

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-1000

This Worksheet was designed to be used by those "Partners" (including Public Housing Authorities, consultants, contractors, and nonprofits) who assist Responsible Entities and HUD in preparing environmental reviews, but legally cannot take full responsibilities for these reviews themselves. Responsible Entities and HUD should use the RE/HUD version of the Worksheet.

Endangered Species Act (CEST and EA) – PARTNER

https://www.hudexchange.info/environmental-review/endangered-species

1.	Does the project involve a	ny activities that have th	e potential to aff	ect species or habitats?
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- □No, the project will have No Effect due to the nature of the activities involved in the project.
 - → If the RE/HUD agrees with this recommendation, the review is in compliance with this section.

 Continue to the Worksheet Summary below. Provide any documents used to make your determination.
- □No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

Click here to enter text.

- → If the RE/HUD agrees with this recommendation, the review is in compliance with this section.

 Continue to the Worksheet Summary below. Provide any documents used to make your determination.
- \boxtimes Yes, the activities involved in the project have the potential to affect species and/or habitats. \Rightarrow Continue to Question 2.

2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the FWS Website.

- \square No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.
 - → If the RE/HUD agrees with this recommendation, the review is in compliance with this section.

 Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.

- 3. Recommend one of the following effects that the project will have on federally listed species or designated critical habitat:
 - □ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.
 - → If the RE/HUD agrees with this recommendation, the review is in compliance with this section.

 Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.
 - May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.
 - → Partner entities should not contact the Services directly. If the RE/HUD agrees with this recommendation, they will have to complete Informal Consultation. Provide the RE/HUD with a biological evaluation or equivalent document. They may request additional information, including surveys and professional analysis, to complete their consultation.
 - □Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.
 - → Partner entities should not contact the Services directly. If the RE/HUD agrees with this recommendation, they will have to complete Formal Consultation. Provide the RE/HUD with a biological evaluation or equivalent document. They may request additional information, including surveys and professional analysis, to complete their consultation.

Worksheet Summary

Provide a full description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your program or region

Include all documentation supporting your findings in your submission to HUD.

A Biological Resources Letter Report was conducted for the proposed project site. This report included a review of special status species databases including the California Natural Diversity Database, United States Fish and Wildlife Service Information for Planning and Conservation Database, and the California Native Plant Society's Inventory of Rare and Endangered Plants of California was completed in order to identify special status species that may occur within the project area. In addition, a survey on site was conducted to determine the presence or absence of special status species.

No special status species were identified onsite during the survey. The project area is primarily characterized by undeveloped land disturbed by historic land uses including lumber mill operations, soil remediation efforts, utilities, and trash dumping. Ornamental landscaping/vegetation is present along Pleasant Valley Road, and Rest Lane and associated roadside ditches traverse the project area. The southern and northern portions of the project area contain oak woodland dominated by valley oak and interior live oak. The understory and open spaces are annual grassland dominated by various non-native grasses, forbs, and shrubs. Habitat along the southern edge of the project area is infested with Himalayan blackberry (Rubus armeniacus). The surrounding area is characterized by developed urban land, including roadways, structures, and open spaces of oak woodland and non-native annual grassland.

Despite degraded habitat conditions, traffic noise, human activity, and lack of contiguous open space, native plants and animals may utilize the project area. For instance, four mule deer were observed moving through the project area during the survey, and native bird and nesting activity was high despite intermittent rain.

No special status plants were identified during the reconnaissance-level survey; however, many of the plants identified during the database research are associated with cismontane woodland, lower montane coniferous forest, and chaparral communities which are present in the project area. Habitat and soils in the project area are disturbed lowering the potential for rare plants to occur, but low-quality habitat and previous site disturbances do not preclude these species from occurring, and negative detections in one growing season do not preclude individuals from establishing in subsequent growing seasons prior to construction. In conclusion, even though no special status plants were observed during the field visit there is a possibility they could occur onsite; therefore, Avoidance and Minimization Measures 3 and 4 preconstruction rare plant and wildlife surveys would be implemented to ensure no special status plants are onsite.

Trees within and adjacent to the project area provide potential nesting habitat for migratory birds and raptors. Construction activities that adversely affect the nesting success of any migratory birds, including tree-nesting raptors, or result in mortality of individual birds constitute a violation of the Federal Migratory Bird Treaty Act (16 U.S.C., scc. 703, Supp. I, 1989) which prohibit killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. If a migratory bird, regardless of its federal or state status, were to nest in trees on or near the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality to these birds. Therefore, mitigation measures would be included in the design plans and implemented during construction.

Avoidance and Minimization Measure #1: If project work must occur during the nesting season (February 1 – September 1), the project proponent shall utilize a qualified biologist to survey nesting birds within the project area, no more than 14 days prior to the beginning of tree and vegetation removal or ground disturbing activities. A copy of the survey shall be submitted to the project proponent prior to the start of construction activities.

Avoidance and Minimization Measure #2: If nesting birds are detected within the project area during the survey, consultation with CDFW and USFWS is recommended to establish acceptable avoidance or minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could include the establishment of a suitable activity-free buffer around active nests/roosting sites. The size of the buffer, duration of buffer, acceptable activities, and other details will be established through consultation with the CDFW and USFWS. The avoidance or minimization plan shall be submitted to the project proponent, CDFW, and USFWS for review and approval prior to the start of construction activities. These measures will ensure that no nesting birds are impacted by construction activities.

