

**APAC ENVIRONMENT STANDING COMMITTEE REPORT
PROJECT FRONTIER BIOLOGICAL REVIEW – April 19, 2023**

Principal Reviewers: George Steed, Janet Kuenzi, Melinda Peak, Robert Williams

SUMMARY AND CONCLUSION OF BIOLOGICAL FINDINGS

CEQA BASELINE: The Project Frontier application CUP22-0016 alleges no Environmental Impact Review (EIR) is required for approval. As stated in the El Dorado County Planning Permit Procedures Code Title 130 Article 5 Section 130.52.021 B 1: "The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA." EDH APAC examined the consistency of the applicant's assertion with the requirements of CEQA Guidelines Section 15162. "The County must determine whether the proposed changes to the proposed project trigger the need for a subsequent EIR." Specifically, "a new CEQA EIR is required when new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete."

BASIS OF BIOLOGICAL REVIEW: This review compares the Biological Resources Constraints Report (April 2022) authored by environmental consultant ESA for Project Frontier Application Packet for CUP22-0016 with the Carson Creek Preserve Long-term Management Plan written by HELIX Environmental (dated June 15, 2021) relating to the adjacent federal and state-protected Carson Creek Preserve. Both environmental consulting firms are highly respected and credible experts and appear to employ similar methodologies and databases for special status species. Similar results would reasonably be assumed given the proximity of the two sites within a radius of one mile.

In addition, there is an apparent reliance on old EIR negative declarations that must be re-examined based on new and significant findings.

CONFLICTING EXPERT OPINION: Reviewing the two studies suggests a difference of opinion on verifiable occurrences and their relative impact.

The ESA study starts that 13 special status species had a high to medium potential to occur in the project site; none were affirmatively observed, except for tricolored blackbird nests found in the western portion of the Project Frontier site near the Carson Creek Preserve. While the potential exists, ESA generally concluded that *less than significant impact exists*. However, the conclusion of relative to *high to medium potential occurrence* coupled with at least one affirmative observation is new and significant when compared to the project parcel's previous EIR declarations. Specific mitigation actions were suggested, especially during the construction phase, to limit the occurrence of migrating birds. It is also important to note that ESA fails to speak to the biological impacts of runoff from acres of impervious building and parking lot surfaces.

By contrast, HELIX substantiated the field observation of special species within the Carson Creek Preserve and nearby locations within a five-mile radius, including the Project Frontier site. HELIX confirmed the presence of targeted species, including the burrowing owl, white-tailed kite, tricolored blackbird, and western pond turtle; observed migratory birds, including the northern mockingbird, mourning dove, turkey vulture, cliff swallow, morning harrier, red-winged blackbird, and western scrub-jay as well as various plant species and dozens more within five miles. In short, the Carson Creek Preserve is a rich environment that deserves all protection measures. The study concluded that there is a significant impact should strict mitigation measures not be followed.

APAC COMMITTEE CONCLUSION: *Based on the review and comparison of both studies and additional information sources identified herein, these findings must be considered new and significant and should trigger a new CEQA EIR for the Project Frontier project area. Accordingly, the EIR negative declaration in previous Environmental Impact Reviews are deemed in error.*

REVIEW BACKGROUND AND OUTSTANDING ISSUES

This analysis compares and contrasts the draft biological finding submitted by the Proposal applicant authored by ESA in April 2022 to those of HELIX (2021). The potential presence of habitat for federal or State-listed plant and wildlife species was evaluated in connection with the Project Frontier proposed site and Carson Creek Preserve. Among the method used were field survey observations, a review of data from the California Natural Diversity Database (CNDDDB), a review of endangered and threatened plant species provided by the California Native Plant Society (CNPS), and a review of endangered and threatened species information maintained by the USFWS.

