Appendix B – Biological Resources Assessment
(38 pages)

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To: Mark DiMercurio
Delta Lending Group
2295 Iron Point Road, #160, Folsom, CA 95630
Email: markd@deltalending.com

From: Becky Rozumowicz-Kodsuntie
Area West Environmental, Inc.
6248 Main Avenue, Suite C, Orangevale, CA 95662
Email: becky@areawest.net

Subject: Biological Resource Technical Memorandum for Sliver Eagle Road, Sacramento, California

This biological resource technical memorandum describes environmental conditions and biological resources at the Silver Eagle Road Project (Project).

1.0 PROJECT LOCATION AND DESCRIPTION

The Project is located on Assessor's Parcel Numbers 250-0172-005, -006, and -007 in Sacramento, Sacramento County, California approximately 1.20 miles south of Interstate 80 (I-80) (Figure 1). The Project site is found on the U.S. Geological Survey (USGS) topographic map, Rio Linda quadrangle, Section 17, Township 9 North, Range 5 East (Figure 2). The northeast corner is located at latitude 38.630175, longitude -121.464972 and the southwest corner is located at latitude 38.628734, longitude -121.465915. The Project is in an urban area, surrounded on the south and east by single-family homes and undeveloped lots to the north and west (Figure 3).

The Project proposes to subdivide three parcels totaling 3.30 acres into 23 parcels including two lots for the existing residential homes, one lot for a new private drive, and 20 lots for new single-unit dwellings ranging from approximately 1,342 square feet to 2,198 square feet, with optional accessory dwelling units on 12 of the lots (Figure 4). These parcels are located within the Single-Family Residential zone of the City of Sacramento.

2.0 STUDY OBJECTIVE

The primary objective of this study is to assess the biological resources and resource value of the Project site, determine the presence or presumed absence of sensitive biological resources (i.e., special-status species and sensitive plant communities or habitats occurring at the Project site, assess potential Project impacts, and recommend mitigation strategies for potential impacts from the proposed Project.

