

Biological Resources Technical Memorandum

Regency at Folsom Ranch Specific Plan Amendment

Sacramento County, California

Prepared For:

City of Folsom
Community Development Department

January 30, 2020



CONTENTS

1.0 PROJECT LOCATION1

2.0 REGULATORY CONTEXT AND OVERVIEW1

 2.1 U.S. Army Corps of Engineers Individual Permit.....1

 2.2 Section 7 Consultation.....3

 2.3 Section 401 Water Quality Certification.....3

 2.4 California Department of Fish and Wildlife Lake or Streambed Alteration Agreement3

3.0 BIOLOGICAL RESOURCES3

4.0 IMPACTS AND MITIGATION MEASURES4

 4.1 Standards of Significance4

 4.2 Method of Analysis..... 18

 4.3 Project-Specific Impacts and Mitigation Measures 18

 4.3.1 EIR/EIS Impact 3A.3-1: Loss and degradation of Waters of the U.S., including wetlands and Waters of the State. Impact is less than significant with mitigation implemented. 18

 4.3.2 EIR/EIS Impact 3A.3-2. Loss and Degradation of Habitat for Special-Status Wildlife Species and Potential Direct Take of Individuals. Impact is less than significant with mitigation measures implemented. 21

 4.3.3 EIR/EIS Impact 3A.3-3: Potential Loss or Degradation of Special-Status Plant Populations and Habitat. Impact less than significant with mitigation measures implemented. 25

 4.3.4 Impact 3A.3-4. Loss of Sensitive Natural Communities (not Already Covered under Other Impacts). Impact less than significant with mitigation measure implemented. 26

 4.3.5 Impact 3A.3-5. Loss of Blue Oak Woodland and Individual Oak Trees. Impact less than significant with mitigation measure implemented..... 26

 4.3.6 Impact 3A.3-6. Potential Interference with Wildlife Movement. Impact is considered less than significant. 27

 4.3.7 EIR/EIS Impact 3A.3-7. Conflict with an Adopted Habitat Conservation Plan. No Impact 27

5.0 CONCLUSION 27

6.0 REFERENCES..... 28

LIST OF TABLES

Table 1. Evaluation of Special-Status Species7

LIST OF FIGURES

Figure 1. Project Location and Vicinity.....2
Figure 2. Biological Resources - Onsite5
Figure 3. Biological Resources – Offsite Parcels6
Figure 4. Impacted Biological Resources – Onsite..... 19
Figure 5. Impacts to Biological Resources – Offsite Parcels..... 20

LIST OF ATTACHMENTS

Attachment A. Status of Biological Resources Mitigation Measures

LIST OF ABBREVIATIONS AND ACRONYMS

BO	Biological Opinion
CDFW	California Department of Fish and Wildlife
City	City of Folsom
CWA	Clean Water Act
EIR/EIS	Environmental Impact Report/Environmental Impact Statement
FPASP	Folsom Plan Area Specific Plan
HCP	Habitat Conservation Plan
Project	Regency at Folsom Ranch Project
SCDS	Sacramento Country Day School
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VELB	Valley Elderberry Longhorn Beetle

1.0 PROJECT LOCATION

The Regency at Folsom Ranch Specific Plan Amendment Project (Project) is located in Sacramento County, California in the City of Folsom (City) within the Folsom Plan Area Specific Plan (FPASP). The Project consists of both the Regency at Folsom Ranch Project (onsite parcels), as well as several offsite parcels within the FPASP (Figure 1. *Project Location and Vicinity*). The Project corresponds to portions of Sections 16-21, Township 9 North, Range 8 East (Mount Diablo Base Meridian) of the "Buffalo Creek, California," "Clarksville, California," "Folsom, California," and "Folsom SE, California" 7.5-minute quadrangles (U.S. Geological Survey [USGS] 1967a, 1953, 1967b, and 1954). The approximate center of the Project site corresponds to Latitude 38.623222° North and Longitude -121.123361° West.

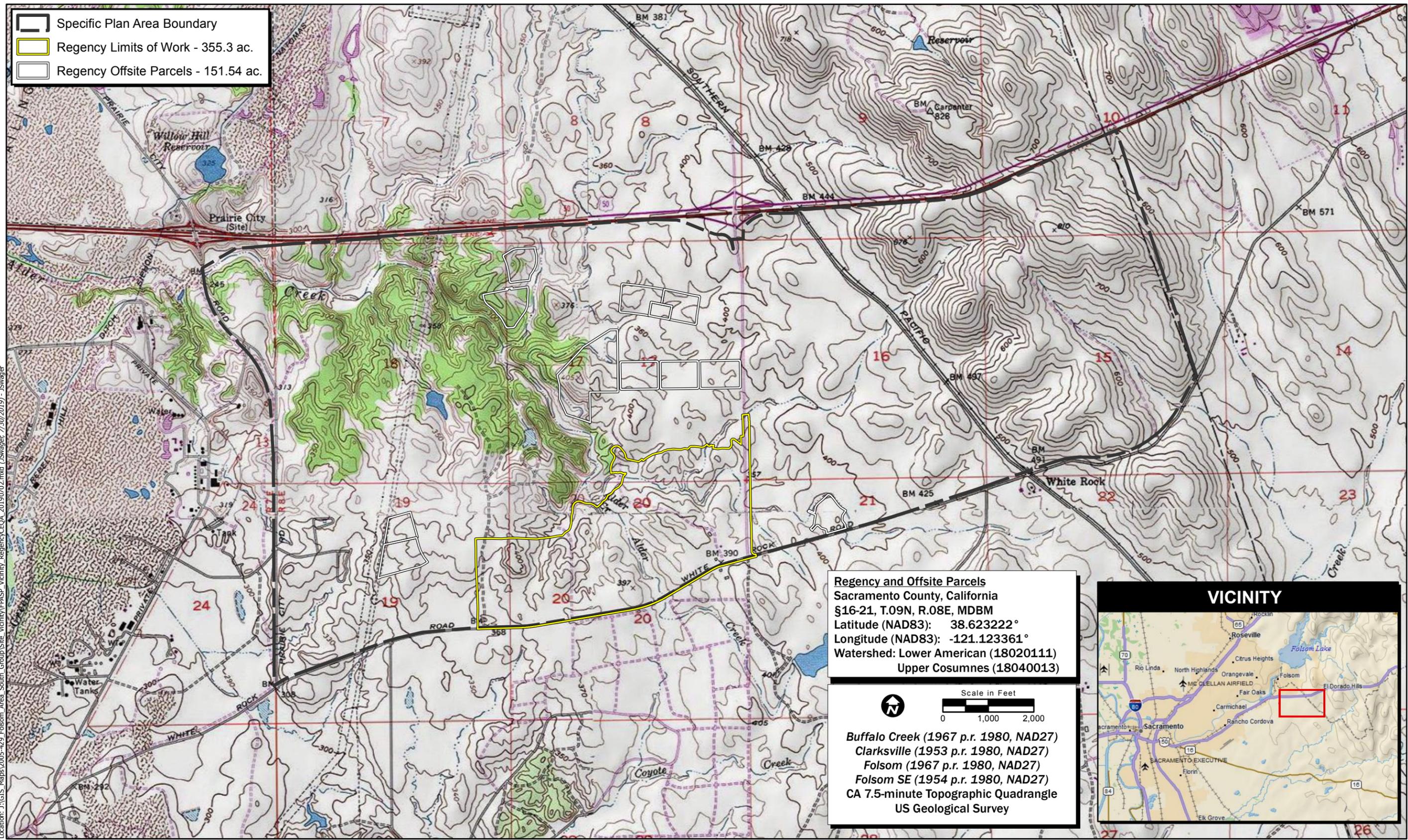
2.0 REGULATORY CONTEXT AND OVERVIEW

The following sections summarize the regulatory permits and approvals for the Project. The Project spans four permit areas within the overall FPASP: Mangini Ranch, Alder Ranch, Carpenter Ranch, and the Backbone Infrastructure. All four permit areas have obtained the majority of regulatory permits and authorizations. A part of the Phase 1 Backbone Infrastructure also overlaps with the Project, which has been fully mitigated and partially implemented. The portions of the Phase 1 Backbone Infrastructure that are within the Project have been excluded from the discussion in this document.

2.1 U.S. Army Corps of Engineers Individual Permit

A U.S. Army Corps of Engineers (USACE) Section 404 Permit was originally issued for the Mangini Ranch property on August 6, 2014 (Mangini Ranch 404 permit; SPK-2006-00486), amended on May 2, 2016, April 6, 2017, June 21, 2017, June 20, 2018, and extended on July 1, 2019. A USACE Section 404 Permit was issued for the Alder Ranch property on April 5, 2018 (Alder Ranch 404 permit; SPK-2006-00561). A USACE Section 404 Permit was issued for the Carpenter Ranch property on July 25, 2014 and modified and extended on July 11, 2019 (Carpenter Ranch 404 permit; SPK-2006-00984). In addition to these permits, impacts associated with the Project also fall within the Backbone Infrastructure Permit (Backbone 404 permit; SPK-2007-02159, dated June 6, 2014, modified on March 17, 2017, and extended on January 16, 2019) The Mangini Ranch 404 permit, Alder Ranch 404 permit, Carpenter Ranch 404 permit, and Backbone 404 permit outline several special conditions required for projects to be constructed within these permit boundaries. The Project is required to comply with the applicable conditions of all the 404 permits.

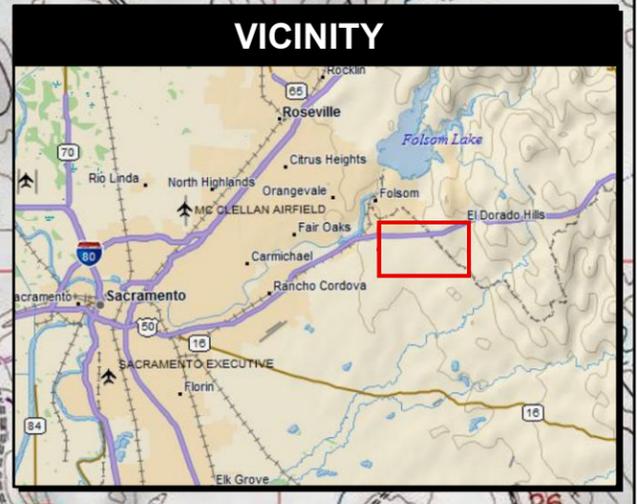
In addition, a permit modification for the Alder Ranch permit is anticipated to allow for additional impacts to Waters of the U.S. that were not expected at the time the permit was issued. These additional wetlands occur within the former Sacramento Country Day School (SCDS) portion of the Alder Ranch project area. A permit modification has not been submitted to date.



 Specific Plan Area Boundary
 Regency Limits of Work - 355.3 ac.
 Regency Offsite Parcels - 151.54 ac.

Regency and Offsite Parcels
 Sacramento County, California
 §16-21, T.09N, R.08E, MDBM
 Latitude (NAD83): 38.623222°
 Longitude (NAD83): -121.123361°
 Watershed: Lower American (18020111)
 Upper Cosumnes (18040013)

 Scale in Feet
 0 1,000 2,000
Buffalo Creek (1967 p.r. 1980, NAD27)
Clarksville (1953 p.r. 1980, NAD27)
Folsom (1967 p.r. 1980, NAD27)
Folsom SE (1954 p.r. 1980, NAD27)
 CA 7.5-minute Topographic Quadrangle
 US Geological Survey



Location: J:\GIS_Maps\2005-423_Folsom_Area_South_Group\Site_Vicinity\FPASP_RegencyCEQA_20190702.mxd (Jswager, 7/30/2019) - Jswager
 Map Date: 7/30/2019
 Sources: Copyright © 2013 National Geographic Society, I-cubed
 Copyright (c) 2018 Garmin

Figure 1. Project Location and Vicinity

2.2 Section 7 Consultation

A Biological Opinion (BO) for the FPASP was issued by the U.S. Fish and Wildlife Service (USFWS) on April 2, 2014 (81420-2010-F-0620-1). The BO assessed potential effects to vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), slender Orcutt grass (*Orcuttia tenuis*), and Sacramento Orcutt grass (*Orcuttia viscida*). The BO outlines mitigation measures required for each project located within the FPASP. The Project encompasses five properties addressed in the BO: Folsom South (which includes the Mangini Ranch property), Carpenter Ranch, Backbone Infrastructure, Hillsborough (now part of Alder Ranch property), and the SCDS (now part of the Alder Ranch property). Per the BO, no federally listed species occur within the Mangini Ranch (a.k.a. Folsom South property). The Backbone Infrastructure Carpenter Ranch, and Hillsborough require mitigation for impacts to species; however, the portion of these properties that occur within the Project do not contain any of these species. Therefore, no mitigation or requirements per the BO are expected for these portions of the Project.

