

6

BIOLOGICAL RESOURCES

6.1 INTRODUCTION

The purpose of the Biological Resources Chapter of the EIR is to examine the potential impacts of the Winery and Farm Brewery Zoning Text Amendment Project (proposed project) on biological resources located on existing winery and farm brewery sites throughout unincorporated Placer County. Documents referenced to prepare this chapter include the Placer County General Plan¹ and the Placer County General Plan EIR.²

This chapter focuses on the ten existing medium (10- to 20-acre) and large (>20 acre) parcel-sized wineries and farm breweries that would be subject to the proposed project, which are shown in Figure 3-1 of the Project Description chapter. Such facilities are referred to as *existing study facilities* throughout this EIR. Potential effects on biological resources associated with future wineries and farm breweries that would be subject to the proposed project are addressed in Chapter 12, Cumulative Impacts and Other CEQA Sections, of this EIR.

6.2 EXISTING ENVIRONMENTAL SETTING

The following sections generally describe the biological communities occurring on existing study facilities sites throughout the County, and the special-status plant and animal species that may be present in such communities.

Biological Communities

The existing study facilities sites within the County are primarily located within the central foothills portion of the County and can be generally characterized as hosting several biological community types including, but not limited to annual grasslands, oak woodlands, riparian woodland, ponds, ruderal areas, agricultural areas, and developed areas. The following section provides an overview of each type of biological community and describes what communities are present on each existing study facility.

Annual Grasslands

In western Placer County annual grasslands are dominated by nonnative grasses. Despite the prevalence of nonnative grasses, annual grassland habitats throughout the County continue to provide habitat for native plant species, such as native bulbs, as well as early- and late-season

¹ Placer County. *Countywide General Plan Policy Document*. August 1994 (updated May 2013).

² Placer County. *Countywide General Plan EIR*. July 1994.

wildflowers. Two State-listed plants and five other special-status plant species are known to occur in annual grasslands within the County.³

Annual grassland habitats are used by approximately 100 vertebrate species, 34 of which breed in grassland areas, while 64 species are considered visitors to the annual grassland areas and do not use such areas for breeding purposes. Annual grassland habitats occur between elevations of approximately 38 and 1,850 feet above sea level.⁴

Many of the existing study facilities within the County feature areas of annual grassland habitat.

Oak Woodlands

The existing study facility sites within the County include varying oak woodland habitats of varying densities and make-up. In general, oak woodland habitats range from zones dominated by oak trees and allies such as foothill pines, to oak woodland-savanna ecosystems with canopy coverages less than 30 percent over a given area. Areas characterized by denser oak woodlands with canopy coverages exceeding 30 percent often support an assemblage of native shrubs and herbaceous plants in the understory. Meanwhile, oak woodland-savanna areas generally support a sparser shrub layer interspersed throughout annual grasses. Despite the differences in understory composition and character, both oak woodland and oak woodland-savanna ecosystems may provide habitat for approximately 14 special-status plant species. In addition to the special-status plant species, as many as 152 vertebrate species use oak woodland habitats, of which between 10 and 15 species using such habitats are considered special-status.⁵ Oak woodland habitats occur between 73 feet and 2,221 feet of elevation.

Riparian Woodland

Stands of deciduous trees near perennial or intermittent streams in western Placer County are considered riparian woodland habitats. Hydrologic conditions generally dictate the composition of plant species present in such habitats, but in general riparian woodlands are characterized by water-dependent trees and shrubs that respond to flooding frequency and summer water tables. Riparian woodland habitats are thought to support up to 193 species of vertebrates, with as many as 133 species breeding within riparian woodland habitats throughout Placer County. Riparian woodlands occur in elevations between 45 and 1,780 feet above sea level. Several existing study facilities within the County include areas considered riparian woodland.⁶

Ponds

Ponds within the existing study facility properties in the County are small habitat types that may be used for landscaping or as stock ponds for irrigation water. All of the ponds within existing

³ Placer County Planning Department. *Placer County Natural Resources Report: A Scientific Assessment of Watersheds, Ecosystems and Species of the Phase I Planning Area*. April 2004.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

study facilities lack well-developed riparian vegetation. Native amphibians and invertebrates may use stock ponds, but can be impacted by nonnative fish species. Artificial ponds are attractive to waterfowl, raptors, swallows, bats, and many other types of wildlife.⁷

Ruderal Areas

Ruderal habitats are defined as areas frequently disturbed by human activity. The frequent disturbance of such areas limits the habitat value of ruderal areas, and allows for only sparse and weedy vegetation. Most plants found in ruderal areas are non-native species of grasses and forbs. The use of ruderal areas by vertebrates is likely incidental and linked more directly to the habitats surrounding ruderal areas, than the ruderal areas themselves.

Agricultural Areas

All of the existing facility sites being considered within the scope of the proposed project include areas for agricultural production such as hop farms or vineyards. Vineyards and row crops, such as hops or barley, typically provide little habitat value. Nonetheless, approximately 52 vertebrate species, may be found within such habitats, with as many as seven species using such habitats for breeding. Aside from the desired agricultural product, other plants, including special-status plants, are typically absent from such areas.⁸

Developed Areas

All of the existing facility sites being considered within the scope of the proposed project include areas that have been developed with structures, hardscapes, and other urban type uses associated with residences, winery structures, and breweries. Vegetation within developed areas is typically limited to landscaping vegetation, which may or may not include native species. However, over time, and depending on the extent of previous disturbance, landscaping and remaining vegetation within developed areas, landscaping vegetation may mature and support greater numbers of native species. Two special-status animals residing within the County are known to use developed areas for habitat.⁹

Habitats Present Within Existing Study Facilities

The habitat types that currently occur within each of the existing study facility properties are generally described below.

⁷ Placer County Planning Department. *Placer County Natural Resources Report: A Scientific Assessment of Watersheds, Ecosystems and Species of the Phase I Planning Area*. April 2004.

⁸ *Ibid.*

⁹ *Ibid.*

Casque at Flower Farm

The Casque at Flower Farm site is primarily comprised of agricultural land, with developed areas related to the winery and other site uses. Agricultural land on the site includes areas used for vine cultivation, orchard trees, as well as a plant and flower nursery. The site also contains wooded areas, which are comprised of a mix of native oaks and ornamental trees.

Ciotti Cellars

The southern portion of the Ciotti Cellars site is predominantly annual grasslands interspersed with developed areas associated with the winery uses. To the north of the developed areas are portions of the site characterized by annual grasslands and oak woodlands. A drainage feature runs diagonally across the northern portion of the Ciotti Cellars site.

Dono Dal Cielo Vineyard and Winery

The majority of the Dono Dal Cielo Vineyard and Winery site is used for grape vine cultivation and associated winery uses. Areas of the site not used for agricultural production contain annual grassland habitat and developed areas. Few scattered ornamental trees exist within the site, with a small number of native oaks in proximity to the developed winery uses.

Goathouse Brewery

The site containing Goathouse Brewery includes a variety of intermixed habitat types. While the predominant habitat type within the Goathouse Brewery site is annual grasslands, oak woodlands, developed areas, ponds, and agricultural areas also exist throughout the site. In general, developed areas are concentrated within the center of the site, with agricultural areas near the southern and northern portions of the site. An irrigation ditch, which runs east to west, bisects the northern portion of the Goathouse Brewery site. Furthermore, two ponds are located within the project site, which are both surrounded by vegetation; however, such vegetation is relatively sparse and is predominantly made up of annual grasses or ruderal vegetation.

Hillenbrand Farmhaus Brewery

The Hillenbrand Farmhaus Brewery site is predominantly annual grassland, with several other habitat types associated with the farm brewery use. Agricultural operations within the site include a hop farm within the annual grassland areas of the site. Developed areas within the site include the brewery and tasting room, along with a residential area. A pond exists within the central portion of the project site and is surrounded by sparse annual grassland and ruderal vegetation. Dutch Ravine is located adjacent to the southern boundary of the Hillenbrand Farmhaus Brewery site. Riparian woodland areas associated with Dutch Ravine extend into the southern portion of the site, and the western portion of the site contains oak woodland areas.

Lone Buffalo Vineyards

The Lone Buffalo Vineyards site contains agricultural areas, developed areas, and oak savanna areas. Existing agricultural areas include vine cultivation areas, generally restricted to the eastern half of the Lone Buffalo Vineyards site. The winery facility and other developed areas are located within the eastern portion of the site as well, with some associated landscaping. The western portion of the site is predominantly oak savanna habitat with scattered individual oaks and groupings of oaks throughout an annual grassland habitat type.