The Application Packet CUP22-0016 included extensive site descriptive information and biological findings. On page 88, section entitled "riverine" the application first references Carson Creek, located adjacent to the proposed project parcel. Carson Creek, a perennial channel, is the dominant riverine habitat feature within the study area. This feature flows year-round under typical climatic conditions. *All features in the study area eventually drain to Carson Creek.*" The Hydrology section (page 90) clarifies: "the main project site generally drains from east to west through a series of intermittent and ephemeral channels. These channels merge into a single channel just west of the study area boundary, which then flows to Carson Creek approximately 3,000 feet west of the study area. Latrobe Road drains to roadside swales or stormwater collection systems and eventually to Carson Creek."

ISSUE 1: ADJACENT BIOLOGICAL SYSTEMS:

Although not mentioned in the CUP packet, the federal and state-protected Carson Creek Preserve is immediately downstream, overseen by the U.S. Corp of Engineers and the California Department of Fish and Wildlife. The Heritage Master Homeowners Association owns the Carson Creek Preserve and is currently managed by Lennar Homes of California.

The proximity of the Caron Creek Preserve within one mile of the Project Frontier site prompted an inquiry regarding the consistency of the biological findings submitted with the application CUP22-0016 with the latest publicly available draft report authored by HELIX Environmental commissioned by Lennar and Carson Creek Preserve stakeholders USACE, CDFW and Heritage HOA dated June 15, 2021. The HELIX Environmental report was provided to EDC senior planner on January 6, 2022, with a confirmed receipt that the study was under review on January 22, 2022. Earlier studies conducted by HELIX (under its previous name Foothill Associates) were reviewed by APAC to determine consistency. The El Dorado County Planning Department has possession of these same documents.

ISSUE 2: SURVEY METHODOLOGY:

The methodologies employed by ESA are noteworthy. For example, ESA's study on the vernal pools for habitat for the federally threatened Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp is based on a field visit on December 10, 2020 (page 291). The survey area was in severe drought at that time. A table on page 92 shows rainfall for 2020 for our area at 12.36 inches. The same table shows rainfall for 2016 at 30.39 inches, 2017 at 36.93 inches, and 2018 at 24.66. There would be the total acreage of vernal pools in average water years.

For the survey, ESA sent four botanists for approximately 34 hours to observe and report on the 241-acre parcel. They walked 50-foot transects, according to the report. This limited scope calls into question the ability to cover the entire 241-acre property or even representative areas in that amount of time while stopping to observe and record data.

An additional note regarding ESA report inadequacy is the only mammals mentioned in the report was on the Special Status Species lists, including the pallid bat, American badger, and the Fisher (a wolverine-like mammal). Lacking was the documented presence of mammals living on large parcel acres. Mammals such as coyotes, foxes, mice, squirrels, bobcats, and skunks are present and impacted, yet they are not mentioned in the 34-hour on-site observation. The loss of grazing land and wildlife water supplies is ignored.

ISSUE 3: WATER RUNOFF

In addition to these biological findings, the scale of Project Frontier, with the immense 4.7+ million square feet area of structures and a vast unstated area of impervious parking and roadway surfaces, will result in a massive increase in water runoff affecting the downstream watershed of Carson Creek. This runoff presents a significant risk of erosion and sedimentation, identified explicitly as concerns requiring ongoing monitoring and maintenance by the Carson Creek Preserve Manager and Owner (the Heritage El Dorado Hills Master Association). The long-term management is pending review and approval by the US Army Corps of Engineers and California Department of Fish and Wildlife.

The high volume of truck trips will significantly increase the potential for water runoff from the site to carry diesel fuel, motor oil, hydraulic fluid residue, and particulate matter from vehicle exhaust and tires beyond that foreseen for other allowed uses of the site. Paper and plastic trash remnants, including bags, wrapping, and packing materials resulting from the unloading, unpacking, repacking, and loading of goods, have the potential to be carried by wind and water into the Preserve. These short- and long-term environmental impacts must be assessed, and measures identified to mitigate the effects on the ecologically sensitive Carson Creek Preserve.

