

4.2 BIOLOGICAL RESOURCES

4.2.1 INTRODUCTION

This section evaluates the potential impacts to biological resources from the construction and occupancy of the proposed El Dorado Hills Apartments project (“proposed project”). The biological resources addressed in this section include special-status plants and wildlife, sensitive habitats, and conservation plans. Regulations and policies for the protection of biological resources in the County of El Dorado are also described. Information presented in this section is based on a biological assessment prepared for the project by Salix Consulting, Inc. This report is included in **Appendix 4.2** of this Draft EIR.

4.2.2 ENVIRONMENTAL SETTING

4.2.2.1 Project Site and Surrounding Land Uses

The project site is located in the unincorporated community of El Dorado Hills in western El Dorado County (see **Figure 3.0-1, Project Location**). The site is a little over 500 feet south of U.S. Highway 50 (U.S. 50), about 23 miles east of downtown Sacramento, and 60 miles southwest of Lake Tahoe. Folsom Lake is located approximately 4 miles to the northwest.

The approximately 4.56-acre project site is located at the northwest corner of the intersection of Town Center Boulevard and Vine Street within the Town Center East (TCE) Commercial Center in El Dorado Hills. The site ranges in elevation from approximately 605 to 620 feet above mean sea level and slopes gently east to west.

The area surrounding the project site is developed and consists mainly of retail/commercial uses. An automobile dealership is to the north of the project site, across Mercedes Lane. Other retail/commercial uses are located to the east, across Vine Street, and to the south, across Town Center Boulevard. Town Center Lake is immediately adjacent to the project site to the west, and is a man-made lake that was developed as mitigation for the development of TCE. It provides the only open space area near the project site. Transportation corridors traverse the project vicinity, creating barriers to wildlife movement.

4.2.2.2 Project Site Biological Communities

The project site is vacant and undeveloped, with indications of previous disturbance, including mass grading. Field surveys were conducted on March 30 and April 8, 2016 by Salix Consulting to identify biological communities present on the site and record plant and wildlife species observed on and adjacent to the project site.

Flora

Vegetation on the project site is characterized as disturbed, non-native annual grassland dominated by weedy invasive species and annual grasses (see **Figure 4.2-1, Aerial Photo**). Common plants found on the project site include winter vetch (*Vicia villosa*), rose clover (*Trifolium hirtum*), annual yellow sweetclover (*Melilotus indicus*), Italian ryegrass (*Festuca perennis*), Spanish clover (*Acmispon americanus var. americanus*), windmill pink (*Silene gallica*), and ripgut grass (*Bromus diandrus*).

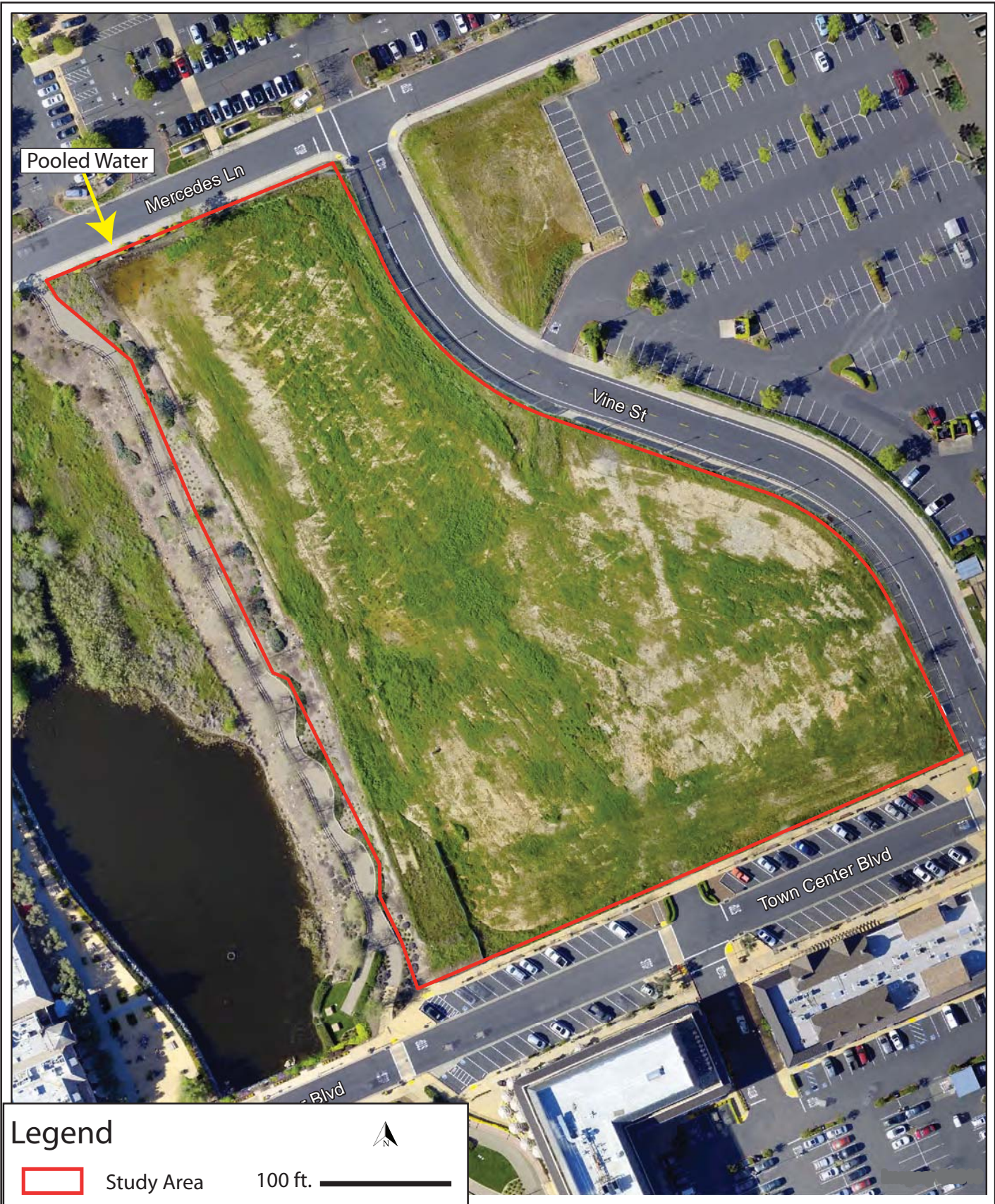
Two small cottonwood trees (*Populus fremontii ssp. fremontii*) are present on the eastern and southern fence lines, each about 15 feet tall. Landscaping with shrubs and young trees is present along the western boundary along the walkway between the project site and Town Center Lake. On the southern and northern sides, scattered small landscape trees occur, and one small tree is present on the east side. All of these shrubs and trees are located on the margins of the property, adjacent to roads, parking lots, or the walkway.