Mt. Vernon Winery

The Mt. Vernon Winery site contains large amounts of vineyard areas, open annual grasslands, and areas developed for winery and associated uses. The parcel containing Mt. Vernon Winery surrounds a portion of North Ravine, which includes streambed and riparian woodland habitats. While the Mt. Vernon Winery parcel surrounds North Ravine, North Ravine is not included in the parcel, and, thus, the Mt. Vernon Winery site does not contain riparian woodland or streambed habitat types. Scattered, mostly isolated native and landscaped trees exist throughout the Mt. Vernon Winery site. The predominant habitat types within the site include annual grassland, agricultural areas, developed areas, and ruderal areas.

Rancho Roble Vineyards

The majority of the Rancho Roble Vineyards site is comprised of oak woodland areas. The vineyard and associated winery uses are located within the southeastern portion of the site. In addition to the landscaping, agricultural, and developed uses within the southern portion of the site, a pond is located within the southern portion of the site as well. The pond is surrounded by annual grasses and does not support any riparian vegetation. A canal bisects the northern portion of the site from east to west. The canal is located within the portion of the site characterized mainly as oak woodland; however, the canal appears maintained and does not support substantial riparian type vegetation.

Vina Castellano Winery

The Vina Castellano Winery is predominantly developed with vineyard, winery, and associated uses. While the majority of the project site is used for vineyard cultivation or has been developed with roads, structures, and parking, some portions of the site remain as oak woodlands. Additionally, a stock pond exists within the site, and, although oak woodland exists in proximity to the stock pond, the area immediately surrounding the pond has been cleared and contains little vegetation other than grass and landscaping.

Wise Villa Winery and Bistro

The majority of the Wise Villa Winery and Bistro site is comprised of vineyard area. Remaining portions of the site include developed areas related to the winery and associated uses, as well as residential uses, parking, and roadways. Due to the extensive use of the site for winery-related

purposes, the site contains little vegetation other than grape vines, landscaped vegetation, and ruderal vegetation.

Wildlife

As discussed above, the various biological communities present within existing study facility sites throughout the County are generally anticipated to provide habitat for native and nonnative species. Of particular concern are special-status species that may exist within the existing study facility sites in the County.

Special-Status Species

Special-status species are species that have been listed as “threatened” or “endangered” under the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), or are of special concern to federal resource agencies, the State, or private conservation organizations. A species may be considered special-status due to declining populations, vulnerability to habitat change, or restricted distributions. A description of the criteria and laws pertaining to special-status classifications is described below.

Special-status plant species may meet one or more of the following criteria:

- Plants listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species);
- Plants that are candidates for possible future listing as threatened or endangered under the FESA (64 FR 205, October 25, 1999; 57533-57547);
- Plants listed or proposed for listing by the State of California as threatened or endangered under the CESA (14 California Code of Regulations [CCR] 670.5);
- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (CEQA Guidelines, Section 15380); or
- Plants considered by the California Native Plant Society (CNPS) to be “rare, threatened, or endangered” in California (Lists 1A, 1B, and 2 species in CNPS [2001]).

Special-status wildlife species may meet one or more of the following criteria:

- Wildlife listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.11 for listed wildlife and various notices in the Federal Register for proposed species);
- Wildlife listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR 670.5);
- Wildlife that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA Guidelines, Section 15380);
- Wildlife species of special concern to the California Department of Fish and Wildlife (CDFW) (Remsen [1978] for birds; Williams [1986] for mammals); and/or
- Wildlife species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Several species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation (i.e. localized removal of the entire species population) as the State’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described below, State and federal laws have provided the CDFW and the USFWS with a mechanism for conserving and protecting the diversity of plant and animal species native to the State. A number of native plants and animals have been formally designated as threatened or endangered under State and federal endangered species legislation. Others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFW. In addition, the CNPS has developed a set of lists of native plants considered rare, threatened, or endangered. Collectively, these plants and animals are referred to as “special-status species.”

While Placer County provides habitat for a wide variety of special-status species, to determine potentially-occurring special-status species in proximity to existing study facility locations within the County, the California Natural Diversity Database (CNDDDB) was queried and reviewed. The search provided a list of special-status species that are known to have occurred within the 7.5 minute-quadrangles containing the existing study facilities presented in Chapter 3, Project Description, of this EIR.

Table 6-1 below presents information related to each species found to occur within the study area. As shown in Table 6-1, special-status species occurring within the quadrangles containing existing study facilities include eight plant species, two invertebrate species, one fish species, one amphibian species, one reptile species, eight bird species, and one mammal species. Although the foregoing species were identified within the 7.5-minute quadrants containing the existing study facilities, only three total species were identified within a half-mile of any of the existing study facilities. In particular, steelhead were reported within one-half mile of Casque at Flower Farm and Hillenbrand Farmhaus Brewery; western pond turtles were reported within one-half mile of Ciotti Cellars, Dono Dal Cielo Vineyard and Winery, Hillenbrand Farmhaus Brewery, Lone Buffalo Vineyards, Mt. Vernon Winery, Vina Castellano Winery, and Wise Villa Winery and Bistro; and American peregrine falcon was reported within one-half mile of Vina Castellano Winery.

Table 6-1 Special-Status Wildlife Species Reported in Proximity to Existing Study Facilities		
Common and Scientific Name	Fed / State / CNPS Status ^{1,2}	Habitat Requirements
Plants		
Ahart’s dwarf rush <i>Juncus leiospermus var. ahartii</i>	-- / -- / 1B.2	Edges of vernal pools within valley and foothill grasslands between 100- and 330-foot elevation.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	-- / -- / 1B.2	Chaparral, Cismontane woodland, valley and foothill woodland, sometimes on serpentine soils at elevations between 115- and 4,800-foot elevation.
Bogg’s Lake hedge-hyssop <i>Gratiola heterosepalal</i>	-- / CE / 1B.2	On clay soils, usually within vernal pools, but sometimes found on margins of

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Table 6-1 Special-Status Wildlife Species Reported in Proximity to Existing Study Facilities		
Common and Scientific Name	Fed / State / CNPS Status ^{1,2}	Habitat Requirements
		freshwater marshes, and lakes between 10- and 7,900-foot elevation.
Butte County fritillary <i>Fritillaria eastwoodiae</i>	-- / -- / 3.2	Chaparral, cismontane woodland, lower montane coniferous forests upwards of 4,800- foot elevation.
Dwarf downingia <i>Downingia pusilla</i>	-- / -- / 2B.2	Vernal pools within valley and foothill grasslands between 0- and 1,600 feet elevation.
Jepson's onion <i>Allium jepsonii</i>	-- / -- / 1B.2	On serpentine soils within the Sierra foothills, usually within open areas between 1,150- and 3,700-foot elevation.
Oval-leaved viburnum <i>Viburnum ellipticum</i>	-- / -- / 2B.3	Chaparral, cismontane woodland, and lower montane coniferous forest between 700- and 4,600-foot elevation.
Pincushion navarretia <i>Navarretia myersii ssp. myersii</i>	-- / -- / 1B.1	Clay soils within vernal pools between 150- and 330-foot elevation.
Invertebrates		
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT / -- /	Vernal pools or other seasonally ponded wetlands.
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT / --	Dependent upon blue elderberry plant (<i>Sambucus nigra ssp. caerulea</i>) as primary host species.
Fish		
Steelhead – Central Valley DPS <i>Oncorhynchus mykiss irideus</i>	FT/--	Below impassable barriers of Sacramento and San Joaquin rivers and tributaries. Locally known from the Auburn Ravine.
Amphibians		
Foothill yellow-legged frog <i>Rana boylei</i>	-- / SSC	Frequents rocky streams and rivers with rocky substrate and open, sunny banks, in forests, chaparral, and woodlands. Sometimes found in isolated pools vegetated backwaters, and deep, shaded, spring-fed pools.
Reptiles		
Western pond turtle <i>Emys marmorata</i>	-- / SSC	Ponds, rivers, streams, wetlands, and irrigation ditches with associated marsh habitat.
Birds		
American peregrine falcon <i>Falco peregrinus anatum</i>	Delisted ³ / FP	Open landscapes with cliffs or other sheer features. Nests on cliffs.
Burrowing owl <i>Athene cunicularia</i>	-- / SSC	Open, dry annual or perennial grasslands characterized by low-growing vegetation.
California black rail <i>Laterallus jamaicensis coturniculus</i>	-- / CT, CFP	Nests and forages in salt, brackish, and fresh marshes with abundant vegetative cover.

