
CHAPTER 5

BIOLOGICAL RESOURCES

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5.1 ENVIRONMENTAL SETTING

Regional Setting

The project site is located in the western portion of the *Horseshoe Bar/Penryn Community Plan* area, which covers approximately 25 square miles (16,620 acres) in the Sierra Nevada foothills. The area is comprised of a mixture of natural habitats and disturbed areas, at elevations ranging between 200 and 1,200 feet above mean sea level. In the western portion of the Plan area, terrain is typically gently rolling. The Community Plan notes that through the 1980s and 1990s, the predominant land use pattern in the Community Plan area changed from rural-agricultural to residential development on small acreages. Ongoing development has decreased the extent of natural habitats throughout the Plan area and the region.

Habitat Types

The Community Plan and Community Plan EIR recognize the following habitat types within the Plan area: oak woodland and savanna, riparian and stream, wetlands, grassland, chaparral, urban landscape, and agriculture. The Community Plan states that the significant and sensitive biological communities within the Plan area include “oak woodlands, riparian and stream habitats, and wetlands. These resources provide important ecological functions including water quality maintenance, stream bank stabilization, and provision of essential habitat for wildlife and fisheries resources.” Major riparian corridors in the Plan Area are given the land use designation of Riparian Drainage, under which development is permitted as long as the zoning district’s building setback standard is met.

The site is within the Secret Ravine watershed unit, which is a part of the Dry Creek watershed as discussed in **CHAPTER 11 HYDROLOGY AND WATER QUALITY**. The project site is located approximately one mile north of Secret Ravine, which is noted in the Community Plan as one of several waterways that support diverse and well-developed riparian communities. Secret Ravine is located along the southern side of Interstate 80. It flows in a southwesterly direction into Miner’s Ravine, which is tributary to Dry Creek. Dry Creek is tributary to the Sacramento River. Other waterways in the vicinity of the project site include Antelope Canal, Antelope Creek, and Clover Valley Creek to the west. The Community Plan identifies that “portions of Secret Ravine, Miner’s Ravine, and Antelope Creek provide the highest-quality habitat for fish species because these waterways support moderately flowing, clear water; rock stream channels; and overhanging riparian vegetation.”

Special-Status Species

The Community Plan notes that at the time the plan was prepared, California Department of Fish and Game (CDFG) records indicated that the osprey was the only special-status animal species known to occur in the Plan area, although 15 species were considered likely to occur. There were no reports of special-status plant species in the Plan Area at that time. In the time since the Community Plan was prepared, additional observations of special-status plant and wildlife species have been recorded within the Plan Area. For example, a 2010 search of the California Natural Diversity Data Base (CNDDB) includes the following records: a white-tailed kite approximately two miles northwest of the project site, a California black rail about two

miles west of the site, western pond turtles approximately four miles north of the site, Brandegee's clarkia populations about four miles northeast of the site, and an approximate location of a population of big-scale balsamroot near Folsom Lake (CDFG 2010).

Project Site Setting

Elevations within the project site range between 460 and 480 feet above mean sea level. Two swales carry drainage from north to south across the project site and south to Secret Ravine, which drains to the Sacramento River.

The Community Plan EIR identifies the project site as containing riparian and grassland habitat, as shown on Figure 13-1 of that EIR. Further identification of biological resources present on the project site is provided in the Biological Resources Assessment, Wetland Delineation, Tree Resources Assessment, and Rare Plant Study prepared by North Fork Associates (2006a, 2006b, 2007a, and 2007b). Those reports are provided in Appendix D to this Draft EIR and summarized below

The vegetation onsite is shown in *Figure 5-1 Site Photographs*. Oak woodland, annual grassland and riparian scrub are the primary habitat types on the Orchard at Penryn project site, as shown in *Figure 5-2 Habitat Map*. The site supports 7.5 acres of oak woodland, 6.2 acres of annual grassland, and 1.3 acres of riparian habitat. The majority of the riparian habitat occurs along the eastern drainage swale; this riparian habitat is bordered by oak woodland habitat. Another pocket of riparian scrub is associated with the seasonal wetland located next to the wetland swale in the central area of the project site. The majority of the oak woodland habitat onsite surrounds this central drainage swale. The annual grassland habitat occurs in two large patches – about half of this habitat type is located between the two drainage swales and the other half is located in the western portion of the project site.

Oak Woodland

The oak woodland habitat is the primary habitat type onsite, covering approximately half of the site. This habitat is primarily composed of interior live oak, valley oak, foothill pine, poison oak, coyote bush, and several of the herbaceous and grass species found in the annual grassland areas.

The oak woodland habitat at the Orchard at Penryn project site is expected to support a wide diversity of wildlife due to the availability of roosting and nesting sites, escape and thermal cover, and food. Woodlands support numerous insects and small mammals that are important food sources for other animals. The following animals were observed during the project site surveys completed for the Biological Resources Assessment, primarily in and around woodland areas: California quail, western scrub jay, northern flicker, lesser goldfinch, oak titmouse, acorn woodpecker, California towhee, ash-throated flycatcher, spotted towhee, and western gray squirrel. In addition, two juvenile great horned owls were briefly observed flying between a large foothill pine and cottonwood in the central portion of the site at the time of the field survey. While no active nests were observed at the time of the site visit, it is expected that the owls may have been fledged from nests located on or adjacent to the project site.



a. Annual grassland community.



b. Oak woodland community.



c. Riparian scrub community adjacent to annual grassland community.



Photo Date: July 27-29, 2005

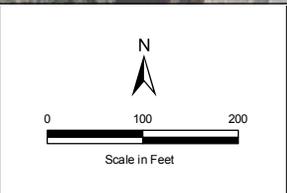
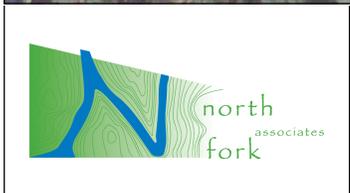
Figure 5-1

SITE PHOTOS
Orchard at Penryn
Placer County, CA



Legend

- Study Area
- Annual Grassland
- Riparian Areas
- Oak Woodland



Aerial Photo Date: 2008 (Placer County)

Figure 5-2
HABITAT MAP
 Orchard at Penryn
 Placer County, CA

Annual Grassland

The annual grassland habitat onsite primarily consists of weedy species such as ripgut brome, soft chess, medusa head grass, annual hairgrass, wild oaks, yellow star-thistle, rose clover, filaree, and common madia. This habitat provides support and foraging opportunities for common wildlife such as raptors, songbirds, rodents, and reptiles.

