

6. BIOLOGICAL RESOURCES

6.1 INTRODUCTION

The Biological Resources chapter of the EIR evaluates the biological resources known to occur or potentially occur within the proposed project site. The Biological Resources chapter describes potential impacts to those resources and identifies measures to eliminate or substantially reduce those impacts to a less-than-significant level. Existing plant communities, wetlands, wildlife habitats, and potential for special-status species and communities are discussed for the project region. The information contained in the analysis is primarily based on the Biological Resources Assessment (see Appendix D)¹ prepared by Madrone Ecological Consulting, and an Arborist Report prepared by Sierra Nevada Arborists (see Appendix E).² Further information was sourced from the Placer County General Plan,³ the Placer County General Plan EIR,⁴ and the *Dry Creek-West Placer Community Plan* (DCWPCP).⁵

6.2 EXISTING ENVIRONMENTAL SETTING

The following sections describe the existing environmental setting and biological resources occurring in the proposed project region.

Regional Setting

The proposed project site is located north of Vineyard Road and southwest of the City of Roseville, in an unincorporated portion of western Placer County, within the DCWPCP. The DCWPCP experiences a Mediterranean type climate with cool, wet winters, and hot, dry summers. Temperatures in the project region fluctuate from average highs in July of 95 degrees Fahrenheit, with average lows in December and January, averaging 39 degrees Fahrenheit for both months. Annual precipitation in the region averages approximately 24 inches, with nearly all precipitation occurring as rainfall between October and April.

The DCWPCP area is predominantly flat with residential, commercial, public use, and industrial developments intermixed with open green spaces. Open green spaces within the DCWPCP area are predominantly associated with Dry Creek, which runs west to east through the DCWPCP area and features adjacent woodlands, and tributaries to Dry Creek. In addition to Dry Creek, large areas of the DCWPCP are comprised of open grassland with interspersed rural single-family lots and residential subdivisions.

The project region is located in the Lower American River watershed (Hydrologic Unit Code 18020111). Rainfall runoff from the project site generally drains east to west, allowing water to flow to the unnamed Dry Creek tributary located within the project site. The unnamed Dry Creek tributary carries water from the vicinity of the project site south through the project site to a confluence with Dry Creek, approximately one mile to the southwest of the project site.

¹ Madrone Ecological Consulting. *Biological Resources Assessment, Brady at Vineyard*. August 2019.

² Sierra Nevada Arborists. *Dry Creek Community Plan Project Site*. May 22, 2017.

³ Placer County. *Countywide General Plan Policy Document*. August 1994 (updated May 2013).

⁴ Placer County. *Countywide General Plan EIR*. July 1994.

⁵ Placer County. *Dry Creek-West Placer Community Plan*. Amended May 12, 2009.



Stormwater from the project site contributes a small proportion of the total flow through the tributary, with the majority of flow originating from other areas of the drainage shed outside of the project site. For the purposes of this analysis, the unnamed on-site tributary to Dry Creek will hereafter be referred to as the Dry Creek Vineyard Road tributary.

The DCWPCP is located within the Sacramento Valley portion of Placer County. The Sacramento Valley is a broad valley characterized by predominantly agricultural uses and open space, with interspersed urban centers and rural towns. To the east and northeast of the DCWPCP area, the terrain transitions from the relatively flat Sacramento Valley to the foothill region of Placer County, followed by the increasingly steep and rugged Sierra Nevada Mountains. Habitat types within the Sacramento Valley portion of Placer County generally include oak woodland, riparian woodland, annual brome grasslands, and agricultural land.

Project Setting

The study area for the proposed project is depicted in Figure 6-1, and includes areas to be developed as part of the proposed project, as well as the off-site areas identified for widening of Brady Lane and Vineyard Road. It should be noted that although the southwestern corner of the project site is considered “not a part of this subdivision,” the entire 35-acre project site was included in the biological resources studies prepared for the proposed project. The areas analyzed in the biological resources studies are collectively referred to as the Project Area.

The proposed project would include off-site improvements to sewer infrastructure in the Project Area. As part of the proposed project, a new eight-inch sewer line would be constructed off-site within Vineyard Road between the project site and the 15-inch City of Roseville gravity sewer main in Foothills Boulevard. All of the areas that would be disturbed for off-site sewer infrastructure improvements are within the paved right-of-way of Vineyard Road. Thus, the off-site areas that would be disturbed due to sewer infrastructure improvements do not represent habitat areas or areas with any biological significance.

The Project Area is generally flat to gently hilly and primarily comprised of annual brome grassland, and areas consisting of Valley oak (*Quercus lobata*) riparian woodland, and small disturbed areas located along the eastern and southern boundaries of the site. Elevations range from 122 to 152 feet above mean sea level and slopes range from zero to nine percent. As noted previously, the Dry Creek Vineyard Road tributary is located within the Project Area. A Valley oak riparian woodland traverses the project site from north to south in association with the Dry Creek Vineyard Road tributary. In addition, a drainage ditch crosses the site from east to west and conveys irrigation runoff from a residential development east of Brady Lane, towards the Dry Creek Vineyard Road tributary just north of Vineyard Road. A pair of seasonal wetlands and a seasonal wetland swale are located within the annual brome grasslands, and five riparian wetlands abut the Dry Creek Vineyard Road tributary on the west side of the Project Area.

Along Vineyard Road, the Project Area surrounds a rural residential property on three sides. This residence has a number of buildings, scattered Valley oak trees, and ornamental vegetation. The Dry Creek Vineyard Road tributary enters this parcel from the west before exiting the area under Vineyard Road. The rural residential property is not a part of the proposed project, and land within the property would not be disturbed by the proposed development.



**Figure 6-1
Project Area and Vegetation Communities**



Source: Madrone Ecological Consulting, 2019.



Lands directly to the north, south, and west of the Project Area are in a combination of undeveloped, rural, residential, and agricultural uses. Developed portions of the City of Roseville are located to the east, and a church is located adjacent to the northeast corner of the Project Area off of Brady Lane.

Terrestrial Plant Communities

Madrone Ecological Consulting identified three habitat types on the project site: annual brome grassland, Valley Oak Riparian Woodland, and disturbed. The three vegetation types are shown in Figure 6-1. It should be noted that based on site surveys, valley elderberry shrubs were not found to be present in any of the three habitat types.

Annual Brome Grassland

Approximately 28.5 acres of annual brome grasslands exist within the Project Area; common grass species included soft brome (*Bromus hordeaceus*), riggut brome (*Bromus diandrus*), perennial ryegrass (*Festuca perennis*), and wild oats (*Avena fatua*). Forbs observed included yellow star-thistle (*Centaurea solstitialis*), which heavily infests much of the uplands in the southeast corner of the Project Area, prickly wild lettuce (*Lactuca serriola*), and wild radish (*Raphanus sativus*). Several isolated specimens of almond (*Prunus dulcis*) and coyote brush (*Baccharis pilularis*) are scattered throughout the Project Area.

Valley Oak Riparian Woodland

Approximately 3.4 acres of Valley oak riparian woodland parallel both sides of the Dry Creek Vineyard Road tributary for most of the tributary's length throughout the Project Area. Common tree species include Valley oak, live oak (*Quercus wislizeni*), Fremont's cottonwood (*Populus fremontii*), Pacific willow (*Salix lucida*), southern catalpa (*Catalpa bignonioides*), and walnut hybrids (*Juglans* sp.). Common understory shrubs include Himalayan blackberry (*Rubus armeniacus*), poison oak (*Toxicodendron diversilobum*), wild rose (*Rosa californica*), purple river hemp (*Sesbania punicea*), and narrow-leaf willow (*Salix exigua*).

Disturbed

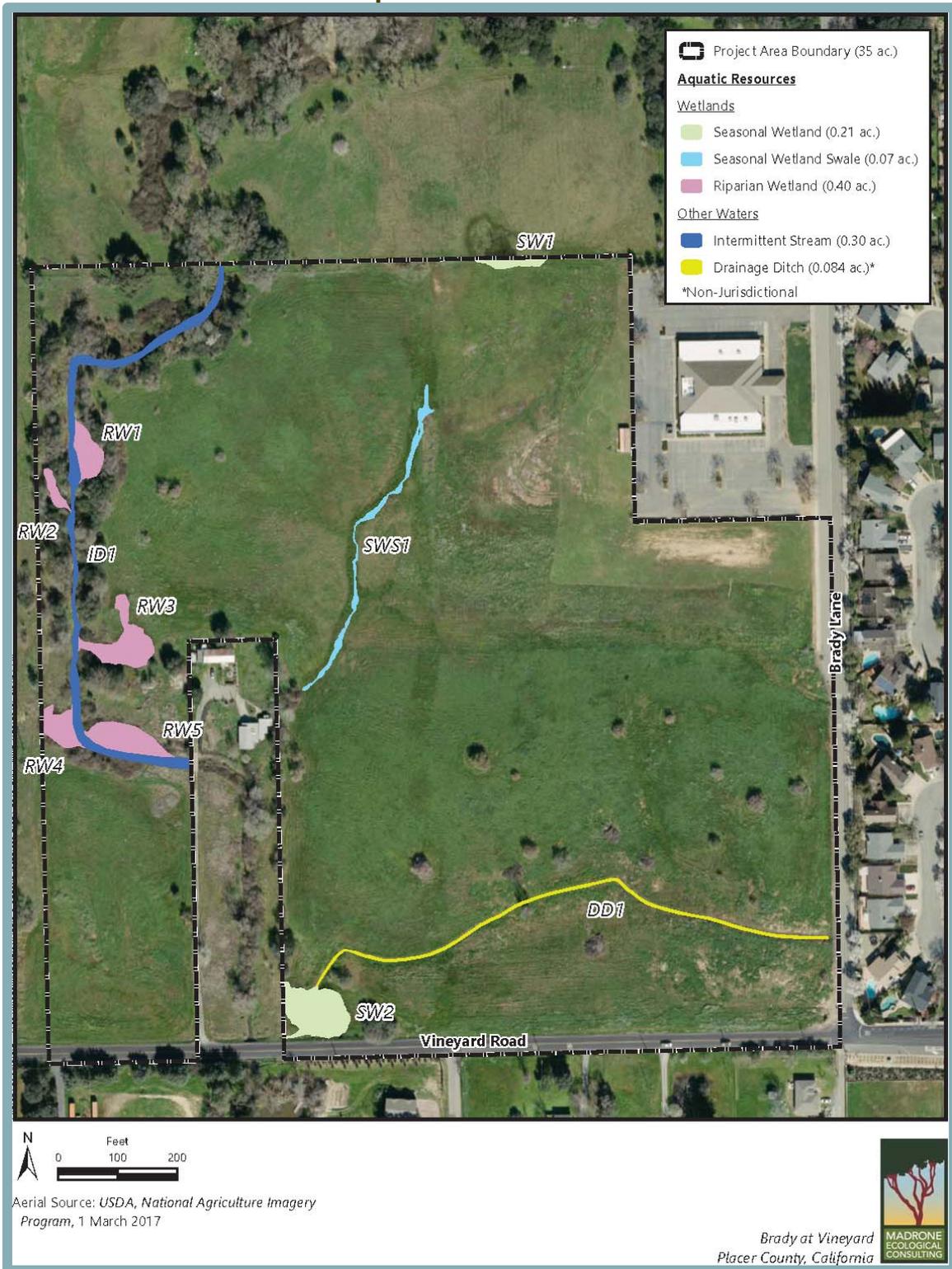
Approximately 3.1 acres of heavily disturbed areas occur parallel to Vineyard Road and Brady Lane along the southern and eastern edges of Project Area, respectively. Areas adjacent to the church parking lot appear to have been historically graded within the northeastern corner of the Project Area. Most of the disturbed areas support minimal or ruderal vegetation including yellow star-thistle (*Centaurea solstitialis*), bindweed (*Convolvulus arvensis*), purple sand-spurrey (*Spergularia rubra*), and turkey mullein (*Croton setigerus*).

Aquatic Resources

Madrone Ecological Consulting conducted an aquatic resources delineation of the project site on 14 September 2017. The delineation for the majority of the property was then verified by the United States Army Corps of Engineers (USACE) on 14 February 2018. According to Madrone Ecological Consulting, the delineation verified on 14 February 2018 will not expire. The delineation prepared for Study Area 2, associated with the on-site drainage ditch ("DD1"), received an approved jurisdictional determination, which unlike the Corp's verification process, expires after five years. Thus, the approved jurisdictional determination for Study Area 2 will expire in 2023. For the purposes of the aquatic resources delineation, the Project Area was divided into two Study Areas, each of which was verified separately by the USACE. Aquatic resources mapped within the Study Areas during the survey are depicted in Figure 6-2 and summarized in Table 6-1.



**Figure 6-2
 Aquatic Resources**



Source: Madrone Ecological Consulting, 2019.



Table 6-1	
Aquatic Resources Mapped within the Project Site	
Resource Type	Acreage
Study Area 1	
Riparian Wetland	0.40
Seasonal Wetland	0.21
Seasonal Wetland Swale	0.07
Intermittent Stream	0.30
<i>Subtotal</i>	<i>0.98</i>
Study Area 2	
Drainage Ditch	0.084*
<i>Subtotal</i>	<i>0.084</i>
Total Aquatic Resources	1.064
* <i>The Drainage Ditch is not considered to be a jurisdictional Water of the U.S. under Section 404 of the Clean Water Act.</i>	
Source: Madrone Ecological Consulting, March 2019.	

A total of 1.064 acres of aquatic resources were mapped and verified within the Project Area. A description of each of the aquatic resources types is included below.

Seasonal Wetlands

Two seasonal wetlands were delineated within the Project Area. Seasonal wetlands inundate and/or saturate during the wet-season and/or irrigation-season, and typically dry by late spring and remain dry through the summer months unless irrigation water is present. The seasonal wetland feature labeled as “SW1” on Figure 6-2 is located on the northern edge of the Project Area and extends out of the Project Area to the north. The portion of SW1 within the Project Area, is slightly higher in elevation than the off-site portion, possesses a thick thatch layer, and is saturated rather than ponded during the wet-season. The portions of this feature north of the Project Area boundary supported persistent ponding throughout the wet-season. All of SW1, including the off-site area located on the neighboring parcel to the north, was surveyed by Madrone Ecological Consulting.

A second seasonal wetland labeled as “SW2” is located along Vineyard Road and receives irrigation run-off from the non-jurisdictional drainage ditch. This feature fills after storm events in the wet-season and ponds sporadically during the dry-season depending on the irrigation habits of, and runoff from, the upstream residential developments off-site.