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Table 6-1 Special-Status Wildlife Species Reported in Proximity to Existing Study Facilities		
Common and Scientific Name	Fed / State / CNPS Status^{1,2}	Habitat Requirements
Purple martin <i>Progne subis</i>	-- /SSC	Inhabits woodlands, low elevation coniferous forest of Douglas-fir, ponderosa pine, & Monterey pine.
Song sparrow (Modesto Population) <i>Melospiza melodia</i>	-- / SSC	Open habitat including marsh edges, overgrown fields, desert washes, and forest edges.
Swainson’s hawk <i>Buteo swainsoni</i>	-- / CT	Great Basin grassland, riparian forest and woodlands, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, savannahs, and agricultural or ranch lands with groves or lines of trees.
Tricolored blackbird <i>Agelaius tricolor</i>	-- / CT	Colonial nester in cattails, bulrush, or blackberries associated with marsh habitats.
White-tailed kite <i>Elanus leucurus</i>	-- / FP	Nests in riparian corridors along streams and rivers, and forages in nearby grasslands and fields.
Mammals		
Townsend’s big-eared bat <i>Corynorhinus townsendii townsendii</i>	-- / SSC	Roosts in caves and cave analogues, such as abandoned mines, buildings, bridges, rock crevices and large basal hollows of coast redwoods and giant sequoias. Extremely sensitive to human disturbance.
<p>Notes:</p> <p>¹ FT = Federally Threatened; FE = Federally Endangered; FC = Federal Candidate; FD = Federally Delisted CE = California Endangered; CR = California Rare; SSC = Species of Special Concern; FP = Fully Protected; CNPS = California Native Plant Society; Rank 1B = Rare, threatened, or endangered in California and elsewhere; Rank 2 = Rare, threatened, or endangered in California, but more common elsewhere; Rank 3 = Plants which more information is needed</p> <p>CNPS Threat Rank Extensions: .1 = Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat) .2 = Fairly endangered in California (20 to 80% of occurrences threatened) .3 = Not very endangered in California (less than 20% of occurrences threatened or no current threats known)</p> <p>² CNPS Status only shown for plant species.</p> <p>³ Peregrine falcons were previously listed as federally endangered; however, successful conservation efforts allowed the species to be removed from the federal endangered species list. The species remains fully protected by the CDFW.</p> <p><i>Source: California Department of Fish and Wildlife. California Natural Diversity Database – Version 5.2.14. October 2018.</i></p>		

Although the species indicated in Table 6-1 were reported within the 7.5-minute quadrangles encompassing the existing study facility locations, the existing study facility sites do not

necessarily provide habitat for all such species. For instance, the existing study facilities are not located within the elevation range for Butte County fritillary and Jepson's onion, nor do the existing study facilities include the steep cliffs required by American peregrine falcon. Considering that the existing facilities do not provide habitat for the Butte County fritillary, Jepson's onion, or American peregrine falcon, further consideration of such species is not provided in this chapter of the EIR. In addition, the two CNDDDB records for big-scale balsamroot date back to the late 1950s, and it is unlikely that this species would occur within the study facility sites due to the age of the historic records and general lack of suitable habitats (e.g., chaparral). A third occurrence is presumed to be extirpated. The three records of oval-leaved viburnum are limited to the Lake Clementine area; therefore, it is reasonable to assume their absence on any of the study facility sites to the west.

The study facilities may not include habitat required for other species listed in Table 6-1. For instance, none of the study facilities include the riverine habitat required by steelhead, sufficient riparian vegetation to support western pond turtles, and California black rail does not exist within any existing study facility. Nevertheless, to provide a worst-case analysis, potential impacts on the remaining species presented in Table 6-1 are analyzed within this chapter.

The remaining special-status species identified in Table 6-1 generally rely on either aquatic or upland habitat types. In particular, the Ahart's dwarf rush, Bogg's Lake hedge-hyssop, Dwarf downingia, pincushion navarretia, vernal pool fairy shrimp, steelhead, foothill yellow-legged frog, western pond turtle, California black rail, and tricolored blackbird rely on aquatic habitat types including ponds, rivers, and vernal pools. Species including valley elderberry longhorn beetle, burrowing owl, purple martin, song sparrow, Swainson's hawk, white-tailed kite, and Townsend's big-eared bat rely, in part, on upland habitat, principally oak woodlands, but also grassland. White-tailed kite requires grassland in association with riparian habitat. Based on the general habitat requirements of the above-listed species, the impact discussions within this chapter will focus on potential impacts to either aquatic habitats or upland habitats and the potential for disturbance of such habitats to result in impacts to specific species that rely on such habitat types. Thus, where impacts related to either aquatic habitats or upland habitats are referenced in this chapter, such references would relate to impacts to the species that rely on such habitat types.

Migratory Birds

In addition to the special-status species discussed above, certain species of migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA). Protected species include, but are not limited to, hawks such as the red-shouldered hawk (*buteo lineatus*), white-tailed kite (*Elanus lecurus*) and the Cooper's hawk (*Accipiter cooperii*), as well as other common migratory birds including American crow (*Corvus brachyrhynchos*), brewer's blackbird (*Euphagus cyanocephalus*), bushtit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*), hermit thrush (*Catharus guttatus*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), lesser goldfinch (*Carduelis psaltria*), Northern flicker (*Colaptes auratus*), Northern mockingbird (*Mimus polyglottos*), rock dove (*Columba livia*), Say's phoebe (*Sayornis saya*), scrub jay (*Aphelocoma caerulescens*), turkey vulture (*Cathartes aura*), Western meadowlark (*Sturnella neglecta*), white-breasted nuthatch (*Sitta carolinensis*), and white-crowned sparrow (*Zonotrichia*

leucophrys). The above-listed birds, as well as other migratory species, have the potential to nest within oak woodland, annual grassland, riparian forest, and landscaped portions of the existing study facility sites within the County.

6.3 REGULATORY CONTEXT

A number of Federal, State, and local policies provide the regulatory framework that guides the protection of biological resources. The following discussion summarizes those laws that are most relevant to biological resources in the County.

Federal Regulations

The following are the Federal environmental laws and policies relevant to biological resources.

Federal Endangered Species Act

Under the Federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 USC § 1533(c)). Two federal agencies oversee the FESA: the USFWS has jurisdiction over plants, wildlife, and resident fish, while the National Marine Fisheries Service (NMFS) has jurisdiction over anadromous fish and marine fish and mammals. Section 7 of the FESA mandates that federal agencies consult with the USFWS and NMFS to ensure that federal agency actions do not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat for listed species. The FESA prohibits the ‘take’ of any fish or wildlife species listed as threatened or endangered, including the destruction of habitat that could hinder species recovery. Take is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in any such conduct.

Section 10 requires the issuance of an “incidental take” permit before any public or private action may be taken that could take an endangered or threatened species. The permit requires preparation and implementation of a habitat conservation plan (HCP) that would offset the take of individuals that may occur, incidental to implementation of a proposed project, by providing for the protection of the affected species.

Pursuant to the requirements of the FESA, a federal agency reviewing a project within the jurisdiction of the agency must determine whether any federally listed threatened or endangered species may be present in the project area and whether the proposed project will have a potentially significant impact on such species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC § 1536(3), (4)).

Migratory Bird Treaty Act (MBTA)

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The federal MBTA prohibits the killing, possessing, or trading of

migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503.5 of the California Fish and Wildlife Code states, “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.”

Clean Water Act (CWA)

The USACE regulates discharge of dredged or fill material into waters of the United States under Section 404 of the CWA. “Discharge of fill material” is defined as the addition of fill material into Waters of the U.S., including but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and sub-aqueous utility lines (33 C.F.R. §328.2[f]). In addition, Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Waters of the United States include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 C.F.R. §328.3[b]).

Furthermore, Jurisdictional Waters of the United States can be defined by exhibiting a defined bed and bank and OHWM. The OHWM is defined by the USACE as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” (33 C.F.R. §328.3[e]).

State Regulations

The following are the State environmental laws and policies relevant to biological resources.

California Department of Fish and Wildlife

CDFW administers a number of laws and programs designed to protect fish and wildlife resources under the California Fish and Game Code (FGC), such as CESA (FGC Section 2050, et seq.), Fully Protected Species (FGC Section 3511), and the Lake or Streambed Alteration Agreement Program (FGC Sections 1600 to 1616). Such regulations are summarized in the following sections.

California Endangered Species Act

The State of California enacted CESA in 1984. CESA is similar to the FESA but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with CDFW when preparing CEQA documents to ensure that the State lead agency actions do not jeopardize the existence of listed species. CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that “overriding considerations” exist; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.

CESA prohibits the taking of State-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving State-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines.

Fish and Game Code Section 3505

Birds of prey are protected in California under provisions of the California FGC, Section 3503.5, (1992), which states, “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.” 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 CDFW.

Lake or Streambed Alteration Program

CDFW exercises jurisdiction over wetland and riparian resources associated with rivers, streams, and lakes under California FGC Section 1600 to 1607. CDFW has the authority to regulate work that will do any one or more of the following:

- 1) Divert, obstruct, or change the natural flow of a river, stream, or lake;
- 2) Change the bed, channel, or bank of a river, stream, or lake; or
- 3) Use material from a streambed.

CDFW’s jurisdictional area along a river, stream or creek is usually bounded by the top-of-bank or the outermost edges of riparian vegetation. Typical activities regulated by CDFW under Section 1600-1616 authority include installing outfalls, stabilizing banks, implementing flood control projects, constructing river and stream crossings, diverting water, damming streams, gravel mining, and logging.

