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U.S Fish and Wildlife Service File # 1-1-07-I-0960

MAY 8 2007

Mr. Tom Cavanaugh, Project Manager
US Army Corps of Engineers, Sacramento District
San Joaquin Valley Office
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Sacramento, CA 95814-2922

Subject: Comments on the Public Notice and Notice of the Intent to prepare an
Environmental Impact Statement for the Placer Vineyards Specific Plan

Dear Mr. Cavanaugh:

The Department of Fish and Game (DFG), U.S. Fish and Wildlife Service (Service), and the National Marine Fisheries Service (NMFS) have reviewed the Public Notice (PN) (# 199900737) and Notice of the Intent (NOI) to prepare a Draft Environmental Impact Statement (DEIS) for the Placer Vineyards Specific Plan and associated infrastructure. The DEIS would be designed to analyze the environmental impacts associated with approval of the Placer Vineyards Specific Plan on 3,996 acres located in western Placer County. About 714 acres are identified as Open Space, primarily located along drainage areas and utility corridors.

Significant natural resources of the plan area include stream and riparian habitats, including the Dry Creek corridor that provides habitat for federally and state listed fish and federally listed invertebrates, wetlands including vernal pool grasslands and associated federally listed invertebrates, and both nesting and foraging habitat for the state listed threatened Swainson's hawk (*Buteo swainsonii*). Specifically, the area, according to the PN, supports about 156 acres of various jurisdictional wetland types including vernal pool, stock ponds, creeks, canals/ditches and riverine marshes. The area in and around the site of the proposed project also provides important resting and foraging habitat for winter migrant bird species including waterfowl of the Pacific Flyway. The majority of the project site is undeveloped although a small acreage of rural residential development occurs primarily along the west boundary. The PN notes that about 103 acres of wetlands will be impacted as a result of project implementation.

The site remains primarily a large block of non-fragmented habitat. Based on work completed and provided by Placer County, the site is one of only a few locations remaining in western Placer County that provides over 2,000 acres of vernal pool grassland habitat in a county that supports only about 20,000 acres. The 20,000 acres of remaining vernal pool grassland habitat is only a small percent of historical levels of this habitat type in the County. About 5,000 acres of this total habitat acreage in Placer County is within existing preserves, therefore, about 15,000 acres of this habitat remain vulnerable to urban impact. The proposed project, along with other reasonably foreseeable proposed or considered development in western Placer County, pose significant risk to at least 50%, or more, of these 15,000 acres.

The DFG is providing comments in response to the PN and NOI as trustee for the State's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, the DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The DFG also considers issues as related to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712) (MBTA). The Service is providing comments in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), and the MBTA. NMFS is providing comments in accordance with the ESA, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855).

The DFG, Service, and NMFS recommend that the following be addressed in the DEIS:

1. Analyze and discuss all reasonably foreseeable direct and indirect project-related impacts on biological resources due to project implementation. The analysis should focus, in particular, on the presence of, and potential habitats for, all state and federally listed species and species of concern, and the evaluation of direct, indirect, and cumulative project impacts to these species and their respective habitats. This analysis should include discussion of adjacent habitats outside of the project area that support or could support listed species or species of concern and that may be impacted as a result of project implementation. Specifically address direct, indirect and cumulative impacts to vernal pool grassland and riparian resources with respect to the likelihood of reducing the survival, recovery, or the long term existence of sub-populations or populations of federally listed species associated with these habitats.
2. Identify and discuss feasible compensation measures to address all reasonably foreseeable project-related impacts on biological resources. This must include identification of measures that compensate, avoid, minimize, or otherwise offset all project impacts to state and federally listed species, species of concern, and designated critical habitat. In addition to on-site avoidance and conservation measures, the analysis should include discussion of the applicant's ability to mitigate offsite through (a) acquisition of existing natural habitats, (b) restoration of former natural habitats to a condition sufficient for compensation, and (c) creation of natural habitats.