The applicant's response to the questions from the EDH APAC regarding the drainage into the Carson Creek Preserve acknowledges awareness of the Preserve. However, the applicant also states, "the project would not have a significant impact on open space, streams or water," They fail to identify any specific mitigation measures that minimize the potential ecological damage. The applicant's response includes a particular reference to County Ordinance Section 130.30.050(G)(1), but sub-sections (2) - Applicability; (3)a,b,c,e,g, - Use Regulation; (5)b2 - Exceptions, Conditionally Permitted Uses; and (6)b - Performance standards. This reference is particularly pertinent in the County's approval process.

ISSUE 4: FAILURE TO ACKNOWLEDGE SIGNIFICANT PARTIES OF INTEREST

The applicant has not consulted the stakeholders responsible for preserving regional biological integrity. By its admission, Project Frontier is less than a mile, and drainage will reach Carson Creek. By definition, that would include the protected wetlands known as Carson Creek Preserve.

The land owner of the Preserve is the Heritage El Dorado Hills Master Association. This homeowner association is obligated to take the measures necessary to protect the integrity of these wetlands. The California State Land Conservancy is designated as the Carson Creek Preserve manager. The U.S. Corp of Engineers has jurisdictional oversight as a designated federal government waterway. The California Department of Fish and Wildlife protects these wetlands and species of special interest,

A failure of the County and the applicant to conduct a full and open public assessment of the project's environmental impacts as afforded by CEQA would place an undue burden of responsibility for the protection of the Preserve on the residents of the Heritage El Dorado Hills community.

In response to questions raised by the EDH APAC, the development generously stated that these stakeholders are welcome to comment on the proposed Project Frontier. The developer is obligated to negotiate with these significant parties on mitigation requirements that must exist before the first shovel of dirt is moved.

