

Jada Windows Project

Biological Resources Assessment

Prepared for:

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1 INTRODUCTION AND SUMMARY

1.1 Introduction

At the request of the Project Applicant, Mr. Greg Matuzak was retained to prepare a Biological Resources Assessment Report ("Biological Report") for the Jada Windows Project ("Project") located along Whispering Pines Lane in the City of Grass Valley, Nevada County, California (see Appendix A). The Biological Report includes an evaluation of sensitive biological resources within the Project area, including sensitive biological resources under the jurisdiction of California Department of Fish and Wildlife ("CDFW"), United States Fish and Wildlife Service ("USFWS"), United States Army Corps of Engineers ("Corps"), and/or the City of Grass Valley Planning Department. Preparation of the Biological Report included background research, a review of previously developed biological resources assessment for parcel within and immediately adjacent to the Project area, reconnaissance-level biological resources field surveys, and reporting as detailed herein.

The Project area includes 2 parcels with a total gross acreage of 7.74 acres located along Whispering Pines Lane within the City of Grass Valley city limits. The parcels include the following along with the acreage of each of the individual parcels that make up the Project area assessed within this Biological Report:

- 009-680-050 (2.97 acres)
- 009-680-056 (4.77 acres)

The Project area is currently undeveloped, and the proposed Project would include the construction of a 72,500 square foot building within the central and eastern sections of the Project area. Additionally, a potential future 12,800 square foot building would be located within the southwestern section of the Project area. Within the Project area, a total estimate of 97,117 square feet of pavement will be developed and landscaping will include an additional 7,080 square feet of interior parking landscaping and 45,535 square feet of street buffer landscaping. In total, 102,051 square feet or 30.3% of the entirety of the Project area will be designated as natural areas and open space.

Presently the estimate for parking within the Project area includes a total of 125 spaces. Of the existing 125 spaces, 15 spaces are for compact parking stalls and 5 handicap stalls. The remaining 100 parking will be for full-size parking stalls.

The total proposed earthwork for the Project would include a total of 14,000 cubic yards of excavation and the total fill with a 10% shrink would also equal 14,000 cubic yards. Therefore, the proposed Project would not require any export or import of earthwork quantities (see Appendix A for the Site Plan dated April 15, 2024).

Mr. Greg Matuzak, Principal and owner of Greg Matuzak Environmental Consulting LLC is a wetlands ecologist and wildlife biologist with 20+ years of experience conducting aquatic resources delineations and biological resources assessments in Northern California. Mr. Matuzak is 40-hour Wetland Delineation Certified (Wetland Training Institute) and has conducted aquatic resources delineations for 100's of linear miles of projects and 1000s of acres of site development projects. Additionally, Mr. Matuzak has implemented special-status biological resources surveys and developed biological resources assessments for 100+ projects in Nevada County. Mr. Matuzak has lived and worked in Nevada County for 18 years. Mr. Matuzak is responsible for the field data collection and assessment developed as part of the development of this Biological Report. Mr. Matuzak is on the Nevada County Planning Department's and the City of Grass Valley's list of Qualified Biological Resources Consultants.

1.2 Project Setting

The Biological Report includes a full coverage assessment of the approximate 7.74-acre Project area; see Appendix A for Project Site Overview Figures and the Site Plan. The Project area is located along Whispering Pines Lane on the northern boundary and is located to the east of the downtown areas of the City of Grass Valley. Peaceful Valley Farm and Garden Supply is located immediately east of the Project area and Ferguson Plumbing Supply is located to the west of the Project area. To the south of the Project area is Stamp Mill Storage, Palmer Enterprises Truck Repair, Mountain F. Enterprises Grinding Yard, and a Waste Management storage yard.

A single aquatic resource is located within the Project area along the southeastern section and border of the Project area. The seasonal drainage area enters the Project area from the east and then runs along the southeastern border of the Project area until it enters into an existing culvert and heads to the southwest into the large, adjacent pond area to the southwest of the Project area on the neighboring parcel. Overall, the Project area is surrounded by private commercial and industrial land use and zoning. Project Site Overview Figures and a Site Plan are included in Appendix A. Federally mapped aquatic resources within the Project area is attached in Appendix C.

The general topography of the Project area is characterized as relatively flat along the northern section where the access into the Project area is proposed to be located and slight to moderate sloping from the northeast to the southwestern section of the Project area. Drainage is also along the eastern border of the Project area that runs north to south in a swale like area before connecting south into the drainage area along the southeastern section of the Project area. Average elevation in the Project area is approximately 2,625 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northeastern section of the Project area and the lowest elevation of 2,590 feet above MSL within the southwestern section of the Project area.

The Project area is located in an area best characterized as western ponderosa pine habitat with additional species of native pine and with an understory and open areas within the Project area being dominated by annual grassland species in some areas and shrubby chaparral species in other areas. The large, central and northern sections of the Project area is dominated by bare ground, non-native annual grassland species and shrubby species associated with chaparral vegetation communities. The drainage area contains some riparian associated vegetation, including willow saplings and trees (*Salix* sp.) as well as dense areas of Himalayan blackberry (*Rubus armeniacus*).

The following previous biological resources assessments were conducted by Greg Matuzak Environmental Consulting LLC within areas adjacent to the Project area include the following:

1. Biological Resources Assessment (dated October 2023) – developed by Greg Matuzak Environmental Consulting LLC for the East Bennett Road Industrial Park and Boat and RV Storage Center (Applicant: Loren Willman) and covers 52.04 acres (10 total parcels) located to the south and southwest of the Project area.
2. Biological Resources Assessment (dated March 2022) – developed by Greg Matuzak Environmental Consulting LLC for the 10780 East Bennett Street Development (Applicant: Timothy Snow) and covers approximately 54 acres. The project is located to the southwest of the Project area.

1.3 Biological Resources Assessment Purpose

The purpose of the Biological Report is to identify the location and extent of sensitive biological resources within the Project area, including special-status plant and wildlife species. The purpose of this reporting also includes documenting the presence of drainage 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 Biological Report also satisfies City of Grass Valley General Plan and Development and Municipal Code requirements for any property subject to land use changes and development.

This Biological Resources Assessment includes an evaluation of the presence of protected oak resources by the State of California. Additionally, the City of Grass Valley Tree Ordinance is detailed in Section 2.3.3. below. A Tree Removal Permit could be required by the City of Grass Valley if trees per the City of Grass Valley's definitions are removed as part of the proposed Project. Given the lack of protected oak resources within or directly adjacent to the Project area, additional reporting on protected oak resources will not be required as part of the review and approval process for the proposed Project.

A formal delineation of wetlands, streams, and drainages for submittal to the resources agencies was not included as part of this Biological Report given such aquatic resources within or directly adjacent to the proposed areas of disturbance within the Project area were not identified. However, as outlined within Section 2.3.2 below and to ensure compliance with the City of Grass Valley Planning Department Development Code 17.50 for Creek and Riparian Resource Protection, a Resource Management Plan must be prepared for encroachment within the 30-foot stream setback, "and shall include measures which will minimize impacts to the watercourse and enhance runoff filtration." Given the proposed Project appears to encroach within the 30-foot setback to a seasonal drainage within the southeastern section of the Project area, a Resources Management Plan has therefore been included as part of this Biological Report to ensure compliance with the City of Grass Valley Development Code 17.50.

Given the previous assessments for sensitive biological resources located adjacent to the south of the Project area as outlined above, this Biological Report integrates the results and recommendations of those previous reports while updating the database search results for known locations of such sensitive biological resources within and adjacent to the Project area. Additionally, this Biological Report is based on a site visit and reconnaissance-level biological resources survey of the Project area and the results of the survey are included in the results and conclusions outlined below. Therefore, with the integration of previous assessments for sensitive biological resources within and adjacent to the Project area and the integration of the updated results of resource database mapping and searches and a reconnaissance-level biological resources survey covering the entirety of the Project area, this Biological Report is adequate for any local, state, and/or federal CEQA and permitting requirements for the development of the Project.

2 REGULATORY OVERVIEW

2.1 Federal Regulations

2.1.1 Section 404 of the Clean Water Act

The U.S. 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. "Waters of the U.S." 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" as specified in 33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3.

Generally, wetlands include swamps, marshes, bogs, and similar areas. Lakes, rivers, and streams are defined as "other waters of the U.S." Jurisdictional limits of these features are typically noted by the Ordinary High Water Mark ("OHWM"). The OHWM is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as mark a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (33 CFR 328 and 33 CFR 329).

Isolated ponds or seasonal depressions had been previously regulated as waters of the U.S. However, in *Solid Waste Agency of Northwestern Cook County (SWANCC) v. USACE et al.* (January 8, 2001), the U.S. Supreme Court ruled that certain "isolated" wetlands (e.g., non-navigable, isolated, and intrastate) do not fall under the jurisdiction of the CWA and are no longer under the jurisdiction of the Corps. Some circuit courts (e.g., *U.S. v. Deaton*, 2003; *U.S. Rapanos*, 2003; *Northern California River Watch v. City of Healdsburg*, 2006), though, have ruled that SWANCC does not prevent CWA jurisdiction if a "significant nexus" such as a hydrologic connection exists, whether it be man-made (e.g., roadside ditch) or natural tributary to navigable waters, or direct seepage from the wetland to the navigable water, a surface or underground hydraulic connection, an ecological connection (e.g., the same bird, mammal, and fish populations are supported by both the wetland and the navigable water), and changes to chemical concentrations in the navigable water is present due to water from the wetland.

Areas considered to be non-jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions with no outlet for drainage (33 CFR, Part 328).

The *Clean Water Rule* is a 2015 regulation published by the EPA and Corps to clarify water resources management in the United States under a provision of the CWA. The regulation defined the scope of federal water protection in a more consistent manner, particularly over streams and wetlands, which have a significant hydrological and ecological connection to traditional navigable waters, interstate waters, and territorial seas. It is also referred to as the *Waters of the United States* rule, which defines all bodies of water that fall under U.S. federal jurisdiction. The rule has been contested in litigation and in 2017 the Trump administration announced its intent to review and rescind or revise the rule. Following a Supreme Court ruling on January 22, 2018 that lifted a nationwide stay on the rule, the Trump administration formally suspended the rule until February 6, 2020, thereby giving the EPA time to issue a draft proposal of replacement water regulatory requirements.

On October 22, 2019, the EPA and the Corps published a final rule to repeal the 2015 Clean Water Rule: Definition of “Waters of the United States” (“2015 Rule”), which amended portions of the Code of Federal Regulations (CFR), and to restore the regulatory text that existed prior to the 2015 Rule. The final rule will become effective on December 23, 2019. The EPA and the Corps will implement the pre-2015 Rule regulations informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice.

However, on April 21, 2020, the EPA and the Corps published the Navigable Waters Protection Rule to define “Waters of the United States” in the *Federal Register*. For the first time, the agencies have streamlined the definition so that it includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text that have never been defined before. Congress, in the CWA, explicitly directed the Agencies to protect “navigable waters.” The Navigable Waters Protection Rule regulates traditional navigable waters and the core tributary systems that provide perennial or intermittent flow into them.

Under the final rule, four clear categories of waters are federally regulated:

- The territorial seas and traditional navigable waters,
- Perennial and intermittent tributaries to those waters,
- Certain lakes, ponds, and impoundments, and
- Wetlands adjacent to jurisdictional waters

Therefore, as of June 22, 2020, the final rule details 12 categories of exclusions, features that are not “waters of the United States,” such as features that only contain water in direct response to rainfall (e.g., ephemeral features); groundwater; many ditches; prior converted cropland; and waste treatment systems. The final rule clarifies key elements

related to the scope of federal CWA jurisdiction, including:

- Providing clarity and consistency by removing the proposed separate categories for jurisdictional ditches and impoundments.
- Refining the proposed definition of “typical year,” which provides important regional and temporal flexibility and ensures jurisdiction is being accurately determined in times that are not too wet and not too dry.
- Defining “adjacent wetlands” as wetlands that are meaningfully connected to other jurisdictional waters, for example, by directly abutting or having regular surface water communication with jurisdictional waters.

The Navigable Waters Protection Rule is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with the February 2017 Presidential Executive Order entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States.’” This final rule became effective on June 22, 2020 and will replace the Step One Rule published in October, 2019 as outlined above.

However, the 2023 Updated WOTUS reversed the 2020 ruling such that only perennial aquatic resources with documented connections to navigable waterways are currently regulated under the CWA.

2.1.2 Section 401 of the Clean Water Act

Section 401 of the CWA requires an applicant, for any federal permit which may result in a discharge into waters of the U.S., to obtain a certification from the state that the discharge will comply with provisions of the CWA. The nine regions of the State Water Quality Control Board administer this program. Any condition of water quality certification would be incorporated into the Corps permit. California has a policy of no-net-loss of wetlands and typically requires mitigation for impacts to wetlands before it will issue a water quality certification. This Project is located under the jurisdiction of Region 5, the Central Valley Regional Water Quality Control Board (“RWQCB”).

2.1.3 Endangered Species Act of 1973

For the Project Site, consultation with the USFWS would be necessary if a proposed action may affect 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).

2.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BAGEPA) (16 USC Section 668) protects bald and golden eagles and their nests from direct “take” (i.e. harm or harassment as described above). BAGEPA prohibits the take or commerce of any part of the bald or golden eagles (USFWS, 1940). The USFWS administers the Act and reviews actions that may affect species protected under the Act.

2.2 State Regulations

2.2.1 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 California Fish and Game Code. The California Endangered Species Act (CESA) regulates 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.

2.2.2 Streambed Alteration Agreements: CDFG Code Section 1600 et seq.

CDFW has jurisdiction over substantial alterations to the bed or bank of rivers, streams, and lakes under Sections 1600–1616. CDFW has the authority to regulate all work 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. The Project area does not contain any regulated streams by CDFW.

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

These acts and codes pertain to projects with potential impacts to water quality or waterways. The Project area does not contain waters of the State as defined by the State Water Resources Board (State Board 2014).

2.2.4 State Water Resources Control Board Wetland Policy (April 2019)

On April 2, 2019, the State Water Resources Control Board (State Water Board) adopted rules to protect wetlands and other environmentally sensitive waterways throughout the state. According to the State Water Board, more than 90 percent of California's historic wetlands have been lost to development and other human activity. Wetlands are a critical natural resource that protect and improve water quality, provide habitat for fish and wildlife, and buffer developed areas from flooding and sea-level rise. The newly adopted rules provide a new, statewide definition of what constitutes a state-regulated wetland. They also provide consistency in the way the State Water Board and nine regional water boards regulate activities to protect wetlands. The State of California waters of the state are, by definition, broader than "waters of the United States" covered by federal regulation. The newly adopted rules do not change that and will ensure that waters of the state will continue to be protected even if protections for federal waters are narrowed by administrative actions or the courts.

The new definition clarifies what is considered a wetland – and what is not – for the entire state, provides a common framework for monitoring and reporting the quality of California's remaining wetlands, helps ensure no overall net loss, and promote an increase, in the quantity, quality, and sustainability of waters of the state, including wetlands, improves transparency and consistency across the State Water Board and the nine Regional Water Quality Control Boards in how discharges of dredged or fill material in sensitive waterways are monitored and regulated, and avoids duplicative work and streamline requirements to cover all waters of the state, so both state and federal environmental concerns are addressed at once.

2.2.5 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 needless destruction of birds, their nests or eggs unless otherwise provided by state law. Protected nesting bird species under these CDFG Codes should be identified during their nesting season if present prior to site disturbance. Such birds and their nests and eggs should be avoided.

2.2.6 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 (CDFW 2014).

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 2014). The California black rail (*Laterallus jamaicensis coturniculus*) for instance has been previously documented within Nevada County, including within 3 miles of the Project area. This species is designated as Fully Protected by the State of California. That said, the California black rail is not found within the Project area given a lack of suitable habitat for this species.

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

2.2.7 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 (e.g. survival of the species is in immediate jeopardy, or likely to become endangered in the foreseeable future). 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) 1 and 2 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.

2.2.8 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. "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. Oak trees and oak woodland habitats are protected under both the State and the City of Grass Valley tree regulations as discussed below. The Project Site does not contain any protected oak trees or oak resources per the State of California policies for the protection of oak woodlands as

set forth in Public Resources Code Section 21083.4 or under the City of Grass Valley Tree Ordinance.