Plant species commonly occurring in the identified seasonal wetland features include perennial ryegrass (*Festuca perennis*), common spikerush (*Eleocharis palustris*), toad rush (*Juncus bufonius*), rabbit’s-foot grass (*Polypogon monspeliensis*), Mediterranean barley (*Hordeum marinum*), annual hair grass (*Deschampsia danthonioides*), and curly dock (*Rumex crispus*). Indicators of wetland hydrology observed included the presence of oxidized rhizospheres along live roots and biotic crust in the form of algal matting.

Seasonal Wetland Swale

One seasonal wetland swale was delineated within the Project Area. The seasonal wetland swale travels north to southwest in the direction of the Dry Creek Vineyard Road tributary, but terminates short of the channel due to site topography. During storm events the seasonal wetland swale discharges to the creek; however, flows through the seasonal wetland swale do not have the



duration or intensity to expand the lower reach of the seasonal wetland swale all the way to the intermittent drainage. Seasonal wetland swales are sloping, linear seasonal wetlands that convey surface runoff while maintaining saturated soil conditions, though ponding often occurs in the deeper reaches. Plant species commonly occurring in the seasonal wetland swale included Mediterranean barley (*Hordeum marinum*), perennial ryegrass (*Festuca perennis*), toad rush (*Juncus bufonius*), rabbit's-foot grass (*Polypogon monspeliensis*), and curly dock (*Rumex crispus*). A thick thatch layer was present due to the lack of grazing.

The most common indicator of wetland hydrology was the presence of oxidized rhizospheres along live roots. The seasonal wetland swale is situated on an approximately 5 percent slope and did not support sustained ponding during protocol wet-season vernal pool branchiopod surveys (vernal pool branchiopods are further discussed below).

Riparian Wetlands

Five riparian wetlands were delineated within Project Area. The riparian wetland features represent depressions or low terraces that receive water from the immediately adjacent Dry Creek Vineyard Road tributary during and after storm events. Plant species commonly occurring in these features included Mediterranean barley (*Hordeum marinum*), perennial ryegrass (*Festuca perennis*), Himalayan blackberry (*Rubus armeniacus*), rabbit's-foot grass (*Polypogon monspeliensis*), and curly dock (*Rumex crispus*). Riparian wetlands deeper within the riparian corridor also supported cottonwood (*Populus fremontii*), black willow (*Salix gooddingii*), arroyo willow (*Salix lasiolepis*), and narrow-leaf willow (*Salix exigua*).

The most common indicators of wetland hydrology were the presence of oxidized rhizospheres along live roots and biotic crust in the form of algal matting.

Intermittent Stream

The Dry Creek Vineyard Road tributary is the only intermittent stream delineated within the Project Area. The bed of the Dry Creek Vineyard Road tributary was almost completely unvegetated due to the scouring effects of seasonal flows during the field surveys conducted by Madrone Ecological Consultants. Adjacent vegetation was that typical of the surrounding Valley oak riparian woodland. The boundaries were delineated at the Ordinary High Water Mark (OHWM), which was identified based primarily on the extent of scour and the destruction of terrestrial vegetation.

Drainage Ditch

A drainage ditch in the southern portion of Project Area conveys irrigation run-off from the residential developments east of Brady Lane to the seasonal wetland labeled as SW2 on Figure 6-2. The drainage ditch was apparently constructed concurrent with the adjacent development to the east. Based on historic aerial imagery of the project site the drainage ditch was constructed in an upland portion of the project site and drains upland areas. Following a formal delineation of the drainage ditch, Madrone Ecological Consulting, Inc. determined that the drainage ditch is a non-jurisdictional feature, and on 20 March 2018, the USACE concurred with Madrone's findings.

The ditch runs relatively parallel to the slope contours of the small ridgeline located to the north and possesses an OHWM, which was used to determine its extent. Based on a review of historic aerial photography, periodic vegetation removal is performed along the banks of the drainage ditch. At the time of the field survey several inches of water were present in the eastern portions of the drainage ditch. Vegetation in the eastern portions of the drainage ditch included cattails



(*Typha* spp.) and smartweed (*Persicaria* sp.). Fewer plants were present in the lower reaches of the drainage ditch, consisting mostly of scattered perennial ryegrass (*Festuca perennis*) or tall flat-sedge (*Cyperus eragrostis*).

Special-Status Species

Special-status species are species that have been listed as “threatened” or “endangered” under the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), or are of special concern to federal resource agencies, the State, or private conservation organizations. A species may be considered special-status due to declining populations, vulnerability to habitat change, or restricted distributions. A description of the criteria and laws pertaining to special-status classifications is described below.

Special-status plant species may meet one or more of the following criteria:

- Plants listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species);
- Plants that are candidates for possible future listing as threatened or endangered under the FESA (64 FR 205, October 25, 1999; 57533-57547);
- Plants listed or proposed for listing by the State of California as threatened or endangered under the CESA (14 California Code of Regulations [CCR] 670.5);
- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (CEQA Guidelines, Section 15380); or
- Plants considered by the California Native Plant Society (CNPS) to be “rare, threatened, or endangered” in California (Lists 1A, 1B, 2A, 2B, and 3 species in CNPS [2001]).

Special-status wildlife species may meet one or more of the following criteria:

- Wildlife listed as threatened or endangered, or proposed as candidates for listing by the United States Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) under the FESA (50 CFR 17.11 for listed wildlife and various notices in the Federal Register for proposed species);
- Wildlife listed or proposed for listing by the State of California as threatened or endangered under the CESA (14 CCR 670.5);
- Wildlife that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA Guidelines, Section 15380);
- Wildlife identified as Medium or High priority species by the Western Bat Working Group (WBWG);
- Wildlife species of special concern (SSC) to the California Department of Fish and Wildlife (CDFW) (Remsen [1978] for birds; Williams [1986] for mammals); and/or
- Wildlife species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Several species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the State’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described below, State and federal laws have provided the CDFW and the USFWS with a mechanism for conserving and protecting the diversity of plant and animal species native to the State. A number of native plants and animals have been formally designated as threatened or endangered under State and federal endangered species legislation. Others



have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFW. In addition, the CNPS has developed a set of lists of native plants considered rare, threatened, or endangered. Collectively, these plants and animals are referred to as “special-status species.”

To determine potentially occurring special-status species, the standard databases from the USFWS, CDFW (the California Natural Diversity Database [CNDDDB]), and the CNPS were queried and reviewed. The searches provided a comprehensive list of regionally-occurring special-status species and were used to determine which species have some potential to occur within or near the project site. In addition to the database searches, pedestrian field surveys were conducted of the project site by Madrone Ecological Consulting.

The following table provides a list of special-status species that were evaluated, including their listing status, habitat associations, and their potential to occur in the project site (see Table 6-2).

Potential for occurrence within the project sites was assigned according to the following categories:

- **Present:** Species occurs on the site based on CNDDDB records, and/or was observed on the site during field surveys.
- **High:** The site is within the known range of the species and suitable habitat exists.
- **Moderate:** The site is within the known range of the species and very limited suitable habitat exists.
- **Low:** The site is within the known range of the species and there is marginally suitable habitat.
- **Absent:** The species was not observed during protocol-level floristic surveys conducted on-site, the species was not observed during protocol-level wet-season and dry-season large listed vernal pool branchiopod surveys conducted on-site,
- **Habitat Not Present:** The site does not contain suitable habitat for the species, or the site is outside the known range of the species.

The following sections provide a discussion of all special-status species with potential to occur within the Project Area.

Listed and Special-Status Wildlife

The queries of the CNDDDB and USFWS species lists show that four invertebrates, two fish, three amphibians, two reptiles, 13 birds, and five bat species have the potential to occur in the vicinity of the Project Area. Of the 25 species with the potential to occur in the vicinity of the Project Area, Madrone Ecological Consulting considers only 12 species to have the potential to occur within the Project Area. In addition, other protected migratory birds have the potential to occur on-site. The 12 species are discussed in further detail below.

Tricolored Blackbird

Tricolored blackbirds (*Agelaius tricolor*) are not federally listed, but are state listed as threatened. Tricolored blackbirds are colonial nesters preferring to nest in dense stands of cattails, bulrush, or blackberry thickets, often associated with aquatic features.



**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
Plants				
<i>Balsamorhiza macrolepis</i> Big-scale balsamroot	--	CRPR 1B.2	Prefers chaparral, cismontane woodland, and valley and foothill grasslands. Often associated with serpentine soils.	Absent. Marginally suitable habitat is present in the annual brome grassland. Protocol-level surveys did not detect this species.
<i>Chloropyron molle</i> ssp. <i>hispidum</i> Hispid bird's-beak	--	CRPR 1B.1	Prefers seasonally flooded, saline-alkali soils at elevations below 500 feet.	Habitat Not Present. Alkaline soils are not present within the Project Area.
<i>Downingia pusilla</i> Dwarf downingia	--	CRPR 2B.2	Vernal pools and other depressional wetlands.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Gratiola heterosepala</i> Bogg's Lake hedge-hyssop	--	CE, CRPR 1B.2	Vernal pools and margins of lakes/ponds.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Juncus leiospermus</i> var. <i>ahartii</i> Ahart's dwarf rush	--	CRPR 1B.2	Edges of vernal pools and other seasonally ponded features.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Juncus leiospermus</i> var. <i>leiospermus</i> Red Bluff dwarf rush	--	CRPR 1B.1	Occurs in vernal mesic areas in chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, and vernal pools between 100 and 4,100 feet in elevation.	Habitat Not Present. The only documented occurrence in Placer County is, according to the notes on the occurrence, considered to be erroneous (CNDDDB 2017).
<i>Legenere limosa</i> Legenere	--	CRPR 1B.1	Vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.

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**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Navarretia myersii</i> ssp. <i>myersii</i> Pincushion navarretia	--	CRPR 1B.1	Vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Orcuttia tenuis</i> Slender Orcutt grass	FT	CE, CRPR 1B.1	Vernal pools and other seasonally ponded features.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Orcuttia viscida</i> Sacramento Orcutt grass	FE	CE, CRPR 1B.1	Vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species. Protocol-level surveys did not detect this species.
<i>Sagittaria sanfordii</i> Sanford's arrowhead	--	CRPR 1B.2	Emergent marsh habitat, typically associated with drainages, canals, or irrigation ditches.	Absent. The intermittent channel and ditch within the Project Area represents suitable habitat for this species; however, protocol-level surveys did not detect this species.
Invertebrates				
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE	--	Very large, turbid vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species; however, protocol-level wet-season and dry-season surveys did not detect this species.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT	--	Vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species; however, protocol-level wet-season and dry-season surveys did not detect this species.

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**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Desmocerus californicus dimorphus</i> Valley elderberry longhorn beetle	FT	--	Dependent upon elderberry (<i>Sambucus</i> species) shrubs as primary host species.	Absent. No elderberry shrubs are present in the Project Area.
<i>Lepidurus packardi</i> Vernal pool tadpole shrimp	FE	--	Vernal pools.	Absent. The seasonal wetlands and seasonal wetland swale within the Project Area represent suitable habitat for this species; however, protocol-level wet-season and dry-season surveys did not detect this species.
Fish				
<i>Hypomesus transpacificus</i> Delta smelt	FT	CE	Adults are found in the brackish open surface waters of the Delta and Suisun Bay. Though never observed, spawning is believed to occur in tidally influenced sloughs and drainages on the freshwater side of the mixing zone.	Habitat Not Present. Tidally influenced sloughs or drainages are not present within the Project Area.
<i>Oncorhynchus mykiss irideus</i> Central Valley steelhead	FE	--	Anadromous species requiring freshwater water courses with gravelly substrates for breeding. The young remain in freshwater areas before migrating to estuarine and marine environments.	Habitat Not Present. The Dry Creek Vineyard Road tributary lacks gravel spawning substrate and flows too briefly to support this species. Additionally, this tributary appears to have been dammed on the property south of Vineyard Road, thereby presenting a barrier to migration.
Amphibians				
<i>Ambystoma californiense</i> California tiger salamander	FT	CT, CSC	Breeds in ponds or other deeply ponded wetlands, and uses gopher holes and ground squirrel burrows in adjacent grasslands for upland refugia/foraging.	Habitat Not Present. The Project Area is outside of the known range of the species.
<i>Rana draytonii</i> California red-legged frog	FT	CSC	Breeds in permanent to semi-permanent aquatic habitats including lakes, ponds, marshes, creeks, and other drainages.	Habitat Not Present. The Project Area is outside of the known range of the species.

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**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Spea hammondi</i> Western spadefoot toad	--	CSC	Breeds in vernal pools, seasonal wetlands and associated swales. Forages and hibernates in adjacent grasslands.	Absent. The seasonal wetlands within the Project Area represent suitable habitat for western spadefoot toad; however, this species was not detected during protocol-level vernal pool branchiopod wet-season surveys.
Reptiles				
<i>Actinemys marmorata</i> Western pond turtle	--	CSC	Ponds, rivers, streams, wetlands, and irrigation ditches with associated marsh habitat.	Habitat Not Present. The aquatic resources within the Project Area are too ephemeral in nature to support this species.
<i>Thamnophis gigas</i> Giant garter snake	FT	CT	Rivers, canals, irrigation ditches, rice fields, and other aquatic habitats with slow moving water and heavy emergent vegetation.	Habitat Not Present. The Project Area is outside of the known range of the species.
Birds				
<i>Agelaius tricolor</i> Tricolored blackbird	--	CT	Colonial nester in cattails, bulrush, or blackberries associated with marsh habitats.	Low. Blackberry brambles scattered throughout the oak woodland represent marginally suitable nesting habitat for this species.
<i>Aquila chrysaetos</i> Golden eagle	--	CFP	Forages in open areas including grasslands, savannahs, deserts, and early successional stages of shrub and forest communities. Nests in large trees and cliffs.	Habitat Not Present. The annual brome grasslands within the Project Area are not sufficiently expansive to support this species.
<i>Athene cunicularia</i> Burrowing owl	--	CSC	Nests in abandoned ground squirrel burrows associated with open grassland habitats.	Moderate. Although limited ground squirrel burrows were observed, debris scattered throughout the Project Area could provide surrogate burrows. The annual brome grasslands provide marginally suitable foraging habitat due to high density of yellow star-thistle.