Riparian Scrub

The riparian scrub habitat primarily occurs adjacent to the wetland swale in the eastern portion of the project site. The riparian scrub areas support several species of willows, Himalayan blackberry, and Fremont's cottonwood. These areas provide foraging and nesting opportunities and cover for common wildlife such as raptors, songbirds, rodents, reptiles, and amphibians.

Waters of the United States

Waters of the United States on the Orchard at Penryn project site consist of two wetland swales and a single seasonal wetland which total 0.499 acres. A wetland delineation for the project site was conducted by North Fork Associates and verified by the U.S. Army Corps of Engineers (Corps) in 2007. The verified wetland delineation map is shown in *Figure 5-3*. As described above, one swale is located near the center of the project site, while the other is located near the site's eastern boundary. Both swales are narrow. The eastern swale is surrounded by riparian scrub habitat while the central swale is located within oak woodland habitat. The seasonal wetland is located along an existing sewer access road. It drains into the wetland swale located near the center of the project site.

Special-Status Species

Research supporting the Biological Resources Assessment included a query of the California Natural Diversity Data Base (CNDDDB) for reported occurrences of special-status species in the project region as well as review of lists of special-status species maintained by the U.S. Fish and Wildlife Service (USFWS) and California Native Plant Society (CNPS). Appendix C to the Biological Resources Assessment provides a list of special-status plants that are known to occur in the project region, and Appendix D provides a similar list of special-status wildlife. Some species are known to occur in the project region but are not likely to occur within the project site because the site does not meet the habitat requirements of these species and/or because the known occurrences of a species are physically removed from the project site. For example, the USFWS list for Placer County includes species from the Central Valley to the east side of the Sierra Nevada. Many of the habitat types that occur in this large region, such as vernal pools and montane conifer forests, are not present on the project site, thus the species that rely on these habitats are not considered in this analysis.

The lists of species known to occur in the region provided in the Biological Resources Assessment were prepared based on the research completed in 2006. A new CNDDDB search was conducted in preparation of this Draft EIR (CDFG 2010). While there are some species and known occurrences of individuals that have been added to the CNDDDB in the project region, none of these species have potential to occur in the project site. They rely on habitat types and soil conditions that are not present onsite.

A survey for elderberry shrubs (which are the exclusive plant host for the endangered Valley Elderberry Longhorn Beetle) was conducted in conjunction with the wildlife surveys, plant surveys, wetland delineation, and the arborist work that was conducted on the project site. No elderberry plants were observed, thus the project site is considered to have no potential to support the Valley Elderberry Longhorn Beetle.

Field surveys and the best professional judgment of North Fork Associates biologists were used to evaluate the potential for the project site to support special-status species. Based on this analysis and field surveys, North Fork Associates biologists identified 25 plants and 23 animals that were considered to have potential to occur in the project vicinity. All of these species and their habitat requirements are identified in Appendices C and D to the Biological Resources Assessment. Further analysis determined that three plants and two animals occur or may occur within the project site. These five species are discussed in more detail below.

Plants

As discussed above, 25 sensitive plants are documented by the CNDDDB (CDFG 2010) and other pertinent references as occurring in the project region. Most of these species are commonly associated with ultramafic soils and vernal pools, which do not occur onsite. The three species that were determined to have potential to occur onsite are described below.

Big-scale balsam-root (*Balsamorhiza macrolepis* var. *macrolepis*) is an herbaceous perennial member of the sunflower family (Asteraceae). It has no state or federal status, but it is on the CNPS List 1B.1, meaning the species is Rare or Endangered in California. This species has large yellow flowering heads and leaves that arise from the ground. It differs, in part, from other balsam-roots by having coarsely serrate leaves. Big-scale balsam-root grows in open woodlands and grasslands at widely scattered locations in northern California, and will tolerate serpentine soil. It blooms from March to June. This species is considered possible to occur in the more open areas of the project site.

Brandegee's clarkia (*Clarkia biloba* subsp. *brandegeae*) is an erect annual member of the evening primrose family (Onagraceae). It has no state or federal status, but it is on the CNPS List 1B.1. Brandegee's clarkia differs from similar species by having pendant buds, notched petals, and eight stamens. It can be found in oak woodlands in the Sierra foothills from Butte County to El Dorado County. Its common name, farewell-to-spring, suggests its late blooming period, usually from May to July. It is possible this species could occur onsite as the site does provide suitable habitat.

Oval-leaved viburnum (*Viburnum ellipticum*) is a 3 to 12 foot shrub in the honeysuckle family (Caprifoliaceae). It has no state or federal status. It is on the CNPS List 2.3, meaning that it is rare in California but more common elsewhere. It is differentiated from other members of the family by its simple, coarsely dentate leaves. It grows in chaparral, foothill woodlands, and lower montane forests at widely scattered locations in the Sierra Nevada and northern Coast Range of California. Viburnum is much more common and widespread from Oregon north. Oval-leaved viburnum blooms in May and June. This species is considered unlikely to occur onsite as only limited suitable habitat occurs on the project site.



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DRAWN BY: D. Cao DELINEATORS: J. Glazner, R. Wirgart & P. Britton DATE OF FIELDWORK: Oct. and Dec 2004, July and Aug 2005 Sept 2006		USACE REGULATORY FILE#: TBD VERIFIED BY: TBD DATE OF VERIFICATION: TBD	
REVISIONS			
DATE	DESCRIPTION	BY	
1-31-07	Field Verification Edits	P. Britton	

WATERS OF THE UNITED STATES			
WETLANDS			SQ FT
Seasonal Wetlands			3,453
Wetland Swales			18,287
WS-1	7,059		
WS-2	11,228		
TOTAL			21,740

NOTES:

- Aerial photograph date: February 2005
- Topographic base map provided by Andregg Geomatics.
- The boundaries and jurisdictional status of all waters shown on this map are preliminary and subject to verification by the U.S. Army Corps of Engineers.