Section 1602 of the California FGC requires notification of CDFW for lake or stream alteration activities. If, after notification is complete, CDFW determines that the activity may substantially adversely affect an existing fish and wildlife resource, CDFW has authority to issue a Streambed Alteration Agreement under Section 1603 of the California FGC. Requirements to protect the integrity of biological resources and water quality are often conditions of Streambed Alteration Agreements. Such requirements may include avoidance or minimization of heavy equipment use within stream zones, limitations on work periods to avoid impacts to wildlife and fisheries resources, and measures to restore degraded sites or compensate for permanent habitat losses.

Waters of the State, including wetlands, are considered sensitive biological resources and fall under the jurisdiction of CDFW and California's Regional Water Quality Control Boards (RWQCBs).

CDFW Species of Special Concern

In addition to formal listings under FESA and CESA, plant and wildlife species receive additional consideration during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern" developed by CDFW. Species whose numbers, reproductive success, or habitat may be threatened are tracked by CDFW in California.

Regional Water Quality Control Board

Pursuant to Section 401 of the CWA and EPA 404(b)(1) guidelines, in order for a USACE federal permit applicant to conduct any activity which may result in discharge into navigable waters, they must provide a certification from the RWQCB that such discharge will comply with the State water quality standards. The RWQCB has a policy of no-net-loss of wetlands in effect and typically requires mitigation for all impacts to wetlands before the RWQCB will issue water quality certification.

Under the Porter-Cologne Water Quality Control Act (Cal. Water Code Section 13000-14920), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the State's waters. Therefore, even if a project does not require a federal permit (i.e., a Nationwide Permit from the USACE), the project may still require review and approval of the RWQCB, in light of the approval of new NWP's on March 9, 2000 and the Supreme Court's decision in the case of the Solid Waste Agency of Northern Cook County (SWANCC) vs. USACE. The RWQCB in response to this, issued guidance for regulation of discharges to "isolated" water on June 25, 2004. The guidance states:

Discharges subject to Clean Water Act section 404 receive a level of regulatory review and protection by the USACE and are also subject to streambed alteration agreements issued by the CDFW; whereas discharges to waters of the State subject to SWANCC receive no federal oversight and usually fall out of CDFW jurisdiction. Absent of RWQCB attention, such discharges will generally go entirely unregulated. Therefore, to the extent that staffing constraints require the RWQCB to regulate some dredge and fill discharges of similar extent, severity, and permanence to federally-protected waters of similar value. Dredging, filling,

or excavation of “isolated” waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the RWQCB and comply with other requirements of Porter-Cologne.

When reviewing applications, the RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. Generally, the RWQCB defines beneficial uses to include all of the resources, services and qualities of aquatic ecosystems and underground aquifers that benefit the State. In most cases, the RWQCB seeks to protect these beneficial uses by requiring the integration of water quality control measures into projects that will result in discharge into waters of the State. For most construction projects, RWQCB requires the use of construction and post-construction Best Management Practices (BMPs). In many cases, proper use of BMPs, including bioengineering detention ponds, grassy swales, sand filters, modified roof techniques, drains, and other features, will speed project approval from RWQCB. Development setbacks from creeks are also requested by RWQCB as they often lead to less creek-related impacts in the future.

California Native Plant Society

CNPS maintains a list of plant species native to California that has low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review. The following identifies the definitions of the CNPS listings:

- | | |
|----------|------------------------------------------------------------------------------------|
| List 1A: | Plants believed extinct. |
| List 1B: | Plants rare, threatened, or endangered in California and elsewhere. |
| List 2: | Plants rare, threatened, or endangered in California, but more numerous elsewhere. |
| List 3: | Plants about which we need more information - a review list. |
| List 4: | Plants of limited distribution - a watch list. |

Senate Bill 1334

Effective January 1, 2005, Senate Bill 1334 established Public Resources Code Section 21083.4, the State’s first oak woodlands conservation standards under CEQA. This new law creates the following two requirements for counties: 1) Counties must determine whether or not a project that results in the conversion of oak woodlands will have a significant effect; and 2) If there may be a significant effect, counties must employ one or more of the following mitigation measures:

- Conserving oaks through the use of conservation easements;
- Planting and maintaining an appropriate number of trees either on-site or in restoration of a former oak woodlands (tree planting is limited to half the mitigation requirement);

- Contributing funds to the Oak Woodlands Conservation Fund for the purpose of purchasing land or conservation easements; or
- Other mitigation measures developed by the County.

Local Regulations

The following are the local environmental laws and policies relevant to biological resources.

Placer County General Plan

The goals and policies from the Placer County General Plan that pertain to biological resources are presented below.

Water Resources

Policy 6.A.1 The County shall require the provision of sensitive habitat buffers which shall, at a minimum, be measured as follows: 100 feet from the centerline of perennial streams, 50 feet from centerline of intermittent streams, and 50 feet from the edge of sensitive habitats to be protected, including riparian zones, wetlands, old growth woodlands, and the habitat of special status, threatened or endangered species (see discussion of sensitive habitat buffers in Part I of this Policy Document). Based on more detailed information supplied as a part of the review for a specific project or input from state or federal regulatory agency, the County may determine that such setbacks are not applicable in a particular instance or should be modified based on the new information provided. The County may, however, allow exceptions, such as in the following cases:

- a. Reasonable use of the property would otherwise be denied;
- b. The location is necessary to avoid or mitigate hazards to the public;
- c. The location is necessary for the repair of roads, bridges, trails, or similar infrastructure; or
- d. The location is necessary for the construction of new roads, bridges, trails, or similar infrastructure where the County determines there is no feasible alternative and the project has minimized environmental impacts through project design and infrastructure placement

Policy 6.A.3 The County shall require development projects proposing to encroach into a stream zone or stream setback to do one or more of the following, in descending order of desirability:

- a) Avoid the disturbance of riparian vegetation;
- b) Replace all functions of the existing riparian vegetation (on-site, in-kind);
- c) Restore another section of stream (in-kind);
- d) Restore another section of stream (in-kind); and/or

- e) Pay a mitigation fee for in-kind restoration elsewhere (e.g., mitigation banks).

Policy 6.A.4

Where stream protection is required or proposed, the County should require public and private development to:

- a) Preserve stream zones and stream setback areas through easements or dedications. Parcel lines (in the case of a subdivision) or easements (in the case of a subdivision or other development) shall be located to optimize resource protection. If a stream is proposed to be included within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement should be clearly defined and conditioned prior to map or project approval;
- b) Designate such easement or dedication areas (as described in a. above) as open space;
- c) Protect stream zones and their habitat value by actions such as: 1) providing an adequate stream setback, 2) maintaining creek corridors in an essentially natural state, 3) employing stream restoration techniques where restoration is needed to achieve a natural stream zone, 4) utilizing riparian vegetation within stream zones, and where possible, within stream setback areas, 5) prohibiting the planting of invasive, non-native plants (such as *Vinca major* and eucalyptus) within stream zones or stream setbacks, and 6) avoiding tree removal within stream zones;
- d) Provide recreation and public access near streams consistent with other General Plan policies;
- e) Use design, construction, and maintenance techniques that ensure development near a creek will not cause or worsen natural hazards (such as erosion, sedimentation, flooding, or water pollution) and will include erosion and sediment control practices such as: 1) turbidity screens and other management practices, which shall be used as necessary to minimize siltation, sedimentation, and erosion, and shall be left in place until disturbed areas; and/or are stabilized with permanent vegetation that will prevent the transport of sediment off site; and 2) temporary vegetation sufficient to stabilize disturbed areas.
- f) Provide for long-term stream zone maintenance by providing a guaranteed financial commitment to the County which accounts for all anticipated maintenance activities.

Policy 6.A.5

The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff and to encourage the use of BMPs for agricultural activities.

Wetland and Riparian Areas

- Policy 6.B.1 The County shall support the "no net loss" policy for wetland areas regulated by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.
- Policy 6.B.2 The County shall require new development to mitigate wetland loss in both federal jurisdictional and non-jurisdictional wetlands to achieve "no net loss" through any combination of the following, in descending order of desirability: (1) avoidance; (2) where avoidance is not possible, minimization of impacts on the resource; or (3) compensation, including use of a mitigation and conservation banking program that provides the opportunity to mitigate impacts to special status, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas. Non-jurisdictional wetlands may include riparian areas that are not federal "waters of the United States" as defined by the Clean Water Act.
- Policy 6.B.3 The County shall discourage direct runoff of pollutants and siltation into wetland areas from outfalls serving nearby urban development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.
- Policy 6.B.4 The County shall strive to identify and conserve remaining upland habitat areas adjacent to wetlands and riparian areas that are critical to the survival and nesting of wetland and riparian species.
- Policy 6.B.5 The County shall require development that may affect a wetland to employ avoidance, minimization, and/or compensatory mitigation techniques. In evaluating the level of compensation to be required with respect to any given project, (a) on-site mitigation shall be preferred to off-site, and in-kind mitigation shall be preferred to out-of-kind; (b) functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and (c) acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses. The County shall continue to implement and refine criteria for determining when an alteration to a wetland is considered a less-than significant impact under CEQA.

