Updated Biological Resources Inventory for the Rincon del Rio Senior Living Project in Nevada County Conditional Use Permit: CUP19-0010

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Appendices

1.0 INTRODUCTION

Greg Matuzak, a wildlife biologist and wetlands ecologist, conducted a reconnaissance-level biological resources survey and required background research related to sensitive biological resources, including the identification of potential streams and wetlands, landmark oak trees, and landmark groves (landmark oak woodlands) in order to develop this Updated Biological Resources Inventory for the proposed Rincon del Rio Senior Living Project (Project) located in Nevada County, California. A previous Biological Inventory was developed by EcoSynthesis for the Project area in 2009 and given the proposed changes to the Project since 2009 and the length of time that has elapsed since the development of the original Biological Inventory for the Project area (approximately 10 years), the Nevada County Planning Department stated in their April 2nd, 2019 Incomplete Use Permit Application and Tentative Final Subdivision Map (PLN19-0024, TFM19-0008, CUP19-0010) Letter that an updated Biological Inventory is required as part of processing the updated application for the proposed Project. Therefore, the development of this Updated Biological Resources Inventory for the proposed Project is required by the Nevada County Planning Department and also meets the requirements for the development of a Biological Inventory for projects requiring the development of such reporting for biological resources.

A Comprehensive Master Plan and Tentative Final Subdivision Map, including a Conditional Use Permit (CUP) was previously approved for a similar project within the same Project area by Nevada County on April 9, 2013. Based on feedback from the Nevada County Community Development Agency Planning Department regarding an Incomplete Use Permit Application and Tentative Final Subdivision Map (PLN19-0024, TFM19-0008, CUP19-0010, dated April 2, 2019), several items related to biological resources assessments are required in order to get a complete CUP application through Nevada County, including the development of this Updated Biological Resources Inventory.

The Project area includes 214.56 acres and includes four separate parcels, including the following:

- APN: 057-10-013 (54.72 acres)
- APN: 057-240-017 (82.04 acres)
- APN: 057-240-018 (37.80 acres)
- APN: 057-240-019 (40.00 acres)

The Project area is located in Auburn, Nevada County, California with the Bear River being the southern boundary of the Project area. The site is located at 10412 Rincon Way, 10420 Rincon Way, and 24885 Connie Court, Auburn, CA 95620 (see attached Project Vicinity and Project Location maps within Appendix A). Of the 214.56-

acre Project area, a minimum of 130 acres will be zoned as open space, protecting a minimum of 60% of the natural habitat and protecting a majority of the mapped protected oak resources within the Project area. Most of the proposed open space zoning will occur within the eastern, undeveloped portion of the Project area as well as between proposed development within the western Project area.

Previous reporting and assessments completed as part of the original CUP application approved in April 2013 as it relates to biological resources includes, but is not limited, to the following:

- Rincon del Rio Project Biological Inventory (EcoSynthesis, 2009a)
- Supplemental Biological Inventory Information, Rincon del Rio Project (EcoSynthesis, August 22, 2011)
- Habitat Management Plan for the Rincon del Rio Project (EcoSynthesis 2009b)
- Habitat Assessment for the California Red-legged Frog and Western Pond Turtle at the Rincon del Rio Property, Nevada County, California (Costella Environmental Consulting, March 29, 2013)
- Section 3.4 Biological Resources, Rincon del Rio Draft Environmental Impact Report (DEIR, Nevada County, January 2012)

The Project site features varied topography, including rolling hills and somewhat flatter terrain near the center of the property. Elevations within the site range from approximately 1,300 feet above Mean Sea Level (MSL) along its southern portion near the Bear River to approximately 1,700 feet above MSL at the site's southeastern corner at the peak of a steep hill. The Bear River flows east to west at the southern boundary of the Project site. A main unnamed seasonal Bear River tributary, flowing from the northeast corner through the central portion of the Project site, is dammed, creating a large pond on site. The main unnamed seasonal Bear River Tributary is also fed by a smaller seasonal stream that enters the Project from the northern central border of the Project area and connects with the main seasonal stream tributary just north of the large pond. Both tributaries support woody riparian and some herbaceous wetland plants. Smaller drainages are located throughout the Project site; however, the results of this Updated Biological Inventory, noted that a single small and short ephemeral drainage is located along the western edge of the large pond. The additional small areas of mixed riparian and herbaceous wetland vegetation, which are supported by springs located in rocky slopes, are found adjoining the Bear River in the southeastern part of the Project site. Additionally, two sections of Nevada Irrigation District (NID) irrigation canals traverse the Project area, including Weeks Canal, which crosses the northwestern portion of the Project site and the Combie Phase I Canal (formerly referred to as the Magnolia Ditch) crosses the eastern portion of the Project area.

The Project area is dominated by Montane Hardwood and Montane Hardwood-Conifer habitat types. In addition, Annual Grassland is the 3rd most common habitat type within the Project area. As discussed above, aquatic habitats and resources within the Project area include Valley Foothill Riparian habitat as well as Fresh Emergent Wetlands, large pond (Lacustrine habitat), Wet Meadow, and the Bear River. A fragment of Montane Chaparral habitat is located adjacent to the Bear River, but it is not mapped within the Project area. A detailed overview of the habitat types within the Project area is included in Section 4.0 of this Updated Biological Resources Inventory.

Given the proposed changes to the Project since the CUP was previously approved for a similar project within the same Project area by Nevada County on April 9, 2013, these proposed changes to the Project have been developed and are included within the Rincon del Rio Senior Living Overall Site Plan dated May 2019. Overall, the proposed areas and extent of development as part of the updated Project are very similar to the proposed areas and extent of development as previously proposed in the 2013 approval of the Project. Therefore, as the California Environmental Quality Act (CEQA) lead agency, Nevada County is required to assess the potential impacts from the proposed changes to the Project and decide what level of CEQA analysis and updated reporting will be required for the Project to be approved under CEQA. This Updated Biological Resources Inventory updates the previous Biological Inventory developed for the Project area and it identifies the potential level of impacts the proposed Project may have on sensitive biological resources within the Project area. This Updated Biological Resources Inventory identifies whether any previously unidentified impacts not previously identified in the DEIR for the Project will require additional mitigation measures to ensure that the Project has no significant impacts on biological resources. This Updated Biological Resources Inventory ensures conformity of the updated proposed Project with the previous CEQA analysis for the project approved in April 2013 under a DEIR for CEQA compliance.

The proposed Project includes the implementation of the following phases with the order of phasing to be potentially modified and/or combined with other phases to meet market conditions:

PHASE 1:
- Emergency Access Road Connection
- Primary Access Road Improvements
- Gatehouse
- Sewer Lift Stations, Water Tank, and Other Utility Connections
- 14 Cottage Units
- 4 5-Plex Condominiums (20 units)

PHASE 2:
- 24 Bungalow Units

PHASE 3:
- 4 Attached Condominiums (56 units)
- 2 5-Plex Condominiums (10 units)

PHASE 4:
- 5 5-Plex Condominiums (30 units)

PHASE 5:
- 11 Cottage Units
- 7 5-Plex Condominiums (35 units)

PHASE 6:
- 17 Cottage Units

PHASE 7:
- Village Service Center
- Group House Memory Care
- Pool/ Fitness Center
- Art Studio

PHASE 8:
- 9 Cottage Units
- 6 5-Plex Condominiums (30 units)

PHASE 9:
- 7 Cottage Units
- Pickleball/ Tennis Court
- Row Gardens/Farm
- Auto/ Tractor Repair Barn
- Bungalow
- Attached 14-Unit Condominium

PHASE 10:
- 20 Cottage Units
- 5 5-Plex Condominiums (20 units)
- Lodge

A Habitat Management Plan Report has also been developed for submission to the Nevada County Planning Department (Matuzak 2019). The Habitat Management Plan includes an assessment of the following aquatic resources that are subject to non-disturbance buffer zones (per Nevada County Land Use and Development Code):

- two NID irrigation canals that cross the Project area (Weeks Canal in northwest section of Project area and Combie Phase I Canal in the northeast and eastern section of the Project area) and each NID irrigation canal requires a 100-foot

non-disturbance buffer along the uphill side and a 20-foot non-disturbance buffer for the downhill side of each canal;

- a large perennial pond in the middle of the Project area (100-foot non-disturbance buffer required for perennial water features such as perennial ponds);
- the Bear River located along the southern border of the Project area (subject to a 100-foot non-disturbance buffer);
- an ephemeral drainage along the western edge of the large pond (non-disturbance buffer not required for ephemeral drainages that do not have the required bed and bank and ordinary high water mark);
- two seasonal streams (both tributaries to the large pond) that enter the Project area from the north and northeast respectively (50-foot non-disturbance buffer required for seasonal/intermittent streams); and
- several wetlands associated with the northern section of the large pond and additional wetlands associated with the two seasonal/intermittent streams that are located north of the large pond (100-foot non-disturbance buffer required for wetlands).

The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3 17C.3 (Ordinance Number 2033) requires a Management Plan be prepared for projects in non-disturbance buffers, including areas that are within 100 feet of the high water mark of perennial streams, watercourses, ponds, and wetlands, and 50 feet from the high water mark of intermittent watercourses (Nevada County 2000. Land Use and Development Code, Chapter II: Zoning Regulations. Effective July 27, 2000). Therefore, the development of the Habitat Management Plan for the Project area (Matuzak 2019) meets the requirements of the Nevada County Land Use and Development Code.

In addition, the Habitat Management Plan Report (Matuzak 2019) includes an assessment of the following protected oak resources per the Nevada County Land Use and Development Code:

- Landmark trees are any native oak tree species (*Quercus* species) with a trunk diameter of 36" or greater at diameter breast height (dbh or 4'6");
- Identifies landmark groves as hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government.

The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3.18 for Trees. Landmark trees are any native oak tree species (*Quercus* species) with a trunk diameter of 36" or greater at diameter breast height (dbh or 4'6"). Identifies landmark groves as hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government. Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 of this Code for Trees (see Section 2.0 for more detail). Therefore, the development of this Updated Biological Resources Inventory and the Habitat Management Plan (Matuzak 2019) for the Project area meet the requirements of the Nevada County Land Use and Development Code as defined for landmark oak trees and landmark groves, as well as provides the required information requested from the Nevada County Planning Department in their April 2nd, 2019 Incomplete Letter.

The purpose of this Updated Biological Resources Inventory is to identify the location and extent of sensitive biological resources within the Project area, including special-status plant and special-status wildlife species, and the presence of drainage, stream, pond, and wetland features that could potentially meet the Corps' criteria as a "waters of the United States," pursuant to Section 404 of the Clean Water Act (CWA), and streams that could be under the jurisdiction of the California Fish and Wildlife Code Section 1600 *et. seq*. This Updated Biological Resources Inventory also satisfies the Nevada County Land Use and Development Codes as well as General Plan requirements for biological resources.

2.0 REGULATORY OVERVIEW AND DEFINITIONS

Federal Regulations

Section 404 of the Clean Water Act

The United States Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) regulate the discharge of dredge or fill material into waters of the U.S. under Section 404 of the Clean Water Act (CWA). Waters of the United States include wetlands and lakes, rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes as areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated solid conditions (33 CFR 328.3, 40 CFR 230.3). Project proponents must obtain a permit from the Corps for all discharges of fill material into waters of the U.S., including wetlands, before proceeding with a proposed action. The Project area does contain potential wetland, pond, and stream features that would be subject to regulation under the CWA if dredge or fill material are placed within any wetlands, streams, or the large pond within the Project area.

Section 401 of the Clean Water Act

CWA Section 401 compliance is required for any project requiring a federal action (i.e. Corps permit or federal funding) with construction that could have an impact to surface water quality. The Project area may contain waters of the U.S. or waters of the state, and thus could be subject to regulation under the CWA. The Project area does contain potential wetland, pond, and stream features that would be subject to regulation under the CWA if dredge or fill material are placed within any mapped wetlands, streams, or the large pond within the Project area.

Endangered Species Act of 1973

For the subject parcel, consultation with the USFWS would be necessary if a proposed action may affect suitable habitat for a federally listed species or could potentially affect Designated Critical Habitat (DCH) for a federally listed species. This consultation would proceed under Section 7 of the Endangered Species Act (ESA) if a federal action is part of the proposed action or through Section 10 of the ESA if no such nexus were available (USFWS, 1973). There are no federally protected species listed under the ESA or DCH for federally listed species within 3 miles of the Project area (CDFW 2019). The large pond was surveyed by Costella Environmental Consulting between February and March 2013 following USFWS revised guidance for onsite assessments and field surveys for the federally threated California red-legged frog (*Rana draytonii*, USFWS August 2005). The 2013 site assessments and field surveys for the federally threated California red-legged frog determined that the species is not present within the Project area and is not likely to occur within the large pond or within the Project area.

Migratory Bird Treaty Act of 1918 and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) (16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (BAGEPA) (16 USC Section 668) protect certain species of birds from direct "take" (i.e. harm or harassment as described above). The MBTA protects migrant bird species from take through setting hunting limits and seasons and protecting occupied nests and eggs (USFWS, 1918). BAGEPA prohibits the take or commerce of any part of the bald or golden eagles (USFWS, 1940). The USFWS administers both Acts and reviews actions that may affect species protected under each Act.

State Regulations

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over plant and wildlife species listed as threatened or endangered under section 2080 of the CDFW Code. The California Endangered Species Act (CESA) prohibits take of state-listed threatened and endangered species. The state Act differs from the federal Act in that it does not include habitat destruction in its definition of *take*. The CDFW defines *take* as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CDFW may authorize *take* under the CESA through Sections 2081 agreements. If the results of a biological survey indicate that a state-listed species would be affected by the project, the CDFW would issue an Agreement under Section 2081 of the CDFW Code and would establish a Memorandum of Understanding for the protection of state-listed species. CDFW maintains lists for Candidate-Endangered Species and Candidate-Threatened Species. No CESA listed species have been previously documented within 3 miles of the Project area and the Project area does not provide suitable habitat for any CESA listed species.

Streambed Alteration Agreements: CDFG Code Section 1600 et seq.

CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under Sections 1600–1616. CDFW has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

In practice, CDFW marks its jurisdictional limit at the top of the stream or lake bank, or the outer edge of the riparian vegetation (where present) and extends its jurisdiction to the edge of the 100-year floodplain. Impacts to the bed, bank, riparian zone, and/or floodplain of any of the mapped streams and the large pond within the Project area would require that a Lake and Streambed Alteration (LSA) Notification (LSA) be submitted to CDFW for review and that an executed LSA Agreement be signed off on by both CDFW and the applicant prior to impacting any features under CDFW jurisdiction as part of the LSA program.

Porter-Cologne Water Quality Control Act & Section 1601 – Section 1607 of CDFG Code

These acts and codes pertain to projects with potential impacts to water quality or waterways. The subject parcel contains "waters of the State" as defined by the State Water Resources Board (State Board 2014); however, no such additional "waters of the State" were documented and mapped within the Project area besides the water features mapped as potential "waters of the United States," including wetlands.

California Department of Fish and Game Code Sections 3503, 3503.5, and 3800: Nesting Migratory Bird and Raptors

Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance within active nesting territories be reduced or eliminated during critical phases of the nesting cycle (approximately March 1 – August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young), or the loss of habitat upon which birds are dependent, is considered "taking", and is potentially punishable by fines and/or imprisonment (LCC 2013). Such *taking* would also violate federal law protecting migratory birds (e.g. MBTA above).

California Environmental Quality Act Guidelines Section 15380

California Environmental Quality Act (CEQA) Guidelines section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria. This section was included in the guidelines to deal primarily with situations in which a public agency is reviewing a project that may have a significant effect on, for example a "candidate species" that has not yet been listed by the USFWS or CDFW. CEQA, therefore, enables an agency to protect a species from significant project impacts until the respective government agencies have had an opportunity to list the species as protected, if warranted (CNRA 2012).

Plants appearing on the California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) are considered to meet CEQA's Section 15380 criteria. Ranks include: 1A) plants presumed extirpated in California and either rare or extinct elsewhere, 1B) plant rare, threatened, or endangered in California and elsewhere, 2A) plants presumed extirpated in California, but more common elsewhere, and 2B) plants rare, threatened, or endangered in California, but more common elsewhere. Impacts to these species would therefore be considered "significant" requiring mitigation.

State Oak Woodland Regulations

State laws that regulate protection of oak woodlands include Professional Forester's Law (PFL) and CEQA according to Public Resources Code Section 21083.4. Oak woodlands are defined as areas having 10% oak canopy cover or greater. "Oaks" are defined in Public Resources Code Section 21083.4 as a native tree species in the

genus *Quercus*, that is 5 inches diameter at breast height (DBH) or greater. The Oak Woodlands Conservation Act (SB 1334) provides funding for the conservation and protection of oak woodlands in California. Oak woodland habitats are protected under both State and the Nevada County General Plan.

Nevada County General Plan

The Project site land use changes and any subsequent development would be required to comply with those goals and policies outlined in the Nevada County General Plan and thus are included here.

The following goals and policies regarding relevant biological resources are set forth in Chapter 13: Wildlife and Vegetation of the Nevada County General Plan.

Goal 13.1 Identify and manage significant areas to achieve sustainable habitat.

Objective 13.1 Discourage intrusion and encroachment by incompatible land uses in significant and sensitive habitats.

Policy 13.1 Where significant environmental features, as defined in Policy 1.17, are identified during review of projects, the County shall require all portions of the project site that contain or influence said areas to be retained as non-disturbance open space through clustered development on suitable portions of the project site, or other means where mandatory clustering cannot be achieved. The intent and emphasis of such open space designation and non-disturbance is to promote continued viability of contiguous or inter-dependent habitats by avoiding fragmentation of existing habitat areas and preserving movement corridors between related habitats. Vegetation management for the benefit of habitat preservation or restoration shall be considered consistent with the intent of this policy.

Policy 13.2 As part of the Comprehensive Site Development Standards, include standards to minimize removal of existing vegetation and require installation and long-term maintenance of landscaping in Chapter 13: Wildlife and Vegetation Element Nevada County General Plan Volume I - Page 13-5 setbacks and buffer areas. These standards shall be applicable to all discretionary projects and to all ministerial projects other than a single-family residence located on an individual lot. Tree removal may be allowed where necessary to comply with public right-of-way development or dedication, or development of required site access and public utilities. Individual trees or groups of trees shall be protected during construction to prevent damage to the trees and their root systems. Vegetation in proximity to structures shall conform to applicable fire protection standards.

Policy 13.2A Project review standards shall include a requirement to conduct a site-specific biological inventory to determine the presence of special status species or habitat for such species that may be affected by a proposed project. The results of the biological inventory shall be used as the basis for establishing land use siting and design tools required to achieve the objective of no net loss of habitat function or value for

special status species. Where a Habitat Management Plan is deemed appropriate, the Plan shall be prepared to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development. Prior to implementation of an adopted Habitat Management Plan, project applicants proposing the development of a project that would impact a federal or state listed species, or a species that is proposed for listing, shall be individually responsible for obtaining federal and state incidental take permits on a project-by-project basis.

Policy 13.3 As part of the Comprehensive Site Development Standards, require the maximum feasible use of drought tolerant native plant species for landscaping of all new multi-family residential, commercial, industrial, and public projects. Invasive, non-native plants, as determined by a landscape architect or other similar expert, that may displace native vegetation on adjoining undeveloped lands shall not be used. Landscaping with native trees and shrubs shall be encouraged to provide suitable habitat for native wildlife, particularly in proposed open space uses of future development.

Policy 13.4 Encourage long-term sustainability and maintenance of landscaped areas.

Policy 13.4A No net loss of habitat functions or values shall be caused by development where rare and endangered species and wetlands of over 1 acre, in aggregate, are identified during the review of proposed projects. No net loss shall be achieved through avoidance of the resource, or through creation or restoration of habitat of superior or comparable quality, in accordance with guidelines of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Policy 13.4B Habitat that is required to be protected, restored, or created as mitigation for a project's impacts shall be monitored and maintained in accord with a County-approved Habitat Management Plan.

Objective 13.2 Minimize impacts to corridors to ensure movement of wildlife.

Objective 13.3 Provide for the integrity and continuity of wildlife environments.

Objective 13.5 Support, where feasible, the continued diversity and sustain ability of the habitat resource through restoration and protection.

Objective 13.7 Identify and preserve heritage and landmark trees and groves where appropriate.

Policy 13.9 Development in the vicinity of significant oak groves of all oak species shall be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting. The County shall adopt a regulation to protect native

heritage oak trees and significant oak groves. All native oak tree species with a trunk diameter of 36" or greater shall be protected.

Nevada County Stream and Wetland Non-Disturbance Buffer Regulations

Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3 17C.3 (Ordinance No. 2033) requires a Management Plan be prepared for projects in non-disturbance buffers, including areas that are within 100 feet of wetlands and riparian areas and from the high water mark of perennial steams and watercourses, and within 50 feet from the high water mark of seasonal watercourses.