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**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Buteo swainsoni</i> Swainson's hawk	--	CT	Nests in large trees, preferably in riparian areas. Forages in fields, cropland, irrigated pasture, and grassland near large riparian corridors.	High. The annual brome grasslands throughout the Project Area represent suitable foraging habitat for Swainson's hawk, and the trees within the Project Area provide suitable nesting habitat.
<i>Circus cyaneus</i> Northern harrier	--	CSC	Nests in emergent wetland/marsh, open grasslands, or savannah habitats. Forages in open areas such as marshes, agricultural fields, and grasslands.	High. The annual brome grassland is suitable nesting and foraging habitat for this species.
<i>Elanus leucurus</i> White-tailed kite	--	CFP	Open grasslands, fields, and meadows are used for foraging. Isolated trees in close proximity to foraging habitat are used for perching and nesting.	Present. The annual brome grasslands throughout the Project Area represent suitable foraging habitat for white-tailed kite, and the trees throughout the Project Area provide suitable nesting habitat. This species was observed foraging on-site during a field survey.
<i>Geothlypis trichas sinuosa</i> San Francisco Common yellowthroat	--	CSC	Strongly associated with San Francisco Bay including the Napa Sloughs south to San Jose. Favors woody swamp, brackish and freshwater marsh.	Habitat Not Present. The Project Area is outside of the known range of the species.
<i>Haliaeetus leucocephalus</i> Bald eagle	FD	CE/CFP	Nest in large trees within one mile of lakes, rivers, or larger streams.	Low. The annual brome grasslands represent marginally suitable foraging habitat for this species.
<i>Lanius ludovicianus</i> Loggerhead shrike	--	CSC	Occurs in open areas with sparse trees, shrubs, and other perches.	High. The annual brome grasslands throughout the Project Area represent suitable foraging habitat for loggerhead shrike, and the trees and shrubs within the Project Area provide suitable nesting habitat.

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**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Melospiza melodia mailliardi</i> Song sparrow "Modesto" population	--	CSC	Nest in emergent freshwater marshes dominated by tules and cattails as well as riparian willow thickets. This species also nests in riparian forests of valley oak with a blackberry understory, along vegetated irrigation canals and levees, and in recently planted valley oak restoration sites.	Habitat Not Present. Although the riparian woodland would otherwise represent suitable nesting habitat for this species, the species has not been documented nesting in Placer County, and only nests in extensive marshes in the Sacramento Valley area, outside of the Project Area.
<i>Pipilo maculatus clementae</i> San Clemente spotted towhee	--	CSC	Occurs in open areas with sparse trees, shrubs, and other perches.	Habitat Not Present. The Project Area is outside of the known range of the species.
<i>Progne subis</i> Purple martin	--	CSC	Nests in tall bridges and overpasses near water and open areas.	Habitat Not Present. Tall bridges or overpasses are not present within the Project Area.
<i>Seophaga petechia</i> Yellow Warbler	--	CSC	Occupy riparian vegetation in close proximity to water along streams and in wet meadows. This species no longer breeds in the Central Valley, but occurs as a common migrant in the fall and winter months.	High. Although the Project Area is outside of this species' breeding range, the species has been documented along Dry Creek just downstream of the Project Area, and suitable winter foraging habitat is present in the Valley oak riparian woodland within the Project Area.
Mammals				
<i>Antrozous pallidus</i> Pallid bat	--	CSC, WBWG H	Day and night roosts include crevices in rocky outcrops and cliffs, caves, mines, trees (e.g., basal hollows of coast redwoods and giant sequoias, bole cavities of oaks, exfoliating bark, deciduous trees in riparian areas, and fruit trees in orchards), and various human structures such as bridges (especially wooden and concrete girder designs), barns, porches, bat boxes, and human-occupied as well as vacant buildings.	High. Suitable roosting habitat for this species is present in tree hollows and under exfoliating bark on trees scattered throughout the site.

(Continued on next page)



**Table 6-2
 Special-Status Species with Potential to Occur within the Project Site**

Scientific Name (Common Name)	Federal Status	State Status	Habitat Requirements	Potential for Occurrence
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	--	CC, WBWG H	Roosts in caves and cave analogues, such as abandoned mines, buildings, bridges, rock crevices and large basal hollows of coast redwoods and giant sequoias. Extremely sensitive to human disturbance.	Habitat Not Present. The Project Area does not contain caves or cave analogues.
<i>Lasionycteris noctivagans</i> Silver-haired bat	--	WBWG M	Roosts in abandoned woodpecker holes, under bark, and occasionally in rock crevices. The silver-haired bat forages in open wooded areas near water features.	High. Suitable roosting habitat for this species is present in tree hollows and under exfoliating bark on trees scattered throughout the Project Area.
<i>Lasiurus blossevillii</i> Western red bat	--	CSC, WBWG H	Require large leaf trees such as cottonwoods, willows, and fruit/nut trees for daytime roosts. Often associated with wooded habitats that are protected from above and open below. Often found in association with riparian corridors. Require open space for foraging.	High. Trees scattered throughout the Project Area are suitable roosting habitat for this species.
<i>Lasiurus cinereus</i> Hoary bat	--	WBWG M	Roosts primarily in foliage of both coniferous and deciduous trees at the edges of clearings.	High. Trees scattered throughout the Project Area are suitable roosting habitat for this species.
<p><u>Status Codes:</u> CC - CDFW Candidate for Listing; CSC - CDFW Species of Concern; FE - Federally Endangered; CE - CDFW Endangered; CT - CDFW Threatened; FT – Federally Threatened; CFP - CDFW Fully Protected; FC - Candidate for Federal Listing; WBWG H - Western Bat Working Group High Threat Rank; CRPR - California Rare Plant Rank; FD - Federally Delisted; WBWG M - Western Bat Working Group Medium Threat Rank</p> <p>Source: Madrone Ecological Consulting, March 2019.</p>				



Blackberry brambles in the vicinity of the intermittent stream represent marginally suitable nesting habitat for tricolored blackbird due to the limited extent of the brambles. Tricolored blackbird has not been documented in the CNDDDB within five miles of the Project Area. The closest location in the CNDDDB is record 330 from 1997. This record is 5.3 miles away and was documented in the City of Roseville within what is now a residential development.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is not listed pursuant to either the California or federal Endangered Species Acts; however, the species is designated as a Species of Special Concern by the CDFW. They typically inhabit dry open rolling hills, grasslands, desert floors, and open bare ground with gullies and arroyos. The species typically uses burrows created by fossorial mammals, most notably the California ground squirrel, but may also use man-made structures such as culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement. The breeding season extends from February 1 through August 31.

Although only a few ground squirrel burrows were observed within the Project Area, debris scattered throughout the Project Area could provide artificial burrows for burrowing owl, and the annual brome grasslands provide suitable foraging habitat for this species. The nearest known occurrence of burrowing owl, CNDDDB Occurrence #339, is dated 5 May 2003 and is approximately 3.5 miles northwest of the Project Area in a pasture north of Philip Road. Although Occurrence #339 is the only occurrence of burrowing owl within five miles of the Project Area, an additional occurrence of an overwintering burrowing owl has recently been reported within the Placer Vineyards Specific Plan (PVSP) area, approximately 5.5 miles northwest of the Project area.⁶ Nesting within the PVSP has not been documented.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is a raptor species that is not federally listed but is listed as threatened by CDFW. Breeding pairs typically nest in tall trees associated with riparian corridors, and forage in grassland, irrigated pasture, and cropland with a high density of rodents. The Central Valley populations breed and nest in the late spring through early summer before migrating to Central and South America for the winter.

The annual brome grasslands throughout the Project Area represent suitable foraging habitat for Swainson's hawk, and the trees within the Project Area provide suitable nesting habitat. The nearest documented Swainson's hawk nest classified as extant is CNDDDB Occurrence #952, which is located along Pleasant Grove Creek, approximately 5.5 miles northwest of the Project Area.

Northern Harrier

The northern harrier (*Circus cyaneus*) is not listed pursuant to either the CESA or FESA; however, the species is considered to be a species of special concern by the CDFW. The species is known to nest within the Central Valley, along the Pacific Coast, and in northeastern California. The northern harrier is a ground nesting species, and typically nests in emergent wetland/marsh, open grasslands, or savannah habitats. Foraging occurs within a variety of open habitats such as marshes, agricultural fields, and grasslands.

⁶ VonderOhe, Sarah, Principal/Senior Biologist, Madrone Ecological Consulting, Inc. Personal communication [email] with Nick Pappani, Vice President, Raney Planning and Management. June 20, 2019.



The annual brome grasslands throughout the Project Area are suitable nesting and foraging habitat for the species. Occurrences of northern harrier have not been documented in the CNDDDB within five miles of the Project Area.

White-tailed Kite

White-tailed kite (*Elanus leucurus*) is not federally or state listed but is a CDFW fully protected species. The species is a yearlong resident in the Central Valley and is primarily found in or near foraging areas such as open grasslands, meadows, farmlands, savannahs, and emergent wetlands. White-tailed kites typically nest from March through June in trees within riparian, oak woodland, and savannah habitats of the Central Valley and Coast Range.

The annual brome grasslands throughout the Project Area represent suitable foraging habitat for white-tailed kite, and the trees within the Project Area provide suitable nesting habitat. The species was observed foraging in the eastern portion of the Project Area during a field survey performed by Madrone Ecological Consulting. Other than the on-site occurrence noted by Madrone, the nearest documented occurrence of white-tailed kite in the CNDDDB is Occurrence #56, which is located approximately 2.4 miles northwest of the Project Area, near the Woodcreek Golf Club.

Bald Eagle

The bald eagle (*Haliaeetus leucocephalus*) is a raptor species that is federally delisted, but is listed as endangered under the CESA and is a CDFW fully protected species. In California, nests are mainly located in large trees or on cliff ledges in montane and foothill forests and woodlands near reservoirs, lakes, and rivers.

The annual brome grasslands within the Project Area represent marginally suitable foraging habitat for migrating bald eagle. Bald eagle has not been documented in the CNDDDB within five miles of the Project Area.

Loggerhead Shrike

The loggerhead shrike (*Lanius ludovicianus*) is not listed or protected pursuant to either the California or federal Endangered Species Acts; but is a CDFW Species of Special Concern. Loggerhead shrikes nest in small trees and shrubs in woodland and savannah vegetation communities, and forage in open habitats throughout California. The nesting season ranges from March through June.

The trees and annual brome grassland within the Project Area provide suitable nesting and foraging habitat for loggerhead shrike. Loggerhead shrike has not been documented in the CNDDDB within five miles of the Project Area.

Yellow Warbler

The yellow warbler (*Setophaga petechia*) is not listed pursuant to either the CESA or FESA; however, the species is classified as a CDFW species of special concern. The yellow warbler is largely extirpated as a breeder in the Sacramento Valley, but the species is a common migrant during the fall and winter months. Yellow warblers generally occupy riparian vegetation in close proximity to streams. Preferred habitat in northern California is dominated by willows (*Salix* spp.), cottonwoods (*Populus* spp.), and Oregon ash (*Fraxinus latifolia*).



Although the Project Area is outside of the species' breeding range, the species has been documented along Dry Creek, which is downstream of the Project Area. Suitable winter foraging habitat is present in the Valley oak riparian woodlands within the Project Area.

Migratory Birds

California Fish and Game Code (Sections 3503, 3503.5) and the Federal Migratory Bird Treaty Act protect special-status birds including the loggerhead shrike and burrowing owl, as well as other passerine birds, also known as perching birds, and their nests. The on-site trees and grassland would represent nesting and foraging habitat for many such species.

Pallid Bat

Pallid bat (*Antrozous pallidus*) is not federally or state listed, but is considered a CDFW species of special concern, and is classified by the WBWG as a High priority species. The species favors roosting sites in crevices in rock outcrops, caves, abandoned mines, hollow trees, and human-made structures such as barns, attics, and sheds. Though pallid bats are gregarious, the species tends to group in smaller colonies of 10 to 100 individuals. Pallid bats are nocturnal hunters and capture prey in flight, but unlike most American bats, the species has been observed foraging for flightless insects, which are seized after the bat lands.

Tree hollows and exfoliating bark on trees throughout the Project Area represent suitable roosting habitat for pallid bat. Pallid bat has not been documented in the CNDDDB within five miles of the Project Area.

Silver Haired Bat

Silver-haired bat (*Lasionycteris noctivagans*) is not federally or state listed, but is classified by the WBWG as a Medium priority species. Primarily considered a coastal and montane forest species, the silver-haired bat occurs in more xeric environments during winter and seasonal migrations. The species roosts in abandoned woodpecker holes, under bark, and occasionally in rock crevices. An insectivore, the favored foraging sites of the species include open wooded areas near water features.

Tree hollows and exfoliating bark on trees throughout the Project Area represent suitable roosting habitat for silver-haired bat. Silver-haired bat has not been documented in the CNDDDB within five miles of the Project Area.

Western Red Bat

Western red bat (*Lasiurus blossevillii*) is not federally or state listed, but is considered a CDFW species of special concern, and is classified by the WBWG as a High priority species. Western red bat is typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. The species may have an association with intact riparian habitat (particularly willows, cottonwoods, and sycamores).

Trees within the Valley oak riparian woodland represent suitable roosting habitat for western red bat. Western red bat has not been documented in the CNDDDB within five miles of the Project Area.



Hoary Bat

The hoary bat (*Lasiurus cinereus*) is not federally or state listed, but is classified by the WBWG as a Medium priority species. The species is considered to be one of the most widespread of all American bats with a range extending from Canada to central Chile and Argentina as well as Hawaii. Hoary bats are solitary and roost primarily in foliage of both coniferous and deciduous trees, near the ends of branches at the edge of clearings. This species may also occasionally roost in caves, beneath rock ledges, in woodpecker holes, in grey squirrel nests, under wood planks, or clinging to the side of buildings.

Trees within the Valley oak riparian woodland represent suitable roosting habitat for hoary bat. Hoary bat has not been documented in the CNDDDB within five miles of the Project Area.

Trees

An Arborist Report has been prepared for the proposed project site by Sierra Nevada Arborists, which included a tree survey conducted on May 17, 2017. The tree survey of the project site included field inspection of all protected trees within and/or overhanging the project site. Per Placer County's Tree Preservation Ordinance (Section 12.16.020 of the County Code), surveyed trees included protected trees with a single main stem or trunk measuring at least six inches diameter at breast height (DBH), or multiple trunks with an aggregate measurement of at least 10 inches DBH. Trees that met the Placer County Code's definition of protected were identified by individual tags. Data recorded during the survey included the following: location, tree ID number, species, number of trunks, DBH of each trunk, canopy of dripline radius, height, health, vigor, structure rating, and remarks. A total of 107 trees were surveyed within the project site. Of the 107 trees, there were 23 blue oaks (*Quercus douglasii*), one Fremont cottonwood (*Populus fremontii*), 63 interior live oak (*Quercus wislizeni*), five Pacific willow (*Salix lucida*), and 15 Valley oak (*Quercus lobata*). All of the foregoing trees are protected by the Placer County Tree Preservation Ordinance (Article 12.16 of the Placer County Municipal Code), which regulates both the removal of trees and the encroachment of construction activities into protected tree zones. In addition to the protected trees listed above, the project site contains almond, black locust, black walnut, flowering pear, and holly oak that do not meet the County's definition of protected trees, and, thus, were not further assessed. The location of the inventoried trees noted during the field survey, is shown in Figure 6-3 and Figure 6-4.