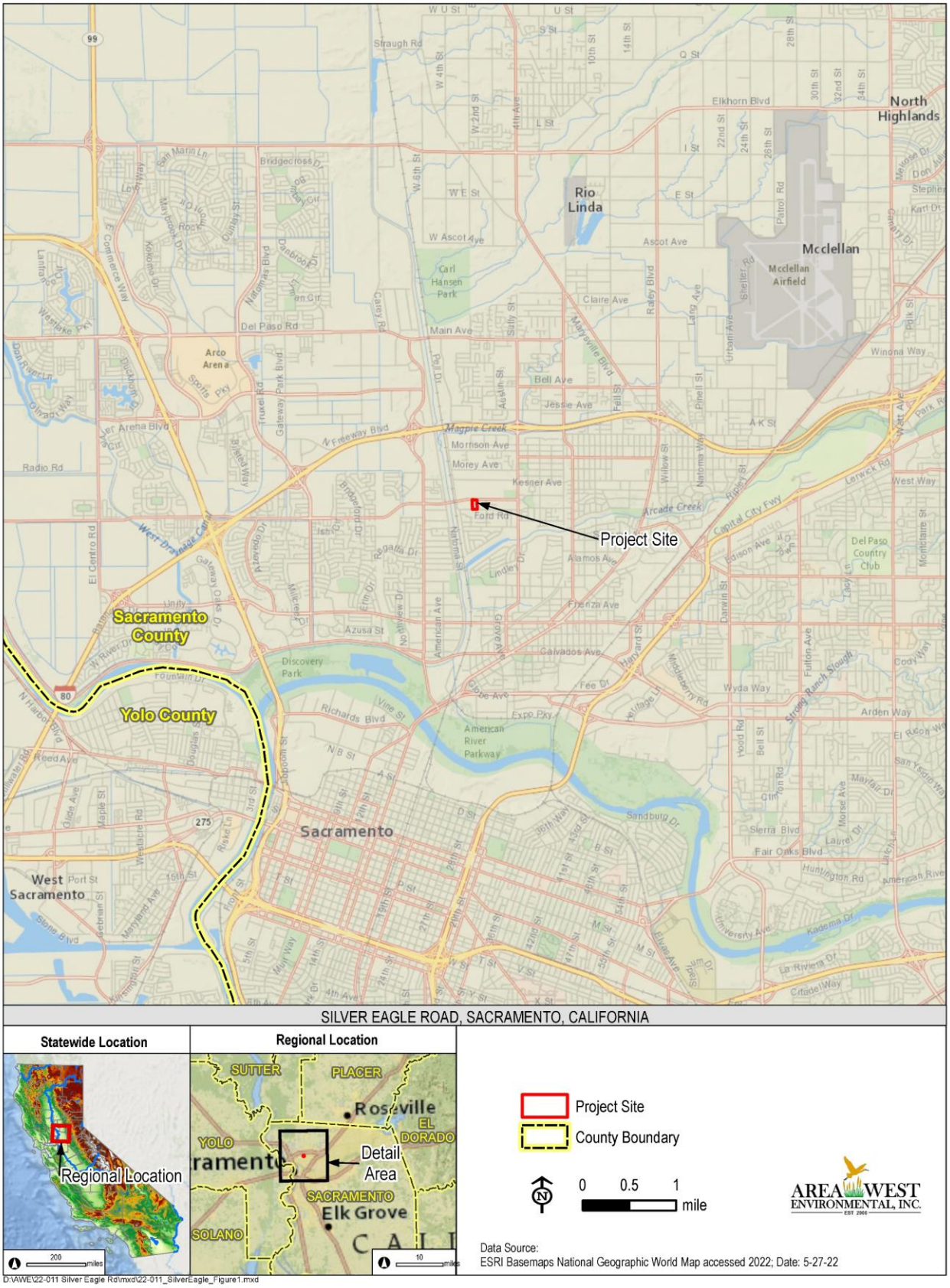

Figure 1. Project Vicinity

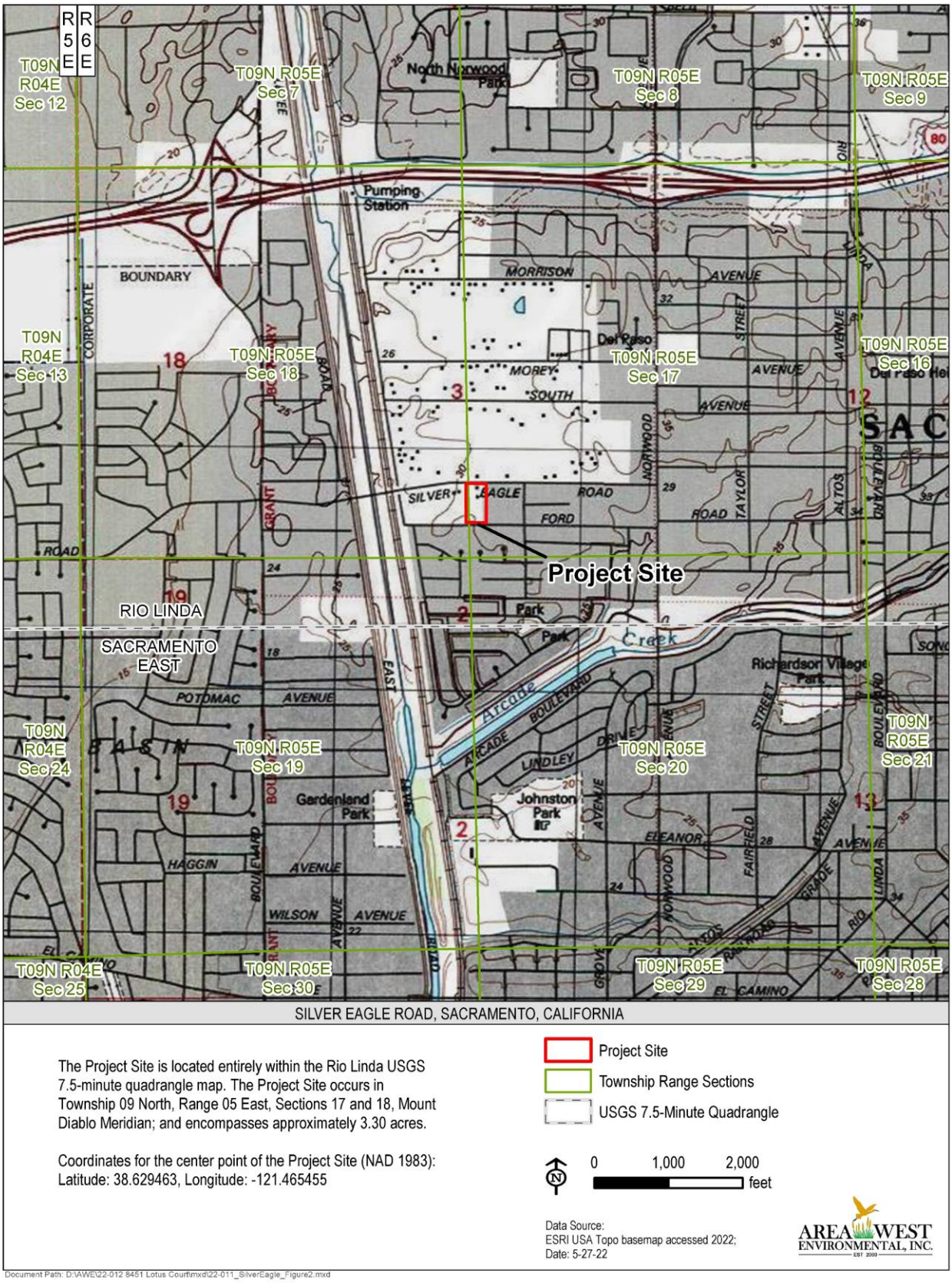

Figure 2. Project Location

Figure 3. Aerial Photograph of Project

PRELIMINARY ARCHITECTURAL SITE PLAN (20 - UNITS)

SCALE: 1" = 20'

*MAP IS PRELIMINARY . CIVIL ENGINEER TO PREPARE TENTATIVE MAP AND IMPROVEMENT PLANS AS REQUIRED.

Figure 4. Development Plan

3.0 REGULATORY SETTING

3.1 Clean Water Act Sections 401, 402, and 404

Section 404 of the Clean Water Act (CWA) protects waters of the U.S., including wetlands and drainages, by requiring projects that would discharge dredge or fill material into them to obtain a permit or authorization from the U.S. Army Corps of Engineers (Corps). The permitting program is designed to minimize the fill of waters of the U.S. and when impacts cannot be avoided, require compensatory mitigation.

Section 401 of the CWA requires any applicant for a federal license or permit that could result in any discharge into waters of the U.S. (i.e., Corps permit to fill wetlands), to obtain water quality certification from the Regional Water Quality Control Board (RWQCB).

Section 402 of the CWA requires projects that disturb 1 acre or more or are part of a larger project to notify the State Water Resources Control Board (SWRCB) and to prepare a Storm Water Pollution Prevention Plan (SWPPP) that will minimize construction and storm water related impacts to waterways.

3.2 Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act extends the RWQCB jurisdiction over waters of the State, which defines waters of the State as any surface water or groundwater, including saline waters, within the boundaries of the State (California Water Code Section 13050[e]). In the absence of CWA Section 404 jurisdiction over isolated waters or other waters of the State, California retains authority to regulate discharges of wastes into any waters of the State.

3.3 California Department of Fish and Game Code Sections 1600-1610

Under California Fish and Game Code (CFGC) Sections 1600–1610 CDFW may enter into a Streambed Alteration Agreement (SAA) with an applicant if a project would divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake.

3.4 Migratory Bird Treaty Act and California Fish and Game Code Sections 3503.5, 3511, and 3513

The federal Migratory Bird Treaty Act (MBTA) (16 United State Code [USC], Sec. 703, 1989) prohibits killing, possessing, or trading migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, bird nests, and eggs. The MBTA is administered by the U.S. Fish and Wildlife Service (USFWS) and special permits from the agency are generally required for the take of any migratory birds. This act applies to all persons and agencies in the U.S., including federal agencies. Under CFGC, eggs and nests of all birds are protected from take under CFGC Section 3503. Raptors and raptor nests or eggs are protected from take under CFGC Section 3503.5. Migratory birds are expressly prohibited from take under CFGC Section 3513 and species designated by CDFW as fully protected species are protected from take under CFGC Sections 3511, 4700, 5050, and 5515.

3.5 State Endangered Species Acts

The CDFW is the state agency responsible for the protection of endangered and threatened plants, fish, and wildlife and for the regulation of activities that could affect those species. The regulatory vehicle that protects sensitive species administered by this agency is the California Endangered Species Act.

3.6 Sensitive Natural Communities

Sensitive natural communities include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by CDFW. Natural Communities are evaluated using NatureServe's Heritage Methodology, the same system used to assign global and state rarity ranks for plant and animal species in the California Natural Diversity Database (CNDDB). Threat scope (typically assessed within a 20-year timeframe for vegetation) and severity are used to calculate an overall threat score, which is added to the overall rarity score for a single rank of 1 through 5. Evaluation is done at both the Global (full natural range within and outside of California) and State (within California) levels resulting in a single G (global) and S (state) rank ranging from 1 (very rare and threatened) to 5 (demonstrably secure). CNDDB vegetation alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. (CDFW 2022b)

Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or USFWS must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G). In addition, this general class includes oak woodlands that are protected by local ordinances under the Oak Woodlands Protection Act.

3.7 Special-status Species

For the purpose of this technical memorandum, special-status species are generally defined as follows:

- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (CEQA Guidelines, Section 15380).
- Plants considered by the California Native Plant Society (CNPS) to be "rare, threatened, or endangered" in California (Lists 1B and 2B [CNPS 2022).
- Plants listed or proposed for listing by the State of California as threatened or endangered under California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] 670.5).
- Plants listed under the California Native Plant Protection Act (CFGC 1900 et seq.).
- Wildlife species that are listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (ESA).
- Wildlife species that are listed or proposed for listing under CESA (CFGC 1992 Sections 2050 et seq.; 14 CCR Sections 670.1 et seq.).
- Wildlife species that are designated as Species of Special Concern by California Department of Fish and Wildlife (CDFW).
- Wildlife species that are designated as Fully Protected by CDFW (CFGC, Sections 3511, 4700, 5050, and 5515).
- Wildlife species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380).

3.8 City of Sacramento

The City of Sacramento's 2035 General Plan was written to serve as a guide for future development and growth in the City of Sacramento. Included in the General Plan is guidance pertaining to environmental resources. The City also prepared the 2035 General Plan Master Environmental Impact Report (EIR) (City of Sacramento 2014). Biological policies included in the 2035 General Plan EIR applicable to the Project are provided below.

Policy ER 2.1.1: Resource Preservation. The City shall encourage new development to preserve on-site natural elements that contribute to the community's native plant and wildlife species value and to its aesthetic character. Policy ER 2.1.4: Retain Habitat Areas. The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular

attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors.

Policy ER 2.1.7: Annual Grasslands. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and Federal regulations protecting foraging habitat for those species known to utilize this habitat.

Policy ER 2.1.10: Habitat Assessments and Impact Compensation. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the project site. Survey Reports shall be prepared and submitted to the City and the CDFW or the USFWS (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law.

