-faced ibis (*Plegadis chihi*); Canada goose (*Branta canadensis*); mallard (*Anas platyrhynchos*); cinnamon teal (*Anas cyanoptera*); American wigeon (*Anas americana*); gadwall (*Anas strepera*); killdeer (*Charadrius vociferus*); and, common snipe (*Gallinago gallinago*).

Gibson & Skordal Wetland Consultants identified 2,100 square feet (0.05 acre) of jurisdictional seasonal wetland seep on the project site in November of 2000 (which was verified for five years [i.e. until 2/2011] by the U.S. Army Corps of Engineers on 10 February 2006) and re-confirmed this feature in a subsequent site visit on 20 January 2009 (see Appendix E). The seep is located at the toe of a bank in the lower western portion of the site (**Figure 3.3-6**). This area sustains long-term saturation and/or inundation resulting from groundwater seepage at the base of the cut bank. Saturation was present within six inches of the surface at the time of the November 2000 field study.

In January of 2009, this seep was approximately half the size depicted in the original 2000 delineation map verified in 2006. The difference is size between 2006 and 2009, however, is not attributable to an inaccuracy of the original delineation or changed site conditions, but rather to abnormally dry conditions over the intervening growing seasons. The 2005/06, 2007/08 and, to date, 2008/09 growing seasons have experienced significantly less than normal rainfall, which explains the reduction in size of this disturbed, non-naturally occurring wetland. The seasonal wetland depicted in the verified jurisdictional delineation map, however, likely remains an accurate representation of normal conditions on the site.

Wetland vegetation around the seep is comprised of a mix of riparian wetland and seasonal wetland habitat characterized by a canopy and shrub layer of arroyo willow (*Salix lasiolepsis*) and a herbaceous layer of dallies grass (*Paspalum dilatatum*), Baltic rush (*Juncus balticus*), broad-leaf cattail (*Typha latifolia*), and cut-leaf geranium (*Geranium dissectum*). Other common species observed near the seep included tall flatsedge (*Cyperus eragrositis*), annual rabbit-foot grass (*Polypogon monspeliensis*), curly dock (*Rumex crispus*), perennial rye grass (*Folium preened*), and sweet clover (*Mellitus alba*). Dominant vegetation associated with the seasonal wetland includes Goodding's black willow, red willow, and Fremont's cottonwood (**Figure 3.3-2, View 2**).