At the time the BO was issued, the SCDS property had not yet been surveyed for federally listed vernal pool branchiopods. Therefore, presence was assumed for these species, and additional mitigation (in the form of vernal pool preservation) would be required for all impacts to suitable vernal pool crustacean habitat on the SCDS. It is expected that a BO amendment will also be required to allow for the additional impacts to wetlands discussed in Section 2.1.

2.3 Section 401 Water Quality Certification

Clean Water Act Section (CWA) 401 Technically Conditioned Water Quality Certification (401 Certification) was issued by the Central Valley Regional Water Quality Control Board for all four permit areas within the limits of the Project: Mangini Ranch (WDID#5A34CR00581, dated April 10, 2014), Alder Ranch (WDID#5A34CR00681, dated September 5, 2017), Carpenter Ranch (WDID#5A34CR00533, dated July 11, 2014), and Backbone Infrastructure (WDID#5A34CR00519, dated October 18, 2013) The 401 Certifications outline several technical conditions that are required for Project implementation.

2.4 California Department of Fish and Wildlife Lake or Streambed Alteration Agreement

A Master Streambed Alteration Agreement (MSAA) for the FPASP was issued by the California Department of Fish and Wildlife (CDFW) on February 11, 2014 (1600-2012-0198-R2). The MSAA outlines several required conditions for all projects located within the FPASP, including the Project. As required by the MSAA, the Project is required to obtain subnotification authorization from CDFW prior to Project construction. CDFW issued a subnotification approval for Phase 1 of the Project on November 20, 2019. Future phases will require submission of a subnotification and all supporting documentation.

3.0 BIOLOGICAL RESOURCES

During the permitting process, many biological resource surveys were conducted within the Project area to support obtaining permits and approvals (e.g., aquatic resource delineations, special-status species surveys). Biological resources identified within the Project area include Waters of the U.S., Swainson's

hawk (*Buteo swainsoni*) foraging habitat, oak woodland and individual oak trees, and Valley needlegrass grassland (Figure 2. *Biological Resources – Onsite* and Figure 3. *Biological Resources – Offsite Parcels*).

The list of potentially occurring special-status species in the Project area was recently reviewed, as of July 2019, to ensure no additional occurrences have been documented in the Project. Table 1 summarizes the evaluation of all special-status species that were evaluated for the Project area.

4.0 IMPACTS AND MITIGATION MEASURES

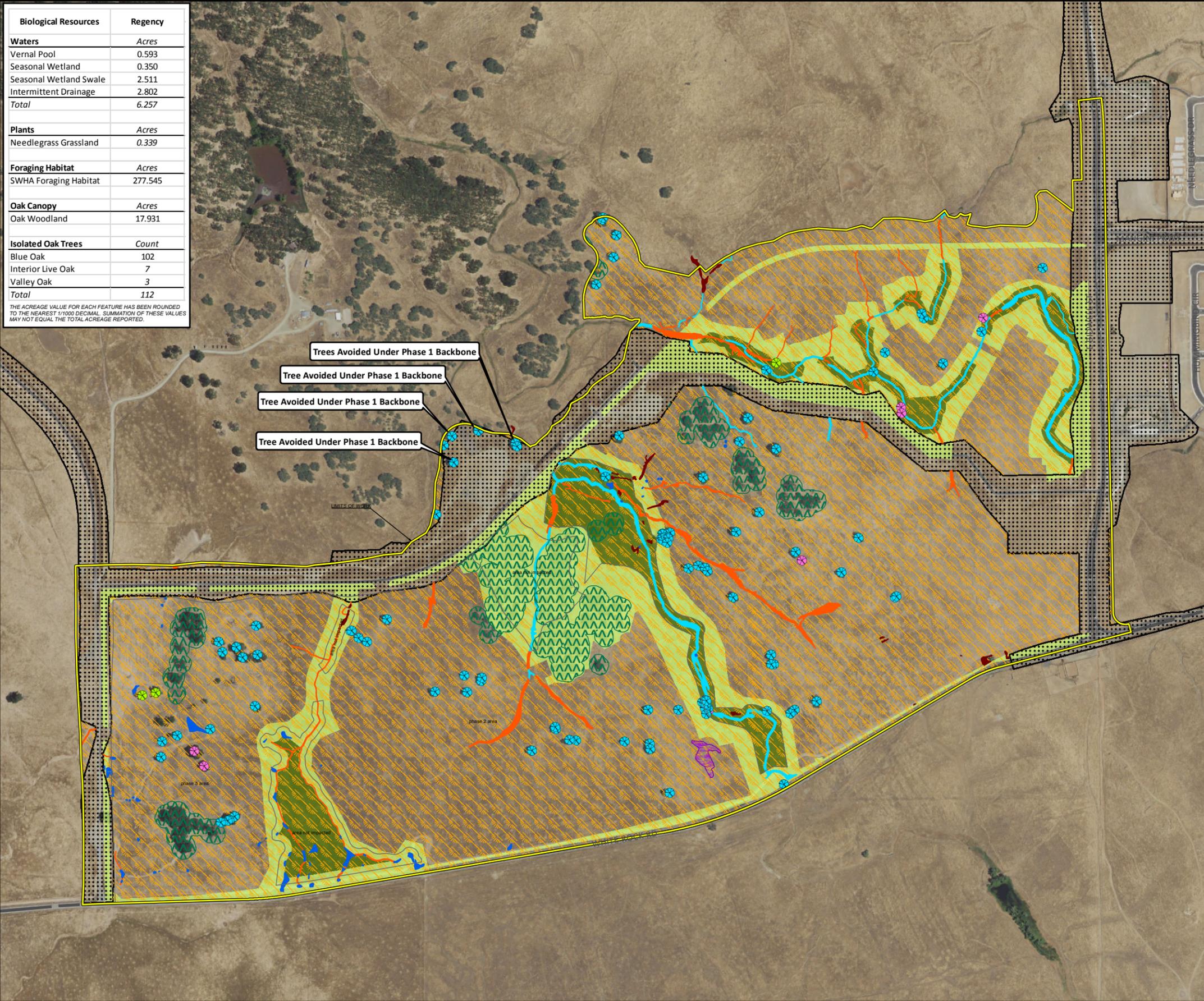
This section describes the standards of significance and methodology utilized to analyze and determine the proposed Project's potential impacts related to biological resources.

4.1 Standards of Significance

Consistent with Appendix G of the California Environmental Quality Act Guidelines, the City's General Plan, and professional judgment, a significant impact would occur if the proposed Project would result in the following:

- 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 CWA (including, but not limited to, marshes, vernal pools, 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 any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other local, regional, or State HCP.

ECORP: J:\GIS_Maps\2005-429_Folsom_Area_South_Group\Draft_Maps_Data\2019-04-09_Regency_MRP3_Impacts\Regency_BIO_CEOA_20200128_OverallResources.mxd (JDS)-\Swagger\1/29/2020



Biological Resources	Regency
Waters	
Vernal Pool	0.593
Seasonal Wetland	0.350
Seasonal Wetland Swale	2.511
Intermittent Drainage	2.802
Total	6.257
Plants	
Needlegrass Grassland	0.339
Foraging Habitat	
SWHA Foraging Habitat	277.545
Oak Canopy	
Oak Woodland	17.931
Isolated Oak Trees	
Blue Oak	102
Interior Live Oak	7
Valley Oak	3
Total	112

THE ACREAGE VALUE FOR EACH FEATURE HAS BEEN ROUNDED TO THE NEAREST 1/1000 DECIMAL. SUMMATION OF THESE VALUES MAY NOT EQUAL THE TOTAL ACREAGE REPORTED.

Map Features

- Specific Plan Boundary
- Already Mitigated Area
Phase 1 backbone is completed and is excluded from the Regency impacts
- Regency Limits of Work

Open Space Areas

- Conservation Area
- Passive Recreation Open Space

Plants

- Needlegrass Grassland

Isolated Oak Trees

- Blue Oak
- Interior Live Oak
- Valley Oak

Oak Woodland

- Oak Woodland

Swainson's Hawk Foraging

- SWHA Foraging Habitat

Waters

- Vernal Pool
- Seasonal Wetland
- Seasonal Wetland Swale
- Intermittent Drainage

Sources: ESRI, NAIP (2018), MSCE
 MS_ETAs-Toll Brothers Ph1 Backbone lotting.dwg; MS_ETAs-Toll Brothers Ph1 Backbone limits of work.dwg;
 Regency_Proposed_LU_20200124.shp

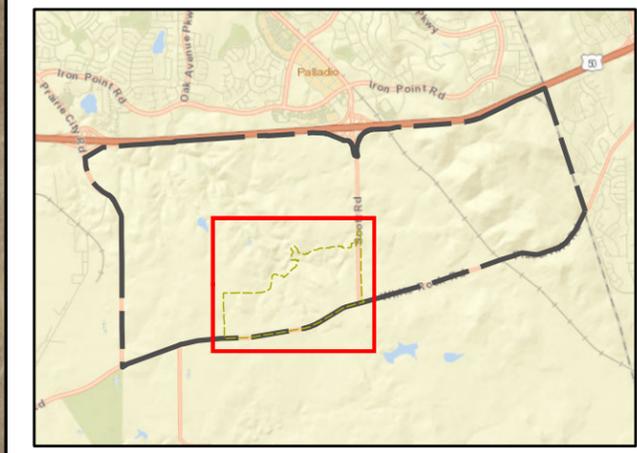
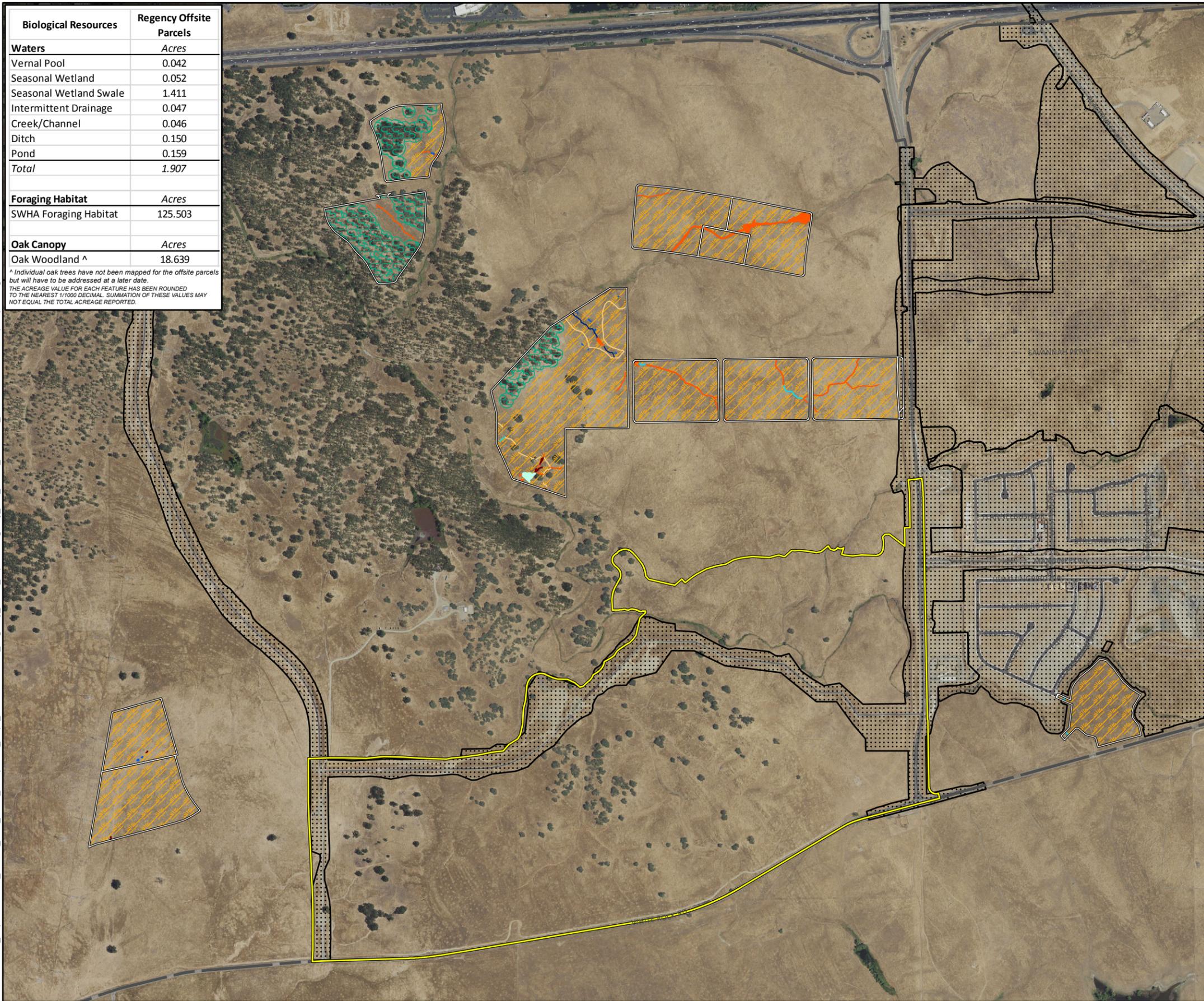