Fish and Wildlife Habitat

- Policy 6.C.1 The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining

wildlife populations. Significant ecological resource areas include the following:

- a) Wetland areas including vernal pools.
- b) Stream zones.
- c) Any habitat for special status, threatened, or endangered animals or plants.
- d) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat.
- e) Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, and vernal pool/grassland complexes.
- f) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.
- g) Important spawning and rearing areas for anadromous fish.

- Policy 6.C.2 The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.
- Policy 6.C.3 The County shall encourage the control of residual pesticides to prevent potential damage to water quality, vegetation, fish, and wildlife.
- Policy 6.C.4 The County shall encourage private landowners to adopt sound fish and wildlife habitat management practices, as recommended by California Department of Fish and Wildlife officials, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Placer County Resource Conservation District.
- Policy 6.C.5 The County shall require mitigation for development projects where isolated segments of stream habitat are unavoidably altered. Such impacts should be mitigated on-site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work.
- Policy 6.C.6 The County shall support preservation of the habitats of threatened, endangered, and/or other special status species. Where County acquisition and maintenance is not practicable or feasible, federal and state agencies, as well as other resource conservation organizations, shall be encouraged to acquire and manage endangered species' habitats.
- Policy 6.C.7 The County shall support the maintenance of suitable habitats for all indigenous species of wildlife, without preference to game or non-game species, through maintenance of habitat diversity.

- Policy 6.C.9 The County shall require new private or public developments to preserve and enhance existing riparian habitat unless public safety concerns require removal of habitat for flood control or other essential public purposes (See Policy 6.A.1.). In cases where new private or public development results in modification or destruction of riparian habitat the developers shall be responsible for acquiring, restoring, and enhancing at least an equivalent amount of like habitat within or near the project area.
- Policy 6.C.10 The County will use the California Wildlife Habitat Relationships (WHR) system as a standard descriptive tool and guide for environmental assessment in the absence of a more detailed site-specific system.
- Policy 6.C.11 Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a wildlife biologist, the evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of special status, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources, and will identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible. In approving any such discretionary development permit, the decision-making body shall determine the feasibility of the identified mitigation measures. Significant ecological resource areas shall, at a minimum, include the following:
- a) Wetland areas including vernal pools.
 - b) Stream zones.
 - c) Any habitat for special status, threatened or endangered animals or plants.
 - d) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat.
 - e) Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, vernal pool/grassland complexes habitat.
 - f) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.
 - g) Important spawning and rearing areas for anadromous fish.
- Policy 6.C.12 The County shall cooperate with, encourage, and support the plans of other public agencies to acquire fee title or conservation easements to privately-owned lands in order to preserve important wildlife corridors and to provide habitat protection of California Species of Concern and state or federally listed threatened, or endangered plant and animal species, or any species listed

in an implementing agreement for a habitat conservation plan and natural communities conservation plan.

- Policy 6.C.13 The County shall support and cooperate with efforts of other local, state, and federal agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development. Significant biological resources include endangered or threatened species and their habitats, wetland habitats, wildlife migration corridors, and locally important species/communities.

Vegetation

- Policy 6.D.3 The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.
- Policy 6.D.4 The County shall ensure that landmark trees and major groves of native trees are preserved and protected. In order to maintain these areas in perpetuity, protected areas shall also include younger vegetation with suitable space for growth and reproduction.
- Policy 6.D.5 The County shall require that new development preserve natural woodlands to the maximum extent possible.
- Policy 6.D.14 The County shall require that new development avoid, as much as possible, ecologically-fragile areas (e.g., areas of rare or endangered species of plants, riparian areas). Where feasible, these areas should be protected through public acquisition of fee title or conservation easements to ensure protection.

Placer County Conservation Plan

The First Agency Review Draft Placer County Conservation Plan (PCCP) was released in 2011, which proposes a streamlined strategy and permitting process for a range of covered activities in western Placer County for the next 50 years. The First Agency Review Draft PCCP establishes a conservation reserve area to protect and conserve special-status species and natural communities. The area covers approximately 212,000 acres, including important biological communities in western Placer County; such areas include much of the area within the County that is suitable for agricultural activities such as grape growing. The PCCP would function as both a Habitat Conservation Plan (HCP) under the FESA, and a Natural Community Conservation Plan (NCCP) under the California Natural Community Conservation Planning Act. The PCCP would be focused on a landscape-level, which would allow the creation of contiguous blocks of preserved habitat. Landscape-level planning would also help to avoid piece-meal, project-level mitigation, which can result in isolated habitat areas and disrupted broad-scale ecological processes. Conservation efforts within the PCCP would be focused both on special-status species, and on habitat types, allowing for direct impacts to special-status species as well as habitat loss associated with development. Although the PCCP will be focused on protecting habitats and

individual species, the PCCP is not anticipated to cover special-status plant species. The PCCP has not yet been adopted by the Placer County Board of Supervisors as of the date of preparation of this EIR.

Placer County Tree Preservation Ordinance

The Placer County Tree Preservation Ordinance (Section 12.16 of the Placer County Code) regulates the encroachment of construction activities into protected zones of protected trees and the removal of any protected trees. Protected trees are defined as any native tree species with a diameter at breast height (DBH) of six inches or greater (except gray pines, *Pinus sabiniana*) or multiple trunk trees with an aggregate diameter of ten inches or greater. Each protected tree has a “Protected Zone,” which is a circle equal to the largest radius of a protected tree’s dripline plus one foot. The radius is measured from the trunk at the base of the tree to the greatest extent of the tree’s dripline. The Ordinance regulates both the removal of trees and the encroachment of construction activities into protected tree zones. In addition, the Ordinance prohibits the removal of landmark trees, trees located in designated Tree Preservation Zones, and trees within riparian areas.

Placer County Interim Oak Woodland Guidelines

The County enforces the above Tree Ordinance for cases of impacts to individual, isolated native trees; however, where tree crown canopy coverage is 10 percent/acre or greater, the woodland comprises an area greater than two acres, and the dominant tree species are native California oaks, the County regulates impacts to these areas as impacts to oak woodland under the County’s 2008 *Interim Guidelines for Evaluating Development Impacts on Oak Woodland* (2008 Interim Guidelines). Under the 2008 Interim Guidelines, impacts to oak woodlands include all areas within 50 feet of the development footprint, and for every acre of oak woodland impacted, two acres of the same woodland type must be preserved off-site. In addition, any “significant trees” (generally trees greater than 24 inches in DBH or clumps of trees greater than 72 inches in circumference measured at ground level) impacted within the oak woodland must also be mitigated separately in accordance with the Tree Ordinance, above.

Winery Ordinance

Section 17.56.330 of the Placer County Code contains the County’s Winery Ordinance, as approved in 2008. The purpose of the Winery Ordinance is to provide for the orderly development of wineries, within agricultural zoning districts and certain commercial, industrial, and residential zoning districts, to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, and protect the agricultural character and long-term agricultural production of agricultural lands. Chapter 3, Project Description, of this EIR provides a detailed overview of the proposed changes to the Winery Ordinance.

6.4 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.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines and the County's Initial Study Checklist, the effects of a project are evaluated to determine if they would result in a significant adverse impact on the environment. For the purposes of this EIR, an impact is considered significant if the proposed project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries;
- Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of or restrict the range of an endangered, rare, or threatened species;
- Have a substantial adverse effect on the environment by converting oak woodlands;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community, including oak woodlands, identified in local or regional plans, policies or regulations, or by the California Department of Fish & Game, U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers or National Oceanic and Atmospheric Administration Fisheries;
- Have a substantial adverse effect on federal or State protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or as defined by State statute, through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nesting or breeding sites;
- Conflict with any local policies or ordinances that protect biological resources, including oak woodland resources; and/or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Method of Analysis

The information contained in this analysis is based on the current conditions at the existing study facilities within the County, and information obtained from the CNDDB.

Project-Specific Impacts and Mitigation Measures

The following discussion of impacts related to biological resources is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.