Figure 3.3-5
Existing Trees and
Trees Proposed for Removal

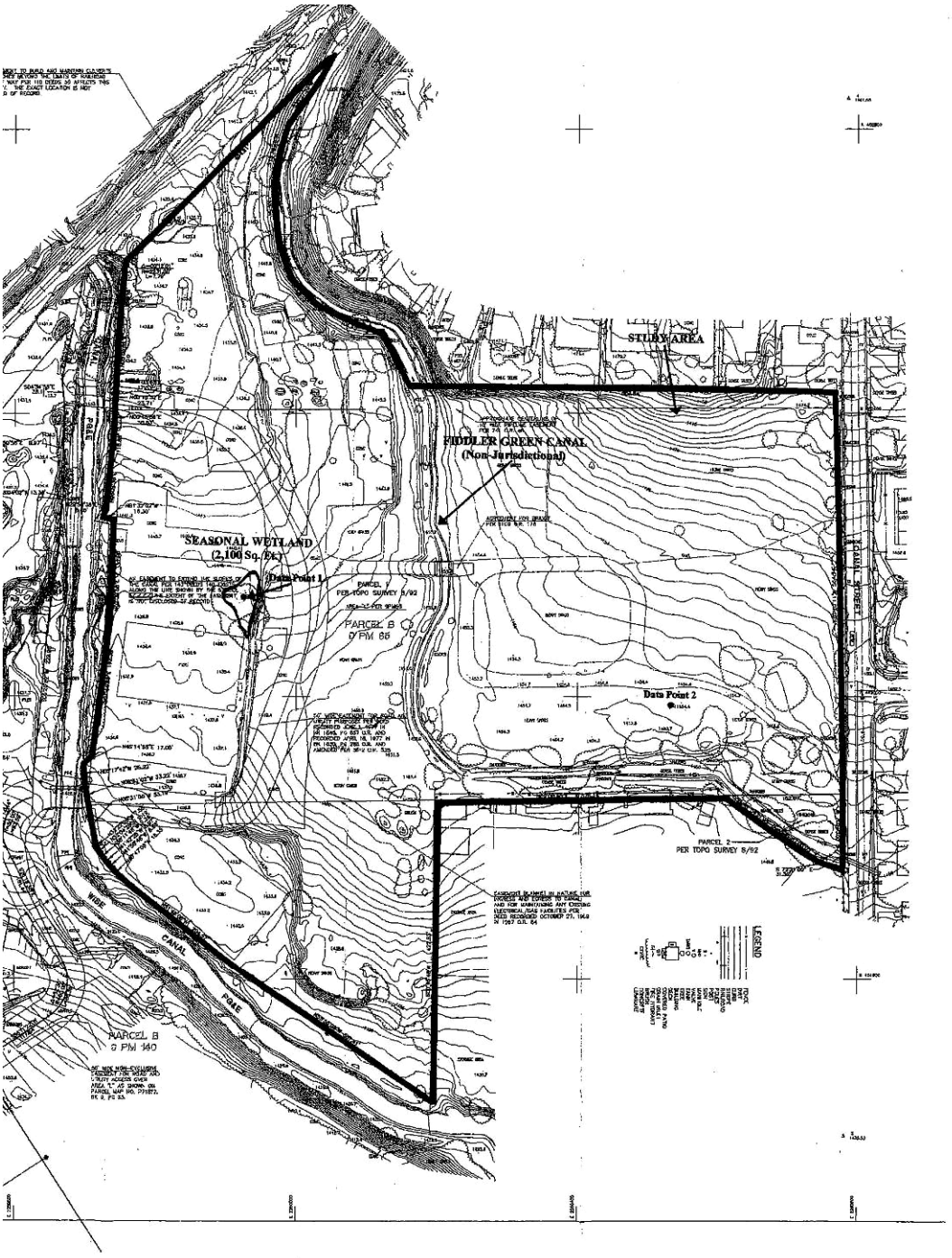

Figure 3.3-6
Wetlands

Regulatory Setting

Biological resources on the Project site are governed by several regulatory agencies and applicable statutes and guidelines for which they are responsible, including, but not limited to the following: U.S. Fish and Wildlife Service (USFWS), Federal Endangered Species Act (FESA), California Department of Fish and Game (CDFG), California Endangered Species Act (CESA), Fish and Game Code Section 1602, Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (ACOE), and Sections 401 and 404 of the Federal Clean Water Act. These agencies can provide input into the environmental review process regarding compliance with FESA and CESA.

The FESA of 1973 protects plants and wildlife that are listed by the federal government as "Threatened" or "Endangered". A federally-listed species is protected from unauthorized "take" pursuant to Section 7 of the FESA. "Take", as defined by the FESA, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or to attempt to engage in any such conduct. All "persons" are presently prohibited from taking a federally-listed species unless and until 1) the appropriate Section 10(a) permit has been issued by the USFWS, or 2) an incidental take statement is obtained as a result of formal consultation between a federal agency and the USFWS pursuant to Section 7 of the FESA and implementing regulations pertaining thereto (50 CFR 402). "Person" is defined in the FESA as an individual, corporation, partnership, trust, association, or any private entity; or any officer, employee, agent, department, or instrumental of the federal government; or any state, municipality or political subdivision of the state; or any other entity subject to the jurisdiction of the United States.

Under ordinary circumstances, if a federally-listed Threatened and/or Endangered species is documented as occurring on a site, then consultation with the USFWS is required to determine whether the proposed action would either 1) result in a take that would jeopardize the continued existence of the species (aka "jeopardy"), 2) "may affect" the species such that take may potentially occur without jeopardy, or 3) have "no effect." The USFWS will not authorize take if they determine it would "jeopardize" the species in question. Similarly, the USFWS may not require a take permit if they determine that the project would have "no effect." If, however, a "may affect" determination is made, then take may be permitted pursuant to Section 10(a) of the FESA if a Habitat Conservation Plan (HCP) is prepared pursuant to regulations at 50 CFR 17.22(b) (2) and 50 CFR 17.32 (b) (2) and approved by the USFWS.