Tree health, vigor, and structure were rated as Good, Fair, or Poor. Where conditions were between ratings of Good and Fair or Fair and Poor, intermediate ratings of Fair to Good and Fair to Poor were given. According to the Arborist Report, of all on-site trees, only one tree, tree number 106, which is a Pacific Willow, was recommended for removal due to the nature and extent of defects, compromised health, and/or structural instability.

6.3 REGULATORY CONTEXT

A number of Federal, State, and local policies provide the regulatory framework that guides the protection of biological resources. The following discussion summarizes those laws that are most relevant to biological resources in the vicinity of the project site.

Federal Regulations

The following are the Federal environmental laws and policies relevant to biological resources.



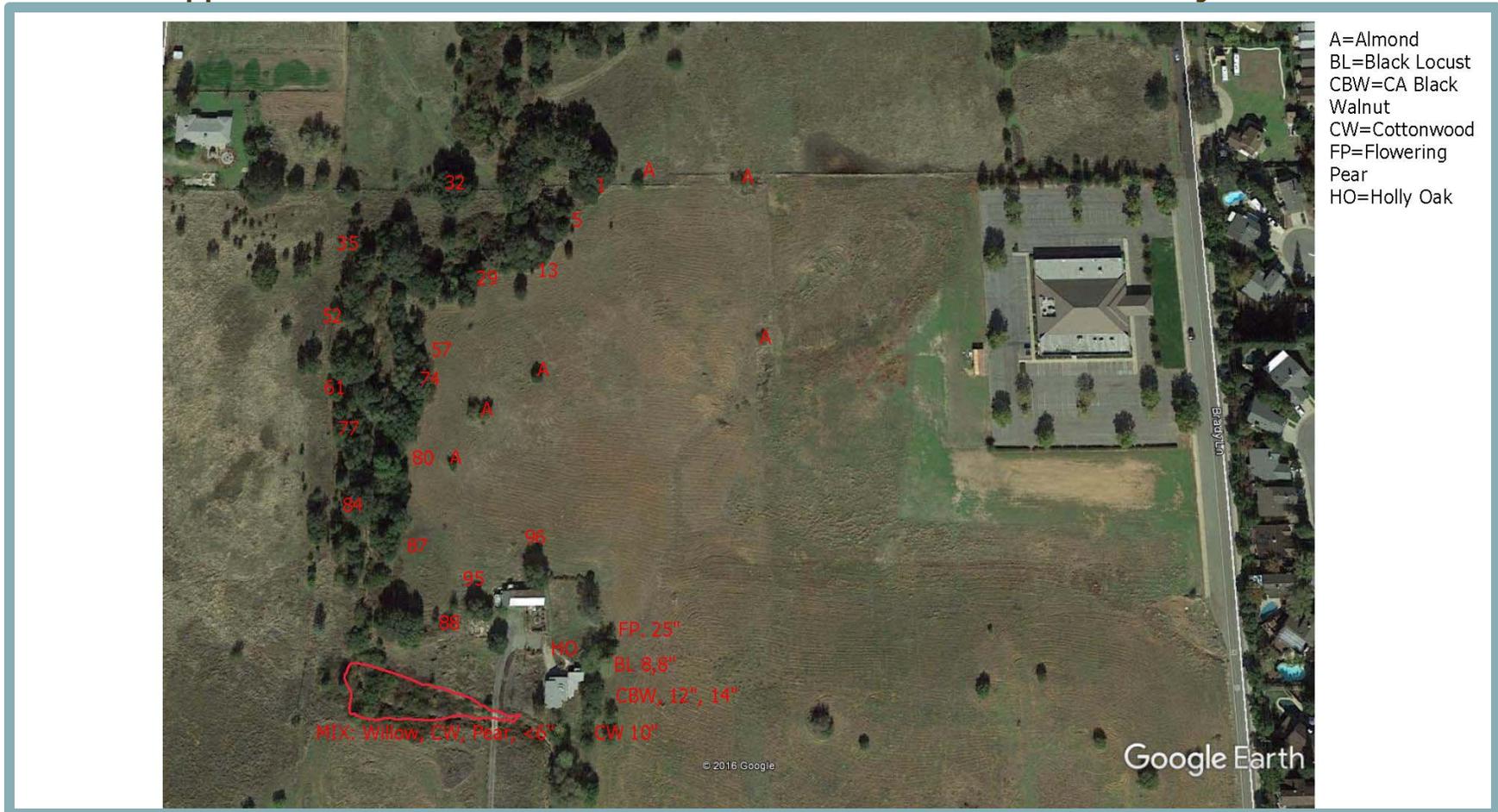
Figure 6-3
Approximate Tree Locations Within the Southern Portion of the Project Site



Source: Sierra Nevada Arborists. 2017.



Figure 6-4
Approximate Tree Locations Within the Northern Portion of the Project Site



Source: Sierra Nevada Arborists. 2017.



Federal Endangered Species Act

Under the FESA, the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 USC § 1533(c)). Two federal agencies oversee the FESA: the USFWS has jurisdiction over plants, wildlife, and resident fish, while the NMFS has jurisdiction over anadromous fish and marine fish and mammals. Section 7 of the FESA mandates that federal agencies consult with the USFWS and NMFS to ensure that federal agency actions do not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat for listed species.

Section 10 requires the issuance of an “incidental take” permit before any public or private action may be taken that could take an endangered or threatened species. The permit requires preparation and implementation of a habitat conservation plan (HCP) that would offset the take of individuals that may occur, incidental to implementation of a proposed project, by providing for the protection of the affected species.

Pursuant to the requirements of the FESA, a federal agency reviewing a project within the jurisdiction of the agency must determine whether any federally listed threatened or endangered species may be present in the project area and whether the proposed project will have a potentially significant impact on such species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC § 1536(3), (4)).

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of state and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503.5 of the California Fish and Game Code states, “It is unlawful to take, possess, or destroy any birds in the order *Falconiformes* or *Strigiformes* (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the code or any regulation adopted pursuant thereto.”

Clean Water Act

The USACE regulates discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (CWA). “Discharge of fill material” is defined as the addition of fill material into Waters of the U.S., including but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for the construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and sub-aqueous utility lines (33 C.F.R. §328.2[f]). In addition, Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Waters of the United States include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a



prevalence of vegetation typically adapted for life in saturated soil conditions” (33 C.F.R. §328.3[b]).

Furthermore, Jurisdictional Waters of the United States can be defined by exhibiting a defined bed and bank and OHWM. The OHWM is defined by the USACE as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” (33 C.F.R. §328.3[e]).

State Regulations

The following are the State environmental laws and policies relevant to biological resources.

California Department of Fish and Wildlife

CDFW administers a number of laws and programs designed to protect fish and wildlife resources under the California Fish and Game Code (FGC), such as CESA (FGC Section 2050, et seq.), Fully Protected Species (FGC Section 3511) and the Lake or Streambed Alteration Agreement Program (FGC Sections 1600 to 1616). Such regulations are summarized in the following sections.

California Endangered Species Act

The State of California enacted CESA in 1984. CESA is similar to the FESA but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with CDFW when preparing CEQA documents to ensure that the State lead agency actions do not jeopardize the existence of listed species. CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that “overriding considerations” exist; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.

CESA prohibits the taking of State-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving State-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines.

Fish and Game Code Section 3505

Birds of prey are protected in California under provisions of the California FGC, Section 3503.5, (1992), which states, “it is unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by CDFW.

Lake or Streambed Alteration Program

The CDFW is responsible for conserving, protecting, and managing California’s fish, wildlife, and native plant resources. To meet this responsibility, the Fish and Game Code, Section 1602,



requires notification to CDFW of any proposed activity that may substantially modify a river, stream, or lake. Notification is required by any person, business, state or local government agency, or public utility that proposes an activity that will:

- substantially divert or obstruct the natural flow of any river, stream or lake;
- 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.

For the purposes of Section 1602, rivers, streams and lakes must flow at least intermittently through a bed or channel. If notification is required and CDFW believes the proposed activity is likely to result in adverse harm to the natural environment, the CDFW will require that the parties enter into a Lake or Streambed Alteration Agreement.

CDFW Species of Special Concern

In addition to formal listings under FESA and CESA, plant and wildlife species receive additional consideration during the CEQA process. Species that may be considered for review are included on a list of “Species of Special Concern” developed by CDFW. Species whose numbers, reproductive success, or habitat may be threatened are tracked by CDFW in California.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. Currently 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations, emergencies, and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

Regional Water Quality Control Board

Pursuant to Section 401 of the CWA and EPA 404(b)(1) guidelines, in order for a USACE federal permit applicant to conduct any activity which may result in discharge into navigable waters, they must provide a certification from the RWQCB that such discharge will comply with the State water quality standards. The RWQCB has a policy of no-net-loss of wetlands in effect and typically requires mitigation for all impacts to wetlands before the RWQCB will issue water quality certification.

Under the Porter-Cologne Water Quality Control Act (Cal. Water Code Section 13000-14920), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the State’s waters. Therefore, even if a project does not require a federal permit (i.e., a Nationwide Permit from the USACE), the project may still require review and approval by the RWQCB, in light of the approval of new NWPs on March 9, 2000 and the Supreme Court’s decision in the case of the Solid Waste Agency of Northern Cook County (SWANCC) vs. USACE. The RWQCB in response to the above case, issued guidance for regulation of discharges to “isolated” water on June 25, 2004. The guidance states:

Discharges subject to Clean Water Act section 404 receive a level of regulatory review and protection by the USACE and are also subject to streambed alteration agreements issued by the CDFW; whereas discharges to waters of the State



subject to SWANCC receive no federal oversight and usually fall out of CDFW jurisdiction. Absent of RWQCB attention, such discharges will generally go entirely unregulated. Therefore, to the extent that staffing constraints require the RWQCB to regulate some dredge and fill discharges of similar extent, severity, and permanence to federally-protected waters of similar value. Dredging, filling, or excavation of “isolated” waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the RWQCB and comply with other requirements of Porter-Cologne.

When reviewing applications, the RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. Generally, the RWQCB defines beneficial uses to include all of the resources, services and qualities of aquatic ecosystems and underground aquifers that benefit the State. In most cases, the RWQCB seeks to protect the beneficial uses by requiring the integration of water quality control measures into projects that will result in discharge into waters of the State. For most construction projects, RWQCB requires the use of construction and post-construction Best Management Practices (BMPs). In many cases, proper use of BMPs, including bioengineering detention ponds, grassy swales, sand filters, modified roof techniques, drains, and other features, will speed project approval from RWQCB. Development setbacks from creeks are also requested by RWQCB as they often lead to less creek-related impacts in the future.

Local Regulations

The following are the local environmental laws and policies relevant to biological resources.

Placer County General Plan

The Placer County General Plan biological resource policies that are applicable to the proposed project are presented below:

Water Resources

Goal 6.A To protect and enhance the natural qualities of Placer County's rivers, streams, creeks and groundwater.

Policy 6.A.1. The County shall require the provision of sensitive habitat buffers which shall, at a minimum, be measured as follows: 100 feet from the centerline of perennial streams, 50 feet from centerline of intermittent streams, and 50 feet from the edge of sensitive habitats to be protected, including riparian zones, wetlands, old growth woodlands, and the habitat of special status, threatened or endangered species (see discussion of sensitive habitat buffers in Part I of this Policy Document). Based on more detailed information supplied as a part of the review for a specific project or input from state or federal regulatory agency, the County may determine that such setbacks are not applicable in a particular instance or should be modified based on the new information provided. The County may, however, allow exceptions, such as in the following cases:

1. Reasonable use of the property would otherwise be denied;



2. The location is necessary to avoid or mitigate hazards to the public;
3. The location is necessary for the repair of roads, bridges, trails, or similar infrastructure; or
4. The location is necessary for the construction of new roads, bridges, trails, or similar infrastructure where the County determines there is no feasible alternative and the project has minimized environmental impacts through project design and infrastructure placement

- Policy 6.A.3. The County shall require development projects proposing to encroach into a stream zone or stream setback to do one or more of the following, in descending order of desirability:
- a) Avoid the disturbance of riparian vegetation;
 - b) Replace all functions of the existing riparian vegetation (on-site, in-kind);
 - c) Restore another section of stream (in-kind);
 - d) Restore another section of stream (in-kind); and/or
 - e) Pay a mitigation fee for in-kind restoration elsewhere (e.g., mitigation banks).

- Policy 6.A.4. Where stream protection is required or proposed, the County should require public and private development to:
- a) Preserve stream zones and stream setback areas through easements or dedications. Parcel lines (in the case of a subdivision) or easements (in the case of a subdivision or other development) shall be located to optimize resource protection. If a stream is proposed to be included within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement should be clearly defined and conditioned prior to map or project approval;
 - b) Designate such easement or dedication areas (as described in a. above) as open space;
 - c) Protect stream zones and their habitat value by actions such as: 1) providing an adequate stream setback, 2) maintaining creek corridors in an essentially natural state, 3) employing stream restoration techniques where restoration is needed to achieve a natural stream zone, 4) utilizing riparian vegetation within stream zones, and where possible, within stream setback areas, 5) prohibiting the planting of invasive, non-native plants (such as *Vinca major* and eucalyptus) within stream zones or stream setbacks, and 6) avoiding tree removal within stream zones;
 - d) Provide recreation and public access near streams consistent with other General Plan policies;
 - e) Use design, construction, and maintenance



techniques that ensure development near a creek will not cause or worsen natural hazards (such as erosion, sedimentation, flooding, or water pollution) and will include erosion and sediment control practices such as: 1) turbidity screens and other management practices, which shall be used as necessary to minimize siltation, sedimentation, and erosion, and shall be left in place until disturbed areas; and/or are stabilized with permanent vegetation that will prevent the transport of sediment off site; and 2) temporary vegetation sufficient to stabilize disturbed areas.

- f) Provide for long-term stream zone maintenance by providing a guaranteed financial commitment to the County which accounts for all anticipated maintenance activities.

Policy 6.A.5. The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff and to encourage the use of BMPs for agricultural activities.

Wetland and Riparian Areas

Goal 6.B To protect wetland communities and related riparian areas throughout Placer County as valuable resources.

Policy 6.B.1. The County shall support the "no net loss" policy for wetland areas regulated by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.

Policy 6.B.2. The County shall require new development to mitigate wetland loss in both federal jurisdictional and non-jurisdictional wetlands to achieve "no net loss" through any combination of the following, in descending order of desirability: (1) avoidance; (2) where avoidance is not possible, minimization of impacts on the resource; or (3) compensation, including use of a mitigation and conservation banking program that provides the opportunity to mitigate impacts to special status, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas. Non-jurisdictional wetlands may include riparian areas that are not federal "waters of the United States" as defined by the Clean Water Act.