Nevada County Landmark Groves and Landmark Oak Tree Regulations

The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3.18 for Trees. Landmark trees are any native oak tree species (*Quercus* species) with a trunk diameter of 36" or greater at diameter breast height (dbh or 4'6"). Identifies landmark groves as hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government

Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 below. Exempted from this standard shall be trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (referred to herein as a qualified professional). In addition, exemption shall apply to those trees that must be removed to ensure fire safe access or provide adequate fuel reduction as determined by the California Department of Forestry or local fire district. Tree removal may also be allowed where necessary to provide for site access and public utilities or public right-of-way.

Paragraph 3. If the above standard effectively precludes development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Management Plan shall provide for the long-term maintenance of the replacement trees.

Management Plans shall emphasize protection of two varieties of oak: blue oak (*Quercus douglasii*) and valley oak (*Quercus lobata*). Both are of very limited distribution in Nevada County and considered to be sensitive plants worthy of special protection.

3.0 METHODS

In order to evaluate the Project area for the presence of sensitive biological resources, baseline information from databases and reporting for similar projects in Nevada County was collected and reviewed prior to conducting reconnaissance-level field biological surveys. The database searches, background research, and habitat level field surveys characterized the baseline conditions of the Project area.

Previous surveys, reporting, and the development of a DEIR for the Project area (approved in April 2013) were reviewed closely. Based on the baseline conditions of the Project area, an assessment was implemented to determine if any special-status plant or wildlife species have the potential to use the Project area at any time during their life cycle. The baseline conditions identified the presence of any sensitive habitat or communities, if they were identified within the Project site.

Sensitive Biological Resources

The following information was used to identify potential special-status plant and wildlife species within the Project region that could be found to use the Project area:

- California Department of Fish and Wildlife's California Natural Diversity Database records search of a 3-mile buffer around the Project area (CDFW, 2019);
- California Native Plant Society's online Inventory of Rare and Endangered Plants of California known to occur within the 7.5-minute Lake Combie USGS Quadrangle where the proposed Project is located (CNPS, 2019);
- The U.S. Fish and Wildlife Service Information, Planning, and Consultation System (IPaC) for endangered, threatened, and proposed listed species for the proposed Project area (USFWS, 2019);
- National Wetland Inventory (NWI, 2019);
- United States Department of Agriculture (USDA) Soils Mapper (USDA, 2019);
- Natural Resources Conservation Service (NRCS) Hydric Soils List for Nevada County (NRCS, 2019); and
- Nevada County General Plan (Nevada County, 1996 with subsequent amendments through 2012).

In addition, and as stated in Section 1.0 of this Updated Biological Resources Inventory, the following reporting developed specifically for the Project site was reviewed closely and included:

- Rincon del Rio Project Biological Inventory (EcoSynthesis, 2009a);
- Supplemental Biological Inventory Information, Rincon del Rio Project (EcoSynthesis, August 22, 2011);
- Habitat Management Plan for the Rincon del Rio Project (EcoSynthesis 2009b);
- Habitat Assessment for the California Red-legged Frog and Western Pond Turtle at the Rincon del Rio Property, Nevada County, California (Costella Environmental Consulting, March 29, 2013); and
- Section 3.4 Biological Resources, Rincon del Rio Draft Environmental Impact Report (DEIR, Nevada County, January 2012)

California Special Species of Concern, Fully Protected, and Special Status Species

California designates Species of Special Concern (SSC) as species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational or educational values. These species do not have the same legal protection as listed species but may be added to official lists in the future (CDFW 2014). For example, the coast horned lizard (*Phrynosoma blainvillii*), foothill yellow-legged frog (*Rana boylii*), and western pond turtle (*Actinemys marmorata*) are designated as SSC and each is evaluated as part of this Updated Biological Resources Inventory.

In the 1960's California created a designation to provide additional protection to rare species. This designation remains today and is referred to as "Fully Protected" species, and those listed "may not be taken or possessed at any time" (CDFW 2014c). The California black rail (*Laterallus jamaicensis coturniculus*) has been known to occur in Nevada County; however, this species and has not been identified within 3 miles of the Project and is not evaluated within this Updated Biological Resources Inventory further. This species is designated as Fully Protected by the state of California.

California special status species are identified by the California Natural Diversity Database (CNDDB) and includes those species considered to be of greatest conservation need by the CDFW.

Reconnaissance-level Biological Resources Field Surveys

A reconnaissance-level biological field survey was conducted on foot of the Project area by Greg Matuzak, a Wildlife Biologist on the Nevada County's Biological Resources Consultants List, on April 19th and April 29th, 2019. The entirety of the 214.56-acre Project area was not included in the April 2019 reconnaissance-level biological field survey given that the intention of this Updated Biological Resources Inventory is to update the potential of the proposed Project changes and their potential impacts on sensitive biological resources that were not previously identified and adequately mitigated for as part of the April 2012 DEIR and FEIR approved by Nevada County. Therefore, the April 2019 reconnaissance-level biological field surveys included a review of approximately 80 acres of the Project area with a focus on the Overall Site Plan dated May 2019 to ensure coverage of the Project area that may be subject to impacts from the implementation of the Overall Site Plan. The reconnaissance-level biological field surveys were focused through the entirety of the western section of the Project area as well as the southern and northern areas where Project related impacts could occur.

The purpose of the reconnaissance-level biological field surveys was to identify habitat and vegetation types within the Project area and to determine the potential of any special-status plant and wildlife species identified in the desktop analysis and background research to occur within the Project area and specifically within the areas of proposed development as outlined in the Overall Site Plan dated May 2019 (attached in Appendix G). A Photo Log of the Project area is attached in Appendix B. A list of plant and wildlife species observed during the field surveys was compiled (see Appendix C). A map depicting the results of a review of the CNDDB within 3 miles of the Project area is included in Appendix D, a USDA Soils Map is included in Appendix E, and a National Wetland Inventory (NWI) Map is included in Appendix F.

4.0 RESULTS

Environmental Setting

The 124.56-acre Project area lies in the Sierra Nevada foothills. The Project site features varied topography, including rolling hills and somewhat flatter terrain near the center of the property. Elevations within the site range from approximately 1,300 feet above Mean Sea Level (MSL) along its southern portion near the Bear River to approximately 1,700 feet above MSL at the site's southeastern corner at the peak of a steep hill. The Bear River flows east to west at the southern boundary of the Project site. A main unnamed seasonal Bear River tributary, flowing from the northeast corner through the central portion of the Project site, is dammed, creating a large pond on site. The main unnamed seasonal Bear River Tributary is also fed by a smaller seasonal stream that enters the Project from the northern central border of the Project area and connects with the main seasonal stream tributary just north of the large pond. Both tributaries support woody riparian and some herbaceous wetland plants.

Plant Communities

The areas mapped previously by EcoSynthesis were used as a base layer; however, habitat boundaries were adjusted to match observations of current site conditions, and habitat types were correlated to the wildlife habitat types in *A Guide to Wildlife Habitats of California* (Mayer and Laudenslayer 1988). CDFW manages the California Natural Diversity Data Base (CNDDB), which is a database inventory of the locations of rare and endangered plants, wildlife, and natural communities in California. A Photo Log of the Project area is included in Appendix B and a list of plants and wildlife documented during the field surveys are attached in Appendix C to this Updated Biological Resources Inventory.

The Project area is dominated by Montane Hardwood and Montane Hardwood-Conifer habitat types. In addition, Annual Grassland is the 3rd most common habitat type within the Project area. Additionally, the Project area include Valley Foothill Riparian habitat as well as Fresh Emergent Wetlands, large pond (Lacustrine habitat), Wet Meadow, and the Bear River. A fragment of Montane Chaparral habitat is located adjacent to the Bear River, but it is not mapped within the Project area and therefore, is not included in the habitat descriptions below. At the end of the habitat descriptions below, a table identifying the approximate acreages of each of the habitat types within the Project area is included. As discussed above, the habitat descriptions and the habitat acreages have been taken from the previous reporting completed for the Project area, most recently the DEIR developed by Nevada County and approved in April 2013.

A description of the dominant plant communities within the Project area is described below.

Montane Hardwood - Conifer

A typical montane hardwood – conifer habitat is composed of a pronounced hardwood tree layer, with an infrequent and poorly developed shrub stratum, and a sparse herbaceous layer (Anderson 1988). Within the Project area, the dominant trees are ponderosa pine (*Pinus ponderosa*) and California black oak (*Quercus kelloggii*). Other canopy trees are not present in any significant abundance throughout most of the mapped forested areas. Gray pine (*Pinus sabiniana*) is scattered throughout this habitat type. Understory shrubs vary depending upon aspect and include California buckeye (*Aesculus californica*), hoary coffeeberry (*Rhamnus tomentella*), coyote brush (*Baccharis pilularius*), deer brush (*Ceanothus integerrimus*), and poison-oak (*Toxicodendron diversilobum*). Toward the higher elevations of the Project site, whiteleaf manzanita (*Arctostaphylos viscida*) and ceanothus (*Ceanothus* spp.) occur in the understory.

Wildlife species characteristic of the montane hardwood habitat include disseminators of acorns, such as western scrub jay (*Aphelocoma californica*), Steller's jay (*Cyanocitta stelleri*), acorn woodpecker (*Melanerpes formicivorus*), and western gray squirrel (*Sciurus griseus*), plus those that utilize acorns as a major food source such as wild turkey (*Meleagris gallopavo*), mountain quail (*Oreortyx pictus*), California ground squirrel (*Spermophilus beecheyi*), dusky- footed woodrat (*Neotoma fuscipes*), black bear (*Ursus americanus*), and black-tail deer (*Odocoileus hemionus*). Many amphibians and reptiles are found on the forest floor in the montane hardwood; among them are western fence lizard (*Sceloporus occidentalis*), sagebrush lizard (*Sceloporus vandenburgianus*), rubber boa (*Charina bottae*), western rattlesnake (*Crotalus viridis*), and sharp-tailed snake (*Contia tenuis*) (Anderson 1988).

Montane Hardwood

Montane hardwood is typically composed of a pronounced hardwood tree layer, with an infrequent and poorly developed shrub stratum, and a sparse herbaceous layer (McDonald 1988). Snags and downed woody material generally are sparse throughout the montane hardwood habitat. Within the Project site, these areas are dominated by California black oak mixed with ponderosa pine and support a whiteleaf manzanita and/or ceanothus in the understory. Canyon live oak (*Quercus chrysolepis*) is scattered in the overstory among ponderosa pine, Coulter pine (*Pinus coulteri*), and white fir (*Abies concolor*). Knobcone pine (*Pinus attenuata*), gray pine, and Oregon white oak (*Quercus garryana*) are abundant at lower elevations. Understory vegetation is mostly scattered woody shrubs (i.e., manzanita (*Arctostaphylos* spp.)), birchleaf mountain mahogany (*Cercocarpus montanus* var. *glaber*), poison-oak,

and a few forbs (McDonald 1988). Wildlife species found in montane hardwood - conifer also occur in montane hardwood.

Annual Grasslands/Pastures

The original grassland ecosystem in Nevada County was most likely an open oak savanna dominated by native bunchgrasses (Beedy and Brussard 2002). Upon European settlement, non-native annual grasses became widely distributed throughout California (Beedy and Brussard 2002). Dry annual grasslands still support many native plants, but irrigated pastures usually do not. Native species do not compete well with exotic pasture grasses. Within the Project site, annual grassland occurs as one large area north of the pond, which is used as pasture for cattle as well as for agricultural purposes, as well as in several much smaller patches associated with the existing woodland areas. The large pasture supports a mixture of annual and perennial non-native grasses: bromes (*Bromus* sp.), wild oat (*Avena fatua*), orchard grass (*Dactylis glomerata*), tall fescue (*Festuca arundinacea*), blue wild-rye (*Elymus glaucus*), and dog-tail grass (*Cynosurus cristatus*).

Many wildlife species use annual grasslands for foraging and/or breeding. Characteristic reptiles that breed in annual grasslands include the western fence lizard, common garter snake (*Thamnophis sirtalis*), and western rattlesnake. Common bird species observed or expected to occur in this vegetation type include western scrub jay, northern mockingbird (*Mimus polyglottos*), killdeer (*Charadrius vociferous*), and mourning dove (*Zenaida macroura*). This vegetation type also provides important foraging habitat for several raptor species. Mammals typically found in this vegetation type include the black-tailed jackrabbit (*Lepus californicus*), California ground squirrel, Botta's pocket gopher (*Thomomys bottae*), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), and coyote (Kie 2005).

Urban and Ruderal Habitats

The CDFW California Wildlife Habitat Relationships (CWHR) classifies urban habitat into five different vegetation types: tree grove, street strip, shade tree/lawn, lawn, and shrub cover. Within the Project site, the urban areas consist of the developed land that includes the existing home, driveway, and facilities. Facilities within the Project site include a chicken coop, picnic area, bocce ball court, volley ball court, ATV trails, and golf driving range, as well as gazebos. The ATV trails are maintained by spraying herbicides (to control poison-oak) as well as removing downed woody debris. Lawns are composed of a variety of grasses, maintained at a uniform height with continuous ground cover through irrigation and fertilization. Shrub cover refers to areas commonly landscaped and maintained with hedges. Vegetation in these areas consists primarily of introduced ornamental trees and shrubs and manicured lawns.

Ruderal (roadside) communities occur in areas of disturbances such as along roadsides, trails, parking lots, etc. These communities are subjected to ongoing or past disturbances (e.g., vehicle activities, mountain bikes, mowing). Ruderal habitat in disturbed areas supports a diverse weedy flora including clover (*Medicago sp.*), filaree (*Erodium* sp.), wild radish (*Raphanus sativus*), mustards (i.e., *Brassica nigra*), vetch (*Vicia* spp.), field bindweed (*Convolvulus arvensis*), milk thistle (*Silybum marianum*), perennial ryegrass (*Lolium perenne*), and wild oat. The Project site includes ruderal vegetation along roadways and trails and within undeveloped areas.

Riparian and Wetland Associated Habitats

The riparian and wetland associated habitats were previously mapped within the Project area by EcoSynthesis (EcoSynthesis 2009a) and then later slightly updated by PMC as part of the development of the DEIR for the Project area (Nevada County 2012). The habitat descriptions below are taken from the descriptions within the DEIR. Based on the site visits in April 2019 as part of the development of this Updated Biological Resources Inventory, an ephemeral drainage did not exhibit the same level of defined bed and bank and an ordinary high water mark as previously mapped. Therefore, the previously mapped ephemeral drainage along the western edge of the large pond has been reduced and is mapped from the point where a clear drainage is located and is identified as an ephemeral drainage given it exhibits characteristics of a drainage area/swale, but does not exhibit the required defined bed and bank and an ordinary high water mark to be mapped as a regulated stream (see attached Overall Site Plan with the mapped ephemeral drainage along the western edge of the large pond as well as the other locations of wetlands, riparian habitat, and streams within the Project area – located within Appendix G).

Valley Foothill Riparian

Within the Project site, riparian habitat occurs along the entire length of the main tributary connecting the northeastern section of the Project area with the central portion of the Project site, including the lower extremity of the small seasonal tributary that flows through the large pasture from the north. The main seasonal stream (which flows into and out of the large pond connecting with the Bear River) supports habitat dominated by white alder, Arroyo willow (*Salix lasiolepis*), and red willow (*S. laevigata*). The riparian vegetation understory varies from absent to dominated by freshwater emergent wetland species to dominated heavily by Himalayan blackberry (*Rubus armeniacus*). Valley oaks occur at the fringe of, or mixed with, the alder-willow riparian woodland. The limit of the foothill riparian community was mapped to include all of the riparian-associated valley oaks (EcoSynthesis 2009a). The mapping of the riparian habitat was expanded by PMC to include the area surrounding the main seasonal tributary in the central portion of the Project site where riparian species have become more prolific.

Bird species that may occur in riparian habitat include acorn woodpecker, belted kingfisher (*Megaceryle alcyon*), northern flicker (*Colaptes auratus*), tree swallow (*Tachycineta bicolor*), and bushtit (*Psaltriparus minimus*). Mammal species may include opossum (*Didelphis virginiana*), desert cottontail (*Sylvilagus audubonii*), beaver (*Castor canadensis*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and black-tailed deer.

Wet Meadow

Meadow ecosystems are associated with seasonally moist to waterlogged soils in valleys, flats, gentle slopes, and filled-in lake basins in the higher elevations of Nevada County (Beedy and Brussard 2002). Wet meadows occur where water is at or near the surface most of the growing season, following spring runoff (Ratliff 1988). Wet meadows at all elevations generally have a simple structure consisting of a layer of herbaceous plants. Shrub or tree layers are usually absent or very sparse; however, they may be an important feature of the meadow edge. Several genera are common to wet meadows including bentgrass (*Agrostis* sp.), oatgrass (*Danthonia* sp.), rushes (*Juncus* sp.), willows (*Salix* sp.), and sedges (*Carex* sp., *Scirpus* sp.). Wet meadow occurs adjacent to part of the shore of the large pond and between the upland pasture and Valley foothill riparian. The majority of the area of the herbaceous wetland is characterized by plants that are facultative indicator species (occurring equally commonly within and outside of wetlands) such as perennial ryegrass, curly dock, and common thistle (*Cirsium vulgare*). Small areas close to the streams and to the shore of the pond would, by themselves, be termed fresh emergent wetland on the basis of dominance by facultative-wetland and obligate species (almost always found in wetlands) including species like umbrella sedge (*Cyperus eragrostis*), rushes (*Juncus* spp.), and willow herb (*Epilobium glaberriumum*) (EcoSynthesis 2009a).

Freshwater Emergent Wetlands

Fresh emergent wetlands are characterized by erect, rooted herbaceous hydrophytes. Dominant vegetation is generally perennial monocots 6.6 feet tall (Kramer 1988). All emergent wetlands are flooded frequently, enough so that the roots of the vegetation are in an anaerobic environment. On the upper margins of this habitat, saturated or periodically flooded soils support several moist soil plant species including Baltic rush (*Juncus balticus*), redroot flatsedge (*Cyperus erythrorhizos*), nutgrass (*C. rotundus*), and on more alkali sites, saltgrass (*Distichlis spicata*). On wetter sites, common cattail (*Typha* spp.), bulrushes (*Scirpus* spp.), and arrowhead (*Sagittaria* spp.) are potential dominant species (Kramer 1988). The largest area of emergent wetland is found in the northeastern part of the Project site and this appears to be at least partially, if not completely, due to leakage of the Combie Phase I NID canal in that area. Three additional seep-supported wetland areas were mapped within the lower part of the rocky slopes near the Bear River.

Fresh emergent wetlands are key habitat for many species of water birds, amphibians, and some reptiles. Many species rely on fresh emergent wetlands for their entire life cycle. Slow- moving waters provide important resting and foraging habitats for migratory water birds such as the mallard (*Anas platyrhynchos*) and cinnamon teal (*A. cyanoptera*). Wetlands also provide habitat for the American coot (*Fulica americana*), great blue heron (*Ardea herodias*), great egret (*A. alba*), and black phoebe (*Sayornis nigricans*).

Large Pond

Lacustrine ecosystems include natural ponds and lakes and man-made features such as reservoirs. In Nevada County, most man-made reservoirs and ponds exist below 5,000 feet on the west slope (Beedy and Brussard 2002). Lacustrine habitats are inland depressions or dammed riverine channels containing standing water (Grenfell 1988c). As sedimentation and accumulation of organic matter increases toward the shore, floating rooted aquatic plants such as water lilies (*Nymphaea* spp.) and smartweed (*Polygonum amphibium*) often occur (Grenfell 1988c). The lacustrine habitat on the project site consists of the pond created by damming the unnamed main tributary.

Man-made reservoirs and ponds are attractive to waterfowl, raptors, swallows, bats, and many other wildlife species. Suspended organisms such as plankton are found in the open water of lacustrine habitats. Most permanent lacustrine systems support fish life; intermittent types usually do not. Floating plants offer food and support for numerous herbivorous animals that feed both on plankton and floating plants (Grenfell 1988c). Several geese (*Anser* spp.) and mallards were observed in the pond. Based on observations of the pond in April 2019, bullfrogs were plentiful along the edges and within the pond given the number that were heard and observed. In addition, Costella Environmental Consulting implemented an onsite assessment and field surveys for the federally threated California red-legged frog (*Rana draytonii*) following USFWS August 2005 guidelines between February and March 2013. Costella Environmental Consulting identified blue gill (*Lepomis macrochirus*) and largemouth bass (*Micropterus salmoides*) within the large pond, which usually precludes the presence of California red-legged frog given they are a predator to such frog's eggs and tadpoles.