Fauna

The project site provides very little habitat for wildlife due to the dominance of non-native weedy plants and the resultant lack of habitat, cover, forage opportunities, or structural complexity. Common species found during the spring 2016 field surveys included Canada geese (*Branta canadensis*) and great-tailed grackle (*Quiscalus mexicanus*). The geese and grackles were observed flying between the adjacent Town Center Lake and other ponds in the broader area. Red-winged blackbird (*Agelaius phoeniceus*) and Brewer's blackbird (*Euphagus cyanocephalus*) were also observed on the project site. Because of the location of the property in close proximity to the adjacent Town Center Lake, wildlife usage is primarily associated with species attracted to the water body which may opportunistically forage on site. Common urban species such as sparrows, doves and pigeons would also be expected to forage on-site. Only one mammal was observed, a foraging black-tailed jackrabbit (*Lepus californicus*). No other mammals, such as ground squirrels or gophers, were detected. The lack of prey greatly diminishes the potential use of the property by foraging raptors or other predators which could otherwise be expected to hunt over open grasslands. Additionally, the project site lacks nesting or denning habitats.

4.2.2.3 Special-Status Species

Special-status plant and wildlife species are defined in this report as those that are state or federally listed as Rare, Threatened or Endangered or are candidates or proposed for such listing, a federal Bird of Conservation Concern, a state Species of Special Concern, a state Fully Protected Animal, plants included on Lists 1 and 2 of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS Inventory), or a species that may otherwise be considered "Rare" under Section 15380 of the *State CEQA Guidelines*.



SOURCE: Salix Consulting, Inc., 2016

FIGURE 4.2-1

Aerial Photo of Project Site

Reported occurrences of special-status plants and wildlife species are documented in the California Natural Diversity Data Base (CNDDDB).¹ To identify special-status plant or wildlife species that have been reported as occurring in the vicinity of the project site, the CNDDDB was reviewed for the USGS 7.5-minute quadrangle on which the project site is located (Clarksville) and the eight surrounding quadrangles (Rocklin, Folsom, Folsom SE, Pilot Hill, Coloma, Shingle Springs, Buffalo Creek and Latrobe).

Special-Status Wildlife Species

The CNDDDB search identified 25 special-status wildlife species within a 5-mile radius of the project site (see **Appendix 4.2**). Many of these species require aquatic or vernal pool habitats, conditions that do not occur on the project site. Due to the disturbed condition of the project site, none of the previously reported wildlife species would utilize the site as primary habitat or territories, for the specific reasons discussed below.

- The site lacks aquatic habitats to support Central Valley steelhead, California red-legged frog, western spadefoot toad, western pond turtle, giant garter snake, bald eagle, and California black rail.
- The site lacks vernal pools and similar habitats that support special status invertebrate species unique to these habitats (vernal pool fairy shrimp and vernal pool tadpole shrimp). Special status invertebrates occur primarily on the valley floor and on hardpan soils. The project site is situated in the Sierran foothills and not on hardpan soils. There are no known nearby occurrences of special status invertebrates, and the site has no potential to support them.
- The site lacks the friable soils necessary to support coast horned lizard.
- The site lacks elderberry shrubs (*Sambuca nigra*) to support the Valley elderberry longhorn beetle.
- The site lacks suitable nesting habitat for birds, since it lacks large/tall trees, woodlands, or dense vegetation.

Five special-status birds are reported in the CNDDDB as occurring in the region. These are not expected to utilize the project site, as discussed below.

Bald eagle (*Haliaeetus leucocephalus*) - **California endangered; fully-protected species**. This species requires large bodies of water, or free-flowing rivers with nearby perches, including snags, large-limbed tall trees, or rocks near water. Due to the lack of suitable nesting and foraging sites, there is no potential for bald eagle to nest on the project site.

¹ California Department of Fish and Wildlife. California Department of Fish and Wildlife Natural Diversity Data Base. Commercial Version.

White-tailed kite (*Elanus leucurus*) - **California fully-protected**. This kite is typically found in grassy foothill slopes interspersed with oaks (including interior live oak, agricultural areas, and marshy bottomlands). Nests of white-tailed kite are constructed near the top of oaks, willows, or other tall trees from 20 to 100 feet above ground, in single isolated trees or trees within larger stands. White-tailed kites generally forage in undisturbed open grasslands, farmlands, meadows, and emergent wetlands, in areas with a high prey base. These kites are also known to forage over areas along roads, including highways. Nests of white-tailed kite are constructed near the top of oaks, willows, or other tall trees from 20 to 100 feet above ground. The CNDDDB documents nesting occurrences of white-tailed kite within the project region (CDFW 2016). However, based on the lack of habitat available in the project area, there is no potential for occurrence of white-tailed kite within the study area.