2.3 Local Regulations

2.3.1 City of Grass Valley 2020 General Plan

The Conservation and Open Space Elements were combined in the 2020 Grass Valley General Plan Update. Both are mandatory General Plan Elements under State law. The Conservation/Open Space Element addresses those aspects of conservation and open space determined most important to Grass Valley. It supplements, but does not replace, the Mineral Resources Element adopted by the City in 1993.

Conservation/Open Space Goals and Objectives

- 1-COSG Provide a balance between development and the natural environment, protecting and properly utilizing Grass Valley's sensitive environmental areas/features, natural resources and open space lands.
 - 1-COSO Inventory of sensitive environmental areas and features.
 - 2-COSO Multi-purpose open space lands, accommodating the needs and requirements of open space/conservation, habitat, recreation, and aesthetics.
 - 3-COSO Protection of rare and endangered animals and plants.
 - 4-COSO Reduction of urban development impacts on native vegetation, wildlife and topography.
 - 5-COSO Encouragement of wildlife through habitat protection.
 - 6-COSO Assurance of appropriate resource conservation and environmental protection measures as prerequisites to development.

- 2-COSG Protect, enhance and restore hydrologic features, including stream corridors, flood plains, wetlands, and riparian zones.
 - 7-COSO Development of an extensive trail network providing recreational and educational opportunities.
 - 8-COSO Minimize interference with the natural functions of flood plains and naturally flood-prone areas.

- 3-COSG Ensure the protection of Grass Valley's trees and forested areas.
 - 9-COSO Identification of heritage trees for special recognition and protection.
 - 10-COSO Identification of significant groves and groupings of trees for permanent open space designation.

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- 4-COSG Protect and enhance town entryways, visual corridors and important viewsheds including ridgelines.
- 11-COSO Identification of particular corridors and views requiring protection or enhancement.
- 12-COSO Identification of specific aesthetic considerations important to the protection/enhancement of particular corridors and views.
- 5-COSG Maintain close relationships with public agencies and private organizations regarding conservation, open space and environmental protection.
- 13-COSO Ongoing communication of information, plans, and concepts
- 14-COSO Creation of joint efforts and shared funding responsibilities.
- 6-COSG Assure compliance with and understanding of air and water quality regulations and standards.
- 15-COSO Protection of ground- and surface water quality.
- 16-COSO Inclusion of air and water quality considerations in land use decisions rendered by the Planning Commission and City Council.

Conservation/Open Space Policies

- 1-COSP Continue to identify mineral resources and to develop policies addressing their protection from competing land uses, minimizing impacts on mining activities, in compliance with State law.
- 2-COSP Establish an active program of land/development rights acquisition in order to protect sensitive environmental areas and features.
- 3-COSP Encourage clustering, density averaging, and other techniques in larger-scale new developments, as means of preserving open space and natural systems.
- 4-COSP Establish standards for inclusion and management of permanent open space in new developments.
- 5-COSP Carefully regulate development on steep slopes.
- 6-COSP Prevent excessive alteration of the natural topography.
- 7-COSP Recognize and reinforce Grass Valley's public park system.
- 8-COSP Study the potential for inter-jurisdictional transfer of development rights.
- 9-COSP Carefully regulate development for location in flood hazard areas.
- 10-COSP Establish a city trail network program for friendly acquisition, development and administration of a natural trails system.
- 11-COSP Return to open space, areas within which flooding poses a clear danger to life and property.
- 12-COSP Enhance the City's tree ordinance addressing tree maintenance and protection both within new developments and elsewhere in the City.
- 13-COSP Assist property owners wishing to preserve and protect heritage trees and significant groves.
- 14-COSP Establish a program to identify and administer a viewshed/view corridor
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	protection program.
15-COSP	Assign responsibility for the viewshed/view corridor program.
16-COSP	Incorporate viewshed/view corridor standards into the Design Element of the General Plan, City Design Guidelines and other appropriate developmental documents.
17-COSP	Utilize the services and expertise of organizations involved in resource conservation and open space protection.
18-COSP	Develop and achieve agreement with the County of Nevada on a strategy for conservation and open space protection within the Grass Valley Planning Area and City's Sphere of Influence.
19-COSP	Enlist the interest and efforts of appropriate state and federal agencies and private foundations regarding conservation and open space protection.
20-COSP	Establish, in cooperation with Nevada County, an urban limit line beyond which urban land uses, densities, facilities and services will not extend.
21-COSP	Continue to implement water quality improvement plans, including storm water separation and sewage treatment plant expansion.
22-COSP	Implement circulation/transportation measures designed to reduce reliance on the automobile.
23-COSP	Respond appropriately to state and federal air and water quality policies and policy changes, understanding the implications of regulations and standards, and maintaining a continuing public education program.

2.3.2 City of Grass Valley Development Code 17.50 Creek and Riparian Resource Protection

The City of Grass Valley Development Code 17.50 for Creek and Riparian Resource Protection states that a Resource Management Plan must be prepared for encroachment within the 30-foot stream setback, "and shall include measures which will minimize impacts to the watercourse and enhance runoff filtration." The measure should include: enhancement and/or restoration of the riparian vegetation area; removal of non-native vegetation; decompaction of soils and/or incorporation of organic material to improve runoff filtration; incorporation of bioswales in drainage plans to filter parking areas and other impervious surfaces; and, incorporation of other Best Management Practices (BMP's) which provide long-term protection of the water.

2.3.3 City of Grass Valley Tree Ordinance

The City of Grass Valley acknowledges the importance of trees to the community's health, safety, welfare, and tranquility. Trees increase property values, provide visual continuity, provide shade and cooling, decrease wind velocities, control erosion, conserve energy, reduce stormwater runoff, filter airborne pollutants, reduce noise, provide privacy, provide habitat and food value, and release oxygen. In December 2005, the City Council adopted the Tree Ordinance, Chapter 12.36 of the Municipal Code, to ensure that the community trees would be prudently protected and managed so as to ensure these multiple civic benefits.

What Types of Trees Are Protected Under This Ordinance?

- **Tree:** Any woody plant having a trunk ten (10) caliper inches or larger in Diameter at Breast Height (DBH) (54" above ground height) and as further defined within the definitions section of the Tree Preservation and Protection Ordinance, Chapter 12.36.
- **Significant Tree:**
Any tree which measures twenty-four (24) caliper inches or larger in Diameter at Breast Height (DBH) (54" above ground height).
- **Heritage Trees:**
Any tree listed on the official City of Grass Valley heritage tree list adopted by the City Council due to distinctive form, size, age, location, species, unique qualities, or historical significance.
- **Street Trees:**
Any tree within the public right-of-way.

When Are Permits Required?

The pruning or removal of any of the types of protected trees listed above (including the modification of surrounding area) may require review and/or permitting, depending on the nature of the proposed work. The matrix on the opposite side of this page presents the basic review process for tree permits in the City of Grass Valley. It is the responsibility of property owners and/or residents of the City of Grass Valley to be aware of tree-related regulations before engaging in any planning or activity that may require new tree planting or removal; or may impact existing trees. The City of Grass Valley is not responsible for location of trees marked for removal. All property lines should be verified before submitting your application. It shall be the responsibility of all licensed tree cutters or any other person who is removing the tree to have a copy of the applicable tree permit, a valid city business license and any required state licenses in his or her possession and available for inspection upon request.

3 METHODOLOGY

In order to evaluate the Project area for the presence of any sensitive biological resources, baseline information from databases and reporting for similar projects in the City of Grass Valley and Nevada County was collected and reviewed prior to conducting reconnaissance-level field biological surveys. Given that several assessments of sensitive biological resources and reporting covering those assessments exist, they were each reviewed in detail and their results and conclusions are integrated into the results and conclusions of this Biological Resources Assessment. The database searches, background research, previous assessments of biological resources, and habitat level field surveys characterized the baseline conditions of the Project area.

Based on the baseline conditions of the Project area, an assessment was implemented to determine if any CNPS ranked plants and special-status plant or wildlife species have the potential to use the Project area at any time during their life cycle. The baseline conditions also identified the presence of any sensitive habitat or communities, including “waters of the U.S.,” including wetlands, that have the potential to occur within the Project area.

3.1 Sensitive Biological Resources Background Review

In addition to reviewing the existing reporting for sensitive biological resources within the Project area as outlined above in Section 1.2 of this Biological Resources Assessment, the following information was used to identify potential sensitive biological resources, including the presence of CNPS ranked plants and special-status plant and wildlife species, within the Project area region that could be found to use the Project area:

- California Department of Fish and Wildlife's California Natural Diversity Database records search of 3-mile buffer around the Project area (CDFW, 2024);
- The California Native Plant Society's online Inventory of Rare and Endangered Plants of California for the Project area and Nevada County (CNPS, 2024);
- The U.S. Fish and Wildlife Service Information, Planning, and Consultation System (IPaC) for endangered, threatened, and proposed listed species for the Project area (USFWS, 2024);
- National Wetland Inventory and National Hydrography Database map of the Project area (NWI and NHD, 2024);
- United States Department of Agriculture (USDA) Soils Mapper of the Project area (USDA, 2024);
- Natural Resources Conservation Service (NRCS) Hydric Soils List for Nevada County (NRCS, 2024); and

- City of Grass Valley 2020 General Plan (Quad-Knopf, 1999).

3.2 Reconnaissance-level Biological Resources Field Survey

A reconnaissance-level biological resources field survey was conducted on foot for the entirety of the Project area (approximately 7.74-acres) by Greg Matuzak, Principal Biologist and owner of Greg Matuzak Environmental Consulting LLC on July 30th, 2024. The purpose of the survey completed in July 2024 was to identify habitat and vegetation types and to determine the potential for any CNPS ranked plants and special-status plant and wildlife species identified in the desktop analysis and background research to occur within the Project area and to identify the potential special-status plant and wildlife species that have the potential to occur within the Project area.

The entirety of the Project area was surveyed on foot and a list of plant and wildlife species observed during the fieldsurveys was compiled (see Appendix D for species lists). A Photo Log is included in Appendix E, which documents the Project area during the field surveys.

3.3 Project Area Characterization

The greater Project area has been disturbed by historic industrial practices, public access, and ongoing management for many years, which is now considered normal for the Project area. Within the Project area, the dumping of soils, landscape materials, and other miscellaneous items has also occurred for many years and the current circumstances are now considered normal. Areas not subject to this regular type of disturbance are dominated by native habitat and, therefore, are also the normal circumstance.

All vascular plant species identified at the time of the survey were recorded using keys and descriptions in *The Jepson Manual* (Baldwin et al., 2012). A list of plant and wildlife species identified within the Project area as part of the development of this Biological Report is located in Appendix D.

4 ENVIRONMENTAL SETTING

4.1 Environmental Setting

The Project area is located in Nevada County, CA in the northern-central Sierra Nevada foothills, specifically to the east of the downtown of the City of Grass Valley. The Sierra Nevada foothills lie between the western edge of the Sierra Nevada and the eastern border of the Central Valley. The foothills form a belt 10 to 30 miles wide that ranges from 500 to 5,000 feet in elevation in a series of northwest to north-northwest aligned ridges that decline in elevation from northeast to southwest. Many rapidly flowing rivers and streams run westerly in deeply incised canyons with bedrock channels to the Central Valley and eventually to the Pacific Ocean. Alluvial fans, floodplains, and terraces are not extensive; and all but the largest streams are generally dry during the summer. Dominant vegetation communities include grasslands, oak woodlands, and chaparral.

Vegetation communities within the Project area are typical of the lower Sierra Nevada foothills. However, the terrain within the Project area is not typical of the lower Sierra Nevada foothills that normally vary between flat ridges and valleys to gently and moderately sloping hillsides. The Project area elevation ranges from approximately 2,650 to 2,590 feet above mean sea level (MSL) and much of the Project area has been impacted due to historical adjacent industrial practices and disturbance within the site.

Natural hydrological sources for the Project area include precipitation and surface runoff from adjacent lands. Mean annual rainfall in the area is 53.74 inches (NRCS, 2024). During sporadic rain events over the previous month prior to the field surveys, no surface water was identified. However, evidence of surface moisture was still present in some areas. The Project area does not contain any surface waters, including streams, ponds, wetlands, etc. (see Appendix C for a National Wetland Inventory and National Hydrography Dataset figure).

4.2 Project Site Soil Types

The USDA identifies several soil types within the Project area. USDA soil mapping for the Project area is included in Appendix B.

The USDA Soil Survey Mapper (USDA, 2023) indicates that the Project area includes 4 soil types: Secca-Rock outcrop complex on 2 to 50 percent slopes (ScE), Sites loam on 15 to 30 percent slopes (SID), Sites very stony loam on 15 to 50 percent slopes (SmE), and Alluvial land, clayey (Ao). These soil types are described in detail below and their presence, as identified by the USDA online mapper, is attached in Appendix B:

- **Secca-Rock outcrop complex on 2 to 50 percent slopes (ScE).** This complex consists of moderately well-drained soils on gently sloping to steep mountain terrain. These soils formed from basic igneous and metamorphic rock. Drainage is slow and runoff is slow to rapid. These soils are not hydric. A typical profile for Secca-Rock outcrop complex consists of brown (5YR 3/4) gravelly silt loam from 0 to 6 inches. This layer is underlain by a reddish brown (5YR 3/4) gravelly silt loam from 6 to 15 inches. This layer is underlain by dark reddish brown (5YR 3/4) cobbly silty clay loam from 15 to 22 inches. From 22 to 36 inches is a strong brown (7.5YR 4/4) cobbly clay, which is underlain by a yellowish brown (10YR 5/6) cobbly clay from 36 to 45 inches. At 45 inches is weathered metabasic rock.
- **Sites loam on 15 to 30 percent slopes (SID).** The Sites series consists of well drained soils that occur in mountain uplands. The soils formed from weathered residuum of metabasic and metasedimentary rocks. Drainage is moderately soil and runoff is slow to very high. This soil is not hydric. A typical profile for this complex consists of dark reddish brown loam (5YR 3/4) from 0 to 3 inches. This layer is underlain by yellowish red loam (5YR 4/6) from 3 to 12 inches. From 12 to 23 inches is a layer of red (2.5 YR 4/6) clay loam. This layer is underlain by red (10R 4/6) clay from 23 to 56 inches and red (10R 4/8) light clay from 53 to 69 inches. From 68 to 78 inches is a red (2Y 4/8) clay loam underlain at 78 inches by a layer of weathered metasedimentary rock.
- **Sites very stony loam on 15 to 50 percent slopes (SmE).** The Sites series consists of well drained soils that occur in mountain uplands. The soils formed from weathered residuum of metabasic and metasedimentary rocks. Drainage is moderately soil and runoff is slow to very high. This soil is not hydric. A typical profile for this complex consists of dark reddish brown loam (5YR 3/4) from 0 to 3 inches. This layer is underlain by yellowish red loam (5YR 4/6) from 3 to 12 inches. From 12 to 23 inches is a layer of red (2.5 YR 4/6) clay loam. This layer is underlain by red (10R 4/6) clay from 23 to 56 inches and red (10R 4/8) light clay from 53 to 69 inches. From 68 to 78 inches is a red (2Y 4/8) clay loam underlain at 78 inches by a layer of weathered metasedimentary rock.
- **Alluvial land, clayey (Ao).** The Land series consists of very deep, somewhat poorly drained soils that formed in silty alluvium derived from mixed sources. Land soils are on smooth flood plains, stream terraces and alluvial flats. Slopes range from 0 to 2 percent. Mean annual precipitation is about 5 inches and mean annual temperature is about 66 degrees F. These soils are fine-silty, mixed, superactive, thermic Typic Aquisalids and typically are silty clay loam, open land.

4.3 Project Site Vegetation Communities

Vegetation communities within the Project area include the following vegetation community types as described below.

Montane Hardwood-Conifer

Montane hardwood-conifer habitat in the Sierra Nevada occurs at elevations between 1,000 and 4,000 feet above MSL and is comprised of a mosaic of hardwoods and conifers. The Project area is likely a midpoint on the gradient between hardwood forest and conifer forest containing both hardwood and conifer tree species, often in a mosaic pattern with small pure stands of conifers interspersed with small stands of hardwoods. Species associated with montane hardwood-conifer within the Project area includes ponderosa pine, foothill pine, California black oak, and Pacific madrone.