3. Specifically identify all offsite lands to be utilized as compensation for project impacts. Include a comprehensive discussion of the ecological values within identified parcels, their contribution toward conservation in general and specifically for listed species, restoration potential to achieve no net loss of wetlands, and costs associated with potential long term operations and management. Due to the complexities involved with respect to operations and management of preserved lands, including monitoring and adaptive management activities, we recommend lands encumbered as part of compensation for project actions be obtained in fee title and that easements not be considered as the primary acquisition tool.
4. Identification of any offsite infrastructure improvements required as part of this project and evaluation of potential project impacts due to these activities. Subsequently, the DEIS should identify and analyze compensation measures that avoid or substantially lessen, and offset, all reasonably foreseeable direct and indirect impacts from these improvements to biological resources.
5. Evaluate the contribution of the proposed project to habitat fragmentation and population isolation of all plant and animal populations including but not limited to listed species and species of concern. Include identification of feasible compensation measures that will avoid or substantially lessen these impacts.
6. Include an analysis of project impacts to winter migrant birds with special emphasis on waterfowl of the Pacific Flyway. Describe measures designed to avoid affecting migratory birds, such as retaining nest trees and wetlands and maintaining buffers around nesting, breeding, or feeding areas.
7. As suggested in the PN, we know of no General Plan policy, ordinance, or Board of Supervisors policy dictating a 1:1 ratio for losses of open space. Subsequently and independently, offsite compensation areas must be adequately sized, appropriately configured, and biologically justified in meeting the standard of no net loss of value and function of wetland resources and to adequately offset project impacts on federally listed invertebrates. Compensation must not be solely justified based on any actual or suggested requirement of Placer County.
8. Develop alternative design scenarios (both on and offsite) for the proposed project that will achieve most of the project objectives, and which will avoid or substantially lessen the project-related impacts on biological resources. We believe that such a potentially feasible alternative exists with respect to reduced impacts on biological resources generally and, at a minimum, has reduced effects to listed species and species of special concern. Accordingly, we believe that such alternatives (including a No Action alternative) should comprise part of the reasonable range of alternatives addressed in the DEIS.
9. Specifically develop an alternative design that reduces overall project impact by the exclusion of development from the western third of the project area and by avoidance of

additional and extensive areas of vernal pool and grassland resources throughout the remainder of the project. We believe that this alternative is potentially feasible in that it may well achieve a majority of the project objectives and reduce potentially significant impacts on biological resources. Such an alternative should also be considered as part of the reasonable range of alternatives considered in the DEIS.

10. Issues related to direct, indirect and cumulative impacts to water quantity and quality should be fully disclosed. A continuous riparian conservation corridor along Dry Creek should be maintained and design features should be incorporated into the project to reduce the potential significant impacts of stormwater runoff to aquatic resources. We suggest incorporation of Low Impact Development Strategies (LIDS) as the most current, comprehensive, and state of the art approach to resolve project impacts to water quality. Large projects such as Placer Vineyards should additionally incorporate and delineate water quality infrastructure on all project related maps. The DEIS should also consider effects to the listed fish species and habitat from associated wastewater treatment facilities and operations for Placer Vineyards.

11. The DEIS should consider effects to the listed fish species and habitat from the water supply for Placer Vineyards. Diversion of freshwater inflows from the Sacramento and American Rivers to provide water for Placer Vineyards may negatively affect several listed fish species and their designated critical habitat, specifically the state and federally-listed as threatened delta smelt (*Hypomesus transpacificus*), state and federally listed as endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), state and federally listed as threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), federally listed as threatened Central Valley steelhead (*O. mykiss*), and federally listed as threatened North American green sturgeon (*Acipenser medirostris*).

12. Wetland function and value of avoided wetland systems should be evaluated with full consideration to watershed fragmentation and impacts at the micro-watershed level. This analysis should include modifications to water and soil chemistry and to the frequency and duration of inundation. Implications of watershed fragmentation to listed invertebrates should also be evaluated. Consistent with this evaluation should be a full and comprehensive analysis of the ability of avoided wetland systems to function through time considering adjacency of human use and the inability to properly manage avoided areas due to their small and fragmented nature. Specifically describe all proposed uses and management strategies and activities associated with all proposed non-urbanized land. Discuss the feasibility of continuing management activities such as controlled burning or regulated livestock grazing as a means to manage and retain full ecological values through time of any wetland areas. Finally, evaluate and discuss the degree to which on-site open space areas will ecologically function and thus serve to perform a long term conservation benefit.

13. Since the PN was initially issued, one federally-listed species, the Conservancy fairy shrimp (*Branchinecta conservatio*) has been found in Placer County for the first time.

Mr. Tom Cavanaugh

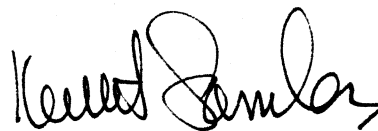
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The DEIS should include a comprehensive analysis of all species that may be impacted, including Conservancy fairy shrimp.

Thank you for the opportunity to review this project. If we can be of further assistance, at DFG please contact Mr. Jeff Finn, Environmental Scientist, at (530) 477-0308 or Mr. Kent Smith, Conservation Planning and Environmental Permitting Program Manager, at (916) 358-2382; at the Service please contact Jana Milliken, Sacramento Senior Staff Biologist, at (916) 414-6561 or Ken Sanchez, Assistant Field Supervisor, at (916) 414-6622; and at NMFS please contact John Baker, Natural Resource Management Specialist, at (916) 930-3616, or Maria Rea, Sacramento Area Supervisor, at (916) 930-3623.



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