3.9 City of Sacramento Protection of Trees Ordinance

City of Sacramento Municipal Code 12.56 protects trees on public property, maintenance easements, or city streets from injury or destruction (Sacramento City Code 12.56, 2016). According to the City's ordinance, a permit is required to perform regulated work on "City Trees" or "Private Protected Trees" (which includes trees formerly referred to as "Heritage Trees"). City trees are characterized as trees partially or completely located in a City park, on City owned property, or on a public right-of-way, including any street, road, sidewalk, park strip, mow strip or alley". Private protected trees are:

- A tree that is designated by city council resolution to have special historical value, special environmental value, or significant community benefit, and is located on private property;
- Any native Valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizenii*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), or California sycamore (*Platanus racemosa*), that has a DBH (diameter at breast height) of 12 inches or more, and is located on private property;
- A tree that has a DBH of 24 inches or more located on private property that:

A. is an undeveloped lot; or

B. does not include any single unit or duplex dwellings; or

- A tree that has a DBH of 32 inches or more located on private property that includes any single unit or duplex dwellings.

4.0 METHODS

This section describes the methods used in the preparation of this technical memorandum and includes a list of resources reviewed, field survey dates and personnel, and problems and limitations encountered during the study that may influence the conclusions reached in this technical memorandum.

4.1 Project Site

The limits of the Project site are the Project site boundary as shown on Figure 3. The biological study area (BSA) is the Project site plus a 250-foot buffer to account for indirect impacts to potential adjacent biological resources. The boundary of the BSA is also shown on Figure 3. The Project site is approximately 3.30 acres and the BSA is approximately 16.98 acres

4.2 Pre-field Survey Investigation

Prior to conducting field surveys, available information regarding biological resources with potential to occur within the Project site was gathered and reviewed, including information on special-status plant and wildlife species with potential to occur on the site. Several data sources were reviewed, including:

- general topography obtained from the Rio Linda USGS 7.5-minute topographic quadrangle map (Figure 2);
- a records search of the CNDDB for the Project site and surrounding 1-mile buffer (CNDDB 2022) (Appendix A);
- a search of the CNPS Inventory of Rare and Endangered Plants Database for the Rio Linda USGS quadrangle (CNPS 2022) (Appendix A); and
- a species list from the USFWS Information for Planning and Consultation (IPaC) tool for the Project site (USFWS 2022) (Appendix A).

A list of special-status plant and wildlife species known from the vicinity of the Project area was developed based on the review of existing information. This list was used to focus the site investigation on the special-status species and associated habitats with potential to be present at the Project site and are described below.

To assess the site for potential impacts to wildlife movement/migratory corridors, biologists reviewed maps from the CDFW Biogeographic Information and Observation System (BIOS) (CDFW 2022a). Additionally, aerial imagery from Google Earth dated May 14, 2021 was reviewed for the local area to assess if local core habitat areas were present within, or connected to the BSA. This assessment was refined based on observations of on-site physical and/or biological conditions, including topographic and vegetative factors that can facilitate wildlife

movement, as well as on-site and off-site barriers to connectivity. The potential presence of native wildlife nursery sites is evaluated as part of the site visit and discussion of individual wildlife species below. Examples of native wildlife nursery sites include nesting sites for native bird species (particularly colonial nesting sites), marine mammal pupping sites, and colonial roosting sites for other species (such as for monarch butterfly).

4.3 Field Surveys

A biological survey (field survey) was conducted on May 30, 2022, by Area West Environmental, Inc. biologists Samantha Morford and Mikhela Aiken. Appendix B provides representative photographs of the Project site taken during the survey.

Field surveys focused on:

- describing and mapping vegetation communities (common and sensitive);
- identifying special-status and common plant and wildlife species' occurrences; and
- conducting an assessment of vegetation community suitability to support special-status species.

The specific methods employed for each of these elements is described below.

Vegetation Community and Tree Mapping

Community types were delineated on a 1 inch = 150 feet aerial photograph (Figure 3). Biologists walked meandering transects throughout the entire Project site and delineated all community types, including aquatic resources. All vegetation communities were noted, mapped, and evaluated. Upland community types were based on observed dominant vegetation composition and density, in contrast to wetland community types which were based primarily on hydrology and soils, correlated to observed dominant vegetation composition and density. Upland habitat types were classified using the CNPS A Manual of California Vegetation, online edition (CNPS 2022). Tree locations were collected with a GPS and the diameter at breast height (dbh) and species was noted.

Special-status Species Surveys and Assessment

The field survey of the Project site was conducted to assess habitat quality for special-status plant and wildlife species identified during the pre-survey investigation (Appendix A).

No protocol-level plant or wildlife surveys have been conducted within the Project area to date. A list of all plant and wildlife species observed during the May 30, 2022, field survey is included in Appendix C.

5.0 RESULTS

The following sections provide a summary of the field survey results.

5.1 Environmental Setting

The Project is located in the City of Sacramento on the fringe of an urban residential neighborhood between Silver Eagle Road and Ford Road. Elevation within the Project area is approximately 34 feet above mean sea level (amsl) (Figure 2).

The Project site consists of non-native grassland habitat with two existing residential properties occurring on the northeastern portion of the site. The majority of the Project site had been recently altered by disking. The vacant lot to the north and west of the Project site also consists of non-native grassland. Residential neighborhoods surround the Project area on the southern and eastern sides. Representative photographs of the Project site are provided in Appendix B.

The BIOS searches for wildlife connectivity resulted in identifying the Project site as a large natural habitat area corridor, however review of aerial imagery identified significant impediments (Appendix D). Google Earth imagery shows significant barriers to wildlife movement from development immediately south, 0.1 mile east, and approximately 0.5 mile north of the Project site. Wildlife may move east ant then follow either north or south along Steelhead Creek.

5.2 Vegetation Communities

Field surveys identified the following generalized vegetation communities are present at the Project site (Figure 5):

- Urban
- Wild oats and annual brome grassland

Acreages of each community within the Project site and within the BSA are provided in Table 1. No sensitive natural communities were identified within the Project site.

Table 1. Vegetation Communities in the Project Site and BSA

Vegetation Community	Acreage within the Project site	Acreage within the BSA
Urban	0.63	9.54
Wild oats and annual brome grassland	2.67	7.44

Urban

Urban portions of the Project site included the existing residential properties and their associated landscaping and driveways in the northeastern section of the Project site.

Wild Oats and Annual Brome Grassland

The wild oats and annual brome grasslands community occurs throughout the entire Project site and is the dominant habitat. The majority of this habitat consists of non-native herbaceous species and is characterized by a Semi-natural Alliance between *Avena* spp. and *Bromus* spp.

Within the Project site, this vegetation community was disturbed from the recent disking and the dumping of trash within the Project site. The plant species were difficult to identify as a result of the disking. Identifiable grass species included slender oat, perennial ryegrass (*Festuca perennis*), ripgut grass. Additional herbaceous species included stork's bill (*Erodium botrys*), field bindweed (*Convolvulus arvensis*), field mustard (*Brassica rapa*), dock (*Rumex* sp.), and yellow star thistle (*Centaurea solstitialis*). Four tree species were present within the Project site boundary; these were valley oak, black walnut (*Juglans hindsii*), almond (*Prunus dulcis*), and Chinese tallow (*Triadica sebifera*).

5.3 Trees

Four tree species were present within the Project site boundary; valley oak, black walnut, almond, and Chinese tallow (Table 2and Figure 5). Of the 11 trees at the Project site, 5 native valley oak trees and one non-native almond tree would qualify for protection under the City of Sacramento Tree Preservation Ordinance as private protected trees.