Water quality certification is required for any project that impacts waters of the State (such as streams and wetlands). Those projects include, but are not limited to, stream crossings, modification of stream banks or stream courses, and filling or modification of wetlands. If a Section 404 permit from ACOE is required, then certification must be obtained prior to construction.

Placer County Conservation Plan: Western Placer County

The proposed Placer County Natural Communities Conservation Plan/Habitat Conservation Plan and Natural Communities Conservation Plan were presented to the public in September 2003.[4] Agency draft review was conducted February 2005. When the *Placer County Conservation Plan* (PCCP) is finalized, it will serve pursuant to Section 10(a)(1)(B) of the FESA,

as well as a NCCP under the state of California's NCCP Act of 2001. Though the USFWS and CDFG have authority to regulate the take of Threatened or Endangered species consistent with the terms and conditions of the PCCP, the USFWS and CDFG will grant "Take Authorization" for otherwise unlawful actions. Because the PCCP addresses cumulative impacts and conserves natural communities and protected species in Western Placer County, it will provide a comprehensive mitigation strategy that is simpler and more certain than project-by-project environmental review.

Placer County Tree Preservation Ordinance

Placer County has recognized the value of native trees through the adoption of both policy language and ordinances. The 1994 *General Plan Policy Document* and numerous community plans addressing areas throughout the County contain policy language which is explicitly written to protect woodland habitat. Preservation of heritage trees (i.e., trees considered to have high value because of their species, size, age, cultural value, and historic associations) within Placer County is highly encouraged. The *Placer County Tree Preservation Ordinance* regulates both the removal of protected trees and the encroachment of construction activities into the protected zones of these trees. Protected trees include any tree, excluding Foothill pine, with a diameter at breast height of six inches or greater. Also protected under this ordinance are multiple-trunked trees with an aggregate diameter of 10 inches or greater.

Prior to the issuance of a construction permit, an oak and heritage tree permit issued by the County must be obtained if these trees are to be impacted by Project construction. *Placer County Tree Preservation Ordinance* (Chapter 12, Article 12.16 PCC) outlines details pertaining to constraints and mitigation measures for oak and heritage trees.

Migratory Bird Treaty Act

As part of the Federal Migratory Bird Treaty Act (MBTA), all active nests (e.g., those with eggs or nestlings) are protected under federal law, MBTA (15 USC 703-11), 50 CFR Part 21, 50 CFR Part 10, and State law.[5] Under the California Fish and Game Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles and falcons) or Stringiformes (owls). Together, these two orders include all birds considered "raptors", or birds of prey. "Take" includes the disturbance of active nests that result in the abandonment or loss of young. MBTA prohibits activities having the potential to disturb all active bird nests or burrows on a project site. A preconstruction survey is required by CDFG and USFWS for birds if project activities occur within the breeding season window. The breeding season window considered by CDFG is January 1 to August 31. Preconstruction surveys are to be conducted no more than 30 days prior to ground disturbance. Some restrictions on construction activities may be required in the vicinity of the nests or burrows until the site is no longer active, as determined by a qualified biologist. This protection generally ceases once nesting activity is completed.

Local Policies and Regulations

The *Auburn/Bowman Community Plan*, Environmental Resources Management Element sets forth requirements for minimizing impacts on biological resources in construction projects.[6]

These plans present goals and policies intended to protect and conserve environmental resources for project development. Each policy was reviewed and the sections pertaining to the Project are provided below:

***Auburn/Bowman Community Plan* Policies*:* Environmental Resource Management Element**

Vegetation

(1) Conserve vegetative resources due to their importance for wildlife habitat, watershed protection, climate moderation, erosion control, and for their many other values.

(2) Conserve the natural landscape, including minimizing disturbance to natural terrain and vegetation, as an important consideration in the design of any subdivision or land development project.