Avoidance and Minimization Measure #3: A pre-construction rare plant survey of the entire project area shall be conducted by a qualified biologist no more than two weeks prior to construction. May-July is the best time to conduct a pre-construction rare plant survey for the species identified by the database research. Results of the pre-construction plant survey will be provided to the project proponent. If special-status plant species are detected, their locations will be buffered and protected at a distance agreed upon with CDFW and/or USFWS. Additional biological monitoring or mitigation measures may be required by the agencies if special status plant species are detected.

Avoidance and Minimization Measure #4: A pre-construction wildlife survey of the entire project area shall be conducted by a qualified biologist no more than two weeks prior to construction, including a survey for amphibians and roosting bats. Results of the pre-construction wildlife survey will be provided

to the project proponent. If special-status wildlife species are detected, their utilized habitat features will be buffered and protected at a distance agreed upon with CDFW and/or USFWS. Additional biological monitoring or mitigation measures may be required by the agencies if special status wildlife species are detected.

In addition, it is recommended that the following construction controls be implemented during construction to protect wildlife species and habitats:

- The use or storage of petroleum-powered equipment shall be accomplished in a manner to prevent the potential release of petroleum materials into adjacent habitat areas, including waters of the State and U.S.
- Areas for fuel storage, refueling and servicing of construction equipment must be located in an upland location outside of sensitive habitat.
- Wash sites must be located in upland locations to ensure wash water does not flow into stream channels or wetlands.
- All construction equipment must be in good working condition, showing no signs of fuel or oil leaks. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings and seals shall be replaced. The mechanical equipment shall be inspected on a daily basis to ensure no leaks. All leaks shall be repaired in the equipment staging area or other suitable location prior to resumption of construction activity.
- Oil absorbent and spill containment materials shall be located on site when mechanical equipment is in operation within 100 feet of a waterway. If a spill occurs, no additional work shall occur until, 1) the mechanical equipment is inspected by the contractor and the leak has been repaired, 2) the spill has been contained, and 3) CDFW and the City are contacted and have evaluated the impacts of the spill.
- To avoid debris contamination into drainages and other sensitive wildlife habitats, silt fence or other sediment control devices will be placed around construction sites in these areas to contain spoils from construction excavation activities.
- Project site boundaries shall be clearly delineated by stakes and /or flagging to minimize inadvertent degradation or loss of adjacent habitat areas during project operations. Staff and/or its contractors shall post signs and/or place fence around the project site to restrict access of vehicles and equipment unrelated to project operations.

Please see attached Biological Resources Letter Report.



NCE Project No. 621.11.55

April 1, 2024

Jeffrey Riley Mercy Housing 2512 River Plaza Drive, Suite 200 Sacramento, CA 95833

RE: El Dorado Haven Project - Biological Resources Letter Report

Introduction

This biological resources letter report presents an initial baseline assessment for wildlife and botanical resources that satisfies the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), California Native Plant Society (CNPS), and California Environmental Quality Act (CEQA) requirements to determine potential project effects on special status botanical and wildlife species, and their habitats, for the Mercy Housing El Dorado Haven Project (project). Results of the database searches and reconnaissance-level field survey, information on relevant special status plant and animal species, and habitat and vegetation community descriptions are presented in this report to guide the decision-making process during project design, permitting, and construction.

For the purposes of this report, the term special status species (SSS) encompasses those designated as federally threatened or endangered by the USFWS, those designated as California state endangered, threatened, species of special concern (SSC), watch list, or rare by CDFW, and plants listed by the CNPS with rare plant ranks 1, 2, or 3. Although they may include ecologically significant units, distinct population segments, and/or sub-species, these taxa are collectively referred to as SSS.

Project Description

The proposed project involves new construction of a 65-unit family affordable housing transit-oriented development on approximately 4.66 acres. The project area is located less than a quarter (0.25) mile from the bus line #30 on Pleasant Valley Road. The site is currently vacant with Rest Lane going north to southeast ending at Snowline Hospice.

The project would construct five (5) two (2) - and three (3) - story buildings consisting of 20 one (1) - bedroom, 27 two (2) - bedroom, and 18 three (3) - bedroom units. The project will not have elevators or any elevator access. Parking will consist of 136 parking spaces (45 covered) for tenants and their visitors. Indoor amenities would

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include staff offices, and community space (conference room, multipurpose room, kitchen) and laundry facilities to help residents feel connected to one another and foster a community atmosphere. Outdoor amenities would include an outdoor patio and open green and recreational spaces.

The site contains weedy vegetation and mature trees. The proposed project area operated as lumber mill from 1940s to 1980s. Since the early 1990s, the project site has been vacant and unused. Soil remediation was conducted in the 1990s to address soil impacts by petroleum hydrocarbons. The El Dorado County Environmental Management Department confirmed in writing in 1992 that the residual concentrations after the soil was treated were sufficiently low that the materials could be used as road base material at the bioremediation property, and that no further action was needed. No evidence exists that this was sufficient to meet residential standards. The 2022 Phase I conducted soil sampling and it revealed elevated concentrations of benzene and ethylbenzene. Thus, the project development will install an appropriately designed soil vapor barrier as an engineering control to impede the migration of residential homes and a hospice care facility to the south.