Bear River

Riverine habitat only includes the open water areas and areas below the ordinary high water mark. Riverine habitats are found contiguous to riparian, lacustrine and fresh emergent wetland habitats (Grenfell 1988b). Intermittent or continually running water distinguishes rivers and streams. A stream originates at some elevated source, such as a spring or lake, and flows downward at a rate relative to slope or gradient and the volume of surface runoff or discharge. Velocity generally declines at

progressively lower altitudes, and the volume of water increases until the enlarged stream finally becomes sluggish. Over this transition from a rapid, surging stream to a slow, sluggish river, water temperature and turbidity will tend to increase, dissolved oxygen will decrease and the bottom will change from rocky to muddy (Grenfell 1988b). Emergent vegetation grows along riverbanks, and duckweed (*Lemma* sp.) floats on the surface. The riverine habitat within the Project site includes the Bear River as well as the smaller drainages found on the Project site. The smaller drainages support smaller volumes of water. The drainages within the Project site vary from perennial (the main tributary) to ephemeral or intermittent.

Riverine ecosystems support many birds, mammals, fish, amphibians, and reptiles and a high diversity of invertebrates that are important links in aquatic food chains (Beedy and Brussard 2002). Many insects including insect larvae inhabit fast and slow streams (Grenfell 1988b). Common wildlife species found among riverine habitat include gulls, terns, and raptor species that hunt over the open waters. The open water zones of large rivers provide resting and escape cover for many species of waterfowl. Near-shore waters provide food for waterfowl, herons, and shorebirds. Some of the more common mammals found in riverine habitats include river otter (*Lontra canadensis*), mink (*Neovison vison*), muskrat (*Ondatra zibethicus*), and beaver (Grenfell 1988b).

Vegetative Communities Within the Project Area

Vegetative Community	Area (Acres)	Percentage of the Project Site
Montane Hardwood-Conifer	51.4	24%
Montane Hardwood	106.4	50%
Valley Foothill Riparian	4.5	2%
Annual Grassland	30.9	14%
Urban/Ruderal	9.6	4%
Fresh Emergent Wetland	0.6	<1%
Large Pond	3.0	1%
Wet Meadow	0.8	<1%
Bear River	3.0	1%
NID Canals	4.3	2%
Total	**214.6**	**100%**

Source: Initially mapped by EcoSynthesis (2009a) and revised by PMC (2011). Confirmed by Greg Matuzak (2019).

Landmark Oak Trees and Landmark Groves

Ecosynthesis (2009a) previously identified sixteen (16) landmark oak trees (greater than 36 inches dbh) within the Project site, belonging to three of the oak species that are present on the site: blue oak, valley oak, and California black oak. Most of these landmark oak trees occurred mainly in specific small areas that provide highly suitable growing conditions for oaks. However, based on the April 2019 surveys, a total of twenty (20) landmark oak trees have been identified within the Project site. Each of the mapped landmark oak trees are located within the attached Biological Resources Map located in Appendix G.

Landmark oak groves (with hardwood canopy coverage 33+ percent) were previously observed to occur in 24 scattered large and small patches in all parts of the Project area, having an aggregate area of about 39.9 acres (EcoSynthesis 2009a, 2009b). In the western half of the Project site (where all of the development except the secondary fire access road is located), the majority of these groves are dominated or co-dominated by interior live oak, often with a low dense canopy formed by small to medium diameter trees with relatively low diversity of other plants, and providing only limited special wildlife values. No additional areas containing landmark oak groves was identified as part of the DEIR analysis conducted by Nevada County (2012) or were any additional landmark oak groves identified as part of the development of this Updated Biological Resources Inventory. Therefore, approximately 39.9 acres of landmark oak grove are mapped within the 214.56-acre Project area.

SPECIAL STATUS SPECIES

Special-status species were considered for this Updated Biological Resources Inventory is based on a current review of the California Natural Diversity Data Base (CNDDB) and database information provided by the United States Fish and Wildlife Service for the Project area as well as the previous reporting for biological resources developed for the Project area. The database searches did reveal three species, including Brandegee's clarkia, American peregrine falcon, and western pond turtle have been identified previously within 3 miles of the Project area. None of the species was observed during field surveys in April 2013; however, the western pond turtle was identified within the large pond as part of previous surveys conducted within the Project area by Costella Environmental Consulting (reporting dated 2014). There is no USFWS Designated Critical Habitat (DCH) mapped within the Project site or within 3 miles of the Project site. Given the proximity of the Project area to previously identified special-status species (previously located further than 3 miles from the Project area), including the coast horned lizard, California red-legged frog, and foothill yellow-legged frog, these

species are also discussed further within this Updated Biological Resources Inventory below in addition to the three species previously identified within 3 miles of the Project area. See Appendix H for the CNDDB occurrence report and the USFWS IPaC report for the Project area.

It is assumed that if suitable habitat was previously identified within the DEIR (Nevada County 2012) for the Project area for specific special-status plant and wildlife species, that suitable habitat continues to be located within the Project area. Therefore, for those species not identified within 3 miles of the Project site, it is assumed that suitable habitat is located within the Project site and those species are included within the impact assessment and required mitigation for the Project as identified within the 2012 DEIR and outlined within Section 5.0 below.

Brandegee's Clarkia (*Clarkia biloba ssp. brandegeeae*) – California Native Plant Society List 4.2

Brandegee's clarkia inhabits chaparral, cismontane woodland, and lower montane coniferous/mixed conifer forest habitats. It is most often found in road cuts between 75 and 915 meters above MSL. The species has been documented within 3 miles of the Project site along the east side of Highway 49. Hundreds of the plant were identified at the base of a grassy road bank. During field surveys this species was not identified within the Project area where proposed development is to occur and no suitable habitat for this species was located during the April 2019 surveys. However, previously identified suitable habitat for this species was mapped along the Bear River within the extreme southwestern portion of the Project area.

Given that this species is most likely found on or near road cuts on north facing slopes, the likelihood of this species occurring within the areas under consideration for development within the Project area, there is a very low probability of this species being impacted by the proposed Project. However, given this species has been previously identified as a special-status plant to be included in pre-construction special-status plant species as part of the 2012 DEIR covering the Project area, this species is covered as part of required mitigation as outlined within Section 5.0 below and will be a focal species for potential impacts to special-status plants.

American peregrine falcon (*Falco peregrinus anatum*) – CDFW Fully Protected

American peregrine falcon generally associates with wetlands, lakes, rivers, or other water, as well as cliffs, banks, dunes, mounds, and human made structures. They primarily nest within a scrape, depression, or ledge in an open site. This species has been previously identified within 3 miles of the Project site where it was identified nesting within the cliffs of an old limestone quarry, which is now used for recreation, including rock climbing. Suitable nesting habitat for this species is not located within the Project area. However, the entirety of the proposed areas of development within the Project

area will be surveyed prior to ground disturbing activities and tree removal in order to identify active raptor nests within and adjacent to the proposed areas of disturbance. See Section 5.0 of this report and the DEIR for the Project area (Nevada County 2012) for additional information related to avian impacts and mitigation measures to protect nesting avian species that will be incorporated into the proposed Project.

Western Pond Turtle (*Emys marmorata*) – CA State Species of Concern

Western pond turtles associate with permanent ponds, lakes, streams, irrigation ditches, and permanent pools along intermittent streams. They are most commonly associated with permanent or nearly permanent water in a wide variety of habitats. This species requires basking sites such as partial submerged logs, rocks, mats of floating vegetation, or open mud banks. During the spring or early summer, females move overland for up to 100 m (325 ft) to find suitable sites for egg laying. This species has not been identified within 3 miles of the subject parcel.

No western pond turtles were observed during April 2019 surveys of the Project area. However, Costella Environmental Consulting conducted a survey of the western pond turtle and identified twelve adult and one juvenile western pond turtles basking along the perimeter for the large pond. Given this species has been previously identified within the Project area and mitigation specifically for reducing potential impacts to the species is included in the 2012 DEIR covering the Project area, this species is assumed to be present within the Project site and species specific mitigation as outlined within Section 5.0 below will be required to be implemented for this species.

Foothill Yellow-legged Frog (*Rana boylii*) – Candidate for Listing under the CA ESA

Foothill yellow-legged frogs inhabit partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. The species requires at least some cobble-sized substrate for egg laying. The species requires at least 15 weeks to attain metamorphosis. This species has not been identified within 3 miles of the Project area and according to EcoSynthesis (2011), suitable egg-laying substrate for this species (some cobble) is not present within the Project site (EcoSynthesis 2011). However, the results of the 2011 survey conducted by PMC (for the DEIR for the Project site) found suitable habitat within the main seasonal tributary to the large pond within the Project site. Therefore, the large pond, wetlands, and drainages, in addition to the associated uplands within the Project site, are considered suitable habitat for foothill yellow-legged frog. The Bear River is not considered suitable habitat (Nevada County 2012).

It is assumed that suitable habitat for this species is present given it was previously identified within the DEIR (Nevada County 2012) for the Project area for the species. Therefore, even though this species has not been identified within 3 miles of the Project site, it is assumed that suitable habitat is located within the Project site and therefore,

the species was included within the impact assessment and mitigation measure for the species as identified within the 2012 DEIR and outlined within Section 5.0 below.

CA Red-legged Frog (*Rana aurora draytonii*) – Federal Threatened and CA State Species of Concern – Designated Critical Habitat Mapped in Nevada County

CA red-legged frog (CRLF) is known in Nevada County in the North Bloomfield USFS Quadrangle within the Rock Creek watershed. CRLF has not been identified within 3 miles of the Project area nor has Designated Critical Habitat (DCH) for the species been mapped by the USFWS within 3 miles of the Project area. If suitable breeding locations are located within 1.25 miles of a given project area and connected by barrier-free dispersal habitat that is at least 300 feet in width, then suitable dispersal habitat could be located within the overall project area. Breeding habitat for the species includes pools and backwaters within streams, creeks, ponds, marshes, springs, lagoons, and artificially impounded stock ponds. California red-legged frogs are known to aestivate in upland habitat in rodent burrows, under rocks and logs, and in leaf litter in areas adjacent to aquatic habitat (USFWS 2002).

The large pond and surrounding wetland and stream habitat within the Project area was previously surveyed by Costella Environmental Consulting between February and March 2013 following USFWS revised guidance for onsite assessments and field surveys for the federally threated California red-legged frog (*Rana draytonii*, USFWS August 2005). The 2013 site assessments and field surveys for the federally threated California red-legged frog determined that the species is not present within the Project area and is not likely to occur within the Project area, either within the onsite aquatic habitat for breeding given the lack of detections of the species and number of predators for the species documented within the large pond (large, active bullfrog population as well as largemouth bass and blue fill – all predators of frog eggs and tadpoles), or within the entirety of the Project area for dispersal given there are no other potential breeding ponds within proximity to the Project area that would precipitate the species moving into the Project area from offsite. Therefore, it is highly unlikely the species would associate with the aquatic and/or upland habitats associated with the Project site.

Coast horned lizard (*Phrynosoma blainvillii*) – CA State Species of Concern

The coast horned lizard occurs in open sandy areas, scattered low bushes, chaparral, manzanita, and oak woodland habitats. It is found in the Sierra Nevada foothills from Butte County to Kern County and throughout the central and southern California coast. Coast horned lizards forage on the ground in open areas, usually between shrubs and often near ant nests. The species relies on camouflage for protections. Predators and extreme heat are avoided by burrowing into loose soil. Periods of inactivity and winter hibernation are spent burrowed in the soil under surface

objects such as logs or rocks, in mammal burrows, or in crevices (Zeiner et al. 2000). They inhabit mostly open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats and can be found at elevations up to 8,000 feet (2,438 meters) (CaliforniaHerps, 2014).

The Project area does not contain suitable habitat for the coast horned lizard given the lack of rockier and sandy areas that this species requires. This species has not been documented within 3 miles of the Project area and the species was not detected during previous surveys and studies associated with the Project area. Given the Project area contains a lack of rockier and sandy areas, it is not likely this species would occur within the Project area. No coast horned lizards were observed during the April 2019 site visits.

Nesting raptors and other migratory birds species - Protected under MBTA, Protected under CA State DFG Code Sections 3503, 3503.5, and 3800

There is a high potential for nesting raptors and other nesting migratory bird species protected under the MBTA to occur within the Project area. The Project area represents potential habitat for bird species protected under the MBTA, such as tree nesting species (raptors), ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*), as well as species that associate with the wetlands fringing the large pond within the Project area. Active and inactive nests within the Project area were not identified during field surveys; however, two sets of Canada geese (*Branta canadensis*) had large clutches of baby chicks that were swimming and walking behind their parents during the April 2019 surveys.

Therefore, if any development is proposed within the Project area during the avian nesting season for raptors and ground nesting MBTA protected birds, a pre-construction survey should be conducted if such development activities pose a risk to nest abandonment prior to the fledging of young from such nests (see Section 5.0 for a detailed description of this avoidance, minimization, and mitigation measures as well as the 2012 DEIR for the Project area that includes a detailed analysis and assessment of avian nesting impacts).

Critical Deer Habitat

Known migratory deer ranges outlined in the Nevada County General Plan was reviewed for deer migration corridors, critical range, and critical fawning areas. The Project area is not located in any known major deer corridors, known deer holding areas, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the Project area is located in an area of potential Resident Deer Herd (includes some areas of migratory deer winter range). The field survey did not

record any observations of deer. The Project area does not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas.

5.0 Impact Assessment and Mitigation

Given the proposed changes to the Project have been recently developed since the CUP was previously approved for a similar project within the same Project area by Nevada County on April 9, 2013, those changes require an update to reporting covering biological resources as requested by the Nevada County Planning Department. The proposed changes to the Project were developed and included within the Rincon del Rio Senior Living Overall Site Plan dated May 2019 and as part of the development of this Updated Biological Resources Inventory, a Biological Resources Map was updated to accurately reflect the biological resources constraints within the Project area today (see Appendix G for updated Overall Site Plan and Biological Resources Map). In addition, as the CEQA lead agency, Nevada County is required to assess the potential impacts from the proposed changes to the Project and decide what level of CEQA analysis and updated reporting will be required for the Project to be approved under CEQA.

This Updated Biological Resources Inventory updates the previous Biological Inventory developed for the Project area and it identifies the potential level of impacts the proposed Project may have on sensitive biological resources within the Project area. This Updated Biological Resources Inventory concludes that no previously unidentified impacts to sensitive biological resources will occur from the development of the proposed Project. There are no new special-status species, mitigation measures, or other sensitive biological resources not previously identified in the 2012 DEIR for the Project that would now require additional mitigation measures to ensure that the Project has no significant impacts on biological resources. This Updated Biological Resources Inventory ensures conformity of the updated proposed Project with the previous CEQA analysis for the project approved in April 2013 under a DEIR and FEIR for CEQA compliance.

Changes to the Biological Resources Map developed as part of the previous project description (EcoSynthesis 2009a, 2009b, 2011 and Nevada County 2012) are included in Appendix G. The changes to the Biological Resources Map include the addition of more landmark oak trees not previously mapped within the Project area and the reduction in length of a previously mapped ephemeral drainage. In addition, all aquatic resources are assumed to be jurisdictional and subject to Clean Water Act Section 404 and Section 401 regulation if they are dredged or filled, except for the ephemeral drainage mapped along the western side of the large pond. The ephemeral drainage in that area does not contain a defined bed and bank or an ordinary high water mark required to be subject to local, state, and/or federal regulation. The impacts and mitigation below are from the 2012 DEIR covering the Project area. The species and sensitive habitats identified within this Updated Biological Resources Inventory are included below; however, all of the mitigation measures within

the 2012 DEIR developed and approved for the Project area shall be implemented where required and to ensure that the proposed Project changes conform to the impacts and mitigation requirements previously approved for a similar project within the same Project area.

Of the 214.56-acre Project area, a minimum of 130 acres will be zoned as open space, protecting a minimum of 60% of the natural habitat and protecting a majority of the mapped protected oak resources within the Project area. Most of the proposed open space zoning will occur within the eastern, undeveloped portion of the Project area as well as between proposed development within the western Project area.

A majority of the Project related impacts to natural habitat within the Project area will occur within the areas mapped as Annual Grassland/Pasture with a lesser extent to Montane Hardwood – Conifer and Montane Hardwood habitats. In addition, Project related impacts will occur within the Urban and Ruderal habitats where existing development and disturbed areas occur within the Project area.

Project Related Disturbance Impact Assessment and Mitigation Measures

Impacts to Special-Status Plant Species

Impact 3.4.1 Implementation of the proposed project could result in the substantial adverse effect, either directly or through habitat modifications, on special- status plant species. This would be considered a **potentially significant**impact.

Six special-status plant species have the potential to occur in the project site. Jepson's onion (*Allium jepsonii*; CNPS rank 1B.2) and oval-leaved viburnum (*Viburnum ellipticum;* CNPS rank 2.3) may occur in the upland areas of the project site. Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeeae;* CNPS rank 1B.2) may occur in the upland areas of the project site, specifically in the rocky areas adjacent or upslope from the Bear River. Sierra blue grass (*Poa sierra;* CNPS rank 1B.3) may occur in the montane hardwood-conifer habitat of the project site. Brownish beaked- rush (*Rhynchospora capitellata;* CNPS rank 2.2) and finger rush (*Juncus digitatus*; CNPS rank 1B.1) may occur in the wetland or moist areas within the project site.

Implementation of the proposed project could result in direct mortality or the loss of habitat for these species if they are present within the project footprint. The project could result in indirect effects to these species if present in areas surrounding the project footprint through gradual habitat degradation associated with the introduction of non-native plant species and increased human presence. These are potentially significant impacts.

Mitigation Measures to Implement for Special-Status Plant Species:

MM 3.4.1 Prior to any vegetation removal or ground-disturbing activities:

a. Focused surveys shall be conducted within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include impacts from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species) and/or during periods of physiological development that are necessary to identify the plant species of concern.

   According to the known blooming periods, surveys would need to be conducted in May or June and again in July or August (see table below); however, unusual weather may affect blooming periods so reference sites should be checked. It is important for project staff to schedule the required plant survey in time to allow for salvage and transplantation, if required, prior to initiation of project grading. Specifically, if construction is to be initiated during or prior to September in any year, the survey will need to be completed during the previous calendar year in order to satisfy the mitigation measure requirements. Project approval conditions should include language that alerts project proponents to this circumstance to avoid costly construction delays. The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be provided to County staff prior to initiation of any grading or equipment operation. If no occurrences of special-status species are found, no further mitigation is required.

Below is a table outlining the six (6) special-status species that have the potential to occur within the Project site. These species and their associated blooming periods should be the focus of **MM 3.4.1** above.

Plant Species	Typical Blooming Period
Jepson's onion	April – August
Oval-leaved viburnum	May - June
Brandegee's clarkia	May – July
Sierra blue grass	April – June
Brownish	July – August

beaked-rush	
Finger rush	May – June

b. If any federally or state-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFG (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants), as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or permits obtained. These plant species shall be avoided to the extent feasible. Avoidance measures shall include fencing of the population(s) before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. If these plants cannot be avoided completely, the following mitigation measures shall be applied:

- Before the approval of grading plans or any groundbreaking activity within the project site, the project applicant shall submit a mitigation plan concurrently to the CDFW (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants) for review and comment, and the applicant may consult with these entities before approval of the plan. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for the population(s) that would be removed during construction of the project includes implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites. The mitigation ratio for directly impacted plant species shall be at a minimum ratio of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species (its rarity or endangerment status), its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the project applicant at an approved mitigation bank should such credits be available.

- Transplantation of existing special-status plants could be undertaken to move the plant(s) to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. Please note, however, that for some species transplantation may not be a successful or effective method for conservation, as requirements for some species are highly specialized and not clearly understood. Thus, transplantation shall only be used where success can be assured. Avoidance shall be required for special-status plant species that cannot be transplanted, salvaged or cultivated.

- If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity.

Impacts to Listed Special-Status Wildlife Species

Impact 3.4.2 Implementation of the proposed project could result in a substantial adverse effect, either directly or through habitat modifications, on listed wildlife species. This would be considered a **potentially significant** impact.

Implementation of the proposed project could result in direct and indirect loss of habitat and individuals of endangered, threatened, rare, proposed, or candidate status, and California fully protected species, hereafter referred to as listed special-status species. This is a potentially significant impact. An analysis of the special-status wildlife species with potential to occur within the Project area is presented below and is based on the assessment provided within the approved DEIR and FEIR for the project (Nevada County 2012 and 2013) as well as the updated assessment provided as part of this Updated Biological Resources Inventory for the proposed Project.