Figure 2. Biological Resources - Onsite
 2018-030 Regency

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Biological Resources	Regency Offsite Parcels
Waters	<i>Acres</i>
Vernal Pool	0.042
Seasonal Wetland	0.052
Seasonal Wetland Swale	1.411
Intermittent Drainage	0.047
Creek/Channel	0.046
Ditch	0.150
Pond	0.159
Total	1.907
Foraging Habitat	<i>Acres</i>
SWHA Foraging Habitat	125.503
Oak Canopy	<i>Acres</i>
Oak Woodland ^	18.639

^ Individual oak trees have not been mapped for the offsite parcels but will have to be addressed at a later date.
THE ACREAGE VALUE FOR EACH FEATURE HAS BEEN ROUNDED TO THE NEAREST 1/1000 DECIMAL. SUMMATION OF THESE VALUES MAY NOT EQUAL THE TOTAL ACREAGE REPORTED.



Map Features

- Specific Plan Boundary
- Already Mitigated Area
Projects with completed permits are excluded from the Regency impacts
- Regency Limits of Work
- Regency Offsite Parcels
- Swainson's Hawk Foraging**
- SWHA Foraging Habitat
- Oak Woodland**
- Oak Woodland
- Waters**
- Vernal Pool
- Seasonal Wetland
- Seasonal Wetland Swale
- Intermittent Drainage
- Creek/Channel
- Ditch
- Pond

Sources: ESRI, NAIP (2018), MSCE
MS_ETAs-Toll Brothers Ph1 Backbone lotting.dwg; MS_ETAs-Toll Brothers Ph1 Backbone limits of work.dwg
FPASP_TollBrothers_SPA_Parcels.shp

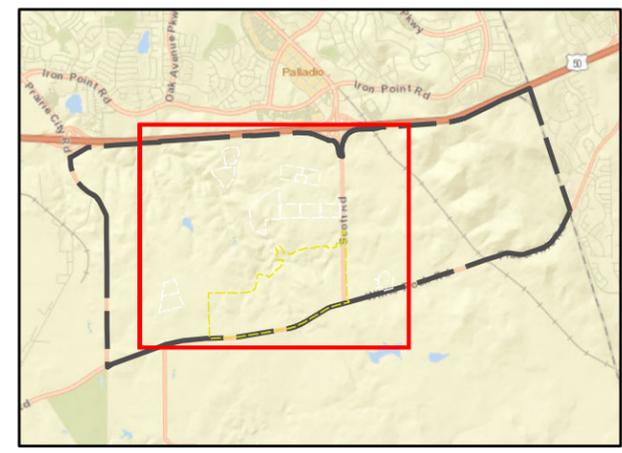


Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Plants								
Jepson's onion	<i>Allium jepsonii</i>			1B.2	Serpentinite or volcanic soils in chaparral, cismontane woodland, and lower montane coniferous forests (984'-4,331').	April-August	Absent. No suitable habitat present onsite.	
Sanborn's onion	<i>Allium sanbornii</i> var. <i>sanbornii</i>			4.2	Chaparral, cismontane woodland, and lower montane coniferous forests, usually with gravelly, serpentinite soils (853'-4,954').	May-September	Absent. No suitable habitat present onsite.	
lone manzanita	<i>Arctostaphylos myrtifolia</i>	FT	-	1B.2	lone Formation soils (acidic, clay or sandy) in chaparral and cismontane woodland (197 - 1,902')	November-March	Absent. No suitable habitat present onsite.	
Big-scale balsamroot	<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i>	-	-	1B.2	chaparral, cismontane woodland, and valley and foothill grassland, sometimes on serpentine soils (295' - 5,102')	March-June	Low potential to occur. Suitable habitat available in grassland; however, the probability of occurrence is low because typically found in serpentine soils.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Valley brodiaea	<i>Brodiaea rosea</i> spp. <i>vallicola</i>			4.2	old alluvial terraces and silt, sandy, or gravelly soils in vernal pools within Valley and foothill grassland (33'-1,100')	April-May(June)	Low potential to occur. Marginal habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Brassy bryum	<i>Bryum chryseum</i>			4.3	Openings in chaparral, cismontane woodland, and valley and foothill grassland (164' - 1,969')	-	Potential to occur. Suitable habitat present onsite	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Brewer's calandrinia	<i>Calandrinia breweri</i>			4.2	Sandy or loamy soils, disturbed sites, and burns within chaparral and coastal scrub (33'-4,003').	March-June	Absent. No suitable habitat present onsite.	
Stebbins' morning-glory	<i>Calystegia stebbinsii</i>	FE	CE	1B.1	gabbroic or serpentinite soils in chaparral (openings) and cismontane woodland (607' - 3,576')	April-July	Absent. No suitable habitat present onsite.	

Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Chaparral sedge	<i>Carex xerophila</i>			1B.2	Serpentinite or gabbroic soils within chaparral, cismontane woodland, and lower montane coniferous forest (1,444'–2,526').	March-June	Absent. No suitable habitat present onsite.	
Fresno ceanothus	<i>Ceanothus fresnensis</i>			4.3	Cismontane woodland openings and lower montane coniferous forests (2,953'–6,900').	May-July	Absent. No suitable habitat present onsite.	
Pine Hill ceanothus	<i>Ceanothus roderickii</i>	FE	CR	1B.1	serpentine or gabbro soils in chaparral and cismontane woodland (804' - 2,067')	April-June	Absent. No suitable habitat present onsite.	
Red Hills soaproot	<i>Chlorogalum grandiflorum</i>	-	-	1B.2	serpentine or gabbro soils in chaparral, cismontane woodland, and lower coniferous forest (804' - 3,068')	May-June	Absent. No suitable habitat present onsite.	
Hispid bird's-beak	<i>Chloropyron molle</i> ssp. <i>hispidum</i>	-	-	1B.1	alkaline meadows and seeps, playas, and valley and foothill grassland (3' - 509')	June-September	Absent. No suitable habitat present onsite.	
Brandegee's clarkia	<i>Clarkia biloba</i> ssp. <i>brandegeae</i>			4.2	Chaparral, cismontane woodlands, and lower montane coniferous forest often along roadcuts (246'–3,002').	May-July	Absent. No suitable habitat present onsite.	
Streambank spring beauty	<i>Claytonia parviflora</i> ssp. <i>grandiflora</i>			4.2	Occurs in rocky cismontane woodland (820'–3,937').	February-May	Absent. No suitable habitat present onsite.	
Dwarf downingia	<i>Downingia pusilla</i>	-	-	2B.2	vernal pools and mesic areas in valley and foothill grassland (3' - 1,460')	March-May	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Starved daisy	<i>Eriogonum miser</i>			1B.3	Rocky, granitic outcrops of upper montane coniferous forests (6,037'– 8,596').	June-October	Absent. No suitable habitat present onsite.	
lone buckwheat	<i>Eriogonum apricum</i> var. <i>apricum</i>	FE	CE	1B.1	lone Formation soils in openings in chaparral (197' - 476')	July-October	Absent. No suitable habitat present onsite.	
Irish Hill buckwheat	<i>Eriogonum apricum</i> var. <i>prostratum</i>	FE	CE	1B.1	lone Formation soils in openings in chaparral (295' - 394')	June-July	Absent. No suitable habitat present onsite.	
Jepson's woolly sunflower	<i>Eryngium pinnatisectum</i>			4.3	Chaparral, cismontane woodland, and coastal scrub, sometimes on serpentinite (656'–3,363').	April-June	Absent. No suitable habitat present onsite.	
Tuolumne button-celery	<i>Eryngium pinnatisectum</i>	-	-	1B.2	vernal pools and mesic areas in cismontane woodland and lower montane coniferous forest (230' - 3,002')	May-August	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
								Phase 1 2019 (ECORP 2019a) surveys.
Pine Hill flannelbush	<i>Fremontodendron decumbens</i>	FE	CR	1B.2	serpentine or gabbro rock outcrops in chaparral and cismontane woodland (1,394' - 2,493')	April-July	Absent. No suitable habitat present onsite.	
Stinkbells	<i>Fritillaria agrestis</i>			4.2	Clay and sometimes serpentinite soils in chaparral, cismontane woodland, Pinyon and juniper woodland, and valley and foothill grassland (33'-5,102').	March-June	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
El Dorado bedstraw	<i>Galium californicum</i> ssp. <i>sierrae</i>	FE	CR	1B.2	gabbro soils in chaparral, cismontane woodland, and lower montane coniferous forest (328' - 1,919')	May-June	Absent. No suitable habitat present onsite.	
Boggs Lake hedge-hyssop	<i>Gratiola heterosepala</i>	-	CE	1B.2	clay soils in vernal pools and in marshes and swamps on lake margins (33' - 7,792')	April-August	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Bisbee Peak rush-rose	<i>Helianthemum</i> (<i>Crocantemum</i>) <i>suffrutescens</i>	-	-	3.2	chaparral, often on serpentine, gabbro, or lone formation soil (148' - 2,756')	April-June	Absent. No suitable habitat present onsite.	
Parry's horkelia	<i>Horkelia parryi</i>	-	-	1B.2	chaparral and cismontane woodland, especially on lone formation soils (263' - 3,396')	April-September	Absent. No suitable habitat present onsite.	
Ahart's dwarf rush	<i>Juncus leiospermus</i> var. <i>ahartii</i>	-	-	1B.2	mesic areas in valley and foothill grassland (98' - 751')	March-May	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Red Bluff dwarf rush	<i>Juncus leiospermus</i> var. <i>leiospermus</i>	-	-	1B.1	vernally mesic areas in chaparral, cismontane woodland, valley and foothill grassland, meadows and seeps, and vernal pools (115' - 3,346')	March-May	Absent. No suitable habitat present onsite.	