Mixed Chaparral

Mixed chaparral is identified within the Project area along the southern frontage with East Bennett Road. This vegetation type is relatively intact and is characterized by whiteleaf manzanita, buck brush (*Ceanothus cuneatus*), coyote brush (*Baccharis pilularis*), chaparral pea (*Pickeringia montana*), and occasionally scattered foothill pine. This vegetation community within the Project area is located within the occasional natural and large manmade openings and mixed chaparral can form continuous stands; however, within the Project area it is intermixed within the bare ground and annual grassland species within the Project area.

Annual Grassland

Annual grassland are open vegetation types that are dominated by annual plant species, often nonnative. These species can occur within the understory of other vegetation types like mixed woodlands, but where annual grasslands are located within the Project area there is little to no overstory or shrub cover. This vegetation type is common within the Project area where there has been historic disturbance and little to no water source other than rainfall. The fall rainfall will spark germination and plants will grow through the cool months and in spring will grow rapidly and flower, fruit and senesce. Common to the environmental setting of this habitat type are yellow star thistle (*Centaurea solstitialis*), garden burnett (*Poterium sanguisorba*), soft chess (*Bromus hordeaceus*), bisnaga (*Ammi visnaga*), and patches of Himalayan blackberry. This vegetation type is common within the disturbed and open areas within the Project area.

Montane Riparian

A structural gradient generally occurs from neighboring vegetation into a small area of montane riparian vegetation, resulting in pines grading in with the more riparian species. This vegetation type is characterized by the following ecological condition, a low area that drains the neighboring areas from the east towards the southwest and connects with a pond area to the southwest of the Project area. The montane riparian in the alluvial land, clayey soils type within the southeastern section of the Project area and areas created from earth movement are characterized by red willow (*Salix laevigata*) and arroyo willow (*Salix lasiolepis*), and occasionally ponderosa pine in the overstory. Dense thickets are often resultant with Himalayan blackberry in the herbaceous layer.

5 Results

CNPS ranked plants and special-status species were considered for the Project area based on a current review of the CNDDDB and database information provided by the USFWS and California Native Plant Society for the Project area as well as the reconnaissance-level biological surveys as outlined in this Biological Report. Table 1.0 below includes the vegetation communities identified within the Project area as well as the potential special-status species that could occur within each of the vegetation communities mapped within the Project area.

For the purposes of this Biological Report, special-status species is defined as those species that are:

- listed as threatened or endangered, or proposed or candidates for listing by the USFWS or National Marine Fisheries Service;
- listed as threatened or endangered and candidates for listing by CDFW;
- identified as Fully Protected species or species of special concern by CDFW;
- identified as Medium or High priority species by the Western Bat Working Group; and
- plant species considered to be rare, threatened, or endangered in California by the CNPS and CDFW [California Rare Plant Rank (CRPR) 1 and 2]:
 - CRPR 1A: Plants presumed extinct.
 - CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere.
 - CRPR 2A: Plants extirpated in California, but common elsewhere.
 - CRPR 2B: Plants rare, threatened, or endangered in California, but more common elsewhere.

The study area does not contain any mapped CDFW sensitive communities. See Appendix F for a CDFW CNDDDB map of the Project area and a 3-mile buffer and see Appendix G for the CDFW occurrence report and USFWS IPaC report covering the Project area. Therefore, CDFW sensitive communities are not discussed within this reporting effort further given the lack of mapping provided for such sensitive communities by CDFW within and adjacent to the Project area.

5.1 Aquatic Resources

Based on the background data review and the site visit and reconnaissance-level biological resources survey of the entirety of the Project area, no “waters of the U.S.”, including wetlands, or “waters of the State of California”, were identified or mapped within the Project Area. The seasonal drainage area and its 30-foot stream setback (per the City of Grass Valley Development Code 17.50 for Creek and Riparian Resource Protection) will be encroached upon by the proposed Project and therefore, a Resources Management Plan is attached in Section 6.0. The Resources Management Plan includes measures such as the incorporation of Best Management Practices (BMP’s) to provide long-term protection of the water quality within the seasonal drainage and to downstream aquatic resources.

5.2 CNPS Ranked Plants and Special-Status Plant Species

CDFW’s California Natural Diversity Database (CNDDDB) search included the Project area and a 3-mile buffer to the Project area (CDFW, 2024). Based on the results of the searches 6 CNPS ranked plants and special-status plant species were identified as occurring within the CNDDDB search. Each of these plant species were included for consideration in the analysis area (Project area), the Project area being substantially within the known range and distribution for the plant species, or both.

The CNPS ranked plants and special-status plant species field surveys were not conducted at a time when all potentially occurring CNPS ranked plants and special-status plant species could be identified if they were present. Therefore, follow up special-status plant species survey should be conducted during the months when each of the potential CNPS ranked plants and special-status plant species that could occur within the Project area are in bloom (May and June for the Project area).

A description of CNPS ranked plants and special-status plant species evaluated for some potential to occur within the Project area is outlined below.

Scadden Flat checkerbloom (Sidalcea stipularis) – Federally and CA State Endangered and California Native Plant Society List 1B.1

Scadden Flat checkerbloom inhabits marshes and swamps between July and August. It is found in wet montane marshes fed by springs, normally between 2,295 and 2,395 feet above MSL. This species blooming period is July through August. Suitable habitat for this species occurs within the perennial marsh wetlands. The species has been documented 3 miles to the west near the Nevada County Fairgrounds from a report in 1973. This species has no potential to occur within the Project area given the lack of suitable habitat for this species within the Project area and the site survey was completed during this species

blooming period and it was not identified within the Project area.

Pine Hill flannelbush (*Fremontodendron decumbens*) – Federally Endangered and CA State Rare and California Native Plant Society List 1B.2

Pine Hill flannelbush is known to occur in serpentine and gabbro soils in chaparral and cismontane woodlands, at elevations ranging from 1,390 to 2,495 feet. It is known from twelve occurrences in Eldorado, Nevada and Yuba Counties in the foothills of the Sierra Nevada. It is threatened by development and alteration of the fire regime (CNPS 2024). Pine Hill flannelbush blooms April to July, though is at its peak in June. It is a branched, spreading shrub that grows to 4 feet tall. The leaves are lobed, and dense star-shaped (stellate) hairs cover the leaves and younger twigs and branches. It has showy orange to reddish-brown flowers. Pine Hill flannelbush is thought to be fire dependent, with studies resulting in only 2 percent of seed germination in the absence of fire (Boyd 1987 in USFWS 2002). The Project area does not contain the presence of this species given it was absent in July 2024.

Dubious pea (*Lathyrus sulphureus* var. *argillaceus*) – California Native Plant Society List 3

Dubious pea inhabits lower and upper montane coniferous forest and cismontane woodlands, normally between 490 and 3,050 feet above MSL. This species has a low potential to occur in forested areas of the Project area. The blooming period for this species is April to May. The surveys were not conducted during the blooming period for this species. This species should be a focus species of any follow up special-status plant surveys within the Project area to ensure that the species is not present within the proposed areas of disturbance within the Project area.

Finger rush (*Juncus digitatus*) – California Native Plant Society List 1B.1

Finger rush inhabits open chaparral habitat surrounded by mixed oak/conifer woodland on low gradient, north-facing, and vernal moist slopes. This species also associates with sandy clay loam soil within substrates underlain by granitic bedrock. This species is found between 2,165 and 2,590 feet above MSL. There is potential for the occurrence of this species in gravelly, seasonally moist openings, which are absent from the Project area. The species is known to occur near the intersection of Idaho-Maryland Road and Brunswick Road. The surveys were not conducted during the blooming period for this species. The blooming period for this species is May to June. This species was not identified during field surveys conducted during the July 2024 survey. However, suitable habitat for this species does not occur within the Project area and therefore, it is assumed to not be located within the Project area.

Brandegee's Clarkia (*Clarkia biloba ssp. brandegeae*) – 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 to the north of the subject parcel. During the field survey this species was not identified within the subject parcel and no suitable habitat for this species is located within the subject parcel. 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 subject parcel is considered very low given the subject parcel does not include any road cuts.

Brownish beaked-rush (*Rhynchospora capitellata*) – California Native Plant Society List 2B.2

Brownish beaked-rush inhabits meadows and seeps, marshes and swamps, and it is found in upper and lower montane coniferous forests, normally between 145 and 6,560 feet above MSL. This species blooms from July through August and is normally identified on mesic sites and has been identified to the west of the Project area in a marshy area along the northwest corner of the Nevada County Fairgrounds along Hwy 20 in 1973. The species was not identified during field survey conducted in July 2024 and suitable habitat for this species does not occur within the Project area; therefore, it is assumed to not be located within the Project area.

5.3 Special-Status Wildlife Species

The CNDDDB database 3-mile buffer search revealed five (5) special-status wildlife species that have previously been identified and mapped within 3 miles of the Project area (see Appendix F and Appendix G for database results). The species previously identified within 3 miles of the Project area include:

- California black rail
- Yellow-breasted chat
- Coast horned lizard
- Foothill yellow-legged frog – north Sierra DPS
- Townsend's big-eared bat

None of these species were identified within the Project area during the biological resources survey conducted in July 2024. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area.

Given the presence of the seasonal drainage within the Project area, western pond turtle and California red-legged frog are also included as special-status aquatic wildlife species with the potential to occur within or adjacent to the Project area. Additionally, two species of bat, the hoary bat (*Lasiurus cinereus*) and the pallid bat (*Antrozous pallidus*) are included in the assessment below given they each have a low potential to occur within the Project area; however, neither bat species has been previously identified within 3 miles of the Project area (CDFW 2024).

Townsend's big-eared bat (*Corynorhinus townsendii*) – No state or federal listing; CA State Species of Concern

The Townsend's Big-eared bat species inhabits lower montane coniferous and mixed conifer forest habitats where abandoned buildings and structures occur for roosting. This species has been identified within 3 miles of the Project area within an abandoned building at the Empire Mine State Historic Park. The species was not identified during the field survey and no suitable roosting sites for this species occurs within the Project area given the lack of abandoned structures located within the Project area. The potential for this species to occur within the Project area is considered low.

Coast horned lizard (*Phrynosoma blainvillii*) – No state or federal listing; 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).

This species has been documented several miles to the west, northwest, and southwest of the Project area. There is potential suitable habitat within the sandy and rocky locations within the central section of the Project area. As the Project area includes the required open areas of exposed, sandy soils for this species, this species has a moderate potential to occur within the site. Though no coast horned lizards were observed during the July 2024 site visit, the potential for this species to occur within the Project area is considered moderate.

Western pond turtle (*Emys marmorata*) – Candidate for federal listing; 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 up to 325 ft to find suitable sites for egg laying. This species has not been previously identified within 3 miles of the Project area and was not identified during the July 2024 site visit. Given the lack of suitable habitat for this species within the Project area, the potential for this species to occur within the Project area is considered nil.

Foothill yellow-legged frog (*Rana boylei*) – Threatened under CESA

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 been previously identified within 3 miles of the Project area in Deer Creek in Nevada City in 1903 and is considered extirpated by CDFW. Another observation of this species is mapped just over 3 miles to the west of the Project area within Squirrel Creek. The species was not identified during the July 2024 site visit. Given the lack of suitable habitat for this species within the Project area, the potential for this species to occur within the Project area is considered nil.

Yellow-breasted Chat (*Icteria virens*) – CA State Species of Concern

This species inhabits riparian thickets of willow and other brushy tangles near waterways. The species generally nests in low, dense riparian, consisting of willow, blackberry, and wild grape, and it forages and nests within 10 feet of the ground. This species is a summer resident within the greater project area and has been identified within the riparian habitat associated with South Fork Wolf Creek located south and southwest of the Project area. However, the species was not identified during the field survey and suitable habitat for this species within the Project area given is considered unsuitable for the species given the lack of low and dense cover within the narrow riparian habitat area along the seasonal drainage. Therefore, this species would not occur within the Project area and the proposed Project would have no impact on this species.

CA red-legged Frog (*Rana aurora draytonii*) – Federal Threatened and CA State Species of Concern

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 and designated critical habitat for this federally threatened species has not been mapped for this species within the vicinity of the Project area. This species has not been previously identified within 3 miles of the Project area and was not identified during the July 2024 site visit. Given the lack of suitable habitat for this species within the Project area, the potential for this species to occur within the Project area is considered nil.

California black rail (*Laterallus jamaicensis coturiculus*) – CA State Threatened

California black rail inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. The species requires water depths of approximately 1 inch that does not fluctuate during the year and dense vegetation for nesting habitat. The species has been identified within 3 miles of the Project area. This species was not identified during the July 2024 site visit. Given the lack of suitable habitat for this species within the Project area, the potential for this species to occur within the Project area is considered nil.

Other Bat Species

Hoary bat (*Lasiurus cinereus*) and Pallid bat (*Antrozous pallidus*)

The hoary bat is considered a Medium Risk species by the Western Bat Working Group and the pallid bat is a CDFW species of special concern. Neither species has been previously identified within 3 miles of the Project area (CDFW 2024). However, the Project area does provide roosting habitat for both species within the woodlands located within the Project area. Therefore, if either species is present within the Project area during the proposed disturbance, bat day roosts could be impacted.

Nesting raptors and other migratory bird species - Protected under CA State F&G Code Sections 3503, 3503.5, and 3800

There is a low to moderate potential for nesting raptors and other protected nesting bird species protected under the CDFG Codes 3503, 3503.5, and 3800 to occur within the Project area. The Project area contains suitable nesting habitat for bird species protected under those CDFG Codes, such as tree nesting species (raptors) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*).

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 Deer Winter Range. The field surveys 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.

Protected Tree Resources by the City of Grass Valley Tree Ordinance

The Project area does not contain protected oak resources per the State of California oak woodlands protections set forth in Public Resources Code Section 21083.4. Therefore, the proposed Project will have no impact on such protected oak resources. Therefore, protected oak resources are not discussed further in this Biological Report.

However, the City of Grass Valley acknowledges the importance of trees to the community's health, safety, welfare, and tranquility and therefore, in December 2005, the City of Grass Valley City Council adopted the Tree Ordinance, Chapter 12.36 of the Municipal Code, to ensure that the community trees would be prudently protected and managed so as to ensure these multiple civic benefits. Therefore, for any trees that may be removed within the Project area from the proposed Project, the City of Grass Valley should be consulted to determine if a Tree Removal Permit is required. See Section 2.3.3 above within this Biological Report for the requirements of such a Tree Removal Permit and if such a permit would be required for the proposed Project.

6 IMPACT ASSESSMENT AND CONCLUSIONS

These conclusions and recommendations are based on the findings of this Biological Report and the impact assessment based on the Project understanding outlined in Section 1 above and the Site Plan attached in Appendix A. Additionally, this Biological Report incorporates the findings of the previous assessments conducted for sensitive biological resources within the Project area as outlined within Section 1.2 above.

Previous assessments of sensitive biological resources within areas adjacent to the Project area conclude that these areas are heavily disturbed and do not contain sensitive biological communities or suitable habitat for special-status species. Additionally, the assessments do not conclude that any mitigation is required to avoid or minimize potential Project related impacts to sensitive biological resources. However, given the Project area contains a seasonal drainage and associated 30-foot stream setback along the southeastern boundary, the Resources Management Plan has been developed and concludes that the proposed Project shall adhere to the "City stormwater drainage requirements and State water quality control board regulations for stormwater in the Central Valley Regional Water Quality Control Board region (Region 5)."

The Project impact assessment and recommendations below are based on the proposed disturbance included in the Site Plan attached in Appendix A. For sensitive biological resources that have the potential to be impacted by such disturbance, avoidance, minimization, and mitigation measures are proposed to ensure that such disturbance does not cause a significant impact on any sensitive biological resources within the Project area.

Proposed Avoidance, Minimization, and Mitigation Measures

6.1 Potential Impacts to Special-Status Plant Species

CNPS ranked plants and special-status plant surveys were conducted in July 2024, which is within the blooming period for most CNPS ranked plants and special-status plant species that have been previously identified within 3 miles of the Project area. However, the single CNPS ranked plant species with the potential to occur within the Project area ranges between April to May. Therefore, the dubious pea should be a focus species included in a single follow up survey during April to May prior to any proposed disturbance within an area containing natural vegetation in order to ensure that these species have been surveyed during their blooming periods and will be avoided, if present. No other CNPS ranked plants and special-status plant species have the potential to occur within the Project area and thus, the dubious pea is the focus species for the follow up survey between April and May.