Impacts to California Red-Legged Frog

California red-legged frog (*Rana aurora draytonii*) is federally listed as threatened and a California species of special concern. Habitat for the California red-legged frog consists of aquatic breeding sites within a matrix of riparian and upland dispersal habitat. Breeding habitat for the species includes pools and backwaters within streams, creeks, ponds, marshes, springs, lagoons, and artificially impounded stock ponds (USFWS 2002). California red-legged frogs are known to aestivate in upland habitat in rodent burrows, under rocks and logs, and in leaf litter in areas adjacent to aquatic habitat. California red-legged frogs are seldom found far from aquatic habitat during dry periods, but some individuals may disperse through upland habitats after the first fall rains. This species requires a permanent water source and is typically found along slow-moving streams, ponds, or marsh communities with emergent vegetation (USFWS 2002). The fresh emergent wetlands, pond, wet meadow, and main tributary (perennial creek) on the project site support suitable or marginal aquatic habitat for this species. The Bear River is not considered suitable habitat. Although the proposed project will not directly impact these aquatic features, California red-legged frogs use the surrounding upland habitat for dispersal. If present during construction activities, direct take of individuals may occur. In addition, indirect impacts such as increased human presence and/or changes in hydrology or water quality may occur with implementation of the proposed project.

Mitigation Measure to Implement for California Red-Legged Frog:

MM 3.4.2a A habitat assessment for California red-legged frog shall be conducted by a USFWS-approved biologist according to the *Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (USFWS 2005). If suitable habitat is found the project site, then field surveys should be undertaken consistent with the aforementioned guidance. If California red- legged frog is found, consultation with the USFWS and additional mitigation measures will be required. If California red-legged frogs are present on the project site, an on-site biological monitor shall be present on the project site to ensure that special-status species are not harmed during construction activities. In the event that a special-status frog is found during project construction, construction activities shall stop until the frog is moved by a qualified biologist to a safe location outside of the construction zone.

As part of the previous implementation of the mitigation measure above, the large pond and surrounding wetland and stream habitat was surveyed by Costella Environmental Consulting between February and March 2013 following USFWS revised guidance for onsite assessments and field surveys for the federally threated California red-legged frog (*Rana draytonii*, USFWS August 2005). The 2013 site assessments and field surveys for the federally threated California red-legged frog determined that the species is not present within the Project area and is not likely to occur within the Project area, either within the onsite aquatic habitat for breeding given the lack of detections of the species and number of predators for the species documented within the large pond, or within the entirety of the Project area for dispersal given there are no other potential breeding ponds within proximity to the Project area that would precipitate the species moving into the Project area from offsite. Therefore, the implementation of the Project would have no impact on California red-legged frog given the previous results of the implementation of Mitigation Measure 3.4.2a (Costella Environmental Consulting, 2013) as well as the unlikelihood the species occurs within the greater Project area and region.

Impacts to Foothill Yellow-Legged Frog

The foothill yellow-legged frog (*Rana boylii*) is a California species of special concern. This species occurs in rocky streams and rivers with open, sunny banks, in forests, chaparral, and woodlands, although it is sometimes found in isolated pools, vegetated backwaters, and deep, shaded, spring-fed pools (CaliforniaHerps 2011). Clusters of eggs are laid on the downstream side of rocks in shallow slow-moving water where they are attached to submerged rocks and pebbles and occasionally vegetation (CaliforniaHerps 2011). There is one previously recorded occurrence within a

5-mile radius of the project site (CDFG 2011a). Although according to Dr. Juncosa, suitable egg-laying substrate for this species (some cobble) is not present on the project site (EcoSynthesis 2011), the results of the 2011 survey conducted by PMC found suitable habitat within the tributary on the project site. The pond, wetlands, and drainages, in addition to the associated uplands on the project site, are suitable habitat for foothill yellow-legged frog. The Bear River is not considered suitable habitat. If the species is present during construction activities, implementation of the proposed project may impact the foothill yellow-legged frog.

Impacts to Western Pond Turtle

Western pond turtle (*Actinemys marmorata*) is a California species of special concern. It prefers slow-water aquatic habitat with terrestrial and aquatic basking sites. Western pond turtles typically do not move more than a few meters from aquatic sites; however, movement into adjacent upland habitat does occur for egg-laying. Most turtles stay within 100 meters of stream channels, mainly moving during breeding and egg-laying (CDFG 2002). Suitable habitat is present within the pond as well as in some of the wetlands and drainages, in addition to the associated uplands within the Project site. The Bear River does not represent suitable habitat for the species. Implementation of the project would result in temporary disturbance and permanent alteration of upland habitat near features that could support potential breeding habitat for the western pond turtle. If the species is present, project implementation may result in the loss of western pond turtle nests or individuals. With the implementation of mitigation measure **MM 3.4.3a** below, impacts would be reduced to **less than significant**.

Impacts to Migratory Birds and Raptors

Project construction could result in loss of habitat that may be used as foraging or nesting habtiat for migratory birds and raptors. Project construction activities may result in the loss of young or eggs of migratory birds or raptors such as yellow warbler (*Dendroica petechia brewsteri*) or northern harrier (*Circus cyaneus*) and California species of special concern due to direct removal of the nest or loss of foraging habitat. All native breeding birds (except game birds during the hunting season), regardless of their listing status, are protected under the MBTA. Construction activities could cause direct impacts to nesting raptors and migratory birds, if birds are actively nesting during construction activities. Nests may be located in trees, shrubs, or emergent vegetation, on the ground, in burrows, or on existing buildings or structures. Excessive noise, disturbance, and vibrations can cause nesting birds to abandon their nests.

Construction could also result in noise, dust, increased human activity, and other indirect impacts to nesting raptor or migratory bird species in the project vicinity.

Potential nest abandonment and mortality to eggs and chicks, as well as stress from loss of foraging areas, would also be considered potentially significant impacts. If nesting migratory birds or raptors are present during project construction, the proposed project may cause direct mortality to raptors or migratory birds through removal of vegetation that contains active nests. If construction occurs during the non- nesting season, no impacts are expected; however, if construction activities were scheduled to occur during the nesting season, mitigation would be necessary to avoid potential impacts to migratory birds and their nests. The loss or disturbance of active nests or direct mortality is prohibited by the MBTA and California Fish and Game Code Section 3503.5.

Mitigation Measures to Implement for Western Pond Turtle:

MM 3.4.3a A preconstruction survey for western pond turtle shall be conducted at least one week prior to the onset of construction activities adjacent to suitable habitat. The survey area shall encompass a 325-foot radius of the area to be affected. If juvenile or adult turtles are found within the survey area, the individuals should be moved to a predetermined location with suitable habitat. If a turtle nest is found within the survey area, construction activities should not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location. Furthermore, one-way barrier fencing shall be constructed within 325 feet of suitable aquatic habitat to prevent turtles from moving into the construction area to nest, hibernate, or aestivate, while allowing turtles already in the construction area to move back to water.

Mitigation Measures to Implement for Nesting Raptors and Migratory Bird Species:

MM 3.4.3b If vegetation removal or ground surface disturbance (any form of grading) is to occur between March 1 and August 31, the project applicant shall retain a qualified biologist to conduct a focused survey for active nests within 14 days prior to the disturbance of the construction area. Nesting surveys for small birds are only fully effective if carried out between dawn and 11 AM, as many species become inactive during the middle of the day. If active nests are found, trees/shrubs with nesting birds shall not be disturbed until abandoned by the birds or a qualified biologist deems disturbance potential to be minimal (in consultation with the USFWS and/or CDFW, where appropriate). If applicable, tree removal and grading shall be restricted to a period following fledging of chicks, which

typically occurs between late July and early August. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, other restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest as confirmed by the appropriate resource agency) or alteration of the construction schedule. If construction activities or tree removal is proposed to occur during the non-breeding season (September 1 to February 28), a survey is not required, no further studies are necessary, and no mitigation is required.

Mitigation Measures to Implement for Foothill Yellow-Legged Frog:

Given that suitable habitat for the species is present within the larger seasonal stream entering from the northeast section of the Project area, the species could be present during construction activities and therefore, implementation of the proposed Project has the potential to impact the foothill yellow-legged frog. Therefore, the implementation of the following mitigation measure will be implemented for this species (California red-legged frog is discussed separately but the 2012 DEIR included both species together as part of the mitigation measure below; therefore, the mitigation measure below is specifically for foothill yellow-legged frog):

MM 3.4.2a Suitable habitat is found within the Project site, then field surveys should be undertaken consistent with the aforementioned guidance. If California red- legged frog (or the foothill yellow-legged frog) is found, consultation with the USFWS (and CDFW) and additional mitigation measures will be required. If California red-legged frogs (or foothill yellow-legged frogs) are present on the project site, an on-site biological monitor shall be present on the project site to ensure that special-status species are not harmed during construction activities. In the event that a special-status frog is found during project construction, construction activities shall stop until the frog is moved by a qualified biologist to a safe location outside of the construction zone.

Impacts to Aquatic Resources, including Streams, Wetlands, and Ponds

Impact 3.4.4 Implementation of the proposed project would result in the loss of jurisdictional waters of the U.S., including wetlands. This would be considered a **potentially significant** impact.

Although a formal wetland delineation has not been conducted, potentially jurisdictional features have been mapped on the project site. All the wetland features

mapped on the Project site are assumed to be considered jurisdictional by the USACE (including potentially isolated seasonal wetlands) except for the ephemeral drainage along the western section of the large pond given it does not contain a defined bed and bank or ordinary high water mark required to be regulated as a "waters of the U.S."

Below is a table identifying the potential impacts to "waters of the U.S.," including wetlands from the implementation of the proposed Project as identified within the May 2019 Overall Site Plan (attached to Appendix G).

Aquatic Feature	Acreage Impacts	Linear Feet (lf.) Impacts
Seasonal Stream with associated Riparian Wetlands	0.049 acres	141.28 lf.
NID Combie Phase I Canal	0.002 acres	37.99 lf.
Total	**0.051 acres**	**179.27 lf.**

Implementation of the proposed Project would result in the loss of approximately 0.051 acres of potentially jurisdictional to "waters of the U.S.," including wetlands. The impacts to potentially jurisdictional features listed in the table above are included within Appendix G identifying Project related impacts to such features. The proposed development avoids any intrusions into wetland or riparian areas, except that it will require widening or minor realignment of one or more roads which cross seasonal streams that are tributaries to the large pond and the Bear River. Replacement or extension of the culverted crossings may necessitate small amounts of fill, or excavation and backfill, of small areas of tributary waters of the U.S., possibly including adjacent wetlands. Total amounts of fill should be less than the 0.5-acre ceiling that applies to the nationwide permits applicable to culverted road crossings within a residential development. If the existing culverts are adequate and no fill is required to build a County-standard road over the tributary, then no mitigation would be required.

Authorization for such fill shall be secured from the USACE through the CWA Section 404 permitting process prior to project implementation. If a CWA Section 404 permit were to be required from the USACE, a CWA Section 401 permit would be also required from the Regional Water Quality Control Board. If it is determined by a qualified wetland biologist and through consultation with the Regional Water Quality Control Board that features that qualify as waters of the State would be affected, the applicant would be required to obtain an authorization from the Regional Water Quality Control Board to fill/disturb these features prior to project implementation.

Furthermore, construction-related impacts to water quality would be mitigated through a National Pollutant Discharge Elimination System (NPDES) permit.

In addition, Nevada County Land Use and Development Code Section L-II 4.3.17 requires the preparation of a management plan that avoids or minimizes impacts to water, wetland, and riparian resources for any project within 50 or 100 feet of such resources, depending on whether they are seasonal or perennial water features. Because the project would result in the loss of approximately 0.051 acre of to "waters of the U.S.," including wetlands, the Project is required to prepare a management plan that minimizes impacts, as defined by Nevada County. Consistent with this requirement, the previous proposed project within the Project area includes a Habitat Management Plan (EcoSynthesis 2009b). However, a comprehensive assessment of streams, wetlands, and other aquatic resources has been developed based on the updated Project description (Matuzak 2019). The Habitat Management Plan for the proposed updated Project description and phasing (see Section 1.0 of this Updated Biological Inventory) was developed by Greg Matuzak, Wildlife Biologist and Wetlands Ecologist in May 2019 and contains an assessment of potential Project related impacts to non-disturbance buffer related to seasonal (50-foot) and perennial (100-foot) aquatic resources. In addition, the Habitat Management Plan includes a detailed assessment of mitigation measures to implement in order to fully mitigate for the proposed Project's potential impacts to such seasonal and perennial non-disturbance buffers and aquatic resources.

Therefore, disturbance and/or loss of jurisdictional waters and wetlands from implementation of the proposed Project are considered **potentially significant** unless mitigation measure **MM 3.4.4** is implemented for such impacts and in which case would bring the potential impact to a level of **less than significant.**

<u>Mitigation Measures to Implement for Impacts to Streams, Wetlands, and Ponds</u>

MM 3.4.4 A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the proposed project including improvements to Rincon Way. If jurisdictional waters cannot be avoided, the project applicant shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.

The project applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.

Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

Impacts to Protected Landmark Oak Trees and Groves

Impact 3.4.6 Implementation of the proposed project would result in the removal of or damage to protected landmark oak trees and groves during construction. This is considered a **potentially significant** impact.

As part of the proposed Project, not all individual landmark oak trees will be avoided as there is no feasible design for the Project area that achieved complete avoidance of landmark oak trees. Also, in order to achieve the extremely desirable environmental goal of clustering all proposed development in the western part of the Project site, it was necessary to allow for minor amounts of grading and tree removal with the limits of some mapped patches of landmark groves within the Project site. The Project will result in construction within the limits of some areas of mapped landmark groves (canopy cover greater 33+ percent).

The estimated area of impact of the proposed Project on landmark groves is approximately 1.24 acres of the total of 39.9 acres of landmark groves that occur within the Project site (a total of 3.1% of landmark oak resources within the Project site). In accordance with County Zoning Regulations, if it is impossible for the Project design to avoid landmark groves or if avoidance would make it impossible to achieve a more important environmental protection goal or requirement (as in the case of clustering development in the western part of the Project site rather than spreading it out and

extending into the eastern part of the Project site where more valuable habitat resources are located), then the Project may be approved and constructed if a Habitat Management Plan is prepared and implemented. This is a specification of Mitigation Measure **MM 3.4.6** developed as part of the approved DEIR and FEIR for the Project area. Therefore, the development of a Habitat Management Plan for the proposed updated Project provides appropriate and sufficient mitigation for both direct and indirect impacts to landmark groves and landmark oak trees and will reduce those impacts to a less than significant level. See the Habitat Management Plan developed specifically for the proposed Project (Matuzak 2019). Below is a table identifying the potential impacts to landmark groves based on the implementation of the proposed Project as of May 2019.

Landmark Groves	Acreage Impacts
Landmark Grove – Interior Live Oak	0.079 acres
Landmark Grove – Blue Oak	0.022 acres
Landmark Grove – Blue Oak and Interior Live Oak	0.118 acres
Landmark Grove – Canyon Live Oak and Interior Live Oak	0.114 acres
Landmark Grove – Mixed Oaks	0.91 acres
Total	**1.24 acres**

The proposed Project will impact several landmark oak trees (native oak trees with a diameter of 36 inches or greater when measured at waist height, or approximately 4.5 feet above the ground). Within the northeastern section of the proposed development, a single landmark oak tree will most likely be removed due to the development of the emergency access road in the extreme north area of the Project area. Within the northwestern section of the proposed development, up to seven (7) landmark oak trees may need to be removed. Within the southwestern section of the proposed development, no mapped landmark oak trees will be required to be removed or will impacted from site development given the mapped landmark oak trees are located below the large pond where no development is proposed. Therefore, up to eight (8) landmark oak trees may be removed as part of the proposed Project.

Mitigation Measures to Implement for Protected Landmark Oak Trees and Groves:

MM 3.4.6 Each project phase submittal shall demonstrate compliance with the Rincon del Rio Habitat Management Plan in regard to mitigation and protection of on-site oak woodland resources.

As stated above, a comprehensive assessment of oak resources, including landmark oak trees and landmark groves has been developed based on the updated Project description (Matuzak 2019). The Habitat Management Plan for the proposed updated Project description and phasing (see Section 1.0 of this Updated Biological Inventory) was developed by Greg Matuzak, Wildlife Biologist and Wetlands Ecologist in May 2019 and contains an assessment of impacts to protected landmark oak trees and groves as well as a detailed assessment of mitigation measures to implement in order to fully mitigate for the proposed Project's potential impacts to such protected oak resources.

The Habitat Management Plan concludes that out of the 214.56-acre Project area, a minimum of 130 acres will be zoned as open space, protecting a minimum of 60% of the natural habitat and protecting a majority of the mapped protected oak resources within the Project area. Most of the proposed open space zoning will occur within the eastern, undeveloped portion of the Project area as well as between proposed development within the western Project area. Therefore, the proposed Project will protect landmark groves at a ratio of a minimum of 8:1 if 10 acres of landmark groves are zoned as open space. However, the final zoning of open space will most likely protect more than 15 acres of mapped landmark groves, a mitigation ratio of 12:1 for impacts to protected oak resources.

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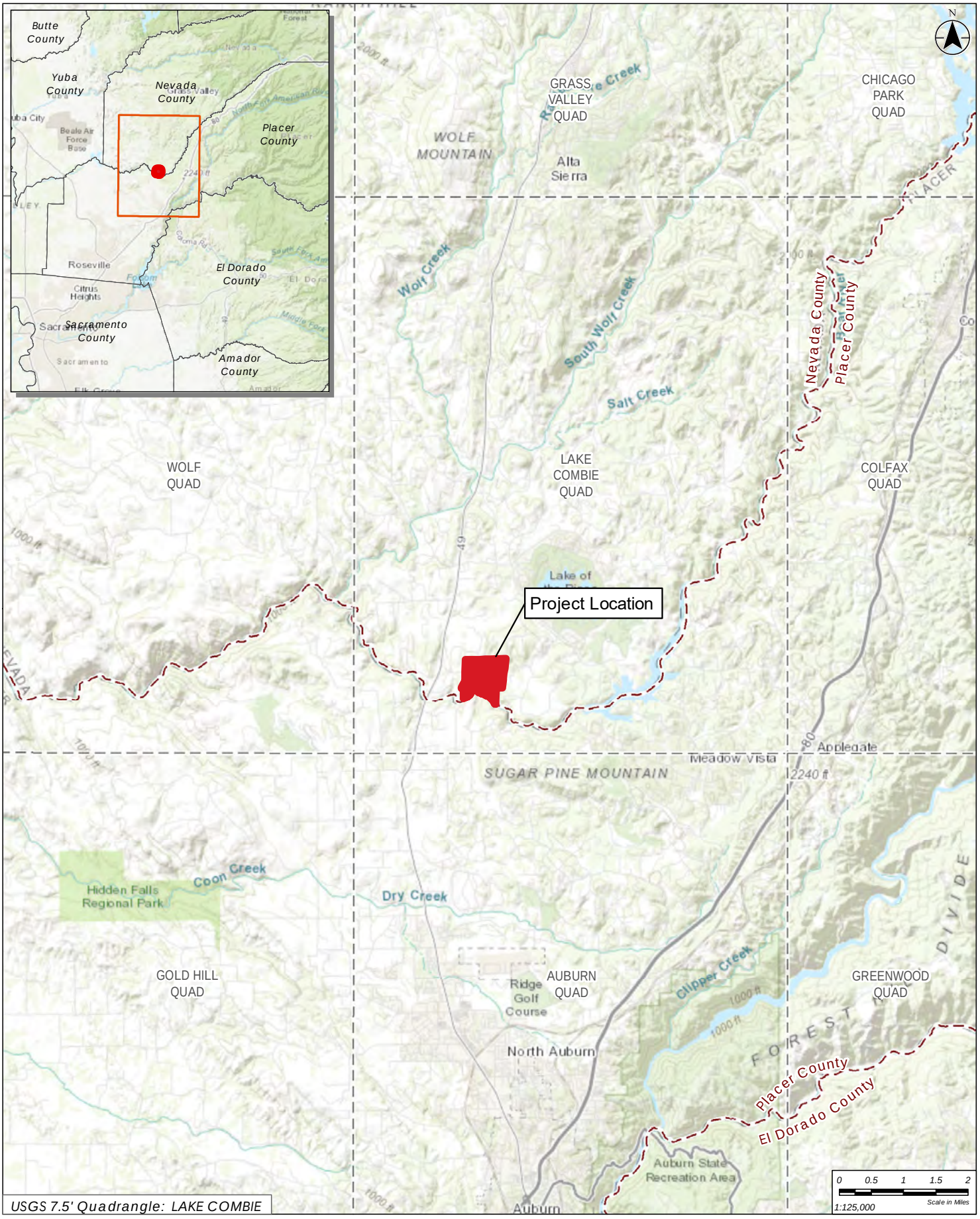
Appendix A