Table 2. Trees Identified at the Project Site

Tree #	Species	Common Name	DBH*	Protected? (Yes/No)
1	*Quercus lobata*	Valley oak	9.6	No
2	*Triadica sebifera*	Chinese tallow	4	No
3	*Quercus lobata*	Valley oak	20, 20	Yes
4	*Quercus lobata*	Valley oak	22, 18, 18, 4	Yes
5	*Juglans hindsii*	Black walnut	10	No
6	*Quercus lobata*	Valley oak	14, 16, 16	Yes
7	*Quercus lobata*	Valley oak	8, 10, 8	Yes
8	*Prunus dulcis*	Almond	7, 6, 4	No
9	*Prunus dulcis*	Almond	9, 4, 4, 6, 8, 5, 5,	Yes
10	*Prunus dulcis*	Almond	6, 5, 4, 4,	No
11	*Quercus lobata*	Valley oak	12.7	Yes

*The dbh of each trunk is listed in the table above and separated by commas for each multi-trunk tree. The dbh of each trunk on muti-trunk trees was added together to determine if the tree would be considered a protected tree by the City.

Figure 5. Vegetation Communities in BSA

5.4 Special-status Species

A preliminary review of CNPS, CNDDB, and USFWS species lists identified 4 special-status plants and 10 special-status wildlife species with potential to be present within the geographic region (Appendix A). The special-status plant and wildlife with potential to occur onsite are discussed below.

Special-status Plants

Of the four special-status plant species listed in Appendix A, none are not expected to occur in the Project site or have the potential to be affected by the Project because the BSA lacks suitable habitat for the species. The plant species listed in Appendix A all require wetland habitats, which do not exist in the BSA. A list of all plant species encountered during the field surveys is provided in Appendix C.

Special-status Wildlife

Of the seven federally listed wildlife species identified in the USFWS "list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project" letter (Appendix A) and the special-status wildlife species that have been previously been identified within 1 mile of the site by CNDDB (Appendix A), only burrowing owl (*Athene cunicularia*) has a moderate potential to occur at the Project site. The remaining species have a low potential of being present because the BSA lacks suitable habitat for the species. The site supports annual grassland and developed areas. No wetlands, drainages, or host plants for valley elderberry longhorn beetle or Monarch butterfly were observed.

While Swainson's hawk was not listed in the species lists in Appendix A, a specific CNDDB search for Swainson's hawk nests that have been active in the last 5 years within a 10-mile radius was conducted per the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFW 1994). Several occurrences were identified during this search and suitable habitat is present within the BSA and Project site, therefore there is a moderate potential for Swainson's hawk to occur.

Trees in and adjacent to the project site provide potential nesting habitat for migratory birds and raptors and roosting habitat for special-status bats.

Burrowing Owl

Burrowing owl is a CDFW Species of Special Concern. Burrowing owl are small, ground-dwelling owls found throughout most of the western U.S. Burrowing owl occur as a year-round resident and winter visitor in much of California's lowlands, inhabiting open areas with sparse or non-existent tree or shrub canopies. Their territories tend to be very localized, with most owls hunting within

600 meters of their burrows during the breeding season (Shufford et. al. 2008). They forage primarily in grasslands and agricultural fields, where they prey upon large insects, rodents, small birds, reptiles, and frogs at night and sometimes during the day (Shufford et. al. 2008). Typical habitat is annual or perennial grassland, although human-modified areas such as agricultural lands are also used. Burrowing owl use a variety of habitat characterized by low-growing vegetation. This species is dependent on burrowing mammals to provide the burrows that are characteristically used for shelter and nesting, and in northern California, it is typically found in close association with California ground squirrels (*Otospermophilus beecheyi*). Humanmade substrates such as pipes or debris piles may also be occupied in place of burrows

Burrowing owl may utilize a site for breeding, foraging, overwintering, or transient/migration stops; therefore, a site that is utilized by BUOW may only be occupied for a short duration of a year. Burrowing owl are dependent upon burrows created by other animals (burrowing mammals) or suitable surrogate burrows (e.g. rock/concrete piles, culverts). The breeding season in California is March to August, but can begin as early as February and extend into December (Shufford et. al. 2008).

The wild oats and annual brome grasslands community at the Project site provides suitable foraging habitat for burrowing owl. No burrows were observed within the BSA, however, Project site was recently plowed. The grassland within and adjacent to the Project site could provide suitable habitat. Per CNDDB, there is one occurrence within 1 mile, 17 occurrences within 5 miles, and 36 occurrences within 10 miles of the Project site. None of the occurrences identify an active reporting of burrowing owl within last 5 years. There is a moderate potential for burrowing owl to occur within the Project site and the BSA.

Swainson's Hawk

Swainson's hawk is listed as threatened under the CESA. Swainson's hawk was historically adapted to open grasslands and prairies, but it has become increasingly dependent on agriculture as native plant communities have been converted to agricultural lands (CDFG 1993). They require large open areas of suitable foraging habitat with abundant and available prey base in association with suit able nesting habitat (CDFW 2016). Suitable foraging habitats include a variety of agriculture crops, grassland, and pasture. Swainson's hawks nest on a platform of sticks, bark and fresh leaves in a tree, bush or utility pole. Suitable nesting trees range from trees within mature riparian forest or corridors, lone oak trees, oak groves, and mature roadside trees.

This species breeds in the western U.S. and winters in isolated areas of California, Mexico, Central America, through South America (CDFG 1993; Bechard et al. 2010; Kochert et al. 2011). Swainson's hawks typically arrive at their breeding sites between March and April (Bechard et al. 2010). These hawks show a high degree of site fidelity, returning to the same territory year after year (England et al. 1995; Bechard et al. 2010). They begin building nests soon after arriving at breeding sites and begin laying eggs between late-March and early-April (England et al. 1995).

Incubation lasts 34-35 days (Bechard et al. 2010). Young generally fledge about 6 weeks after hatching (CDFW 2016). In the Central Valley most young fledge during the first part of July (CDFW 2016). Migration back to the wintering grounds begins mid-August, and by October most hawks have left California (Kochert et al. 2011).

Suitable Swainson's hawk foraging habitat includes open fields and pastures within an energetically efficient flight distance from active nest sites. The wild oats and annual brome grasslands community at the Project site provides suitable foraging habitat for Swainson's hawk. CDFW considers impacts to foraging habitat greater than five acres within 10 miles of an active nest (used during one or more of the last 5 years).

No nests were observed within the BSA, however, the grassland within and adjacent to the Project site could provide suitable foraging ground and large trees within the BSA could provide suitable nesting habitat. There are three occurrences of active nests in the last 5 years within a 10-mile radius (CNDDB occurrence # 2675, 500, and 2756). There is a moderate potential for Swainson's hawk to occur within the Project site and the BSA.

Other Migratory Birds and Raptors

No nests were observed during onsite surveys. Trees and shrubs within and adjacent to the Project site, however, may provide nesting habitat for migratory birds and raptors.

Bats

Trees in and adjacent to the project site provide roosting habitat for special-status bats and bats protected by California Fish and Game Code Section 4150.

6.0 POTENTIAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

This biological resources assessment has been prepared in support of CEQA, therefore potential adverse impacts on biological resources are evaluated in the context of the State CEQA Guidelines and the City of Sacramento Master Plan EIR.

The project site does not contain riparian habitats or other sensitive natural communities and does not contain federally protected wetlands or other features regulated under Section 404 of the Clean Water Act. The project site does not support any wetlands or waters regulated by other agencies. The project site does not serve as an important migration or movement corridor for any wildlife species. These issues are not addressed further.

The following discussion provides an analysis of potential impacts on sensitive biological resources from development of the Project site and recommended avoidance and minimization measures and/or compensatory mitigation to minimize these potential impacts or reduce them to

less-than significant. For purposes of the impact analysis, it was assumed that all vegetation within the Project site will be removed, and the existing habitat graded. Five of the trees identified within the Project site will require mitigation efforts as they qualify as private protected trees.