WETLAND DELINEATION MAP
Penryn Development
 Placer County, California
 September 28, 2006; Revised January 31, 2007

 Project Site Boundary
 Wetland Data Point
 Upland Data Point



 Scale 1:1,200

North Fork Associates conducted a rare plant survey at the project site in 2007. The survey was floristic according to guidelines issued by CDFG for rare plant surveys. North Fork Associates biologists identified each plant species found onsite and found no special-status species.

Wildlife

Searches of the CNDDDB and USFWS databases identified 23 fish and wildlife species with potential to occur in the project region. Two of the species were determined to possibly occur within the project site, as described below.

White-tailed kite is a yearlong resident (i.e., non-migratory) in coastal and valley lowlands that is rarely found away from agricultural areas. It forages for voles and other small mammals in herbaceous and open stages of most habitats (CDFG 2005). This species was not observed during the field assessment. However, suitable nesting habitat occurs in association with taller trees located in the central and eastern portion of the property, near the areas of seasonal wetland. Limited foraging habitat is also available both on the project site and in adjacent areas. Due to the presence of both suitable nesting and foraging habitat, it is expected that white-tailed has a moderate potential for occurring on site.

Cooper's hawk typically nests and forages in broken woodland and habitat edges near open water or riparian vegetation. They are seldom found in areas without dense tree stands or patchy woodland habitat. They feed primarily on small birds and small mammals but also take reptiles and amphibians. Cooper's hawk was not observed onsite during the field assessment portion of this study. However, suitable nesting and foraging habitat occurs in association with woodland areas located in the eastern and central portion of the property. It is therefore expected that Cooper's hawk has a moderate potential for nesting in woodland habitats onsite.

5.2 REGULATORY FRAMEWORK

Federal Regulations

Federal Endangered Species Act

Projects that would result in impacts to federally-listed threatened or endangered species are required to comply with the Federal Endangered Species Act (FESA), which is administered by the USFWS. As discussed above, there are no federally-listed threatened or endangered species with potential to occur on the project site. The project is not expected to impact any federally-listed threatened or endangered species.

Section 404 of the Clean Water Act

- ❖ The Corps and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged and fill material into waters of the U.S. under Section 404 of the Clean Water Act. Waters of the U.S. are defined as "all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide."

The Corps will typically exert jurisdiction over the portion of the project site that contains waters of the U.S. This jurisdiction includes approximately the bank-to-bank portion of a creek up to the ordinary high water mark along its entire length, and adjacent wetland areas.

The two drainage swales and the seasonal wetland on the project site fall within the Corps' jurisdiction under Section 404 of the Clean Water Act. The limits of the Corps' jurisdiction within the project site are shown in *Figure 5-3*.

Section 401 of the Clean Water Act

The State Water Resources Control Board (SWRCB) has authority over discharges of dredged or fill material into waters of the U.S. through Section 401 of the Clean Water Act, which requires that an applicant for a Section 404 permit also obtain certification from the appropriate state agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the authority to either grant certification or waive the requirement for permits is delegated by the SWRCB to the nine regional boards. The Central Valley Regional Water Quality Control Board (RWQCB) is the appointed authority for Section 401 compliance in the project area. A request for certification or waiver must be submitted to the regional board at the same time that an application is filed with the Corps. The regional board has 60 days to review and act on the application. Because no Corps permit is valid under the Clean Water Act unless certified by the state, these boards may effectively veto or add conditions to any Corps permit.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Sec. 703, Supp. I, 1989) regulates and prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 CFR §10.13. This international treaty for the conservation and management of bird species that migrate through more than one country is enforced in the United States by the USFWS. Additionally, as discussed below, §3513 of the California Fish and Game Code states that it is unlawful to take or possess any migratory non-game bird as designated in the Migratory Bird Treaty Act. This provides CDFG with enforcement authority for project-related impacts that would result in the take of bird species protected under the Migratory Bird Treaty Act. The Migratory Bird Treaty Act was amended in 1972 to include protection for migratory birds-of-prey (raptors).

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA), established under California Fish and Game Code §2050 et. seq., identifies measures to ensure that endangered species and their habitats are conserved, protected, restored, and enhanced. The CESA restricts the "take" of plant and wildlife species listed by the state as endangered or threatened, as well as candidates for listing. Section 86 of the Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Under §2081(b) of the Fish and Game Code, CDFG has the authority to issue permits for incidental take for otherwise lawful activities. Under this section, CDFG may authorize incidental take, but the take must be minimal and permittees must fully mitigate project impacts. CDFG cannot issue permits for projects that would jeopardize the continued existence of state-listed species.

CDFG maintains lists for Candidate-Endangered Species and Candidate-Threatened Species. Candidate species and listed species are given equal protection under the law. CDFG also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Designation of Species of Special Concern is intended by the CDFG to be used as a management tool for consideration in future land use decisions; these species do not receive protection under the CESA or any section of the California Fish and Game Code, and do not necessarily meet CEQA Guidelines §15380 criteria as rare, threatened, endangered, or of other public concern. The determination of significance for California species of special concern must be made on a case-by-case basis. CDFG typically requests that CEQA lead agencies give consideration to minimization of impacts to CSC species when approving projects.

Nesting Birds, Raptors, and Migratory Birds

California Fish and Game Code §3503 states that it is unlawful to take, possess, or needlessly destroy the nests or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Fish and Game Code §3503.5 protects all birds-of-prey (raptors) and their eggs and nests, while §3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the Migratory Bird Treaty Act. These regulations could require that vegetation removal or construction near nest trees be reduced or eliminated during critical periods of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by the CDFG and/or the USFWS.

Fully Protected Species

California Fish and Game Code Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) designate certain species as “fully protected.” Fully protected species, or parts thereof, may not be taken or possessed at any time, and no provision of the California Fish and Game Code or any other law may be construed to authorize the issuance of permits or licenses to take any fully protected species.

Streambed Alteration Agreements

Fish and Game Code §§1600 through 1616 regulate activities by which a public or private entity proposes to “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.” Section 1600 et. seq. of the code defines the responsibilities of CDFG and the requirements for public and private applicants to obtain an agreement for the activities referenced above. In general, a Streambed Alteration Agreement is necessary where any such proposed activity would “substantially adversely affect an existing fish or wildlife resource.” The local CDFG warden or unit biologist typically has responsibility for issuing Streambed Alteration Agreements. These agreements usually include specific requirements related to construction techniques and remedial and compensatory measures to mitigate for adverse impacts. CDFG may also require long-term monitoring to assess the effectiveness of the proposed mitigation.