Therefore, prior to the implementation of future ground disturbing activities within the naturally vegetated areas within the Project area, an additional special-status plant survey would be required to identify the presence of the dubious pea in those areas. If the Project will not include the removal of native vegetation or grading within the larger, open area within the Project area, then no additional special-status plant surveys would be required.

However, if any special-status plant species is documented within or directly adjacent to areas proposed for disturbance within the Project area that contain native vegetation and that are CNPS list 1A, 1B, 2A, or 2B per CEQA Guidelines Section 15380, or are listed under the ESA and/or CESA, protection of such plants would include complete avoidance, transplantation, and/or on- or offsite restoration of the special-status plant species that could be impacted by such site disturbance.

Additionally, if an ESA listed special-status plant species is identified within the Project area and would be impacted by disturbance within the Project area, then a consultation with USFWS would be required as part of any future project permitting within the Project area and therefore, additional avoidance, minimization, mitigation, and monitoring requirements may be included as part of the development of a Biological Assessment (BA) to be submitted to the USFWS and a Biological Opinion (BO) developed by the USFWS through the ESA consultation process, whether Section 7 or Section 10 of the ESA.

Disturbance related impacts to CNPS list 3 and list 4 species **would not** be considered a "significant" impact requiring additional mitigation under CEQA Guidelines Section 15380. Therefore, with either avoidance or with the implementation of the **mitigation measures** outlined above, the proposed Project would **not have a significant impact** on any special-status plant species.

6.2 Potential Impacts to Special-Status Wildlife Species

The coast horned lizard and bat species are the special-status wildlife species with at least some potential to occur within the Project area, though these species have not been observed within the Project area. These species are in addition to potential nesting raptors and migratory birds that have some potential to occur within the Project area as discussed in detail below. The Project area has no potential to impact special-status aquatic wildlife species given the lack of suitable aquatic habitat within or directly adjacent to the Project area and therefore, an assessment of special-status aquatic wildlife species is not included in this section. As stated within this Biological Report, the existing seasonal drainage does not support sensitive or protected aquatic biological resources.

Townsend's big-eared bat (and other bat species, including hoary and pallid bats)

Occurrence: The Townsend's big-eared bat does not have the potential to roost within the Project area given a lack of abandoned structures. However, hoary and pallid bats roost in riparian and forested woodlands and therefore, those habitats along the seasonal drainage could provide suitable habitat for those bat species. Though these species have not been documented within the Project area and they each have a moderate potential to occur within the Project area.

Mitigation: Prior to disturbance of any riparian and/or forested woodlands within the Project area and no more than seven (7) days prior to such disturbance, a pre-construction bat roosting survey should be conducted to identify the presence or absence of roosting bats. The pre-construction bat surveys should be implemented for any disturbance proposed to be located within 100 feet of the riparian and forested woodland habitats along and adjacent to the seasonal drainage within the Project area. Any woodland or riparian associated trees have the potential to contain roosting bats and therefore, the trunk diameter of trees to be disturbed, removed, or within 100 feet of proposed disturbance would not preclude the pre-construction survey requirement.

If any species of bat, including the hoary and pallid bat are identified during roosting surveys, passive removal of the roosting bats prior to disturbance to structures and forested woodlands should be implemented to avoid impacts to this species. Passive removal includes allowing roosting bats to freely leave the roost site. Once the roosting bats have been passively removed from the structure(s) and/or forested woodlands, the structure(s) would be closed off from recurring bat roosting within the structure and the proposed work within the structure(s) would no longer pose a risk to individuals of the species. For forested woodlands containing bat roosts, the removal of trees associated with such woodlands would only occur once the bats leave the day roosts. Furthermore, if a maternal (breeding) roost is documented, no disturbance will occur until the breeding roost has dispersed from the structure or forested woodlands they are found in.

Therefore, with the implementation of the **mitigation measures** outlined above, the proposed Project would **not have a significant impact** on any special-status bat species.

Coast horned lizard

Occurrence: There is potential suitable habitat within the open disturbed sections of the Project area that contain sandy soils. In addition, the Project area includes the required open areas of exposed, sandy soils for this species within those habitat types. Therefore, this species has a moderate potential to occur within the Project area though the species

has not been previously identified within the Project area.

Mitigation: Prior to disturbance within the areas of the Project area that contain disturbed surfaces and/or annual grassland vegetation community, and no more than seven (7) days prior to such disturbance, a pre-construction survey for the species shall be conducted prior to any disturbance within those disturbed and developed areas of the Project area in order to avoid direct impacts to the species. The pre-construction survey should be implemented for any disturbance proposed to be located within 100 feet of the disturbed and annual grassland habitats within the Project area.

If the species is documented during pre-construction surveys, a qualified wildlife biologist (approved by CDFW) would have the authority to move individual coast horned lizards outside of the proposed disturbance area(s) in order to avoid an impact to this species. Once the coast horned lizard(s) have been removed from the disturbance area(s) and out of harms way, the proposed work would no longer pose a risk to individuals of the species.

Therefore, with avoidance of open, sandy habitats within the Project area or the implementation of the **mitigation measures** outlined above, the proposed Project would **not have a significant impact** on any special-status wildlife species, including the coast horned lizard.

6.3 Potential Impacts to Cooper's Hawk, Nesting Raptors, Bird Species

Given the Project area contains many larger trees and many of those trees contain suitable habitat for nesting raptors, removal of such trees should be done outside the breeding season, if possible, to avoid potential impacts to such nesting raptor species. The breeding season for raptors and MBTA protected bird species in the vicinity of the Project area is generally from February 1 to August 30. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or mitigation measures. However, construction or development activities during the breeding season could disturb or remove occupied nests of raptors and would require the implementation of a pre-construction survey within 250 feet of the any disturbance area within the Project area for nesting raptors within 7 days prior to disturbance.

Occurrence: The Project area contains many larger trees and many of those trees contain suitable habitat for nesting raptors. In addition, the Project area also includes smaller trees and shrubs as well as grasslands that provide suitable nesting habitat for other protected bird species.

Some riparian habitat associated with the existing seasonal drainage is located within the southeastern section of the Project area. Some migratory birds are known to associate with riparian habitat. The breeding season for raptors and other protected bird

species in the vicinity of the Project area is generally from February 1 to August 31 but varies depending on the species and localized weather patterns.

Avoidance: Vegetation clearing or tree removal outside of the breeding season for such bird species and/or avoidance of such potential nesting habitat would not require the implementation of any avoidance, minimization, or mitigation measures.

Mitigation: Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area along with a 250-foot buffer for nesting raptors and other protected bird species within seven (7) days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Therefore, with either avoidance of vegetation removal during the bird nesting season or with the implementation of the **mitigation measures** outlined above, the proposed Project would **not have a significant impact** on any special-status bird species.

6.4 City of Grass Valley Development and Municipal Code Compliance

This Biological Report and its results concurs with the results and conclusions of the Resources Management Plan (outlined below in Section 6.5), which covers the proposed disturbance within the seasonal drainage and its 30-foot stream setback buffer. The Resources Management Plan meets the requirements as outlined within the City of Grass Valley Development Code 17.50 for Creek and Riparian Resource Protection. Therefore, the findings of the Resources Management Plan outlined in Section 6.5 below are sufficient for the proposed Project and the following must be implemented to ensure compliance

with the Resources Management Plan covering the proposed Project:

- *City of Grass Valley stormwater drainage requirements and State water quality control board regulations for stormwater in the Central Valley Regional Water Quality Control Board region (Region 5) shall be followed and implemented as part of the proposed Project and within the seasonal drainage and its 30-foot stream setback buffers.*

Therefore, with either avoidance of the 30-foot stream setback to the seasonal drainage or with the implementation of the **mitigation measures** outlined above and within the Resources Management Plan outlined below in Section 6.5, the proposed Project would **not have a significant impact** on any protected aquatic resources under the City of Grass Valley Development Code 17.50 for Creek and Riparian Resource Protection.

For protected tree resources under the City of Grass Valley City Council adopted the Tree Ordinance, Chapter 12.36 of the Municipal Code, the applicant shall ensure that the community trees would be prudently protected and managed so as to ensure these multiple civic benefits per the ordinance. Therefore, for any trees that may be removed within the Project area from the proposed Project, the City of Grass Valley shall be consulted to determine if a Tree Removal Permit is required. See Section 2.3.3 above within this Biological Report for the requirements of such a Tree Removal Permit and if such a permit would be required for the proposed Project.

Therefore, with either avoidance of the trees protected under the City of Grass Valley Tree Ordinance or with the implementation of a required Tree Removal Permit, the proposed Project would **not have a significant impact** on any protected tree resources under the City of Grass Valley Municipal Code, Chapter 12.36.

6.5 Resources Management Plan for Compliance with the City of Grass Valley Development Code 17.50 for Creek and Riparian Resources

No CWA or CDFW permitting will be required for the proposed Project given the lack of perennial streams, ponds, and wetlands within the Project area and the existing seasonal drainage within the southeastern section of the Project area does not contain a direct connection with a navigable waterway. Additionally, the seasonal drainage does not contain a defined bed and bank and ordinary high water mark so it would not meet the state or federal definition of a regulated stream. Though given the proposed Project is located within the existing seasonal drainage and its 30-foot stream setback, this Resources Management Plan was developed to ensure compliance within the City of Grass Valley Development Code covering creek and riparian resources.

ENCROACHMENT INTO THE STREAM SETBACK

Temporary impacts include soil disturbance and potential erosion along the slopes within and adjacent to the seasonal drainage could occur where the proposed detention pond, bio-swales, and access road into the site within the southeastern section of the Project area would be constructed as part of the Project. Temporary impacts could occur to the seasonal drainage as well and therefore, the mitigation measures outlined below should be implemented to avoid and minimize such impacts to the seasonal drainage from the development of the proposed Project. The project applicant intends to construct the proposed Project components in compliance with the City of Grass Valley Building Code.

Temporary and permanent and indirect and direct impacts to the seasonal drainage have the potential to occur within the 30-foot stream setback unless soil erosion control methods are employed that will effectively keep any sedimentation out of the seasonal drainage. Therefore, the mitigation outlined below should be implemented during construction of the proposed Project.

MITIGATION FOR ENCROACHMENT INTO THE STREAM SETBACK

This Resources Management Plan is for the encroachment into the stream setback requirements for the City of Grass Valley, including areas within 30 feet adjacent to the seasonal drainage. As detailed below, measures to minimize potential impacts to the seasonal drainage and downstream aquatic resources. These measures are intended for inclusion into the proposed development and/or disturbances within the stream setback during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following during and following construction:

- Limit construction to periods of dry weather;
 - Establishing the area around the outside edge of the seasonal drainage as Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction;
 - No fill or dredge material will enter or be removed from the seasonal drainage during construction and thereafter;
 - Use appropriate machinery and equipment to limit disturbance in these areas;
 - Placement of soil erosion control devices (such as wattles, hay bales, etc.) between the seasonal drainage and the areas to be developed to limit potential runoff and sedimentation into the seasonal drainage and potentially into downstream aquatic resources;
 - No dewatering of seasonal drainage will occur as part of the proposed construction;
-

- Implement Best Management Practices during and following construction; and
- Adhere to the City of Grass Valley stormwater drainage requirements and State water quality control board regulations for stormwater in the Central Valley Regional Water Quality Control Board region (Region 5) shall be followed and implemented as part of the proposed Project and within the seasonal drainage and its 30-foot stream setback requirement.

IMPLEMENTATION OF BEST MANAGEMENT PRACTICES DURING CONSTRUCTION

To protect the seasonal drainage and the stream setback buffer areas, as well as water quality and downstream water resources, the contractor shall implement standard Best Management Practices during and after construction.

These measures should include, but are not limited to:

- Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the seasonal drainage. Place staging areas and other work areas outside of the 30-foot stream setback buffers.
- The contractor shall exercise reasonable precaution to protect the seasonal drainage as well as adjacent stream setback buffers from pollution with fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- No equipment for vehicle maintenance or refueling shall occur within the 30-foot stream setback buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instruction on the label.

Post Construction Erosion Control

Exposed bare soil within the 30-foot stream setback buffers to the seasonal drainage should be protected against loss from erosion by the seeding of an erosion control mixture and restored with native grasses and mulching. Non-native species that are known to invade wild lands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats should not be used as they displace native species.

Provide Copies of Mitigation Measures to Contractors

To ensure the proper and timely implementation of all mitigation measures contained in this Resources Management Plan, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and permit requirements to the contractors prior to grading and construction within the stream setback buffers. All contractors shall be completely familiar with the mitigation measures contained above and with the terms and conditions of all permits.

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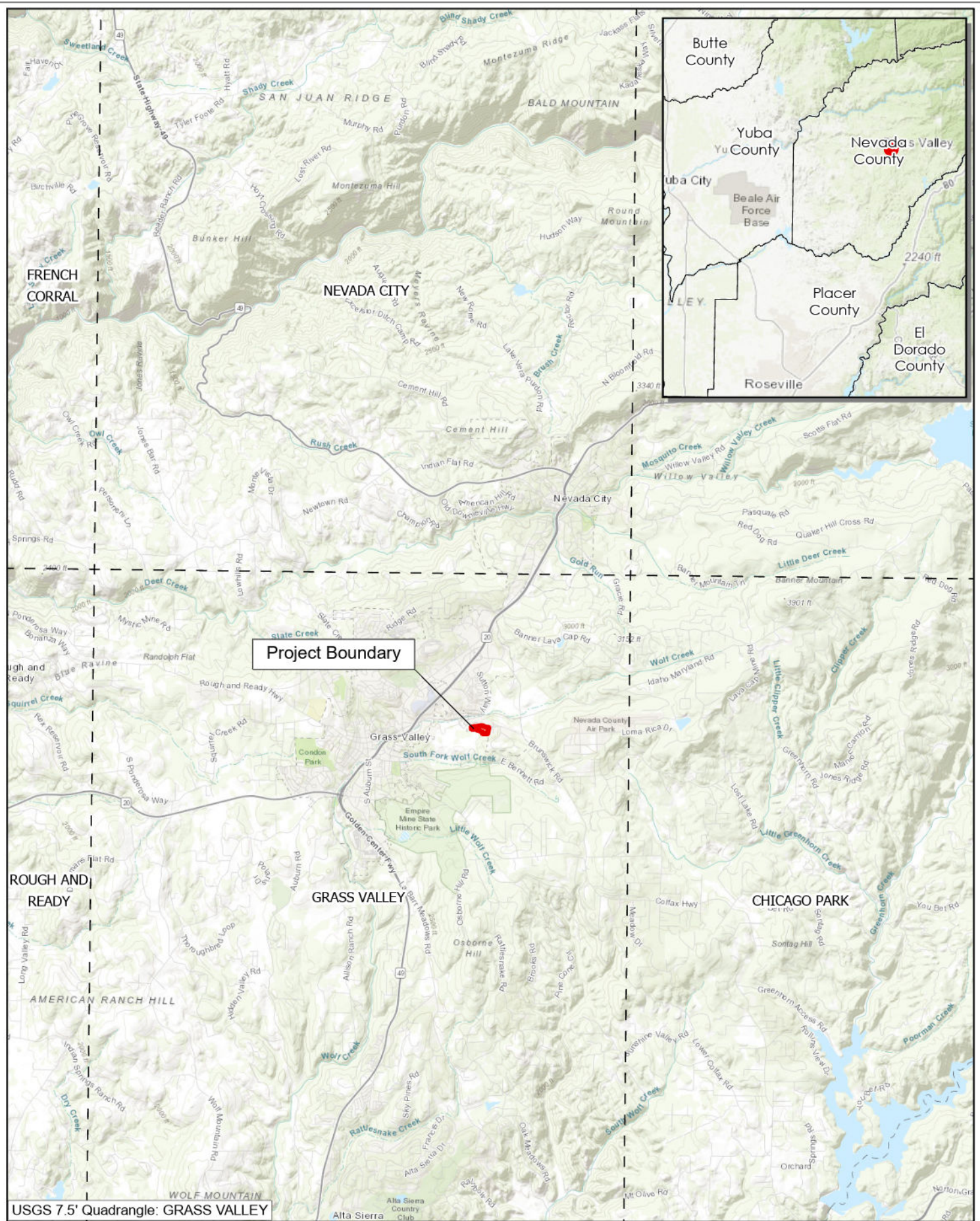
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Appendix A