- 6-1 Have a substantial adverse effect or cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of or restrict the range of an endangered, rare, or threatened species, 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 the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.**

As noted previously, the existing study facility sites within the County contain habitat that may be suitable for use by a limited number of special-status species. However, while the proposed Zoning Text Amendment would allow for greater flexibility in the number of events being held at existing study facilities, such events would be anticipated to occur within the existing event spaces at each existing study facility, and, thus, would not result in direct physical alterations to any existing study facility sites. Considering the lack of direct physical changes to the existing study facilities, the proposed Zoning Text Amendment would not be anticipated to lead to direct physical impacts to biological resources within existing study facilities. The remainder of this impact discussion will focus on whether the additional events allowable under the proposed Zoning Text Amendment would result in the use of overflow parking, or creation of more permanent parking, the indirect effects of which could include disturbance of biological resources. This discussion is provided in response to public concerns expressed during the Notice of Preparation (NOP) comment period for the proposed project.

The first part of the discussion will describe how the event allowances would change as a result of the proposed Zoning Text Amendment. The existing Winery Ordinance restricts the number of promotional events at each facility to six per year, subject to first securing an Administrative Review Permit. The proposed project would redefine “event” to distinguish between Agricultural Promotional Events and Special Events. Agricultural Promotional Events would include events with 50 attendees or less at one time and would be directly related to the education and marketing of wine and craft beer to consumers. Special Events would include events with greater than 50 attendees at one time where the agricultural-related component is subordinate to the primary purpose of the event. The proposed Zoning Text Amendment would allow the existing study facilities to hold an unlimited number of Agricultural Promotional Events, whereas the eight existing, medium parcel-sized study facilities could hold up to six Special Events per year, and the two existing, large parcel-sized study facilities could hold up to 12 Special Events per year.

Overflow Parking

Public concerns have been raised during the NOP review period regarding the potential for the proposed increase in the number of allowable events to result in indirect effects to biological resources for overflow parking purposes. Specifically, commenters have suggested that an increase in the number of allowable events would increase the number of people driving to the existing study facilities, which could result in event organizers choosing to allow overflow parking on land that could be considered biologically sensitive in order to accommodate the additional vehicles, thereby resulting in impacts to such resources. The existing Winery Ordinance allows for temporary overflow parking to be used in conjunction with Temporary Outdoor Events (TOE), as described in Section 17.56.300(B)(1)(b). The proposed Zoning Text Amendment would continue to allow overflow parking for TOEs but would also allow temporary overflow parking for Special Events. Overflow parking for Agricultural Promotional Events would not be allowed; rather, the Ordinance would continue to require at least one parking space for every 2.5 event attendees, and event size would be limited to the number of available on-site parking spaces (see Table 4, Minimum Parking Requirements, of the proposed Winery and Farm Brewery Zoning Text Amendment included as Attachment A to this EIR). Any attempt to allow overflow parking for Agricultural Promotional Events would be a violation of the Placer County Code and would result in code enforcement.¹⁰

In summary, the proposed Zoning Text Amendment would give facility owners the ability to use temporary overflow parking for Special Events, which are limited to six per year for medium parcel-sized facilities and 12 per year for large parcel-sized facilities. Thus, on a yearly basis, the demand for overflow parking will be relatively minimal. Nevertheless, facility owners may choose to designate temporary overflow parking on their properties for Special Events. The Zoning Text Amendment requires overflow parking to be limited to pre-designated areas. Because overflow parking is used to meet temporary parking demand it is reasonable to expect that facility owners would use those portions of their property that are already disturbed, in order to accommodate overflow parking needs. Given the general agricultural nature of existing wineries and farm breweries, it is common for operators to use agricultural fields to temporarily accommodate overflow parking. Thus, overflow parking would not have a substantial adverse effect on riparian habitat or other sensitive natural habitat.

Permanent Parking

Under the current Winery Ordinance and following the proposed Zoning Text Amendment, existing study facilities would have the ability to expand permanent parking spaces within their sites in order to accommodate tasting room guests, agricultural activities, and event attendees. Should such expansions of parking areas be undertaken to support events, the expansion of parking areas would be subject to all relevant County,

¹⁰ Overflow parking could be allowed with a TOE, two of which can be obtained per year; however, this is currently allowed under the existing Winery Ordinance, and thus is not required to be addressed in this EIR.

State, and federal regulations. For instance, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activity meets the exemptions specified in Section 15.48.070.

As shown in Section 15.48.070, grading activity related to the establishment of new parking could be exempt from County review if such activity is determined to represent a minor project or meets other specific exemption requirements. Only the exemptions related to minor projects would apply to grading related to the provision of permanent parking areas. Section 15.48.070(A) of the Placer County Code generally defines minor projects as grading projects that involve cut and fills that do not exceed four feet in vertical depth, and that meet nine additional criteria. The additional criteria include, but are not limited to, requirements related to the maximum amount of material to be moved, the maximum amount of vegetation to be removed, and prohibitions against grading within certain areas. In particular, minor projects deemed exempt from further regulation by the County would not include grading activity that would obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone or water body. Consequently, even grading activity that may otherwise be considered as a minor project is subject to environmental standards, which would protect aquatic habitat types and the special-status species that rely on such habitat.

Non-exempt grading activity subject to Article 15.48 is required to obtain proper permitting prior to initiation of grading activity, which includes general County review of the parking design being proposed. Permitting for such grading activity includes conditions related to the safeguarding of watercourses as specified in Section 15.48.240 of the Placer County Code. Furthermore, wetlands within the County are protected by the USACE, RWQCB, and the CDFW. In addition, depending upon the size and scope of the grading activity, the County has the ability to require further environmental review prior to issuing a grading permit (Code Section 15.48.210). Thus, improper disturbance of sensitive aquatic habitat, such as wetlands, that could be used by special-status species would not occur during potential future construction of permanent parking, as wetland habitat would be protected by the foregoing ordinances, laws, and agencies.

As discussed previously, four special-status plants and seven special-status wildlife species listed in Table 6-1 use wetlands and other aquatic areas as habitats. The protections discussed above related to grading within aquatic habitat areas would act to protect such species from disturbance related to the provision of new parking areas at existing study facilities.

Special-status species in Table 6-1 not dependent upon aquatic habitats consist of several birds, valley elderberry longhorn beetle, and a special-status bat. The special-status birds and bat species could nest within suitable nesting trees located on existing study facility sites. Migratory birds protected under the Migratory Bird Treaty Act could also nest within on-site trees or grasslands (i.e., ground nesters). While grading activity associated with creating new parking spaces could result in tree removal in limited cases, tree removal is regulated by Placer County. Relevant regulations would include the Placer

County Tree Preservation Ordinance (Article 12.16 of the Placer County Municipal Code). Tree Preservation Ordinance protects individual native tree species, meeting specified size requirements. Under Section 12.16.070 of the County’s Tree Preservation Ordinance, when approving a minor tree permit, the approving body may “impose such reasonable conditions of approval as necessary to protect the health of the protected tree, the public and the surrounding property or environmental features.” Thus, should operation of existing study facilities under the proposed Zoning Text Amendment require the provision of additional parking that requires tree removal, Section 12.16.070 allows the County to impose specific conditions on such tree removal activity in order to protect any potential nesting birds or roosting bats.

With respect to western burrowing owl, it is important to note that this species is considered rare in Placer County,¹¹ and known breeding has not occurred recently per the CNDDDB (2018). Only five CNDDDB recorded occurrences of burrowing owl exist in Placer County, all of which are west of the area where existing wineries and farm breweries are concentrated. Given the rarity of western burrowing owl in Placer County, and the limited amount of grassland habitat at any one facility site, any minor grading associated with parking would not be expected to create adverse impacts to burrowing owl.

The CNNDDB records of valley elderberry longhorn beetle (VELB) are noticeably absent from the portion of western Placer County where the existing study facility sites are located. VELB are known to occur in the American River watershed below Auburn, in the vicinity of Folsom Lake; and the Dry Creek watershed along Secret Ravine and Miners Ravine.¹² The existing study facility sites are not located in these areas and it is not anticipated that impacts to VELB would occur as a result of minor grading activity.

Wildlife Disturbance

As further discussed in Chapter 10, Transportation and Circulation, of this EIR, events at existing study facilities would result in vehicle trips to and from the individual sites. Vehicle traffic on roadways causes increased vehicle-related noise and other effects, which have the potential to affect wildlife in surrounding areas.¹³ Additionally, as discussed in further depth in Chapter 9, Noise, of this EIR, events may include activities involving amplified sound. Studies of the effects of noise on wildlife populations have shown that while some species can be negatively affected by traffic noise and wildlife densities are generally inversely proportional to distance from roadways, many species of wildlife are unaffected by roadway noise.¹⁴ In general, wildlife species have been shown

¹¹ Placer County Planning Department. *Placer County Natural Resources Report* [pgs. 183-185]. April 2004.

¹² Placer County Planning Department. *Placer County Natural Resources Report* [pg. 110]. April 2004.

¹³ California Department of Transportation, Division of Environmental Analysis. *The Effects of Highway Noise on Birds*. September 30, 2007.