El Dorado Haven will serve families and individuals with incomes from 20% to 50% AMI. The site has been awarded 15 HUD funded project based PBVASH, Mainstream or Housing Choice vouchers.

Project Location

The project site is in the town of Diamond Springs, El Dorado County, California (**Attachment A, Figure 1**). The coordinates of the project are 120.8356003° west and 38.6841049° north, located east of Pleasant Valley Road along Rest Lane and west of Patterson Lake and the Snowline Hospice Clinical Office. The project area is approximately 4.66 acres at an elevation of approximately 1,720 feet.

Relevant Regulations

Federal, state, and local regulations that are relevant to the proposed project are described below.

Federal

Federal Endangered Species Act (ESA)

The Federal Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the USFWS.

Section 9 of the ESA prohibits the taking of endangered wildlife, where taking is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations 17.3). This statute also governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law.

Section 7 of the ESA requires federal agencies to consult with the USFWS or National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA), as applicable, if their actions could adversely affect an endangered plant or wildlife species or its critical habitat.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) makes it unlawful to at any time, by any means or in any manner pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The list of bird species protected under the MBTA, which includes raptors, can be found in the Code of Federal Regulations (CFR) Title 50, Part 10.13.

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State

California Endangered Species Act (CESA)

California Endangered Species Act (CESA) prohibits the "taking" of state-listed endangered or threatened species, as well as species being considered for listing (candidate species). Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species. Pursuant to CESA, an Incidental Take Permit from CDFW is required for projects that could result in the "take" of a state listed threatened or endangered species.

California Environmental Quality Act (CEQA)

CEQA requires that significant environmental impacts of proposed projects be reduced to a less-than-significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and documented that make the mitigation measures or alternatives infeasible. CEQA applies to certain activities in California undertaken by either a public agency or a private entity that must receive some discretionary approval from a California government agency.

California Fish and Game Code Sections 1900 – 1913 - California Native Plant Protection Act

California Fish and Game Code Sections 1900 – 1913, The Native Plant Protection Act (NPPA) of 1977, was created to "preserve, protect and enhance rare and endangered plants in this State." The Fish and Wildlife Commission has the authority to designate native plants as "endangered" or "rare" and to protect endangered and rare plants from take. Implementation of the CESA provided further protection for rare and endangered plant species, but the NPPA remains part of the California Fish and Game Code.

California Fish and Game Code Section 2080

Section 2080 of the California Department of Fish and Game Code prohibits the taking, possession, purchase, sale, import, and export of endangered, threatened, or candidate species unless otherwise authorized by permit or in the regulations.

California Fish and Game Code Section 2081

Pursuant to Section 2081 of the California Fish and Game Code, an Incidental Take Permit from CDFW is required for projects that could result in the "take" of a state listed threatened or endangered species.

California Fish and Game Code Section 3503

Nesting birds are protected in California under Section 3503 of the California Fish and Game Code, which states "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Birds of prey are protected in California under provisions of the State Fish and Game Code Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

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California Fish and Game Code Sections 3511, 4700, 5050, 5515

Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code prohibit take or possession of 37 fully protected species. CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species. CDFW has informed non-federal agencies and private parties that they must avoid take of any fully protected species in carrying out projects.

Local

El Dorado County Code of Ordinances

Oak Resources Conservation

Title 130, Chapter 130.39 of the El Dorado County Code of Ordinances establishes standards for implementing the County's Oak Resources Management Plan (ORMP). An Oak Tree and/or Oak Woodland Removal Permit shall be required for all non-exempt development activities with impacts to Oak Resources on a developed parcel. Oak Resources mitigation, maintenance, monitoring, and reporting are required for projects with an Oak Tree and/or Oak Woodland Removal Permit. Affordable housing projects may qualify for a reduction in these mitigation requirements.

El Dorado County General Plan

Objective 7.4.2: Identify and Protect Resources

This objective requires identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat. Policy 7.4.2.8 under this objective establishes a Biological Resource Mitigation Program and Habitat Protection Strategy which conserve special status species habitats, aquatic environments, wetlands, riparian habitat, mule deer habitat, and defines mitigation ratios to offset impacts to special-status species habitat and vegetation communities.

Objective 7.4.4: Forest, Oak Woodland, and Tree Resources

Protect and conserve forest, oak woodland, and tree resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values. Under Policy 7.4.4.4, for all new development projects or actions that result in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, the County shall require mitigation as outlined in the El Dorado County ORMP. The ORMP functions as the oak resources component of the County's biological resources mitigation program, identified in Policy 7.4.2.8.

Methods

Database research, literature reviews, and information requests were conducted in support of the determinations for biological resources known to occur in the vicinity of the project area outlined in this report. The following preliminary database searches for biological resources within the project area were conducted:

- CDFW California Natural Diversity Database (CNDDB) (CDFW 2024a)
- CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2024)
- USFWS Information for Planning and Consultation (IPaC) (USFWS 2024)

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NCE Staff Biologist Dylan Karlowicz conducted a reconnaissance-level field survey within the project area on March 12, 2024, to verify the accuracy of the preliminary research and to identify SSS that may occur within the project area based on their habitat requirements and the existing site conditions. The survey involved walking parallel and meandering transects within the project area ensuring 100% coverage for potential rare plants, observing and recording plant communities and wildlife (including tracks and signs), evaluating habitats for SSS, and determining the rarity and listing status of existing plants.