Sensitive Vegetation Communities

Fish and Game Code §§1385-1391, the California Riparian Habitat Conservation Act, identifies valley and foothill riparian habitat as a sensitive resource. This habitat provides important habitat value for wildlife. This is the only sensitive plant community on the project site. There are other sensitive plant communities, such as alkali meadow, alkali seep, and northern hardpan vernal pool in the project region (CNDDDB 2010), but none are located within the project site.

Oak Woodlands Conservation

In 2004, the California legislature enacted Senate Bill (SB) 1334, which added oak woodland conservation regulations to Public Resources Code §21083.4. This act requires that any county with oak woodlands develop an oak woodlands management plan pursuant to the Oak Woodlands Conservation Act (Article 3.5, commencing with §1360, of Chapter 4 of Division 2 of the California Fish and Game Code).

SB 1334 also requires each county to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county must require mitigation to reduce or compensate for the significant impacts to oak woodlands. Such mitigation may include conservation through the use of conservation easements; planting and maintaining an appropriate number of replacement trees; contribution of funds to an established Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements; and/or other mitigation measures developed by the county. No more than 20 percent of a project's impacts may be mitigated for by planting seedlings. In compliance with SB 1334, Placer County has adopted guidelines for the evaluation and mitigation of impacts to oak woodlands, as discussed below.

Local Regulations

Placer County General Plan

The Placer County General Plan Natural Resources element establishes goals, objectives and policies regarding water resources (including wetlands and riparian areas), fish and wildlife habitat, and vegetation. The goals listed below are applicable to the biological resources found at the project site. Placer County General Plan policies require the County to identify and protect significant ecological resources and habitat, including wetland areas, stream environment zones, habitat for special-status plants and animals, and large areas of natural habitat. An analysis of the project's consistency with General Plan policies related to biological resource protection is provided in Appendix B to this Draft EIR.

- Goal 6.A To protect and enhance the natural qualities of Placer County's streams, creeks and groundwater.
- Goal 6.B To protect wetland communities and related riparian areas throughout Placer County as valuable resources.
- Goal 6.C To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.

Goal 6.D To preserve and protect the valuable vegetation resources of Placer County.

Goal 6.E To preserve and enhance open space lands to maintain the natural resources of the County.

Horseshoe Bar/Penryn Community Plan

The *Horseshoe Bar/Penryn Community Plan* provides 19 General Community Goals which are applicable to the entire Plan area. The General Community Goals relevant to the analysis of impacts to biological resources include:

- ❖ Ensure a balanced environment where physical development can occur with minimal adverse effect on the natural resources of the area.
- ❖ Conserve and protect, as valuable assets of the community and the county, the natural and cultural resources, the natural environment, and open space of the area.
- ❖ Protect the community against excessive storm-water runoff, flooding, air and water pollution, erosion and wildland fires, while protecting the natural environment including the Folsom Lake watershed and sensitive riparian zones along Miners Ravine, Secret Ravine, Mormon Ravine, Antelope Creek and related tributaries.

In addition, the following goals of the *Horseshoe Bar/Penryn Community Plan* Natural Resources Management element pertain to biological resources that are found at the project site and this chapter's analysis of the potential impacts to those resources:

Goal V.B.4.a.1: Preserve outstanding areas of native vegetation and trees, natural topographic features, wildlife habitats and corridors, and riparian corridors.

Goal V.B.4.a.2: Conserve significant grassland and wooded areas as essential economic, natural, and aesthetic resources.

Goal V.B.4.a.3: Protect, restore, and enhance threatened and endangered species and the habitat which supports those species.

Goal V.B.5.a.1: Conserve the quality of habitats which support fish and wildlife species so as to maintain populations at sustainable levels.

Goal V.B.5.a.2: Protect, restore, and enhance habitats for native animals, and protect threatened, endangered, and special-status species.

Appendix B of this Draft EIR provides an evaluation of the project's consistency with Community Plan policies adopted for the purpose of avoiding or reducing impacts to biological resources.

Placer County Tree Preservation Ordinance

Placer County has enacted a Tree Preservation Ordinance (Chapter 12.16 of the Placer County Code) that requires County approval and mitigation for removal of landmark or preserved trees, groves of native trees, native tree corridors, and significant stands of native tree habitats, including trees within riparian areas. The ordinance defines an impacted tree as one that is

identified for removal, and/or any tree for which ground disturbance would occur within its dripline. As specified in County Code Section 12.16.080, subsections A, B, and C, mitigation for impacts may be provided by planting replacement trees, implementing a revegetation plan including propagation of native trees from seed, or payment into the County's Tree Preservation Fund (if it is determined that the site is incapable of supporting adequate onsite replacement or propagation of trees). The Tree Preservation Ordinance requires that mitigation for loss of oak trees be achieved through one or a combination of the following measures:

- ❖ Submit payment of fees for oak woodland conservation at a 2:1 ratio, consistent with Section 12.16.080(C) of the Placer County Code. These fees shall be calculated based upon the current market value for similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity.
- ❖ Purchase offsite conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio.
- ❖ Provide for a combination of payment to the Tree Preservation Fund and creation of an offsite Oak Preservation Easement.
- ❖ Plant and maintain an appropriate number of trees in restoration of an approved former oak woodland (tree planting is limited to half the mitigation requirement).

Oak Woodland Management Plan

Placer County has prepared a draft Oak Woodland Management Plan which establishes policy for oak woodland habitats throughout the County. The plan identifies the extent and types of oak woodland habitats in the County, the importance of oak woodland habitats to wildlife, and the economic importance of woodlands. Placer County is currently developing an implementation program for the Oak Woodland Management Plan. This document will establish goals and policies for oak woodland resource conservation. Ultimately the Oak Woodland Management Plan will guide oak woodland conservation and mitigation of impacts to oak woodland communities.

In order to assess and mitigate impacts to oak woodlands for projects considered before the Oak Woodland Management Plan implementation program is adopted, the County has issued Draft Guidelines for Evaluating Development Impacts on Oak Woodlands. These guidelines define the oak woodlands and significant trees to which the guidelines apply. The guidelines also establish methodologies for inventorying oak woodlands and assessing impacts to them, and identify mitigation measures required to offset impacts to oak woodlands.