(4) Support the "no net loss" policy for wetland areas administered by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Coordination with these agencies at all levels of project review shall continue to ensure that their concerns are adequately addressed. Review the success of this policy every five years and make changes as appropriate.

(7) Provide mitigation where impacts to stream environment zones or wetland areas are unavoidable. Measures shall include but not be limited to the identification of vegetation impacted; the preparation of revegetation plans and; the specific monitoring of plantings to assure that successful mitigation/revegetation have occurred.

(9) Use native and compatible non-native species, especially drought resistant species, to the extent possible in fulfilling landscaping requirements imposed as conditions of discretionary permits.

10) Conserve representative areas of undisturbed oak woodlands and valley grasslands that have significant value as wildlife habitat.

11) Preserve and protect landmark trees and major groves of native trees.

Open Space

c. Preserve and enhance natural land forms, native vegetation, and natural resources as open space to the maximum extent feasible.

g. Require development of all building sites and residences in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space. Where urban uses are called for in the Plan, attempt to balance the needs of such projects with this policy.

k. Encourage and utilize existing County programs for protection and enhancement of scenic corridors and routes, including but not limited to: design review, sign control, landscaping and mounding, undergrounding utilities, scenic setbacks, density limitations, planned unit developments, grading and tree removal standards, open space easements, land conservation contracts, and anti-litter, beautification and cleanup programs.

p. Protect natural areas along creeks and canals through the use of non-development setbacks which may vary according to the significance of the area to be protected. (Where canals are to be enclosed and/or underground, the water quality benefits shall be considered in determining whether naturalized areas along canals shall be protected.)

r. Implement zoning and subdivision ordinances which protect and preserve significant natural open space.

u. Include provisions within setback areas designated to protect natural resources which prohibit the placement of fill, during or after construction, establish a buffer area and protect vegetation within the buffer during construction; and provide covenants for the protection and maintenance of vegetation over the long term.

Thresholds of Significance

Impacts would be considered significant if the Project:

- Would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- Would have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption, or other means;
- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflicts with the *Auburn-Bowman Community Plan* policy protecting biological resources, or violates the Placer County Tree Preservation Ordinance;
- Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State conservation plan; or,
- Removes more than 50 percent of existing vegetation.

Methodology

A reconnaissance field visit of the Project site was conducted by biologists from P&D Consultants on January 24, 2005. The purpose of the reconnaissance site visit was to assess current site conditions, identify plant and wildlife species present on the Project site, evaluate the potential of the Project site to support sensitive and special status species, and to map vegetation communities.

Plant species were identified in the field or collected for future identification. Taxonomy and nomenclature for plant species followed Hickman (1993), Holland (1986), and Munz (1974).[7] Taxonomy and nomenclature for wildlife species follows Behler (1998) for amphibians and reptiles, American Ornithologist Union (1998) and Sibley (2000) for birds, and Jones et. al (1992) for mammals.[8]

An assessment of jurisdictional wetlands and "waters" of the United States (U.S.) and the State of California was conducted on November 15, 2000 by Gibson & Skordal, Wetland Consultants using the ACOE 1987 Manual for Delineating Wetlands and guidelines for CDFG jurisdiction.[9] The complete report is on file with the County. Fiddler Green Canal is also a jurisdictional water of the U.S.

Two tree surveys were performed at the Project site. Omni-Means Engineers and Planners performed a tree survey during November 1993 and Yamasaki Landscape Architecture Planning & Construction (Yamasaki) performed a tree survey during June 2000.[10] All existing trees that met the standards in the Placer County Tree Preservation Ordinance were inventoried.[11] The health and structure of each tree were rated.

Environmental Impact and Mitigation Measures

Impact BIO-1 Raptors and Migratory Birds

The blue oak woodland and non-native annual grassland on the Project site provides foraging and nesting habitat for common and special-status bird species. Active raptor nests and nests of other migratory birds are protected by California Fish and Game Code Section 3503.5 and by the federal Migratory Bird Treaty Act. Cooper's hawk, purple martin, white-tailed kites, and yellow warbler are covered under the draft PCCP. Project implementation would have a **potentially-significant** impact on raptors and migratory birds.