Table 1. Evaluation of Special-Status Species

Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Legenere	<i>Legenere limosa</i>	-	-	1B.1	vernal pools (3' - 2,887')	April-June	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Humboldt lily	<i>Lilium humboldtii</i> ssp. <i>humboldtii</i>			4.2	Occurs in openings within chaparral, cismontane woodland, and lower montane coniferous forest (295'-4,199').	May-August	Absent. No suitable habitat present onsite.	
Hoary navarretia	<i>Navarretia eriocephala</i>			4.2	Vernally mesic areas in cismontane woodland and valley and foothill grassland (345'-1,312').	May-June	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Pincushion navarretia	<i>Navarretia myersii</i> ssp. <i>myersii</i>	-	-	1B.1	vernal pools, often on acidic soils (66' - 1,083')	April-May	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Adobe navarretia	<i>Navarretia nigelliformis</i> ssp. <i>nigelliformis</i>			4.2	Clay and sometimes serpentinite soils in vernal mesic valley and foothill grasslands and sometimes in vernal pools (328'-3,281).	April-June	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Slender Orcutt grass	<i>Orcuttia tenuis</i>	FT	CE	1B.1	Often gravelly vernal pools (115' - 5,774')	May-October	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Sacramento Orcutt grass	<i>Orcuttia viscida</i>	FE	CE	1B.1	vernal pools (98' - 328')	April-July	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Layne's ragwort	<i>Packera layneae</i>	FT	CR	1B.2	serpentinite or gabbro outcrops in chaparral and cismontane woodland (656' - 3,281')	April-August	Absent. No suitable habitat present onsite.	
Sanford's arrowhead	<i>Sagittaria sanfordii</i>	-	-	1B.2	assorted shallow freshwater marshes and swamps (0' - 2,133')	May-October	Potential to occur. Suitable habitat present onsite.	Absent. Not found on Folsom South in 2006 and 2009 (Foothill 2006a and 2009b), Carpenter Ranch in 2009 (Gibson & Skordal 2009a), Hillsborough in 2009 (ECORP 2009a), SCDS in 2014 (ECORP 2014a), or Regency Phase 1 2019 (ECORP 2019a) surveys.
Hernandez bluecurls	<i>Trichostema rubisepalum</i>			4.3	Volcanic or serpentinite, gravelly soils within broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and vernal pools (984'-4,708').	June-August	Absent. No suitable habitat present onsite.	
El Dorado County mule-ears	<i>Wyethia reticulata</i>	-	-	1B.2	clay or gabbro soils in chaparral, cismontane woodland, and lower montane coniferous forest (607' - 2,067')	April-August	Absent. No suitable habitat present onsite.	
Invertebrates								
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	FE	-	-	vernal pools/wetlands	November-April	Potential to occur	No conservancy fairy shrimp found during Folsom South 2006-07/2007-08 wet season and 2007 dry season (EcoAnalyst 2007, Foothill 2007 and 2009b), Carpenter Ranch 2007, 2008, and 2009 wet season surveys (Gibson & Skordal 2007, 2008, 2009b), Hillsborough 2008-09/2009-10 wet season surveys (ECORP 2009b, ECORP 2010), SCDS wet season 2014 and 2015, and SCDS dry season 2018 (ECORP 2014b, ECORP 2015, ECORP 2019b).
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FT	-	-	vernal pools/wetlands	November-April	Potential to occur	No vernal pool fairy shrimp found during Folsom South 2006-

Table 1. Evaluation of Special-Status Species									
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results	
								07/2007-08 wet season and 2007 dry season (EcoAnalyst 2007, Foothill 2007 and 2009b), Carpenter Ranch 2007, 2008, and 2009 wet season surveys (Gibson & Skordal 2007, 2008, 2009b), Hillsborough 2008-09/2009-10 wet season surveys (ECORP 2009b, ECORP 2010), SCDS wet season 2014 and 2015 (ECORP 2014b, ECORP 2015). One cyst found during dry-season surveys in 2018 (ECORP 2019b).	
Vernal pool tadpole shrimp	Lepidurus packardii	FE	-	-	vernal pools/wetlands	November-April	Potential to occur	No vernal pool tadpole shrimp found during Folsom South 2006-07/2007-08 wet season and 2007 dry season (EcoAnalyst 2007, Foothill 2007 and 2009b), Carpenter Ranch 2007, 2008, and 2009 wet season surveys (Gibson & Skordal 2007, 2008, 2009b), Hillsborough 2008-09/2009-10 wet season surveys (ECORP 2009b, ECORP 2010), SCDS wet season 2014 and 2015, and SCDS dry season 2018 (ECORP 2014b, ECORP 2015, ECORP 2019b).	
Valley elderberry longhorn beetle	Desmocerus californicus dimorphus	FT, FPD	-	-	elderberry shrubs	any season	Potential to occur	Absent. No elderberry shrubs within the Project area (USFWS 2014)	
Fish									
Chinook salmon (Central Valley spring-run ESU)	Oncorhynchus tshawytscha	FT	CT	-	undammed rivers, streams, creeks		Absent-the Project watershed is above Nimbus Dam.		
Chinook salmon (Sacramento River winter-run ESU)	Oncorhynchus tshawytscha	FE	CE	-	undammed rivers, streams, creeks		Absent-the Project watershed is above Nimbus Dam.		
Steelhead (CA Central Valley ESU)	Oncorhynchus mykiss	FT	-	-	undammed rivers, streams, creeks		Absent-the Project watershed is above Nimbus Dam.		
Delta smelt	Hypomesus transpacificus	FT	CE	-	Sacramento-San Joaquin delta		Absent-the Project watershed is above Nimbus Dam.		
Amphibians									
California tiger salamander (Central California DPS)	Ambystoma californiense	FT	CT	CSC	Uses vernal pools, wetlands and adjacent grassland or oak woodland; needs underground refuge, usually ground squirrel	March-May	Absent-the nearest known occurrence is 15 miles to the south; the species has not		

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
					or gopher burrows. Uses vernal pools, ponds, and seasonal wetlands for breeding. Largely terrestrial as adults.		been detected north of the Cosumnes River (USFWS 2004)	
Western spadefoot	<i>Spea hammondi</i>	-	-	CSC	A California endemic species of vernal pools, swales, wetlands and adjacent grasslands throughout the Central Valley.	March-May	Potential to occur-suitable habitat is present onsite.	No previous surveys have targeted this species; however, pre-construction surveys conducted for other projects within the FPASP have not found this species where suitable habitat is present.
California red-legged frog	<i>Rana draytonii</i>	FT	-	CSC	Found historically in the Coast Ranges from Mendocino County south to Baja California, and inland from the northern Sacramento Valley to Sierra Nevada foothills, south to Tulare County. Currently occurs in lowlands or foothills at waters with dense shrubby or emergent riparian vegetation. Larvae require 11 to 20 weeks to transform, sometimes overwintering. Adults must have aestivation habitat to endure summer dry down.	May 1-November 1	Absent-presumed extirpated from the Central Valley floor. Nearest reproducing population is approximately 30 miles east near Pollock Pines, CA.	
Reptiles								
Northwestern pond turtle	<i>Actinemys marmorata</i>	-	-	CSC	The only extant freshwater turtle in California. The northwestern and southwestern subspecies intergrade in central California. This turtle requires basking sites and upland habitats up to 0.5 KM from water for egg laying. Uses ponds, streams, detention basins, and irrigation ditches.	April-October	Potential to occur. Suitable habitat present onsite.	No previous surveys have targeted this species; however, pre-construction surveys conducted for other projects within the FPASP have not found this species where suitable habitat is present.
Giant garter snake	<i>Thamnophis gigas</i>	FT	CT	-	A large, aquatic snake of freshwater ditches, sloughs, and marshes in the Central Valley. Almost extinct from the southern parts of its range.	April-October	Absent-no suitable habitat present onsite; the Project is not within the known current or historic distribution of the species.	
Birds -								
Double-crested cormorant (nesting colony)	<i>Phalacrocorax auritus</i>	-	-	CDFW WL	breeds near ponds, lakes, artificial impoundments, slow-moving rivers, lagoons, estuaries, and open coastlines and typically forages in shallow water. Non-nesters are found in many coastal and inland waters.	April-July	Absent-no suitable nesting and foraging habitat present onsite.	
White-tailed kite (nesting)	<i>Elanus leucurus</i>	-	-	CFP	breeding occurs within trees in low elevation grassland, agricultural, wetland, oak woodland, riparian, savannah, and urban habitats.	March-June	Potential to Occur. Suitable nesting and foraging habitat is present throughout the Project site.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Bald eagle (nesting and wintering)	<i>Haliaeetus leucocephalus</i>	Delisted	CE	CFP, BCC	typically breeds in forested areas near large bodies of water in the northern half of California; they nest in trees and rarely on cliffs usually absent of human disturbance; wintering habitat includes forest and woodland communities near waterbodies (e.g. rivers, lakes), wetlands, flooded agricultural fields, open grasslands	nests (February-July); winters CV (October-March)	Absent-no suitable nesting habitat present onsite.	
Northern harrier (nesting)	<i>Circus cyaneus</i>	-	-	CSC	breeds on the ground in open wetlands, marshy meadows, wet/lightly grazed pastures, (rarely) freshwater/brackish marshes, tundra, grasslands, prairies, croplands, desert, shrub-steppe, and (rarely) riparian woodland communities.	April-September	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Cooper's hawk (nesting)	<i>Accipiter cooperii</i>	-	-	CDFW WL	nests in trees in riparian woodlands in deciduous, mixed and evergreen forests, as well as urban landscapes	April-July	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Swainson's hawk (nesting)	<i>Buteo swainsoni</i>	-	CT	BCC	nesting occurs in trees in agricultural, riparian, oak woodland, scrub, and urban landscapes. Forages over grassland, agricultural lands, particularly during disking/harvesting, irrigated pastures	March-August	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Ferruginous hawk (wintering)	<i>Buteo regalis</i>	-	-	BCC, CDFW WL	Rarely breeds in California (Lassen County); winter range includes grassland and shrubsteppe habitats from Northern California (except northeast and northwest corners) south to Mexico and east to Oklahoma, Nebraska, and Texas.	November-February	Potential to Occur. Suitable winter foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species if present.
Golden eagle (nesting and wintering)	<i>Aquila chrysaetos</i>	-	-	BCC, CFP	Breeding range include mountainous canyon land, rimrock terrain of open desert and grasslands, riparian, oak woodland/savannah, and chaparral. Nesting occurs on cliff ledges, riverbanks, trees, human-made structures (e.g. windmills, platforms, transmission towers). Breeding occurs throughout California, except the immediate coast, Central Valley floor, Salton Sea region, and the Colorado River region, where they can be found during Winter.	nest (February-August); wintering in Central Valley (October-February)	Potential to Occur. Suitable nesting and foraging habitat onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
California black rail	<i>Laterallus jamaicensis coturniculus</i>	-	CT	BCC, CFP	salt marsh, shallow freshwater marsh, wet meadows, and flooded grassy vegetation. In California, primarily found in coastal and Bay-Delta communities, but also in Sierran foothills (Butte, Yuba, Nevada, Placer counties)	March-July	Absent-no suitable nesting or foraging habitat present onsite.	