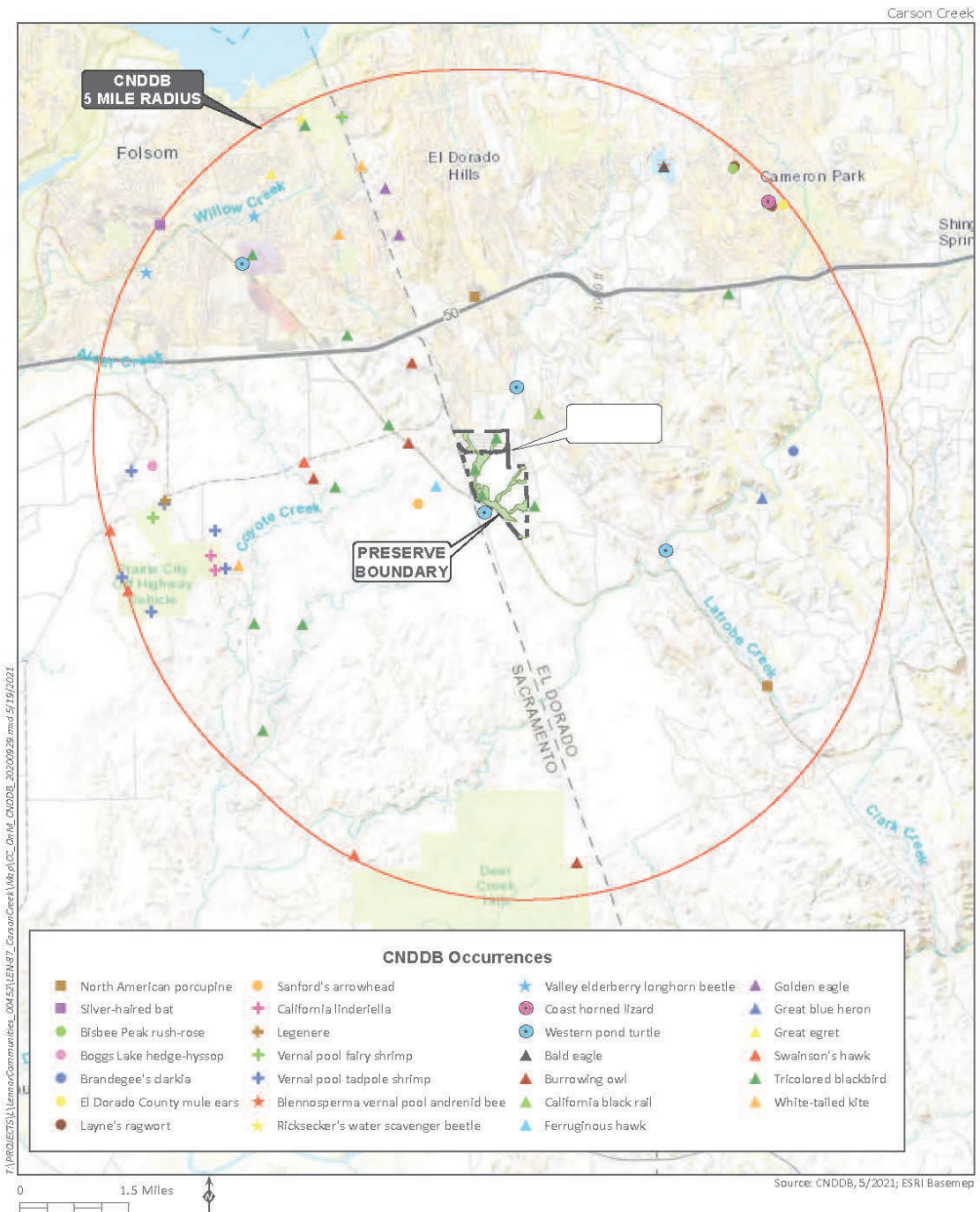
UNRESOLVED BIOLOGICAL SURVEY QUESTIONS

The following comments and questions appear relevant to CUP22-0016: and the appropriateness of requiring a new CEQA EIR:

- Should either or both studies trigger the requirement for a new CEQA EIR?
- How does the applicant account for differences in biological studies?
- What mitigation measures should the applicant implement to protect the identified special status species before and after construction, and what ongoing operational conditionals be applied to approval?
- What specific review processes will El Dorado County undertake to determine whether or not a new CEQA EIR is triggered?
- What attempts have been made by the applicant to negotiate mitigation measures with the Carson Creek Preserve stakeholders (including the USACE, CDFW, Heritage HOA, Lennar Homes, and the California State Land Conservancy)?
- How does the applicant propose to prevent damage from runoff?

These types of questions could extend for pages. The fact they are relevant at this stage in the proposal process underscores the clear need for a full-scale Environment Impact Review.

REFERENCE MATERIAL AND DEFINITIONS



RELATED COUNTY CODES

El Dorado County Code Title 130 Adopted 12/15/2015 (SCH# 2012052074) **Title 130 - Article 3 Site Planning and Project Design Standards**v130.30.030 Setback Requirements and Exceptions

Draft Land Development Manual CHAPTER 4 – GRADING, EROSION, AND SEDIMENT CONTROL
(draft rev. 7/5/11 4.4.2 Submittal Requirements)

COMMONLY USED SPECIES POTENTIAL CATEGORY DEFINITIONS

The "Potential to Occur" categories are as follows:

- **Unlikely:** The project site and surrounding area does not support suitable habitat for a particular species and/or the project site is outside of the species known range;
- **Low Potential:** The project site and/or adjacent area provides only limited amounts and low quality habitat for a particular species. In addition, the known range for a particular species may be outside of the immediate project vicinity;
- **Medium Potential:** The project site and/or adjacent area provides suitable habitat for a particular species; and
- **High Potential:** The project site and/or adjacent area provide ideal habitat conditions for a particular species and/or known populations occur in the within the project site and adjacent area.

HIGHLIGHTS OF HELIX FINDINGS

[notes THE FOLLOWING FINDINGS WERE EXTRACTED FROM THE HELIX ENVIRONMENTAL AUTHORED REPORT DRAFT CARSON CREEK PRESERVE LONG TERM PLAN, JULY 13, 2021, PAGES 12=18]

Special-Status Plant Species

There are no special-status plants with a *high* potential for occurrence within the Preserve. The following special-status plant species have a *low* potential for occurrence within the Preserve: Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), Boggs Lake hedge hyssop (*Gratiola heterosepala*), brassy bryum (*Bryum chryseum*), dwarf downingia (*Downingia pusilla*), legenera (*Legenera limosa*), pincushion navarretia (*Navarretia myersii*), Sanford's arrowhead (*Sagittaria sanfordii*), and Tuolumne button-celery (*Eryngium pinnatisectum*).