Project Overview Area Figures **and Project Site Plan**



GREG MATUZAK
 Environmental Consulting LLC
 Nevada City, CA

Jada Windows Project

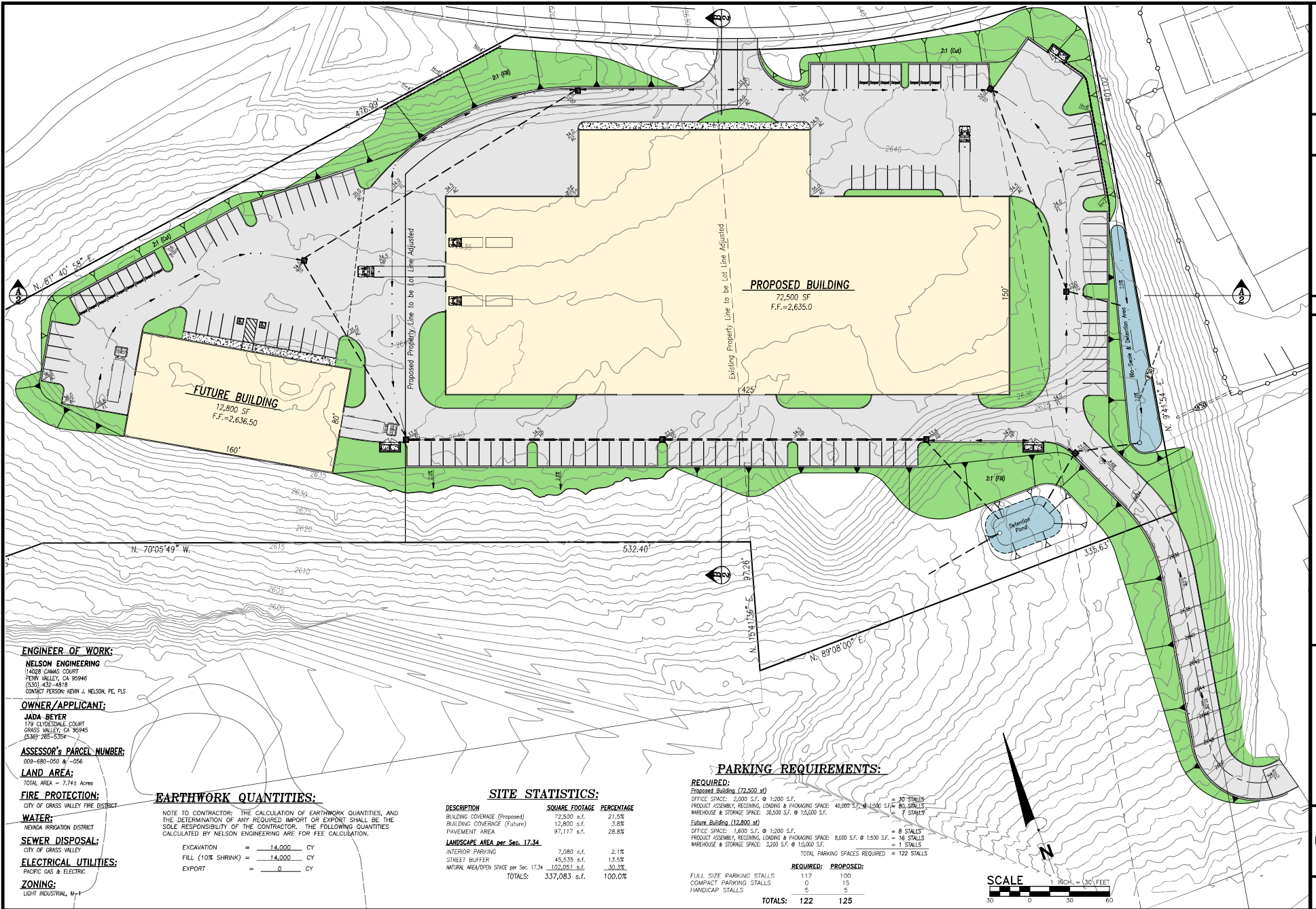
Figure 1. Vicinity Map



GREG MATUZAK
 Environmental Consulting LLC
 Nevada City, CA

Jada Windows Project

Figure 2. Project Location Map



ENGINEER OF WORK:

NELSON ENGINEERING
1408 CAMAS COURT
PENNY VALLEY, CA 95946
(530) 432-4818
CONTACT PERSON: NEVIN J. NELSON, P.E., PLS

OWNER/APPLICANT:

JADA BEYER
179 OLYMPIAN COURT
GRASS VALLEY, CA 95945
(530) 266-5339

ASSESSOR'S PARCEL NUMBER:

009-680-050 & -056

LAND AREA:

TOTAL AREA = 7.744 Acres

FIRE PROTECTION:

CITY OF GRASS VALLEY FIRE DISTRICT

WATER:

NEVADA IRRIGATION DISTRICT

SEWER DISPOSAL:

CITY OF GRASS VALLEY

ELECTRICAL UTILITIES:

PACIFIC GAS & ELECTRIC

ZONING:

LIGHT INDUSTRIAL, M-1

RECORDED: JUN 15, 2024	DATE
DRAWN: JON	REVISIONS
CHECKED BY: JON	
DATE: JUN 15, 2024	
PROJECT: No. 21-24	
DWG. NAME: 21-24-216-Plan-04.dwg	

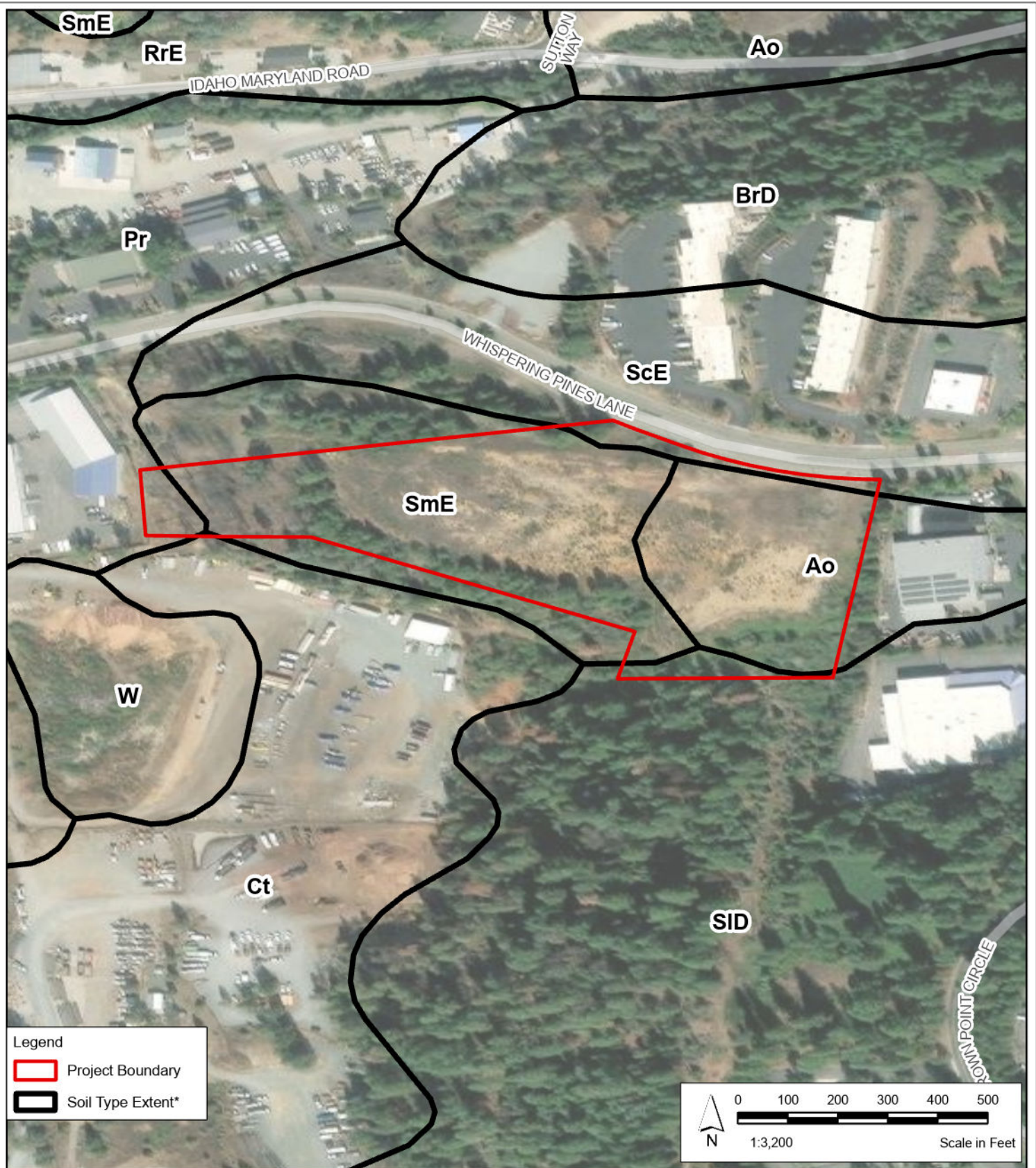
PRELIMINARY SITE PLAN FOR:
JADA WINDOWS
A.P.N. 009-680-050 & -056
COUNTY OF NEVADA, CALIFORNIA

NELSON ENGINEERING
Civil, Building, Structural & Land Planning
1408 Camas Court
Penny Valley, CA 95946
(530) 432-4818
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1 OF 3

Appendix B

USDA Soils Maps



SOIL TYPE*

- Ao - Alluvial land, clayey
- BrD - Boomer, hard bedrock - Rock outcrop complex, 5 to 30 percent slopes
- Ct - Cut and fill land
- Pr - Placer diggings
- RrE - Rock outcrop-Dubakella complex, 5 to 50 percent slopes
- ScE - Secca-Rock outcrop complex, 2 to 50 percent slopes

- SID - Sites silt loam, 15 to 30 percent slopes, N low montane
- SmE - Sites very stony loam, 15 to 50 percent slopes
- W - Water

Figure 4. Soils Map

Appendix C

National Wetland Inventory (NWI) **and National Hydrography Database (NHD)** Map



Legend

- Project Boundary
- Stream

Wetlands*

- Freshwater Forested/Shrub Wetland
- Freshwater Pond

POINT CIRCLE

0 100 200 300 400

1:2,500

Scale in Feet

GREG MATUZAK
 Environmental Consulting LLC
 Nevada City, CA

Jada Windows Project

Figure 5. Wetlands and Water Features Map

* Data downloaded from <https://www.fws.gov/wetlands/Data/Data-Download.html> 7/2024
 ** National Hydrography Dataset (NHD) downloaded from <http://nhd.usgs.gov> 7/2024

Appendix D

Plants Observed During Site Surveys

Plants Observed within the Project Area During the Survey Conducted on June 30th, 2024

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
<i>Acmispon americanus var. americanus</i>	Spanish lotus	native	annual herb	-	FACU	-
<i>Agrostis gigantea</i>	Creeping bentgrass	non-native	perennial grass	-	FAC	-
<i>Ammi visnaga</i>	Bisnaga	non-native	annual, biennial herb	-	-	-
<i>Andropogon virginicus var. virginicus</i>	Broomsedge bluestem	non-native	perennial grass	-	FAC	-
<i>Arbutus menziesii</i>	Madrone	native	tree	-	-	-
<i>Arctostaphylos viscida ssp. viscida</i>	Smooth white leaf manzanita	native	tree, shrub	-	-	-
<i>Artemisia douglasiana</i>	California mugwort	native	perennial herb	-	FACW	-
<i>Asclepias sp.</i>	-	-	-	-	-	-
<i>Avena sp.</i>	-	-	-	-	-	-
<i>Baccharis pilularis</i>	Coyote brush	native	shrub	-	-	-
<i>Bromus diandrus</i>	Ripgut brome	non-native (invasive)	annual grass	-	-	Moderate
<i>Bromus hordeaceus</i>	Soft chess	non-native (invasive)	annual grass	-	FACU	Limited
<i>Bromus suksdorfii</i>	Suksdorf's bromegrass	native	perennial grass	-	-	-
<i>Bromus tectorum</i>	Downy chess	non-native (invasive)	annual grass	-	-	High
<i>Calocedrus decurrens</i>	Incense cedar	native	tree	-	-	-
<i>Ceanothus cuneatus</i>	Buck brush	native	shrub	-	-	-
<i>Ceanothus integerrimus</i>	Deer brush	native	shrub	-	-	-
<i>Centaurea solstitialis</i>	Yellow starthistle	non-native (invasive)	annual herb	-	-	High
<i>Centranthus sp.</i>	-	-	-	-	-	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
<i>Chamaebatia foliolosa</i>	Sierran mountain misery	native	shrub	-	-	-
<i>Chlorogalum pomeridianum</i>	Amole	native	perennial herb	-	-	-
<i>Chondrilla juncea</i>	Skeleton weed	non-native (invasive)	perennial herb	-	-	Moderate
<i>Cichorium intybus</i>	Chicory	non-native	perennial herb	-	FACU	-
<i>Cirsium vulgare</i>	Bullthistle	non-native (invasive)	perennial herb	-	FACU	Moderate
<i>Corylus cornuta ssp. californica</i>	Beaked hazelnut	native	shrub	-	FACU	-
<i>Crataegus monogyna</i>	Hawthorn	non-native (invasive)	shrub	-	FAC	Limited
<i>Croton setiger</i>	Turkey-mullein	native	perennial herb	-	-	-
<i>Cynosurus echinatus</i>	Dogtail grass	non-native (invasive)	annual grass	-	-	Moderate
<i>Cytisus scoparius</i>	Scotch broom	non-native (invasive)	shrub	-	-	High
<i>Dactylis glomerata</i>	Orchardgrass	non-native (invasive)	perennial grass	-	FACU	Limited
<i>Deschampsia elongata</i>	Hairgrass	native	perennial grass	-	FACW	-
<i>Elymus caput-medusae</i>	Medusa head	non-native	annual grass	-	-	-
<i>Elymus elymoides</i>	Squirrel tail grass	native	perennial grass	-	FACU	-
<i>Elymus glaucus</i>	Blue wildrye	native	perennial grass	-	FACU	-
<i>Eriodictyon californicum</i>	Yerba santa	native	shrub	-	-	-
<i>Eriophyllum lanatum</i>	Wooly sunflower	native	perennial herb	-	-	-
<i>Festuca microstachys</i>	Small fescue	native	annual grass	-	-	-
<i>Festuca occidentalis</i>	Western fescue	native	perennial grass	-	-	-
<i>Galium triflorum</i>	Sweet bedstraw	native	annual herb	-	FACU	-
<i>Garrya fremontii</i>	Fremont's silk tassel	native	shrub	-	-	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
<i>Goodyera oblongifolia</i>	Rattlesnake plantain	native	perennial herb	-	FACU	-
<i>Hirschfeldia incana</i>	Mustard	non-native (invasive)	perennial herb	-	-	Moderate
<i>Holcus lanatus</i>	Common velvetgrass	non-native (invasive)	perennial grass	-	FAC	Moderate
<i>Hypericum perforatum ssp. perforatum</i>	Klamathweed	non-native	perennial herb	-	FACU	-
<i>Ilex aquifolium</i>	Holly	non-native (invasive)	tree, shrub	-	FACU	Moderate
<i>Lathyrus latifolius</i>	Sweet pea	non-native	perennial herb	-	-	-
<i>Lonicera hispidula</i>	Pink honeysuckle	native	vine, shrub	-	FACU	-
<i>Lysimachia latifolia</i>	Pacific starflower	native	perennial herb	-	FACW	-
<i>Melilotus albus</i>	White sweetclover	non-native (invasive)	annual, biennial herb	-	-	-
<i>Muhlenbergia rigens</i>	Deergrass	native	perennial grass	-	UPL	-
<i>Pickeringia montana</i>	Chaparral pea	native	shrub	-	-	-
<i>Pinus ponderosa</i>	Ponderosa pine	native	tree	-	FACU	-
<i>Pinus sabiniana</i>	Foothill pine	native	tree	-	-	-
<i>Plantago lanceolata</i>	Ribwort	non-native (invasive)	perennial herb	-	FACU	Limited
<i>Quercus garryana var. semota</i>	Oregon white oak	native	tree	-	FACU	-
<i>Quercus kelloggii</i>	California black oak	native	tree	-	-	-
<i>Rosa canina</i>	Dog rose	non-native	shrub	-	-	-
<i>Rubus armeniacus</i>	Himalayan blackberry	non-native (invasive)	shrub	-	FACU	High
<i>Salvia sonomensis</i>	Sonoma sage	native	perennial herb	-	-	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
<i>Spartium junceum</i>	Spanish broom	non-native (invasive)	shrub	-	-	High
<i>Torilis arvensis</i>	Field hedge parsley	non-native (invasive)	annual herb	-	-	Moderate
<i>Toxicodendron diversilobum</i>	Poison oak	native	vine, shrub	-	FAC	-
<i>Trifolium sp.</i>	-	-	-	-	-	-
<i>Verbascum blattaria</i>	Moth mullein	non-native	perennial herb	-	UPL	-
<i>Verbascum thapsus</i>	Woolly mullein	non-native (invasive)	perennial herb	-	FACU	Limited
<i>Vinca major</i>	Vinca	non-native (invasive)	perennial herb	-	-	Moderate

Appendix E

Photo Log

Photo Log of the Project Area During the Site Survey on July 30th, 2024



Photo 1: Project area is located to the left along Whispering Pines Lane looking northwest. Chaparral and mixed pine habitats dominate this section of the Project.