Project Vicinity and Project Location Maps



USGS 7.5' Quadrangle: LAKE COMBIE

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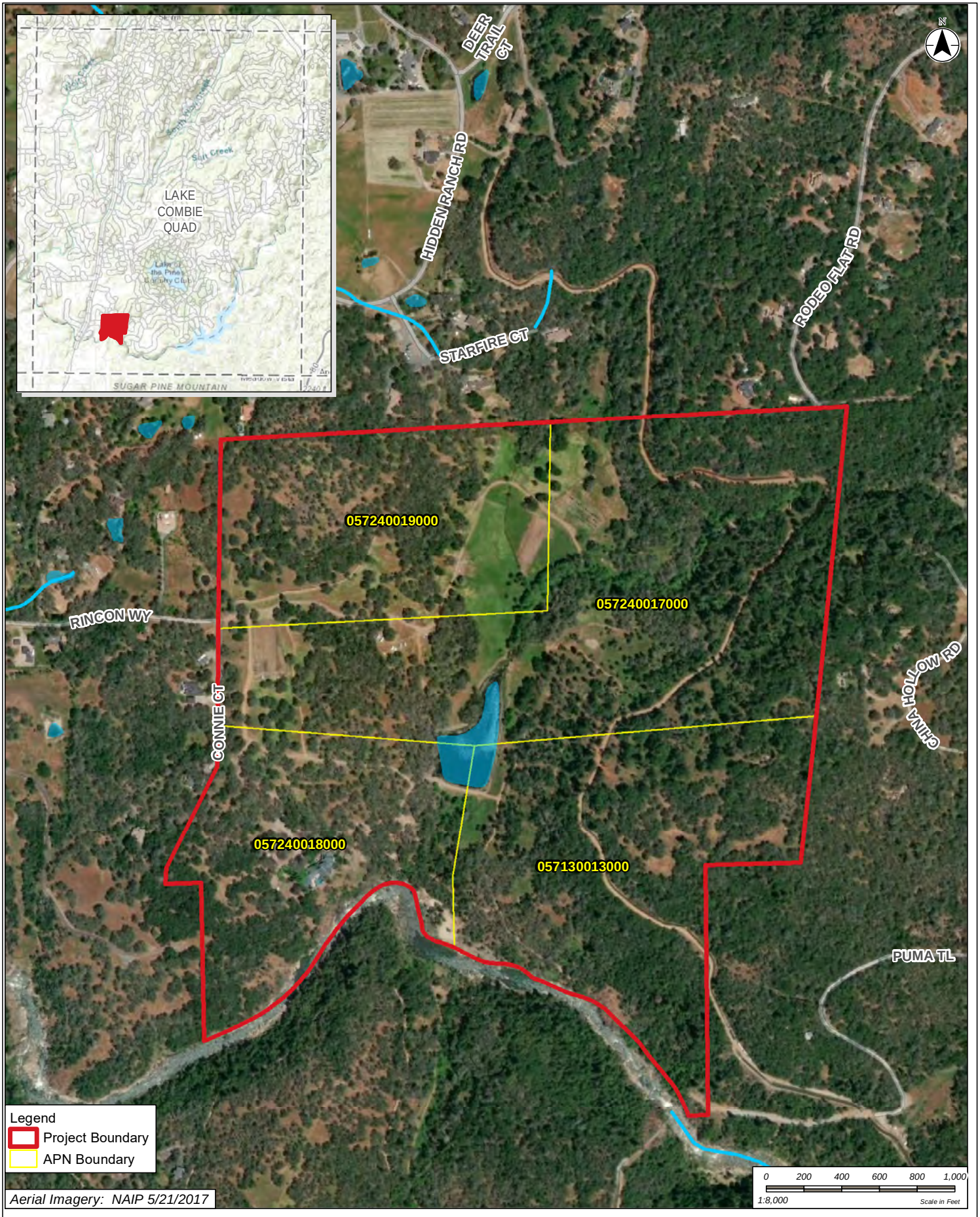
Figure 1. Vicinity Map

Prepared: Melissa Nugent 4/18/2019 C:\2019_Matsuzak\20190417_NevCounty_057-240-013-017-018-019\mxd\Fig1_Vicinity_NevCounty_057-240-013-017-018-019.mxd



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057-240--018-000, and 057-240--019-000

Figure 2. Project Location Map

Prepared: Melissa Nugent 4/18/2019 C:\2019_Matsuzak\20190417_NevCounty_057-240-013-017-018-019\mxd\Fig2_SiteMap_NevCounty_057-240-013-017-018-019.mxd

Appendix B

Photo Log

Photos of the April 19th and 29th, 2019 Field Surveys for the Project Area

Photo 1: Entrance off of Rincon Way with Weeks NID Irrigation Canal to the left.

Photo 2: Weeks NID Irrigation Canal within northwest section of Project area flowing towards Connie Court and offsite towards the southwest.

Photo 3: Weeks NID Irrigation Canal flowing southwest offsite and crossing Connie Court.

Photo 4: Landmark oak tree along northern side of entrance road into the Project area.

Photo 5: Top of drainage swale previously mapped as an ephemeral/intermittent tributary. However, at the top of drainage it does not exhibit a bed and bank and much of the tributary was removed from the drainage except for area near large pond.

Photo 6: Looking up vegetated drainage swale along western edge of large pond. Not mapped as an ephemeral drainage until lower down closer to the large pond.

Photo 7: Vegetated drainage swale half way down along western edge of large pond.

Photo 8: Ephemeral drainage mapped towards the bottom of the draw near the large pond. No non-disturbance buffer required given lack of bed and bank and OHWM.

Photo 9: Lower ephemeral drainage reaches the western area of the large pond. Large pond is subject to a 100-foot non-disturbance buffer.

Photo 10: Erosional hillside previously referred to as an ephemeral/intermittent tributary to the large pond. This feature is an erosional feature and removed from map.

Photo 11: Southwest corner of the large pond within the Project area and is subject to a 100-foot non-disturbance buffer. No development proposed within large pond buffer.

Photo 12: Southwest corner outlet of the large pond connecting with the Bear River.

Photo 13: Western edge of large existing pond within the Project area.

Photo 14: Main seasonal stream/tributary to the large pond with associated wetlands at the north end of the large pond. Both the pond and wetlands subject to a 100-foot non-disturbance buffer. No development proposed within these buffer areas.

Photo 15: Seasonal stream just north of the large pond subject to 50-foot non-disturbance buffer where no wetlands have been mapped along the edge of stream.

Photo 16: Large open area adjacent to the west of the large pond and associated seasonal stream and associated wetlands. Currently with bee hives.

Photo 17: Wetland area adjacent to main seasonal stream north of the large pond. The wetlands are subject to a 100-foot non-disturbance buffer from their outer edge.

Photo 18: Wetland area adjacent to main seasonal stream north of the large pond. The wetlands are subject to a 100-foot non-disturbance buffer from their outer edge.

Photo 19: Northern section of Project area within agricultural production.

Photo 20: Landmark oak tree along emergency access road and within the proposed barn, orchard, and pickleball court area. Photo looking towards the north.

Photo 21: Two landmark oak trees where emergency access road crosses a seasonal stream in the northeastern section of the Project area.

Photo 22: Emergency access road heading northeast crossing the main seasonal stream tributary to the large pond. Stream subject to 50-foot non-disturbance buffer.

Photo 23: Small seasonal tributary flows north to south connecting with a larger seasonal stream and the large pond. Stream subject to 50-foot non-disturbance buffer.

Photo 24: Small seasonal tributary heading south towards main seasonal stream and the large pond. Stream subject to 50-foot non-disturbance buffer.

Photo 25: Landmark oak tree northwest of the large pond in an open area.

Photo 26: Landmark oak tree NW of large pond in an open area used for storage.

Photo 27: Large open area east of the Rincon Way project area entrance where attached 5-unit condominium buildings are proposed.

Photo 28: Access road heading down towards the south from the large pond.

Photo 29: Area proposed for attached 5-unit condominium buildings to the west and southwest from the southern section of the large pond. Non landmark oak groves.

Photo 30: Access road leading to a BBQ Pavilion under construction next to the Bear River directly south and a seasonal tributary directly east coming from the large pond.

Photo 31: Bear River directly south of the BBQ Pavilion under construction. Bear River is subject to a strict 100-foot non-disturbance buffer. BBQ Pavilion outside of buffer.

Photo 32: Pedestrian bridge over a seasonal stream connecting the large pond with the Bear River. BBQ Pavilion is >50 feet from seasonal stream and >100 feet from Bear River.

Photo 33: Seasonal stream connecting directly with the Bear River downstream of the large pond. Stream is subject to 50-foot non-disturbance buffer.

Photo 34: Access from large pond and BBQ Pavilion towards existing clubhouse.

Photo 35: Open area to north of access from BBQ Pavilion towards existing clubhouse.

Photo 36: Open area north of existing clubhouse where attached 5-unit condominium buildings are proposed upslope of grazing cattle.

Photo 37: Area directly west of existing clubhouse where 5-unit condominium buildings are proposed. Area upslope contains landmark groves and may not be avoided.

Photo 38: Area directly northwest of existing clubhouse where 5-unit condominium buildings are proposed adjacent to landmark groves that may not be avoided.

Photo 39: Area directly southwest of existing clubhouse where upslope and downslope cottages are proposed adjacent to landmark groves that may not be avoided.

Photo 40: Area directly southwest of existing clubhouse where upslope and downslope cottages are proposed adjacent to landmark groves that may not be avoided.

Appendix C

Plants and Wildlife Observed During Site Surveys

Plants Observed within the Project Area During Surveys Conducted in April 2019

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Acer macrophyllum	Bigleaf maple	native	tree	-	FACU	-
Acer negundo	Boxelder	native	tree	-	FAC	-
Acmispon americanus var. americanus	Spanish lotus	native	annual herb	-	FACU	-
Agrostis gigantea	Creeping bentgras	non-native	perennial grass	-	FAC	-
Alnus rhombifolia	White alder	native	tree	-	FACW	-
Ammi visnaga	Bisnaga	non-native	annual, biennial herb	-	-	-
Andropogon virginicus var. virginicus	Broomsedge bluestem	non-native	perennial grass	-	FAC	-
Arbutus menziesii	Madrono	native	tree	-	-	-
Arctostaphylos viscida ssp. viscida	Smooth white leaf manzanita	native	tree, shrub	-	-	-
Artemisia douglasiana	California mugwort	native	perennial herb	-	FACW	-
Asclepias sp.	-	-	-	-	-	-
Avena sp.	-	-	-	-	-	-
Baccharis pilularis	Coyote brush	native	shrub	-	-	-
Berberis aquifolium var. repens	Creeping oregon grape	native	shrub	-	FACU	-
Bromus diandrus	Ripgut brome	non-native (invasive)	annual grass	-	-	Moderate
Bromus hordeaceus	Soft chess	non-native (invasive)	annual grass	-	FACU	Limited
Bromus suksdorfii	Suksdorf's bromegrass	native	perennial grass	-	-	-
Bromus tectorum	Downy chess	non-native (invasive)	annual grass	-	-	High
Calocedrus decurrens	Incense cedar	native	tree	-	-	-
Carex feta	Green sheathed sedge	native	perennial grasslike herb	-	FACW	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Ceanothus cuneatus	Buck brush	native	shrub	-	-	-
Ceanothus integerrimus	Deer brush	native	shrub	-	-	-
Centaurea solstitialis	Yellow starthistle	non-native (invasive)	annual herb	-	-	High
Centranthus sp.	-	-	-	-	-	-
Chlorogalum pomeridianum	Amole	native	perennial herb	-	-	-
Chondrilla juncea	Skeleton weed	non-native (invasive)	perennial herb	-	-	Moderate
Cichorium intybus	Chicory	non-native	perennial herb	-	FACU	-
Cirsium vulgare	Bullthistle	non-native (invasive)	perennial herb	-	FACU	Moderate
Cortaderia jubata	Andean pampas grass	non-native (invasive)	perennial grass	-	FACU	High
Corylus cornuta ssp. californica	Beaked hazelnut	native	shrub	-	FACU	-
Crataegus monogyna	Hawthorn	non-native (invasive)	shrub	-	FAC	Limited
Croton setiger	Turkey-mullein	native	perennial herb	-	-	-
Cynosurus echinatus	Dogtail grass	non-native (invasive)	annual grass	-	-	Moderate
Cyperus eragrostis	Tall cyperus	native	perennial grasslike herb	-	FACW	-
Cytisus scoparius	Scotch broom	non-native (invasive)	shrub	-	-	High
Dactylis glomerata	Orchardgrass	non-native (invasive)	perennial grass	-	FACU	Limited
Deschampsia elongata	Hairgrass	native	perennial grass	-	FACW	-
Elymus caput-medusae	Medusa head	non-native	annual grass	-	-	-
Elymus elymoides	Squirrel tail grass	native	perennial grass	-	FACU	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Elymus glaucus	Blue wildrye	native	perennial grass	-	FACU	-
Epilobium brachycarpum	Willow herb	native	annual herb	-	-	-
Epilobium densiflorum	Willow herb	native	annual herb	-	FACW	-
Epilobium sp.	-	-	-	-	-	-
Eriodictyon californicum	Yerba santa	native	shrub	-	-	-
Eriophyllum lanatum	Wooly sunflower	native	perennial herb	-	-	-
Festuca arundinacea	Reed fescue	non-native (invasive)	perennial grass	-	FAC	Moderate
Festuca microstachys	Small fescue	native	annual grass	-	-	-
Festuca occidentalis	Western fescue	native	perennial grass	-	-	-
Galium triflorum	Sweet bedstraw	native	annual herb	-	FACU	-
Garrya fremontii	Fremont's silk tassel	native	shrub	-	-	-
Goodyera oblongifolia	Rattlesnake plantain	native	perennial herb	-	FACU	-
Hesperocyparis macnabiana	Macnab cypress	native	tree, shrub	-	-	-
Hirschfeldia incana	Mustard	non-native (invasive)	perennial herb	-	-	Moderate
Holcus lanatus	Common velvetgrass	non-native (invasive)	perennial grass	-	FAC	Moderate
Hypericum perforatum ssp. perforatum	Klamathweed	non-native	perennial herb	-	FACU	-
Ilex aquifolium	Holly	non-native (invasive)	tree, shrub	-	FACU	Moderate
Juncus articulatus ssp. articulatus	Jointed rush	native	perennial grasslike herb	-	OBL	-
Juncus balticus ssp. ater	Baltic rush	native	perennial grasslike herb	-	FACW	-
Juncus confusus	Colorado rush	native	perennial grasslike herb	-	FAC	-
Juncus effusus ssp. pacificus	Pacific rush	native	perennial grasslike herb	-	FACW	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Lathyrus latifolius	Sweet pea	non-native	perennial herb	-	-	-
Lonicera hispidula	Pink honeysuckle	native	vine, shrub	-	FACU	-
Lysimachia latifolia	Pacific starflower	native	perennial herb	-	FACW	-
Melilotus albus	White sweetclover	non-native (invasive)	annual, biennial herb	-	-	-
Muhlenbergia rigens	Deergrass	native	perennial grass	-	UPL	-
Pickeringia montana	Chaparral pea	native	shrub	-	-	-
Pinus ponderosa	Ponderosa pine	native	tree	-	FACU	-
Plantago lanceolata	Ribwort	non-native (invasive)	perennial herb	-	FACU	Limited
Populus fremontii ssp. fremontii	Cottonwood	native	tree	-	FAC	-
Poterium sanguisorba	Garden burnet	non-native	perennial herb	-	UPL	-
Prunella vulgaris	Self heal	native	perennial herb	-	FACU	-
Pteridium aquilinum var. pubescens	Western bracken fern	native	fern	-	FACU	-
Quercus chrysolepis	Canyon live oak	native	tree	-	-	-
Quercus lobata	Valley oak	native	tree	-	-	-
Quercus wislizeni	Interior live oak	native	tree	-	-	-
Quercus douglasii	Blue oak	native	tree	-	-	-
Quercus kelloggii	California black oak	native	tree	-	-	-
Rubus armeniacus	Himalayan blackberry	non-native (invasive)	shrub	-	FACU	High
Rubus leucodermis	White bark raspberry	native	shrub	-	FACU	-
Rubus ursinus	California blackberry	native	vine, shrub	-	FACU	-
Salix laevigata	Red willow	native	tree	-	FACW	-
Salix lasiolepis	Arroyo willow	native	tree, shrub	-	FACW	-
Toxicodendron diversilobum	Poison oak	native	vine, shrub	-	FAC	-

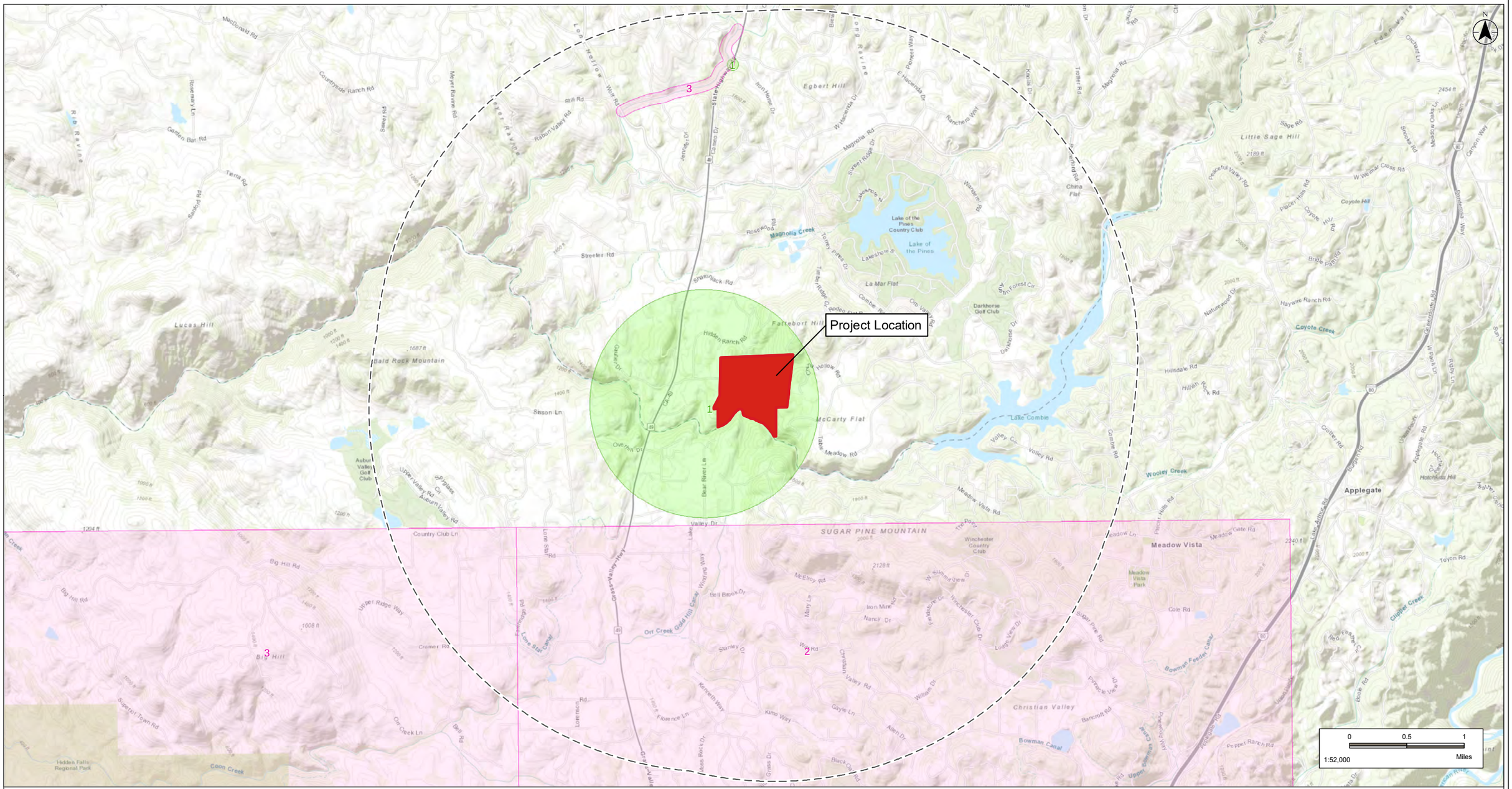
Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Trifolium sp.	-	-	-	-	-	-
Typha domingensis	Cattail	native	perennial herb	-	OBL	-
Typha latifolia	Boradleaf cattail	native	perennial herb (aquatic)	-	OBL	-

Wildlife Species Observed within the Project Area

Wildlife	
Apheloxoma californica	Western scrub jay
Buteo jamaicensis	Red-tailed hawk
Callipepla californica	California quail
Melozone crissalis	California towhee
Lithobates catesbeianus	Bullfrog
Branta canadensis	Canada geese
Anas platyrhynchos	Mallard duck
Cathartes aura	Turkey vulture
Sialia mexicana	Western bluebird
Melanerpes formicivorus	Acorn woodpecker
Agelaius phoeniceus	Red-winged Blackbird
Buteo lineatus	Red-shouldered hawk
Charadrius vociferus	Killdeer