Special-Status Wildlife Species

The following special-status wildlife species have a *high* potential to occur within the Preserve: western pond turtle (*Actinemys marmorata*), burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), and white-tailed kite (*Elanus leucurus*). The following special-status wildlife species have a *low* potential to occur within the Preserve: California linderiella (*Linderiella occidentalis*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), American badger (*Taxidea taxus*), coast horned lizard (*Phrynosoma coronatum*), California red-legged frog (*Rana draytonii*), golden eagle (*Aquila chrysaetos canadensis*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and pallid bat (*Antrozous pallidus*).

Golden eagles are protected under the federal Bald and Golden Eagle Protection Act which prohibits unauthorized "take" of the species. It is also a fully-protected species by the CDFW. Golden eagles live in semi-open habitats where they have easy access to their primary prey of small to medium-sized mammals.

There are two CNDDDB records of golden eagle documented within five miles of the Preserve (**Figure 6**) (CDFW 2021). The nearest occurrence is approximately three miles north of the Preserve. An active golden eagle nest was identified on a foothill pine (*Pinus sabiniana*) on a hillslope surrounded by oak woodland. Existing residences are located uphill within 300 feet of the nest on the north and east. Two juvenile and two adult golden eagles were observed at the nest in August 2013. A pair of adult eagles returned to the nest in 2014 and successfully raised one eaglet, which fledged by June 18, 2014.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey, protected under 50 Code of Federal Regulations (CFR) 10 of the Migratory Bird Treaty Act (MBTA) and/or Section 3503 of the California Fish and Game Code, have the potential to nest in the trees within the riparian woodland and on the ground within the annual grassland within the Preserve. Several birds protected under the MBTA and/or Section 3503 of the California Fish and Game Code have been observed within the Preserve including: northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), turkey vulture (*Cathartes aura*), cliff swallow (*Petrochelidon pyrrhonota*), northern harrier (*Circus cyaneus*), red-winged blackbird (*Agelaius phoeniceus*), and western scrub-jay (*Aphelocoma californica*). A variety of other migratory bird species may also utilize the Preserve for nesting or foraging.

Purple Needlegrass Grassland

Purple Needlegrass occurs throughout the Preserve (**Figure 5**). Purple needlegrass grassland is listed as a sensitive plant community on the *California Department of Fish and Wildlife Natural Communities List* and is required to be considered in California Environmental Quality Act (CEQA) documents. In order for purple needlegrass grassland to be considered a natural community, at least five percent of the species is required as a characteristic to dominant species in the herbaceous layer and the species is usually greater than 10 percent relative cover of the herbaceous layer (Sawyer *et al.* 2009). Approximately 12 acres of purple needlegrass occurs within the Preserve and is generally found paralleling the drainage corridors or within the riparian areas of the project site.

HIGHLIGHTS OF ESA FINDINGS

[NOTE: THE FOLLOWING WAS EXTRACTED FROM CUP22-0016 REPORT PAGES BEGINNING 256]

Thirteen special-status species have medium or high potential to occur in the project site. Only species classified as having a medium or high potential for occurrence were considered in the impact analysis.

Less than Significant with Mitigation Incorporated. Special-status species and their habitats that may be affected either directly or indirectly through implementation of the proposed project are vernal pool fairy and tadpole shrimp, western spadefoot, special status birds, nesting raptors and migratory birds, and special-status plant species. Each of these potentially affected species is described below.

