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## APPENDIX A

### BIOLOGICAL RESOURCES RECONNAISSANCE SURVEY AND CEQA ANALYSIS

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## Report of Findings

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### **Biological Resources Reconnaissance Survey and CEQA Analysis**

Leidesdorff Village Project  
Planned Development Permit  
1108 Sutter Street, Folsom, CA

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Date of Biological Resources Reconnaissance Survey: October 16, 2011  
Date of Report: November 18, 2011

# 1 SUMMARY

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The proposed Leidesdorff Village was evaluated for potential impacts to biological resources. Previous studies include a 2003 Biological Resources Survey conducted by EIP Associates, a 2003 subsurface study conducted by PAR Environmental, Inc., a 2003 Arborist report by Arborist for Hire, a 2006 Arborist report by Sierra Nevada Arborists and a 2010 Arborist report by Kemper Tree Care. A biological reconnaissance survey was conducted by professional biologist Julia Dumars on October 16, 2011. The results of these surveys were analyzed to determine the Leidesdorff Village project's potential impact to biological resources. The project will result in the removal of 103 trees, including 51 interior live oak trees which meet the definition of protected native oak trees, and 7 interior live oak trees that meet the definition of protected heritage trees. Removal of these trees would conflict with local tree preservation policy without mitigation and may have an adverse impact on special status birds if they are removed during nesting season. Additionally, the project construction will result in potential adverse impacts without mitigation to a mature blue elderberry shrub that has borer holes indicating use by valley elderberry longhorn beetle, a species listed as threatened by the United States Fish and Wildlife Service.

## 2 INTRODUCTION

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### 2.1 PURPOSE OF THE STUDY

The purpose of this report is to describe the findings of a biological resources reconnaissance survey and CEQA Analysis conducted for the Leidesdorff Village Project at 1108 Sutter Street in Folsom, CA. The Biological Reconnaissance Survey was conducted October 16, 2011 to determine current conditions at the project site, determine whether substantial changes to the environment have occurred since the 2003 biological survey, and determine current presence, location and/or extent of biological resources in the proposed project vicinity. The CEQA Analysis included a review of previous studies and current conditions to evaluate the project's potential impact to biological resources pursuant to CEQA standards.

### 2.2 APPLICABLE LAWS AND REGULATIONS

Relevant federal, state and local regulations that govern the biological resources of the project area are briefly explained in this section, organized by type of resource; special status species, trees, and wetlands.

#### 2.2.1 SPECIAL STATUS PLANT AND WILDLIFE SPECIES

According to CEQA Guidelines Section 15380, a special status species is a plant or animal species that is:

- Listed endangered, threatened, or a candidate species under the federal Endangered Species Act;
- Listed endangered, threatened, or a candidate species under the California Endangered Species Act;
- Listed as a species of special concern by the California Department of Fish and Game or the Department of Forestry (CDF);

- A plant species that is on the California Native Plant Society's (CNPS) List 1 or 2; and/or
- Considered rare, threatened, or endangered under CEQA Guidelines 15380(d) as the species survival is in jeopardy due to loss or change in habitat.

In addition, species protected by specific federal or state acts or local ordinances are here considered as special status species.

#### FEDERAL

Endangered Species Act: The federal Endangered Species Act (ESA) was passed to protect species threatened with extinction and provides measures to prevent and alleviate the loss of species and their habitats. The ESA prohibits take of a listed species, as well as trade in endangered or threatened species. If potential exists for a proposed project to adversely affect federally listed, proposed, or candidate species, then consultation with USFWS is required.

If there is no federal involvement in a proposed project, the applicant must consult with USFWS under Section 10 of the ESA. Section 10 of the ESA allows USFWS to issue a permit for take of a listed species incidental to, and not for the purpose of, carrying out an otherwise lawful activity. The action may not jeopardize the continued existence of a listed species or its critical habitat. A Habitat Conservation Plan (HCP) must be prepared and approved by FWS prior to issuing a permit under Section 10.

*One federally listed Threatened species has potential habitat in the project area: valley elderberry longhorn beetle.*

Migratory Bird Treaty Act of 1918. This Act protects migratory birds and their nests. Under the Act, it is unlawful to take, import, export, possess, buy, sell, purchase, or barter any migratory bird. Feathers or other parts, nests, eggs, and products made from migratory birds are also covered by the Act. Take is defined as pursuing, hunting, shooting, poisoning, wounding, killing, capturing, trapping, or collecting.

*Two bird species of special concern have potential habitat in the project area and are classified as migratory birds protected by the Act: white tailed kite and tricolored blackbird. Several other migratory birds also have potential habitat in the project area or are known to occur including (but not limited to): barn owl, great horned owl, long eared owl, Cooper's hawk, red shouldered hawk, red tailed hawk and Anna's hummingbird.*

#### STATE OF CALIFORNIA

California Endangered Species Act. The California Endangered Species Act (CESA) was enacted to protect fish, wildlife, and plant species in danger of, or threatened with, extinction in the State of California (Fish and Game Code §2051). CESA prohibits "take" of a state-listed species. Take is defined as "hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill" (Fish and Game Code §86).

*There are no state-listed species with potential habitat in the area of the proposed project.*

Unlawful Destruction of Nest or Eggs, Fish and Game Code Section 3503. This section of the California Fish and Game Code prohibits the take, possession or needless destruction of nests or eggs of birds.

Fully Protected Birds, Fish and Game Code Section 3511. This section of the California Fish and Game Code provides particular and special state protection to a list of 13 bird species from take or possession.

*One fully protected species is white-tailed kite, which is known is likely to occur in the vicinity.*

Migratory Bird Treaty Act, Fish and Game Code Section 3513. This section of the California Fish and Game Code complies with and strengthens state support for the federal Migratory Bird Treaty Act. The section makes it unlawful to take or possess any nongame migratory bird or part of any such migratory nongame bird except under the special provisions in the federal Migratory Bird Treaty Act.