The March 12, 2024, survey occurred between 08:56 and 14:35. Weather during the survey included cloudy skies, light rain, temperatures between 52-53°F, and winds at 0 – 3 miles per hour. Survey equipment included binoculars, a notebook, and smartphone using the ESRI Field Maps application for photographs and data collection.

Results

No SSS were observed within or adjacent to the project area during the March 12, 2024, reconnaissance-level field survey. The project area is primarily characterized by undeveloped land disturbed by historic land uses including lumber mill operations, soil remediation efforts, utilities, and trash dumping. Ornamental landscaping/vegetation is present along Pleasant Valley Road, and Rest Lane and associated roadside ditches traverse the project area. The southern and northern portions of the project area contain oak woodland dominated by valley oak and interior live oak. The understory and open spaces are annual grassland dominated by various non-native grasses, forbs, and shrubs. Habitat along the southern edge of the project area is infested with Himalayan blackberry (*Rubus armeniacus*). The surrounding area is characterized by developed urban land, including roadways, structures, and open spaces of oak woodland and non-native annual grassland. The manmade linear ditches along Rest Lane contain no vegetation indicative of riparian, stream, or wetland features, and no water flow was present despite rain during the survey. Therefore, the features are not classified as jurisdictional aquatic resources. Representative photographs are included in **Attachment B**.

USFWS IPaC identified the following five (5) federally listed species with potential to occur in the project area vicinity. The USFWS IPaC report is included in **Attachment C**.

- Northwestern pond turtle (Actinemys marmorata)
- California red-legged frog (Rana draytonii)
- Foothill yellow-legged frog (Rana boylii)
- Monarch butterfly (Danaus plexippus)
- Layne's Butterweed (Senecio layneae)

The project area does not contain wetland or vernal pool habitat, or other ponded aquatic features that northwestern pond turtle, California red-legged frog, and foothill yellow-legged frog require. However, there is a freshwater emergent wetland feature directly south of the project area (**Attachment A, Figure 2**). These species are not documented in the vicinity, but if present, dispersing individuals can traverse through upland habitat in the project area from nearby breeding populations.

The project area does not contain monarch butterfly overwintering habitat or milkweed hostplants required for reproduction; however, individuals may occur in the project area during migration periods and may utilize flowering plants in the project area for nectar sources.

Layne's butterweed prefers chaparral and cismontane woodland habitats on gabbroic, rocky, and serpentine soils. Cismontane woodland habitat and chaparral community species are present in the project area, but the preferred

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soil types are absent. The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service web soil survey identifies the project area entirely as "Diamond Springs very fine sandy loam, 9 to 15 percent slopes" (USDA 2024). Considering the presence of its associated plant communities, there is potential for Layne's butterweed to occur in the project area. However, because of the disturbed nature of the soils and habitat within and surrounding the project area, the potential for Layne's butterweed to occur is low.

The CNDDB identified the following four (4) SSS with potential to occur in the project area vicinity (**Attachment A, Figure 3**):

- Bank swallow (Riparia riparia)
- Fisher (Pekania pennanti)
- American bumble bee (Bombus pensylvanicus)
- Nessenan manzanita (Arctostaphylos nissenana)

Bank swallows are listed as threatened under the CESA and are associated with riparian areas along rivers, lakes, and ocean coasts and nest in colonies on earthen banks, bluffs, gravel pits, etc. (Grinnell and Miller 1944). There are no suitable riparian features or suitable nesting structures for bank swallows in the project area; therefore, the species is unlikely to occur or be impacted by the proposed project. This CNDDB occurrence is a historical observation dating back to the late 1800s, where a nesting colony was observed at a gold mine operation near Placerville.

Fishers are a CDFW SSC and are associated with areas of high cover and structural complexity in large tracts of mature and old-growth forests. Other site characteristics that can be important include presence of nearby water, slope, elevation, and snow characteristics. Fishers generally avoid early and/or prefer late successional stages, but in some cases, they use young forests extensively. Dens are made in cavities of large conifers; both snags and live trees are used (CDFW 2015). These habitat features may be present in the project area, but considering the extensive urban development surrounding the project area and previous site disturbances fishers are unlikely to occur or be impacted by the project. The CNDDB occurrence is a collection of five individuals near Placerville in 1916.

American bumble bee is an International Union for Conservation of Nature (IUCN) "vulnerable" species but is not yet given formal protections at the state or federal levels. However, its qualification for ESA listing is under review by the USFWS. The CNDDB occurrence is from an individual collected in 1958. No bumble bees were observed during the reconnaissance-level survey; however, it is possible individuals can occur or nest in the project area. This species is typically found in open fields and nests on the ground among grasses, occasionally underground (Williams et al. 2014). Also, it is worth mentioning bumble bees would not have been active during rainy conditions when the reconnaissance survey was conducted.