Placer County Conservation Program

Placer County has been working to establish a comprehensive program under which development projects can meet state and federal requirements for the FESA, CESA, and Clean Water Act. The Placer County Conservation Program (PCCP) has been established as an umbrella program to address each of these separate permit processes. The overall goal of the program is to ensure full compliance with federal, state, and county laws while making the permit application process more efficient, and to improve the quality of environmental mitigation measures for sensitive species occurring in the county. The permits covered by the PCCP include:

- ❖ a Clean Water Act Section 404 Programmatic General Permit, which would transfer some authority for wetland regulation from the Corps to the County by providing a programmatic method for complying with the federal Clean Water Act;
- ❖ a CDFG Master Streambed Alteration Agreement, which would transfer some authority for regulation of streams from the CDFG to the County by providing a programmatic method for complying with §§1600 through 1616 of the California Fish and Game Code;
- ❖ Clean Water Act Section 401 Water Quality Certification; and
- ❖ the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which would provide a programmatic method for complying with the FESA and CESA by identifying preservation requirements for endangered species and their habitat. Listed species intended to be covered by the NCCP/HCP include Swainson's hawk (*Buteo swainsoni*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), and several listed fish species. None of these species are expected to occur at the Orchard at Penryn project site.

The PCCP is being developed in phases for each of three geographic regions. The first phase will cover western Placer County, including the proposed Orchard at Penryn site. Phase 2 and Phase 3 will include the central and eastern portions of the County, including areas of the Sierra Nevada. The PCCP is being prepared with input from a citizen-based biological resources stakeholder group with representatives from various groups including educators, land developers, the environmental community, and farmers/ranchers.

As part of the PCCP process, Placer County, CDFG, USFWS, and the National Marine Fisheries Service entered into a Natural Community Conservation Planning Agreement in 2001. This agreement requires that all projects designed during preparation of the NCCP/HCP be consistent with the principles and objectives of the conservation process and that projects approved before the plan is adopted should not compromise its successful development or implementation. The agreement also established interim project review guidelines, which:

- ❖ Authorize the Wildlife Agencies (USFWS, CDFG, and National Marine Fisheries) to issue or deny permits and approvals in accordance with CESA and FESA and other applicable state or federal law;
- ❖ Require Placer County to identify for the Wildlife Agencies any projects that are within areas identified as having high long-term conservation value on the Wildlife Agencies' maps; and
- ❖ Authorize Placer County to approve or disapprove interim projects in accordance with the County's established standards and processes as long as the County confers with the Wildlife Agencies before issuing a discretionary approval or carrying out the project.

The principles and objectives for the PCCP process are defined in two documents - the County's Conservation Strategy Overview (April 2004), which outlines key conservation planning principles that will be applied in preparation of the NCCP/HCP, and the Report of the Science Advisors (January 2004), which provides principles for conservation, species protection, and adaptive management. Both of these documents, in combination with past mitigation recommendations from state and federal resource agencies, provide the County with

the necessary principles and objectives with which to evaluate projects prior to adoption of the Phase 1 PCCP.

Since activities related to the Orchard at Penryn project may commence prior to the approval of the Phase 1 PCCP, mitigation measures in this Draft EIR are designed to be implemented absent the approved conservation plan. The project site is not in an area identified as having high long-term conservation value on the Wildlife Agencies' maps.

5.3 IMPACTS

Significance Criteria

As evaluated in the Initial Study, the project would have no impact with respect to the following significance criterion:

- ❖ Conflict with provisions of an adopted habitat conservation plan.

As evaluated in the Initial Study, the project would have a less than significant impact with respect to the following significance criterion:

- ❖ Interfere substantially with wildlife movement or native wildlife nursery sites.

The analysis below evaluates potentially significant project impacts related to biological resources based on the following significance criteria:

- ❖ Substantial habitat reduction affecting wildlife and plant populations;
- ❖ Convert oak woodlands;
- ❖ Substantial adverse effect on federally-protected wetlands;
- ❖ Substantial adverse effect on special-status species; and
- ❖ Conflict with local policies or ordinances protecting biological resources, such as tree preservation policy.

Project Impacts

IMPACT 5.1: Substantial Habitat Reduction Affecting Wildlife and Plant Populations

SIGNIFICANCE BEFORE MITIGATION: ***SIGNIFICANT***

Mitigation Measures

Proposed: Mitigation Measure 5.1a

Significance with Proposed Mitigation: Significant

Recommended: Mitigation Measures 5.1b and 5.1c

SIGNIFICANCE AFTER MITIGATION: ***LESS THAN SIGNIFICANT***

The Biological Resources Assessment found that the project site supports 7.5 acres of oak woodland, 6.2 acres of annual grassland and 1.3 acres of riparian scrub habitats. Portions of the 0.499-acres of wetlands (wetland swale and seasonal wetland) are located within the annual grassland and riparian scrub habitats. Excluding the federally-protected wetlands, the project site supports 7.55 acres of oak woodland, 5.95 acres of annual grassland, and 1.03 acres of

riparian habitat. Impacts to these habitats are discussed below; impacts to federally-protected wetlands are discussed in Impact 5.3.

The project site habitats support a wide variety of wildlife species, including songbirds, raptors, mammals, and reptiles. Amphibians may also occur onsite, although none were observed during preparation of the biological resource evaluations for the project site. The project site also supports a wide variety of plant species. As listed in Appendix A to the Biological Resources Assessment, 92 plant species were observed onsite; less than half of these species are native to the area.

The project site also contains several small rock outcroppings. While rock outcroppings are not typically considered a distinct habitat type, the *Horseshoe Bar/Penryn Community Plan* includes a policy stating that rock outcroppings provide nesting, breeding and foraging resources for a variety of wildlife species and should be preserved. The proposed project Site Plan shown in *Figure 3-3* of **CHAPTER 3 PROJECT DESCRIPTION** shows that many prominent rock outcroppings onsite would be retained after project development.

The majority of the existing habitat onsite would be affected by the proposed site remediation and project construction, as discussed below. A mix of small amounts of grassland, riparian, and woodland habitat would be retained in an open space area in the center of the project site.