#### CITY OF FOLSOM

##### City of Folsom General Plan Open Space and Conservation Element

The element identifies goals and policies for conservation of resources within the city boundaries. Goal 25 states “wherever feasible, to preserve, acquire, rehabilitate, enhance and maintain the identified resources for the use and enjoyment of present and future generations” (City of Folsom, 1988). Policy 25.4 states “the City shall require that a qualified biologist conduct a vegetative/wildlife field survey, and analysis prior to consideration of development applications for projects within or adjacent to sensitive habitat areas and potential habitats for sensitive wildlife and floral species.” (City of Folsom, 1988)

City of Folsom Wetland and Riparian Habitat Management Ordinance. The ordinance requires protection of “sensitive habitat”. Under the Ordinance, “sensitive habitat” is defined as habitat which supports unique vegetation communities as defined in the 1988 Folsom General Plan Open Space and Conservation Element Goal 25, or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the State of California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code §15000 et seq.). According to the Ordinance, sensitive habitat includes the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning, of a balanced natural ecosystem or which serves as a functioning wildlife corridor.

*Three special status species are known to occur or have potential habitat within or adjacent to the current project area. Project impacts on these species will require mitigation and monitoring measures.*

#### 2.2.2 TREES

##### CITY OF FOLSOM

Tree Preservation Ordinance (Chapter 12.16). The City of Folsom has established an ordinance to preserve and protect trees within the city limits (City of Folsom 2007). This ordinance specifically protects native oak, heritage, landmark and street trees and requires mitigation specific to the species and size of trees impacted. Protected trees are defined as follow:

- “Native oak tree” is any oak tree over 6 inches in diameter at breast height (dbh) of the species *Quercus lobata* (valley oak), *Q. douglasii* (blue oak), *Q. wislizenii* (interior live oak), or hybrids thereof, or a multi-trunked native oak tree having an aggregate dbh of 20 inches or more.
- “Heritage tree” is a native oak tree over 19 inches dbh or a multi-trunked native oak tree having an aggregate diameter of 38 inches or more dbh.

- “Landmark tree” is a tree or group of trees determined by the City Council to be a significant community benefit”
- “Street tree” is any tree growing within the City’s tree maintenance strip and contained on the master tree list.

*A 2010 tree inventory documented 161 trees on the project site including 90 native oaks. According to the March 2011 tree removal exhibit, 51 native interior oaks with a dbh over 6 inches will be removed for the project. Seven trees that meet the definition of “heritage” tree will be removed. Additional trees may be damaged by project construction. Project impacts on these trees will require mitigation measures.*

### 2.2.3 WETLANDS

#### FEDERAL

Section 404 of the Clean Water Act. The primary purpose of the Clean Water Act (CWA) is to allow the regulation of water quality through the restriction of pollution discharges. Section 404 of the CWA gives the Army Corps of Engineers (Corps) the authority to regulate discharge of dredged or fill materials. Any project which would locate a structure, excavate, or discharge dredged or fill material into “waters of the United States” is required to be permitted by the Corps. The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the Code of Federal Regulations (CFR).

*Two topographic drainages occur on the site. They do not have a defined bed and bank, are apparently hydrologically isolated, and do not appear to be subject to Section 404 permitting requirements).*

#### STATE OF CALIFORNIA

Streambed/Lake Alteration Agreement. Sections 1600-1607 of the California Fish and Game Code authorize California Department of Fish and Game (CDFG) to regulate activities that alter the flow, bed, channel, or bank of streams and lakes. Section 1603 of the Code requires any person (private party) to notify CDFG before undertaking activities that will divert or obstruct the natural flow or change the bed, channel or bank of any river, stream, or lake, or proposing to use any material from a streambed.” The project proponent must notify CDFG of any work to be undertaken within the annual high-water mark of a wash, stream, or lake that contains or once contained fish and wildlife or supports or once supported riparian vegetation.

#### CITY OF FOLSOM

General Plan, Open Space and Conservation Element. The element identifies goals and policies for conservation of resources within the city boundaries. Goal 25 states “wherever feasible, to preserve, acquire, rehabilitate, enhance and maintain the identified resources for the use and enjoyment of present and future generations.” (City of Folsom 1988)

Wetland and Riparian Habitat Management Ordinance. To implement policies of the General Plan with respect to wetland and riparian resources, the City of Folsom has adopted an ordinance is to “ensure maximum protection for these (*wetlands and riparian habitat*) resource areas by discouraging development activities in wetlands and riparian habitat and those activities at adjacent sites that may adversely affect functions and values, to encourage restoration and enhancement of wetland and riparian systems, and to encourage creation of new wetland and riparian habitat. (Folsom 1994)

## 2.3 PREVIOUS STUDIES

Several studies have been conducted in and adjacent to the project area since the project's original 2003. Each of these studies were reviewed for this report of findings.

- ✓ EIP 2003 Biological Resources Report for 'Oak Cliff Project' (now Leidesdorff Village)
- ✓ EIP 2003 Draft Low Effect Habitat Conservation Plan for Valley Elderberry Longhorn Beetle (VELB) for 'Oak Cliff Project' (now Leidesdorff Village)
- ✓ Folsom 2006 Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program (Hidden Lake General Plan Amendment)
- ✓ Natural Investigations Co. 2008 Initial Study for Folsom Corp. Yard Landfill Clean Closure
- ✓ Kemper Tree Care, Inc. 2010 Arborist Report/Tree Inventory for Leidesdorff Village

The following tables, maps and exhibits were also reviewed.

- ✓ Arborist Tree Table, March 2010
- ✓ Area West Engineers, Inc. Tree Exhibit Map, April 2010
- ✓ Applicant Project Narrative, August 2010
- ✓ Architect Site Plan, August 2010
- ✓ Tentative Parcel Map, August 2010
- ✓ Area West Engineers, Inc. Tree Removal Exhibit, March 2011

## 2.4 PROJECT LOCATION

The proposed Leidesdorff Village project is a 3.37-acre site located at 1108 Sutter Street, in Folsom, California (Figure 1). The site is bounded by the Leidesdorff Street right-of-way to the north (and the City Corporation yard beyond), Sibley Street and residential neighborhood to the east, Sutter Street and residential neighborhood to the south, and the Veteran's Hall and a linear City park to the west.