- Policy 6.B.3 The County shall discourage direct runoff of pollutants and siltation into wetland areas from outfalls serving nearby urban development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.
- Policy 6.B.4. The County shall strive to identify and conserve remaining upland habitat areas adjacent to wetlands and riparian areas that are critical to the survival and nesting of wetland and riparian species.
- Policy 6.B.5. The County shall require development that may affect a wetland to employ avoidance, minimization, and/or compensatory mitigation techniques. In evaluating the level of compensation to be required with respect to any given project, (a) on-site mitigation shall be preferred to off-site, and in-kind mitigation shall be preferred to out-of-kind; (b) functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and (c) acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses. The County shall continue to implement and refine criteria for determining when an alteration to a wetland is considered a less-than significant impact under CEQA.

Fish and Wildlife Habitat

Goal 6.C To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.

- Policy 6.C.1. The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include the following:
- a) Wetland areas including vernal pools.
 - b) Stream zones.
 - c) Any habitat for special status, threatened, or endangered animals or plants.
 - d) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat
 - e) Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, and vernal pool/grassland complexes.
 - f) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian mammalian migratory routes, and



known concentration areas of waterfowl within the Pacific Flyway

- g) Important spawning and rearing areas for anadromous fish.

- Policy 6.C.2. The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.
- Policy 6.C.3. The County shall encourage the control of residual pesticides to prevent potential damage to water quality, vegetation, fish, and wildlife.
- Policy 6.C.4. The County shall encourage private landowners to adopt sound fish and wildlife habitat management practices, as recommended by California Department of Fish and Wildlife officials, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Placer County Resource Conservation District.
- Policy 6.C.6. The County shall support preservation of the habitats of threatened, endangered, and/or other special status species. Where County acquisition and maintenance is not practicable or feasible, federal and state agencies, as well as other resource conservation organizations, shall be encouraged to acquire and manage endangered species' habitats.
- Policy 6.C.7. The County shall support the maintenance of suitable habitats for all indigenous species of wildlife, without preference to game or non-game species, through maintenance of habitat diversity.
- Policy 6.C.9. The County shall require new private or public developments to preserve and enhance existing riparian habitat unless public safety concerns require removal of habitat for flood control or other essential public purposes (See Policy 6.A.1.). In cases where new private or public development results in modification or destruction of riparian habitat the developers shall be responsible for acquiring, restoring, and enhancing at least an equivalent amount of like habitat within or near the project area.
- Policy 6.C.11. Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a wildlife biologist, the evaluation shall be based upon field



reconnaissance performed at the appropriate time of year to determine the presence or absence of special status, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources, and will identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible. In approving any such discretionary development permit, the decision-making body shall determine the feasibility of the identified mitigation measures. Significant ecological resource areas shall, at a minimum, include the following:

- a) Wetland areas including vernal pools.
- b) Stream zones.
- c) Any habitat for special status, threatened or endangered animals or plants.
- d) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat.
- e) Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, vernal pool/grassland complexes habitat.
- f) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.
- g) Important spawning and rearing areas for anadromous fish.

Policy 6.C.13. The County shall support and cooperate with efforts of other local, state, and federal agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development. Significant biological resources include endangered or threatened species and their habitats, wetland habitats, wildlife migration corridors, and locally important species/communities.

Vegetation

Policy 6.D.3. The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.

Policy 6.D.4. The County shall ensure that landmark trees and major groves of native trees are preserved and protected. In order to maintain these areas in perpetuity, protected areas shall also include younger vegetation with suitable space for growth and reproduction.



- Policy 6.D.5. The County shall require that new development preserve natural woodlands to the maximum extent possible.
- Policy 6.D.14. The County shall require that new development avoid, as much as possible, ecologically-fragile areas (e.g., areas of rare or endangered species of plants, riparian areas). Where feasible, these areas should be protected through public acquisition of fee title or conservation easements to ensure protection.

Dry Creek-West Placer Community Plan

The following goals and policies from the DCWPCP related to biological resources are applicable to the proposed project.

Community Development: Land Use

- Goal 2 To preserve outstanding visual features, natural resources, and landmarks.
- Policy 3 The retention of important open space features is critical to the future quality of life in the Plan area.
- Policy 26 Encourage development activities in areas of least environmental sensitivity, and similarly, restrict from development activities those lands which are environmentally sensitive.

Community Development: Community Design

- Policy 14 Where possible preserve native trees and support the use of native drought tolerant plant materials in all revegetation/landscaping projects.

Environmental Resources Management: Natural Resources

- Goal 1 Provide for the protection of rare, threatened and endangered species and the habitat which supports those species
- Goal 2 Conserve the quality of all habitats which support the environment of fish and wildlife species so as to maintain populations at sustainable levels.
- Goal 4 Safeguard and maintain natural waterways to ensure water quality, species diversity and unique habitat preservation.
- Goal 6 Preserve outstanding areas of natural vegetation.
- Policy 1 Any rare, significant, or endangered environmental features and conditions should be identified and programs designed to conserve or enhance their continued existence.
- Policy 2 Preserve in their natural condition all stream environment zones, including flood plains, and riparian vegetation areas.



-
- Policy 5 Identify all important fish and wildlife areas within the plan area and where feasible, protect these areas from urban/suburban encroachment.
- Policy 6 Identify, preserve and protect areas of unique or significant natural vegetation, including but not limited to vernal pools, riparian areas and native oak groves.
- Policy 8 Protect important spawning grounds, migratory routes, water-fowl resting areas, oak woodlands, and other unique wildlife habitats critical to protecting and sustaining wildlife populations.
- Policy 12 Conservation of the natural landscape, including minimizing disturbance to natural terrain and vegetation, shall be an overriding consideration in the design of any subdivision or land development project, paying particular attention to the protection and preservation of existing vegetation.
- Policy 13 For landscaping which is part of site development where original vegetation has been removed or where additional plantings are included, the emphasis should be on drought tolerant, native species where possible.
- Policy 16 Require site specific studies, from qualified consultants, for projects which impact unique or significant fish, wildlife or vegetative resources.
- Policy 17 Incorporate a mitigation monitoring program for all projects subject to environmental review where detrimental impacts to an area's natural resources have been identified.
- Policy 18 Require field studies as part of project review where vernal pools are noted on the property. These studies shall document the possible occurrence of special status plant and wildlife species and provide a method of protecting, monitoring, replacing or otherwise mitigating development in and around these sensitive habitats.
- Policy 19 Support the "no net loss" policy for wetland areas administered by the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the State Department of Fish and Game. Continue to coordinate with these agencies at all levels of project review to ensure that their concerns are adequately addressed.
- Policy 24 Tracts of undisturbed oak woodlands and valley grasslands that have significant value as wildlife habitat shall be preserved as open space.



Environmental Resources Management: Open Space

- Goal 1 To preserve and enhance open space lands to maintain the natural resources and rural characteristics of the area.
- Goal 2 To protect and preserve open spaces vital for wildlife habitat and other areas of major or unique ecological significance.
- Goal 3 To protect the natural beauty and minimize disturbance of the natural terrain and vegetation.
- Goal 4 To conserve and enhance the unique natural environment and open space of the area and to minimize disturbance of the natural terrain because these are unique and valuable assets for the Dry Creek-West Placer Community Plan Area, Placer County and the counties that border the area.
- Goal 5 Preserve outstanding areas of natural vegetation including, but not limited to, oak woodlands, riparian areas and vernal pools.
- Goal 6 To conserve the visual resources of the community, including the important vistas and wooded area, and in particular, the riparian habitat of Dry Creek and its intermittent streams and natural drainage channels which are important in providing low cost natural flood control.
- Goal 7 Provide for the protection of rare, threatened and endangered species and/or the habitat which supports these species.
- Goal 10 To provide open space to shape and guide development and to enhance community identity.
- Policy 1 Preserve in their natural condition all stream environment zones, including floodplains, and riparian vegetation areas.
- Policy 3 Identify and, where possible, preserve all soils which are suitable for agricultural uses.
- Policy 4 Encourage both private and public ownership and maintenance of open space.
- Policy 5 Protect natural areas along creeks and canals through the use of non-development setback with setback distances varying according to the significance of the area to be protected.
- Policy 12 Development on private lands should be planned and designed to provide for preservation of open space.
- Policy 13 Because the dominant features of the Planning Area contributing to the open quality are the natural land forms and vegetation, structures should be subordinated thereto.



	Only in the confines of individual sites should structures be allowed to be dominant.
Policy 17	Stream corridors shall be left in an open, natural condition, except for structures or uses which are compatible with stream corridors.
Policy 18	In the design and development of new subdivisions the following types of areas and features shall be preserved as open spaces to the maximum extent feasible: high hazard areas, scenic and trail corridors, streams, streamside vegetation, other significant stands of beneficial native vegetation, and any areas of special ecological significance.
Policy 21	Where impacts to stream environment zones or wetland are unavoidable, project specific mitigation shall include the identification and quantification of vegetation impacted, the preparation or revegetation plans to assure no net loss of riparian or wetland acreage or values, and the specific monitoring of plans to assure compliance and satisfactory results.

Placer County Tree Preservation Ordinance

The Placer County Tree Preservation Ordinance (Article 12.16 of the Placer County Municipal Code) regulates the encroachment of construction activities into protected zones of protected trees and the removal of any protected trees. Per the Placer County Tree Preservation Ordinance, a protected tree is defined as any *landmark tree* or *tree* requiring a tree permit. Per the County's Municipal Code, landmark trees are a tree or grove of trees designated by resolution of the Board of Supervisors to be of historical or cultural value, an outstanding specimen, an unusual species and/or of significant community benefit. Tree permits are required for any development activities within the protected zone (diameter of the longest limb plus one foot) of any tree, as defined in the code, on public or private land. Activities which could harm, destroy, kill or remove any protected tree must be authorized by a tree permit or be permitted pursuant to approval of a discretionary project. Protected trees are defined by the County's Municipal Code as any tall woody plant native to California with a single stem or trunk at least six inches' DBH (54 inches above grade at the base of a tree), or a tall woody plant with a multiple trunk with an aggregate of at least ten inches DBH. In addition, the Placer County Tree Preservation Ordinance prohibits the removal of landmark trees, trees located in designated Tree Preservation Zones, and trees within riparian areas. The County also requires replacement of removed trees to the satisfaction of the planning department.

Exemptions to the Placer County Tree Preservation Ordinance include:

- Foothill pines (*Pinus sabiniana*);
- Trees damaged and determined to be of immediate danger;
- Trees that pose a fire danger, fire hazard, or conflicting with fire department activities;
- Trees grown for commercial tree removal or agricultural purposes; and
- Trees identified by an arborist, forester, or landscape architect as: (1) "dying" or "unhealthy"; (2) dead trees; or (3) trees that are in a hazardous condition presenting an



immediate danger to health and property. In this report, trees assessed with a dead, poor health, poor vigor, poor or fair-poor structure rating were considered exempt.

Placer County Conservation Plan

The draft Placer County Conservation Program (PCCP) was released in 2011, which proposes a streamlined strategy and permitting process for a range of covered activities in western Placer County for the next 50 years. The First Agency Review Draft PCCP establishes a conservation reserve area to protect and conserve special-status species and natural communities. The area covers approximately 212,000 acres, including important biological communities in western Placer County. The project site is located within the boundaries of the draft PCCP, in an area identified by the PCCP as a potential future growth area.

On December 4, 2018, the Placer County Board of Supervisors adopted an interim in-lieu fee program for the PCCP. The interim in-lieu fee program is intended for use in mitigating the impact of development projects on endangered species, wetlands, agriculture, and open space in anticipation of the eventual implementation of the PCCP. Furthermore, on June 21, 2019, the Placer County Community Development Resource Agency, in partnership with the USFWS, released the Notice of Availability for the draft Environmental Impact Statement and Environmental Impact Report (EIS/R), prepared for the PCCP. The public review period for the EIS/R extended from June 21 to August 20 of 2019, during which time the County and USFWS accepted public comments on the EIS/R. The PCCP is expected to be considered for adoption by the Placer County Board of Supervisors in early 2020.

6.4 IMPACTS AND MITIGATION MEASURES

The following section describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to biological resources. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, is also presented.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines, the County's General Plan, and professional judgment, a significant impact would occur if the proposed project would result in the following:

- 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 CDFW or USFWS;
- 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 CDFW or USFWS;
- Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or



- Conflict with the provisions of an adopted HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan.
- Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of or restrict the range of an endangered, rare, or threatened species.
- Have a substantial adverse effect on the environment by converting oak woodlands.

Method of Analysis

The information contained in the analysis is primarily based on the Biological Resources Assessment prepared by Madrone Ecological Consulting, as well as the Arborist Report prepared by Sierra Nevada Arborists.

Biological Resource Assessment

A list of special-status species with potential to occur within the Project Area was developed by conducting a query of the following databases:

- CNDDDB (CNDDDB 2018) query of the Project Area and all of the areas within five miles of the Project Area (see Figure 6-5 and Figure 6-6);
- USFWS Information for Planning and Conservation (IPaC) (USFWS 2018) query for the Project Area (Attachment C of the Biological Resources Assessment available in Appendix D of this EIR);
- CNPS Rare and Endangered Plant Inventory (CNPS 2018) query of the “Citrus Heights, California” USGS topo quadrangle, and the eight surrounding quadrangles (Attachment D of the Biological Resources Assessment available in Appendix D); and
- WBWG Species Matrix.

In addition, any special-status species that are known to occur in the region, but that were not identified in any of the above database searches were also analyzed for potential to occur within the Project Area.