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

Vernal pools and some seasonal wetlands in the project site provide suitable habitat for the federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp. Most of the waters and wetlands on the project site are not habitat for listed branchiopods because they are either riverine, flow-through channels, or they are sloped wetlands that do not pond water. Based on a field visit on December 10, 2020 the following features on the project site provide potential habitat for listed branchiopods:

- Vernal Pools (VP) 3 (0.01 ac) and 4 (0.04 ac) are naturally occurring vernal pools. VP 3 has been slightly altered by an adjacent bladed firebreak, but retains natural hydrology. There has been no disturbance to VP 4 or its small watershed. Both of these features were dry during the field visit.
- Vernal pool 5 (0.01 ac) may be naturally occurring, but its hydrology has been substantially altered. VP 5 is next to a drainage that receives runoff from a subdivision on the east side of Latrobe Road. Most of the homes in the subdivision have been built in the last five years. The drainage was flowing during the field visit, when other drainages at the site without developed watersheds were dry. VP 5 was full as a result of runoff from the adjacent drainage. VP 5 still appears to dry in the summertime based on vegetation and aerial photography and could still provide habitat for listed branchiopods.
- Vernal pool 1 (0.01 ac) and seasonal wetland (SW) 2 (0.06 ac) are deeper areas of naturally occurring swales. They are both along the western boundary of the site. A bladed firebreak has pushed soil across the swales, causing water to inundate during the wet season. VP 3 does not receive artificial runoff. SW 4 may receive some artificial runoff from nearby developed areas. Both features were dry during the field visit.

Together these five features comprise approximately 0.13 acre. USFWS would likely concur that these features are potential habitat for listed branchiopods. Other small seasonal wetlands, and one vernal pool (VP-2), were determined based on topography and vegetation to be too infrequently, if ever, inundated to support listed branchiopods. However, USFWS could also determine that some or all of these other wetlands are also potential habitat.

The project will result in impacts to habitat potentially occupied by vernal pool fairy and tadpole shrimp. Project grading will result in the loss of three features (VP 1, 3, and 4), comprising 0.06 acre, that provide potential habitat. USFWS considers potential impacts that may occur to vernal pool fairy and tadpole shrimp as a result of work within 250 feet of potential occupied habitat (USFWS, 1996). There is no potential occupied habitat within 250 feet of project grading based on field visits and a review of aerial photography.

The loss of 0.06 acre of potentially occupied habitat would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures B10-1** and **B10-5** through **B10-7**, the project's impact to vernal pool fairy shrimp and vernal pool tadpole shrimp would be considered **less than significant**.

Western Spadefoot

Western spadefoot surveys have not been conducted on the project site. However, suitable breeding habitat for western spadefoot occurs in vernal pools and some seasonal wetlands in the project site and the annual grasslands provides upland habitat. The proposed project has the potential to directly impact western spadefoot by causing physical harm to individuals if they are present in the project site during construction. Western spadefoot individuals could be harmed during construction fill and grading, which could crush burrowing individuals. Reductions in habitat quality could result from hydrological alterations related to grading or through construction of impervious surfaces, which could prevent adults from utilizing the affected habitats for breeding. Reduction in water quality could also occur from the creation of exposed areas of bare soil. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-2** and **BIO-5** through **BIO-8**, the project's impact to western spadefoot would be considered **less than significant**.

Special-Status Birds and Common Nesting Migratory Birds and Raptors

The project site and adjacent areas provide suitable habitats for nesting birds, including, but not limited to, special-status species such as tricolored blackbird, grasshopper sparrow, burrowing owl, and white-tailed kite, as well as more common migratory birds and raptors.

Tricolored Blackbird

Tricolored blackbirds nest in colonies of hundreds to tens of thousands of individuals. Nesting colonies will often occur in the same location over many years, but colonies may also shift locations if nest failure occurs. Nesting habitat for tricolored blackbird occurs within the project site, and a nesting colony of tricolored blackbirds has been documented nesting in the blackberry patches within the riparian wetlands in the western section of the project site (CNDDDB Occurrence #1012). This occurrence is associated with an intermittent channel and supports dense thickets of Himalayan blackberry, which provide suitable habitat to support this colony. This colony was first documented in 2005 and totaled approximately 200 individuals. Approximately 1,200 to 5,000 individuals were noted in 2014, and approximately 1,900 individuals were observed in 2015, the last year the colony was surveyed (CDFW, 2021a). It is unknown how long this area has been utilized as a colony, and the current status of this colony is also not known.