## 2.5 PROJECT DESCRIPTION

The proposed project would include ground clearing and leveling to construct multi-family housing on a 3.37-acre site. The project would be constructed in two phases and will include a total of 59 units.

# 3 METHODS AND SURVEY LIMITATIONS

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## 3.1 METHODS

Consulting biologist Julia Dumars evaluated the relative biological resources impacts of the proposed Leidesdorff Village residential project in comparison to project impacts previously evaluated in the 2003 Biological Resources Report for the Oak Cliff Project (EIP 2003a) and the 2006 Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program for the Hidden Lake project (Folsom 2006). In addition to a review of the biological resources analyses in these documents, Ms. Dumars conducted queries of the California Department of Fish and Game Natural Diversity Database (CNDDB 2011) and the California Native Plant Society database (CNPS

2011) to establish an updated list of special status plant and animal species recorded in the project vicinity. Current biological resources-related state and federal laws and regulations, and ordinances of the City of Folsom were also reviewed.

Ms. Dumars conducted a reconnaissance-level biological survey of the project site on October 16, 2011 to assess existing biological conditions, and determine whether substantial changes to the environment have occurred since the 2003 biological survey. The survey consisted of walking meandering transects throughout the project area to locate any potentially significant biological or wetland resources that could be impacted by the proposed project. All visible flora and fauna were noted, and identified to the lowest possible taxon. Locations of species occurrences and habitat boundaries within the project site were recorded on a color aerial photograph and site plan. No special-status plant or animal species were detected, other than one blue elderberry shrub/vine.

### 3.2 LIMITATIONS

The reconnaissance-level field survey was conducted on the morning of October 16, 2011. This is outside of the optimal times to survey for nesting birds and flowering plants. Large portions of the central project area are covered in dense stands of Himalayan blackberry, making it impossible to investigate on foot.

## 4 SURVEY RESULTS

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### 4.1 SITE DESCRIPTION

The Leidesdorff Village 3.37-acre project site is primarily oak-pine woodland, dominated by interior live oak (*Quercus wislizenii*) (56% of total canopy cover) and gray pine (*Pinus sabiniana*). Also present are several trees indicative of human settlement in the past including English walnut, almond, plum, mulberry, olive and tree of heaven. Half of the project site is at a higher elevation, and a steep rocky embankment separates the two sides. According to the 2006 Initial Study prepared for the Hidden Lake project, the lower portion of the site was previously mined (Folsom 2006). The 2003 Biological Resources report describes two topographic drainages on the site:

One, traveling in a more or less north-south direction along the western edge of the site does not contain any obvious wetland species, does not have a defined bed and bank, nor appear to be jurisdictional (i.e., subject to U.S. Army Corps of Engineers Clean Water Act Section 404 permitting requirements). The floor of the second drainage – beginning at the eastern portion of the site and meandering to the west until it turns north near the center of the site – is covered by a dense growth of Himalayan blackberry. Though this plant is frequently associated with wetlands, its presence in the drainage does not necessarily indicate Clean Water Act Section 404 jurisdiction. (EIP 2003a)

The subsurface investigation conducted by PAR Environmental Services (PAR 2003) identified an intermittent drainage are bisecting the project area. Aside from the dense growth of Himalayan blackberry, there are no wetland indicators in these depressions, which are remnants from previous mining on the site.



## 4.2 BOTANICAL RESOURCES

As described in the Biological Resources Report, and confirmed by the 2011 reconnaissance survey conducted by Julia Dumars, vegetation on the project site is primarily oak-pine woodland with an understory of native and introduced shrubs, vines and annual grasses and forbs (EIP 2003a). Several plants in the project site are likely remnants of former landscaping or other ornamental plantings. An arborist report prepared by Kemper Tree Care, Inc. identified 161 trees including 90 native interior live oaks. The remainder of the trees surveyed includes gray pine, redwood, cedar, cherry, plum, almond, walnut, locust, mulberry, olive, sycamore, mimosa, tallow and tree of heaven. A complete list of herbaceous plant species observed onsite is included in the 2003 report and a complete list of trees onsite is included in the 2010 Arborist Report/Tree Inventory (EIP 2003a; Kemper Tree Care, Inc. 2010). The arborist report identified 16 trees that should be removed due to poor health including 12 interior live oak trees.

The 2003 biological survey identified one blue elderberry bush (*Sambucus mexicana*) at the southwestern corner of the site with two main stems/trunks that are 6 to 8 inches in diameter (EIP 2003). The 2010 tree inventory includes this shrub/vine as Tree #44, in fair to poor condition, rubbing against and entwined around Tree #45 (a multi-stem interior live oak). The 2011 reconnaissance survey confirmed the presence and condition of this elderberry shrub/vine. Several borer holes on the stems indicate use by the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*).

## 4.3 ZOOLOGICAL RESOURCES

The oak woodland habitat on the project site provides refuge and foraging areas for many wildlife species. Wildlife sighted during the October 16, 2011 reconnaissance included gray squirrel (*Sciurus griseus*), striped skunk (*Mephitis mephitis*), northern mockingbird (*Mimus polyglottos*), pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), northern flicker (*Colaptes auratus*), Anna's hummingbird (*Calypte anna*), yellow billed magpie (*Pica nuttalli*), California quail (*Callipepla californica*), oak titmouse (*Baeolophus inornatus*), western scrub jay (*Aphelocoma californica*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), and acorn woodpecker (*Melanerpes formicivorus*). Burrows likely excavated by California vole (*Microtus californicus*) and ground squirrel (*Spermophilus beecheyi*) were also noted in open areas of the project site.