Field Survey

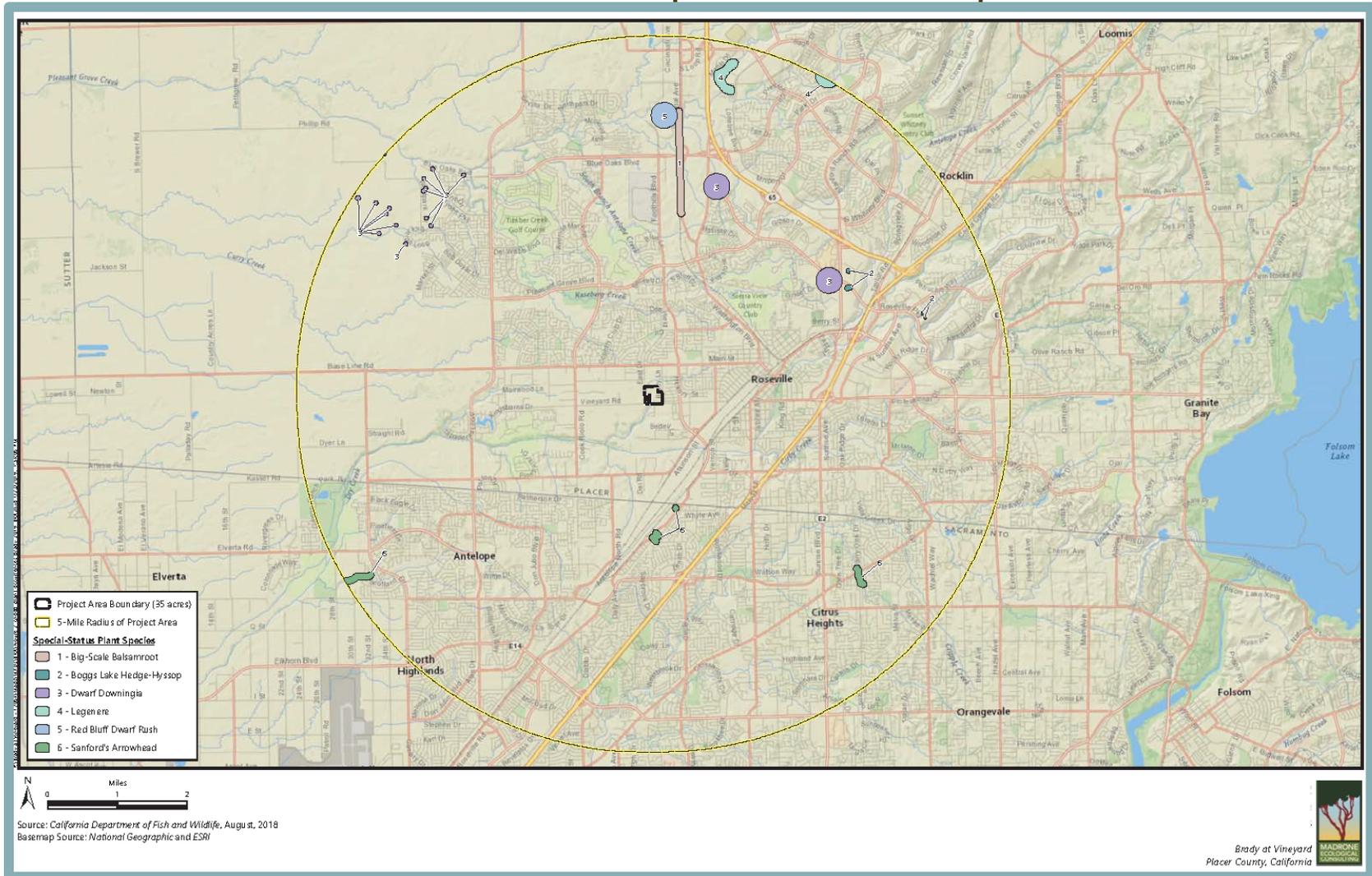
Madrone Ecological Consulting senior biologist Matt Hirkala conducted a field survey of the Project Area on September 14, 2017, May 2, 2018, and July 13, 2018, to assess the suitability of habitats on-site to support special-status species, and to conduct the targeted surveys detailed below. Meandering pedestrian surveys were performed on foot throughout the Project Area, and the entire site was surveyed. A list of all wildlife species observed during the survey is included as Attachment E of the Biological Resources Assessment available in Appendix D of this EIR. Vegetation communities were classified in accordance with *The Manual of California Vegetation, Second Edition*, and plant taxonomy was based on the nomenclature in the *Jepson eFlora*.

In addition, the Biological Resources Assessment prepared for the proposed project incorporates results from the following surveys, completed by Madrone Ecological Consultants:

- An aquatic resources delineation conducted for the Project Area in September 2017;
- Protocol-level special-status plant surveys conducted throughout the Project Area, including adjacent areas on the neighboring parcel to the north in May and July of 2018;



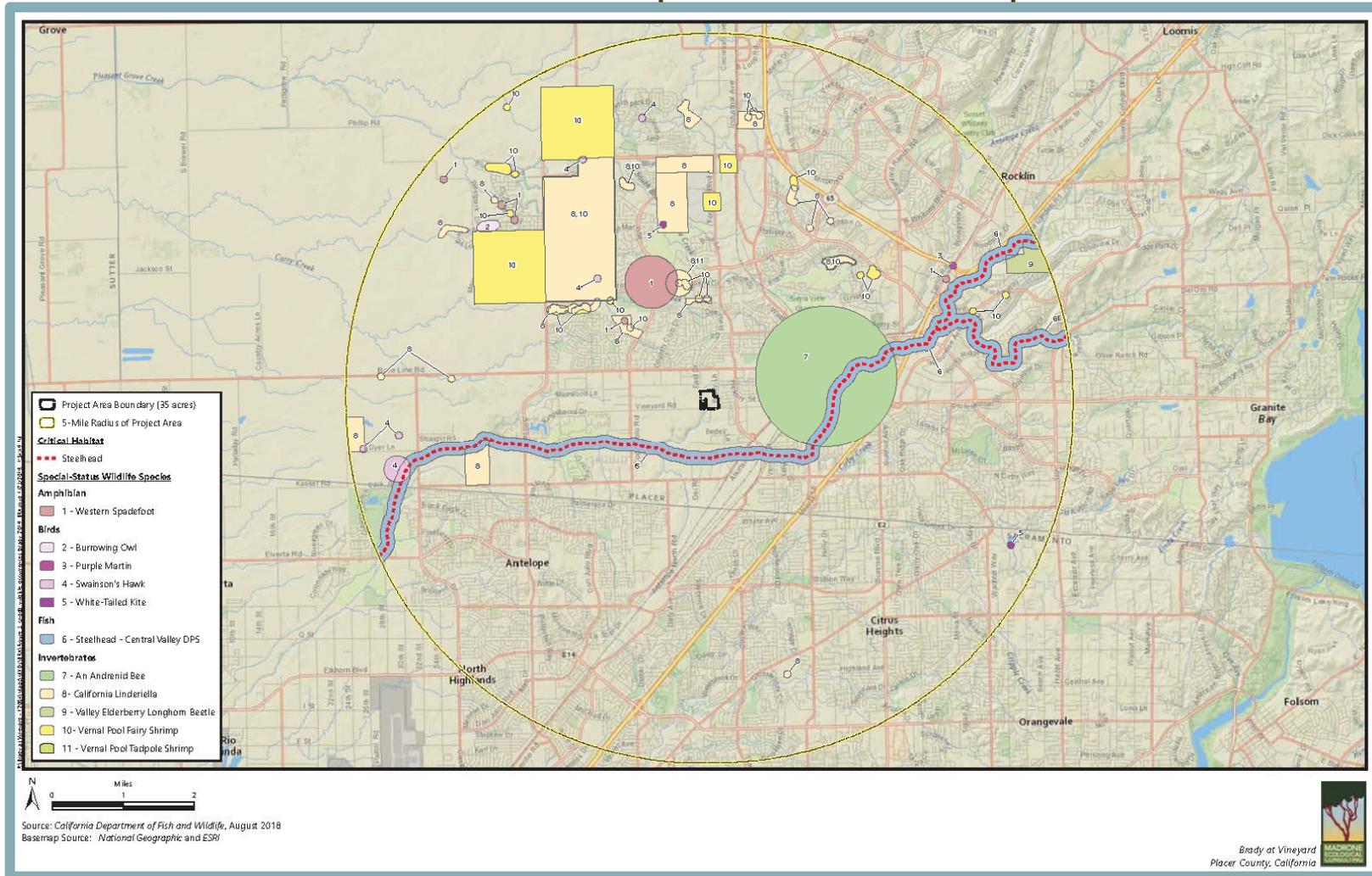
Figure 6-5
CNDDDB Occurrences of Special-Status Plant Species



Source: Madrone Ecological Consulting, 2019.



**Figure 6-6
 CNDDDB Occurrences of Special-Status Wildlife Species**



Source: Madrone Ecological Consulting, 2019.



- Wet-season and dry-season vernal pool branchiopod surveys were conducted between November 2017 and April 2018 in all areas of suitable habitat within the Project Area, including aquatic features that extended onto the adjacent parcel to the north; and
- A Valley elderberry longhorn beetle habitat survey conducted for the Project Area in September 2017.

The aquatic resource delineation was conducted by Madrone Ecological Consulting, senior biologist Matt Hirkala on September 14, 2017. Following mapping of the aquatic resources within the Study Areas, three-parameter data (vegetation, soils, and hydrology) was collected at each data point, documenting wetland/waters or upland status.

Mr. Hirkala conducted protocol-level rare plant surveys of the Study Areas on May 2, 2018 and July 13, 2018, in accordance with the USFWS's *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants*, CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, and the *CNPS Botanical Survey Guidelines*.

Dry-season and wet-season surveys for vernal pool branchiopod species were conducted under the authority of USFWS Recovery Permits No. TE-89991B-0 and TE-795935-5, respectively, of Section 10(a)(1)(A) of the Endangered Species Act, 16 U.S. Code 1531 et seq. and in accordance with the November 13, 2017 *Survey Guidelines for the Listed Large Branchiopods*.

Arborist Report

The purpose of Arborist Report prepared by Sierra Nevada Associates was to document the existing trees within the proposed project site, evaluate impacts within the canopy of protected trees, and provide recommendations for tree preservation. International Society of Arboriculture (ISA) Certified Arborist, Edwin E. Stirtz (WE-0510A), Principal of Sierra Nevada Associates, conducted field reconnaissance of the project site on May 17, 2017. All trees on or overhanging the project site, which meet the Placer County Code requirements for protection under the County's Tree Preservation Ordinance were surveyed. Trees accessible to the arborist and on-site were tagged with square tags inscribed with a unique tree identification number. A tree identification number was established for each tree and matches the number of the tree tag.

Data recorded during the survey included the following: location, tree ID number, species, number of trunks, DBH of each trunk, and the diameter of the canopy of dripline, as well as the condition of the root crown, trunk, limbs, foliage, structure, and perceived vigor of each tree. Tree health, vigor, and structure were rated as Good, Fair, or Poor. The arborist report, included as Appendix E of this EIR, contains general definitions of the rating system.

Project-Specific Impacts and Mitigation Measures

The following discussion of impacts related to biological resources is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.



6-1 Impacts to special-status plant species either directly (e.g., threaten to eliminate a plant community) or through substantial habitat modifications. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

As shown in Table 6-2, the project site contains potentially suitable habitat for nine special-status plant species, including big-scale balsamroot, dwarf downingia, Bogg's Lake hedge-hyssop, Ahart's dwarf rush, legenera, pincushion navarretia, slender Orcutt grass, Sacramento Orcutt grass, and Sanford's arrowhead. Though the site encompasses potential habitat for the nine above-listed species, during the protocol-level, blooming period site surveys conducted on May 2, 2018 and July 13, 2018 by Madrone Ecological Consulting, none of the above identified special-status plant species were observed on the project site.

It should be noted that off-site sewer improvements related to the proposed project would occur within the Vineyard Road right-of-way. Considering the disturbed and paved nature of such areas, the off-site sewer improvements related to the proposed project would not have the potential to result in impacts related to special-status plant species as such species would not be present in any of the off-site areas.

Although special-status plants were not identified within the Project Area during field surveys in 2018, the USFWS only considers plant surveys to be valid for three years. Should project construction not occur within three years from the date of the survey, construction activity could impact special-status plant species that may have colonized the project site. Therefore, impacts related to the disturbance of special-status plant species could be **significant**.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

6-1 *Protocol-level special-status plant surveys were conducted within the Project Area in May and July of 2018, and no special-status plant species were identified. Survey results are valid for three years. If construction does not commence before Spring of 2021, then new focused plant surveys shall be performed according to CDFW and CNPS protocol, as generally described below. If special-status plant species are not found during appropriately timed focused surveys, then further mitigation is not necessary. The results of the new surveys shall be submitted to the Placer County Community Development Resource Agency.*

Prior to Improvement Plan approval for each phase of the project, focused surveys shall be performed by a qualified botanist in order to determine the presence or absence of the following special-status plant species known to potentially occur on-site: big-scale balsamroot, dwarf downingia, Bogg's Lake hedge-hyssop, Ahart's dwarf rush, legenera, pincushion navarretia, slender Orcutt grass, Sacramento Orcutt grass, and Sanford's arrowhead. Furthermore, should additional plants having the potential to occur on-site be given special-status in the future, the qualified botanist shall also



determine the presence/absence of such species. The survey(s) shall be conducted on-site as well as in any off-site improvement areas, as applicable for each phase, during the identification periods (bloom periods) for all of the special-status plant species listed above. If the special-status plant species are not found to be present during the focused survey(s), then no further action is required. The results of the focused surveys shall be submitted to the Placer County Community Development Resource Agency.

If any special-status plant species are found, a mitigation plan shall be prepared in consultation with the Placer County Community Development Resource Agency. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant(s). Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of property that supports the plant species.

6-2 Impacts to special-status vernal pool branchiopods either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications. Based on the analysis below, the impact is *less than significant*.

The on-site seasonal wetlands and seasonal wetland swale represent suitable habitat for Conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp. However, vernal pool branchiopods were not identified during wet and dry season surveys conducted in 2017 by Madrone Ecological Consulting within the project site.

The off-site sewer improvement area does not contain any suitable habitat for special-status vernal pool branchiopods, and implementation of off-site improvements would not have the potential to result in adverse effects to special-status vernal pool branchiopods.

Therefore, development of the proposed project would not have the potential to cause a substantial adverse effect to vernal pool branchiopods, and a ***less-than-significant*** impact would result.

Mitigation Measure(s)
None required.

6-3 Impacts to special-status amphibian species either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications. Based on the analysis below, the impact is *less than significant*.

The seasonal wetlands within the project site represent suitable breeding habitat for western spadefoot toad. However, western spadefoot toads were not identified during



protocol-level wet-season surveys conducted by Madrone Ecological Consulting within the project site. Because adults or tadpoles were not identified by Madrone Ecological Consulting during field surveys of the project site, implementation of the proposed project would not have the potential to result in adverse effects to western spadefoot toad.

The off-site sewer improvement area does not contain any suitable habitat for special-status amphibians, including western spadefoot toad, and implementation of off-site improvements would not have the potential to result in adverse effects to special-status amphibians.

Thus, the proposed project would result in a ***less-than-significant*** impact.

Mitigation Measure(s)

None required.

6-4 Have a substantial adverse effect, either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications, on burrowing owl. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

The annual brome grassland throughout the Project Area provides marginally suitable foraging habitat for burrowing owl due to the relatively high density of yellow star-thistle (*Centaurea solstitialis*). In addition, the occasional ground-squirrel burrows and debris throughout the Project Area provide marginally suitable nesting habitat. Development of the proposed project would involve disturbance of the majority of the annual brome grassland areas within the project site and subsequent conversion of such areas to residential and accessory uses (see Figure 6-7). Such development activity would represent a loss of the marginally suitable foraging and nesting habitat throughout the project site.