Mitigation Measure BIO-1

A preconstruction survey is required by CDFG and USFWS for birds, if Project activities occur within the breeding season window. The CDFG considers the breeding season to be January 1 to August 31. If construction activities are scheduled to begin during the breeding season, a preconstruction survey must be conducted no more than 30 days prior to ground disturbance. The Project applicant must coordinate with CDFG in

conducting this survey and implementing any measures required to avoid disturbance. If any active nests or burrows are found, construction activities shall not occur within 500 feet of the nest until the young have fledged. Some restrictions on construction activities may be required in the vicinity of the nests or burrows until the site is no longer active, as determined by a qualified biologist. If construction activities are scheduled to occur during the non-breeding season (September 1 to December 31), a survey is not required.

Implementation of the above described mitigation measure would reduce the impacts to **less than significant**.

Impact BIO-2 Impacts to Oak and Heritage Trees

Some ornamental trees in the northern Project site boundary area will remain undisturbed according to current Project design plans (**Figure 3.3-5**). A total of 54 oak and heritage trees are identified on the Project site. Trees inventoried included interior live oak, blue oak, and valley oak. The majority of the oak and heritage trees on the Project site are located along the southern bend of Fiddler Green Canal. The largest of all tree species surveyed are blue oak (tree tag numbers 1024 and 1025) and are located within the eastern Project site boundary near Canal Street.

Trees 1021, 1022, and 1023 will be preserved in place and will not be impacted by Project development. Trees 1021, 1022, and 1023 are located approximately 150 to 300 feet (respectively) away from the edge of Fiddler Green Canal and therefore do not directly benefit from any seepage that may occur. **Table 3.3-1** shows the species, size, location, and health of these trees on the Project site. The removal of 53 of the 54 identified heritage oak and two pine trees for Project development is considered a **potentially-significant** impact, requiring mitigation.

Mitigation Measure BIO-2

The blue oak woodland on the Project site is subject to the *Placer County Tree Preservation Ordinance* Chapter 12. Article 12.16 PCC). A tree permit shall be required per Section 12.16.060 of the Placer County Tree Preservation Ordinance prior to the removal of oak and heritage trees on the Project site. Additionally, Section 12.16.080 Replacement Program and Penalties outlines the replacement ratio and subsequent mitigation program required for mitigation of impacts. If on-site restoration of oak and heritage trees is not possible, two options may apply. As determined by the Placer County Development Review Committee (DRC), an off-site location for restoration may be selected. A Mitigation and Monitoring Implementation Program will be required.

Preparation of a Mitigation Monitoring Implementation Program

Prior to the submittal of the Project's development plans for review and approval by the DRC, the Project applicant shall submit to the Placer County Planning Department a *Mitigation Monitoring Implementation Program* (MMIP) for the replacement of removed or impacted oaks and heritage trees. The MMIP shall be prepared by a certified

International Society Arborist, Registered Forester, or Landscape Architect. It shall provide for an inch-by-inch replacement of native trees to be planted by the Project developer within Common Area Lots and any other areas, including off-site locations, determined appropriate by the DRC. The MMIP shall also include a site plan that indicates the location of trees, installation and irrigation requirements, and other standards to ensure the successful planting and continued growth of these trees. Installation of all trees and irrigation systems must be completed prior to the County's acceptance of the subdivision's improvements. It is the applicant's responsibility to ensure compliance with the MMIP.

An annual monitoring report for a minimum period of five years from the date of installation, prepared by the above-cited professional, shall be submitted to the DRC for review and approval. Any corrective action shall be the responsibility of the applicant. Prior to the approval of the Project's improvement plans, a Letter of Credit, Certificate of Deposit, or cash deposit in the amount of 100 percent of the accepted proposal shall be deposited with the Placer County Planning Department to assure ongoing performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC prior to the approval of improvement plans. For the purposes of administrative and program review by the County, an additional 25 percent of the estimated cost of the monitoring program shall be paid to the County, in cash, at the time the 100 percent deposit is made. With the exception of the 25 percent administrative fee, 100 percent of the estimated costs of implementing the monitoring program shall be returned to the Project applicant once the applicant has demonstrated that all five (5) years of monitoring have been completed to the satisfaction of the DRC. Refunds will be available only at the end of the entire review period.

Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance, Article 18.28.080 (formerly Section 31.870). If a monitoring report is not submitted for any one year, or combination of years, as outlined in these conditions, the County has the option of utilizing these funds and hiring a consultant to implement the MMIP. Failure to submit annual monitoring reports also could result in forfeiture of all or a portion of the deposit. An agreement between the applicant and the County shall be prepared, which meets DRC approval that allows the County use of this deposit to assure performance of the MMIP in the event the homeowners' association fails to meet the obligation.

Implementation of this mitigation measure would reduce the impacts to a **less-than-significant** level.

Impact BIO-3 Jurisdictional Wetland

A small (0.05 acre) seasonal wetland occurs on the western side of the Project site (**Figure 3.3-6**). The seasonal wetland was determined to be jurisdictional because the area sustains long-term saturation and inundation resulting from groundwater seepage most likely from Fiddler Green Canal. Project development will fill the seasonal wetland resulting in an impact to the 0.05-acre area.

Gibson & Skordal determined that Fiddler Green Canal is jurisdictional. Although this canal does not have connectivity with other jurisdictional waters and is used solely for the purpose of irrigation, water from other jurisdictional waters does indirectly find its way to the canal, and water from the canal indirectly finds its way to other jurisdictional waters. For these reasons, the canal is jurisdictional.

A "no net loss" of wetlands policy administered by the ACOE, USFWS, and CDFG governs impacts to the jurisdictional wetland on the Project site. Mitigation requirements are mandatory to meet the regulatory standards of the applicable federal or State regulatory program. Project implementation would result in a **potentially-significant** impact on jurisdictional wetlands. Since the waters of the canal and the wetland are both jurisdictional, authorization from ACOE under a Nationwide 39 permit is required. A pre-construction notification will also be required and will need to be authorized by ACOE.

Mitigation BIO-3a

The Project applicant must mitigate for impacts incurred by Project development to jurisdictional waters by restoring or preserving on-site resources, if possible. If on-site restoration or preservation is not possible due to Project design, then concurrence with ACOE and CDFG for an approved in-lieu fee program, such as a local resource conservation bank, may be recommended and acceptable in mitigating impacts. Water quality basins, such as that designed in the northern portion of the Project site, will not be considered on-site restoration by the ACOE. The required ratio for restoration of impacts to these resources will be determined by the resource agencies as part of the permitting process.

Mitigation BIO-3b

The applicant shall file for a ACOE Nationwide 39 permit and all development and activity on site shall abide by the requirements of the permit as granted. Subsequently, the applicant shall apply for an ACOE pre-construction notification, and all development and activity on site shall abide by any further requirements of this notification as granted.

The relatively small size of the seasonal wetland on the Project site, the implementation of a resource agency approved mitigation program, and the fulfillment of the ACOE permit and notification process would reduce the impacts to a **less-than-significant** level.

Impact BIO-4 Special-Status Plant Species

Appropriate habitat conditions exist on the Project site for Brandegee's clarkia, a List 1B species. Focused surveys for this species are recommended during the spring blooming period. These surveys would determine presence or absence of this species on the Project site. CDFG may determine that Brandegee's clarkia occurs in abundance within the Project region and therefore mitigation may not be required. However, if the CDFG determines that this species is of local importance then a mitigation plan may be required in coordination with the resource agency. Project implementation would have a **potentially-significant** impact on special-status species.

Mitigation BIO-4

Focused surveys for Brandegee's clarkia shall be performed during the spring blooming period to determine presence or absence of this species on the Project site. If present, the Project applicant shall notify the California Department of Fish & Game for their expertise and recommendation of further action. The Project applicant shall coordinate with the California Department of Fish & Game, which may require a mitigation plan prior to construction.