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
Burrowing owl (burrow sites)	<i>Athene cunicularia</i>	-	-	BCC, CSC	breeds in burrows or burrow surrogates in open, treeless, areas within grassland, steppe, and desert biomes. Often with other burrowing mammals (e.g. prairie dogs, California ground squirrels). May also use human-made habitat such as agricultural fields, golf courses, cemeteries, roadside, airports, vacant urban lots, and fairgrounds.	March-August	Potential to Occur. Suitable nesting and foraging habitat onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Merlin (wintering)	<i>Falco columbarius</i>	-	-	CDFW WL	breeds in Oregon, Washington north into Canada. Winters in southern Canada to South America, including California. Breeds near forest openings, fragmented woodlots, riparian areas. Wintering habitat includes wide variety, open forests, grasslands, tidal flats, plains, and urban settings.	September-April	Potential to Occur. Suitable winter foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Loggerhead shrike	<i>Lanius ludovicianus</i>	-	-	BCC, CSC	Found throughout California in open county with short vegetation, pastures, old orchards, grasslands, agricultural areas, open woodlands. Not found in heavily forested habitats.	March-July	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Purple martin (nesting)	<i>Progne subis</i>	-	-	CSC	In California, breeds along coast range, Cascade-northern Sierra Nevada region and isolated population in Sacramento. Nesting habitat includes montane forests, Pacific lowlands with dead snags; the isolated Sacramento population nests in weep holes under elevated highways/bridges. Winters in South America.	April-August	Absent. No suitable habitat present onsite.	
Bank swallow (nesting)	<i>Riparia riparia</i>	-	CT	-	Nests colonially along coasts, rivers, streams, lakes, reservoirs, and wetlands in vertical banks, cliffs, and bluffs in alluvial, friable soils. May also nest in sand, gravel quarries and road cuts. In California, breeding range includes northern and central California.	May-July	Absent. No suitable nesting habitat present onsite.	
Lark sparrow (nesting)	<i>Chondestes grammacus</i>	-	-	CNDDB	in California, breeds from Siskiyou Co east to Nevada state line, south to Nevada Co., from Central Valley to Pacific Coast, except humid northwest; also, Riverside Co. and the Owens and Antelope valleys. Nesting habitat includes open habitats and ecotones, orchards, park-like woodlands, grasslands, savannah, shrub-steppe, mesquite grasslands, and fallow fields with brushy edges.	year round res. (nests April-May)	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Grasshopper sparrow	<i>Ammodramus savannarum</i>	-	-	CSC	In California, breeding range includes most coastal counties south to Baja California; western Sacramento Valley and western	May-July	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be

Table 1. Evaluation of Special-Status Species								
Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
					edge of Sierra Nevada region. Nests in moderately open grasslands and prairies with patchy bare ground. Avoids grasslands with extensive shrub cover; more likely to occupy large tracts of habitat than small fragments; removal of grass cover by grazing often detrimental.			conducted prior to ground disturbance to protect this species..
Song sparrow "Modesto"	<i>Melospiza melodia heermanni</i>	-	-	BCC, CSC	resident in central and southwest California, including Central Valley; nests in marsh, scrub habitat	April-June	Potential to Occur. Suitable nesting and foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Tricolored blackbird (nesting colony)	<i>Agelaius tricolor</i>	-	CE-emergency listing Dec 2014	BCC, CSC	breeds locally west of Cascade-Sierra Nevada and southeastern deserts from Humboldt and Shasta Cos south to San Bernardino, Riverside and San Diego Counties. Central California, Sierra Nevada foothills and Central Valley, Siskiyou, Modoc and Lassen Counties. Nests colonially in freshwater marsh, blackberry bramble, milk thistle, triticale fields, weedy (mustard, mallow) fields, giant cane, safflower, stinging nettles, tamarisk, riparian scrublands and forests, fiddleneck and fava bean fields.	April-June	Potential to Occur. Suitable foraging habitat present onsite.	No previous surveys have targeted this species. Pre-construction nesting bird surveys will be conducted prior to ground disturbance to protect this species.
Mammals								
Townsend's big-eared bat	<i>Corynorhinus townsendii townsendii</i>	-	CC	CSC	distribution strongly correlated to presence of caves and cave-like roosting habitat, including abandoned mines; may also roost in buildings, bridges, rock crevices and tree hollows; forages in edge habitat along streams, adjacent to and within woodland habitat.	April-September	Low Potential. Suitable roosting cave/mine habitat present within the FPASP area.	No previous surveys have targeted this species. Pre-construction roosting habitat surveys will be conducted prior to ground disturbance to protect this species if present.
Pallid bat	<i>Antrozous pallidus</i>	-	-	CSC	roosts in crevices in mines, man-made structures, rock outcrops, tree cavities, exfoliating bark in a variety of deciduous and coniferous trees, man-made structures, bridges, buildings; they forage over open shrub-steppe grasslands, oak savannah grasslands, open pine forests, talus slopes, gravel roads, orchards and vineyards.	April-September	Low Potential. Suitable foraging habitat present onsite, and limited roosting habitat in the oak woodland.	No previous surveys have targeted this species. Pre-construction roosting habitat surveys will be conducted prior to ground disturbance to protect this species if present.
Ringtail	<i>Bassariscus astutus</i>	-	-	CFP	rock outcrops, canyons, talus slopes, and riparian in arid and semi-arid country, deserts, chaparral, oak woodlands, pinyon pine woodlands, juniper woodlands, and montane conifer forests.; typically near water.	any season	Absent. No suitable habitat present onsite	

Table 1. Evaluation of Special-Status Species

Common Name	Scientific Name	Federal ESA Status	California ESA Status	California Other Status	Habitat Description	Approximate Survey Dates	Potential for Occurrence Onsite	Previous Surveys Survey Year, Results
American badger	<i>Taxidea taxus</i>	-	-	CSC	friable soils in open vegetation communities, annual grassland	any season	Potential to Occur. Suitable habitat present onsite.	No previous surveys have targeted this species; however, pre-construction surveys conducted for other projects within the FPASP have not found this species where suitable habitat is present.

Status Codes:

FE	Federal ESA listed, Endangered.	CDFW WL	California Department of Fish and Wildlife Watch List
FT	Federal ESA listed, Threatened.	1A	California Rare Plant Rank/Presumed extinct.
FPE	Formally Proposed for federal ESA listing as Endangered.	1B	California Rare Plant Rank/Rare or Endangered in California and elsewhere.
FPT	Formally Proposed for federal ESA listing as Threatened.	2A	California Rare Plant Rank/Presumed extirpated in California, more common elsewhere.
FPD	Listed under Federal ESA, but formally proposed for delisting.	2B	California Rare Plant Rank/Rare or Endangered in California, more common elsewhere.
Fd	Formally Delisted (delisted species are monitored for 5 years).	3	California Rare Plant Rank/Plants About Which More Information is Needed - A Review List.
FC	Candidate for federal ESA listing as Threatened or Endangered.	4	California Rare Plant Rank/Plants of Limited Distribution - A Watch List.
NMFS	NOAA/NMFS species of concern	CNDDDB	Species that is tracked by CDFW's Natural Diversity Database but does not have any of the above special-status designations otherwise.
BCC	U. S. Fish and Wildlife Service Bird of Conservation Concern (USFWS, 2008)		
CE	California ESA or Native Plant Protection Act listed, Endangered.		
CT	California ESA or Native Plant Protection Act listed, Threatened.		
CR	California ESA or Native Plant Protection Act listed, Rare.		
CC	Candidate for California ESA listing as Endangered or Threatened.		
CFP	Fish and Game Code of California Fully Protected Species (§3511-birds, §4700-mammals, §5050-reptiles/amphibians).		
CSC	California Department of Fish and Wildlife Species of Special Concern.		

4.2 Method of Analysis

This analysis of impacts on biological resources resulting from implementation of the proposed Project is based on review of existing biological resources documented on or near the Project area, as listed previously in this section and information obtained from the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), South of the U.S. Highway 50 Specific Plan Project and the Final EIR/EIS (City and USACE 2010, 2011); field surveys conducted by Foothill Associates, Inc. for Folsom South, Gibson & Skordal, LLC for Carpenter Ranch, and ECORP Consulting, Inc. for Hillsborough, SCDS, and Phase 1 of the Project; and the BO for the FPASP (USFWS 2014). All biological resources are analyzed at Project-level detail based on the Project land use plan. Please note, a grading plan is only available for Phase 1 of the Project, and impacts for the remainder of the Project site are analyzed based on current land use planning detail and are subject to change once grading plans are finalized.

4.3 Project-Specific Impacts and Mitigation Measures

The following discussion of biological resources impacts is based on implementation of the proposed Project in comparison to existing conditions, the standards of significance presented above, and the biological resource impacts outlined in the EIR/EIS. The status of the EIR/EIS biological resources mitigation measures as they relate to the Project is summarized in Attachment A.

4.3.1 ***EIR/EIS Impact 3A.3-1: Loss and degradation of Waters of the U.S., including wetlands and Waters of the State. Impact is less than significant with mitigation implemented.***

Implementation of the Project would result in direct impacts from the loss of Waters of the U.S./State, including wetlands, resulting from the placement of fill material. Waters of the U.S./State that would be filled onsite consist of 0.368 acre of vernal pools, 0.256 acre of seasonal wetlands, 1.843 acres of seasonal wetland swale, and 0.372 acre of intermittent drainage (Figure 4. *Impacted Biological Resources – Onsite*). Waters of the U.S./State that would be filled within the offsite parcels consist of 0.042 acre of vernal pool, 0.052 acre of seasonal wetland, 1.411 acres of seasonal wetland swale, 0.047 acre of intermittent drainage, 0.046 acre of creek/channel, 0.150 acre of ditch, and 0.159 acre of ditch (Figure 5. *Impacts to Biological Resources – Offsite Parcels*). In addition to direct impacts, the Project would result in indirect effects on wetlands from increased urbanization and population, including reduction in water quality caused by urban runoff, erosion, and siltation, intrusion of humans and domestic animals, and introduction of invasive plant species that could result in habitat degradation. Wetlands and other waters would be indirectly affected by substantial grading and creation of impervious surfaces proposed for adjacent uplands. The majority of the Project area, except the designated conservation area, would be subject to contour grading, which could affect wetland hydrology and water quality. Overall site topography would be substantially altered to achieve level ground for development. These earthmoving activities and resulting gradient changes across the Project area could alter hydrologic patterns and adversely affect wetlands and drainage channels retained within the Project area, as well as within the immediate vicinity, by altering hydration periods, peak flows, runoff volumes, and runoff durations.

ECORP: J:\GIS_Maps\2005-429_Folsom_Area_South_Group\Draft_Maps_Data\2019-04-09_Regency_MRP3_Impacts\Regency_BIO_CEOA_20200128_OverallImpacts.mxd (JDS)-\Swagger 1/29/2020

Impacts to Biological Resources	Impact	Avoidance	Total
Waters			
Vernal Pool	0.368	0.225	0.593
Seasonal Wetland	0.256	0.094	0.350
Seasonal Wetland Swale	1.843	0.669	2.511
Intermittent Drainage	0.372	2.430	2.802
Total	2.839	3.418	6.257
Plants			
Needlegrass Grassland	0.339	0.000	0.339
Foraging Habitat			
SWHA Foraging Habitat ~	214.051	63.494	277.545
Oak Canopy			
Oak Woodland	7.786	10.145	17.931
Isolated Oak Trees			
	Count	Count	Count
Blue Oak	85	17	102
Interior Live Oak	3	4	7
Valley Oak	2	1	3
Total	90	22	112

- SWHA foraging within passive recreation considered preserved
THE ACREAGE VALUE FOR EACH FEATURE HAS BEEN ROUNDED
TO THE NEAREST 1/1000 DECIMAL. SUMMATION OF THESE VALUES MAY
NOT EQUAL THE TOTAL ACREAGE REPORTED.

Map Features

- Specific Plan Boundary
- Already Mitigated Area
Phase 1 backbone is completed and is excluded from the Regency impacts
- Regency Limits of Work

Open Space Areas

- Conservation Area
- Passive Recreation Open Space

Plants

- Impacted Needlegrass Grassland

Isolated Oak Trees

Avoided Isolated Oak

- Blue Oak
- Interior Live Oak
- Valley Oak

Impacted Isolated Oak

- Blue Oak
- Interior Live Oak
- Valley Oak

Oak Woodland

- Avoided Oak Woodland
- Impacted Oak Woodland

Swainson's Hawk Foraging

- Preserved Foraging Habitat
- Impacted Foraging Habitat

Waters

Preserved Waters

- Vernal Pool
- Seasonal Wetland
- Seasonal Wetland Swale
- Intermittent Drainage

Impacted Waters

- Vernal Pool
- Seasonal Wetland
- Seasonal Wetland Swale
- Intermittent Drainage

Sources: ESRI, NAIP (2018), MSCE
MS_ETAs-Toll Brothers Ph1 Backbone lotting.dwg; MS_ETAs-Toll Brothers Ph1 Backbone limits of work.dwg; Regency_Proposed_LU_20200124.shp