Grassland

Grading and construction in the annual grassland would impact invertebrates, small burrowing animals, and other grassland animals. Reduction of this habitat type would also reduce foraging grounds for raptors and other predators. The Community Plan and General Plan prioritize protection of areas of native vegetation and grasslands that have significant value as wildlife habitat. Non-native, invasive annual species are predominate in the grassland habitat mapped within the study area; therefore grassland habitat within the study area is not considered a native or significant grassland habitat type.

While the presence of woodland and riparian habitat in proximity to this grassland raises the wildlife value of all three habitats by providing a greater variety of resources (such as nesting and roosting sites and foraging areas), the grassland habitat alone does not have any characteristics that provide significant value as wildlife habitat. Because non-native grassland habitat is generally abundant, both locally and statewide and because the grassland habitat at the project site does not provide any significant wildlife value, the loss of 5.58 acres of non-native annual grassland within the project site would be a less than significant impact.

Riparian

Soil excavation activities associated with remediation of contaminated soils would destroy most of the riparian habitat onsite. Remediation is necessary along the entire length of the eastern drainage swale (which supports the majority of the onsite riparian habitat). Grading and construction in the riparian habitat would impact a variety of common wildlife that use this habitat for cover and foraging and nesting opportunities. Wildlife that may be affected by the loss of riparian habitat includes songbirds, rodents, reptiles, and amphibians. The riparian habitat onsite is not known to support any special-status species. Himalayan blackberry, a non-native invasive species, is a common species in the onsite riparian habitat.

The Community Plan and General Plan prioritize protection of areas of native vegetation that have significant value as wildlife habitat. The value of the riparian habitat onsite is decreased by the presence of non-native species, its proximity to Penryn Road, the disturbed nature of parcels adjacent to the project site, and the presence of contaminated soil onsite.

As shown on *Figure 3-3 Site Plan* and described in *Mitigation Measure 5.1a*, direct impacts to approximately 0.08 acres of riparian habitat associated with the drainage swale near the middle of the site would be avoided. However the habitat characteristics could change over time as an indirect effect of the project. The proposed project includes alteration of the onsite drainage pattern, which would reduce the amount of water this habitat area receives. Thus, the project would result in both direct and indirect impacts to all 1.03 acres of riparian habitat onsite. *Mitigation Measure 5.1b* requires the project applicant to obtain a Streambed Alteration Agreement from CDFG to authorize the impacts to the drainage swale and associated riparian habitat onsite. These agreements typically include specific requirements related to construction techniques and remedial and compensatory measures to mitigate for adverse impacts. With implementation of these measures the project’s impacts to riparian habitat and associated wildlife and plant populations would be less than significant.

Woodland

As shown on *Figure 3-3 Site Plan*, approximately 1.14 acres of oak woodland habitat associated with the northern half of the central drainage swale would be retained onsite. The remaining 6.41 acres of oak woodland habitat would be impacted by site remediation, grading, and construction. While the proposed landscaping plan includes planting of interior live oak trees and other tree and shrub species that might occur in the oak woodland, the proposed tree plantings are spread throughout the project site and would not constitute oak woodland habitat. *Mitigation Measure 5.1c* requires the project applicant to compensate for the loss of oak woodland habitat in accordance with Placer County requirements. With implementation of this mitigation measure, the impacts to oak woodland habitat would be less than significant.

IMPACT 5.2: Convert Oak Woodlands

SIGNIFICANCE BEFORE MITIGATION:	<i>SIGNIFICANT</i>
Mitigation Measures	
<i>Proposed:</i> None	
Significance with Proposed Mitigation: Significant	
<i>Recommended:</i> Mitigation Measure 5.2a	
SIGNIFICANCE AFTER MITIGATION:	<i>LESS THAN SIGNIFICANT</i>

As discussed above, the project site supports 7.5 acres of oak woodland, of which 6.41 acres would be directly impacted by the proposed project. Site remediation to remove contaminated soil would occur in approximately one-third of the oak woodland habitat while grading and project construction would affect approximately half of the oak woodland. The project would avoid direct impacts to 1.14 acres of woodland habitat onsite. The retained oak woodland habitat would be surrounded by medium- and low-density development and would have substantially decreased habitat value, which represents an indirect impact to this habitat. Avoidance of the impact to oak woodland onsite is not feasible. *Mitigation Measure 5.2a* requires the project applicant to compensate for the loss of oak woodland habitat in accordance

with Placer County requirements. With implementation of this mitigation measure, the impacts to oak woodland habitat would be less than significant.

IMPACT 5.3: Adversely Affect Federally-Protected Wetlands

SIGNIFICANCE BEFORE MITIGATION: ***SIGNIFICANT***

Mitigation Measures

Proposed: Mitigation Measure 5.3a

Significance with Proposed Mitigation: Significant

Recommended: Mitigation Measures 5.3b through 5.3e

SIGNIFICANCE AFTER MITIGATION: ***LESS THAN SIGNIFICANT***

The site supports 0.499 acres of waters of the U.S., comprised of two swales and a seasonal wetland. Site remediation to remove contaminated soil would destroy the eastern drainage swale and the southern portion of the central swale. Direct impacts to the northern portion of this swale would be avoided, which would result in 0.07 acres of wetland swale habitat being retained onsite, as required under *Mitigation Measure 5.3a*. The seasonal wetland would be impacted as a result of grading and construction of the office and recreation area. A total of 0.42 acres of federally-protected wetlands would be directly impacted by the proposed project. Additionally, the proposed alteration of the drainage pattern onsite would alter the characteristics of the retained portion of the central swale. Therefore, while direct impacts to a small area of wetland swale habitat would be avoided, this analysis considers that all of the 0.499 acres of waters of the U.S. would be directly and indirectly impacted by the project.

Mitigation Measures 5.3b and *5.3c* require the project to obtain appropriate permits to authorize impacts to the swales and seasonal wetland from the Corps, RWQCB, and CDFG and to provide for replacement of the impacted habitat at a 1:1 ratio. Each agency may require the project applicant to implement other measures to mitigate for impacts to the wetlands and associated riparian habitat, and each agency may place conditions of approval on any permits issued. Compliance with the permit requirements will provide compensation for the proposed project's impacts to these resources. In addition, *Mitigation Measure 5.3d* requires that if the PCCP is adopted prior to commencement of the ground disturbing activities associated with the proposed project, the project must be developed in compliance with the applicable provisions of the PCCP. This would include complying with any applicable requirements of the NCCP/HCP and the Programmatic Endangered Species Act Consultation issued by the USFWS.