It should be noted that off-site sewer improvements related to the proposed project would occur within the Vineyard Road right-of-way. Considering the disturbed and paved nature of such areas, the off-site sewer improvements related to the proposed project would not have the potential to result in impacts related to individual burrowing owls or the loss of burrowing owl habitat.

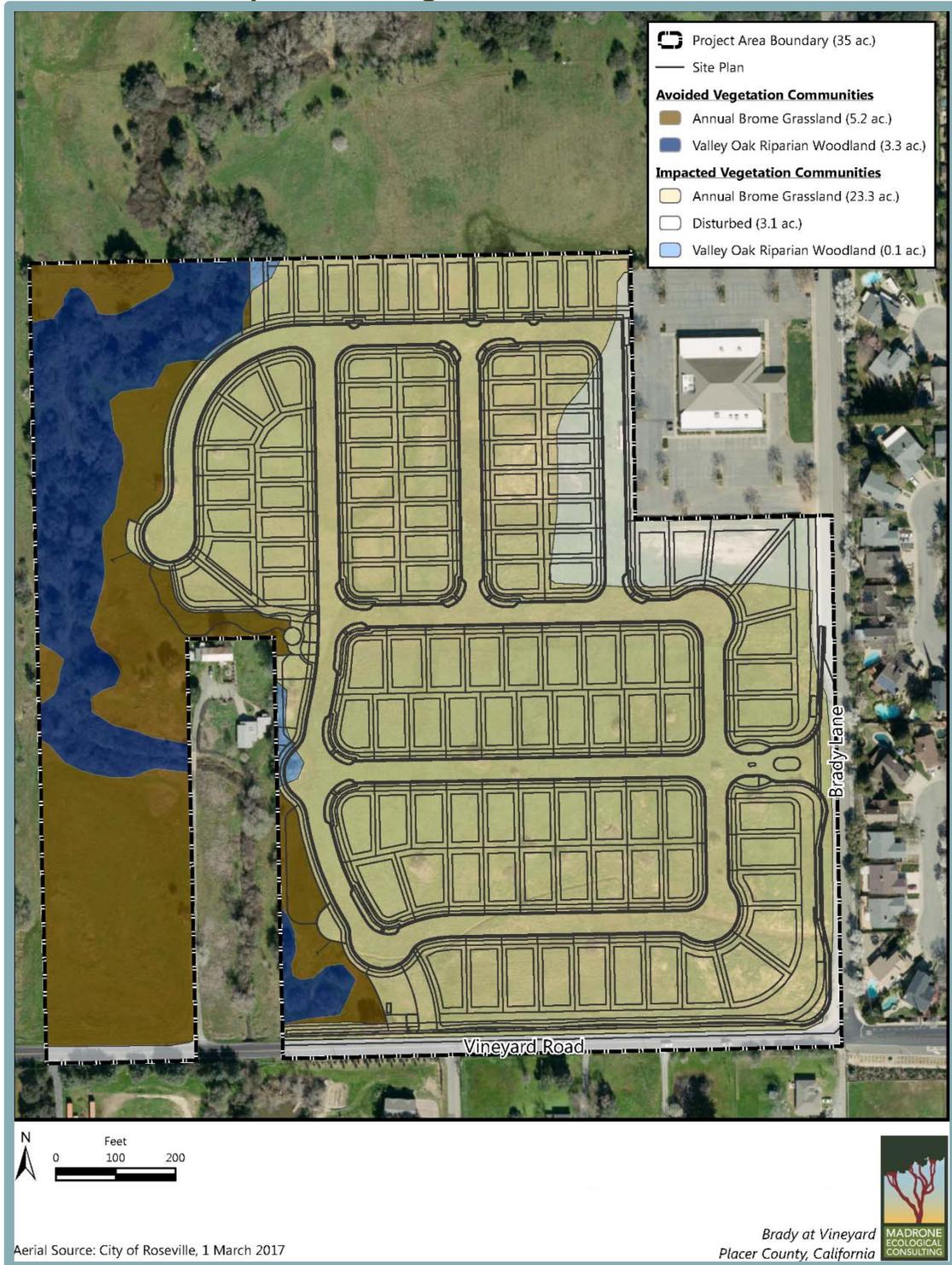
Nevertheless, should individual burrowing owls be present within burrows during ground disturbance within the Project Area, project construction could result in loss of individual owls. However, it should be noted that burrowing owls are considered rare in Placer County, and thus, use of the project site for burrowing owl nesting is considered unlikely.⁷

Notwithstanding the rarity of the species within Placer County, the proposed project has conservatively been assumed to have a potential for causing a substantial adverse effect, either directly or through habitat modifications, on burrowing owl and a ***significant*** impact could occur.

⁷ Placer County Planning Department. *Placer County Natural Resources Report* [pgs. 183-185]. April 2004.



Figure 6-7
Impacts to Vegetation Communities



Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a less-than-significant level.

- 6-4 *A pre-construction survey for burrowing owl shall be conducted between 14 days and 30 days prior to commencement of construction and/or maintenance activities of any phase of the proposed project. The survey area shall include an approximately 500-foot (150-meter) buffer around suitable grassland habitats, where access is permitted. If the results of the survey are negative, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional protective measures are not required.*

If active burrows are observed, an impact assessment should be prepared and submitted to CDFW in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. If project activities could result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project applicant shall delay commencement of construction activities until a qualified biologist determines that the burrowing owls have fledged and the burrow is no longer occupied. If delay of construction activities is infeasible, the project applicant shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage and number of burrows impacted are replaced. The mitigation plan shall be based on the requirements set forth in Appendix A of the 2012 Staff Report.

Construction shall not commence until CDFW has approved the mitigation plan. Mitigation for the permanent loss of burrowing owl foraging habitat (defined as all areas of suitable habitat within 250 feet of an active burrow) shall be accomplished at a 1:1 ratio. The mitigation provided shall be consistent with recommendations in the CDFW Staff Report on Burrowing Owl Mitigation, and may be accomplished within qualifying Swainson's hawk foraging habitat mitigation area if burrowing owls have been documented using the Swainson's hawk foraging habitat mitigation area, or if the Project biologist, the County, and CDFW collectively determine that the area is suitable.

During the non-breeding season (late September through the end of January), the project applicant may choose to have a qualified biologist conduct a survey for burrows or debris that represent suitable nesting habitat for burrowing owls within areas of proposed ground disturbance, exclude any burrowing owls observed, and collapse any burrows or remove the debris in accordance with the methodology outlined in the CDFW Staff Report on Burrowing Owl Mitigation and in coordination with CDFW.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-4 may be replaced with the PCCP's mitigation fees



and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

6-5 Have a substantial adverse effect, either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications, on Swainson's hawk. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

The annual brome grassland within the Project Area provides suitable foraging habitat for Swainson's hawk, and the trees within the Project Area provide suitable nesting habitat. Implementation of the proposed project would result in loss of annual brome grassland as well as some trees within the Project Area, and ground-disturbance in proximity to other nearby trees.

The CDFW considers five or more vacant acres located within 10 miles of an active nest, including nests that have been active within the last five years, to be significant foraging habitat for Swainson's hawk. The conversion of such foraging habitat is considered a significant impact, in accordance with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (Buteo swainsoni) in the Central Valley of California* (Staff Report).⁸ The Staff Report states that foraging habitat loss of five or more acres on projects located more than one mile, but less than five miles, from an active nest tree documented within the last five years shall be mitigated at a 0.75:1 ratio. As shown in Figure 6-7, the proposed project would result in impacts to 23.3 acres of annual brome grassland. Should an active nest be located within 10 miles of the Project Area, the loss of foraging habitat resulting from project implementation could be considered a significant impact. Furthermore, should an active nest be located less than five miles from the project site, mitigation would be required as previously noted.

It should be noted that the off-site sewer improvement area does not represent suitable foraging or nesting habitat for the species.

Based on the above, Swainson's hawk have the potential to occur within the Project Area, including nesting in trees that may be removed as a result of project construction activities, and foraging in annual brome grasslands that would be converted to residential use with implementation of the proposed project. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk, and a **significant** impact could occur.

⁸ California Department of Fish and Wildlife. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (Buteo swainsoni) in the Central Valley of California*. November 8, 1994.



Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

- 6-5(a) *Within 14 days prior to the commencement of construction and/or maintenance activities during the nesting season for Swainson's hawk (between February 15 and September 1) a targeted Swainson's hawk nest survey shall be conducted of all accessible areas within 0.25 mile of the proposed construction area. If active Swainson's hawk nests are found within 0.25 mile of a construction site, construction shall cease within 0.25 mile of the nest until a qualified biologist determines that the young have fledged or the determination is made that the nesting attempt has failed. If the applicant desires to work within 0.25 mile of the nest, the applicant shall consult with CDFW and the County to determine if the nest buffer can be reduced. The project applicant, the project biologist, the County, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary. If an active Swainson's hawk nest is found within the project site prior to construction and is in a tree that is proposed for removal, then the project applicant shall either wait until fledging is complete (with agreed-upon construction buffers in place) or obtain an Incidental Take Permit. The results of the survey shall be submitted to the Placer County Community Development Resource Agency and CDFW.*

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-5(a) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

- 6-5(b) *Prior to initiation of ground disturbing activity for the project, a qualified biologist shall conduct a review of Swainson's hawk nest data available in the CNDDDB and contact the CDFW to determine the most up-to-date Swainson's hawk nesting information for the project area. If desired by the project applicant, the biologist may further conduct a survey of the identified nests to determine the presence or absence of Swainson's hawks. The biologist shall provide the County with a summary of findings of Swainson's hawk nesting activity within 10 miles of the Project Area. If the biologist determines that the project site is within 10 miles of an active Swainson's hawk nest (where an active nest is defined as a nest with documented Swainson's hawk uses within the past five years), the applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the following measures as applicable:*



- *If an active nest is identified within one mile of the project site: One acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the County.*
- *If an active nest is identified within five miles (but greater than one mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the County.*
- *If an active nest is identified within 10 miles (but greater than five miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the County.*

Results of the nesting survey, as well as proof of purchase of mitigation credits as required per the above mitigation options, shall be provided to the Placer County Community Development Resource Agency for review and approval prior to initiation of ground disturbance for any portion of the project site.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-5(b) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

6-6 Have a substantial adverse effect, either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications, on other special-status birds or birds protected under the MBTA. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

Special-status birds, migratory birds and other birds of prey, including tricolored blackbird, bald eagle, loggerhead shrike, yellow warbler, northern harrier, and white-tailed kite have the potential to nest within the proposed project site or move through project site, including in areas that would be impacted by construction of the proposed project. Implementation of the proposed project would result in the disturbance of annual brome grassland and riparian woodland, both of which could result in habitat loss for special-status birds or birds protected under the MBTA. Furthermore, should ground disturbance or tree removal occur during the nesting season, such activity could result in the loss of ground nesting birds,



such as the northern harrier, or tree nesting species, such as the white-tailed kite and other MBTA protected species.

As noted in Table 6-2, the on-site Valley oak riparian woodland represents suitable winter foraging habitat for yellow warblers. However, the project site is not within the breeding range of the species, and nesting within the Project Area would not be likely to occur. As shown in Figure 6-7, implementation of the proposed project would result in impacts to a relatively small area of such habitat (0.1 acre). Such impacts would be spatially limited, and would be mitigated, as discussed in further depth in Impacts 6-8 and 6-10 below. Considering the relatively small area of potential impact to Valley oak riparian woodland and the proximity of the project site to other nearby areas of riparian woodland, implementation of the proposed project is not anticipated to impact yellow warblers as individuals of the species would be able to disperse away from project-related disturbance and the species is not anticipated to nest within the site.

The proposed project could result in substantial adverse effects, either directly or through habitat modifications, on raptors, nesting birds, or other birds protected under the MBTA, including tricolored blackbird, bald eagle, northern harrier, white-tailed kite, and loggerhead shrike. Thus, a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

- 6-6 *Prior to initiation of ground-disturbing activities for any phase of project construction, if construction is expected to occur during the raptor nesting season (February 15 to September 1), a qualified biologist shall conduct a preconstruction survey prior to vegetation removal. The pre-construction survey shall be conducted within 3 days prior to commencement of ground-disturbing activities. The survey shall be conducted within all areas of proposed disturbance and all accessible areas within 250 feet of proposed disturbance. If the pre-construction survey does not show evidence of active nests, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional measures are not required. If construction does not commence within 3 days of the pre-construction survey, or halts for more than 14 days, an additional pre-construction survey shall be required.*

If any active nests are located within the Project Area, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 500 feet for raptor nests and/or tricolored blackbird nesting colonies. If active nests are found within the project footprint, a qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW shall be required if establishing the typical buffer zone is impractical. If construction activities cause the nesting bird(s) to vocalize,



make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the young have fledged or as otherwise determined by a qualified biologist.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-6 may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

6-7 Have a substantial adverse effect, either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications, on special-status bat species. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

Trees throughout the Project Area provide suitable habitat for pallid bats, silver-haired bats, western red bats, and hoary bats. Implementation of the proposed project would result in removal of trees within the Project Area, as further discussed in Impact 6-10. Should special-status bat species be present in on-site trees prior to removal, implementation of the proposed project could result in a loss of individual bats.

It should be noted that the area that would be disturbed during off-site sewer related improvements in Vineyard Road does not contain suitable roosting habitat for bats. Thus, off-site sewer improvements would not have the potential to result in impacts to any special-status bat species.

Consequently, the proposed project could result in direct or indirect adverse effects to special-status bat species, and a **significant** impact would occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

- 6-7 *Pre-construction roosting bat surveys shall be conducted by a qualified biologist within 14 days prior to any tree removal occurring during the bat breeding season (April through October) and/or on days with temperatures in excess of 50 degrees Fahrenheit from January through March. Methods may include evening emergence surveys, acoustic surveys, inspecting*



potential roosting habitat with a fiberoptic camera, or a combination thereof. If pre-construction surveys indicate that roosts of special-status bats are not present, or that roosts are inactive or potential habitat is unoccupied, further mitigation is not required. The results of the bat surveys shall be submitted to the Placer County Community Development Resource Agency and CDFW.