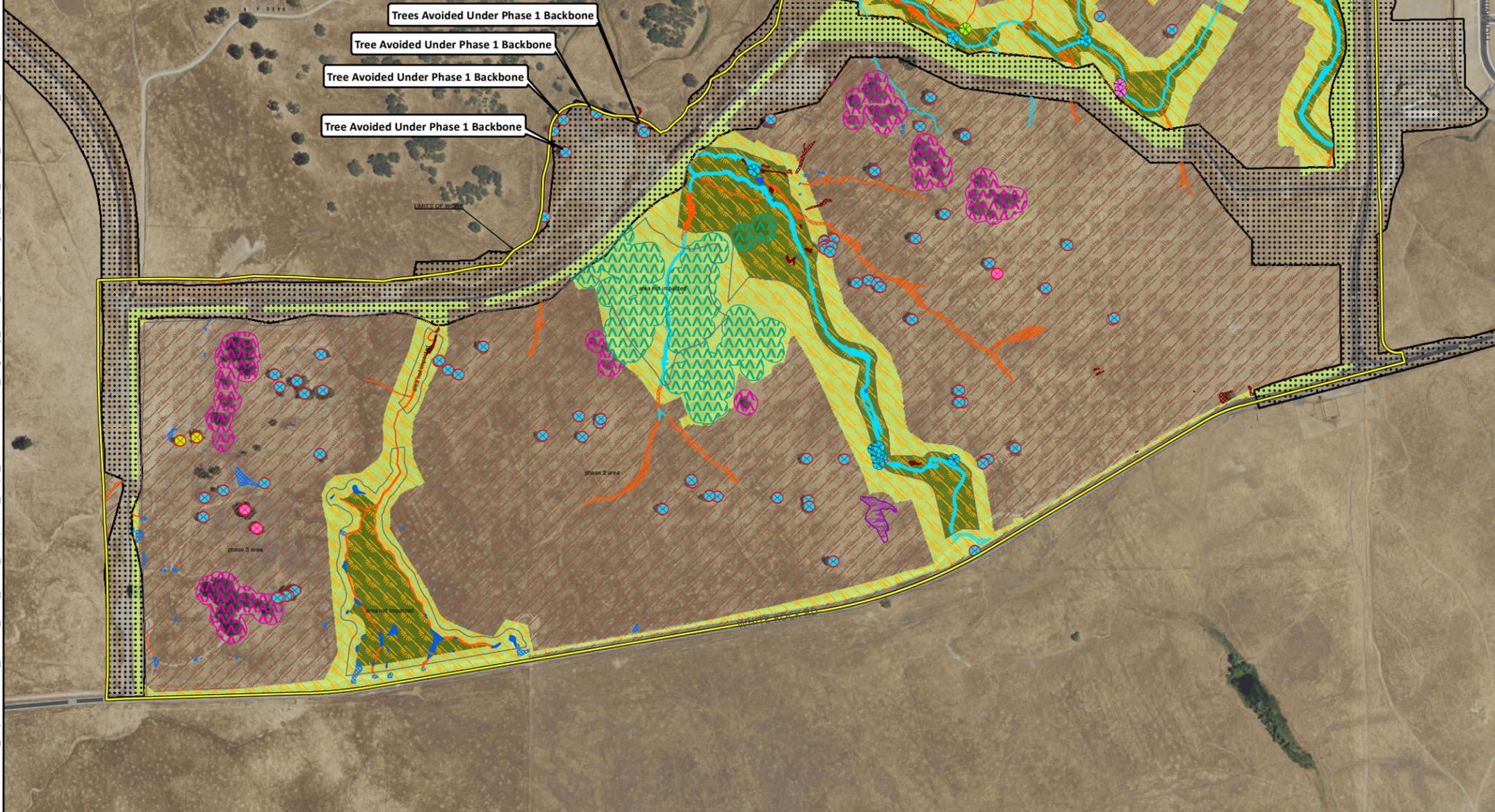
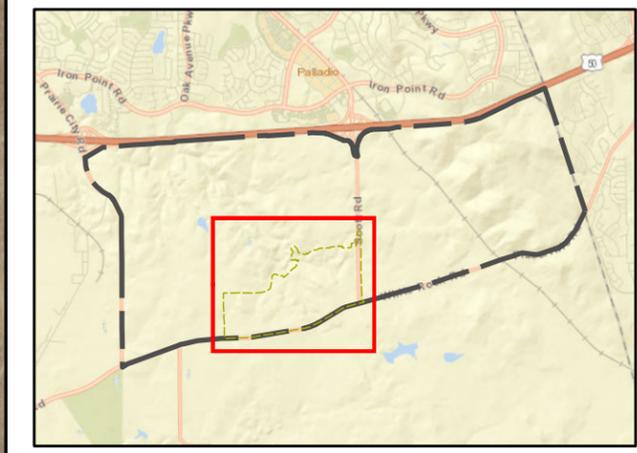
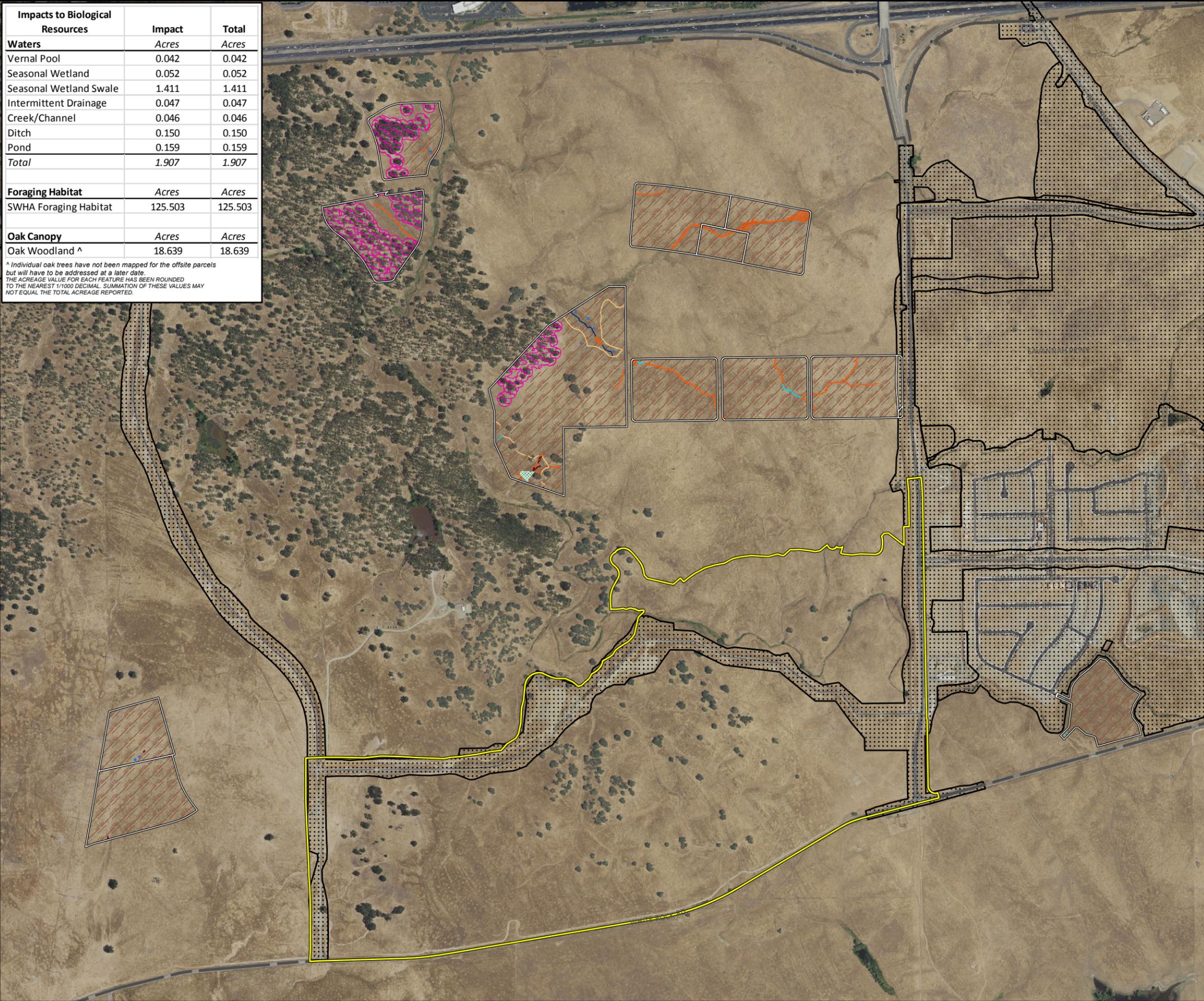


Figure 4. Impacted Biological Resources - Onsite
 2018-030 Regency

ECORP: J:\GIS_Maps\2005-429_Folsom_Area_South_Group\Draft_Maps_Data\2019-04-09_Regency_MRP3_Impacts\Regency_BIO_CEOA_20190702_ParcelImpacts.mxd (.JDS)-J.Swager 7/30/2019

Impacts to Biological Resources	Impact Acres	Total Acres
Waters		
Vernal Pool	0.042	0.042
Seasonal Wetland	0.052	0.052
Seasonal Wetland Swale	1.411	1.411
Intermittent Drainage	0.047	0.047
Creek/Channel	0.046	0.046
Ditch	0.150	0.150
Pond	0.159	0.159
Total	1.907	1.907
Foraging Habitat		
SWHA Foraging Habitat	125.503	125.503
Oak Canopy		
Oak Woodland ^	18.639	18.639

^ Individual oak trees have not been mapped for the offsite parcels but will have to be addressed at a later date. THE ACREAGE VALUE FOR EACH FEATURE HAS BEEN ROUNDED TO THE NEAREST 1/1000 DECIMAL. SUMMATION OF THESE VALUES MAY NOT EQUAL THE TOTAL ACREAGE REPORTED.



Map Features

- Specific Plan Boundary
- Already Mitigated Area
Projects with completed permits are excluded from the Regency impacts
- Regency Limits of Work
- Regency Offsite Parcels

Swainson's Hawk Foraging

- Impacted Foraging Habitat

Oak Woodland

- Impacted Oak Woodland

Waters

Impacted Waters

- Vernal Pool
- Seasonal Wetland
- Seasonal Wetland Swale
- Intermittent Drainage
- Creek/Channel
- Ditch
- Pond

Sources: ESRI, NAIP (2018), MSCE
 MS_ETAs-Toll Brothers Ph1 Backbone lotting.dwg; MS_ETAs-Toll Brothers Ph1 Backbone limits of work.dwg
 FPASP_TollBrothers_SPA_Parcel.shp

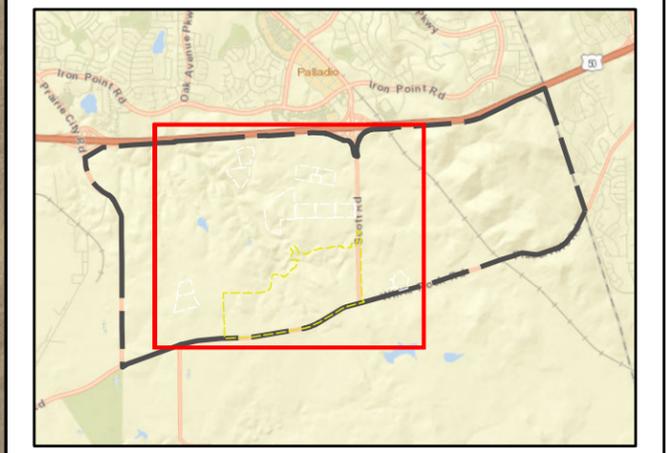


Figure 5. Impacts to Biological Resources - Offsite Parcels
 2018-030 Regency

While there have been changes to the Project design since the EIR/EIS, the Project as designed will result in impacts to Waters of the U.S., including wetlands, as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-1a and MM 3A.3-1b are still applicable to reduce impacts to Waters of the U.S. to a less than significant level.

4.3.2 EIR/EIS Impact 3A.3-2. Loss and Degradation of Habitat for Special-Status Wildlife Species and Potential Direct Take of Individuals. Impact is less than significant with mitigation measures implemented.

Valley Elderberry Longhorn Beetle (VELB)

The VELB is federally listed as threatened. According to the USFWS BO, there are no elderberry shrubs (*Sambucus* sp.) identified within Folsom South property or the SCDS property, and no elderberry shrubs were identified within the portions of the Project that occur within the Hillsborough property and Carpenter Ranch property (Figure 4 and Figure 5). Therefore, the Project would result in no impacts to VELB.

Vernal Pool Crustaceans

The Project area contains vernal pools, seasonal wetlands, and seasonal wetland swales that are considered potential habitat for vernal pool fairy shrimp, conservancy fairy shrimp, and vernal pool tadpole shrimp. Vernal pool tadpole shrimp and conservancy fairy shrimp are federally listed as endangered, and vernal pool fairy shrimp is federally listed as threatened.