6.1 Special-status Wildlife

After completion of the wildlife habitat assessment and review of existing information on special-status wildlife in the Project region, only one special-status wildlife species was determined to have potential to occur at the Project site, Swainson's hawk. In addition, other migratory birds and raptors have potential to occur at the Project site. These are discussed below.

Burrowing Owl

Though no sign of burrowing owls or suitable burrows was found during the site visit, Project implementation may result in the loss of this species through destruction of active nesting sites and/or incidental burial of adults, young, and eggs, should they become established on-site. The grassland within the Project site and immediately adjacent to the Project site provides suitable foraging and nesting habitat for burrowing owl. The noise associated with construction activities involving heavy equipment operation that occur during the breeding season (generally between February 1 and August 31) could disturb any active burrowing owl nests located near these activities. Any disturbance that causes nest abandonment and subsequent loss of eggs or developing young at active nests located at or near the construction work area would violate CFGC Sections 3503 or 3503.5 and the MBTA.

Potential nest abandonment and mortality to burrowing owl individuals would be a significant impact on a special-status species.

Implementation of Mitigation Measure BIO-1 would reduce impacts to nesting burrowing owl to a less-that-significant level.

Mitigation Measures

The following mitigation measures would be implemented prior to and during Project activities to avoid and minimize potential impacts to burrowing owl.

Mitigation Measure BIO-1: Conduct Pre-construction Burrowing Owl Surveys

- If possible, vegetation removal would be implemented outside of the avian breeding season, which generally extends from February through August.
- If vegetation removal must occur during the avian breeding season, a qualified biologist shall conduct focused surveys for burrowing owls on and within 1,650 feet adjacent to the Project site.
- Surveys shall be conducted within 7 days prior to commencement of construction activities including removal of trees and clearing and grubbing and again within 48 hours prior to

the initiation of any Project work during the bird nesting season (between February 1 and August 31), including vegetation removal, equipment staging, and construction.

- For surveys outside the Project site where property access has not been granted, the surveying biologist shall use binoculars to scan any suitable habitat for burrowing owls or their sign (e.g., pellets, feathers, appropriately sized burrows).
- Surveys shall be conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys will be done within 14 days prior to construction activities and will be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If no burrowing owls are detected, no further mitigation is required.
- If an active burrow is found during the nonbreeding season, the qualified biologist will consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion and relocation plan will be developed according to guidance provided in Appendix E of CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Owls will be relocated outside of the impact area using passive or active methods developed in consultation with CDFW and may include active relocation to preserve areas if approved by CDFW and the preserve managers. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.
- If an active burrow is found during the breeding season, occupied burrows will not be disturbed and will be provided with a 50 to 500 meter protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The appropriate size of the buffer will depend on the time of year and level of disturbance as outlined in the CDFW Staff Report (2012).
- A report shall be prepared and submitted to the City following the surveys to document the results.
- If a lapse in construction activities for one week or longer occurs during the avian breeding season, another survey shall be performed prior to work re-initiation.

Swainson's Hawk

CDFW considers 5 acres or more of annual grassland as suitable foraging habitat for Swainson's hawk (CDFW 1994). While the Project site is less than 5 acres of wild oats and annual brome grasslands (aka annual grassland), in combination with adjacent open areas, approximately 30 acres of habitat is present in the Project area. The grassland and trees within the Project site and immediately adjacent to the Project site provide suitable foraging and nesting habitat for Swainson's hawk. Removal of the annual grassland and trees could directly affect Swainson's

hawk foraging and/or nesting. The noise associated with construction activities involving heavy equipment operation that occur during the breeding season (generally between February and August) could disturb any active Swainson's hawk nests located near these activities. Any disturbance that causes nest abandonment and subsequent loss of eggs or developing young at active nests located at or near the construction work area would violate CESA as well as CFGC Sections 3503 or 3503.5 and the MBTA.

Mitigation recommendations are divided between active nests within 1 mile, between 1 and 5 miles, and between 5 and 10 miles of suitable foraging habitat. Project development will impact 2.67 acres of suitable Swainson's hawk foraging habitat. According to CNDDB records, there are no active (within the last five years) Swainson's hawk nests within 1 mile of the Project site, two active nests within 5 miles from the Project site, and three active nests within 10 miles of the Project site, occurring along the Sacramento River, American River bike trail, and within Downtown Sacramento near the intersection of 21st street and Fat Alley. While the removal of 2.67 acres of Swainson's hawk foraging habitat is not a potentially significant impact alone, because it is within a larger foraging complex and could lead to fragmentation of the foraging habitat, it may be cumulatively significant unless mitigation is implemented.

Implementation of Mitigation Measure BIO-2 would reduce impacts to Swainson's hawk nesting and BIO-3 would reduce impacts to foraging habitat to less-that-significant level.

Mitigation Measures

The following mitigation measures would be implemented prior to and during Project activities to avoid and minimize potential impacts to Swainson's hawk.

Mitigation Measure BIO-2: Conduct Preconstruction Swainson's Hawk, and other Nesting Bird and Raptor Surveys

If possible, vegetation removal would be implemented outside of the avian breeding season, which generally extends from February through August. If vegetation removal must occur during the avian breeding season, a qualified biologist shall conduct a preconstruction nesting bird and raptor survey prior to the start of vegetation removal.

- Removal or disturbance of trees shall occur during periods outside the bird nesting season (September 16 to January 31), to the extent feasible. For any construction activities that will occur between February 1 and September 15, the applicant shall obtain a qualified biologist to conduct pre-construction surveys in suitable nesting habitat within 0.25 miles for Swainson's hawk nests, 500 feet of the construction area for other nesting raptors, and 100 feet for migratory birds. Surveys shall be conducted within 7 days prior to commencement of construction activities including removal of trees and clearing and grubbing and again within 48 hours prior to the initiation of any Project work during the bird nesting season (between February 1 and August 31), including vegetation removal, equipment staging, and construction. The survey methods should follow those for

Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000).

- If an active Swainson's hawk nest is identifies, the qualified biologist with coordinate with CDFW.
- For raptor surveys outside the Project Area where property access has not been granted, the surveying biologist shall use binoculars to scan any suitable nesting substrate for potential raptor nests.
- A report shall be prepared and submitted to the City following the preconstruction survey to document the results. If no active nests are found during the pre-construction survey, no additional mitigation measures are required.
- If an active bird or raptor nest is identified within the construction work area or an active raptor nest is identified within the appropriate survey buffers from the construction work area, a no-disturbance buffer shall be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own. The extent of these buffers shall be determined by the biologist (coordinating with CDFW, as applicable) and shall depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographic or artificial barriers. In addition to the establishment of buffers, other avoidance measures (determined in coordination with CDFW, as applicable) may include monitoring of the nest during construction and restricting the type of work that can be conducted near the nest site. If no active nests are found during the preconstruction surveys, then no additional mitigation is required.
- Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on an individual basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall have the authority to halt construction activities within the buffer until the nest is no longer active or until the biologist has determined that construction activities have been modified to eliminate impacts to the nest. Construction activities may re-commence once the biological monitor determines that the nest is no longer occupied, or the modifications have eliminated impacts. Modifications associated with eliminating impacts to the nest may be removed once the biological monitor determines that the nest is no longer active and the monitor is no longer needed.
- If a lapse in construction activities for one week or longer occurs during the avian breeding season, another pre-construction survey shall be performed prior to work re-initiation.

Mitigation Measure BIO-3: Purchase Swainson's Hawk Foraging Habitat Credits

To compensate for the loss of Swainson's hawk foraging habitat, mitigation credits will be purchased from a bank approved by CDFW prior to the start of construction. For every acre of habitat authorized for disturbance, 0.75 acre of mitigation credits will be purchased (0.75:1 ratio). Proof of purchase will be provided to the City prior to the start of construction.