Appendix D

CNDDB 3-Mile Buffer Figure



Legend

- Project Location
- 3 mile Buffer on Project Area
- CNDDB Plant Occurence*
- CNDDB Wildlife Occurence*
- Critical Plant Habitat** (none)
- Critical Wildlife Habitat** (none)

* California Natural Diversity Database (CNDDB) Data: Downloaded April 2019, from the California Department of Fish and Wildlife

** United States Fish and Wildlife Service (USFWS) Critical Habitat Data: Downloaded February 24, 2019 from: https://ecos.fws.gov/ecp/report/table/critical-habitat.html

CNDDB OCCURRENCES*

Plant Species

1. Brandegee's clarkia

Wildlife Species

2. American peregrine falcon
3. Western pond turtle

CRITICAL HABITAT OCCURRENCES**

Plant Habitat

None

Wildlife Habitat

None

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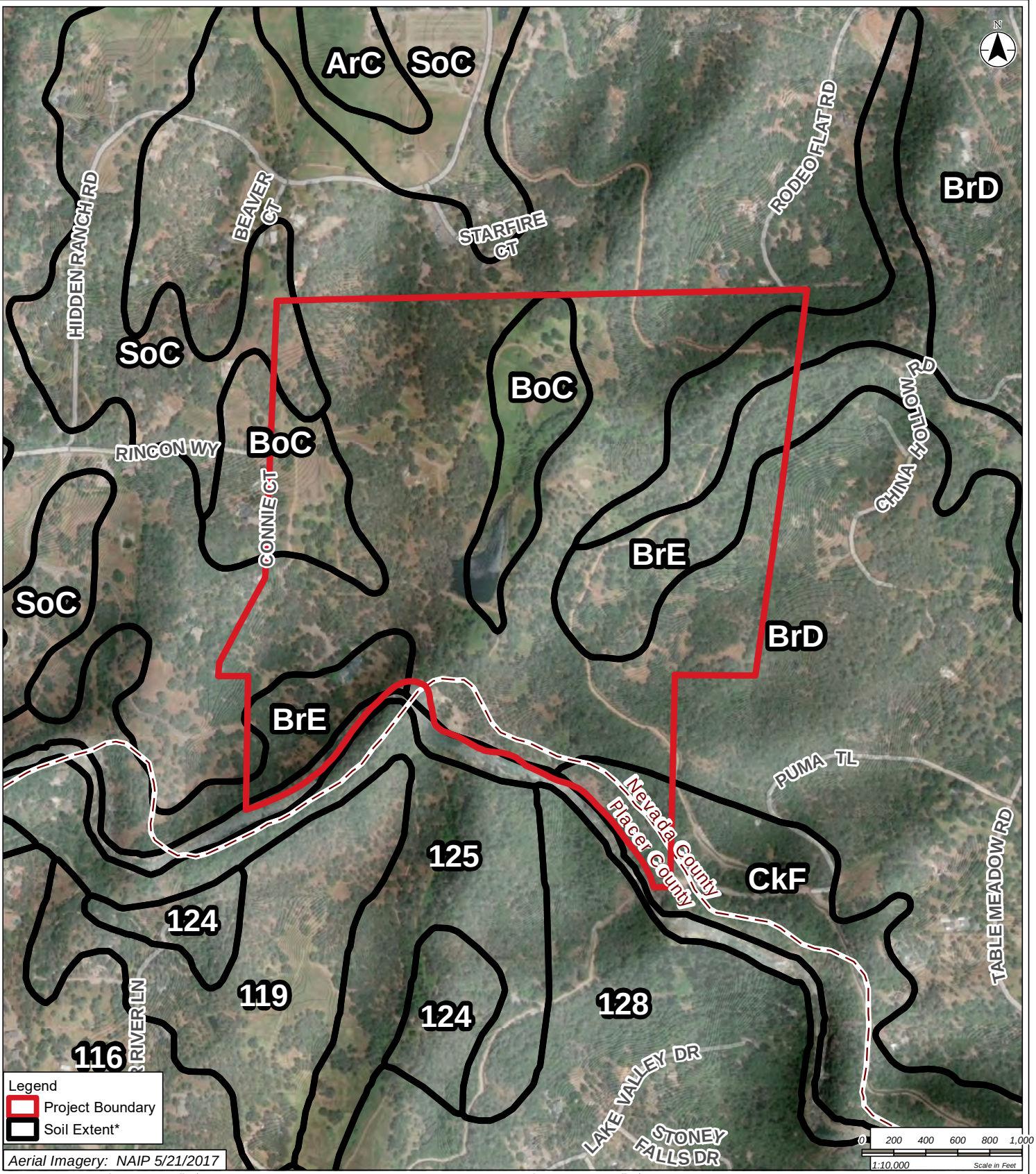
Figure 3. CNDDB and Critical Habitat Map

Prepared: Melissa Nugent Date: 4/18/2019 MXD: Fig3_CNDDB_NevCounty_057-240-013-017-018-019

Appendix E

USDA Soils Map



SOIL TYPE - Nevada County Soils *
ArC - Argonaut gravelly loam, 2 to 15 percent slopes
BoC - Boomer loam, 5 to 15 percent slopes
BrD - Boomer, hard bedrock - Rock outcrop complex, 5 to 30 percent slopes
BrE - Boomer, hard bedrock - Rock outcrop complex, 15 to 60 percent slopes
CkF - Chaix-Rock outcrop complex, 30 to 75 percent slopes
SoC - Sobrante loam, 2 to 15 percent slopes

SOIL TYPE - Placer County Soils *
116 - Auburn-Argonaut-Rock outcrop complex, 2 to 15 percent slopes
119 - Auburn-Sobrante-Rock outcrop complex, 2 to 30 percent slopes
124 - Boomer - Rock outcrop complex, 5 to 30 percent slopes
125 - Boomer - Rock outcrop complex, 15 to 50 percent slopes
128 - Boomer variant very stony sandy loam, 15 to 50 percent slopes
178 - Riverwash
179 - Rock outcrop

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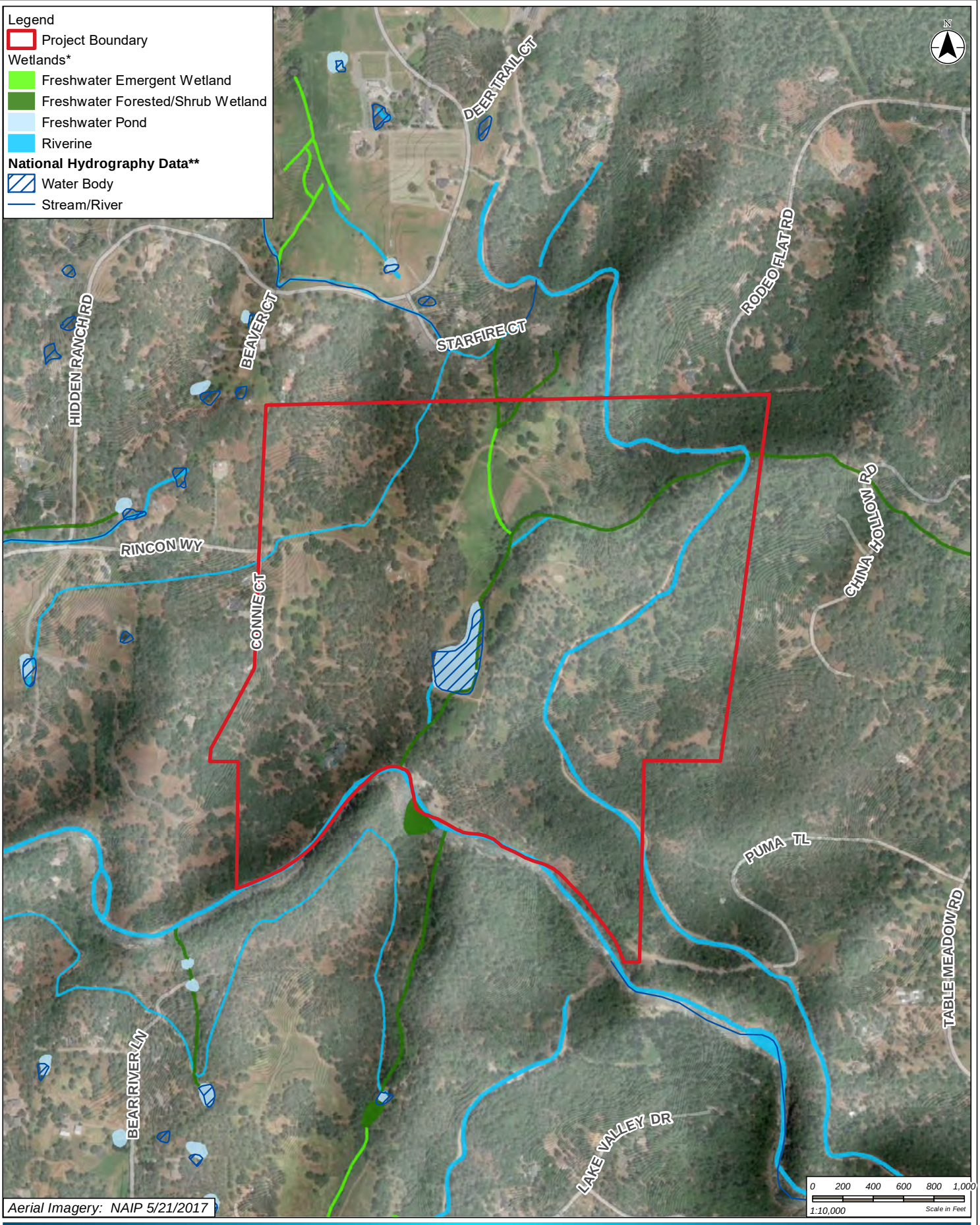
Figure 4. Soils Map

* Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online. Accessed 03/06/2019

Prepared: Melissa Nugent 4/21/2019 C:\2019_Matsuzak\20190417_NevCounty_057-130-013_240-017-018-019\mxd\Fig4_Soils_NevCounty_057-130-013_240-017-018-019.mxd

Appendix F

National Wetland Inventory (NWI) Map



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* Data downloaded from https://www.fws.gov/wetlands/Data/Data-Download.html 3/6/2019
** National Hydrography Dataset (NHD) downloaded from http://nhd.usgs.gov March, 2019

Parcel Nos.: 057-130-013-000, 057-240-017-000, 057-240--018-000, and 057-240--019-000

NOTE: Wetlands and NHD water features on this map have been adjusted approximately 296 feet west and 49 feet north to properly overlay the aerial image used in this map. As such, the feature locations are consodered accurate with respect to the aerial imagery.

Figure 5. Wetlands Map

Prepared: Melissa Nugent 4/21/2019 C:\2019_Matsuzak\20190417_NevCounty_057-130-013_240-017-018-019\mxd\Fig5_Wetlands_NevCounty_057-130-013_240-017-018-019.mxd

Appendix G

Impact Assessment Figures

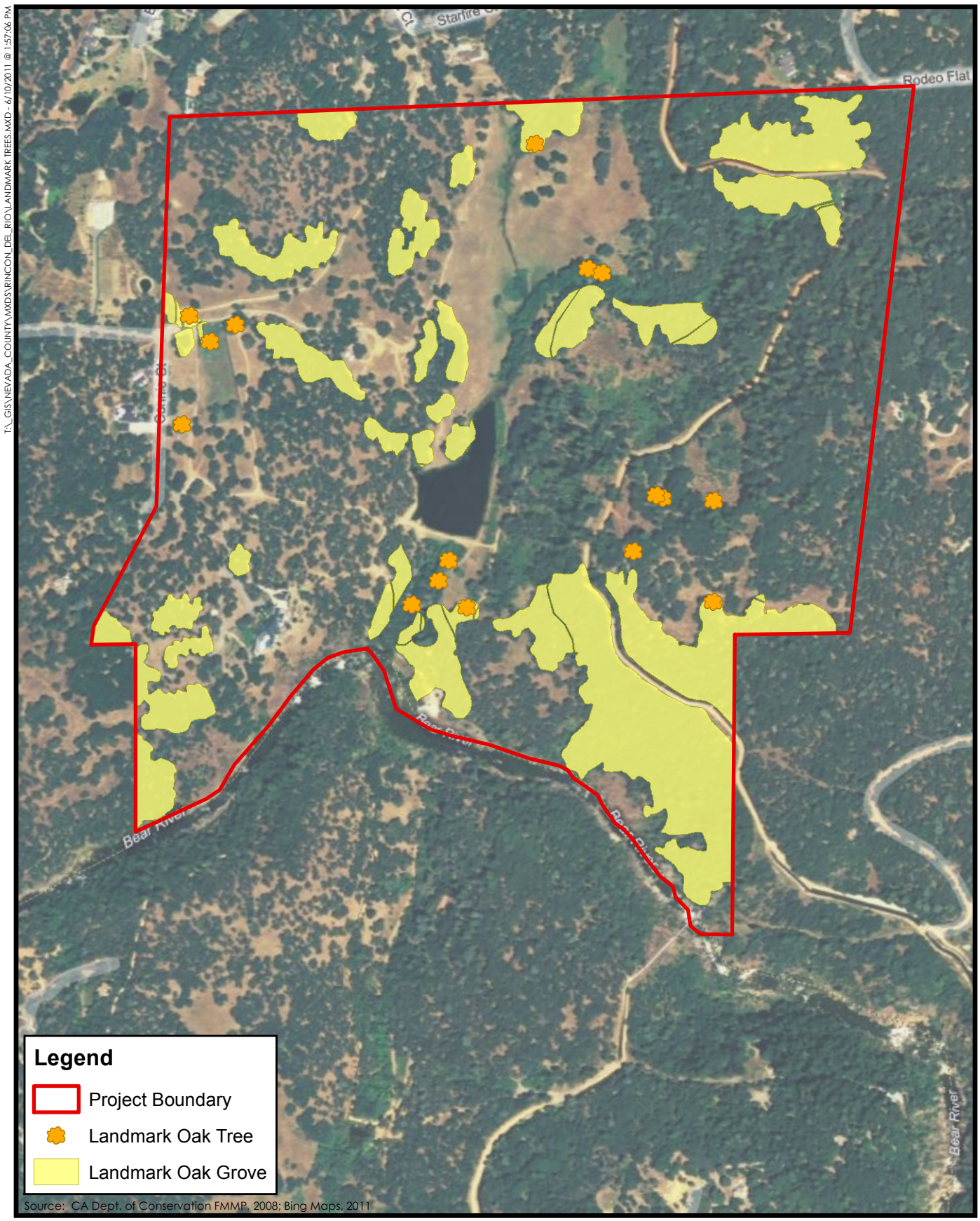
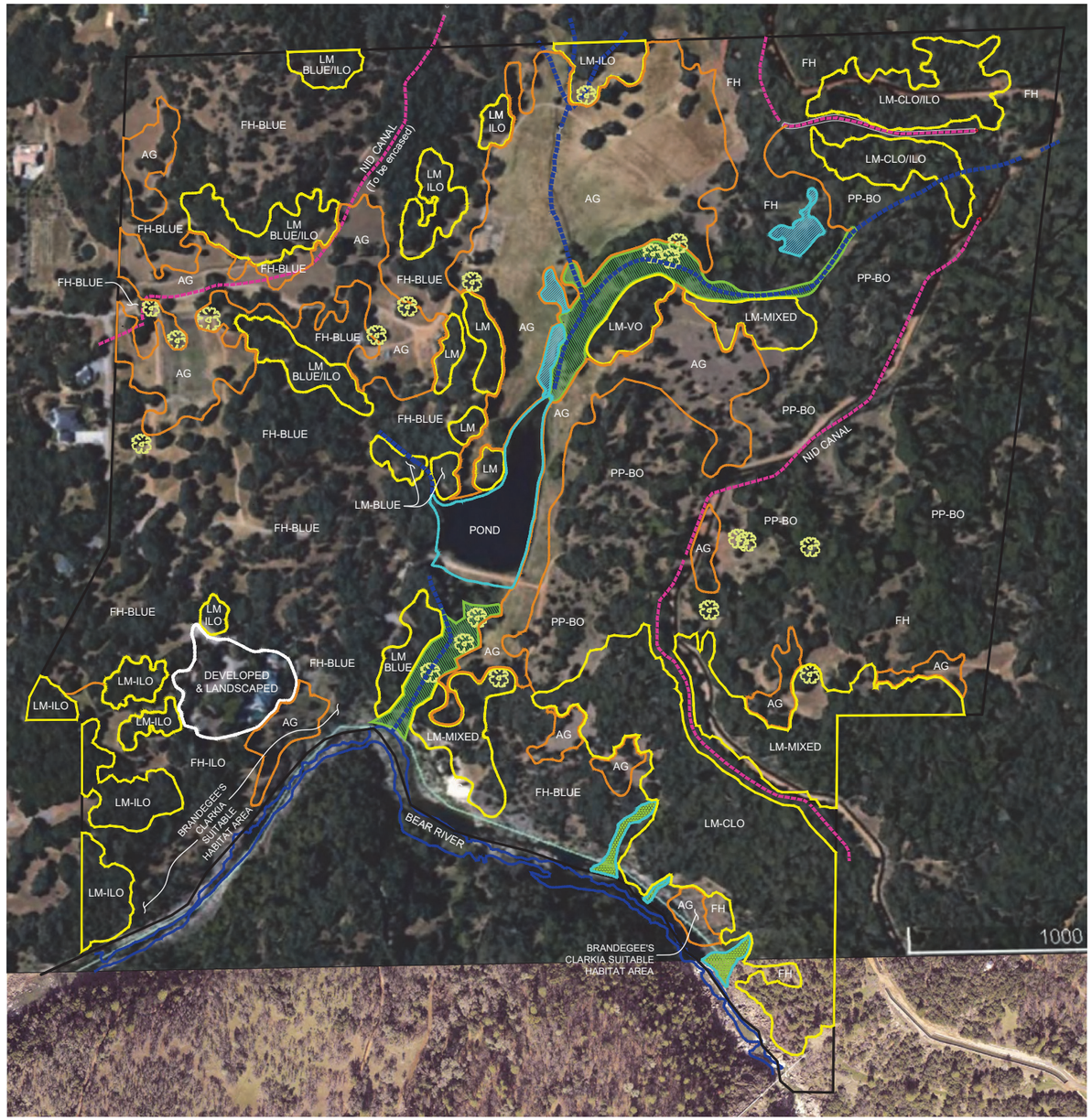


Figure 3.4-3
Landmark Trees and Oak Grove within the Project Site

BIOLOGICAL RESOURCES MAP

RINCON DEL RIO



0 100 200

SCALE: 1" = 200

NOTES:

1. SEE REPORT TEXT FOR DISCUSSION OF BRANDEGEE'S CLARKIA HABITAT.

2. MOST WOODLAND AREAS HAVE MIXED-SPECIES CANOPY. MAP NOTATIONS INDICATE PREDOMINANT SPECIES (NOT ONLY ONE PRESENT).

LEGEND:

FH	FOOTHILL HARDWOOD (SPECIES)*
PP-BO	PONDEROSA PINE – BLACK OAK
AG	ANNUAL GRASSLAND & PASTURE
LM	LANDMARK OAK GROVE (SPECIES)*
	LANDMARK OAK TREE
FR	FOOTHILL RIPARIAN
FEW	FRESHWATER EMERGENT WETLAND
WM	WET MEADOW
	SEASONAL TRIBUTARY
	ARTIFICIAL WATERCOURSE (NID)
	PERENNIAL RIVER (BEAR RIVER)

*SPECIES:

BLUE	BLUE OAK
CLO	CANYON LIVE OAK
ILO	INTERIOR LIVE OAK
VO	VALLEY OAK
NOT STATED	MIXED SPECIES

SCO PLANNING ENGINEERING & SURVEYING

140 LITTON DRIVE, SUITE 240, GRASS VALLEY, CA 95945
10800 DONNER PASS ROAD, SUITE 302, TRUCKEE, CA 96161
(530) 272-5841

OVERALL SITE PLAN

RINCON DEL RIO SENIOR LIVING

BEING A PORTION OF THE SOUTH 1/2 SECTION 33, TOWNSHIP 14 NORTH, RANGE 8 EAST AND THE NORTH 1/2 SECTION 4, TOWNSHIP 13 NORTH, RANGE 8 EAST, M.D.B. & M. WITHIN NEVADA COUNTY, CALIFORNIA

MAY, 2019

PHASING EXHIBIT

SCALE: 1" = 250'

PHASING & UNIT COUNT

PHASE 1:
- Emergency Access Road Connection
- Primary Access Road Improvements
- Gatehouse
- Sewer Lift Stations, Water Tank & Other Utility Connections
- 14 Cottage Units
- 4 5-Plex Condominiums (20 units)

PHASE 2:
- 24 Bungalow Units

PHASE 3:
- 4 Attached Condominiums (56 units)
- 2 5-Plex Condominiums (10 units)

PHASE 4:
- 5 5-Plex Condominiums (30 units)

PHASE 5:
- 11 Cottage Units
- 7 5-Plex Condominiums (35 units)