Two years of protocol-level wet season surveys and one protocol-level dry season survey have been completed for the Folsom South property. No listed invertebrate species have been found within the Folsom South portion of the Project area to date (EcoAnalysts 2007; Foothill 2008 and 2009b). Additionally, the USFWS BO issued for the FPASP concluded that no vernal pool crustaceans or cysts were detected within the Folsom South property, and therefore, the Folsom South project would not result in impacts to vernal pool crustaceans (USFWS 2014). Three years of protocol-level wet seasons surveys have been completed for the Carpenter Ranch property. No listed invertebrate species were found during the wet-season surveys (Gibson & Skordal 2007, 2008, 2009b). Additionally, the USFWS BO concluded that no vernal pool crustaceans were detected for the Carpenter Ranch property, and therefore, the Carpenter Ranch project would not result in impacts to vernal pool crustaceans. Two years of protocol-level wet season surveys have been completed for the Hillsborough property. No listed invertebrate species were found during the wet-season surveys (ECORP 2009b, ECORP 2010). Additionally, the USFWS BO concluded that no vernal pool crustaceans were detected for the Hillsborough property, and therefore, the Hillsborough project would not result in impacts to vernal pool crustaceans. Two years of protocol-level wet season surveys and one protocol-level dry season survey have been completed for the SCDS property. No listed invertebrate species were found during the wet-season surveys (ECORP 2014b, 2015). One cyst belonging to the genus *Branchinecta* was found during dry-season surveys in 2018 (ECORP 2019b). However, because surveys for vernal pool crustaceans were not conducted at the time the BO was issued, the BO assumed presence of listed vernal pool crustaceans for the SCDS property (USFWS 2014).

Since issuance of the BO, land use changes have occurred within the Project, specifically on the portion that overlaps with the SCDS. The BO originally assumed a portion of vernal pools occurring in the southwestern corner of the site would be preserved. Under the Project's current land use plan, these vernal pools will be impacted. Because vernal pool crustaceans are assumed present for the SCDS property, an amendment to the BO will be required to impact these vernal pools. Thus, implementation of EIR/EIS MM 3A.3-2g is still applicable to reduce impacts on vernal pool crustaceans to a less than significant level.

Western Spadefoot

Impacts to western spadefoot were not originally analyzed under the EIR/EIS for the land portion of the FPASP project. Western spadefoot surveys have not been conducted for the Project area; however, they are known to occur in Mather Regional Park, more than five miles from the Project area. Western spadefoot may be present in vernal pools or other seasonal wetlands within the Project area. Implementation of the Project would permanently remove potential habitat for western spadefoot. Western spadefoot, if they occur within the Project area, could be indirectly affected by an increase in vehicular traffic on the site, which could result in mortality during dispersal or seasonal movements between aquatic and upland habitats. As a result, direct and indirect impacts to western spadefoot are considered potentially significant. The following mitigation measures are recommended to reduce impacts to western spadefoot to a less than significant level.

Mitigation Measure(s)

WS-1 Conduct Environmental Awareness Training for Construction Employees

- Prior to beginning construction activities, the Project Applicant will employ a qualified biologist to develop and conduct environmental awareness training for construction employees. The training will describe the importance of onsite biological resources, including special-status wildlife habitats; potential nests of special-status birds; and roosting habitat for special-status bats. The biologist will also explain the importance of other responsibilities related to the protection of wildlife during construction such as inspecting open trenches and looking under vehicles and machinery prior to moving them to ensure there are no lizards, snakes, small mammals, or other wildlife that could become trapped, injured, or killed in construction areas or under equipment.
- The environmental awareness program will be provided to all construction personnel to brief them on the life history of special-status species in or adjacent to the Project area, the need to avoid impacts on sensitive biological resources, any terms and conditions required by State and federal Agencies, and the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the Project, the contractor's superintendent will ensure that the personnel receive the mandatory training before starting work. An environmental awareness handout that describes and illustrates sensitive resources to be avoided during Project construction and identifies all relevant permit conditions will be provided to each person.

WS-2 Conduct Preconstruction Western Spadefoot Survey

- The Project Applicant(s) shall retain a qualified biologist to conduct a preconstruction Western spadefoot survey within 48 hours of the initiation of construction activity within suitable tadpole habitat (e.g., vernal pools, seasonal wetlands, and drainages with standing water) for Western spadefoot. If no Western spadefoot individuals are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW and the City, and no further mitigation shall be required.
- If Western spadefoot individuals are found, the qualified biologist shall consult with CDFW to determine appropriate avoidance measures.

Northwestern Pond Turtle

Impacts to northwestern pond turtle were not originally analyzed under the EIR/EIS for the land portion of the FPASP project. Focused surveys for northwestern pond turtles have not been conducted for the Project area. Suitable habitat for northwestern pond turtle occurs in some intermittent drainages within the Project area; however, these drainages provide marginal habitat as they are dry most of the year. Implementation of the Project would fill intermittent drainages within the Project area. Although the drainages provide marginally suitable habitat, there is still potential for northwestern pond turtles to occur. Thus, direct and indirect impacts to northwestern pond turtle are considered potentially significant. The following mitigation measures are recommended to reduce impacts to northwestern pond turtle to a less than significant level.

Mitigation Measure(s)

WS-1 Conduct Environmental Awareness Training for Construction Employees

- See above in section 3.3.8.

NWPT-1 Conduct Preconstruction Northwestern Pond Turtle Survey

- The Project Applicant(s) shall retain a qualified biologist to conduct a preconstruction northwestern pond turtle survey within 48 hours of the initiation of construction activity within suitable habitat for western pond turtle. If no northwestern pond turtles are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW and the City, and no further mitigation shall be required.
- If northwestern pond turtles are found, the qualified biologist shall capture and relocate the turtles to a suitable preserved location in the vicinity of the Project.

Swainson's Hawk, Burrowing Owl, and Other Raptors

The Project area provides foraging habitat for Swainson's hawk and other raptors, including burrowing owl. Specifically, the Project will result in impacts to 214.051 acres of Swainson's hawk foraging habitat (Figure 4). Additionally, the trees onsite may provide suitable nesting habitat for Swainson's hawk and other raptors, and the grassland may provide suitable nesting habitat for burrowing owl. Implementation

of the Project could have an adverse effect on nesting and foraging habitat for raptors, including Swainson's hawk and burrowing owl. A project -specific Swainson's Hawk Foraging Habitat Mitigation Plan consistent with the approved Swainson's Hawk Mitigation Plan for the FPASP (ECORP 2017a) will be required for the Project.

While there have been changes to the Project design since the EIR/EIS, the Project as designed will result in impacts to Swainson's hawk, burrowing owl, and other special-status raptor nesting and foraging habitat as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-2a and MM 3A.3-2b are still applicable to reduce impacts Swainson's hawk, burrowing owl, and other special-status raptors to a less than significant level.

Tricolored Blackbird

Potential tricolored blackbird nesting habitat is limited to emergent vegetation that may occur along intermittent drainages and seasonal wetland swales throughout the Project area. Because some suitable nesting habitat occurs within the Project area, construction activity within the Project area could disturb nesting tricolored blackbirds if an active tricolored blackbird nesting colony were to be present during ground-disturbing activities. Disturbance during construction could result in nest abandonment and loss of eggs or young. The Project could directly impact tricolored blackbird nesting habitat, and indirect impacts could occur to suitable nesting habitat within 500 feet of the Project area.

While there have been changes to the Project design since the EIR/EIS, the Project as designed could result in potential impacts to tricolored blackbird nesting habitat as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-2c is still applicable to reduce impacts tricolored blackbird nesting colonies to a less than significant level.

Nesting Birds

Other nesting birds have potential to occur within the Project area that are protected under the Migratory Bird Treaty Act and California Fish and Game Code. While a potential loss of a few individuals is not likely to result in a substantial effect on their populations, if nesting individuals are present during construction, adverse impacts to individuals could occur. Thus, direct and indirect impacts of Project implementation on these species are considered potentially significant. The following mitigation measure is recommended to reduce impacts to western spadefoot to a less than significant level.

Mitigation Measure

NB-1 Preconstruction Nesting Bird Survey

- Conduct a preconstruction nesting bird survey of all areas associated with construction activities on the Project site within 14 days prior to commencement of construction during the nesting season (1 February through 31 August).
- If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFW. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest, to be determined by a qualified biologist. Once the young are independent of the

nest, no further measures are necessary. Pre-construction nesting surveys are not required for construction activity outside of the nesting season.

Special-Status Bats

Two special-status bat species have potential to occur within the vicinity of the Project area: pallid bat, and Townsend's big-eared bat. These species may forage over woodland and open grassland areas; however, roosting habitat is typically a limiting factor to bat distribution. The trees in the oak woodland may support roosting habitat for several special-status bats. There are mine shafts within the FPASP area that could provide potential roosting habitat for Townsend's big-eared bat.

While there have been changes to the Project design since the EIR/EIS, the Project as designed could result in potential impacts to special-status bat species as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-2d is still applicable to reduce impacts special-status bat species to a less-than-significant level.

American Badger

The American badger is a wide-ranging species that uses grassland and oak woodland habitats. The American badger has been documented adjacent to the Project area by Matus (City and USACE 2010), and nearly the entire SPA provides suitable habitat. It is unknown if the species currently occurs within the Project area. Although implementation of the Project would result in loss of habitat for the American badger, the loss of habitat from the Project would not be likely to cause loss of individuals because there would still be adequate suitable foraging and denning habitat in the area to support the local population. Therefore, there are no direct and indirect impacts to American badger.

4.3.3 EIR/EIS Impact 3A.3-3: Potential Loss or Degradation of Special-Status Plant Populations and Habitat. Impact less than significant with mitigation measures implemented.

Loss of suitable habitat as a result of Project development could result in direct removal or mortality of special-status plants, if they are present. Project development could also result in indirect impacts on special-status plants including impacts caused by pollutants transported by urban runoff and other means, changes in vegetation as a result of changes in land use and management practices, altered hydrology from the construction of adjacent residential development and roadways, habitat fragmentation, and the introduction of invasive species or noxious weeds from surrounding development.

As stated above, protocol-level focused surveys for special-status plants have been conducted for the Folsom South portion of the Project in 2006, 2009, (Foothill 2006, 2009a), the Carpenter Ranch property in 2009 (Gibson & Skordal 2009a), the Hillsborough property in 2009 (ECORP 2009a), the SCDS portion of the Project in 2014 (ECORP 2014a), and for Phase 1 only in 2019 (ECORP 2019) in compliance with EIR/EIS MM 3A.3-3. No special-status plant species were found during these surveys. Additional plant surveys will be conducted within future phases of the Project prior to construction. Thus, there are no direct or indirect impacts on special-status plants as a result of the proposed Project's development and the impact to these species are considered less than significant.

4.3.4 Impact 3A.3-4. Loss of Sensitive Natural Communities (not Already Covered under Other Impacts). Impact less than significant with mitigation measure implemented.

CDFW Habitat

Habitat subject to Section 1600 of the California Fish and Game Code is present within the Project area and will be impacted by the Project (Figure 3). While there have been changes to the Project design since the EIR/EIS, the Project as designed will result in impacts to CDFW habitat as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-4a is still applicable to reduce impacts CDFW habitat to a less than significant level.

Valley Needlegrass Grassland

In compliance with EIR/EIS MM 3A.3-4b, Valley needlegrass grassland surveys were conducted for the Project in by ECORP in spring of 2015. A total of 0.339 acre of Valley needlegrass grassland will be impacted by the onsite portion of the Project (Figure 4). There is no Valley needlegrass grassland mapped within the offsite parcels (Figure 5). A Valley needlegrass grassland mitigation plan consistent with the approved Conceptual Valley Needlegrass Grassland Mitigation and Monitoring Plan for the FPASP (ECORP 2016) is required to be prepared for the Project.

While there have been changes to the Project design since the EIR/EIS, the Project as designed will result in impacts to Valley needlegrass grassland as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-4b is still applicable to reduce impacts to Valley needlegrass grassland to a less than significant level.

4.3.5 Impact 3A.3-5. Loss of Blue Oak Woodland and Individual Oak Trees. Impact less than significant with mitigation measure implemented.