Other Migratory Birds and Raptors

The grassland and trees within the Project site and immediately adjacent to the Project site provide suitable nesting habitat for a number of migratory birds and raptors. Removal of the annual grassland and trees could directly affect ground and tree nesting bird species. The noise associated with construction activities involving heavy equipment operation that occur during the breeding season (generally between February and August) could disturb nesting migratory birds and raptors if an active nest is located near these activities. Any disturbance that causes migratory bird or raptor nest abandonment and subsequent loss of eggs or developing young at active nests located at or near the construction work area would violate CFGC Sections 3503 or 3503.5 and the MBTA.

Implementation of Mitigation Measure BIO-2 would reduce impacts to nesting migratory birds and raptors to a less-that-significant level (described above).

Bats

Trees in and adjacent to the project site provide roosting habitat for special-status bats and bats protected by California Fish and Game Code Section 4150. Bats may be adversely affected if roosting sites are physically disturbed or are exposed to a substantial increase in noise or human presence during project activities while bats are present. Bat maternity colonies (April 1 to August 31) could be adversely affected if construction activities cause roost site abandonment. This would be a potentially significant impact. Implementation of Mitigation Measure BIO–4 would minimize potential direct and indirect impacts to bat maternal roosts by requiring pre-construction surveys to identify maternity roosting in the trees within and adjacent to the project site. As a result, this impact would be reduced to a less-than-significant level

Mitigation Measure BIO-4: Conduct Preconstruction Bat Survey

Prior to the start of construction a qualified biologist will conduct a pre-construction roost survey. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). If no roosting bats are found, then no further mitigation is required. If a bat maternity roost is found, then disturbance of the roost shall be avoided by establishing a minimum 250-foot avoidance buffer around the roost until it is no longer occupied, as determined by the qualified biologist. The avoidance buffer may be reduced if a qualified biologist monitors the construction activities and determines that the roost is not being disturbed. Reduction of the buffer depends on the species of bat, the location of the roost relative to project activities, activities during the time the roost is active, and other project-specific conditions. No work shall occur in the buffer

until it is determined that the bats have left on their own, or until the end of the maternity season. Alternatively, a qualified bat biologist may exclude the roosting bats in consultation with the CDFW, thereby allowing construction to continue after successful exclusion activities. Removal of a bat roost tree outside of the maternity season shall be conducted in two phases: day 1 will include liming the tree and on day 2 the tree shall be removed.

6.2 Protected Trees

Mature native trees provide habitat and food for numerous bird and wildlife species. Tree species are protected by a local ordinance described under Section 3.3 City of Sacramento Protection of Trees Ordinance. The goal of this ordinances is to encourage conservation practices in the management of native trees and their habitat within the City. When circumstances do not allow for retention of trees, permits are required to remove heritage trees or trees that are within the City's jurisdiction, including City street trees. Removal of, or construction around, trees that are protected by the tree ordinance requires permission and inspection by City arborists.

Implementation of Mitigation Measure BIO-5 and BIO-6 would reduce impacts to protected trees to less-that-significant level.

Mitigation Measures

The following mitigation measures would be implemented prior to and during Project activities to avoid impacts to protected trees (BIO-5) and to compensate for protected trees that are impacted (BIO-6).

Mitigation Measure BIO-5: Fence Protected Trees to be Avoided

Before any ground-disturbing activity occurs within the Project site, including construction staging, the applicant shall implement the following tree protection measures:

- A Tree Protection Zone (TPZ) shall be established around any tree or group of trees to be retained. The formula typically used is defined as 1.5 times the radius of the dripline or 5 feet from the edge of any grading, whichever is greater. The TPZ may be adjusted on a case-by-case basis after consultation with a certified arborist.

- The TPZ of any protected trees shall be marked with temporary fencing which should remain in place for the duration of construction activities in the area. No ground disturbance or vegetation removal activity shall be allowed until this condition is satisfied. The fencing will be checked regularly and maintained until all work is complete. For construction, any required barrier fencing and a note reflecting this condition shall be shown on the final construction documents.

- Construction-related activities, including grading, trenching, construction, demolition or other work shall be prohibited within the TPZ. No heavy equipment or machinery should be operated within the TPZ. No construction materials, equipment, machinery, or other supplies shall be stored within a TPZ. No wires or signs shall be attached to any tree. Any modifications should be approved and monitored by a certified arborist.

- Trees shall be pruned according to the standards set forth by the American National Standard Institute (ANSI) for Tree Care Operations (Pruning) (ANSI A300).

Mitigation Measure BIO-6: Compensate for Permanent Impacts to Protected Trees

Prior to removal of a protected tree, the applicant shall obtain a City of Sacramento tree removal permit and compensate by paying into the City's tree mitigation fund or plant a minimum of one native tree for each tree removed.

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CDFG. See California Department of Fish and Game.

CDFW. See California Department of Fish and Wildlife.

CFGC. See California Fish and Game Code.

CNDDB. See California Department of Fish and Wildlife Natural Diversity Data Base.

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Appendix A.

Special-status Species Lists

(CNDDB, CNPS, USFW)

CNDDB Species List with Map

Appendix B. Representative Project Photographs

Center of Project site, facing south

Center of Project site, facing northeast

Center of project site, facing northwest

Center of Project site, facing southwest

Southeast corner of Project site, facing northwest

Southeast corner of Valley Oak Woodland area, facing northeast

Appendix C.

Plant and Wildlife Species Observed at the Project Site

Plant Species Observed at the Silver Eagle Site

Scientific Name[1]	Common Name	Family	Nativity	Wetland Indicator Status[2]
Trees				
Juglans hindsii	Northern California black walnut	Juglandaceae	Native	FAC
Prunus dulcis	Domestic almond	Rosaceae	Naturalized	--
Quercus lobata	Valley oak, roble	Fagaceae	Native	FACU
Herbaceous				
Avena barbata	Slender oat	Poaceae	Naturalized	--
Brassica rapa	Field Mustard	Brassicaceae	Naturalized	FACU
Bromus diandrus	Ripgut grass	Poaceae	Naturalized	--
Centaurea solstitialis	Yellow star-thistle	Asteraceae	Naturalized	--
Convolvulus arvensis	Bindweed, orchard morning-glory	Convolvulaceae	Naturalized	--
Erodium botrys	Long-beak Stork's-bill	Geraniaceae	Naturalized	FACU
Festuca perennis	Perennial rye grass, Italian ryegrass	Poaceae	Naturalized	FAC
Rumex sp.	Dock	Polygonaceae	Naturalized	FAC