Burrowing owl (*Athene cunicularia*) - **California Species of Special Concern (nesting and some wintering sites)**. Burrowing owl occurs in association with open, dry grasslands, deserts, agricultural areas, and rangeland throughout the Central Valley. The species often occurs where numerous burrowing mammals are present and frequently occupy California ground squirrel burrows (Shuford and Gardali 2008). Burrowing owls may also use man-made structures such as debris piles, culverts, and cement piles for cover. The CNDDDB documents burrowing owl as occurring within a five-mile radius of the study area (CNDDDB 2016). There are no recorded occurrences of the species on or near the project site. No evidence of occurrence of this species was observed during the field assessment, and no suitable habitat, such as ground squirrel burrows, was observed throughout the highly disturbed area. Thus, there is no potential for burrowing owl to occur on the project site.

Swainson's hawk (*Buteo swainsoni*) - **California Threatened**. This hawk is an uncommon breeding resident and migrant in the Central Valley, where breeding and nesting primarily occurs in riparian woodland habitats and oak savannah and often near water (Beedy et al. 2013). Some nesting in urban woodland areas has also been recorded. Suitable foraging habitat for Swainson's hawk includes annual grassland, agricultural fields, fallow fields, low-growing row or field crops, and dry-land and irrigated pasture. The CNDDDB documents one previous observation of an adult Swainson's hawk within 5 miles of the study area (3.5 miles southwest of the project site along White Rock Road in Sacramento County in 1979 and 1982). Due to the absence of suitable nesting or foraging habitat for the species, there is no potential for Swainson's hawk to nest or forage on the project site. Swainson's hawk is confined to the valley floor in this region and is not known from the foothills area where the project site is located.

Special-Status Plant Species

The database search found that 21 special-status plant species have been documented in the vicinity of the project site. However, no special-status plant species have potential to occur on the project site due to

the disturbed condition of the site and/or the lack of suitable substrates and habitats. Specifically, the special-status plant species identified as occurring in the vicinity require vernal pools, marshes, or other wetland habitats, or gabbro/serpentine soils; the project site lacks these conditions.

The results of the database search are summarized in **Table 4.2-1, Special Status Species Reported for Nine Quad Area Surrounding the El Dorado Hills Apartments Project Site.**

4.2.2.4 Wildlife Movement Corridors

Wildlife corridors are described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or manmade obstacles such as urbanization. Fragmentation of natural habitat creates isolated “islands” of habitat that may not provide sufficient area or resources to accommodate sustainable populations for a number of species, adversely affecting both genetic and species diversity.

The project site does not contain any natural habitats that would support or protect wildlife movement. Furthermore, it is surrounded by development. Therefore, the site is not part of an established wildlife movement corridor.

4.2.2.5 Waters of the United States and Waters of the State

Wetlands, creeks, streams, and permanent and intermittent drainages are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under Section 404 of the Federal Clean Water Act. The CDFW also generally has jurisdiction over these resources pursuant to Sections 1602-1603 of the California Fish and Game Code. The project site is vacant and previously disturbed, and does not contain any jurisdictional waters.

The northwestern corner of the project site contained ponded water during the March 30, 2016 site visit (see **Figure 4.2-1, Aerial Photo**), but was dry during the second site visit on April 8, 2016.² Rainwater is prevented from flowing naturally off the property by an elevated berm along Mercedes Lane, paralleling the northern project boundary, and therefore retains water for short durations. Soil test pits excavated by Salix Consulting, Inc. did not indicate a reducing soil condition although annual wetland vegetation was growing in a portion of the ponded area (reducing soil would have indicated hydric soil conditions). Two wetland plant species found at this location were purslane speedwell (*Veronica peregrina subsp. xalapensis*)

² Another wet area was observed near the western central portion of the site by previous consultants who surveyed the site in 2014. However, that area was not observed during the April 2016 site visit conducted by Salix Consulting. The site is routinely disced for fire control and the area was leveled during routine maintenance.

**Table 4.2-1
Special Status Species Reported for Nine Quad Area
Surrounding the El Dorado Hills Apartments Project Site**

Species	Federal	Status*		Habitat	Occurrence Potential
		State	CNPS		
Plants					
Red Hills soaproot <i>Chlorogalum grandiflorum</i>	-	-	1B.2	Chaparral; cismontane woodland [serpentinite or gabbroic].	None. Site lacks gabbro/serpentine soils.
Jepson's Onion <i>Allium jepsonii</i>	-	-	1B.2	Cismontane woodland; lower montane coniferous forest; [serpentinite or volcanic]	None. Site lacks serpentine soils.
Stebbins' morning-glory <i>Calystegia stebbinsii</i>	FE	CE	1B.1	Chaparral (openings); cismontane woodland; [serpentinite or gabbroic].	None. Site lacks gabbro/serpentine soils.
Pine Hill flannelbush <i>Fremontodendron decumbens</i>	FE	CR	1B.2	Chaparral; cismontane woodland; [gabbroic or serpentinite].	None. Site lacks gabbro/serpentine soils.
Sanford's arrowhead <i>Sagittaria sanfordii</i>	-	-	1B.2	Marshes and swamps (assorted shallow freshwater)	None. Site lacks marshes/ swamps.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	-	-	1B.2	Cismontane woodland; valley and foothill grassland [sometimes serpentinite].	None. Site lacks suitable habitat.
Layne's ragwort <i>Packera layneae</i>	FT	CR	1B.2	Chaparral; cismontane woodland; [gabbroic or serpentinite].	None. Site lacks gabbro/serpentine soils.
El Dorado County mules ears <i>Wyethia reticulata</i>	-	-	1B.2	Chaparral; cismontane woodland; lower montane coniferous forest [clay or gabbroic]	None. Site lacks gabbro/serpentine soils
Dwarf downingia <i>Downingia pusilla</i>	-	-	2B.2	Valley and foothill grassland (mesic); vernal pools	None. Site lacks vernal pools and similar habitat.
Legenere <i>Legenere limosa</i>	-	-	1B.1	Vernal pools and similar wetlands	None. Site lacks vernal pools and similar habitat.
Ahart's dwarf rush <i>Juncus leiospermus ahartii</i>	-	-	1B.2	Vernal pools	None. Site lacks vernal pools and similar habitat.
Bogg's Lake hedge-hyssop <i>Gratiola heterosepala</i>	-	CE	1B.2	Marshes and swamps (lake margins); vernal pools. Below 1200m.	None. Site lacks vernal pools and similar habitat.