To minimize the potential for indirect effects to the retained swale onsite and to wetlands and waters of the U.S. adjacent to the site, *Mitigation Measure 5.3e* identifies Best Management Practices (BMPs) that must be implemented to control erosion and maintain water quality. With implementation of *Mitigation Measures 5.3a* through *5.3e*, the project's impacts to federally-protected wetlands would be less than significant.

IMPACT 5.4: Adversely Affect Special-Status Species

SIGNIFICANCE BEFORE MITIGATION: **POTENTIALLY SIGNIFICANT**

Mitigation Measures

Proposed: None

Significance with Proposed Mitigation: Significant

Recommended: Mitigation Measure 5.4a

SIGNIFICANCE AFTER MITIGATION: **LESS THAN SIGNIFICANT**

The site has suitable habitat for three special-status plants and nesting raptors. As discussed above, a Rare Plant Study was conducted for the project site in 2007. This study concluded that the site does not support any special-status plants. To ensure that impacts to nesting raptors are avoided, *Mitigation Measure 5.4a* requires that surveys be completed prior to site disturbance if site remediation or construction is to occur during the nesting season. This measure further requires that a non-disturbance buffer area around any active nest be established in consultation with CDFG. With implementation of this measure, the project would have a less than significant impact to special-status species.

IMPACT 5.5: Conflict with Local Policies or Ordinances Protecting Biological Resources

SIGNIFICANCE BEFORE MITIGATION: **SIGNIFICANT**

Mitigation Measures

Proposed: None

Significance with Proposed Mitigation: Significant

Recommended: Mitigation Measures 5.5a through 5.5f

SIGNIFICANCE AFTER MITIGATION: **LESS THAN SIGNIFICANT**

Appendix B to this Draft EIR includes a detailed analysis of the project's consistency with applicable policies of the *Placer County General Plan* and *Horseshoe Bar/Penryn Community Plan*. The following discussion summarizes the policy consistency analysis as it specifically relates to impacts to biological resources.

Without implementation of mitigation measures, the proposed Orchard at Penryn project would conflict with Placer County's requirements for stream setbacks, the County and Corps' no net loss wetland policy, and the County's Tree Preservation Ordinance. However, the project will be in compliance with these policies after implementation of *Mitigation Measures 5.5a* through *5.5f*.

Tree Preservation

The project site supports 316 native trees. The Tree Preservation Ordinance requires mitigation for impacts to large oak trees, which are defined as single-trunk trees greater than 24 inches dbh and multi-trunk trees with an aggregate total greater than 72 inches dbh. *Table 5.1* identifies the two large oak trees present onsite. Each of these trees would be impacted by the proposed development. The Tree Preservation Ordinance requires mitigation for large trees on an inch-for-inch basis.

Table 5.1
Large Oak Trees Onsite

Tree Tag Number	Diameter at Breast Height (Inches)	Trunk Type
20	32.5	Single
259	91.7	Multi (11 individual trunks)
Total Inches	124.2	

Mitigation to ensure compliance with the County's Tree Preservation Ordinance is provided in the Initial Study; however this mitigation measure has been replaced with *Mitigation Measures 5.5a through 5.5c* to be consistent with current County policy and procedures. *Mitigation Measures 5.5a through 5.5c* require the project applicant to obtain a tree removal permit, mitigate impacts to oak woodland habitat at a 2:1 ratio, and pay fees for impacts to large trees. Implementation of these measures would ensure that the project complies with the County's Tree Preservation Ordinance and the project's impacts to trees would be reduced to a less than significant level.

Stream Setbacks and Wetlands

The proposed project would destroy the eastern onsite drainage swale and the southern portion of the central swale. County policies require protection of these resources where feasible. The drainage swales are indicated as intermittent streams in the Community Plan figures Exhibit E Permanent and Intermittent Streams and Exhibit F Drainage and Vegetation. In addition, the drainage swales are delineated as federally-protected wetlands. Impacts to these features would violate the "no net loss" of wetlands policies adopted by Placer County and the Corps.

The proposed project includes retaining the northern portion of the central swale, however the drainage pattern of the site would be substantially altered and the swale would not receive as much water as it currently does. The project would preserve the hydrologic and biologic function of the swales outside of the project site. By maintaining the function of the local drainage network, the project's environmental effects of impacting the onsite biological resources would be minimized. *Mitigation Measures 5.5d through 5.5f* require the project to obtain appropriate permits to authorize impacts to these drainage features, replace these habitats at a 1:1 ratio, and implement BMPs to avoid indirect impacts to the offsite drainage features. This would reduce the project's impacts related to streams to a less than significant level.

5.4 MITIGATION MEASURES

Substantial Habitat Reduction Affecting Wildlife and Plant Populations

Proposed Mitigation

Mitigation Measure 5.1a: As reflected in the proposed site plan, the project shall retain 0.08 acres of riparian habitat located in the central portion of the project site.

Recommended Mitigation

Mitigation Measure 5.1b: The project applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) to authorize impacts to the drainage swales and associated riparian habitat on the project site. The project applicant shall adhere to all conditions and requirements of the Streambed Alteration Agreement. Once acquired, the Streambed Alteration Agreement shall be submitted to the Placer County DRC prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.1c: The project applicant shall implement one or a combination of the following measures to compensate for impacts to oak woodland habitat. Based on the proposed site plan the project would impact 6.41 acres of oak woodland habitat; however the final determination regarding the amount of oak woodland to be impacted and therefore mitigated will be based on impacts shown on the Improvement Plans. Prior to approval of Improvement Plans the applicant shall:

- A. Submit payment of fees for oak woodland conservation at a 2:1 ratio, consistent with Section 12.16.080(C) of the *Placer County Code*. These fees shall be calculated based upon the current market value for similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity; and/or
- B. Purchase offsite conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio; and/or
- C. Provide for a combination of payment to the Tree Preservation Fund and creation of an offsite Oak Preservation Easement; and/or
- D. Plant and maintain an appropriate number of trees in restoration of a former oak woodland (tree planting is limited to half the mitigation requirement and the location of any tree planting must be approved by Placer County).