1 Jepson Flora Project (eds.) 2022, Jepson eFlora, https://ucjeps.berkeley.edu/eflora/, accessed on June 2, 2022.

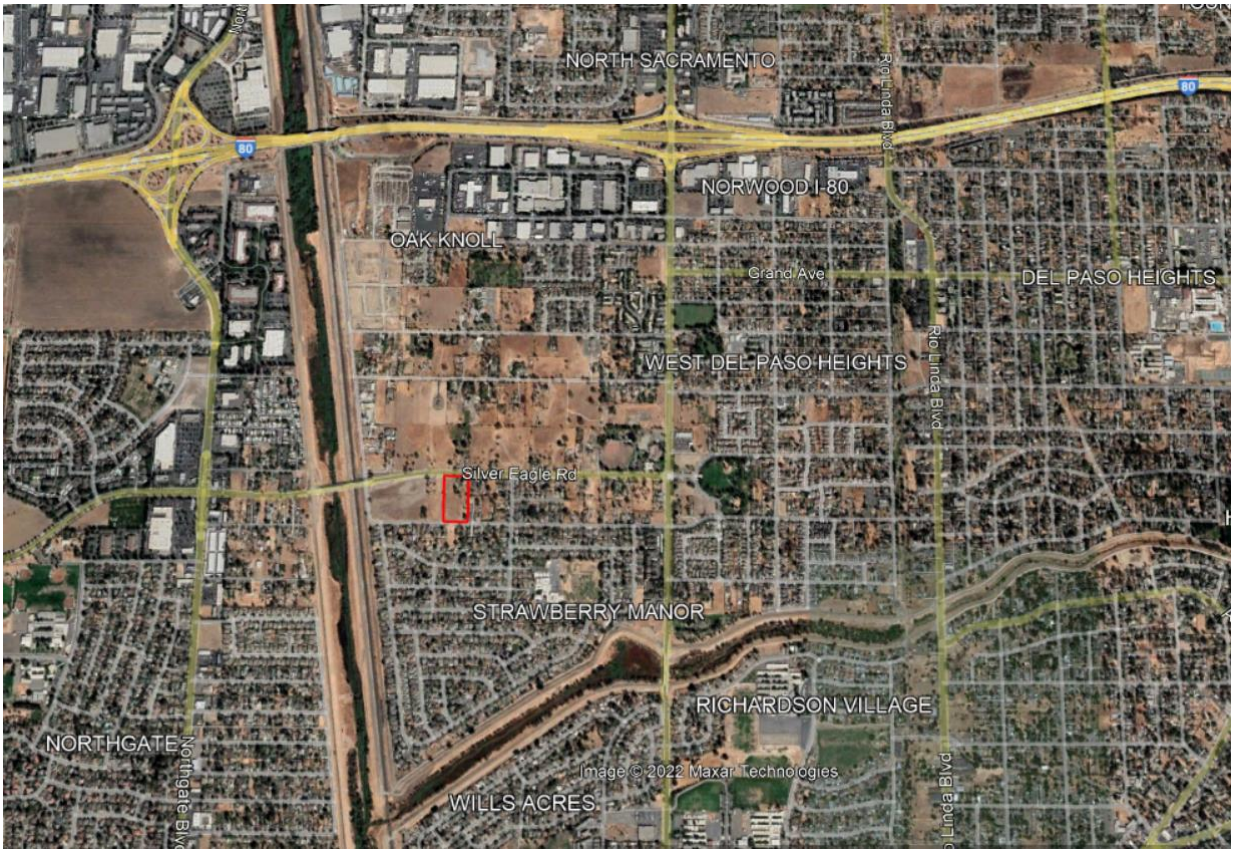
2 U.S. Army Corps of Engineers 2022. National Wetland Plant List, version 3.5. http://wetland-plants.usace.army.mil/. Accessed June 2, 2022.
OBL = Obligate wetland
FACW = Facultative wetland
FAC = Facultative
FACU = Facultative upland
UPL = Upland obligate
-- = No indicator status listed on 2022 National Wetland Plant List

Wildlife Species Observed at the Silver Eagle Site

Common Name	Scientific Name
Birds	
House finch	*Haemorhous mexicanus*
Barn swallow	*Hirundo rustica*
Mammals	
Black-tailed jack rabbit	*Lepus californicus*

Appendix D.