Species	Status*			Habitat	Occurrence Potential
	Federal	State	CNPS		
Sacramento Valley Orcutt grass <i>Orcuttia viscida</i>	FE	CE	1B.1	Vernal pools.	None. Site lacks vernal pools and similar habitat.
Slender Orcutt grass <i>Orcuttia tenuis</i>	FT	CE	1B.1	Vernal pools	None. Site lacks vernal pools and similar habitat.
Pincushion navarretia <i>Navarretia myersii myersii</i>	-	-	1B.1	Vernal pools.	None. Site lacks vernal pools and similar habitat.
Pine Hill ceanothus <i>Ceanothus roderickii</i>	FE	CR	1B.1	Chaparral; cismontane woodland; [serpentinite or gabbroic].	None. Site lacks gabbro/serpentine soils
Eldorado bedstraw <i>Galium californicum sierrae</i>	FE	CR	1B.2	Chaparral; cismontane woodland; lower montane coniferous forest [gabbroic]	None. Site lacks gabbro/serpentine soils
Red Hills soaproot <i>Chlorogalum grandiflorum</i>	-	-	1B.2	Chaparral; cismontane woodland; [serpentinite or gabbroic]	None. Site lacks gabbro/serpentine soils
Starved daisy <i>Erigeron miser</i>	-	-	1B.3	Upper montane coniferous forest (rocky, usually granite)	None. Site lacks suitable habitat. Outside range of species.
Parry's horkelia <i>Horkelia parryii</i>	-	-	1B.2	Chaparral; cismontane woodland; [especially Ione formation]	None. Site lacks gabbro/serpentine soils
Tuolumne button-celery <i>Eryngium pinnatisectum</i>	-	-	1B.2	Cismontane woodland; valley and foothill grassland; vernal pools [mesic]	None. No vernal pools or similar wetlands onsite.
Invertebrates					
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	-		Vernal pools and other temporary bodies of water in southern and Central Valley of CA. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	None. No vernal pools or similar wetlands onsite.
Midvalley fairy shrimp <i>Branchinecta mesovallensis</i>	--	sa		Vernal pools and other temporary bodies, including roadside puddles. Tolerate shallower pools and less ponded area than other fairy shrimp, with low to moderate dissolved salts. Commonly on riverbank geologic formations and low terrace, basin rim and volcanic mudflow landforms.	None. No vernal pools or similar wetlands onsite.

Species	Status*		Habitat	Occurrence Potential
	Federal	State		
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	-	Vernal pools and swales in the Sacramento Valley with clear to highly turbid water; pools commonly found in grass-bottomed swales of unplowed grasslands; some pools mud-bottomed and highly turbid.	None. No vernal pools or similar wetlands onsite.
Insects				
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT	sa	For most of its life cycle, requires host plant (<i>Sambucus nigra</i>) with stem diameters at ground level of 1" or greater. Shrubs must be located less than 3,000 ft. elevation.	No elderberry shrubs present onsite. Last area report in 2013 over 15 miles to the NW.
Fish				
Steelhead, Central Valley ESU <i>Oncorhynchus mykiss irideus</i>	FT	-	Occurs below man-made impassable barriers in the Sacramento and San Joaquin rivers and tributaries. Yuba River has essentially the only remaining wild steelhead fishery in Central Valley.	No suitable habitat present.
Delta smelt <i>Hypomesus transpacificus</i>	FT	CT	Endemic to Sacramento-San Joaquin delta in coastal and brackish waters, seasonally in Suisun and San Pablo Bays. Usually spawns in dead-end sloughs, shallow channels.	No suitable habitat present. Outside range of species.
Amphibians				
California red-legged frog <i>Rana draytonii</i>	FT	SSC	Ponds and deeper pools along streams with emergent or overhanging vegetation. Surface water to at least June.	No suitable habitat present onsite.
Foothill yellow-legged frog <i>Rana boylei</i>	-	SSC	Found in partially-shaded, shallow streams with rocky substrates. Needs some cobble-sized rocks as a substrate for egg-laying. Requires water for 15 weeks for larval transformation.	No suitable habitat present onsite.

Species	Federal	Status*		Habitat	Occurrence Potential
		State	CNPS		
Western spadefoot <i>Spea hammondi</i>	-	SSC		Found primarily in grassland habitats, but may occur in valley and foothill woodlands. Requires vernal pools, seasonal wetlands, or stock ponds for breeding and egg-laying.	No suitable habitat is present onsite.
Reptiles					
Giant garter snake <i>Thamnophis gigas</i>	FT	CT		Primarily associated with marshes and sloughs, less with slow-moving creeks, and absent from larger rivers.	No suitable habitat present onsite.
Western pond turtle <i>Actinemys marmorata</i>	-	SSC		Inhabits ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. Needs suitable backing sites and upland habitat for egg-laying.	No suitable habitat present onsite, however, turtles could occur in the adjacent Town Center Lake.
Coast horned lizard <i>Phrynosoma blainvillii</i>	-	SSC		Open lowlands, washes, sandy areas with exposed gravelly-sandy substrate containing scattered shrubs. Edge of Sacramento Valley and in Sierra foothills. Also observed in riparian woodland clearings and dry uniform chamise chaparral.	No suitable habitat present onsite. Site lacks friable soils and is highly disturbed.
Birds					
White-tailed kite <i>Elanus leucurus</i>	-	CFP		Found in lower foothills and valley margins with scattered oaks and along river bottomlands or marshes adjacent to oak woodlands. Nests in trees with dense tops.	No nesting or foraging habitat onsite.
Bald eagle <i>Haliaeetus leucocephalus</i>		CE, CFP		Occurs along shorelines, lake margins, and rivers. Nests in large old-growth or dominant trees with open branches.	No nesting or foraging habitat present onsite.
California black rail <i>Laterallus jamaicensis coturnculus</i>	-	CT		Inhabits salt, fresh, and brackish water marshes with little daily and/or annual water fluctuations. In freshwater habitats, preference is for dense bulrush and cattails.	No suitable habitat (wetlands) present onsite.