Photo 2: Looking south from the northeast corner of the Project area along Whispering Pines Lane. Chaparral and non-native annual grassland habitats dominate this section of the Project with mixed pine woodlands in the distance and to the left.



Photo 3: Looking southwest from the eastern section of the Project area. Large open area dominated by a mix of chaparral and non-native annual grassland habitats.



Photo 4: Southern section of the Project area where a drainage area flows to the southwest and then underground into a large reservoir area on the adjacent parcel.



Photo 5: Eastern section of the Project area looking north towards Whispering Pines Lane. This low lying area to the right connects with large drainage to the south.



Photo 6: Typical mix of non-native annual grassland and chaparral habitat within the Project area. Some areas of large boulders were identified within the Project area.



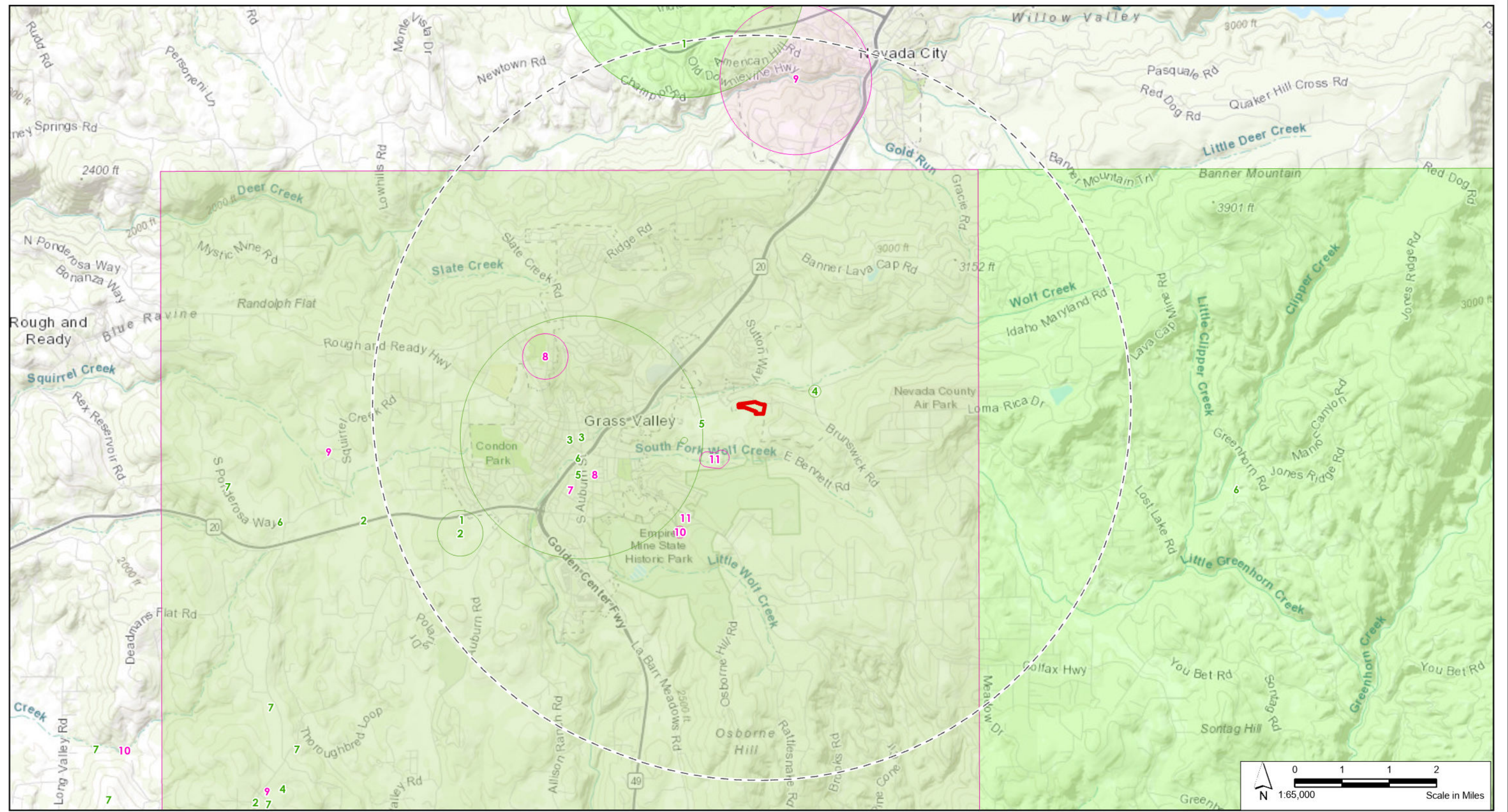
Photo 7: Looking north along the southwestern section of the Project area from adjacent property. Some trees and vegetation affected by historical fire in this area.



Photo 8: Open area with sparse vegetation and barren ground within the northern section of the Project area. Historic disturbance in the Project area is documented.

Appendix F

CNDDDB 3-Mile Buffer Figure



- Legend**
- Project Boundary
 - 3 mile Buffer on Project Area
 - CNDDB Plant Occurrence*
 - Critical Wildlife Habitat**
 - CNDDB Wildlife Occurrence*
 - Critical Plant Habitat**

- CNDDB OCCURRENCES*
Plant Species**
1. Brandegee's clarkia
 2. Brownish beaked-rush
 3. Dubious pea
 4. Finger rush
 5. Pine Hill flannelbush
 6. Scadden Flat checkerbloom

- Wildlife Species**
7. California black rail
 8. Coast horned lizard
 9. Foothill yellow-legged frog - north Sierra DPS
 10. Townsend's big-eared bat
 11. Yellow-breasted chat

- CRITICAL HABITAT OCCURRENCES**
Plant Habitat**
- None
- Wildlife Habitat**
- None

* California Natural Diversity Database (CNDDDB) Data: Downloaded July, 2024, from the California Department of Fish and Wildlife
 ** United States Fish and Wildlife Service (USFWS) Critical Habitat Data: Downloaded July, 2024, from: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

Figure 3. CNDDB and Critical Habitat Map

Appendix **G**

CNDDDB and USFWS iPac Reports



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: E0ndx IS (100891 OR 110474 OR 121188 OR 34885 OR 41294 OR 43435 OR 4399 OR 4484 OR 50474 OR 68166 OR 80219 OR 84104)

Map Index Number: A8682	EO Index: 110474
Key Quad: Nevada City (3912131)	Element Code: AAABH01053
Occurrence Number: 49	Occurrence Last Updated: 2018-09-14

Scientific Name: <i>Rana boyllii pop. 3</i>	Common Name: foothill yellow-legged frog - north Sierra DPS
Listing Status:	Rare Plant Rank:
Federal: None	
State: Threatened	Other Lists: BLM_S-Sensitive USFS_S-Sensitive
CNDDB Element Ranks:	
Global: G3T2	
State: S2	

General Habitat: YUBA RIVER TO MIDDLE FORK AMERICAN RIVER, AND SUTTER BUTTES. SUBBASINS (HU 8) BUTTE CREEK, HONCUT HEADWATERS - LOWER FEATHER, UPPER YUBA, UPPER BEAR, UPPER COON - UPPER AUBURN, NORTH FORK AMERICAN, AND LOWER AMERICAN IN SUT, YUB, SIE, NEV, AND PLA CO.	Micro Habitat: PARTLY SHADED SHALLOW STREAMS AND RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS. NEEDS AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING AND AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.
--	--

Last Date Observed: 1903-06-XX	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1903-06-XX	Occurrence Rank: None
Owner/Manager: UNKNOWN	Trend: Unknown
Presence: Extirpated	

Location:
EAST OF CHAMPION MINE AND WEST OF NEVADA CITY.

Detailed Location:
COLLECTION LOCALITY DESCRIBED AS "NEVADA CITY, OLYMPIC PARK, CREEK ON ROAD TO CHAMPION MINE." EXACT LOCATION UNKNOWN. MAPPED TO VICINITY BETWEEN NEVADA CITY AND CHAMPION MINE.

Ecological:

Threats:

General:
COLLECTED IN JUN 1903. ACCORDING TO JENNINGS AND LIND, RANA BOYLII IS EXTIRPATED AT THIS LOCATION.

PLSS: T16N, R08E, Sec. 12 (M)	Accuracy: 3/5 mile	Area (acres): 776
UTM: Zone-10 N4347557 E670060	Latitude/Longitude: 39.26068 / -121.0289	Elevation (feet): 2,400

County Summary: Nevada	Quad Summary: Nevada City (3912131)
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Sources:

CAR03S0009 CARLSON, J. - CAS #4753 COLLECTED FROM NEVADA CITY, OLYMPIC PARK, CREEK ON ROAD TO CHAMPION MINE 1903-06-XX

JEN94R0001 JENNINGS, M. & M. HAYES - AMPHIBIAN AND REPTILE SPECIES OF SPECIAL CONCERN IN CALIFORNIA. FINAL REPORT SUBMITTED TO DFG, INLAND FISHERIES DIVISION, RANCHO CORDOVA. 255 PP. 1994-11-01

JEN96R0001 JENNINGS, M. - CHAPTER 31: STATUS OF AMPHIBIANS, PP 921-944 IN: SIERRA NEVADA ECOSYSTEM PROJECT: FINAL REPORT TO CONGRESS, VOL II. 1996-XX-XX

LIN05U0001 LIND, A. (UNIVERSITY OF CALIFORNIA, DAVIS) - REINTRODUCTION OF A DECLINING AMPHIBIAN: DETERMINING AN ECOLOGICALLY FEASIBLE APPROACH FOR THE FOOTHILL YELLOW-LEGGED FROG. PHD DISSERTATION, UC DAVIS 2005-XX-XX



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 68011	EO Index: 68166
Key Quad: Grass Valley (3912121)	Element Code: ABNME03041
Occurrence Number: 135	Occurrence Last Updated: 2009-09-24

Scientific Name: <i>Laterallus jamaicensis coturniculus</i>	Common Name: California black rail
Listing Status: * SENSITIVE *	Rare Plant Rank:
Federal: None	Other Lists: BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_EN-Endangered
State: Threatened	
CNDDB Element Ranks: Global: G3T1	
State: S2	

General Habitat: INHABITS FRESHWATER MARSHES, WET MEADOWS AND SHALLOW MARGINS OF SALTWATER MARSHES BORDERING LARGER BAYS.	Micro Habitat: NEEDS WATER DEPTHS OF ABOUT 1 INCH THAT DO NOT FLUCTUATE DURING THE YEAR AND DENSE VEGETATION FOR NESTING HABITAT.
---	---

Last Date Observed: 2007-01-23	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2007-01-23	Occurrence Rank: Good
Owner/Manager:	Trend: Unknown
Presence: Presumed Extant	

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:
MEADOW/EMERGENT WETLAND HABITAT ASSOCIATED WITH SEEPAGE FROM A POND, DOMINATED BY TYPHA DOMINGENSIS, CAREX SP., JUNCUS EFFUSUS PACIFICUS, EPILOBIUM SPP, SALIX LESIDEPIS, AND RUBUS DISCOLOR; SURROUNDED BY HOMES. BIASECTED BY A ROAD.

Threats:
UPLAND, NOXIUS WEEDS INVADING MEADOW. SIPHON IN MEADOW DEGRADING WETLAND HABITAT. DEVELOPMENT PROPOSED IN 2007.

General:

PLSS:	Accuracy: 80 meters	Area (acres): 0
UTM:	Latitude/Longitude:	Elevation (feet): 2,225

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

MOR07F0001	MORAN, V. (ECOLOGICAL OUTREACH SERVICES) - FIELD SURVEY FORM FOR LATERALLUS JAMAICENSIS COTURNICULUS 2007-01-23
RIC08A0002	RICHMOND O.M. ET AL. (UNIVERSITY OF CALIFORNIA, BERKELEY) - DISTRIBUTION OF CALIFORNIA BLACK RAILS IN THE SIERRA NEVADA FOOTHILLS. J. FIELD ORNITHOL. 79(4):381-390 2008-XX-XX
TEC02F0001	TECKLIN, J. & D. SCHAEFER (UNIVERSITY OF CALIFORNIA, DAVIS) - FIELD SURVEY FORM FOR LATERALLUS JAMAICENSIS COTURNICULUS 2002-07-21
TEC07U0001	TECKLIN, J. (UNIVERSITY OF CALIFORNIA, DAVIS) - E-MAIL TO VIRGINIA MORAN ABOUT THE PRESENCE OF BLACK RAILS IN A MEADOW SSE OF GRASS VALLEY 2007-01-31



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: B8075	EO Index: 121188
Key Quad: Grass Valley (3912121)	Element Code: ABPBX24010
Occurrence Number: 121	Occurrence Last Updated: 2022-03-08

Scientific Name: <i>Icteria virens</i>	Common Name: yellow-breasted chat
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists: CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern
CNDDDB Element Ranks:	
Global: G5	
State: S4	

General Habitat: SUMMER RESIDENT; INHABITS RIPARIAN THICKETS OF WILLOW AND OTHER BRUSHY TANGLES NEAR WATERCOURSES.	Micro Habitat: NESTS IN LOW, DENSE RIPARIAN, CONSISTING OF WILLOW, BLACKBERRY, WILD GRAPE; FORAGES AND NESTS WITHIN 10 FT OF GROUND.
--	--

Last Date Observed: 2021-07-01	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2021-07-01	Occurrence Rank: Good
Owner/Manager: DPR-EMPIRE MINE SHP	Trend: Unknown
Presence: Presumed Extant	

Location:
ALONG SOUTH FORK WOLF CREEK, JUST SOUTH OF BENNETT ROAD AT LAVA ROCK AVE, 1 MILE E OF HWY 49 AT HWY 174, GRASS VALLEY.

Detailed Location:
MAPPED GENERALLY TO AREA OF AUDIBLE DETECTIONS AND MIST-NETTING EFFORT AT EMPIRE MINE STATE HISTORIC PARK.

Ecological:
HABITAT DESCRIBED AS "REMNANT GRASSLAND NEAR DEVELOPING URBAN AREA, EXTENSIVE BLACKBERRIES AND WILLOW ALONG CREEK PROVIDING EXCELLENT NESTING AND FORAGING HABITAT, EXTENSIVE HAWTHORNE AND FRUITING TREES PRESENT IN MEADOW."

Threats:
POTENTIAL IMPACT TO RIPARIAN CORRIDOR FROM OFF-SITE MINING AND DEVELOPMENT.

General:
1 ADULT HEARD SINGING AND 2 JUVENILES CAPTURED/RELEASED BETWEEN MAY, AUG, AND SEP 2018. 1 JUVENILE CAPTURED/RELEASED ON 6 AUG 2019. 2 ADULTS CAPTURED/RELEASED ON 11 AUG 2020. 1 ADULT HEARD SINGING ON 1 JUL 2021.