Blue oak woodland is present within the northwestern portion of the Project area and individual oak trees are scattered throughout the grassland community. The onsite portion of the Project will impact 7.786 acres of blue oak woodland and 90 individual oak trees consisting of 85 blue oaks (*Quercus douglasii*), three interior live oak (*Quercus wislizenii*), and two valley oaks (*Quercus lobata*) (Figure 4). The offsite parcels will impact 18.639 acres of oak woodland (Figure 5). Arborist surveys have not been conducted for the offsite parcels and individual oak trees have not been mapped for the offsite parcels. Impacts to individual oak trees will be addressed once arborist survey are conducted for these areas. The loss and degradation of blue oak woodland and individual oak trees that would occur with Project implementation constitutes an adverse effect on a sensitive natural community regulated by the City under Section 10.2.3 of the FPASP. An Oak Tree Mitigation Plan consistent with the approved Conceptual Oak Tree Mitigation and Monitoring Plan for the FPASP (ECORP 2017b) is required to be prepared for the Project.

While there have been changes to the Project design since the EIR/EIS, the Project as designed will result in impacts to blue oak woodland and individual oak trees as originally analyzed in the EIR/EIS. Implementation of EIR/EIS MM 3A.3-5 is still applicable to reduce impacts blue oak woodland and individual oak trees to a less-than-significant level.

4.3.6 Impact 3A.3-6. Potential Interference with Wildlife Movement. Impact is considered less than significant.

Wildlife corridors are features that provide connections between two or more areas of habitat that would otherwise be isolated and unusable. Often drainages, creeks, or riparian areas are used by wildlife as movement corridors as these features can provide cover and access across a landscape. Intermittent drainages flow throughout the Project area that may provide wildlife movement corridors. Due to the existing residential development in El Dorado County to the east and southeast and the City to the north of the Project site, the likelihood of wildlife species using the area as a migratory corridor is low. Although migratory wildlife use throughout the site is expected to be relatively low, the adjacent open space to the south of the Project site (south of White Rock Road) and the Alder Creek corridor, in conjunction with the preserved open spaces within the entire FPASP, would provide adequate opportunities for wildlife to avoid the proposed development areas. Areas to the north (the City, U.S. Highway 50) and east (Gencorp/Aerojet development) of the Project are already developed and do not provide natural habitat areas for wildlife. Regionally common wildlife species, such as coyote, fox, raccoon, skunk, and possum, are expected to continue to use the Alder Creek corridor after Project implementation. There are no established migratory routes through the Project area that are vital for the movement of any resident or migratory fish or wildlife species or population. Therefore, direct and indirect impacts on wildlife movement from the Project are considered less than significant.

4.3.7 EIR/EIS Impact 3A.3-7. Conflict with an Adopted Habitat Conservation Plan. No Impact.

The Project area is not within the boundaries of an adopted habitat conservation plan. Thus, the Project would not conflict with an adopted habitat conservation plan and no impacts would occur.

5.0 CONCLUSION

While there have been changes to the land use plan for the Project, the mitigation measures from the EIR/EIS will still reduce impacts to biological resources to a less than significant level. There are also additional mitigation measures recommended to further reduce impacts to special-status species not originally analyzed in the EIR/EIS (i.e., western spadefoot, northwestern pond turtle, and nesting birds). Overall, significance of biological resources impacts analyzed in the EIR/EIS have not changed and all impacts can be mitigated to a less than significant level. The biological resources mitigation measures outlined in the EIR/EIS are still applicable and will be implemented during Project construction.

6.0 REFERENCES

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ATTACHMENT A

Status of Biological Resources Mitigation Measures

Status of EIR/EIS Biological Mitigation Measure and Related Permit & Agreement Conditions.

EIR/EIS MM 3A.3-1a - Design Stormwater Drainage Plans and Erosion and Sediment Control Plans to avoid and minimize erosion and runoff to all wetlands and other waters that are to remain within the Project area and use low impact development features.

Status: Not Complete

A Stormwater Drainage Plan and Erosion and Sediment Control Plan will be developed and implemented prior to construction.

EIR/EIS MM 3A.3-1b - Secure Clean Water Act (CWA) Section 404 Permit and implement all permit conditions; ensure no net loss of functions and waters of the U.S. and waters of the State.

Status: Complete

Section 401 and 404 permits have been received. All permit conditions must be met prior to impacting Waters of the U.S. A permit compliance letter will be submitted to USACE for approval of final development plans of the Project.

- 404 Individual Permit issued by USACE for Mangini (SPK-2013-00486), issued August 6, 2014 and amended on May 2, 2014, June 21, 2017, June 20, 2018 and extended July 1, 2019.
- 404 Individual Permit issued by USACE for Alder Ranch (SPK-2006-00561) issued April 5, 2018.
- 404 Individual Permit issued by USACE for Carpenter Ranch (SPK-2006-00984), issued July 25, 2014 and amended and extended on July 11, 2019.
- 404 Individual Permit issued by USACE for Backbone Infrastructure (SPK-2007-02159), issued June 6, 2014, amended March 17, 2017, and extended on January 16, 2019.
- 401 Water Quality Certification issued by the Central Valley RWQCB for Mangini (WDID#5A34CR00581) on April 10, 2014.
- 401 Water Quality Certification issued by the Central Valley RWQCB for Alder Ranch (WDID#5A34CR00681) on September 5, 2017.
- 401 Water Quality Certification issued by the Central Valley RWQCB for Carpenter Ranch (WDID#5A34CR00533) on July 11, 2014.
- 401 Water Quality Certification issued by the Central Valley RWQCB for Backbone Infrastructure (WDID#5A34CR00519) on October 18, 2013.

EIR/EIS MM 3A.3-2a - Avoid direct loss of Swainson's Hawk and other raptor nests and nesting birds.

Status: Pending

Pre-construction surveys to be conducted within 14 days of the onset of construction activities.

EIR/EIS MM 3A.3-2b - Prepare a Swainson's Hawk Mitigation Plan

Status: Complete

A project-specific Swainson's Hawk Mitigation Plan has been prepared for Phase 1 of the Project and is consistent with the approved Swainson's Hawk Mitigation Plan prepared for the entire FPASP (ECORP 2017a). Project-specific plans will be required for future phases on the Project.

Status of EIR/EIS Biological Mitigation Measure and Related Permit & Agreement Conditions.

EIR/EIS MM 3A.3-2c - Avoid and minimize impacts to Tricolored Blackbird nesting colonies.

Status: Pending

No known tricolored blackbird colonies are present onsite; however, some suitable nesting habitat (limited to emergent vegetation within intermittent drainages and seasonal wetland swales) for tricolored blackbirds occurs on-site. Pre-construction surveys will be conducted concurrently with nesting raptor surveys under MM 3A.3-2a to ensure no nesting tricolored blackbirds occur on-site.

EIR/EIS MM 3A.3-2d - Avoid and minimize impacts to special-status bat roosts.

Status: Pending

Pre-construction surveys of potential bat roosting habitat will be conducted concurrently with nesting bird surveys within 14 days of the onset of construction activities.

EIR/EIS MM 3A.3-2e - Obtain an Incidental Take Permit (ITP) under Section 10(a) of the federal Endangered Species Act (ESA); develop and implement a Habitat Conservation Plan (HCP) to compensate for the loss of vernal pool habitat

Status: Not applicable

The current land use plan requires a CWA Section 404 permit, which involves a federal action and eliminates the need for a Section 10 ITP and HCP. See Mitigation Measure 3A.3-2g.

EIR/EIS MM 3A.3-2f - Obtain an ITP under Section 10(a) of the federal ESA; develop and implement a HCP to compensate for the loss of Valley Elderberry Longhorn Beetle (VELB) habitat.

Status: Not applicable

The current land use plan requires a CWA Section 404 permit, which involves a federal action and eliminates the need for a Section 10 ITP and HCP. See Mitigation Measure 3A.3-2h

EIR/EIS MM 3A.3-2g - Secure take authorization for federally listed vernal pool invertebrates and implement all permit conditions

Status: Partially complete.

U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) on April 2, 2014 for the FPASP, which includes the Project. The BO concluded that no vernal pool crustaceans or cysts were detected within the Folsom South property, Carpenter Ranch property, and the Hillsborough property, and therefore, these projects would not result in impacts to vernal pool crustaceans. Because surveys for vernal pool crustaceans were not conducted at the time the BO was issued for the SCDS property, the BO assumed presence of listed vernal pool crustaceans for the SCDS property (USFWS 2014). Since issuance of the BO, land use changes have occurred within the Project, specifically on the portion that overlaps with the SCDS. The BO originally assumed a portion of vernal pools occurring in the southwestern corner of the site would be preserved. Under the Project's current land use plan, these vernal pools will be impacted. Because vernal pool crustaceans are assumed present for the SCDS property, an amendment to the BO will be required to impact these vernal pools.

EIR/EIS MM 3A.3-2h - Secure take authorization for federally listed VELB and implement all permit conditions

Status: Complete

Status of EIR/EIS Biological Mitigation Measure and Related Permit & Agreement Conditions.

USFWS issued a BO for the FPASP on April 2, 2014, which covered the Project. The BO concluded that no VELB habitat (elderberry shrubs) are present within the Folsom South and SCDS properties. Additionally, no elderberry shrubs are present within the portions of Carpenter Ranch property, Hillsborough property, and the Backbone Infrastructure that occur within the Project. Therefore, no mitigation for impacts is necessary.

EIR/EIS MM 3A.3-3 - Conduct special-status plant surveys; implement avoidance and mitigation measure or compensatory mitigation

Status: Partially Complete

Special-status plant surveys were conducted on Project as part of the overall Folsom South property in 2006 and 2009, Carpenter Ranch property in 2009, Hillsborough in 2009, and SCDS property in 2014. As requested by the City of Folsom, additional surveys for Phase 1 of the Project were conducted by ECORP in 2019. No special-status plant species were found. Special-status plant surveys may be required before future phases move forward with construction.

EIR/EIS MM 3A.3-4a - Secure and implement Section 1602 Streambed Alteration Agreement (SAA).

Status: Partially Complete

A Master SAA (MSAA) for the FPASP was issued on February 11, 2014. CDFW issued a subnotification approval for Phase 1 of the Project on November 20, 2019. Conditions of the MSAA will need to be met prior to and during construction. As required by CDFW, a Tricolored Blackbird Mitigation Plan has been developed based on previously approved mitigation plans within the FPASP. Tricolored blackbird foraging habitat has been preserved in the Regency at Folsom Phase 1 Conservation Area to satisfy mitigation requirements of the FPASP. Subnotifications will be required for future phases of the Project.

EIR/EIS MM 3A.3-4b - Conduct surveys to identify and map valley needlegrass grassland; implement avoidance and minimization measures or compensatory mitigation.

Status: Partially Complete

A Valley needlegrass grassland survey was conducted by ECORP in 2015. A Valley needlegrass grassland mitigation plan in compliance with the approved FPASP Conceptual Plan (ECORP 2016) is required to be prepared for the Project.

EIR/EIS MM 3A.3-5 - Conduct tree survey, prepare and implement oak woodland mitigation plan, replace native oak trees removed, and implement measures to avoid and minimize indirect impacts on oak trees retained on-site.

Status: Partially Complete

An arborist survey was conducted by ECORP for the project site. In addition, an arborist report and mitigation strategy has been submitted to the City for review and approval. Also, a phase 1 mitigation strategy has been submitted. Arborist surveys and project-specific oak tree mitigation plans will be required for future phases of the Project.

EIR/EIS MM 3B.3-1a* - Secure CWA 404 Permit and implement all permit conditions; ensure no net loss of functions and waters of the U.S. and waters of the State.

Status: Not Applicable

Waterline alignment is not part of the Project.

Status of EIR/EIS Biological Mitigation Measure and Related Permit & Agreement Conditions.

EIR/EIS MM 3B-1b* - Maximum use of trenchless technology for conveyance pipeline design

Status: **Not applicable**

Waterline alignment is not part of the Project

EIR/EIS MM 3B-1c* - Restore all waters impacted by trenching and temporary construction staging areas to pre-project contours and conditions.

Status: **Not applicable**

Waterline alignment is not part of the Project.

* 'Water' Components of EIR/EIS