Nessenan manzanita has a CNPS rare plant rank of 1B.2 and is a BLM/USFS sensitive plant species. The CNDDB occurrence is from 2013, documenting individuals 0.25 miles south of Pleasant Valley Road west of Faith Lane, potentially hybridizing with *Arctostaphylos viscida*. This species has potential to occur in the project area, considering the presence of *Arctostaphylos viscida* and suitable chaparral/forest habitats.

19 CNPS rank 1, 2, and 3 plants were identified by the CNPS rare plant inventory 9-quad search of the project area vicinity. These plants include:

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- Jepson's onion (Allium jepsonii)
- Nissenan manzanita (Arctostaphylos nissenana)
- Pleasant Valley mariposa-lily (Calochortus clavatus var. avius)
- Stebbins' morning-glory (Calystegia stebbinsii)
- Van Zuuk's morning-glory (Calystegia vanzuukiae)
- grassland suncup (Camissonia lacustris)
- Sierra arching sedge (*Carex cyrtostachya*)
- chaparral sedge (Carex xerophila)
- Pine Hill ceanothus (Ceanothus roderickii)
- Red Hills soaproot (Chlorogalum grandiflorum)
- Bisbee Peak rush-rose (Crocanthemum suffrutescens)
- Pine Hill flannelbush (Fremontodendron decumbens)
- El Dorado bedstraw (Galium californicum ssp. sierrae)
- Parry's horkelia (Horkelia parryi)
- Yosemite tarplant (Jensia yosemitana)
- Layne's ragwort/Layne's butterweed (Packera layneae)
- Stebbins' phacelia (Phacelia stebbinsii)
- oval-leaved viburnum (Viburnum ellipticum)
- El Dorado County mule ears (Wyethia reticulata)

No CNPS rare plants were identified during the reconnaissance-level survey; however, many of these plants are associated with cismontane woodland, lower montane coniferous forest, and chaparral habitats which are present in the project area. However, habitat and soils in the project area are previously disturbed reducing the potential for rare plants to occur. The March 12, 2024, reconnaissance-level field survey was conducted prior to the flowering period for most of the plants identified by the CNPS database search.

112 interior live oak, 42 valley oak, and 1 canyon live oak were identified during the survey of the project area, many of which qualify as Individual Native Oak Trees under County ordinance (6 inch or greater diameter at breast height), and are tagged by California Tree and Landscape Consulting, Inc (CalTLC). Trees and shrubs within the project area provide habitat for migratory bird and raptor species. One active golden-crowned sparrow nest and an inactive stick nest were observed within the project area vicinity during the March 12, 2024, survey (Attachment A, Figure 4). Many avian species have adapted to human presence and can successfully nest within developed or disturbed areas. Protective mitigation measures for avian species are discussed in the next section.

Complete lists of plant and wildlife species observed during the survey are recorded in **Table 1** and **Table 2**, respectively.

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Table 1. Plant species observed during the reconnaissance-level field survey.

Species Name	Common Name	Native; Y, N
Ambrosia psilostachya	Western ragweed	Υ
Anisocarpus madioides	Woodland madia	Υ
Arceuthobium sp.	Mistletoe	Υ
Arctostaphylos viscida	Sticky whiteleaf manzanita	Υ
Baccharis pilularis	Coyote brush	Υ
Calocedrus decurrens	Incense cedar	Υ
Carex sp.	Sedge	Υ
Claytonia perfoliata	Miner's lettuce	Υ
Cytisus scoparius	Scotchbroom	N
Erigeron canadensis	Canada horseweed	Υ
Eriodictyon californicum	California yerba santa	Υ
Erodium botrys	Longbeak stork's bill	N
Erodium cicutarium	Redstem stork's bill	N
Frangula californica	California coffeeberry	Υ
Galium aparine	Common bedstraw	Υ
Geranium molle	Crane's bill geranium	N
Hypochaeris glabra	Smooth cat's ear	N
Juncus <u>sp.</u>	Rush	Y
Lamium amplexicaule	Henbit deadnettle	N

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Species Name	Common Name	Native; Y, N
Narcissus pseudonarcissus	Daffodil	N
Pinus ponderosa	Ponderosa pine	Υ
Pinus sabiniana	Gray pine	Υ
Plantago sp.	Plantain	-
Poa bulbosa	Bulbous blue grass	N
Polytrichum juniperinum	Juniper haircap	Υ
Populus fremontii	Fremont cottonwood	Υ
Prunus cerasifera	Cherry plum	N
Quercus berberidifolia	Inland scrub oak	Υ
Quercus lobata	Valley oak	Υ
Quercus wislizeni	Interior live oak	Υ
Rubus armeniacus	Himalayan blackberry	N
Silybum marianum	Milk thistle	N
Trifolium subterraneum	Subterranean clover	N
Verbascum blattaria	Moth mullein	N
Verbascum thapsus	Woolly mullein	N
Vicia sativa	Spring vetch	N
Vinca major	Bigleaf periwinkle	N

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Table 2. Wildlife species observed during the reconnaissance-level field survey.