There is approximately 0.033 acre of tricolored blackbird nesting habitat in the area of the nesting occurrence, consisting primarily of Himalayan blackberry) with some riparian trees present. The proposed project will result in the loss of approximately 0.12 acre of tricolored blackbird nesting habitat (Riparian Wetland [R W] 11) as a result of grading. In other areas the limits of grading will be approximately 15 to 75 feet away from suitable nesting habitat. The colony is located approximately 400 feet from existing development. Human disturbances and noise from construction activities have the potential to cause colony abandonment and death of young or loss of reproductive success during nesting season. Nesting birds could be adversely affected if the colony is exposed to a substantial increase in noise or human presence during project construction. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-3a**, **BIO-6**, and **BIO-7**, the project's impact to tricolored

blackbird would be considered **less than significant**.

Tricolored blackbird is threatened under the California Endangered Species Act (CESA). In the event that an incidental take permit is required under CESA, CDFW may require additional mitigation. CESA requires impacts to be "fully mitigated" (CA Fish and Game Code §208 1 (b)(2)), a threshold higher than CEQA requirements.

Burrowing Owl and Grasshopper Sparrow

Suitable annual grassland habitat for these species is present within the project site; however, no burrowing owls or grasshopper sparrows or active nests were observed during the biological surveys. Some soils within the project site are sandy and friable, which could provide suitable burrowing sites. While no soil mounds were visible during the field survey, surrounding fence posts would provide suitable perches above potential nests within the annual grassland habitat. The annual grassland habitat also provides suitable foraging habitat for these species.

Accordingly, the proposed project could potentially impact individual burrowing owls or grasshopper sparrows if they occupied the project site prior to construction. Indirect impacts to nesting birds during construction could extend up to 500 feet from the limits of construction. Potential impacts could include abandonment of nest sites and the mortality of young. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-3a, BIO-3b, BIO-6, and BIO-7**, the project's impact to burrowing owl and grasshopper sparrow would be considered **less than significant**.

The proposed project could also result in a permanent loss of foraging opportunities for these species in the project site. The loss of foraging habitat in the project site is not expected to significantly impact these species because these habitats are abundant in the vicinity.

Other Nesting Migratory Birds and Raptors

Suitable nest trees for white-tailed kite are located within and adjacent to the project site, and the annual grasslands provide suitable foraging habitat for this species. Habitat features within the project site and adjacent areas, such as trees, shrubs, and herbaceous plants, could serve as nesting habitats or foraging areas for common migratory birds and raptors. Construction of the project would result in the removal of vegetation which may serve as perching or nesting sites for special-status species and more common migratory birds and raptors. Direct impacts on special-status birds, nesting raptors, or migratory birds or their habitat could result in substantial lowered reproductive success or habitat loss, thereby potentially adversely affecting local population levels. Additionally, human disturbances and noise from construction activities have the potential to cause nest abandonment and death of young or loss of reproductive success at active nests located near project activities. Birds could be adversely affected if active nesting, roosting, or foraging sites are either removed or exposed to a substantial increase in noise or human presence during Project activities. Nesting birds and raptors are protected under California Fish and Game Code Section 2080 (i.e., killing of a listed species), Sections 3503, 3503.5, and 3800 (i.e., take, possession, or destruction of birds, their nests or eggs), and Section 3 513 of the MBT A (16 USC, Section 703 Supp. I 1989).

The impact to nesting birds would be less than significant if construction activities occur during the non-breeding season (i.e., from September 16 through January 31). However, construction activities conducted during the breeding season between February 1 and September 15 could affect these species adversely and result in a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-3a, BIO-6, and BIO-7**, the project's impact to nesting birds would be considered **less than significant**.