Coordination with the CDFG and a mitigation plan for this species, if necessary, would reduce this impact to a **less-than-significant level.**

Impact BIO-5 Special-Status Wildlife Species

Impacts from Project development will eliminate the habitat on the Project site, which is potentially utilized by the special-status California horned lizard and western pond turtle. When the *Placer County Conservation Plan* (PCCP) is finalized, it will serve pursuant to Section 10(a)(1)(B) of the FESA, as well as a NCCP under the state of California's NCCP Act of 2001. Take of western pond turtle shall be subject to the terms of the covered conditions in the PCCP. However, in the interim, focused surveys for California horned lizard and western pond turtle are recommended. The presence of these species on the Project site is not expected to be a constraint to Project development. However, due to the habitat on the Project site being potentially used by the California horned lizard and the western pond turtle, special-status wildlife species impacts are considered **potentially significant**.

Mitigation BIO-5

Focused surveys for California horned lizard and western pond turtle shall be performed prior to site development to determine presence or absence of this species on the Project site. If present, the Project applicant shall coordinate with the California Department of Fish & Game, which may require a mitigation plan. These surveys shall follow the focused protocol survey methodology for each species.

Coordination with the CDFG for appropriate mitigation would reduce impacts to a **less-than-significant** level.

Impact BIO-6 Common Plant and Wildlife Species

Plants

Approximately 16 acres of non-native annual grassland would be impacted by Project development. On a regional level, the loss of non-native annual grassland is not considered significant due to the abundance of this habitat type and the relatively small size of the Project site. Impacts to common plant species is considered **less than significant.**

Wildlife

Oak woodland and non-native annual grassland habitats provide valuable nesting, roosting, foraging, and denning opportunities for a wide variety of wildlife species in the immediate Project vicinity. Removing or altering habitats within the Project site would result in the loss of common small mammals, reptiles, amphibians, and other animals of slow mobility that live within the Project's direct impact area. More mobile wildlife species now using the study area could potentially move into adjacent residential areas. These common species are not considered sensitive. The impact to common wildlife species is considered **less than significant.**

Notes and References

[1] California Native Plant Society (CNPS). 2005. Electronic Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society, Sacramento, California.

[2] California Department of Fish and Game. 2005a. California Natural Diversity (RareFind) Database. California Department of Fish and Game, Natural Heritage Division, Sacramento, California. California Department of Fish and Game. 2005b. List of Special Animals. Wildlife and Habitat Data Analysis Branch California Natural Diversity Database.

[3] Yamasaki Landscape, Architecture Planning & Construction 2000. Arborist Report for Blue Oak Apartments.

[4] PCCP Western Placer County http://www.placer.ca.gov/planning/pccp/pccp-ard-main-doc-2-05.pdf

[5] Migratory Bird Treaty Act. (15 USC 703-711), 50 CFR Part 21, and 50 CFR Part 10.

[6] *Auburn/Bowman Community Plan*

[7] Hickman, J.C., (ed.) 1993. The Jepson Manual; Higher Plants of California. University of California Press, Berkeley. Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California Department of Fish and Game, Nongame-Heritage Program, Sacramento, California. Munz, P.A. 1974. A Flora of Southern California. University of California Press, Berkeley, California.

[8] American Ornithologists' Union. 1998. Check-list of North American Birds. 7th edition. American Ornithologists' Union, Washington, D.C. Behler, J.L. and F.W. King. 1998. National Audubon Society Field Guide to North American Reptiles and Amphibians. Alfred A. Knopf, New York. 743 p. Sibley, D.A. 2000. National Audubon Society, The Sibley Guide to Birds. Alfred A. Knopf, New York. 544 p. Jones, J. K., R. Hoffmann, D. Rice, C. Jones, R. Baker, and M. Engstrom. 1992. Revised checklist of North American Mammals north of Mexico, 1991. Occasional Papers: The Museum of Texas Tech University. 23 pp.

[9] Gibson & Skordal, Wetland Consultants 2000. Jurisdictional Delineation for Bohemia-Walmart Property.

[10] Yamasaki Landscape, Architecture Planning & Construction 2000. Arborist Report for Blue Oak Apartments.

[11] Placer County Native Tree Mitigation Policy Report September 2004 http://www.placer.ca.gov/planning/pccp/pccp-appendix-d.pdf