If roosting bats are found, exclusion shall be conducted as recommended by the qualified biologist in coordination with CDFW. If cavity roosting bats are found within any of the trees planned for removal, or if presence is assumed, trees should be removed outside of pup season only on days with temperatures in excess of 50 degrees Fahrenheit. Pup season is generally during the months of May through August. Two-step tree removal shall be utilized under the supervision of the qualified biologist. Two-step tree removal involves removal of all branches of the tree that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. A letter report summarizing the survey results should be submitted to the Placer County Community Development Resource Agency within 30 days following the final monitoring event.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-7 may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

6-8 Have a substantial adverse effect on riparian habitat or other sensitive natural community, or State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

As shown in Figure 6-7, approximately 0.1-acre of Valley oak riparian woodland would be impacted through implementation of the proposed project, while 3.3 acres of the existing Valley oak riparian woodland would be avoided. Madrone Ecological Consulting has mapped, and the USACE has verified, 1.064-acres of total aquatic resource areas within the project site, 0.98-acre of which is considered jurisdictional (see Table 6-3).



Resource Type	Existing (acre)	Impacted (acre)	Avoided (acre)
Riparian Wetland	0.40	0.00	0.40
Seasonal Wetland	0.21	0.08	0.13
Seasonal Wetland Swale	0.07	0.07	0.00
Intermittent Stream	0.30	0.00	0.30
<i>Total – Jurisdictional Under 404 CWA</i>	<i>0.98</i>	<i>0.15</i>	<i>0.83</i>
Drainage Ditch*	0.084*	0.084*	0.00
Project Area Total	1.064	0.234	0.83

* The Drainage Ditch is not considered to be a jurisdictional Water of the U.S. under Section 404 of the Clean Water Act, but may fall under authority of Section 1602 of the CFGC.

Source: Madrone Ecological Consulting, March 2019.

The proposed project would include grading and development activities associated with the construction and operation of 119 single-family residential lots, associated infrastructure, and widening of Vineyard Road. Such development activities would have the potential to involve the disturbance, removal, fill or hydrologic interruption of wetlands or other waters of the U.S or state regulated by the USACE, RWQCB and/or the CDFW. As shown in Table 6-3, Table 6-4, and Figure 6-8 implementation of the proposed project would have the potential to directly impact 0.08-acre of seasonal wetland, 0.07-acre of seasonal wetland swale, and 0.084-acre of a non-jurisdictional wetland ditch. The remaining 0.83-acre of jurisdictional wetland area within the Project Area would be avoided.

Impacted Resource	Impacts (acre)	Project Improvement
Riparian Wetland	0	Avoided – project impacts would not occur
Seasonal Wetland	0.04	Mass grading for building pads/subdivision streets
Seasonal Wetland	0.04	Widening of Vineyard Road
Seasonal Wetland Swale	0.07	Mass grading for building pads/subdivision streets
Intermittent Stream	0	Avoided – project impacts would not occur
<i>Total – Jurisdictional Under 404 CWA</i>	<i>0.15</i>	-
Drainage Ditch*	0.084*	Mass grading for building pads/subdivision streets
Total Project Impacts	0.234	-

* The Drainage Ditch is not considered to be a jurisdictional Water of the U.S. under Section 404 of the Clean Water Act, but may fall under authority of Section 1602 of the CFGC.

Source: Madrone Ecological Consulting, March 2019.



Figure 6-8
 Project Area and Vegetation Communities



It should be noted that the off-site sewer improvement area does not contain any wetlands, riparian areas, or other sensitive natural communities, and implementation of the off-site sewer improvements would not have the potential to result in impacts to such resources.

Based on the above, implementation of the proposed project could have a substantial adverse effect on riparian habitat and/or other sensitive natural communities and/or have a substantial adverse effect on State or Federally protected aquatic resources (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means. Thus, a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

6-8(a) *Prior to initiation of ground-disturbing activities, high visibility and silt fencing shall be established at the edge of the construction/maintenance footprint, to the satisfaction of the Placer County Community Development Resource Agency, if work is anticipated to occur within 50 feet of potentially jurisdictional features and riparian areas that are proposed for avoidance. A biological monitor shall be present during the fence installation and during any initial grading or vegetation clearing activities within 50 feet of potentially jurisdictional features and riparian areas which are proposed for avoidance.*

6-8(b) *To the extent feasible, the project shall be designed to avoid and minimize adverse effects to waters of the U.S. or jurisdictional waters of the State of California within the project area. Prior to Improvement Plan approval for the project, a Section 404 permit for fill of jurisdictional wetlands shall be acquired, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE “no-net-loss” policy. Mitigation for impacts to both federal and State jurisdictional waters shall be addressed using these guidelines.*

The applicant must also obtain a water quality certification from the RWQCB under Section 401 of the Clean Water Act (CWA). Written verification of the Section 404 permit and the Section 401 water quality certification shall be submitted to the Placer County Community Development Resource Agency.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project’s own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-8(b) may be replaced with the PCCP’s mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological



resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Alternatively, if the project proceeds before adoption of the PCCP or if the PCCP is not approved, the applicant may choose to utilize the Western Placer County Voluntary Interim In Lieu Fee Program (VIILF) to satisfy USACE and RWQCB mitigation requirements for the project's impacts to aquatic resources. The applicant shall be required to enter into both a Western Placer County In Lieu Fee Program Credit Transfer Agreement and an Interim Fee Credit Agreement with the County. If the VIILF is chosen, then Mitigation Measure 6-8(b) may be replaced with the payment of the interim fee.

6-8(c)

Prior to Improvement Plan approval, the applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. The information provided shall include a description of all of the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation. Impacts shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this EIR (see Table 6-3, Table 6-4, and Figure 6-8). Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided as well as a description of storm water treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/conservation bank, off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW. Written verification of the Section 1600 Lake or Streambed Alteration Agreement shall be submitted to the Placer County Community Development Resource Agency.

In the event the Placer County Conservation Program is adopted prior to submittal of Improvement Plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-8(c) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.



6-9 Interfere 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. Based on the analysis below, the impact is *less than significant*.

Although the project site currently consists of annual brome grassland and Valley oak riparian woodland areas, both of which could be used for wildlife movement, the project site is not located in proximity to large areas of viable habitat. Urbanized areas of the City of Roseville exist to the east of the site, and areas to the north, west, and south of the site have primarily been developed for rural residential uses or agricultural uses. Thus, while wildlife may occasionally move across the site, the site does not provide a movement corridor for substantial wildlife populations, or between significant habitat areas. Finally, the proposed project would avoid development within the majority of the on-site Valley oak riparian woodland area and on-site tributary, and wildlife could continue to use the avoided riparian woodland area for movement within the site. Considering the location of the project site and the avoidance of the majority of the on-site Valley oak riparian woodland area, the proposed project would not have the potential to result in a substantial interference with the movement of any wildlife.

The existing habitats within the Project Area are not considered a substantial native wildlife nursery site; thus, implementation of the proposed project would not have the potential to impede the use of a native wildlife nursery site.

Given the above, the proposed project would not interfere substantially with the movement of any wildlife and a ***less-than-significant*** impact would result.

Mitigation Measure(s)
None required.

6-10 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

Based on the Arborist Report prepared by Sierra Nevada Arborists, implementation of the proposed project would include removal of seven protected trees, with a combined DBH of 157 inches. In addition to the seven protected trees that would be removed, implementation of the proposed project would include removal of a Pacific Willow, which is in extremely poor condition. Although the Pacific Willow would otherwise qualify as a protected tree, because of the poor health of the tree, the tree is not considered to qualify for protection under Placer County's regulations. Impacts to protected trees are summarized in Table 6-5 below.



Table 6-5 Summary of Project Tree Impacts					
Tag Number	Scientific Name (Common Name)	Multi-Stems (DBH inches)	Total DBH (inches)	Dripline (inches)	Vigor
1	<i>Quercus wislizeni</i> (Interior Live Oak)	14, 16, 25	55	29	Fair
7	<i>Quercus douglasii</i> (Blue Oak)		6	8	Fair
8	<i>Quercus douglasii</i> (Blue Oak)	4, 4, 6	14	10	Fair
13	<i>Quercus douglasii</i> (Blue Oak)		11	15	Fair
103	<i>Quercus wislizeni</i> (Interior Live Oak)		26	28	Fair
104	<i>Quercus wislizeni</i> (Interior Live Oak)	5, 6, 6	17	20	Fair
105	<i>Quercus wislizeni</i> (Interior Live Oak)	14, 14	28	30	Fair
106	<i>Salix lucida</i> (Pacific Willow)	8, 10, 11	29	14	Poor – 90 percent dead
<i>Note: Tree 106 is not considered protected due to the poor vigor of the tree.</i>					
Source: Madrone Ecological Consulting, March 2019.					

Although the proposed project would result in removal of the protected trees listed in Table 6-5, tree removal would occur in an area of oak woodland removal less than one acre in size. Therefore, impacts related to the removal of on-site oak trees should be assessed on the basis of individual trees.

Considering that the proposed project would involve removal of seven individual protected trees, the proposed project could conflict with local policies and/or ordinances that protect biological resources, including tree resources. Therefore, a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

- 6-10(a) *Prior to any removal of significant trees (equal to, or greater than, six inches DBH or 10 inches DBH aggregate for multi-trunked trees), the project applicant shall obtain a tree removal permit from Placer County. In conjunction with submittal of a tree removal permit application, the applicant shall submit a site plan showing all protected trees proposed for removal. In accordance with Chapter 12.16.080 of the Placer County Code, the applicant shall comply with any conditions required by the Planning Services Division, which shall include payment of in-lieu fees. In-lieu fees shall be paid into the Placer County Tree Preservation Fund at \$100 per DBH removed or impacted.*



In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project, then Mitigation Measure 6-10(a) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

- 6-10(b) *The Improvement Plans shall include a note and show placement of Temporary Construction Fencing. The applicant shall install a four foot tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the Development Review Committee) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:*
- A. *Adjacent to any and all open space preserve areas that are within 50 feet of any proposed construction activity;*
 - B. *At the limits of construction, outside the critical root zone of all trees six (6) inches DBH (diameter at breast height), or 10 inches DBH aggregate for multi-trunk trees, within 50 feet of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Subdivision Map; or,*
 - C. *Around any and all "special protection" areas such as open space parcels and wetland features.*

Cumulative Impacts and Mitigation Measures

As defined in Section 15355 of the CEQA Guidelines, "cumulative impacts" refers to two or more individual effects which, when considered together, are considerable, compound, or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

For further detail related to the cumulative setting of the proposed project, refer to Chapter 17, Statutorily Required Sections of this EIR.

6-11 Cumulative loss of habitat for special-status species. Based on the analysis below and with implementation of mitigation, the project's incremental contribution to the significant cumulative impact is *less than cumulatively considerable*.

Implementation of the proposed project, in combination with other development within the DCWPCP area, such as the Placer Vineyards Specific Plan and the Riolo Vineyards Specific Plan, would result in a significant cumulative impact related to the loss of special-status species habitat.



As discussed above, the Project Area contains areas of annual brome grassland along with Valley oak riparian woodland, seasonal wetland, seasonal wetland swale, intermittent stream, and a drainage ditch. Implementation of the proposed project, including widening of Vineyard Road and Brady Lane would result in impacts to the foregoing habitat areas as shown in Table 6-6. The habitats listed represent potential habitat for various special-status species listed in Table 6-2.

Resource Type	Existing (acre)	Impacts (acre)	Avoided (acre)
Riparian Wetland	0.40	0.00	0.40
Seasonal Wetland	0.21	0.08	0.13
Seasonal Wetland Swale	0.07	0.07	0.00
Intermittent Stream	0.30	0.00	0.30
Drainage Ditch ¹	0.084 ¹	0.084 ¹	0.00 ¹
Annual Brome Grassland	28.50	23.30	5.2 ²
Valley Oak Riparian Woodland	3.40	0.10	3.30

¹ The Drainage Ditch is not considered to be a jurisdictional Water of the U.S. under Section 404 of the Clean Water Act, but may fall under authority of Section 1602 of the CFGC.
² Avoided annual brome grassland includes areas within the NAPOTS.

Source: Madrone Ecological Consulting, March 2019.

This chapter provides a wide range of mitigation to minimize potential adverse effects to habitat for special-status species. For instance, Mitigation Measure 6-8(b) would require that the proposed project conform with the USACE’s “no-net-loss” policy for wetland mitigation. Thus, any wetlands lost within the Project Area must be compensated through the protection of existing wetlands, avoidance of wetland impacts, or creation of new wetland habitat elsewhere. Similar compensatory mitigation is included for Swainson’s hawk should they be actively nesting within 10 miles of the project site prior to commencement of construction.

It should be noted that while the project would involve loss of some existing on-site habitat, the western portion of the project site, containing the majority of the existing Valley oak riparian woodlands and intermittent stream, remain undeveloped and would be rezoned to Open Space. Such a dedication would ensure that portions of the existing habitat within the project site remain undisturbed, following implementation of the proposed project.

In addition to mitigation measures requiring the compensation of lost habitat, this EIR contains mitigation measures requiring that pre-construction surveys be conducted to reduce the potential for implementation of the proposed project to result in loss of individual special-status species. Such mitigation measures require that should pre-construction surveys identify special-status species within areas to be impacted by the proposed project, avoidance measures must be implemented to prevent the loss of identified special-status species.



It should be noted that the draft PCCP, as currently proposed, is designed to ensure that lands within western Placer County would be managed to continue to support the survival and well-being of the species covered by the PCCP, as well as the survival of hundreds of other species that are dependent on the same habitat. The project site has been designated in both the PCCP and the DCWPCP as an area anticipated for future urban development. The proposed project would not include the conversion of any lands not previously identified for development and would include protection of portions of the project site within designated open space, as discussed above.

As further discussed in Chapter 17 of this EIR, CEQA Guidelines, Section 15064, Subdivision (h)(5) states, “[...]the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.” Therefore, even where cumulative impacts are significant, any level of incremental contribution is not necessarily deemed cumulatively considerable.

In addition, the courts have explicitly rejected the notion that a finding of significance is required simply because a proposed project would result in a net loss of habitat. “[M]itigation need not account for every square foot of impacted habitat to be adequate. What matters is that the unmitigated impact is no longer significant.” (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 528, quoting *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1233.)

The above discussion provides substantial evidence that, while the combined effects on biological resources resulting from approved/planned development throughout the DCWPCP would be considered significant, the proposed project’s incremental contribution to the significant cumulative effect could be reduced with implementation of the mitigation measures required in this EIR. However, without implementation of the required mitigation measures, the proposed project’s incremental contribution to the significant cumulative effect could be considered ***cumulatively considerable*** and ***significant***.

Mitigation Measure(s)

Implementation of the following mitigation measures is sufficient to reduce all project-specific impacts to a less-than-significant level. Thus, with implementation of the following mitigation measures, the project’s incremental contribution to the significant cumulative impact would be reduced to a *less than cumulatively considerable* level.

- 6-11 *Implement Mitigation Measures 6-1, 6-4, 6-5(a) and 6-5(b), 6-6, 6-7, 6-8(a) through 6-8(c), and 6-10(a) and (b).*