## 4.4 SENSITIVE SPECIES

A list of special-status plant and animal species that historically occurred in the vicinity of the project site and vicinity was compiled based on the following:

- A review of previous studies;
- Informal consultation with the U.S. Fish and Wildlife Service via the USFWS internet site ([http://www.fws.gov/sacramento/es/spp\\_lists/auto\\_list\\_form.cfm](http://www.fws.gov/sacramento/es/spp_lists/auto_list_form.cfm)); and
- Queries of the CDFG's California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants database (CDFG 2011; CNPS 2011)

To determine which special status species occurred in the vicinity of the project area, the CNDDB was queried spatially within a 5-mile radial buffer around the project site. Species recorded within 10 miles that may occur in similar habitat were also included in the analyses. The resulting species' occurrences are mapped in Figure 2. The 26 species identified from these data sources were further

assessed for their potential to occur within the project site based upon previously documented occurrences, their habitat requirements, and the quality and extent of any available habitat within the site. The summary of this analysis is presented in Table 1. None of the special status plants recorded in the vicinity is likely to occur in the project area. The three special status animal species with some likelihood to occur in the project area are discussed below.

#### 4.4.1 VALLEY ELDERBERRY LONGHORN BEETLE

The valley elderberry longhorn beetle (VELB, *Desmocerus californicus dimorphus*) is a species that is federally listed as threatened. The VELB's obligate host plants are species of elderberry shrub (*Sambucus* spp.) and suitable habitat is considered to be any stems greater than 1 inch on these multi-stemmed shrubs. The CNDDDB reported 12 historic VELB occurrences within 2 miles of the study area, and one large VELB mitigation bank approximately 2 miles southeast of the project site. The 2003 biological resources survey identified one blue elderberry shrub (*Sambucus mexicana*) in the southwest corner of the project site with two main stems/trunks that are six to eight inches in diameter at ground level (EIP 2003a). Several borer holes on the stems indicate use by VELB. This elderberry shrub was also noted by arborist reports in 2003, 2006 and 2010. The October 16, 2011 biological reconnaissance survey confirmed the continued presence of this shrub and the borer holes on the project site. Other elderberries were also found in an undeveloped property adjacent to the site, to the north and west of the Veterans Hall and the City of Folsom Corporation yard. The riparian woodland along the American River (approximately 1,200 feet to the north) likely contains additional elderberry shrubs.

#### 4.4.2 SWAINSON'S HAWK

Swainson's hawks (*Buteo swainsonii*) are listed as a threatened species by CDFG. Swainson's hawks are known to nest in mature stands of open riparian forest near open grassland habitats. They are known to forage up to 10 miles from their nest sites in grain and row crop fields, fallow fields and dry-land and irrigated pasture (CDFG 1990). Records in the CNDDDB reported several occurrences of Swainson's hawk within 10 miles of the Leidesdorff Village project site, including one occurrence five miles to the southeast. Although the Leidesdorff Village project site contains suitable nesting habitat for raptors, it is not near the type of open forage area preferred by Swainson's hawks.

#### 4.4.3 FULLY PROTECTED RAPTORS

**White-tailed kites** (*Elanus leucurus*) are fully protected species by CDFG. White tailed kites nest in oak woodlands and in single trees in grasslands. They are found in areas with rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. White tailed kites forage in open grasslands, meadows, or marshes for foraging close to isolated dense topped trees for nesting and perching. No white-tailed kites were observed during the 2003 or 2011 surveys of the Leidesdorff Village project site. However, this species is common in the region and likely to occur in the project vicinity.

**Merlin** (*Falco columbarius*) is a fully protected raptor by CDFG. Merlins have been recorded within 2 miles of the project site, nesting at Lake Natoma. Merlins require clumps of trees or windbreaks for nesting in open country. Merlins prey on birds, small rodents and insects. No merlins were observed during the 2003 or 2011 surveys of the Leidesdorff Village project site. This species is somewhat uncommon, but has been recorded in the vicinity and may use habitat within the project site.

**Cooper's hawk** (*Accipiter cooperii*) is a fully protected raptor by CDFG. Cooper's hawks are found chiefly in open, interrupted or marginal woodland. These hawks nest mainly in riparian growths of deciduous trees and live oaks. No Cooper's hawks were observed during the 2003 or 2011 surveys of the Leidesdorff project site. However, this hawk has been recorded in the project vicinity and may use habitat within the project site.

<b>Table 1. Summary of Likelihood for Special-Status Species to Occur within Project Site</b>			
<b>Scientific Name Common Name</b>	<b>Status (Fed/ State)</b>	<b>Primary Habitat</b>	<b>Likelihood to Occur in Project Area</b>
<i>Amphibians</i>			
<i>Rana draytonii</i> California red-legged frog	FT/ CSC	Occurs in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	<b>Unlikely.</b> There is no habitat to support this species on the project site.
<i>Spea hammondi</i> western spadefoot	CSC	Habitat divided between aquatic breeding ponds and upland, non-breeding habitat. Occurs primarily in grassland habitats; can be found in valley foothill hardwood woodlands. Vernal pools essential for breeding and egg laying.	<b>Unlikely.</b> There is no appropriate aquatic habitat to support this species on or adjacent to the project site.
<i>Birds</i>			
<i>Accipiter cooperii</i> Cooper's hawk	FP, MB	Occurs in open, interrupted or marginal woodland. Nests sites mainly in riparian growths of live oak and deciduous trees.	<b>High.</b> Appropriate nesting and foraging habitat is present on site for this species, although it is a small area isolated from nearby habitat, and it was not detected during field surveys.
<i>Agelaius tricolor</i> tricolored blackbird	CSC	Colonial nester endemic to California. Most numerous in Central Valley and vicinity.	<b>Unlikely.</b> There is no habitat to support this species on the project site, and it was not detected during field surveys.
<i>Ardea alba</i> great egret	FP	Colonial nester in large trees. Rookery sites located near marshes, irrigated pastures, and margins of rivers and lakes.	<b>Unlikely.</b> There is no habitat to support this species on the project site, and it was not detected during field surveys.
<i>Ardea herodias</i> great blue heron	FP	Colonial nester in tall trees, sequestered spots on marshes, etc. Rookery sites in close proximity to marshes, lake margins, rivers.	<b>Unlikely.</b> There is no habitat to support this species on the project site, and it was not detected during field surveys.
<i>Buteo swainsoni</i> Swainson's hawk	CT	Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	<b>Low.</b> Adjacent lands are not suitable foraging habitat for this species. Not detected during field surveys.
<i>Elanus leucurus</i> white-tailed kite	FP	Occurs in open grasslands, meadows, marshes, etc. Forages close to isolated, dense-topped trees for nesting and perching.	<b>High.</b> Appropriate nesting and foraging habitat is present on site for this species, although it is a small area isolated from nearby habitat, and it was not detected during field surveys.
<i>Falco columbarius</i> merlin	FP	Occurs near water and edges of grassland with clumps of trees.	<b>Low.</b> Adjacent lands are not suitable foraging habitat for this species. Not detected during field surveys.