Species	Federal	Status*		Habitat	Occurrence Potential
		State	CNPS		
Swainson's hawk <i>Buteo swainsoni</i>		CT		Breeds in open areas with scattered trees; prefers riparian and sparse oak woodland habitats. Requires nearby grasslands, grain fields, or alfalfa for foraging. Rare breeding species in Central Valley.	No suitable nesting habitat or foraging habitat present onsite.
Golden eagle <i>Haliaeetus leucocephalus</i>			CFP	Found in rolling foothill grassland with scattered trees. Nests on cliffs and in large trees in open areas.	No suitable nesting habitat or foraging habitat present onsite.
Burrowing owl <i>Athene cunicularia</i>			SSC	Found in annual and perennial grasslands. Nests in burrows dug by small mammals, primarily ground squirrels	No suitable burrowing habitat present onsite.
Bank swallow <i>Riparia riparia</i>			CT	Colonial nester near riparian and other lowland habitats. Requires vertical banks or cliffs with fine-textured, sandy soils near streams, rivers, and lakes.	No suitable habitat (river) present onsite.
Tri-colored blackbird <i>Agelaius tricolor</i>			CE	Colonial nester in dense cattails, tules, brambles, or other dense vegetation. Requires open water, dense vegetation, and open grassy areas for foraging.	No suitable habitat present onsite.
Purple martin <i>Progne subis</i>	-		SSC	Breeds in riparian woodland, open coniferous forest. Secondary cavity nester. Requires nest sites close to open foraging areas of water or land	No suitable nesting habitat onsite.
Grasshopper sparrow <i>Ammodramus savannarum</i>	-		SSC	Breeds in grasslands and savannahs in rolling hills. Favors native grasslands with a mix of grasses, forbs, and scattered shrubs. Loosely colonial when nesting.	No suitable habitat present onsite.

Species	Status*		Habitat	Occurrence Potential
	Federal	State		
Mammals				
Pallid bat <i>Antrozous pallidus</i>	-	SSC	Occurs in grasslands, woodlands, deserts, and urban habitats. Open habitat required for foraging. Common in dry habitats with rocky outcrop, cliffs, and crevices for roosting. Roosts include caves, mines, bridges, and occasionally hollow trees, buildings.	No suitable roosting structures present onsite.
Fisher – West Coast DPS <i>Pekania pennanti</i>	FPT	CCT/SSC	Occurs in intermediate to large-tree stage coniferous forests and riparian woodlands with high percent level of canopy closure.	No suitable habitat present onsite.
American badger <i>Taxidea taxus</i>	-	SSC	Occurs in dry, open soils in herbaceous, shrub, and forest habitats. Needs friable, uncultivated soil. Preys on rodents.	No suitable habitat present onsite.

*Status Codes:

Federal

FE Federal Endangered
 FPT Federal Proposed Threatened
 FT Federal Threatened

CNPS

Rank 1B Rare, Threatened, or Endangered in California
 Rank 2 R, T, or E in California, more common elsewhere
¹Seriously threatened in California
²Fairly threatened in California

State

CC California Candidate
 CE California Endangered
 CFP California Fully Protected
 CR California Rare
 CT California Threatened
 SSC California Species of Concern
 sa California Special Animal (species with no official federal or state status, but are included on CDFG's Special Animals list)

and hyssop loosestrife (*Lythrum hyssopifolia*). Ponding at this location is an artifact of seasonal grading and a very low berm at the corner of the property. This location does not qualify as a wetland or as waters of the United States

4.2.3 REGULATORY CONSIDERATIONS

4.2.3.1 Federal and State Laws and Regulations

Federal Endangered Species Act

Under the federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as Threatened or Endangered (16 United States Code [USC] 1533[c]). Pursuant to the requirements of the FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed or proposed species may be present in the project region, and whether the proposed project would result in a "take" of such species. The "take" provision of the FESA applies to actions that would result in injury, death, or harassment of a single member of a species protected under the Act. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under the FESA, or result in the destruction or adverse modification of critical habitat for such species (16 USC 1536[3][4]). If it is determined that a project may result in the "take" of a federally listed species, a permit from the U.S. Fish and Wildlife Service (USFWS) would be required under Section 7 or Section 10 of the FESA. Section 7 applies if there is a federal nexus (e.g., the project is on federal land, the lead agency is a federal entity, a permit is required from a federal agency, or federal funds are being used). Section 10 applies if there is no federal nexus.

There are no FESA-listed species or their habitats that occur on or near the project site that would be affected by project implementation.

Clean Water Act

The Federal Water Pollution Control Act of 1972, often referred to as the Clean Water Act, is the nation's primary law for regulating discharges of pollutants into waters of the United States. The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The regulations adopted pursuant to the Act deal extensively with the permitting of actions in waters of the United States, including wetlands. The U.S. Environmental Protection Agency (US EPA) has primary authority under the Clean Water Act to set standards for water quality and for effluents, but the USACE has primary responsibility for permitting the discharge of dredge or fill materials into streams, rivers, wetlands, and other waters of the United States.