PHASE 6:
- 17 Cottage Units

PHASE 7:
- Village Service Center
- Group House Memory Care
- Pool/ Fitness Center
- Art Studio

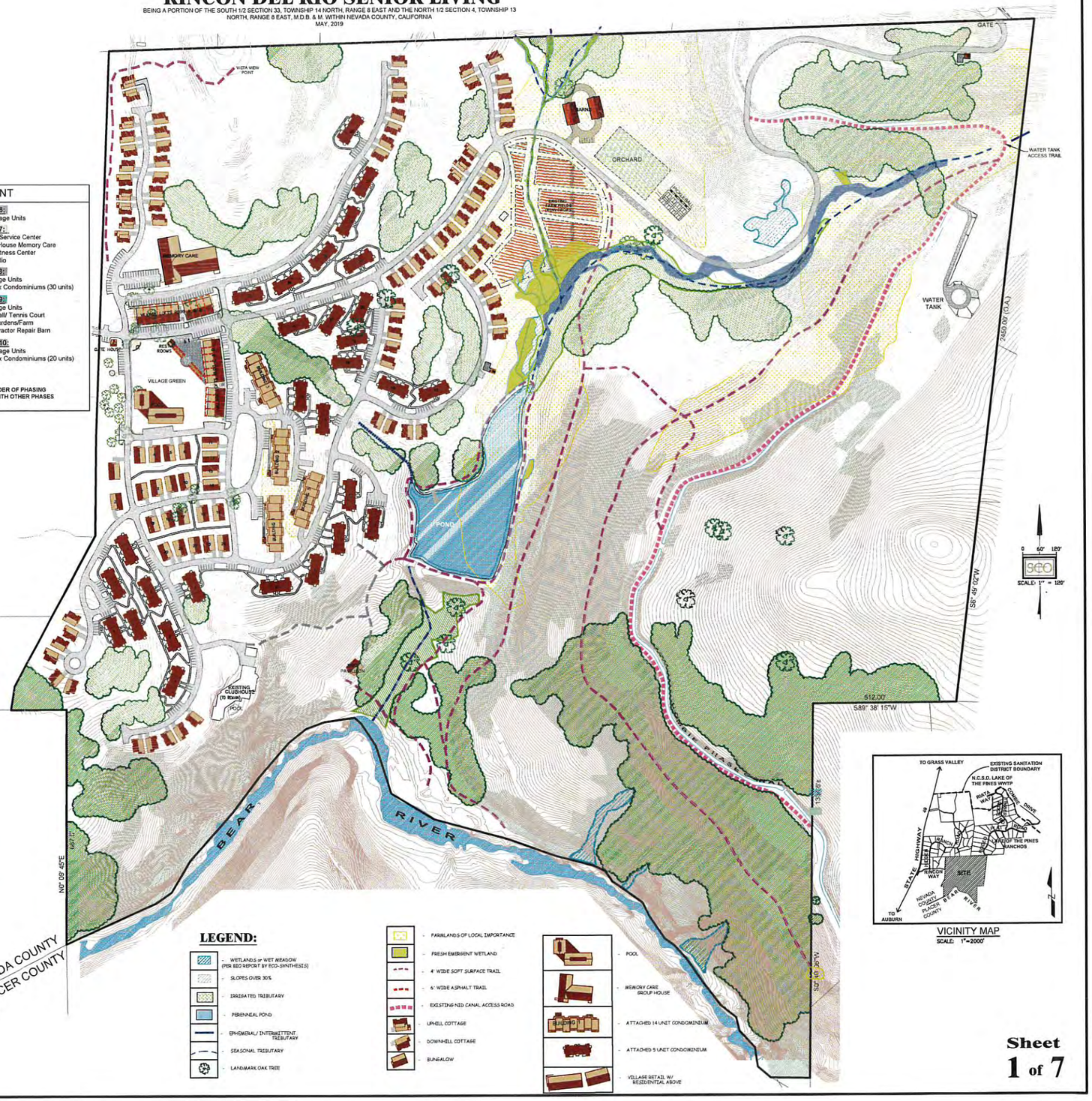
PHASE 8:
- 9 Cottage Units
- 6 5-Plex Condominiums (30 units)

PHASE 9:
- 7 Cottage Units
- Pickleball/ Tennis Court
- Row Gardens/Farm
- Auto/ Tractor Repair Barn

PHASE 10:
- 20 Cottage Units
- 5 5-Plex Condominiums (20 units)
- Lodge

PHASING NOTE:

1. THIS IS A PHASED PROJECT. THE ORDER OF PHASING MAY BE MODIFIED AND/OR COMBINED WITH OTHER PHASES TO MEET MARKET CONDITIONS.



LEGEND:

- WETLANDS or WET MEADOW (PER BIO REPORT BY ECO-SYNTHESIS)
- SLOPES OVER 30%
- IRRIGATED TRIBUTARY
- PERENNIAL POND
- EPHEMERAL/ INTERMITTENT TRIBUTARY
- SEASONAL TRIBUTARY
- LANDMARK OAK TREE
- FARMLANDS OF LOCAL IMPORTANCE
- FRESH EMERGENT WETLAND
- 4' WIDE SOFT SURFACE TRAIL
- 6' WIDE ASPHALT TRAIL
- EXISTING NID CANAL ACCESS ROAD
- UPHILL COTTAGE
- DOWNHILL COTTAGE
- BUNGALOW
- POOL
- MEMORY CARE GROUP HOUSE
- ATTACHED 14 UNIT CONDOMINIUM
- ATTACHED 5 UNIT CONDOMINIUM
- VILLAGE RETAIL W/ RESIDENTIAL ABOVE

VICINITY MAP

SCALE: 1"=2000'

Rincon del Rio Proposed Project Revisions

Building Type	No. of Buildings	No. of Units	Unit Size	Building Size (sf)	Parking
Residential Independent Living					
Cottages	78	78	1785-2600 sf	Varies	78 Resident 78 Guest
Bungalows	24	24	1750	Varies	24 Resident 24 Guest
5 unit Condo	29	145			150 Resident 94 Guest
14 unit Condos	4	56	1300	28,000	56 Resident 24 Guest
Subtotals	**135**	**303**	–	–	**528**
Residential Nursing Care					
Group House Memory Care	1	22	88 Beds	46,000*	44
Subtotals	**1**	**22**	–	–	**44**
Village Center					
Support Retail	4			30,000	100
Residential Loft Condominiums		20	1,500		20 Residential 7 Guest
Subtotals	**4**	**20**	–	–	**127**
Total Residential Units		323			
Common Area Support Services					
Clubhouse (Existing Building)	1			14,000	8
Pool Building/Classroom/ Gathering	1			10,000	18
Community Barn	2		2,800		6
Gatehouse	1			935	
Subtotals	**5**	–	–	–	**32**
Totals	**145**	**345**			**731**

SCO Planning, Engineering & Surveying
140 Litton Drive, Suite 240
Grass Valley, CA 95945
T 530.272.5841 / F 530.272.5880
www.scopeinc.net

PROJECT INFORMATION:

OWNER / APPLICANT:
YOUNG ENTERPRISES, L.P.
P.O. BOX 6828
AUBURN, CA 95602
CONTACT PERSON: CAROL YOUNG
(530) 269-1047

PLANNING & ENGINEERING:
SCO PLANNING & ENGINEERING, INC.
140 LITTON DRIVE SUITE 240
GRASS VALLEY, CA 95945
(530) 272-5841
CONTACT PERSON: MARTIN WOOD, P.L.S. OR DALE CREIGHTON, A.I.C.P.

ASSESSOR'S PARCELS:
057-240-017-000; 057-240-018-000; 057-240-019-000; 057-130-013-000

LAND AREA:
318± AC

ZONING / GENERAL PLAN:
CCRC

FIRE PROTECTION:
HIGGINS FIRE PROTECTION DISTRICT

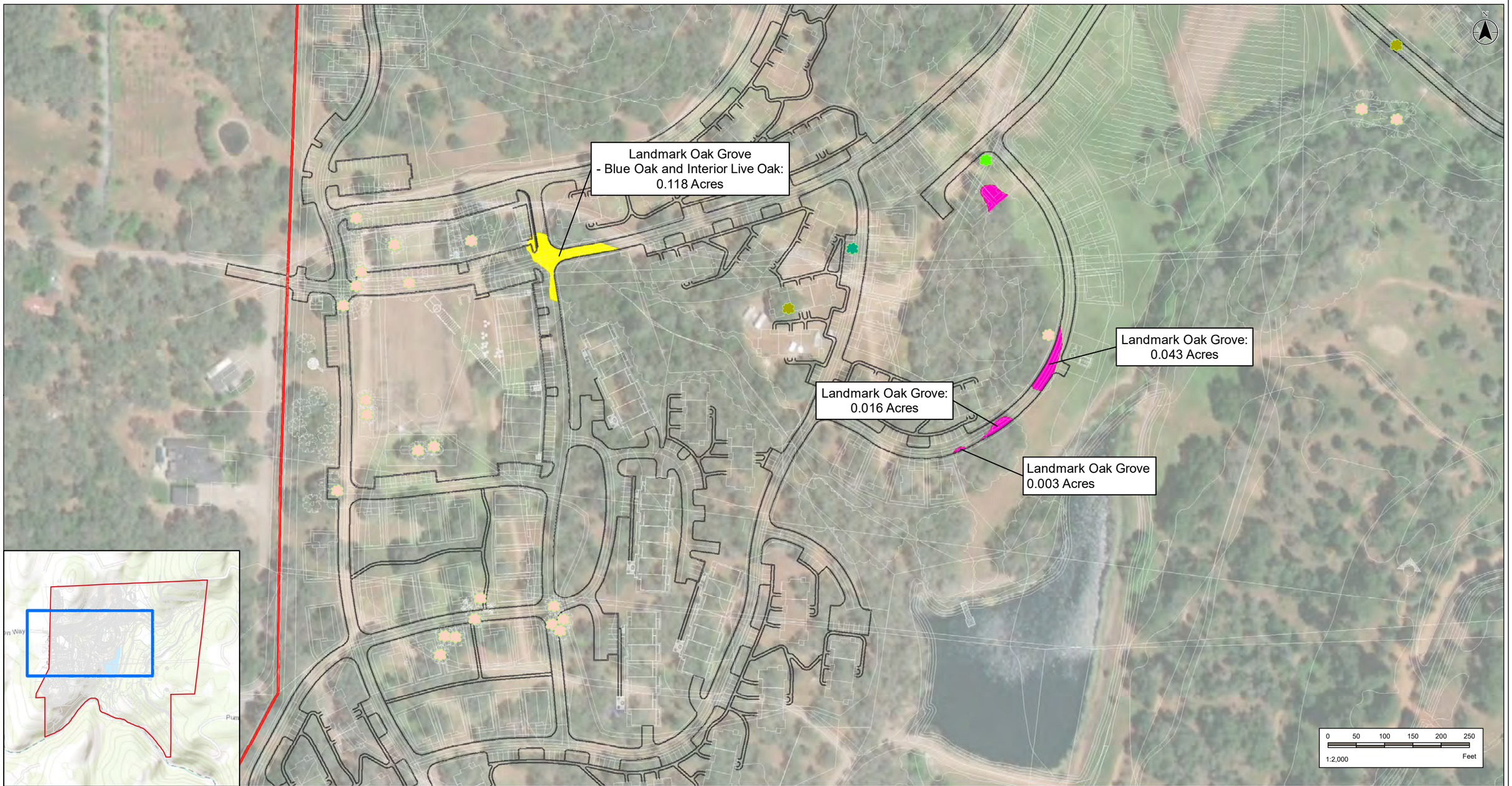
WATER:
NEVADA IRRIGATION DISTRICT

ELECTRICAL & GAS UTILITIES:
PACIFIC GAS & ELECTRIC

TELEPHONE:
AT&T

SEWAGE DISPOSAL:
LAKE OF THE PINES TREATMENT PLAN

Sheet 1 of 7



Project Boundary

Planned Emergency Access Road

Site Plan

Individual Landmark Oak Trees

- Blue Oak
- Interior Live Oak
- Valley Oak
- Landmark Oak

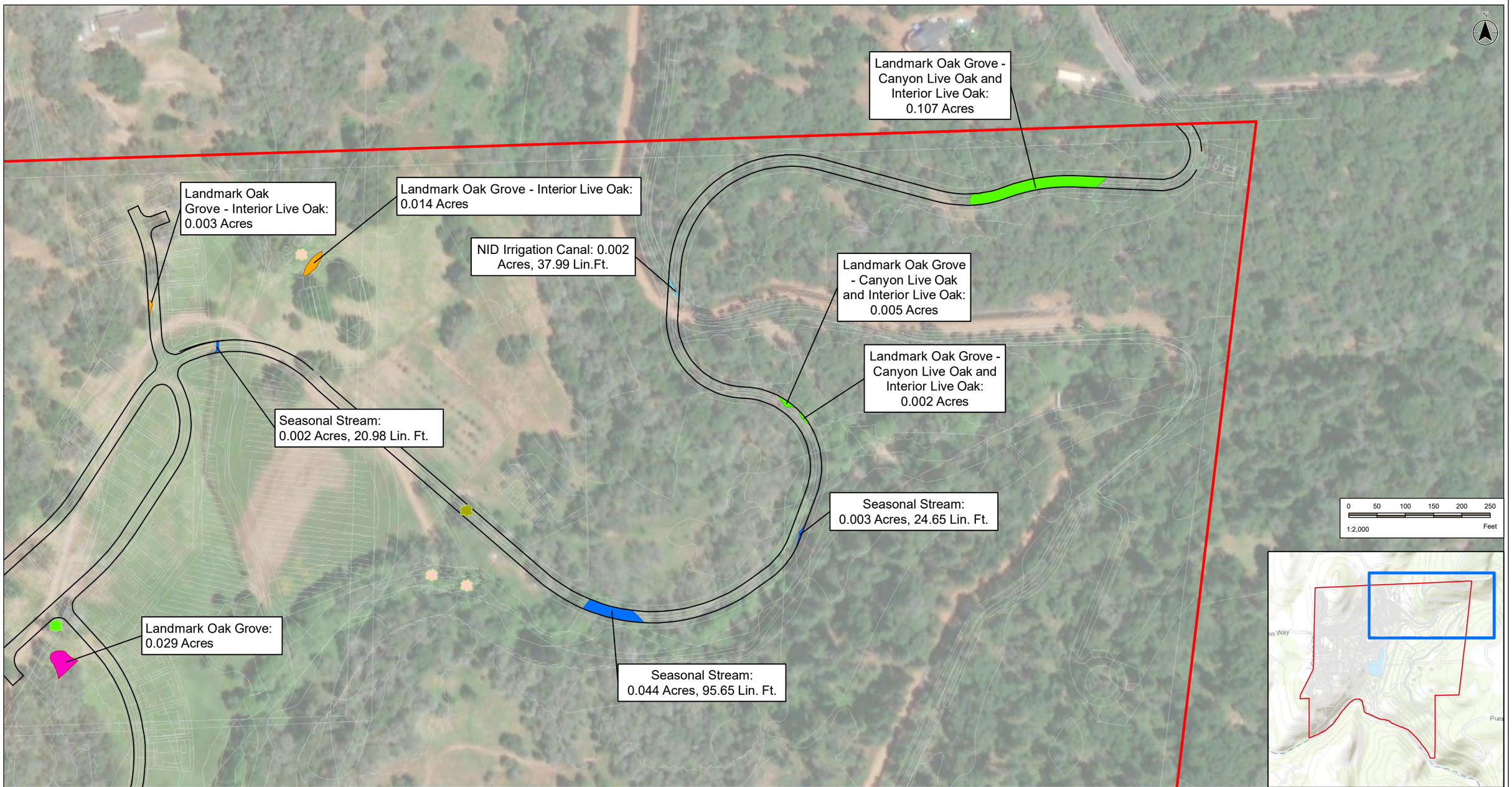
Impacts (Sitewide Totals)

- Landmark Oak Grove (0.91 Ac.)
- Landmark Oak Grove - Blue Oak and Interior Live Oak (0.118 Ac.)

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel Nos.: 057-130-013-000, 057-240-017-000, 057-240--018-000, and 057-240--019-000

Prepared: Melissa Nugent Date: 5/3/2019 MXD: Impacts_NW_NevadaCounty_057-130-013_240-017-018-019



Project Boundary

Planned Emergency Access Road

Site Plan

Individual Landmark Oak Trees

Interior Live Oak

Valley Oak

Landmark Oak

Impacts (Sitewide Totals)

Landmark Oak Grove (0.91 Ac.)

Landmark Oak Grove - Canyon Live Oak and Interior Live Oak (0.114 Ac.)

Landmark Oak Grove - Interior Live Oak (0.079 Ac.)

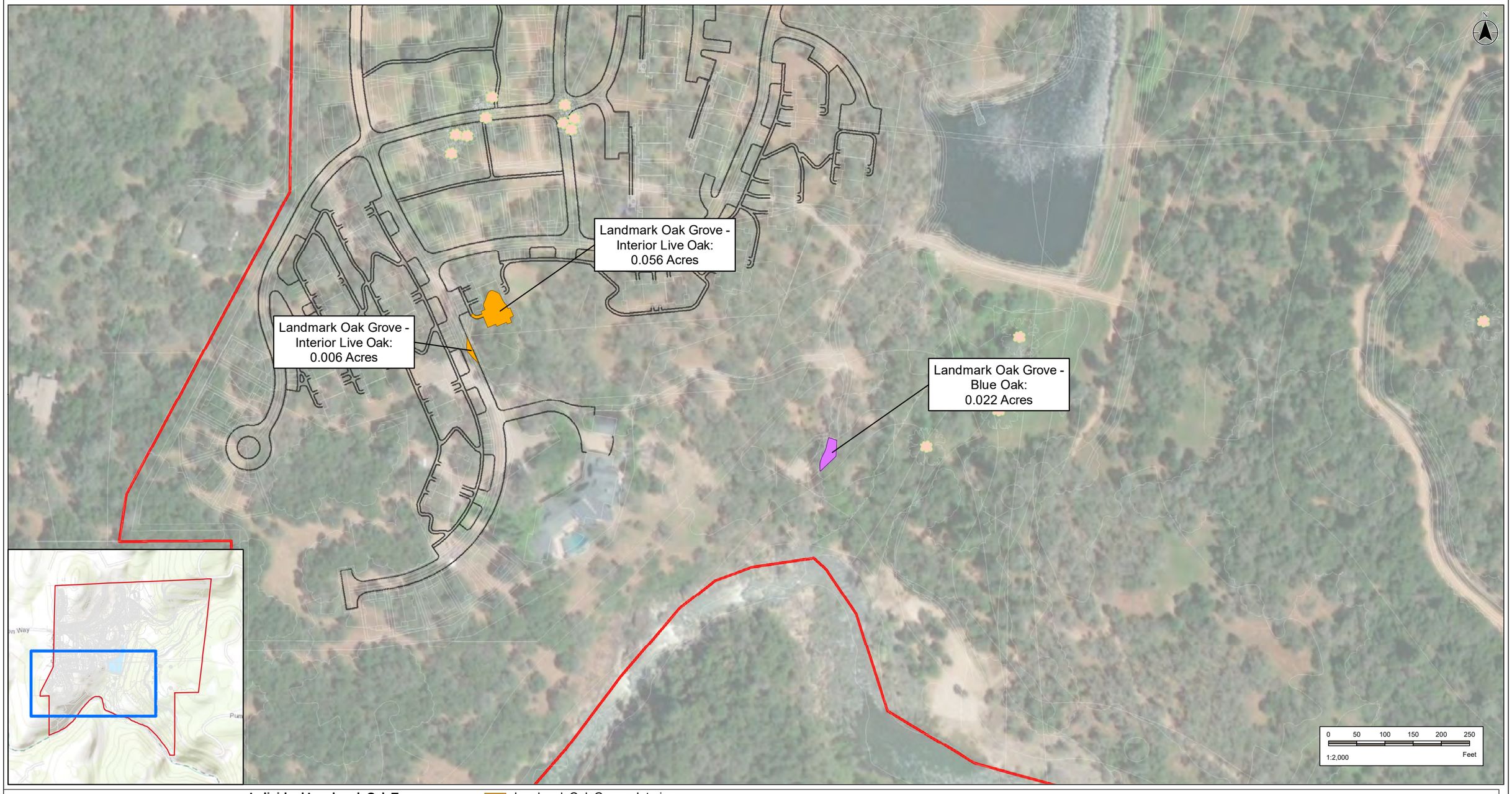
NID Irrigation Canal (0.002 Acres, 37.99 Linear Feet)

Seasonal Stream (0.049 Acres, 141.28 Linear Feet)

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel Nos.: 057-130-013-000, 057-240-017-000, 057-240--018-000, and 057-240--019-000

Prepared: Melissa Nugent Date: 5/3/2019 MXD: Impacts_NE_NevadaCounty_057-130-013_240-017-018-019



Project Boundary

Planned Emergency Access Road

Site Plan

Individual Landmark Oak Trees

Landmark Oak

Impacts (Sitewide Totals)

Landmark Oak Grove - Blue Oak (0.022 Ac.)