Table 1. Summary of Likelihood for Special-Status Species to Occur within Project Site			
<i>Phalacrocorax auritus</i> double-crested cormorant	FP	Nests in tall trees along lake margins or near coast.	<b>Low.</b> There is no habitat to support this species on the project site. Not detected during field surveys.
<i>Progne subis</i> purple martin	CSC	Inhabits woodlands and low elevation forests. Nests in old woodpecker cavities and human-made structures.	<b>Low.</b> Not recorded in project vicinity. Not detected during field surveys. Nearest recorded occurrence 7 miles northwest.
<b>Mammals</b>			
<i>Antrozous pallidus</i> pallid bat	CSC	Most common in open, dry habitats with rocky areas for roosting (deserts, grasslands, shrublands, woodlands, and forests). Very sensitive to disturbance of roosting sites.	<b>Low.</b> Habitat value low for this species within the project area. Last recorded in the Folsom vicinity in 1941.
<i>Lasionycteris noctivagans</i> silver-haired bat		Primarily a coastal and montane forest dweller feeding over streams, ponds & open brushy areas.	<b>Low.</b> Habitat value low for this species within the project area. Last recorded in the Folsom vicinity in 1990.
<b>Reptiles</b>			
<i>Emys marmorata</i> western pond turtle	CSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites and suitable upland habitat (sandy banks or grassy open fields) for egg laying.	<b>Absent.</b> There is no habitat to support this species on the project site.
<b>Invertebrates</b>			
<i>Andrena subopasta</i> A vernal pool andrenid bee		Vernal pools.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	FT	Endemic to the grasslands of the central valley, central coast mountains and south coast mountains, in astatic rain-filled pools.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	FT	Occurs only in the Central Valley of California in association with blue elderberry.	<b>High.</b> One blue elderberry shrub present within the project area. Species not detected during field surveys but holes on stems present.
<i>Hydrochara rickseckeri</i> Ricksecker's water scavenger beetle		Aquatic beetle.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Lindieriella occidentalis</i> California lindieriella		Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Lepidurus packardii</i> vernal pool tadpole shrimp	FE	Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water.	<b>Absent.</b> There is no habitat to support this species on the project site.
<b>Plants</b>			
<i>Clarkia biloba ssp. brandegeae</i> Brandegee's clarkia	1B.2	Chaparral, cismontane woodland.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Downingia pusilla</i> dwarf downingia	2.2	Valley and foothill grassland (mesic sites), vernal pools.	<b>Absent.</b> There is no habitat to support this species on the project site.

Table 1. Summary of Likelihood for Special-Status Species to Occur within Project Site			
<i>Gratiola heterosepala</i> Boggs Lake hedge- hyssop	CE/1B .2	Marshes and swamps, usually vernal pools Clay soils.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Navarretia myersii</i> ssp. <i>myersii</i> pincushion navarretia	1B.1	Vernal pools, valley and foothill grassland.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Orcuttia viscida</i> Sacramento Orcutt grass	FE/ CE/ 1B.1	Vernal pools.	<b>Absent.</b> There is no habitat to support this species on the project site.
<i>Sagittaria sanfordii</i> Sanford's arrowhead	1B.2	In standing or slow-moving freshwater marshes and swamps.	<b>Absent.</b> There is no habitat to support this species on the project site.
<b><sup>a</sup>Status (Federal/State)</b> None = no Federal or State status FE = Federally listed endangered FT = Federally listed threatened		CE = State listed endangered CT = State listed threatened CSC = California Species of Special Concern Rare = Species that is uncommon or rarely encountered FP = Fully Protected	
<b>CNPS:</b> 1B = Plants rare and endemic to CA 2 = Plants rare in California 3 = Plants without sufficient information 4 = Plants of limited distribution (watch list)		CNPS Threat Ranks: 0.1 = Seriously threatened in CA 0.2 = Fairly threatened in CA 0.3 = Not very threatened in CA	
<i>*Source: CNDDB October 2011</i>			

#### 4.5 POTENTIALLY JURISDICTIONAL WATER RESOURCES

There are two topographical depressions on the project site. These were reviewed by the Biological Survey (EIP 2003a), the 2003 subsurface investigation (PAR 2003), the 2006 Initial Study (Folsom 2006) and the 2011 biological reconnaissance. The conclusion of these evaluations is that the depressions are the result of previous mining on the site, and they do not meet the criteria to be jurisdictional waters or wetlands of the U.S. (as defined by U.S. Army Corps of Engineers). These depressions lack wetland features and are isolated from interstate waters. There are no blue lines (indicating surface water) on the USGS topographical map of the project site (Folsom CA USGS topographical map) (USGS 1998). The USFWS National Wetland Inventory does not identify any water resources within the project area (FWS 2011).

#### 4.6 PROJECT IMPACT ANALYSIS: BIOLOGICAL RESOURCES

The proposed Leidesdorff Village project does not exist in the covered area of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved governmental habitat conservation plan. However, agencies are developing two plans in the vicinity of the project area: the Placer County HCP/NCCP and the South Sacramento HCP.

The project site is a 3.37 acre parcel of oak-pine woodland habitat surrounded on all sides by residential, industrial or commercial development, approximately 0.10 mile from Lake Natoma and the riparian corridor associated with the Folsom Lake State Recreation Area and the American River. The project site provides habitat to several species of wildlife and potentially supports nesting habitat for special status raptors and other birds. The current project plan would remove 105 trees (65% of the total), including 61 native interior live oak trees (68% of oak trees on site).