There are no regulated wetlands or other waters of the United States on the project site.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Section 703, Supplement I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The Act encompasses whole birds, parts of birds, and bird nests and eggs.³

There are no mature trees or other suitable habitat for nesting birds (i.e., burrowing owls) on the project site, although small trees are present along the project site perimeter and additional nesting habitat is present along the Town Center Lake edge near the project site.

California Endangered Species Act

Under the California Endangered Species Act (CESA), the CDFW has the responsibility for maintaining a list of Threatened and Endangered species (California Fish and Game Code Section 2070). The CDFW also maintains a list of “candidate species,” which are species formally under review for addition to either the list of Endangered species or the list of Threatened species. In addition, the CDFW maintains lists of “species of special concern,” which serve as watch lists. Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed Endangered or Threatened species could be present on the project site and determine whether the proposed project could have a potentially significant impact on such species.

There are no CESA Endangered or Threatened species, or California species of special concern, on or near the project site that would be affected by project implementation.

California Native Plant Protection Act

State listing of plant species began in 1977 with the passage of the California Native Plant Protection Act (NPPA), which directed the CDFW to carry out the legislature’s intent to “preserve, protect, and enhance Endangered plants in this state.” The NPPA gave the California Fish and Wildlife Commission the power to designate native plants as Endangered or Rare and to require permits for collecting, transporting, or selling such plants. The CESA expanded upon the original NPPA and enhanced legal protection for plants. There are three listing categories for plants in California: Rare, Threatened, and Endangered.

³ The Act covers hundreds of birds, including varieties of loon, grebe, albatross, booby, pelican, cormorant, heron, stork, swan, goose, duck, vulture, eagle, hawk, falcon, fail, plover, avocet, sandpiper, phalarope, gull, tern, murre, puffin, dove, cuckoo, roadrunner, owl, swift, hummingbird, kingfisher, woodpecker, swallow, jay, magpie, crow, wren, thrush, mockingbird, vireo, warbler, cardinal, sparrow, blackbird, finch, and many others.

There are no state-listed plants on the project site.

California Fish and Game Code

The California Fish and Game Code provides a variety of protections for species that are not federally or state-listed as Threatened, Endangered, or of special concern.

- Section 3503 protects all breeding native bird species in California by prohibiting the take,⁴ possession, or needless destruction of nests and eggs of any bird, with the exception of non-native English sparrows and European starlings (Section 3801).
- Section 3503.5 protects all birds of prey (in the orders Falconiformes and Strigiformes) by prohibiting the take, possession, or killing of raptors and owls, their nests, and their eggs.
- Section 3513 of the code prohibits the take or possession of migratory nongame birds as designated in the Migratory Bird Treaty Act or any parts of such birds except in accordance with regulations prescribed by the Secretary of the Interior.
- Section 3800 of the code prohibits the taking of nongame birds, which are defined as birds occurring naturally in California that are not game birds or fully protected species.
- Section 3511 (birds), Section 5050 (reptiles and amphibians), and Section 4700 (mammals) designate certain wildlife species as fully protected in California.

4.2.3.2 Local Plans and Policies

County of El Dorado General Plan

The following presents guiding and implementing policies from the current County of El Dorado General Plan (2004) relevant to biological resources and contained within the Conservation and Open Space Element.

GOAL 7.3: WATER QUALITY AND QUANTITY: Conserve, enhance, and manage water resources and protect their quality from degradation.

OBJECTIVE 7.3.3: WETLANDS: Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

⁴ "Take" in this context is defined in Section 86 of the California Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill."

Policy 7.3.3.4

The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas. Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project.

Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned Conservation and Open Space Element El Dorado County General Plan Page 144 (Amended December 2015) July 2004 lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

OBJECTIVE 7.3.5: WATER CONSERVATION: Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops and for other irrigation and wildlife enhancement projects.

Policy 7.3.5.1 Drought-tolerant plant species, where feasible, shall be used for landscaping of commercial development. Where the use of drought tolerant native plant species is feasible, they should be used instead of non-native plant species.

GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES. Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

OBJECTIVE 7.4.1: RARE, THREATENED, AND ENDANGERED SPECIES: The County shall protect State and federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws.

Policy 7.4.1.6 All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M). The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the county and in the creation and implementation of the INRMP.

OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES: Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.

Policy 7.4.2.5 Setbacks from all rivers, streams, and lakes shall be included in the Zoning Ordinance for all ministerial and discretionary development projects.

General Plan - Important Biological Corridor

The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Figures 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the IBC overlay district are subject to the following provisions, as long as they do not interfere with agricultural practices:

- Increased minimum parcel size;

- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

El Dorado County Zoning Ordinance

Section 130.30.030 of the County’s Zoning Ordinance contains the following provisions related to setbacks for the protection of wetlands and sensitive riparian habitats.

G. Protection of Wetlands and Sensitive Riparian Habitat

1. **Content.** This subsection establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat as provided in General Plan Policies 7.3.3.4 (Wetlands) and 7.4.2.5 (Identify and Protect Resources).
2. **Applicability.** The standards in this subsection apply to all ministerial or discretionary development proposed adjacent to any perennial streams, rivers or lakes, any intermittent streams and wetlands, as shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey (USGS) Quadrangle maps, and any sensitive riparian habitat within the county. Activities regulated under this subsection include those activities also regulated under the federal Clean Water Act (33 U.S.C. § 1251 et seq.) and California Fish and Game Code (Sections 1600-1607). These standards do not apply to culverted creeks and engineered systems developed or approved by the County or other public agency for collection of storm or floodwaters, or systems other than natural creeks designed to deliver irrigation or water supplies. Additional standards applicable to the design of new developments or subdivisions are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.
3. **Use Regulations.**