Special-Status Plants

Suitable habitat for some special-status plant species occurs on the project site. Based on reconnaissance-level surveys conducted on the project site, a review of available databases and literature, and an on-site habitat suitability assessment, six special-status plant species were determined to have the potential to occur on the project site. The reconnaissance-level surveys conducted for this project did not record the presence of any special-status plant species; however, these surveys do not constitute a full botanical inventory of the site and do not meet the requirements outlined in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018). Therefore, it is not known whether the project site supports any special-status plant species. Implementation of the proposed project could potentially result in direct or indirect impacts to special-status plant populations if they are present. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-4 and BIO-6**, the project's impact to special-status plant species would be considered **less than significant**.

Special-Status Plants

Suitable habitat for some special-status plant species occurs on the project site. Based on reconnaissance-level surveys conducted on the project site, a review of available databases and literature, and an on-site habitat suitability assessment, six special-status plant species were determined to have the potential to occur on the project site (see Table 3). The reconnaissance-level surveys conducted for this project did not record the presence of any special-status plant species; however, these surveys do not constitute a full botanical inventory of the site and do not meet the requirements outlined in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018). Therefore, it is not known whether the project site supports any special-status plant species. Implementation of the proposed project could potentially result in direct or indirect impacts to special-status plant populations if they are present. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-4 and BIO-6**, the project's impact to special-status plant species would be considered **less than significant**.

Would the project 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?

Less than Significant with Mitigation Incorporated. The project site and surrounding area could potentially be used by a variety of wildlife species for dispersal and seasonal migration. However, there are no known wildlife movement corridors on or in the vicinity of the project site. The project site is not located in an "Important Biological Corridor" designated by the El Dorado County (2004) General Plan nor is it in important

habitat for migratory deer herds (El Dorado County 2010). Because there are no known wildlife corridors or migration routes through or in the vicinity of the project site, the project's impacts to wildlife corridors and migration routes would be **less than significant**.

As discussed above under Topic a), a nesting colony of tricolored blackbird has been documented in the riparian wetland feature in the western section of the project site. Disturbance of active nest sites which results in nest abandonment, loss of young, or reduced health and vigor of eggs and/or nestlings (resulting in reduced survival rates), or the direct removal of vegetation that supports nesting birds which result in killing of nestlings or fledgling bird species would be considered a **potentially significant** impact. In addition, this colony is considered a native wildlife nursery site. Therefore, construction activities that result in the removal of, or disturbance to, the colony, even outside of the nesting season, would be considered a **potentially significant** impact. the proposed project will retain most of the nesting habitat in the tricolored blackbird nesting occurrence. However, the proposed grading is approximately 15 to 75 feet away from much of the potential nesting habitat. Human disturbances and noise from construction activities have the potential to cause colony abandonment and death of young or loss of reproductive success during nesting season. Nesting birds could be adversely affected if the colony is exposed to a substantial increase in noise or human presence during project construction. This would be considered a **potentially significant** impact. With the implementation of **Mitigation Measures BIO-3a, BIO-6, and BIO-7**, the project's impact to native nursery sites would be considered **less than significant**.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant. The project site supports 0.75 acre of blue oak woodland regulated under the El Dorado County Oak Resources Conservation Ordinance (County Code §130.39). Project grading will remove all of the blue oak woodland. The County ordinance requires mitigation at a 2: 1 ratio for projects that remove more than 75.1 % of on-site oak woodland. Mitigation may be in the form of an in-lieu fee to the County (used to conserve oak woodland in high priority areas of the County pursuant to the El Dorado County Oak Resources Management Plan), off-site conservation, replacement planting, or a combination of those methods. The mitigation is included as part of a development application and approved by the County as part of the review process. The project will remove oak woodland, but will not conflict with the local ordinance because mitigation will be required as part of the local approval process. The project will not conflict with any other local policies or ordinances protecting biological resources.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. The proposed project is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, Oak Woodland Priority Conservation Area (El Dorado County 2017), or Ecological Preserves Overlay (El Dorado County 2004).