Convert Oak Woodlands

Proposed Mitigation

No mitigation measures are proposed.

Recommended Mitigation

Mitigation Measure 5.2a: The project applicant shall implement *Mitigation Measure 5.1c* which requires compensation for impacts to 6.41 acres of oak woodland habitat at a 2:1 ratio. Compensation may be through payment of fees, purchase of offsite conservation easements, or recreation of oak woodland habitat.

Adversely Affect Federally-Protected Wetlands

Proposed Mitigation

Mitigation Measure 5.3a: As reflected in the proposed site plan, the project shall retain 0.07 acres of wetland swale located in the central portion of the project site.

Recommended Mitigation

Mitigation Measure 5.3b: The project applicant shall obtain the appropriate permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game to authorize fill of onsite waters of the U.S. These impacts would require an Individual Permit from the Corps, a 401 Water Quality Certification from the Regional Water Quality Control Board, and Streambed Alteration Agreement from the California Department of Fish and Game. Once acquired, these permits shall be submitted to the Placer County DRC prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.3c: The project applicant shall carry out onsite replacement or offsite banking to mitigate for impacts to wetlands. Minimum replacement ratios shall be 1:1 for wetland habitat. The project applicant shall comply with the U.S. Army Corps of Engineers and County policies requiring “no net loss” of wetlands. The creation/restoration requirements shall be in compliance with the County’s Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and the Programmatic Formal Endangered Species Act Consultation issued by the USFWS. If offsite mitigation is chosen, the project applicant shall provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetlands mitigation bank. The amount of money required to purchase these credits shall be equal to the amount necessary to replace wetland or habitat acreage and value, including compensation for temporal loss. Evidence of payment, which describes the amount and type of habitat purchased at the bank site, shall be provided to the County prior to the issuance of grading permits.

Mitigation Measure 5.3d: In the event that the Placer County Conservation Program is adopted prior to commencement of ground disturbing activities associated with the proposed project, the project shall be developed in compliance with the County’s Natural Communities Conservation Plan/Habitat Conservation Plan and the Programmatic Endangered Species Act Consultation issued by the U.S. Fish and Wildlife Service.

Mitigation Measure 5.3e: The project Improvement Plans shall incorporate Best Management Practices (BMPs) to protect water quality and control erosion and sedimentation of the preserved drainage swale and seasonal wetland onsite as well as drainageways adjacent to the site. BMPs shall be shown on Improvement Plans and subject to approval by the Placer County Planning Services Division and Engineering and Surveying Department (ESD). All BMPs shall be maintained as required to insure effectiveness. BMPs to minimize indirect impacts to federally-protected wetlands shall include the following measures:

- A. Implementation of **Mitigation Measure 10.2e**, which requires the Improvement Plans to show all grading, drainage improvements, vegetation and tree removal, and revegetation of disturbed areas and requires that all work conform to provisions of the Placer County Grading Ordinance.

- B. Implementation of *Mitigation Measure 10.5d*, which requires preparation and Air Pollution Control District approval of a dust and erosion control plan.
- C. Implementation of *Mitigation Measure 10.5e*, which requires Improvement Plans to show appropriate design of water quality treatment facilities/Best Management Practices (BMPs) for project construction.
- D. Implementation of *Mitigation Measure 11.2a*, which requires Improvement Plans to show appropriate design of water quality treatment facilities/Best Management Practices (BMPs) for project operation.
- E. Implementation of *Mitigation Measure 11.2c*, which requires storm drain inlets and catch basins within the project area to be marked with language prohibiting dumping.

Adversely Affect Special-Status Species

Proposed Mitigation

No mitigation measures are proposed.

Recommended Mitigation

Mitigation Measure 5.4a: If site remediation, grading, or construction is to commence during the raptor nesting period (generally March 1 through August 31), the project applicant shall retain a qualified biologist to conduct pre-construction nesting raptor surveys within 30 days prior to the commencement of site preparation activities. The surveys shall confirm the presence or absence of nesting raptors. If an active nest(s) is located, a qualified biologist in consultation with the California Department of Fish and Game shall recommend a buffer area around the nest(s). The buffer area shall be delineated with orange construction fencing and no site remediation, grading, or construction shall take place within the buffer zone until the biologist has determined that all young have fledged and are capable of foraging independently.

Conflict with Local Policies or Ordinances Protecting Biological Resources

Proposed Mitigation

No mitigation measures are proposed.

Recommended Mitigation

Mitigation Measure 5.5a: The project applicant shall submit a tree removal exhibit to the Placer County Planning Services Division for review and approval prior to issuance of a grading permit, approval of the Improvement Plans, and/or any development activity onsite, including preliminary clearing or grading (in accordance with Section 36.400(B) of the County's mitigation program).

Mitigation Measure 5.5b: The project applicant shall implement *Mitigation Measure 5.1c*, which requires that impacts to oak woodland habitat be mitigated at a 2:1 ratio.

Mitigation Measure 5.5c: The project applicant shall mitigate impacts to large oak trees on an inch-per-inch basis. The project applicant shall plant replacement trees onsite or

in an offsite location providing restoration of an approved former oak woodland, and/or shall contribute \$100 for each diameter inch at breast height removed or impacted to the Placer County Tree Preservation Fund. The project must mitigate for a total of 124.2 tree diameter inches. Tree replacement and conservation mitigation fees shall be paid prior to the issuance of grading permits by Placer County. Any onsite replacement tree planting shall be included on the Improvement Plans for the proposed project. County approval of any offsite replacement tree planting shall also be obtained prior to issuance of grading permits by Placer County.

Mitigation Measure 5.5d: The project applicant shall implement *Mitigation Measure 5.3a*, which requires the applicant to obtain the appropriate permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game prior to issuance of grading permits, approval of Improvement Plans, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.5e: The project applicant shall implement *Mitigation Measure 5.3b*, which requires the applicant to carry out onsite replacement or offsite banking to mitigate impacts to wetlands with a minimum replacement ratio of 1:1. This mitigation measure shall be implemented prior to issuance of grading permits.

Mitigation Measure 5.5f: The project applicant shall implement *Mitigation Measure 5.4a*, which requires pre-construction nesting raptor surveys within 30 days prior to the commencement of site preparation activities to confirm the presence or absence of nesting raptors if construction is to occur during the raptor nesting period (generally March 1 through August 31).

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