- a. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Where avoidance and minimization are not feasible, the county shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.
- b. Any new development which does not avoid impacts to wetlands and sensitive riparian habitat shall prepare and submit a Biological Resource Evaluation identifying the location of all features regulated under this section.
- c. An applicant shall obtain all required permits from state or federal agencies having jurisdiction, and shall fully implement any mitigation program required as a condition of such permit. Where the area impacted is not within federal or state jurisdiction, the county shall require appropriate mitigation as recommended in a biological resource evaluation.
- d. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.
- e. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level. Where all impacts are not reasonably avoided, the biological resource evaluation shall identify mitigation measures that may be employed to reduce the significant effects. These mitigation measures may include the requirement for compliance with the mitigation requirements of a state or federal permit, if required for the proposed development activity.
- f. Any setback or buffer required by this subsection shall be measured from the ordinary high water mark of a river, perennial or intermittent stream, and the ordinary high water mark or spillway elevation of a lake or reservoir.
- g. Except where otherwise provided in this section, filling, grading, excavating or obstructing streambeds is prohibited except where necessary for placement of storm drain and irrigation outflow structures approved by the county; placement of public and private utility lines; construction of bridges and connecting roadways; maintenance activities necessary to protect public health and safety; and creek restoration and improvement projects.
- h. All new septic system construction shall comply with standards established by the Environmental Management Department, or applicable state and federal regulations for setbacks from lakes, rivers and streams.

- i. Projects within the joint jurisdiction of the County and the Tahoe Regional Planning Agency (TRPA) shall be subject to setbacks established by TRPA.
4. Exceptions; Uses allowed. The following uses are allowed:
- a. Native landscaping;
 - b. Fencing, consistent with the provisions of Subsection 130.30.050.B (Fences, Walls, and Retaining Walls - Front Yards), that does not interfere with the flow of waters or identified wildlife migration corridors;
 - c. Roads or driveways used primarily for access or for the maintenance of a property;
 - d. Utilities;
 - e. Storm drains into riparian areas and creeks;
 - f. Trails and passive recreational activities not involving the establishment of any structures;
 - g. Boat ramps, docks, piers, and related features used for private purposes, subject to applicable local, state, or Federal regulations.
 - h. Construction and maintenance of bridges, culverts, rip-rap, and other drainage facilities.
 - i. Agricultural activities that utilize best management practices (BMPs), as recommended by the Ag Commission and adopted by the Board.

4.2.4 IMPACTS AND MITIGATION MEASURES

4.2.4.1 Significance Criteria

In accordance with Appendix G of the *State CEQA Guidelines*, the impact of the proposed project on biological resources would be considered significant if it would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means;

- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan; or
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.2.4.2 Issues adequately addressed in the Initial Study

As noted in the Initial Study and shown on the County's Integrated Natural Resources Management Plan (INRMP) Initial Inventory Map (Exhibit 10), the project site is not within the boundaries of a Priority Conservation Area, an Important Biological Corridor, an adopted Habitat Conservation Plan (HCP), a Natural Community Conservation Plan (NCCP), or any other conservation plan, including those specifically listed in Exhibit 10. As such, the proposed project would not conflict with an adopted HCP or NCCP. There would be no impact and no further analysis of this issue is necessary in the EIR.

4.2.4.3 Methodology

The analysis below compares identified impacts to the standards of significance stated above and determines the impact's level of significance under CEQA. If the impact is determined to be significant, the analysis identifies feasible mitigation measures to eliminate the impact or reduce it to a less than significant level. If the impact cannot be reduced to a less than significant level after implementation of all feasible mitigation measures, then the impact is identified as significant and unavoidable.

4.2.4.4 Project Impacts and Mitigation Measures

Impact BIO-1: **The proposed project would not adversely affect candidate, sensitive, or special-status species or their habitat. (No Impact)**

As explained in **Section 4.2.2** above, no candidate, sensitive, or special-status plants or wildlife species were found or are expected to occur on the project site because of lack of suitable habitat. Furthermore, the proposed project would not eliminate habitat important to the long-term survival of any candidate, sensitive, or special-status species. Therefore, no impacts to candidate, sensitive, or special-status plant or wildlife species would result from the construction and operation of the project.

Mitigation Measures: No mitigation measures are required.

Impact BIO-2: **The proposed project would not directly or indirectly affect any riparian habitat, sensitive natural community, or wetlands nor interfere with the movement of any wildlife species, but project construction noise could affect nesting birds. (*Potentially Significant; Less than Significant with Mitigation*)**

The project site does not contain riparian or wetland habitat or other sensitive natural community and would therefore not directly affect such resources. The project site is adjacent to the man-made Town Center Lake, which was developed as mitigation for the development of the Town Center. Although this is not a natural lake, the lake does provide habitat for aquatic and wetland species of plants and animals. Runoff from the project site during construction could contain sediment and result in excess siltation of the lake, which in turn could impact aquatic species by creating increased turbidity and siltation. Other contaminants, such as fuels and lubricants, could also be inadvertently discharged into the lake from construction runoff, adversely affecting biological resources in the lake. This would be considered a potentially significant impact. However, as discussed in the Hydrology and Water Quality section beginning on page 43 of the Initial Study, and as authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Permit Program, which controls water pollution by regulating point sources that discharge pollutants into waters of the United States, is in place. All construction projects that disturb 1.0 or more acre of land are required to obtain coverage under SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a storm water pollution prevention plan (SWPPP). The SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants. Additionally, SWPPPs must address development post-construction requirements pursuant to municipality standards, or state standards if the municipality does not have standards. Compliance with and implementation of the legally required standard conditions detailed above would ensure the proposed project would not violate any water quality standards or waste discharge requirements that could adversely affect biological resources in the lake. Impacts would be less than significant.

The project site does not contain natural habitats or important biological resources and is surrounded by existing development and roads on three sides. As such, it does not provide habitat connectivity between

undeveloped lands and is not part of a regional wildlife movement corridor. Therefore, there would be no impact to wildlife movement from the development of the proposed project.