#### 4.6.1 PROJECT IMPACT TO SPECIAL STATUS SPECIES

**BIO-1. Potential Impacts to Valley Elderberry Longhorn Beetle (FT).** One blue elderberry shrub within the project site was inventoried. This shrub has two main stem/trunks that are 6 to 8 inches in diameter at ground level. Several borer holes on the stems indicate use by valley elderberry longhorn beetle (VELB, *Desmocerus californicus dimorphus*), a species that is federally listed as threatened. USFWS defines adverse impacts to VELB to include construction-related disturbance within 100 feet of elderberry shrubs (USFWS 1999). Implementation of the project will not require the removal or pruning of the elderberry shrub. While the elderberry shrub is located on the western slope of the site and would be protected by other trees, the shrub and the valley elderberry longhorn beetle could be harmed accidentally by construction activities. Any disturbance within 100 feet of the elderberry tree requires permitting with the U.S. Fish and Wildlife Service. An additional elderberry was found on an undeveloped property adjacent to the property, north and west of the Veterans Hall and the Corporation Yard.

Impact: Significant without mitigation.

**Mitigation Measure BIO-1a. Temporary fencing to protect shrub.** To protect the elderberry shrub from construction activities, the applicant will place temporary fencing 100 feet from the outer edge of the shrub canopy to protect the root system of the elderberry shrub. The applicant shall ensure that no grading, ground disturbance, or parking occurs within this 100-foot fenced buffer area during project construction. The fencing will be in place before construction work begins.

*Or*

**Mitigation Measure BIO-1b: Obtain all required permits.** The applicant has applied for a USFWS permit to construct within the buffer area (Folsom 2006). The following measure will ensure that the applicant provides documentation to the City that said permit has been issued by USFWS:

Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall obtain all required state and federal permits, and provide evidence to the City of Folsom that said permits have been obtained, or that the permit is not required. Specifically, the applicant must provide verification of a USFWS permit for construction within the required 100-foot buffer area of the elderberry bush located at the southwest corner of the site.

*Or*

**Mitigation Measure BIO-1c: Transplant shrub and purchase four mitigation units in a mitigation bank.** EIP Associates prepared a Draft Low Effect Habitat Conservation Plan for VELB for the proposed project in 2003. This HCP calls for relocation of the elderberry shrub to a mitigation bank and the purchase of four VELB mitigation units at the Wildland's Sheridan Mitigation Bank (EIP 2003b). Implementation of this plan would reduce the impact to VELB to a less-than-significant level. The following measure would ensure that the applicant provides documentation to the City that said mitigation has been completed:

Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall provide evidence to the City of Folsom that a) USFWS approved the HCP prepared for the project, b) the elderberry shrub was relocated to the mitigation bank pursuant to the HCP; c) four VELB mitigation units were purchased in the mitigation bank; and d) arrangements have been made to meet all conditions of the HCP, including irrigation and monitoring.

**BIO-2. Potential impacts to nesting birds.** Nesting birds are protected by state and federal laws. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs; Fish and Game Code §3511 designates certain birds species “fully protected” (including all raptors), making it unlawful to take, possess or destroy these species except under issuance of a specific permit. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbance must be reduced or eliminated during the nesting cycle.

Special status bird species exist in the vicinity of the project area. The project area contains nesting habitat for various bird species because of the presence of mature trees, including 90 native interior live oak trees. If construction activities are conducted during the nesting season (from March to September), nesting birds could be directly impacted by tree removal, and indirectly impacted by noise, vibration, and other construction related disturbance. Therefore, project construction is considered a potentially significant adverse impact.

Impact: Significant without mitigation.

**Mitigation Measure Bio-2. Avoid nesting season and conduct pre-construction surveys.** If construction activities will occur during the nesting season (usually from March through September), no more than 30 days prior to the initiation of construction, pre-construction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500 foot radius of proposed construction areas. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFG should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Implementation of these mitigation measures should reduce impacts to nesting birds to a less-than-significant level.

#### 4.6.2 POTENTIAL PROJECT CONFLICT WITH TREE PRESERVATION POLICY

**BIO-3: Removal or damage of ‘protected’ trees.** The proposed project is subject to the City of Folsom Tree Ordinance, and would require review and approval of a tree permit by the City Arborist. An arborist report prepared by Kemper Tree Care, Inc. dated March 25, 2010 identified 161 trees, including 90 interior oak trees, within the project area. The arborist report recommended 16 trees that should be removed due to poor health, including 12 interior live oak trees, and recommended many others for pruning (crown clean out). The March 2011 tree removal plan indicates removal of 105 trees (65% of the total); including 61 interior live oak trees (68% of oak trees on site). Table 2 lists all protected trees on the project site, their condition as indicated in the arborist report, and whether or not they are to be removed.

Protected trees (according to City of Folsom Tree Preservation Ordinance (Chapter 12.16)) that would be removed under the current tree removal plan include: 51 interior live oak trees that meet the definition of *protected native oak tree*, and 7 interior live oak trees that meet the definition of *protected heritage tree*. If these trees are removed without mitigation required pursuant to the City of Folsom Tree Preservation Ordinance, this would constitute a conflict with local tree preservation policy, and would be a significant impact.

Additional trees may be damaged by project site grading and/or construction. Nine trees which are not currently on the tree removal plan meet the definition of protected heritage tree (trees 3, 7, 21, 39, 45, 47, 50, 56, and 57). Fifteen trees which are not slated for removal meet the definition of protected native tree (trees 2, 6, 9, 10, 17, 20, 22, 40, 42, 49, 52, 53, 55, 55A, and 62). Project impacts on these trees will require mitigation measures.