PLSS: T16N, R08E, Sec. 26, SE (M)	Accuracy: non-specific area	Area (acres): 18
UTM: Zone-10 N4342531 E669085	Latitude/Longitude: 39.21561 / -121.04145	Elevation (feet): 2,492

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

NEL18F0003	NELSON, A. ET AL. - FIELD SURVEY FORM FOR ICTERIA VIRENS 2018-09-04
NEL19F0011	NELSON, A. & S. WHITNEY - FIELD SURVEY FORM FOR ICTERIA VIRENS 2019-08-06
NEL20F0005	NELSON, A. ET AL. - FIELD SURVEY FORM FOR ICTERIA VIRENS 2020-08-11
NEL21F0005	NELSON, A. - FIELD SURVEY FORM FOR ICTERIA VIRENS 2021-07-01



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 99346	EO Index: 100891
Key Quad: Grass Valley (3912121)	Element Code: AMACC08010
Occurrence Number: 636	Occurrence Last Updated: 2016-03-01

Scientific Name: <i>Corynorhinus townsendii</i>	Common Name: Townsend's big-eared bat
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists:
CNDDB Element Ranks:	BLM_S-Sensitive
Global: G4	CDFW_SSC-Species of Special Concern
State: S2	IUCN_LC-Least Concern
	USFS_S-Sensitive

General Habitat: THROUGHOUT CALIFORNIA IN A WIDE VARIETY OF HABITATS. MOST COMMON IN MESIC SITES.	Micro Habitat: ROOSTS IN THE OPEN, HANGING FROM WALLS AND CEILINGS. ROOSTING SITES LIMITING. EXTREMELY SENSITIVE TO HUMAN DISTURBANCE.
---	--

Last Date Observed: 2015-07-24	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2015-07-24	Occurrence Rank: Good
Owner/Manager: DPR-EMPIRE MINE SHP	Trend: Unknown
Presence: Presumed Extant	

Location:
EMPIRE MINE STATE HISTORIC PARK, ABOUT 0.6 MI SE OF E EMPIRE ST AT PINE ST & 0.8 MI NE OF HWY 49 AT E MCKNIGHT WAY.

Detailed Location:
MAPPED TO LOCATION OF VISITOR CENTER.

Ecological:
ATTIC OF VISITOR CENTER IN STATE HISTORIC PARK. PEOPLE ARE IN AND OUT OF THE DOWNSTAIRS CONSTANTLY, BUT THE ATTIC IS NEVER ENTERED. SURROUNDED BY PONDEROSA PINE, MIXED CONIFER AND BLACK OAK WOODLAND.

Threats:
PARK MANAGERS WANT TO CLOSE OFF THE ATTIC BECAUSE OF HUMAN HEALTH AND SAFETY ISSUES (I.E. EVICT BAT COLONY).

General:
MATERNAL ROOST OF ABOUT 40 BATS (ADULT FEMALES AND PUPS) OBSERVED ON 1 JUL & 24 JUL 2015.

PLSS: T16N, R08E, Sec. 35, NW (M)	Accuracy: 80 meters	Area (acres): 0
UTM: Zone-10 N4341565 E668643	Latitude/Longitude: 39.20699 / -121.04679	Elevation (feet): 2,600

County Summary:	Quad Summary:
Nevada	Grass Valley (3912121)

Sources:

LEW15F0004	LEWIS, A. (CALIFORNIA DEPARTMENT OF PARKS AND RECREATION) - FIELD SURVEY FORM FOR CORYNORHINUS TOWNSENDII 2015-07-24
SHA15D0001	SHAW, D. (CALIFORNIA DEPARTMENT OF PARKS AND RECREATION) - CALIFORNIA STATE PARK WILDLIFE SUMMARY 2015 [SC-002490] 2015-XX-XX



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 39883	EO Index: 34885
Key Quad: Grass Valley (3912121)	Element Code: ARACF12100
Occurrence Number: 599	Occurrence Last Updated: 1998-10-01

Scientific Name: <i>Phrynosoma blainvillii</i>	Common Name: coast horned lizard
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists:
CNDDB Element Ranks:	BLM_S-Sensitive
Global: G4	CDFW_SSC-Species of Special Concern
State: S4	IUCN_LC-Least Concern

General Habitat: FREQUENTS A WIDE VARIETY OF HABITATS, MOST COMMON IN LOWLANDS ALONG SANDY WASHES WITH SCATTERED LOW BUSHES.	Micro Habitat: OPEN AREAS FOR SUNNING, BUSHES FOR COVER, PATCHES OF LOOSE SOIL FOR BURIAL, AND ABUNDANT SUPPLY OF ANTS AND OTHER INSECTS.
--	---

Last Date Observed: 1991-XX-XX	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1991-XX-XX	Occurrence Rank: Poor
Owner/Manager: CITY OF GRASS VALLEY	Trend: Decreasing
Presence: Presumed Extant	

Location:
GRASS VALLEY TREATMENT PLANT, 11808 ALTA VISTA AVE, GRASS VALLEY.

Detailed Location:

Ecological:
GROUNDS COVERED WITH PEA GRAVLE, MANY BUSHES AND SHRUBS, MANY ANTS.

Threats:
TREATMENT PLANT UNDERGOING MAJOR RECONSTRUCTION.

General:
OBSERVED LIZARDS FROM 1983 TO 1991; RESCUED DOZENS OF YOUNG OFF FLOATING RESERVOIR COVER. YOUNG APPEAR 1ST 2 WEEKS OF AUGUST. OBSERVED FEWER EACH YEAR, WITH ONLY 1 SEEN IN 1991.

PLSS: T16N, R08E, Sec. 22 (M)	Accuracy: 1/5 mile	Area (acres): 0
UTM: Zone-10 N4343842 E666824	Latitude/Longitude: 39.22785 / -121.06730	Elevation (feet): 2,560

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:
BEA91F0001 BEATIE, J. - FIELD SURVEY FORM FOR PHRYNOSOMA CORONATUM (FRONTALE POPULATION, CALIFORNIA HORNED LIZARD) 1991-XX-XX



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 79239	EO Index: 80219	
Key Quad: Grass Valley (3912121)	Element Code: PDFAB25101	
Occurrence Number: 4	Occurrence Last Updated: 2010-06-30	

Scientific Name: <i>Lathyrus sulphureus var. argillaceus</i>	Common Name: dubious pea
Listing Status:	Rare Plant Rank: 3
Federal: None	Other Lists:
State: None	
CNDDDB Element Ranks:	
Global: G5T1T2Q	
State: S1S2	

General Habitat: CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST, UPPER MONTANE CONIFEROUS FOREST.	Micro Habitat: 255-610 M.
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Last Date Observed: 1926-04-17	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1926-04-17	Occurrence Rank: Unknown
Owner/Manager: UNKNOWN	Trend: Unknown
Presence: Presumed Extant	

Location:
GRASS VALLEY.

Detailed Location:
EXACT LOCATION UNKNOWN. MAPPED BY CNDDDB IN VICINITY OF COMMUNITY OF GRASS VALLEY.

Ecological:

Threats:

General:

ONLY SOURCE OF INFORMATION FOR THIS OCCURRENCE IS A 1926 COLLECTION BY ROBBINS. NEEDS FIELDWORK.

PLSS: T16N, R08E, Sec. 27 (M)	Accuracy: 1 mile	Area (acres): 0
UTM: Zone-10 N4342786 E667322	Latitude/Longitude: 39.21825 / -121.06179	Elevation (feet):

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

BRO01U0001	BROICH, S. - EMAIL COMMUNICATION REGARDING COLLECTIONS AND TAXONOMY OF LATHYRUS SULPHUREUS VAR. ARGILLACEUS 2001-11-07
ROB26S0001	ROBBINS, W. - ROBBINS #539 DAV (CITED IN BRO01U0001) 1926-04-17



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 12076	EO Index: 4484
Key Quad: Grass Valley (3912121)	Element Code: PDMAL110R0
Occurrence Number: 1	Occurrence Last Updated: 2009-05-18

Scientific Name: <i>Sidalcea stipularis</i>	Common Name: Scadden Flat checkerbloom
Listing Status: Federal: None	Rare Plant Rank: 1B.1
* SENSITIVE * State: Endangered	Other Lists: SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
CNDDB Element Ranks: Global: G1	
State: S1	

General Habitat: MARSHES AND SWAMPS.	Micro Habitat: WET MONTANE MARSHES FED BY SPRINGS. 700-740 M.
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Last Date Observed: 2008-07-20	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2008-07-20	Occurrence Rank: Fair
Owner/Manager:	Trend: Fluctuating
Presence: Presumed Extant	

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:
PLANTS IN FIVE SMALL PATCHES IN WET MARSHY GROUND SURROUNDED BY PINUS PONDEROSA (INVADING MEADOW). ASSOCIATES INCLUDE SISYRINCHIUM, HOLCUS LANATUS, TYPHA LATIFOLIA, JUNCUS, LUZULA, SCIRPUS, MIMULUS, EPILOBIUM, PERIDERIDIA, AND RUBUS.

Threats:
NATIVE AND NON-NATIVE SPECIES ENCROACHING. GRAZING, HYDROLOGICAL CHANGES, HERBICIDE SPRAYING, OTHER ROAD MAINT.

General:

PLSS:	Accuracy: specific area	Area (acres): 9
UTM:	Latitude/Longitude:	Elevation (feet): 2,400

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Occurrence Report
California Department of Fish and Wildlife
California Natural Diversity Database



Sources:

ADA94U0001	ADAMS, L. - ANNUAL MONITORING REPORT ON SIDALCEA STIPULARIS 1994-01-25
ADA98M0001	ADAMS, L. - MEMO AND MAP SHOWING LOCATION OF SIDALCEA STIPULARIS 1998-06-23
AND98F0014	ANDREASON, K. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1998-08-02
AND98S0002	ANDREASEN, K. - ANDREASEN #287 JEPS 1998-09-02
BRO97U0001	BROWN, C. - RECORD OF PHONE CONVERSATION WITH J. HORENSTEIN REGARDING SEVERAL SITES 1997-12-22
CAL08F0002	CALLAHAN, K. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 2008-07-20
CAR83F0001	CARVILLE, J. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1983-09-13
DFG83U0001	CALIFORNIA DEPARTMENT OF FISH & GAME - LETTER FROM DFG DIRECTOR TO LEO TROMBATORE, DIRECTOR OF CALTRANS, REGARDING STATUS OF THE POPULATION. 1983-11-04
HOW74A0001	HOWELL, J.T. & G.H. TRUE - A NEW SIERRAN SIDALCEA. FOUR SEASONS 4:20-22. 1974-XX-XX
LOZ86U0001	LOZIER, L. - MEMO ON SCADDEN FLAT MARSH 1986-04-01
OES80U0001	OFFICE OF ENDANGERED SPECIES, F.W.S. - INFORMAL CONSULTATION, REALIGNMENT OF STATE ROUTE 20 AT SCADDEN FLAT, #1-1-80-I-26.? (9 PAGES + 2 MAPS) 1980-03-04
REI89F0011	REINER, R. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1989-08-01
REI89R0003	REINER, R. - MONITORING REPORT FOR SIDALCEA STIPULARIS IN SCADDEN FLAT 1989-08-XX
SAS03U0001	SASAKI, T. - EMAIL REGARDING SIDALCEA STIPULARIS LOCATIONS 2003-08-11
SAS95F0001	SASAKI, T. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1995-08-30
SHO05U0002	SHOWERS, M. - EMAIL TO R. BITTMAN REGARDING SIDALCEA STIPULARIS 2005-05-19
TAY95S0063	TAYLOR, D. - TAYLOR #15373 JEPS #100678, UC #1755050 1995-08-05
TNC88R0001	THE NATURE CONSERVANCY - NATURE CONSERVANCY ELEMENT MONITORING REPORTS, 1987 1988-XX-XX
TNC90R0001	THE NATURE CONSERVANCY - 1989 AND 1990 ELEMENT MONITORING REPORTS 1990-XX-XX
TNC91R0001	THE NATURE CONSERVANCY - ELEMENT MONITORING REPORTS, 1991 1991-XX-XX
TNC94R0002	THE NATURE CONSERVANCY - TNC ELEMENT MONITORING REPORT FOR 1994 1994-09-24
TRU73S0004	TRUE, G. - TRUE SN RSA #309603 1973-07-10
TRU73S0005	TRUE, G. - TRUE #7616 CHSC #43866 1973-07-23
TRU73S0006	TRUE, G.H. & J.T. HOWELL - TRUE #7630 UC #1506447, RSA #309601 1973-07-30
TRU74S0001	TRUE, G.H. & J.T. HOWELL - TRUE SN RSA #309602 1974-05-31
WIS88R0001	WISE, C. (THE NATURE CONSERVANCY) - MONITORING PLAN FOR SIDALCEA STIPULARIS IN SCADDEN FLAT 1988-XX-XX
WYM92F0006	WYMER, N. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1992-08-02
YOR86F0015	YORK ET AL. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1986-08-28



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 30554	EO Index: 4399
Key Quad: Chicago Park (3912028)	Element Code: PDMAL110R0
Occurrence Number: 2	Occurrence Last Updated: 2009-05-15

Scientific Name: <i>Sidalcea stipularis</i>	Common Name: Scadden Flat checkerbloom
Listing Status: Federal: None	Rare Plant Rank: 1B.1
* SENSITIVE *	Other Lists: SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
CNDDB Element Ranks: State: Endangered	
Global: G1	
State: S1	

General Habitat: MARSHES AND SWAMPS.	Micro Habitat: WET MONTANE MARSHES FED BY SPRINGS. 700-740 M.
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Last Date Observed: 1995-XX-XX	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2008-07-28	Occurrence Rank: Poor
Owner/Manager:	Trend: Decreasing
Presence: Presumed Extant	

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:
FRESHWATER MARSH WITH TYPHA LATIFOLIA SURROUNDED BY PINUS PONDEROSA MARSH. OTHER ASSOCIATES INCLUDE CAREX SP. AND RUBUS PROCERUS.

Threats:
USED AS PASTURE. CALTRANS PROPOSED TO WIDEN HWY; PLANTS 10 FT. S OF HWY. INVADING BLACKBERRY; MOWING; ALTERED HYDRO.

General:

PLSS:	Accuracy: 80 meters	Area (acres): 0
UTM:	Latitude/Longitude:	Elevation (feet): 2,600

County Summary: Nevada	Quad Summary: Chicago Park (3912028)
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Sources:

ADA95U0001	ADAMS, L. - RECORD OF PHONE CONVERSATION WITH N. KANG REGARDING PEARLDALE OCCURRENCE 1995-02-24
BRO97U0001	BROWN, C. - RECORD OF PHONE CONVERSATION WITH J. HORENSTEIN REGARDING SEVERAL SITES 1997-12-22
CAL08F0001	CALLAHAN, K. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 2008-07-28
CAR90F0002	CARVILLE, J. - FIELD SURVEY FORM FOR SIDALCEA STIPULARIS 1990-04-25
SAS03U0001	SASAKI, T. - EMAIL REGARDING SIDALCEA STIPULARIS LOCATIONS 2003-08-11



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 43435	EO Index: 43435
Key Quad: Nevada City (3912131)	Element Code: PDONA05053
Occurrence Number: 15	Occurrence Last Updated: 2006-07-20

Scientific Name: <i>Clarkia biloba ssp. brandegeeeae</i>	Common Name: Brandegee's clarkia
Listing Status:	Rare Plant Rank: 4.2
Federal: None	Other Lists: SB_UCSC-UC Santa Cruz
State: None	
CNDDDB Element Ranks:	
Global: G4G5T4	
State: S4	

General Habitat: CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.	Micro Habitat: OFTEN IN ROADCUTS. 75-915 M.
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Last Date Observed: XXXX-XX-XX	Occurrence Type: Natural/Native occurrence
Last Survey Date: XXXX-XX-XX	Occurrence Rank: Unknown
Owner/Manager: UNKNOWN	Trend: Unknown
Presence: Presumed Extant	

Location:
CEMENT HILL, NEAR INDIAN FLAT, JUST NORTHWEST OF NEVADA CITY.

Detailed Location:
MAPPED AS BEST GUESS BY CNDDDB; LOCATION GIVEN AS CEMENT HILL, NEAR INDIAN FLAT, 2900 FEET ELEVATION.

Ecological:
Threats:

General:
INCLUDES FORMER OCCURRENCE #16 FROM "HIGHWAY 49 AT INDIAN FLAT, WEST OF NEVADA CITY." BOTH SIGHTINGS ARE FROM A 1973 CHECKLIST OF PLANTS OF NEVADA COUNTY BY TRUE; NEEDS FIELDWORK.