Species Name	Common Name	Native; Y, N
	Birds	
Accipiter cooperii	Cooper's hawk	Υ
Aphelocoma californica	California scrub jay	Υ
Baeolophus inornatus	Oak titmouse	Υ
Branta canadensis	Canada goose	Υ
Callipepla californica	California quail	Υ
Calypte anna	Anna's hummingbird	Υ
Cathartes aura	Turkey vulture	Υ
Corvus brachyrhynchos	American Crow	Υ
Dryobates nuttallii	Nuttall's woodpecker	Υ
Meleagris gallopavo	Wild turkey	N
Melozone crissalis	California towhee	Υ
Mimus polyglottos	Northern mockingbird	Υ
Setophaga coronata	Yellow-rumped warbler	Υ
Toxostoma redivivum	California thrasher	Υ
Zenaida macroura	Mourning dove	Υ
Zonotrichia atricapilla	Golden-crowned sparrow	Υ
Zonotrichia leucophrys	White-crowned sparrow	Υ
	Amphibians	
Pseudacris regilla	Pacific tree frog	Υ
	Mammals	

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Species Name	Common Name	Native; Y, N
Neotoma fuscipes	Dusky-footed woodrat	Υ
Odocoileus hemionus	Mule deer	Υ
Sciurus griseus	Western gray squirrel	Υ

Discussion and Recommendations

No SSS were observed during the March 12, 2024, reconnaissance-level field survey. Based on the database research, reconnaissance-level field survey results, and habitat observations, it is unlikely that SSS would occur within the project area during construction. The Project is not expected to have any adverse impacts on SSS.

Despite degraded habitat conditions, traffic noise, human activity, and lack of contiguous open space, native plants and animals may utilize the project area. For instance, four mule deer were observed moving through the project area during the survey, and native bird and nesting activity was high despite intermittent rain.

Trees within and adjacent to the project area provide potential nesting habitat for migratory birds and raptors. Construction activities that adversely affect the nesting success of any migratory birds, including tree-nesting raptors, or result in mortality of individual birds constitute a violation of the Federal Migratory Bird Treaty Act (16 U.S.C., scc. 703, Supp. I, 1989) which prohibit killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. If a migratory bird, regardless of its federal or state status, were to nest in trees on or near the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality to these birds.

No special status plants were identified during the reconnaissance-level survey; however, many of the plants identified during the database research are associated with cismontane woodland, lower montane coniferous forest, and chaparral communities which are present in the project area. As previously discussed, habitat and soils in the project area are disturbed lowering the potential for rare plants to occur, but low-quality habitat and previous site disturbances do not preclude these species from occurring, and negative detections in one growing season do not preclude individuals from establishing in subsequent growing seasons prior to construction.

Below are four standard construction avoidance and minimization measures, often required by CDFW, to ensure that no unanticipated effects on SSS or nesting avian species will occur during project construction:

- Avoidance and Minimization Measure #1: If project work must occur during the nesting season (February 1 September 1), the project proponent shall utilize a qualified biologist to survey nesting birds within the project area, no more than 14 days prior to the beginning of tree and vegetation removal or ground disturbing activities. A copy of the survey shall be submitted to the project proponent prior to the start of construction activities.
- Avoidance and Minimization Measure #2: If nesting birds are detected within the project area during the
 survey, consultation with CDFW and USFWS is recommended to establish acceptable avoidance or
 minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could
 include the establishment of a suitable activity-free buffer around active nests/roosting sites. The size of
 the buffer, duration of buffer, acceptable activities, and other details will be established through

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consultation with the CDFW and USFWS. The avoidance or minimization plan shall be submitted to the project proponent, CDFW, and USFWS for review and approval prior to the start of construction activities. These measures will ensure that no nesting birds are impacted by construction activities.

- Avoidance and Minimization Measure #3: A pre-construction rare plant survey of the entire project area shall be conducted by a qualified biologist no more than two weeks prior to construction. May-July is the best time to conduct a pre-construction rare plant survey for the species identified by the database research. Results of the pre-construction plant survey will be provided to the project proponent. If special-status plant species are detected, their locations will be buffered and protected at a distance agreed upon with CDFW and/or USFWS. Additional biological monitoring or mitigation measures may be required by the agencies if special status plant species are detected.
- Avoidance and Minimization Measure #4: A pre-construction wildlife survey of the entire project area shall be conducted by a qualified biologist no more than two weeks prior to construction, including a survey for amphibians and roosting bats. Results of the pre-construction wildlife survey will be provided to the project proponent. If special-status wildlife species are detected, their utilized habitat features will be buffered and protected at a distance agreed upon with CDFW and/or USFWS. Additional biological monitoring or mitigation measures may be required by the agencies if special status wildlife species are detected.