¹⁴ U.S. Department of Transportation, Federal Highway Administration. *Synthesis of Noise Effects on Wildlife Populations*. September 2004.

to acclimate to the noise environment in which the species resides,¹⁵ or to select habitat based on a range of factors including the level of disturbance.¹⁶ Current operations of the existing study facilities already include vehicle traffic and amplified sound associated with events at such facilities. Thus, wildlife species in proximity to existing study facilities would be considered acclimated to noise levels associated with such operations. While the proposed Zoning Text Amendment could increase the number of allowable events at medium and large wineries, such events would represent modest changes in noise in the area. Considering that wildlife in proximity to existing study facilities would likely be acclimated to occasional event noise from existing study facilities, a modest change in noise related to events occurring under the proposed Zoning Text Amendment would not be anticipated to substantially exceed the noise level to which nearby wildlife is already accustomed. Furthermore, noise related to events would only occur during such times as events are being held at the existing study facilities, which would be limited to certain operational hours by Section E.3.a of the proposed Zoning Text Amendment, and would be subject to all relevant County noise regulations as required by Section E.4.a and Placer County Code Article 9.36. Consequently, noise related to potentially increased event activity at existing study facilities would not be anticipated to result in adverse impacts to wildlife behavior in proximity to the existing study facilities.

Conclusion

As discussed throughout this EIR, the proposed project includes adoption of revisions to the County's existing Winery Ordinance, which would increase the allowable number of events at existing study facilities within the County. While special-status species may use the habitat present within or in proximity to existing study facilities, the proposed project would not result in direct land disturbance that could affect such species. In addition, implementation of the proposed Zoning Text Amendment is not anticipated to result in adverse effects to wildlife behavior in proximity to the existing study facilities.

As discussed above, existing study facilities have the ability to expand permanent parking spaces within the sites, and such parking expansions may be undertaken with or without implementation of the proposed Zoning Text Amendment. Due to public concerns raised during the NOP review period, the potential for temporary overflow parking and expanded parking within study facilities is analyzed above. As demonstrated above, the Placer County Code contains regulations that prohibit disturbance of sensitive aquatic habitats and protected trees during grading operations, which would serve to protect those special-status species that are dependent upon them. Nevertheless, the following mitigation measures are included to ensure that appropriate conditions are placed on tree removal permits and grading permits issued for purposes of creating additional parking.

¹⁵ Davies S, Haddad N, Ouyang JQ. *Biology Letters*, 13:20170276: "Stressful City Sounds: Glucocorticoid Responses to Experimental Traffic Noise are Environmentally Dependent." October 2017.

¹⁶ Francis, Clinton D., Ortega, Catherine P., and Cruz, Alexander. *Current Biology*, Volume 19: "Noise Pollution Changes Avian Communities and Species Interactions." July 23, 2009.

This would ensure that the proposed project would not result in a **potentially significant** impact.

Mitigation Measure(s)

As noted above, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activities meet the exemptions specified in Section 15.48.070. For grading activities at existing and future study facilities that are not exempt from Article 15.48, the mitigation measures below clarify the conditions of approval to be attached to any grading permits issued. Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

6-1(a) *All grading activity within existing and future wineries and farm breweries not meeting the exemptions within Section 15.48.070 of the Placer County Code shall obtain a grading permit from the County prior to initiation of grading activity. Prior to approval and issuance of any grading permits for existing and future wineries and farm breweries, the County shall impose biological resource protection measures as conditions of the grading permit. Such protection measures shall specify that grading activity shall avoid any aquatic features and riparian areas. Avoidance of such features shall be insured through the placement of high visibility and silt fencing at the edge of construction/maintenance footprint if work is anticipated to occur within 50 feet of aquatic features and riparian areas.*

6-1(b) *All ground-disturbing activity requiring the removal of protected trees within existing and future wineries and farm breweries shall be required to obtain a Tree Removal Permit prior to the initiation of tree removal activity, in compliance with Placer County Code Section 12.16. Prior to approval and issuance of any Tree Removal Permits for existing and future wineries and farm breweries, the County shall impose biological resource protection measures as conditions of the Tree Removal Permits. Such protection measures shall include, but are not necessarily limited to the following measures:*

- *Prior to initiation of any tree-removal activity, the owner/operator shall provide proof to the Placer County Community Development Resource Agency that nesting birds are not present within the tree or trees to be removed. Such proof shall be provided in the form of a pre-removal nesting bird survey, conducted by a qualified biologist, no more than three days prior to the proposed tree removal activity.*
- *If tree removal activity is proposed to occur outside of the February 1 to August 31 breeding season, a pre-removal survey for active nests shall not be required.*

The applicant shall also comply with the following permit condition required by the Planning Services Division for removal of protected trees: 1:1 tree replacement using five-gallon size trees or greater, or in-lieu fees, or a combination of both, in accordance with Section 12.16.080 of the Placer County Code.

- 6-2 Have a substantial adverse effect on riparian habitat or other sensitive natural community, or federal or State protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) or as defined by State statute, through direct removal, filling, hydrological interruption, or other means. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.**

Several of the existing study facilities within the County contain stock ponds, drainages, or are in proximity to sensitive habitats such as riparian woodlands.

While the proposed project would alter regulations related to the type and frequency of allowable events at existing study facility locations within the County, the proposed Zoning Text Amendment would not alter the types of operation currently allowable in existing study facilities within the County. That is, the proposed Zoning Text Amendment would not result in any new agricultural activity or on-site development that is not currently allowed under the existing Winery Ordinance. Therefore, the proposed Zoning Text Amendment would not result in land disturbing activity that is otherwise prohibited under the existing Winery Ordinance.

As discussed above and in Impact 6-1 above, while the proposed Zoning Text Amendment would allow for greater flexibility in the number of events being held at existing study facilities, direct physical alterations to the existing study facility sites would not occur. Considering the lack of direct physical changes to the existing study facilities, the proposed Zoning Text Amendment would not be anticipated to lead to direct physical impacts to biological resources within existing study facilities. Nevertheless, as discussed in Impact 6-1 above, due to public concerns raised during the NOP review period, the potential for the proposed Zoning Text Amendment to result in indirect effects to biological resources from overflow parking is further analyzed below.

Overflow Parking

As discussed above, the Zoning Text Amendment would allow the use of temporary overflow parking for Special Events. However, the Zoning Text Amendment requires overflow parking to occur in designated areas. Because overflow parking is used to meet temporary parking demand it is reasonable to expect that facility owners would use those portions of their property that are already disturbed, in order to accommodate overflow parking needs. Given the general agricultural nature of existing wineries and farm breweries, it is common for operators to use agricultural fields to temporarily accommodate overflow parking. Areas used for agricultural purposes generally do not contain sensitive habitats, such as wetlands, as such areas are unsuitable for cultivation.

Additionally, vegetation within agricultural areas is typically controlled, and, as a result, those areas used for agricultural purposes typically do not contain riparian habitat or sufficient vegetation to provide habitat for most species. Thus, overflow parking would not have a substantial adverse effect on riparian habitat or other sensitive natural habitat.

Permanent Parking

Under the current Winery Ordinance and following the proposed Zoning Text Amendment, existing study facilities would have the ability to expand permanent parking spaces within their sites in order to accommodate tasting room guests, agricultural activities, and event attendees. Should such expansions of parking areas be undertaken, the expansion of parking areas would be subject to all relevant County, State, and federal regulations. For instance, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activity meets the exemptions specified in Section 15.48.070.

Per Section 15.48.070, grading activity related to the establishment of new parking could be exempt from County review if such activity is determined to represent a minor project and meets additional criteria. The additional criteria include, but are not limited to, requirements related to the maximum amount of material to be moved, the maximum amount of vegetation to be removed, and prohibitions against grading within certain areas. In particular, minor projects deemed exempt from further regulation by the County may not include grading activity that would obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone or water body. Consequently, even grading activity that may otherwise be considered as a minor project is subject to state and federal environmental standards, which would protect aquatic habitat types and the special-status species that rely on such habitat.

Non-exempt grading activity subject to Article 15.48 is required to obtain proper permitting prior to initiation of grading activity, which includes general County review of the parking design being proposed. Permitting for such grading activity includes conditions related to the safeguarding of watercourses as specified in Section 15.48.240 of the Placer County Code. Furthermore, wetlands within the County are protected by the USACE, RWQCB, and the CDFW. Thus, improper disturbance of sensitive aquatic habitat, such as wetlands, would not occur during potential future construction of permanent parking, as wetland habitat would be protected by the foregoing ordinances, laws, and agencies.