PLSS: T16N, R08E, Sec. 02 (M)	Accuracy: 1 mile	Area (acres): 0
UTM: Zone-10 N4348879 E668562	Latitude/Longitude: 39.27288 / -121.04591	Elevation (feet): 2,900

County Summary: Nevada	Quad Summary: Nevada City (3912131)
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Sources:
TRU73U0001 TRUE, G. - THE FERNS AND SEEDPLANTS OF NEVADA COUNTY 1973-04-XX



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 41294	EO Index: 41294
Key Quad: Grass Valley (3912121)	Element Code: PDSTE03030
Occurrence Number: 14	Occurrence Last Updated: 2010-07-28

Scientific Name: <i>Fremontodendron decumbens</i>	Common Name: Pine Hill flannelbush
Listing Status:	Rare Plant Rank: 1B.2
Federal: Endangered	Other Lists: SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden
State: Rare	SB_UCBG-UC Botanical Garden at Berkeley
CNDDDB Element Ranks:	
Global: G1	
State: S1	

General Habitat: CHAPARRAL, CISMONTANE WOODLAND.	Micro Habitat: ROCKY RIDGES; GABBRO OR SERPENTINE ENDEMIC; OFTEN AMONG ROCKS AND BOULDERS. 425-770 M.
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Last Date Observed: 2009-06-03	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2009-06-03	Occurrence Rank: Fair
Owner/Manager: PVT	Trend: Unknown
Presence: Presumed Extant	

Location:
NORTH OF BENNETT ROAD, ABOUT 0.4 MILE EAST OF THE ELM RIDGE CEMETERY, GRASS VALLEY.

Detailed Location:
TWO COLONIES MAPPED WITHIN THE NW 1/4 SE 1/4 SECTION 26 ACCORDING TO A 1999 CALLAHAN MAP.

Ecological:
GROWING IN CHAPARRAL WITH CEANOTHUS CUNEATUS, ARCTOSTAPHYLOS VISCIDA, PINUS PONDEROSA, P. SABINIANA, QUERCUS DURATA, Q. GARRYANA VAR. BREWERI, PICKERINGIA MONTANA, WYETHIA BOLANDERI, RHAMNUS, CUPRESSUS MACNABIANA, AND TOXICODENDRON.

Threats:
PLANTS ARE LOCATED WITHIN FLAGGING FOR A TIMBER HARVEST ZONE. NEARBY DEVELOPMENT & PROPOSED MINE RE-OPENING ARE THREATS.

General:
SW COLONY: 3 PLANTS IN 1999 & 2008. NE COLONY: 7 IN 1999, ~100 IN 2009. IDENTITY OF THESE PLANTS HAS BEEN QUESTIONED; MAY BE F. CALIFORNICUM BASED ON HAIRS. PROBABLY A DISTINCT POP OF F. DECUMBENS OR F. DECUMBENS X F. CALIFORNICUM HYBRID.

PLSS: T16N, R08E, Sec. 26, SE (M)	Accuracy: specific area	Area (acres): 3
UTM: Zone-10 N4342776 E668688	Latitude/Longitude: 39.21789 / -121.04598	Elevation (feet): 2,520

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

CAL08F0009	CALLAHAN, K. - FIELD SURVEY FORM FOR PERIDERIDIA BACIGALUPII & FREMONTODENDRON DECUMBENS 2008-07-13
CAL99F0001	CALLAHAN, K. - FIELD SURVEY FORM FOR FREMONTODENDRON DECUMBENS 1999-03-18
HOR93U0002	HORENSTEIN, J. ET AL. - CORRESPONDENCE REGARDING THE IDENTITY OF THE FREMONTODENDRON AT THE NEVADA COUNTY DUMP. INCLUDES NOTE FROM HORENSTEIN TO CNPS, R.M. LLOYD TO M. BRAGA, AND W. KELMAN TO M. BRAGA 1993-10-08
HUG09F0006	HUGHES, C. (SYCAMORE ENVIRONMENTAL CONSULTANTS, INC.) - FIELD SURVEY FORM FOR FREMONTODENDRON DECUMBENS 2009-06-03



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 50474	EO Index: 50474
Key Quad: Grass Valley (3912121)	Element Code: PMCYP0N080
Occurrence Number: 5	Occurrence Last Updated: 2019-01-11

Scientific Name: <i>Rhynchospora capitellata</i>	Common Name: brownish beaked-rush
Listing Status:	Rare Plant Rank: 2B.2
Federal: None	Other Lists: IUCN_LC-Least Concern
State: None	
CNDDDB Element Ranks:	
Global: G5	
State: S1	

General Habitat: LOWER MONTANE CONIFEROUS FOREST, MEADOWS AND SEEPS, MARSHES AND SWAMPS, UPPER MONTANE CONIFEROUS FOREST.	Micro Habitat: MESIC SITES. 45-1710 M.
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Last Date Observed: 1973-07-23	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1973-07-23	Occurrence Rank: Unknown
Owner/Manager: UNKNOWN	Trend: Unknown
Presence: Presumed Extant	

Location:
NORTHWEST CORNER OF FAIRGROUNDS, "NEVADA CITY."

Detailed Location:
MARSHY AREA ALONG HWY 20. MAPPED BY CNDDDB AS BEST GUESS AROUND COUNTY FAIRGROUNDS.

Ecological:
WITH THE RARE SIDALCEA STIPULARIS.

Threats:
General:

NEVADA COUNTY FAIRGROUNDS ARE IN GRASS VALLEY. LOCATION ORIGINALLY CITED IN "FOUR SEASONS" ARTICLE WHICH IS CITED BY SOURCE. 1973 TRUE COLLECTIONS FROM "SCADDEN FLAT, JUST W OF GRASS VALLEY, AT HEAD OF SQUIRREL CREEK" ATTRIBUTED HERE.

PLSS: T16N, R08E, Sec. 33, NE (M)	Accuracy: 1/5 mile	Area (acres): 0
UTM: Zone-10 N4341493 E665744	Latitude/Longitude: 39.20691 / -121.08038	Elevation (feet):

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

TRU73S0003	TRUE, G. - TRUE #7615 SD #131004, CAS #856797, CAS-BOT-BC #111921 1973-07-23
TRU73S0012	TRUE, G. - TRUE #7590 CAS #835449, CAS-BOT-BC #111920 1973-06-19
USF98U0001	U.S. FOREST SERVICE - DRAFT REGION 5 USFS SENSITIVE PLANT SPECIES EVALUATION AND DOCUMENTATION FORM 1998-11-17



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 83108	EO Index: 84104
Key Quad: Grass Valley (3912121)	Element Code: PMJUN013E0
Occurrence Number: 3	Occurrence Last Updated: 2011-06-24

Scientific Name: <i>Juncus digitatus</i>	Common Name: finger rush
Listing Status:	Rare Plant Rank: 1B.1
Federal: None	Other Lists:
State: None	
CNDDDB Element Ranks:	
Global: G1	
State: S1	

General Habitat: CISMONTANE WOODLAND (OPENINGS), LOWER MONTANE CONIFEROUS FOREST (OPENINGS), VERNAL POOLS.	Micro Habitat: IN FULL SUN, IN THE VERNALLY DAMP GROUND OF SEEPS, VERNAL POOLS AND SWALES ON GENTLE SLOPES OVER VOLCANIC BEDROCK. 700-800 M.
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Last Date Observed: 2011-06-01	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2011-06-01	Occurrence Rank: Excellent
Owner/Manager: NEVADA IRRIGATION DIST	Trend: Unknown
Presence: Presumed Extant	

Location:
JUST SE OF THE INTERSECTION OF IDAHO MARYLAND ROAD AND BRUNSWICK ROAD, GRASS VALLEY.

Detailed Location:
MAPPED IN THE WEST 1/2 OF THE NE 1/4 OF SECTION 25 ACCORDING TO 2011 BRONNY COORDINATES.

Ecological:
OPEN CHAPARRAL HABITAT SURROUNDED BY MIXED OAK / CONIFER WOODLAND ON A LOW GRADIENT, NORTH-FACING, VERNALLY MOIST HILLSLOPE. SANDY CLAY LOAM SOIL SUBSTRATES UNDERLAIN BY GRANITIC BEDROCK 6-13" BELOW SURFACE. MIX OF UPLAND / HYDROPHYTES.

Threats:
INFRASTRUCTURE DEVELOPMENT PROJECTS AND ALTERATION OF UPSLOPE MICRO-WATERSHED HYDROLOGY ARE THREATS.

General:
APPROXIMATELY 20,000 PLANTS OBSERVED IN 2011. ID CONFIRMED BY CAROL WITHAM AND ELLEN DEAN.

PLSS: T16N, R08E, Sec. 25, NE (M)	Accuracy: 80 meters	Area (acres): 0
UTM: Zone-10 N4343453 E670390	Latitude/Longitude: 39.22366 / -121.02610	Elevation (feet): 2,620

County Summary: Nevada	Quad Summary: Grass Valley (3912121)
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Sources:

BRO11F0006	BRONNY, C. - FIELD SURVEY FORM FOR JUNCUS DIGITATUS 2011-04-23
BRO11I0001	BRONNY, C. - PHOTOS OF JUNCUS DIGITATUS, CALPHOTOS ID #0000 0000 0511 1896 & 1897 2011-05-25
BRO11I0002	BRONNY, C. - PHOTO OF JUNCUS DIGITATUS, CALPHOTOS ID #0000 0000 0611 0029 2011-06-01

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 County, 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

NOT FOR CONSULTATION

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 species¹ 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 Fisheries²).

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. IPaC only shows species that are regulated by USFWS (see FAQ).

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:

Birds

NAME	STATUS
California Spotted Owl <i>Strix occidentalis occidentalis</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7266	Proposed Threatened

Reptiles

NAME	STATUS
Northwestern Pond Turtle <i>Actinemys marmorata</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
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Pine Hill Flannelbush *Fremontodendron californicum* ssp. *decumbens* Endangered
Wherever found
No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/4818>

Stebbins' Morning-glory *Calystegia stebbinsii* Endangered
Wherever found
No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/3991>

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.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation->

[measures.pdf](#)

- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

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

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> 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

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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "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.

- 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 $0.05/0.25 = 0.2$.
- 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.

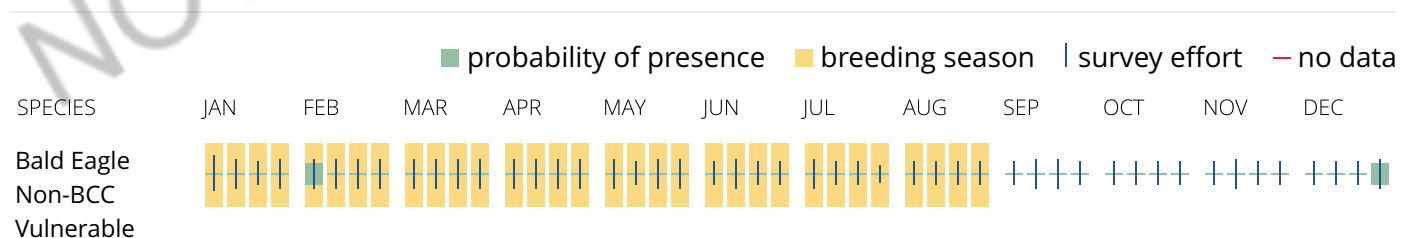
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

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.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence 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). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles 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 [Rapid Avian Information Locator \(RAIL\) Tool](#).

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. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and->

[golden-eagles-may-occur-project-action](#)

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, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Dipper <i>Cinclus mexicanus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Aug 21
Bald Eagle <i>Haliaeetus leucocephalus</i> 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
Black-throated Gray Warbler <i>Setophaga nigrescens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jul 20
California Thrasher <i>Toxostoma redivivum</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Calliope Hummingbird <i>Selasphorus calliope</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9526	Breeds May 1 to Aug 15

<p>Cassin's Finch <i>Haemorhous cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462</p>	<p>Breeds May 15 to Jul 15</p>
<p>Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 15 to Aug 10</p>
<p>Hermit Warbler <i>Setophaga occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	<p>Breeds May 5 to Jul 15</p>
<p>Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408</p>	<p>Breeds Apr 20 to Sep 30</p>
<p>Oak Titmouse <i>Baeolophus inornatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656</p>	<p>Breeds Mar 15 to Jul 15</p>
<p>Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914</p>	<p>Breeds May 20 to Aug 31</p>
<p>Wrentit <i>Chamaea fasciata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds Mar 15 to Aug 10</p>

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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "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.

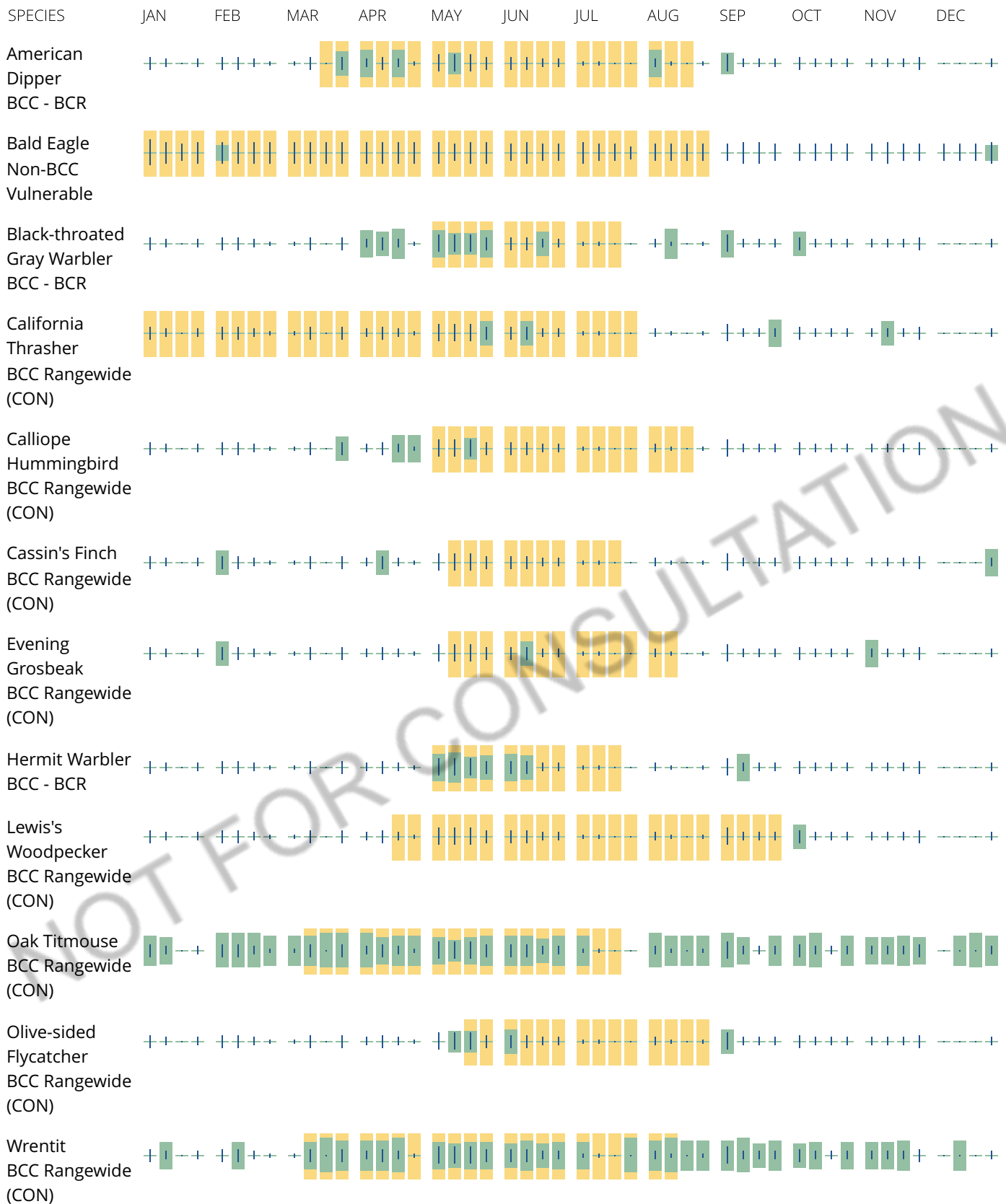
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

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.



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](#) 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 list of migratory birds that potentially occur 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 [Rapid Avian Information Locator \(RAIL\) 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 or migrating in my 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 query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. 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 (NWI)

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](#).

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

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 tubercid 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.