General Construction Measures

NCE recommends the following general construction measures be implemented by the project proponent to protect wildlife species and habitats:

- The use or storage of petroleum-powered equipment shall be accomplished in a manner to prevent the
 potential release of petroleum materials into adjacent habitat areas, including waters of the State and
 U.S.
- Areas for fuel storage, refueling and servicing of construction equipment must be located in an upland location outside of sensitive habitat.
- Wash sites must be located in upland locations to ensure wash water does not flow into stream channels or wetlands.
- All construction equipment must be in good working condition, showing no signs of fuel or oil leaks. All
 questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings and seals shall be
 replaced. The mechanical equipment shall be inspected daily to ensure there are no leaks. All leaks shall
 be repaired in the equipment staging area or other suitable location prior to resumption of construction
 activity.
- Oil absorbent and spill containment materials shall be located on site when mechanical equipment is in operation within 100 feet of a waterway. If a spill occurs, no additional work shall occur until, 1) the mechanical equipment is inspected by the contractor and the leak has been repaired, 2) the spill has been contained, and 3) CDFW and the City/County are contacted and have evaluated the impacts of the spill.
- To avoid debris contamination into drainages and other sensitive wildlife habitats, silt fence or other sediment control devices will be placed around construction sites in these areas to contain spoils from construction excavation activities.
- Project area boundaries shall be clearly delineated by stakes and/or flagging to minimize inadvertent degradation or loss of adjacent habitat areas during project operations. Staff and/or contractors shall post

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signs and/or place fences around the project area to restrict access of vehicles and equipment unrelated to project operations.

Should you have any questions, please don't hesitate to contact Cord Hute via email at chute@ncenet.com, or Dylan Karlowicz via email at dkarlowicz@ncenet.com.

Sincerely,

Cord Hute

Senior Scientist

Dylan Karlowicz

Dulling

Staff Scientist

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References

California Department of Fish and Wildlife (CDFW). 2015. "Report to the Fish and Game Commission: a status review of the Fisher (*Pekania* [formerly *Martes*] *pennanti*) in California." Sacramento, CA.

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NCE

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Attachments:

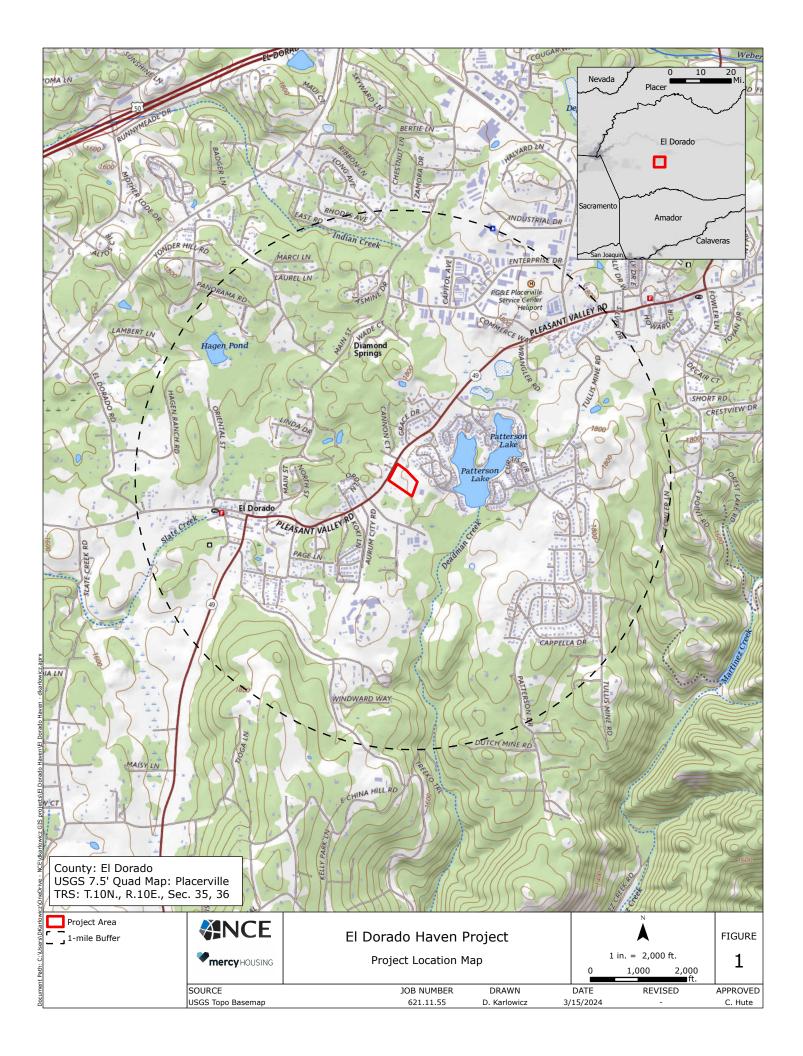
Attachment A – Figures

Attachment B – Photographs

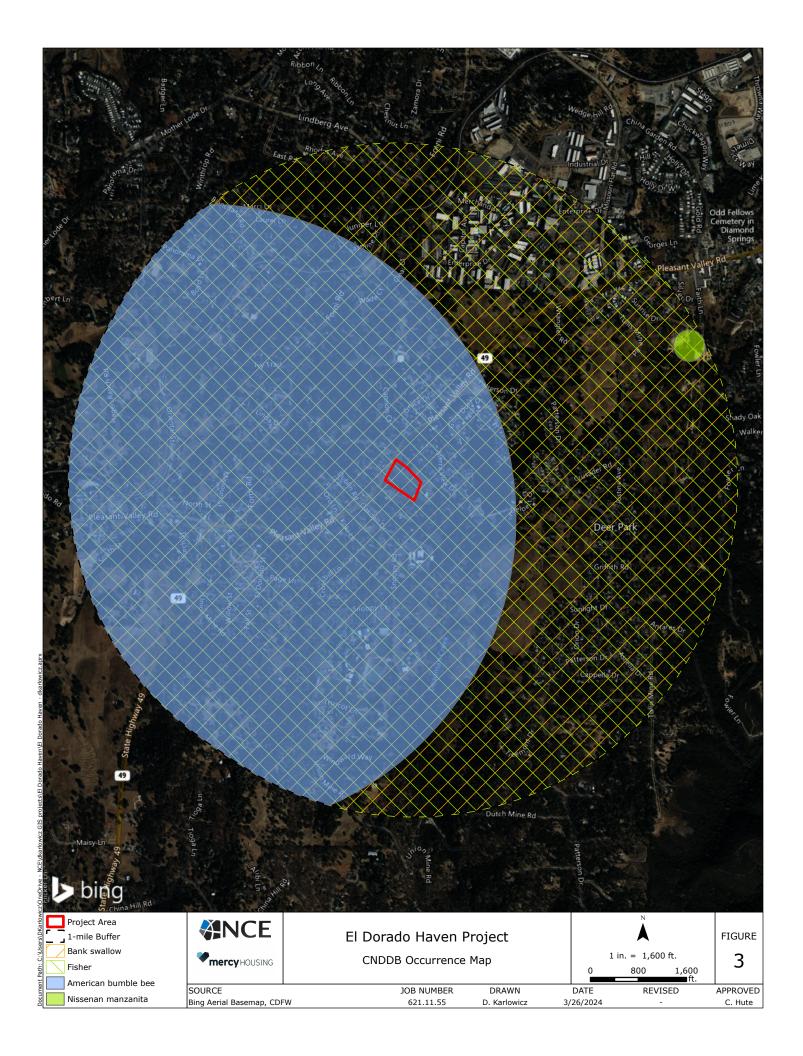
Attachment C – USFWS Information for Planning and Consultation Report



Figures











Photographs



Photograph 1. Northwest-facing view of Rest Lane, northern roadside ditches, and disturbed/ruderal grassland.



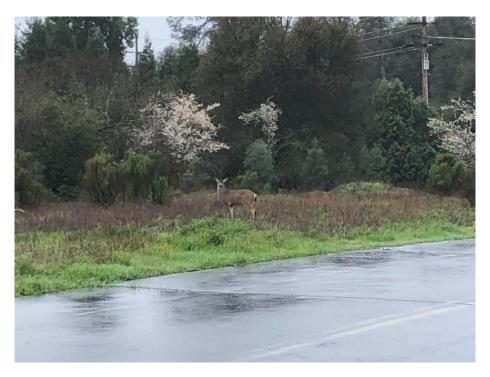
Photograph 2. Northwest-facing view of Rest Lane, southern roadside ditch, and disturbed/ruderal grassland.



Photograph 3. North-facing view of disturbed/ruderal grassland and wild turkeys roaming the project area.



Photograph 4. West-facing view of Rest Lane, Pleasant Valley Road, roadside ditch/rock swale, and disturbed/ruderal grassland.



Photograph 5. West-facing view of mule deer and oak woodland, coyote brush, and annual grassland habitat.



Photograph 6. South-facing view of representative oak and gray pine woodland, coyote brush, and annual grassland habitat in the southeast project area.



Photograph 7. Northeast-facing view of oak woodland and gray pine woodland north of Rest Lane.



Photograph 8. South-facing view of storm water capture basin north of Rest Lane.



Photograph 9. Northeast-facing view of rock and earthen swale leading off private property in the northwest project area (water is from running hose near chain-link fence, not storm water).



Photograph 10. Northwest-facing view of earthen swale in the northwest project area (see photograph 9).



Photograph 11. West-facing view of previous habitat disturbance, concrete pad.



Photograph 12. West-facing view of previous habitat disturbance, utility poles.



Photograph 13. West-facing view of previous habitat disturbance, abandoned fencing.



Photograph 14. Southwest-facing view of disturbed freshwater emergent wetland identified by NWI south of the project area.





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: March 08, 2024

Project Code: 2024-0059929

Project Name: Mercy Housing - El Dorado Haven

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

Project code: 2024-0059929

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service (fws.gov).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

• Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 (916) 414-6600

PROJECT SUMMARY

Project Code: 2024-0059929

Project Name: Mercy Housing - El Dorado Haven

Project Type: Residential Construction

Project Description: The proposed project involves new construction of a 65-unit family

affordable housing transit-oriented development on approximately 4.66

acres.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.6840915,-120.83569502310635,14z



Counties: El Dorado County, California

Project code: 2024-0059929 03/08/2024

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

REPTILES

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

AMPHIBIANS

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

Foothill Yellow-legged Frog Rana boylii

Population: South Sierra Distinct Population Segment (South Sierra DPS)

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5133

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Candidate

Monarch Butterfly *Danaus plexippus*

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743

Endangered

Project code: 2024-0059929 03/08/2024

FLOWERING PLANTS

NAME STATUS

Layne's Butterweed Senecio layneae

Threatened

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4062

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

Project code: 2024-0059929 03/08/2024

IPAC USER CONTACT INFORMATION

Agency: NCE

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