Landmark Oak Grove - Interior Live Oak (0.079 Ac.)

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel Nos.: 057-130-013-000, 057-240-017-000, 057-240--018-000, and 057-240--019-000

Prepared: Melissa Nugent Date: 5/3/2019 MXD: Impacts_SW_NevadaCounty_057-130-013_240-017-018-019

Appendix H

CNDDB Occurrence Report and USFWS IPaC Species List

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Mapndx IS (32843 OR 43411 OR 78643 OR 78940 OR A0445)

Map Index Number: A0445
Key Quad: Auburn (3812181)
Occurrence Number: 44

EO Index: 102007
Element Code: ABNKD06071
Occurrence Last Updated: 2016-06-10

Scientific Name: *Falco peregrinus anatum*
Common Name: American peregrine falcon

Listing Status: **Federal:** Delisted
*** SENSITIVE *** **State:** Delisted
CNDDB Element Ranks: **Global:** G4T4
State: S3S4

Rare Plant Rank:
Other Lists: CDF_S-Sensitive
CDFW_FP-Fully Protected
USFWS_BCC-Birds of Conservation Concern

General Habitat:

NEAR WETLANDS, LAKES, RIVERS, OR OTHER WATER; ON CLIFFS, BANKS, DUNES, MOUNDS; ALSO, HUMAN-MADE STRUCTURES.

Micro Habitat:

NEST CONSISTS OF A SCRAPE OR A DEPRESSION OR LEDGE IN AN OPEN SITE.

Last Date Observed: 2015-03-19
Last Survey Date: 2015-03-19
Owner/Manager:
Presence: Presumed Extant

Occurrence Type: Natural/Native occurrence
Occurrence Rank: Good
Trend: Unknown

Location:

SENSITIVE LOCATION INFORMATION SUPPRESSED.

Detailed Location:

PLEASE CONTACT THE CALIFORNIA NATURAL DIVERSITY DATABASE, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FOR MORE INFORMATION: (916) 322-2493

Ecological:

CLIFFS IN OLD LIMESTONE QUARRY NOW USED FOR RECREATION; ROCK CLIMBERS UNAWARE OF BIRDS WERE CLIMBING CLOSE TO EYRIE ON DATE SURVEYED. ACTIVE QUARRY OPERATIONS IMMEDIATELY SOUTH.

Threats:

General:

PLSS:
Accuracy: 80 meters
Area (acres): 5
UTM:
Latitude/Longitude:
Elevation (feet): 1,161

County Summary:	Quad Summary:
El Dorado	Auburn (3812181)

Sources:

ALV15F0002 ALVARADO, C. - FIELD SURVEY FORM FOR FALCO PEREGRINUS ANATUM 2015-04-19

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 32843
Key Quad: Lake Combie (3912111)
Occurrence Number: 467

EO Index: 9232
Element Code: ARAAD02030
Occurrence Last Updated: 1996-02-23

Scientific Name: *Emys marmorata*
Common Name: western pond turtle

Listing Status: **Federal:** None
State: None

CNDDB Element Ranks: **Global:** G3G4
State: S3

Rare Plant Rank:

Other Lists: BLM_S-Sensitive
CDFW_SSC-Species of Special Concern
IUCN_VU-Vulnerable
USFS_S-Sensitive

General Habitat:

A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS AND IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BELOW 6000 FT ELEVATION.

Micro Habitat:

NEEDS BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYING.

Last Date Observed: 1988-08-18
Last Survey Date: 1988-08-18
Owner/Manager: UNKNOWN
Presence: Presumed Extant

Occurrence Type: Natural/Native occurrence
Occurrence Rank: Unknown
Trend: Unknown

Location:

WOLF CREEK ABOVE WOLF ROAD; NORTHWEST OF LAKE OF THE PINES.

Detailed Location:

Ecological:

Threats:

General:

4 CAPTURED, 1 RELEASED AND 3 RETAINED BY D.C. HOLLAND ON 18 AUGUST 1988.

PLSS: T14N, R08E, Sec. 21 (M)
UTM: Zone-10 N4324870 E665091

Accuracy: nonspecific area
Latitude/Longitude: 39.05732 / -121.09198

Area (acres): 93
Elevation (feet): 1,260

County Summary:

Nevada

Quad Summary:

Lake Combie (3912111)

Sources:

HOL88U0003 HOLLAND, D.C. - ANNUAL REPORT OF SPECIMENS TAKEN UNDER SCIENTIFIC COLLECTING PERMITS #2169 AND 2169A. 1988-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 78643
Key Quad: Gold Hill (3812182)
Occurrence Number: 1217

EO Index: 79570
Element Code: ARAAD02030
Occurrence Last Updated: 2010-04-29

Scientific Name: *Emys marmorata*
Common Name: western pond turtle

Listing Status: **Federal:** None
*** SENSITIVE *** **State:** None
CNDDB Element Ranks: **Global:** G3G4
State: S3

Rare Plant Rank:
Other Lists: BLM_S-Sensitive
CDFW_SSC-Species of Special Concern
IUCN_VU-Vulnerable
USFS_S-Sensitive

General Habitat:

A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS AND IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BELOW 6000 FT ELEVATION.

Micro Habitat:

NEEDS BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYING.

Last Date Observed: 2010-04-19
Last Survey Date: 2010-04-19
Owner/Manager:
Presence: Presumed Extant

Occurrence Type: Natural/Native occurrence
Occurrence Rank: Excellent
Trend: Unknown

Location:

SENSITIVE LOCATION INFORMATION SUPPRESSED.

Detailed Location:

PLEASE CONTACT THE CALIFORNIA NATURAL DIVERSITY DATABASE, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FOR MORE INFORMATION: (916) 322-2493

Ecological:

HABITAT CONSISTS OF BLUE OAK WOODLAND WITH A NETWORK OF PONDS AND SEASONAL CREEKS.

Threats:

THREATS INCLUDE RURAL RESIDENTIAL USE AND POSSIBLE PESTICIDE USE IN ORCHARD UPSTREAM.

General:

PLSS:
UTM:
Accuracy: nonspecific area
Latitude/Longitude:
Area (acres): 167
Elevation (feet): 270

County Summary:	Quad Summary:
Placer	Gold Hill (3812182)

Sources:

DOB10F0001 DOBROVOLNY, L. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE) - FIELD SURVEY FORM FOR ACTINEMYS MARMORATA 2010-04-19

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 43411
EO Index: 43411
Key Quad: Lake Combie (3912111)
Element Code: PDONA05053
Occurrence Number: 9
Occurrence Last Updated: 2008-12-10

Scientific Name: *Clarkia biloba ssp. brandegeeae*
Common Name: Brandegee's clarkia

Listing Status: **Federal:** None
State: None
Rare Plant Rank: 4.2
Other Lists: BLM_S-Sensitive

CNDDB Element Ranks: **Global:** G4G5T4
State: S4

General Habitat:

CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:

OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed: 1916-06-04
Occurrence Type: Natural/Native occurrence
Last Survey Date: 1916-06-04
Occurrence Rank: Unknown
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:

BEAR RIVER. WEST OF MCCARTHY FLAT, BOTH SIDES OF HIGHWAY 49, NEVADA COUNTY.

Detailed Location:

LOCATION VAGUE: GIVEN AS "BEAR RIVER, NEVADA COUNTY, 1400 FEET". MAPPED AS BEST GUESS BY CNDDB ALONG THE BEAR RIVER WEST OF MCCARTHY FLAT ON BOTH SIDES OF HIGHWAY 49.

Ecological:

UPPER SONORAN ZONE.

Threats:

General:

ONLY SOURCE OF INFORMATION FOR THIS SITE IS A 1916 COLLECTION BY HALL; NEEDS FIELDWORK.

PLSS: T14N, R08E, Sec. 33 (M)
Accuracy: 1 mile
Area (acres): 0
UTM: Zone-10 N4320192 E664883
Latitude/Longitude: 39.01523 / -121.09552
Elevation (feet): 1,400

County Summary:	Quad Summary:
Nevada, Placer	Lake Combie (3912111)

Sources:

HAL16S0008 HALL, H. - HALL #10155 UC #194917, POM #32325 1916-06-04

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 78940
EO Index: 79901
Key Quad: Lake Combie (3912111)
Element Code: PDONA05053
Occurrence Number: 95
Occurrence Last Updated: 2010-05-26

Scientific Name: *Clarkia biloba ssp. brandegeeae*
Common Name: Brandegee's clarkia

Listing Status: **Federal:** None
State: None
Rare Plant Rank: 4.2
Other Lists: BLM_S-Sensitive

CNDDB Element Ranks: **Global:** G4G5T4
State: S4

General Habitat:

CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:

OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed: 2009-06-19
Occurrence Type: Natural/Native occurrence
Last Survey Date: 2009-06-19
Occurrence Rank: Good
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:

ALONG THE EAST SIDE OF HIGHWAY 49 BETWEEN AUBURN AND GRASS VALLEY, ABOUT 1 AIR MILE NORTHWEST OF BEAR RIVER HIGH SCHOOL.

Detailed Location:

JUST SOUTH OF WOLF CREEK. MAPPED IN THE APPROXIMATE NW 1/4 OF THE NE 1/4 OF SECTION 21.

Ecological:

PLANTS ARE GROWING AT BASE OF GRASSY ROAD BANK ON THE EAST SIDE OF THE HIGHWAY.

Threats:

General:

100'S OF PLANTS OBSERVED IN 2009.

PLSS: T14N, R08E, Sec. 21, NE (M)
Accuracy: 80 meters
Area (acres): 0
UTM: Zone-10 N4324937 E665232
Latitude/Longitude: 39.05790 / -121.09033
Elevation (feet): 1,300

County Summary:	Quad Summary:
Nevada	Lake Combie (3912111)

Sources:

NOS09F0010 NOSAL, T. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE-REGION 2) - FIELD SURVEY FORM FOR CLARKIA BILOBA SSP. BRANDEGEEAE 2009-06-19

IPaC **U.S. Fish & Wildlife Service**

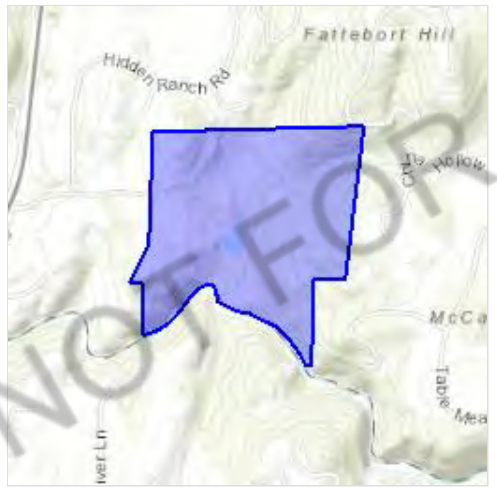
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Nevada and Placer counties, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Amphibians

NAME	STATUS

California Red-legged Frog Rana draytonii There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt Hypomesus transpacificus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/321	Threatened

Flowering Plants

NAME	STATUS
Stebbins' Morning-glory Calystegia stebbinsii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3991	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php

- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
California Thrasher *Toxostoma redivivum* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31

Common Yellowthroat Geothlypis trichas sinuosa — Breeds May 20 to Jul 31
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/2084

Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31
This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1680

Lawrence's Goldfinch Carduelis lawrencei — Breeds Mar 20 to Sep 20
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9464

Lewis's Woodpecker Melanerpes lewis — Breeds Apr 20 to Sep 30
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9408

Nuttall's Woodpecker Picoides nuttallii — Breeds Apr 1 to Jul 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9410

Oak Titmouse Baeolophus inornatus — Breeds Mar 15 to Jul 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9656

Rufous Hummingbird selasphorus rufus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8002

Song Sparrow Melospiza melodia — Breeds Feb 20 to Sep 5
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Spotted Towhee Pipilo maculatus clementae — Breeds Apr 15 to Jul 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/4243

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Yellow-billed Magpie Pica nuttalli — Breeds Apr 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9726

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

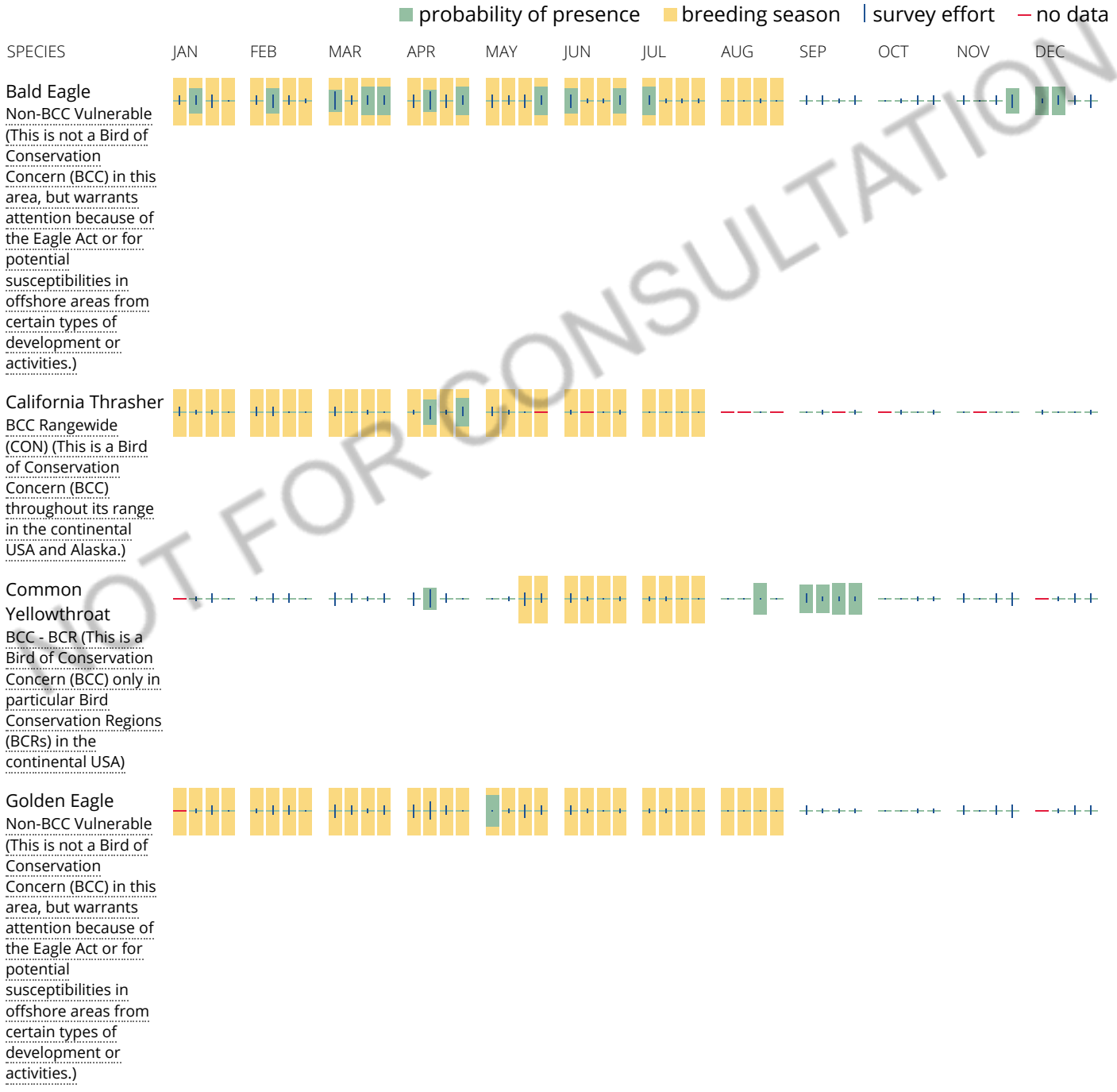
Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

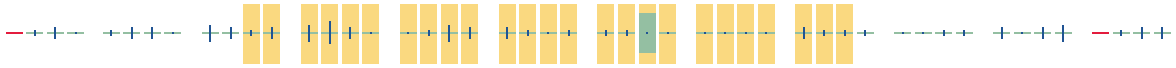
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

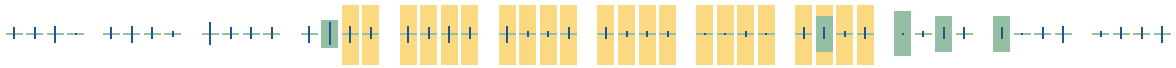
Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



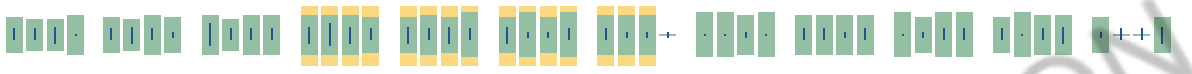
Lawrence's Goldfinch
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



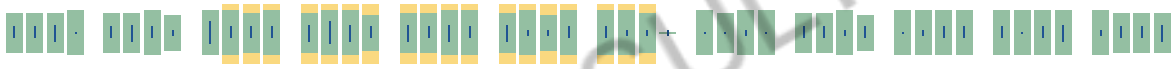
Lewis's Woodpecker
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Nuttall's Woodpecker
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

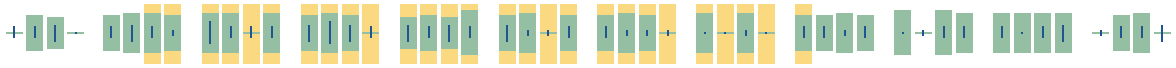


Oak Titmouse
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

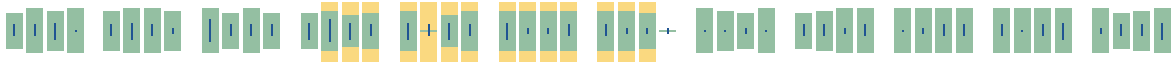


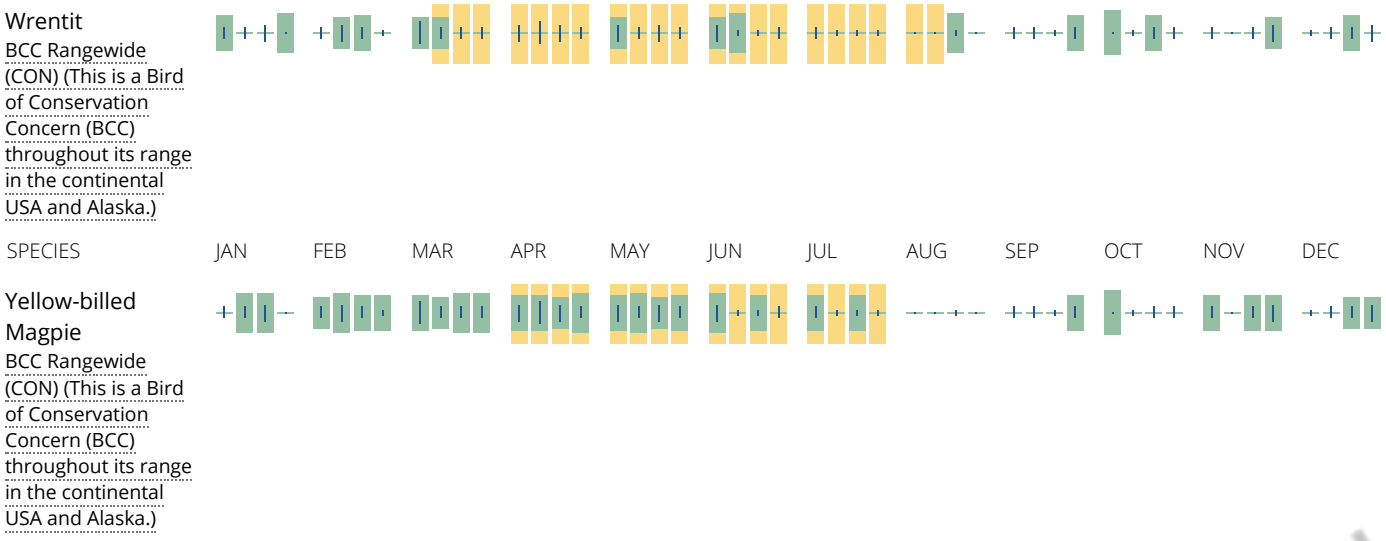
Rufous Hummingbird
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Song Sparrow
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Spotted Towhee
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the E-bird Explore Data Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to

confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

- PEM1C

FRESHWATER FORESTED/SHRUB WETLAND

- PSSC
- PSSA
- PFOC

FRESHWATER POND

- PUBHh

RIVERINE

- R3UBH
- R2UBHx
- R5UBFx
- R4SBC

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.