**Table 2 Inventory of Protected Interior Live Oak Trees Within Leidesdorff Village Project Area**

Map ID	Dbh (inches)	Condition	To be Removed?
2	6	Poor	no
3	38,36	Good	no
5	33	fair	no
6	12	good	no
7	39	poor	no
9	6	good	no
10	18	good	no
11	21.5	good	yes
12	33.5	good	yes
14	8	good	yes
15	10,6,5,4	good	yes
16	9	good	yes
17	4,3,2,1,1	Good	no
20	4,3	Good	no
21	22	Poor	no
22	8,5	Good	no
33	15	Good	yes
34	3,10	Good	yes
39	22.5,17	Good	no
40	10.5,10,3	good	no
41	47	good	no
42	7,4	good	no
43	7.5,4	poor	no
45	12,11.5,9,4	fair	no
47	18,16,7.5	fair	no
49	9,9,6	good	no
50	15.5,11,11	good	no
51	4	good	no
52	12.5	good	no
53	15,11	good	no
55	6.5	good	no
55a	6	good	no
56	42	poor	no
57	23,9	good	no
59	18.5	good	yes
62	13,6	good	yes
63	6.5	fair	yes
64	6,3	good	yes
65	13	good	yes
66	10	good	yes
67	13.5,9,8.5,7.5	good	yes
68	6	poor	yes
69	9.5, 6, 3	good	yes
70	7.5,6	good	yes
71	6	Good	yes

73	23,20.5,16	poor	yes
74	6	good	yes
75	5,5	good	yes
77	4,4	poor	yes
78	8.5	good	yes
80	13	good	yes
82	19.5	good	yes
86	9.5	good	yes
87	21	good	yes
88	18,16.5,7.5	good	yes
89	19.5	good	yes
90	13	good	yes
97	24,16	good	yes
98	13	fair	yes
99	15,8	good	yes
101	14	good	yes
102	12	good	yes
104	11,12,8,8,7	good	yes
105	14,10,9,7	good	yes
106	9,7,7,6	good	yes
107	7	poor	yes
109	12,10,8,8	good	yes
116	10,7	good	yes
118	9,4	good	yes
123	6	fair	yes
126	9	good	yes
127	9,8,3	Good	yes
128	15	good	No
131	13	good	yes
132	6	good	yes
134	6.5	good	yes
138	8.5,5,4,3	poor	yes
139	7	poor	yes
140	5,4,2	Fair	yes
141	5.5	good	yes
143	7	good	yes
144	5,4,4,3,3,3	Fair	yes
145	10,6,4	Good	yes
153	6	Good	yes
154	9	Good	yes
157	5,4,3,3	poor	yes
158	6,5,4,3	good	yes
159	6, 5.5,4	Good	yes
160	5,3,3	good	yes
161	4,3,3,3,3	Good	yes

Impact: Significant without mitigation



**Mitigation Measure Bio-3: Comply with Tree Preservation Ordinance.** Tree mitigation is required pursuant to the Tree Ordinance and can include replanting of oak trees on the site, paying mitigation fees, or a combination of these two methods. The City Arborist will review the final site improvement plans and determine the precise amount required at that time. Compensatory mitigation off-site consists of one of the following mitigation measures:

- Payment into the Tree Planting and Replacement Fund of an inch-for-diameter-inch replacement in lieu fee set by City Council resolution;
- Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = 0.004 acre of land (175 square feet) – the minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land; off site mitigation of this type must be approved by the City council; or
- Planting of trees on either public property, property with a conservation easement or on property with an irrevocable offer of dedication to the City, pursuant to the ratios set forth in the Tree Ordinance.

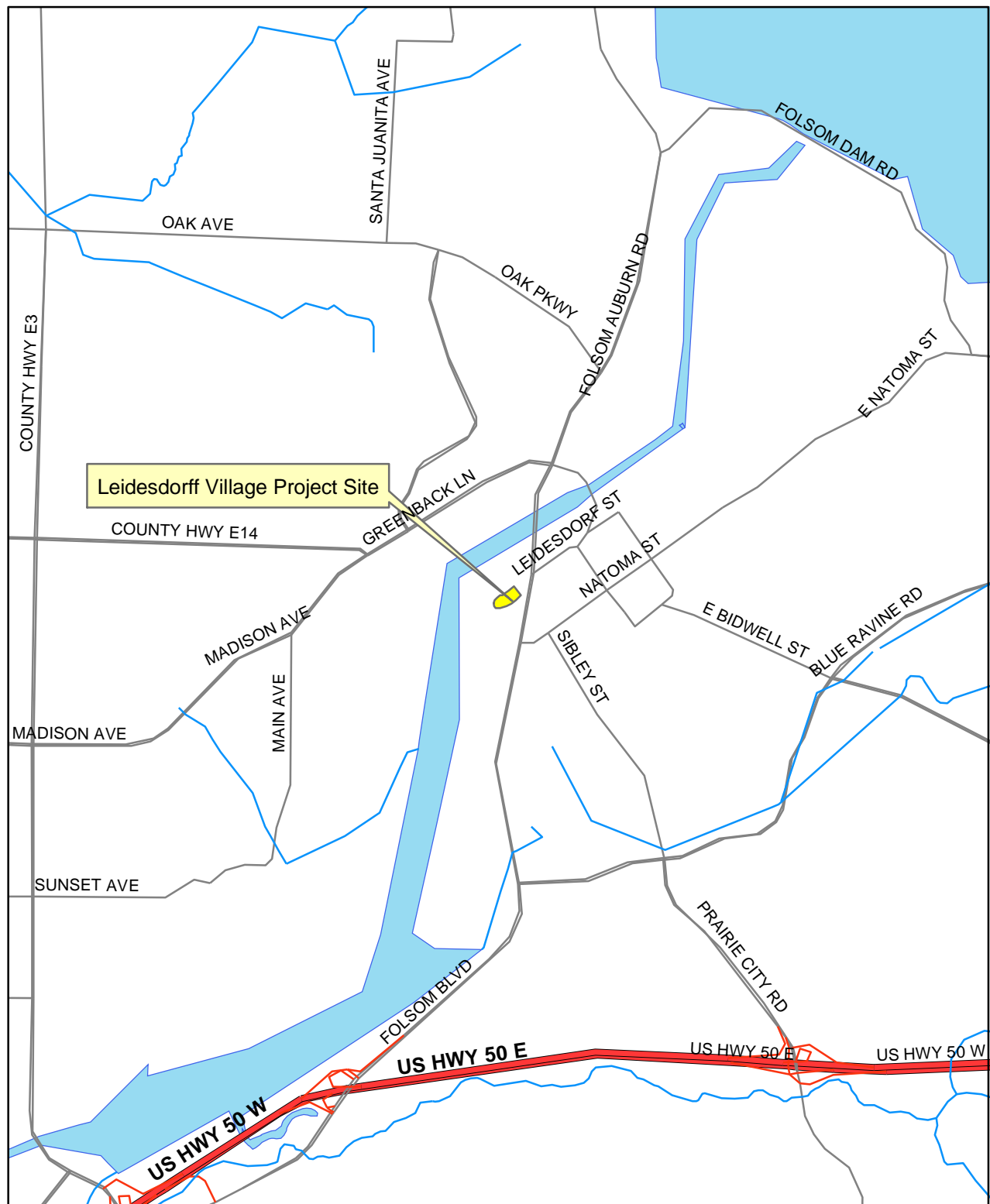
The following standard Conditions of Approval will be included with the project to mitigate for any potential impacts to native oak trees:

- The project is subject to the Tree Preservation Ordinance and any mitigation required as a result of impacts to oak trees. The owner/applicant shall retain a certified arborist for the project. The project arborist will oversee tree removal and preservation of the trees on site during and after construction. The owner/applicant shall provide funding for this arborist.
- The owner/applicant shall place high-visibility orange mesh protective fencing and signing every 50 feet around the Tree Protection Zone of any existing trees on the project site that are identified for preservation pursuant to Folsom Municipal Code Chapter 12.16. The fencing shall remain in place throughout the construction process to assure that the protected trees are not damaged. Placement of the fencing shall be subject to the review and approval of staff prior to the issuance of any improvement, grading, or building permits. Simply protecting the area within the Tree Protection Zone may not always save the tree(s), so other tree protection measures may be required.

Level of Significance after Mitigation: Obtaining a City Tree Permit and implementing compensatory mitigation will reduce adverse impacts upon tree resources to a less-than significant level.

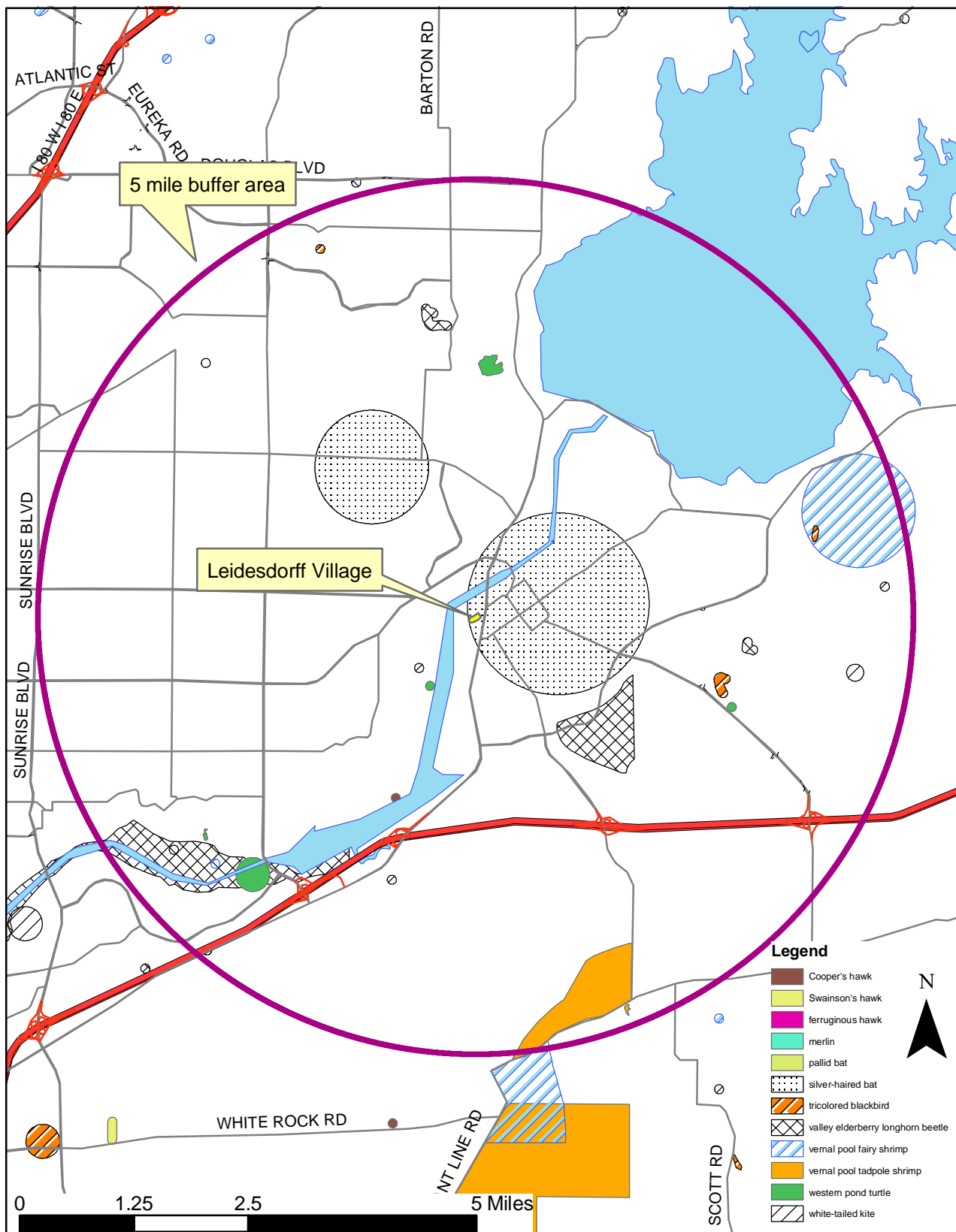
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Leidesdorff Village  
 Biological Resources Reconnaissance Survey and CEQA Analysis  
 November 2011

Figure 1.  
 Project Location Map



Source: CNDDDB October 2011

Leidesdorff Village  
Biological Resources Reconnaissance Survey and CEQA Analysis  
November 2011

**Figure 2.**  
**CNDDDB Occurrences**