Riparian vegetation is considered a sensitive natural community. Because riparian vegetation is part of the stream environment zone addressed in the County Grading Ordinance, grading would not be allowed in riparian areas. Additionally, riparian areas are expressly protected within the Placer County Tree Preservation Ordinance. In particular, Section 12.16.030 of the Placer County Code includes County-wide requirements for tree removal, including requirements for proposed tree removals in riparian zones. As noted in Section 12.16.030 (B), Riparian Zones, of the Placer County

Code, Tree Removal Permits or discretionary project approvals for activity within a riparian zone may not be approved until environmental impacts within the riparian zone are identified, an environmental determination is made, and mitigation measures identified. Furthermore, such projects may not proceed until any necessary agreements required by the CDFW are in place. The protection of aquatic resources and their immediate drainage areas contained in Article 15.48 of the Placer County Code, and the express protection of riparian zones within Article 12.16 of the Placer County Code would ensure that potential future land disturbance related to the provision of additional parking for existing study facilities would not result in the disturbance or removal of riparian habitats without proper environmental review, mitigation and permitting.

As noted previously in the section pertaining to local regulations on page 6-17, General Plan Policy 6.B.1 states, “The County shall support a ‘no net loss’ policy for wetland areas as regulated by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.” This policy stands on its own from Article 15.48 Placer County Grading Ordinance and Article 12.16 Placer County Tree Ordinance because there are procedural remedies as well as enforcement for wetland disturbance, which includes notification to wildlife agencies for review, permitting, and mitigation.

Nevertheless, the following mitigation measure is included to ensure that appropriate conditions are placed on grading permits issued for purposes of creating additional parking. This would ensure that the proposed project would not result in a *significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

6-2 *Implement Mitigation Measure 6-1(a).*

6-3 Have a substantial adverse effect on the environment through the conversion of oak woodlands, or conflict with local policies or ordinances related to the protection of biological resources, including oak woodlands. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

Isolated native oak trees, as well as oak woodlands, exist within several existing study facility sites in the County. Existing trees within the County are protected under Placer County’s Tree Preservation Ordinance, which regulates the removal of trees within the County, and prohibits tree removals under certain conditions. Where native oaks are removed during development within the County, the County’s Tree Preservation Ordinance requires proper mitigation such as payment of compensatory fees, purchase of off-site conservation easements, and planting of replacement trees.

As discussed in Impact 6-1 above, the proposed Zoning Text Amendment would allow for greater flexibility in the number of events being held at existing study facilities. Because such events would be anticipated to occur within existing event spaces at the existing study facility sites, direct physical alterations to existing study facilities would not occur. Considering the lack of direct physical changes to the existing study facilities, the proposed Zoning Text Amendment would not lead to direct physical impacts to any on-site oak trees or oak woodlands. Furthermore, the proposed project would not directly result in operational changes that would result in additional land disturbance or oak woodland conversion or tree removal that is otherwise prohibited under the existing Winery Ordinance.

As discussed above, existing study facilities may choose to expand the permanent parking available for future events under the proposed Zoning Text Amendment. The provision of additional parking areas would involve grading activity, which is generally subject to the requirements of Section 15.48 of the Placer County Code, and should such activity require tree removal, the regulations included in the Placer County Tree Preservation Ordinance would be applicable. Minor grading for parking would, at most, impact individual trees, and not contiguous oak woodland areas. The County's 2008 Interim Guidelines on assessing oak woodland impacts defines the threshold for significant impact as the loss of one or more acres of oak woodland due to development. This would not occur as a result of the Zoning Text Amendment.

The Placer County Tree Preservation Ordinance (Section 12.16 of the Placer County Code) regulates the encroachment of construction activities into protected zones of protected trees and the removal of any protected trees. The Placer County Tree Preservation Ordinance requires that any tree removal activity be compensated through replacement plantings or the purchase of preservation credits. Therefore, should existing study facilities choose to expand permanent parking, and such expansions require tree removals, tree removal would be compensated through the implementation of County adopted regulations.

If removal of protected trees occurs within existing study facilities, existing County regulations would require the mitigation of such tree removal through replacement plantings, purchase of preservation credits, or other mechanisms included in Section 12.16 of the Placer County Code. Nevertheless, the following mitigation measure is included to ensure that implementation of the proposed project would not have a substantial adverse effect on the environment through the conversion of oak woodlands, or the creation of a conflict with local policies or ordinances related to the protection of biological resources, including oak woodlands. Without mitigation, a *significant* impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

6-3 Implement Mitigation Measure 6-1(b).

6-4 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. Based on the analysis below, the impact is *less than significant*.

The various habitat types located within existing study facility sites, such as annual grasslands, oak woodlands, and riparian woodlands, could provide habitat for a number of wildlife species. Many such habitats facilitate the movement of native species throughout the County. For instance, continuous stretches of riparian woodland, such as the riparian area associated with Dutch Ravine, adjacent to Hillenbrand Farmhaus Brewery, or the riparian area in proximity to Mt. Vernon Winery, could allow for the movement of species, some of which could be considered special-status. In addition to riparian woodlands, continuous areas of grassland and oak woodland habitat within Placer County allow for the movement of many types of terrestrial wildlife, while streams and rivers throughout the County facilitate the movement of fish, reptiles, and amphibians. Several existing study facility sites include grassland and oak woodland habitat.

As discussed in Impact 6-1 above, the proposed Zoning Text Amendment would allow for greater flexibility in the number of events being held at existing study facilities; such events would be anticipated to occur within the existing event spaces at each existing study facility, and, thus, would not result in direct physical alterations to any existing study facility sites. Considering the lack of direct physical changes to the existing study facilities, the proposed Zoning Text Amendment would not be anticipated to result in any physical changes that would involve the construction of substantial barriers to the movement of terrestrial or riverine wildlife or disturbance of native wildlife nursery sites.

However, events at existing study facilities would result in vehicle trips to and from existing study facilities, as further discussed in Chapter 10, Transportation and Circulation, of this EIR. Comments received on the Initial Study and NOP prepared for the proposed project noted the potential for increased traffic to result in conflicts with migrating species such as mule deer within the County. Conflicts between vehicle traffic on roadways and wildlife is a statewide issue, which often leads to wildlife mortality and human injury. Considering the high volume of vehicle traffic on Interstate 80 (I-80) within Placer County and the rural nature of the County, I-80 is a hotspot for wildlife vehicle conflicts within the State. In addition to I-80, other County roadways within the sub-region of the County where the existing study facilities are located experience wildlife vehicle conflicts due to the rural nature of the area, movement of wildlife across the landscape, and use of rural roadways.¹⁷

Vehicle conflicts with terrestrial wildlife, including mule deer, would be sporadic. Nevertheless, because the proposed Zoning Text Amendment could result in increased

¹⁷ Shilling F, Waetjen D., UC Davis Road Ecology Center. *Impact of Wildlife-Vehicle Conflict on Drivers and Animals*. 2016.

vehicle traffic on roadways in proximity to existing study facilities, the proposed Zoning Text Amendment could result in increased wildlife vehicle conflicts. Such conflicts may affect individual mule deer and other terrestrial wildlife within the County; however, vehicle conflicts with wildlife on rural roadways are not numerous enough or of sufficient frequency to result in population-wide changes in wildlife movement patterns. The overall increase in vehicle traffic on roadways in proximity to existing study facilities would be relatively minor compared to the existing volume of vehicle traffic in the region. As such, while vehicle traffic related to potential future events under the proposed Zoning Text Amendment could result in slight increases in wildlife vehicle conflicts, the increase would not be considered to substantially interfere with wildlife populations or movement on a regional level. Furthermore, for mule deer populations in particular, mule deer are not a special-status species and the population of mule deer is large within the County.¹⁸ Thus, vehicle conflicts with wildlife, including mule deer, related to a potential increase in event traffic would not be sufficient to alter movement patterns of any species or pose a substantial risk to the overall population of any particular species.

Considering the above, the proposed Zoning Text Amendment would not lead to the direct physical development of any barriers to migratory wildlife, and increased vehicle traffic would not be anticipated to substantially affect movement of wildlife populations within the County. Because the proposed project would not result in disturbance of movement corridors or nursery sites, the project would not interfere substantially with the movement of any native resident or migratory wildlife species or impede the use of migratory wildlife corridors or impede the use of native wildlife nursery sites. Therefore, a *less-than-significant* impact would occur.

Mitigation Measure(s)

None required.

6-5 Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan. Based on the analysis below, the project would have *no impact*.

Presently, the County does not have any approved HCP or NCCP. However, as discussed under Regulatory Setting, the draft PCCP was released in 2011. The First Agency Review Draft PCCP establishes conservation areas to protect and conserve special-status species and natural communities. The draft PCCP covers 221,000 acres, including important biological communities, in western Placer County where all of the existing study facilities are located. Although all of the existing study facilities are located within the PCCP area, because the PCCP has not been adopted by the Board of Supervisors as of the date of preparation of this EIR, the proposed project would not conflict with the provisions of the PCCP. Therefore, *no impact* would occur.

¹⁸ California Department of Fish and Wildlife. *Report to the Fish and Game Commission: An Assessment of Mule and Black-tailed Deer Habitats and Populations in California*. February 1998.

Mitigation Measure(s)
None required.