BIOS Connectivity Data for the Project Site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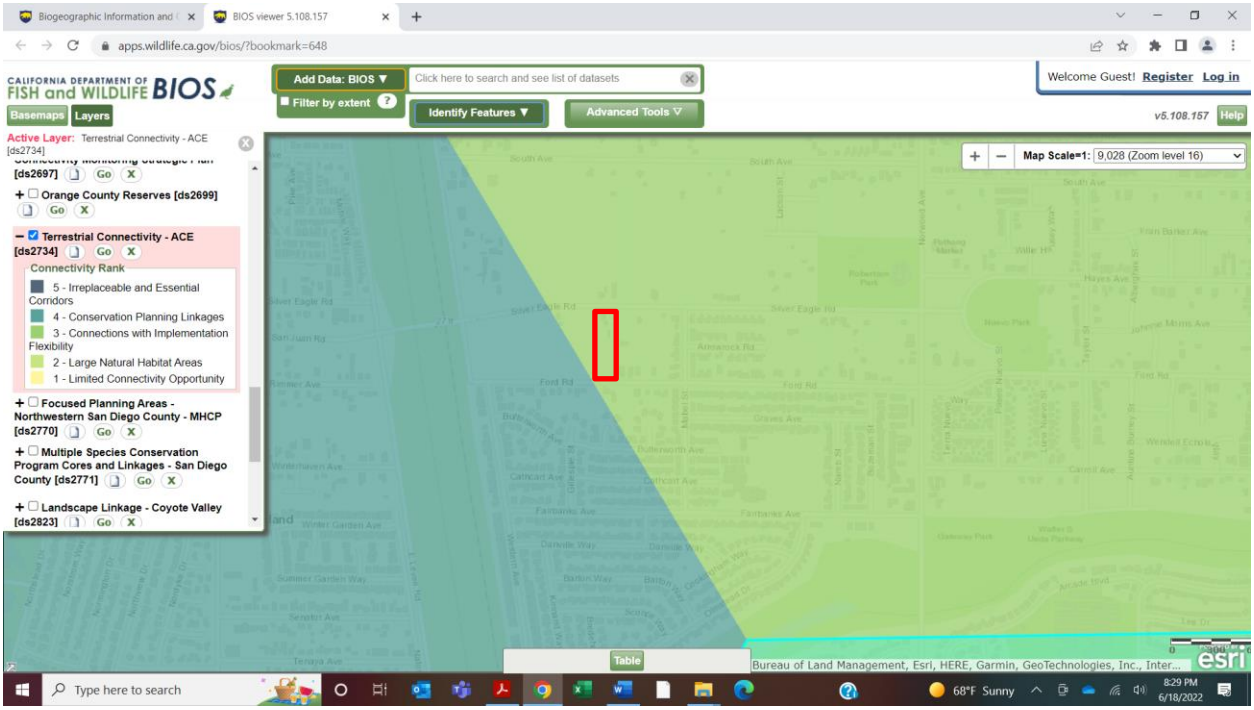
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Orange County Reserves [ds2699]
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Connectivity Rank
5 - Irreplaceable and Essential Corridors
4 - Conservation Planning Linkages
3 - Connections with Implementation Flexibility
2 - Large Natural Habitat Areas
1 - Limited Connectivity Opportunity
Focused Planning Areas - Northwestern San Diego County - MHCP [ds2770]
Multiple Species Conservation Program Cores and Linkages - San Diego County [ds2771]
Landscape Linkage - Coyote Valley [ds2823]
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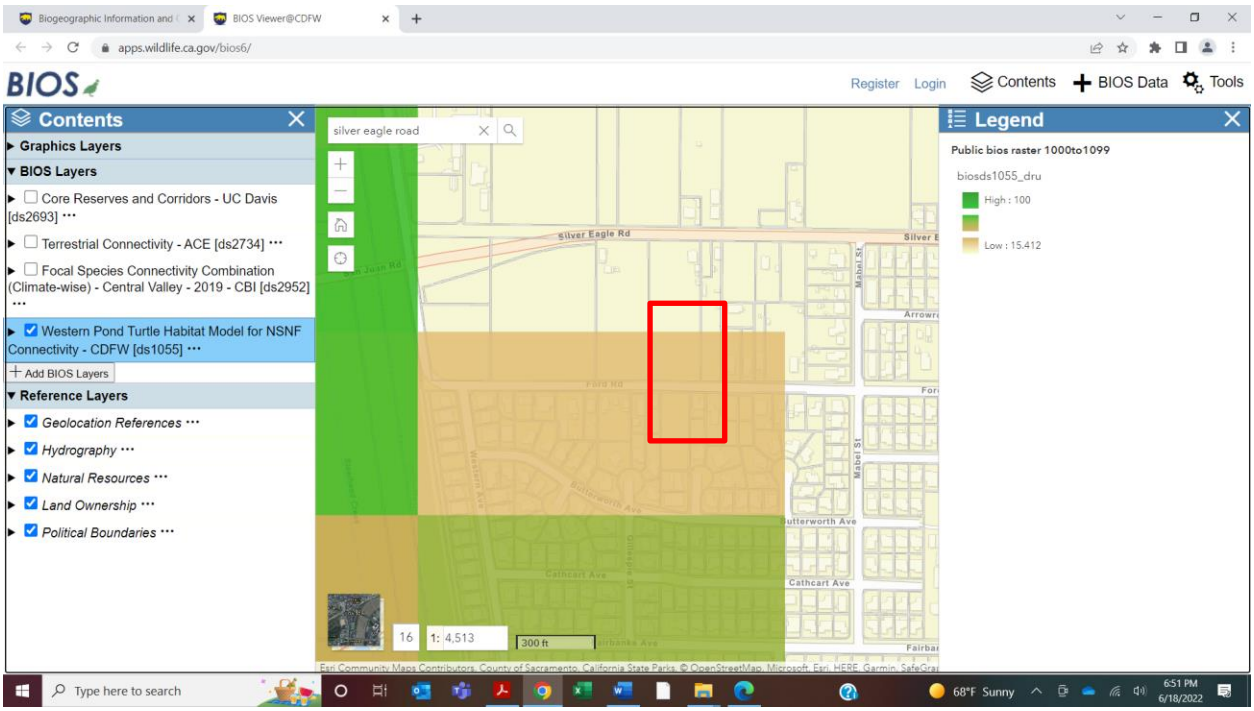
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Terrestrial Connectivity - ACE [ds2734]
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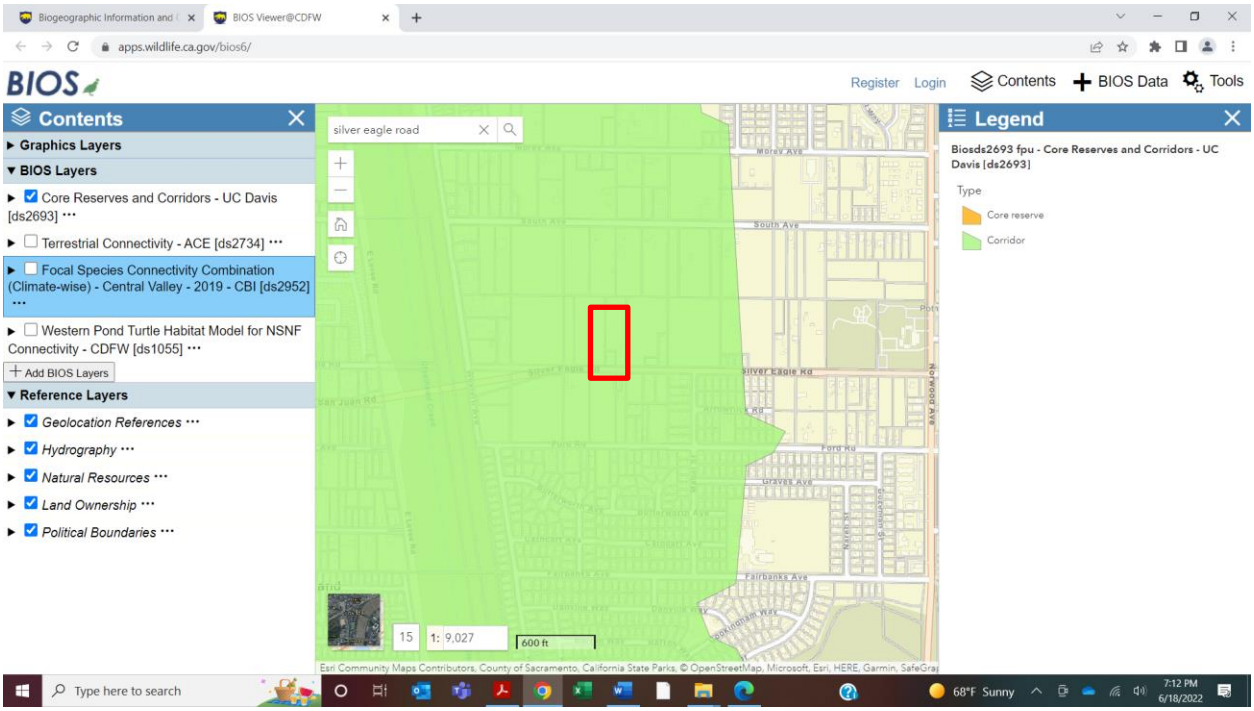
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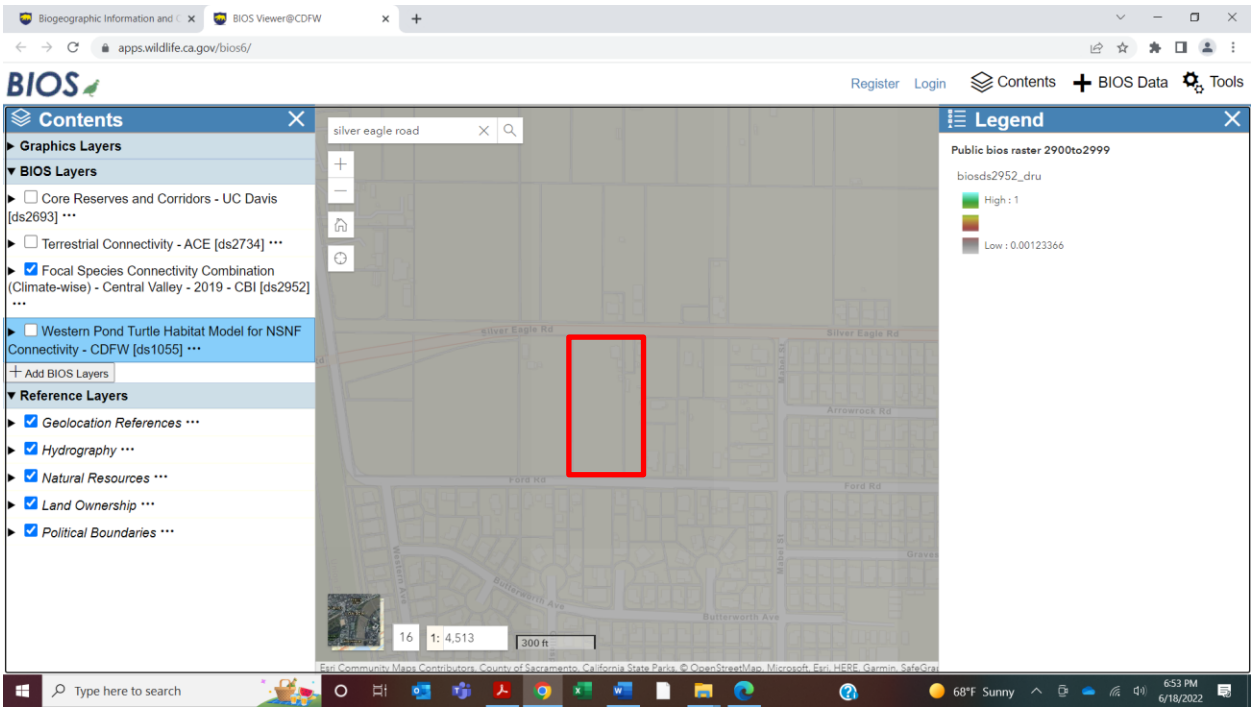
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