As noted above, the federal MBTA and California Fish and Game Code provide for the protection of numerous bird species, including the protection of birds during the time that they are breeding or nesting. Although mature trees provide suitable nesting habitat for most bird species, some bird species also nest in smaller trees and on the ground. The site does not contain any mature trees but does support a few small trees, including cottonwoods, along the site perimeter. The project site does not contain any suitable habitat for ground nesting birds (e.g., burrowing owls). Therefore the project would not directly affect any ground nesting birds. However, the small trees on the project site perimeter and the trees present along the edge of the Town Center Lake near the project site could be used by nesting birds. Should project construction occur during the breeding season (February 1 through August 31), loud noise associated with construction activity would have the potential to disturb nesting occurring in close proximity to the construction zone and result in the abandonment of an active nest. The loss of an active nest is considered a potentially significant impact.

Mitigation Measure BIO-2 would be implemented to mitigate impacts to special-status birds and non-special status birds protected under the MBTA and the Fish and Game Code to a less than significant level.

Mitigation Measures:

BIO-2 For the protection of birds species protected by the Migratory Bird Treaty Act and the California Fish and Game Code, project activities shall occur during the non-breeding bird season to the extent feasible (September 1 – January 31). However, if site clearance, grading, or initial ground-disturbing activities must occur during the breeding season (February 1 through August 31), a survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of these activities. The survey shall be conducted in a sufficient area around the work site to identify the location and status of any nests that could potentially be affected by project activities.

If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, a work exclusion zone shall be established around each nest by a qualified biologist. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers and ambient sound levels, and other factors; an

exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest.

Significance after Mitigation: Less than significant

Impact BIO-3: The proposed project would not conflict with local policies protecting biological resources. (No Impact)

The project site does not contain biological resources protected by the policies of El Dorado County.

El Dorado County General Plan Policies 7.3.3.4 and 7.4.2.5 require setbacks from wetlands, rivers, streams and lakes. Specifically, El Dorado County General Plan Policy 7.3.3.4 provides:

“The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are

minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.”

General Plan Policy 7.4.2.5 provides:

“Setbacks from all rivers, streams, and lakes shall be included in the Zoning Ordinance for all ministerial and discretionary development projects.”

As noted earlier in this section, El Dorado County has provided some guidance in the Zoning Ordinance Chapter 130.30. General Development Standards, Section 130.30.030 - Setback Requirements and Exceptions, but no numeric standard is provided.

G. Protection of Wetlands and Sensitive Riparian Habitat

- b. Any new development which does not avoid impacts to wetlands and sensitive riparian habitat shall prepare and submit a Biological Resource Evaluation identifying the location of all features regulated under this section.

- e. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level. Where all impacts are not reasonably avoided, the biological resource evaluation shall identify mitigation measures that may be employed to reduce the significant effects. These mitigation measures may include the requirement for compliance with the mitigation requirements of a state or federal permit, if required for the proposed development activity.

Town Center Lake is a man-made water body and the above provisions do not apply to the waterbody. Nonetheless, because riverine and wetland habitat associated with the lake are present immediately adjacent to the western side of the project site, a biological resource evaluation was completed for the proposed project which indicates that sensitive biological resources such as special-status wildlife species are not present in the area of the Town Center Lake. Furthermore, the project would not construct any facilities that would require any work in the lake or the removal of the riparian habitat present along the lake adjacent to the project site. An existing paved walkway and landscaped area lies between the project site and these aquatic habitats, providing a setback of approximately 30 feet. In addition, the project development is set back further from the property line. As described in **Chapter 3.0, Project Description**, the site perimeter along Town Center Lake would consist of an emergency vehicle access (EVA) lane and a natural transition area. The EVA would run parallel to the west side of Building 1. It would not be a paved surface but would consist of turf blocks of special hybrid grasses specifically cultivated to be cut as

a lawn grass, but may be allowed to grow taller as a meadow grass. Between the EVA lane and the existing paved pathway along the lake, the generally sloped area would serve as a natural transition area and would be landscaped with pines, pistache, and hawthorn trees. Under-story plantings would consist of drought tolerant native shrubs, ground covers, and ornamental grasses. Therefore, the project would be adequately set back from the lake.

El Dorado County Policy 7.4.1.6 requires avoidance of habitat disturbance or fragmentation. The project site is disturbed and does not itself provide important habitat, nor is it located in an area containing such habitats.

El Dorado County Policy 7.3.5.1 requires use of drought-tolerant plant species in landscaping, where feasible. The landscape plan for the project incorporates drought-tolerant plant species.

In summary, the proposed project would not conflict with local policies for the protection of biological resources. No impact would occur.

Mitigation Measures: No mitigation measures are required.

4.2.4.5 Cumulative Impacts and Mitigation Measures

Cumulative Impact C-BIO-1: The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative impacts on biological resources. (*Less than Significant*)

Cumulative development includes closely related past, present, and reasonably foreseeable development that could affect the same biological resources as the proposed project in such a way that a significant cumulative impact could occur. The project vicinity has been substantially built-out, including commercial development on three sides of the project site and permanent open space on the fourth side. Freeways and other major transportation corridors crisscross the area. Pockets of undeveloped land are isolated from each other and from the project site, further reducing biological values.

Given the previously disturbed condition of the proposed project, the proposed project would not result in a substantial loss of undeveloped land or wildlife habitat or any impacts on special-status plant or wildlife species on the project site, nor would it contribute to the cumulative loss of such biological

resources. Consequently, the project would not contribute substantially towards cumulative impacts to sensitive biological resources in the project region.

Mitigation Measures: No mitigation measures are required.

4.2.5 REFERENCES

- Beedy, Edward C., E. Pandolfino, and K. Hansen. 2013. *Birds of the Sierra Nevada*. University of California Press.
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- Shuford, W. David and Thomas Gardali. 2008. *California Bird Species of Special Concern – A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California*.