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7.0
Biological Resources

This section addresses existing biological resources on the project site; the federal, state, and regional/local regulatory framework pertaining to biological resources; and anticipated impacts to biological resources as a result of the proposed project. This evaluation is based on a reconnaissance field survey conducted by EMC Planning Group biologists; a review of existing scientific literature, aerial photographs, and technical background information; and policies applicable to projects located in the Toro Planning Area of Monterey County.

Information is this section is derived from a variety of sources including:

- *2010 Monterey County General Plan and EIR* (County of Monterey 2010);
- *Toro Area Plan: A Part of the Monterey County General Plan* (County of Monterey 1992);
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2017);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2017);
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2017a) and *National Wetlands Inventory* (USFWS 2017b); and
- *Shingu Proposed Senior Housing Project on APN 139-211-035-00, Salinas, CA* (Regan Biological and Horticultural Consulting 2011 and 2013).

7.1 Environmental Setting

EMC Planning Group biologists Andrea Edwards and Jessica Wheeler performed a reconnaissance field survey at the site on February 14, 2017 to document existing plant communities and wildlife habitats, and to evaluate the potential for special-status biological resources to occur on the site. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level were noted.

Existing Conditions

The site is situated on the Spreckels U.S. Geological Survey (USGS) 7.5-minute quadrangle map, and ranges in elevation from about 60 to 210 feet. The site is within the Central Western

California region, Central Coast sub-region, where coastal vegetation predominates, but chaparral and other non-coastal vegetation also occur (Baldwin 2012). The climate in the area is Mediterranean, with warm and dry summers, and winters tending to be cool and wet. Most of the annual rainfall occurs between the months of December and March.

The site is surrounded by residential development to the east/southeast, open fields used for cattle grazing to the west/southwest, and agricultural fields to the north past River Road. The Salinas River is located northeast of the site, beyond the agricultural fields and residential development. Ornamental (landscaped) vegetation is present through much of the development footprint consisting of many non-native gum trees (*Eucalyptus* sp.) and a few planted Monterey cypresses (*Hesperocyparis macrocarpa*); non-native ornamental shrubs such as prostrate acacia (*Acacia redolens*) are also present near the site entrance/access road.

Most of the site supports non-native grassland dominated by slender wild oat (*Avena barbata*), ripgut grass (*Bromus diandrus*), and barley (*Hordeum murinum*); other prevalent non-native species include field mustard (*Brassica rapa*), tocalote (*Centaurea melitensis*), white sweetclover (*Melilotus alba*), cut-leaved plantain (*Plantago coronopus*), and milk thistle (*Silybum marianum*). Various native wildflowers and other herbaceous plants occur seasonally in the grassland habitat at low densities. Scattered native shrubs are also present in some areas including coyote brush (*Baccharis pilularis*), western poison oak (*Toxicodendron diversilobum*), California sagebrush (*Artemisia californica*), and toyon (*Heteromeles arbutifolia*). Mature native coast live oaks (*Quercus agrifolia*) are present on the hillsides outside the development area. Figure 7-1, Habitat Map, displays existing conditions of the project site.

Bird species observed on the site or expected to utilize the habitat include red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), bushtit (*Psaltriparus minimus*), Anna's hummingbird (*Calypte anna*), golden-crowned sparrow (*Zonotrichia atricapilla*), downy woodpecker (*Picoides pubescens*), turkey vulture (*Cathartes aura*), mourning dove (*Zenaida macroura*), and California scrub jay (*Aphelocoma californica*). Mammal species observed on the site or expected to utilize the habitat include California vole (*Microtus californicus*), Botta's pocket gopher (*Thomomys bottae*), striped skunk (*Mephitis mephitis*), California ground squirrel (*Spermophilus beecheyi*), and raccoon (*Procyon lotor*). Reptile species expected in this habitat include western fence lizard (*Sceloporus occidentalis*), terrestrial garter snake (*Thamnophis elegans*), and gopher snake (*Pituophis melanoleucus*).

Special-Status Species

Special-status species in this report are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, CNPS Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines.

Source: Monterey County GIS 2016, Google Earth 2017

Figure 7-1
Habitat Map

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Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW *California Natural Diversity Database* was conducted for the Marina, Salinas, Natividad, Seaside, Spreckels, Chualar, Mount Carmel, Carmel Valley, and Rana Creek USGS quadrangles in order to evaluate potentially occurring special-status plant and wildlife species in the project vicinity (CDFW 2017). Records of occurrence for special-status plants were reviewed for those same USGS quadrangles in the CNPS *Inventory of Rare and Endangered Plants* (CNPS 2017). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for Monterey County (USFWS 2017).

Table 7-1, Special-Status Plant Species with Potential to Occur in Vicinity, and Table 7-2, Special-Status Wildlife Species with Potential to Occur in Vicinity, show special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. Discussion of special-status species with potential to occur on the site (or otherwise requiring special explanation) follows the tables.

Special-Status Plants

The on-site non-native grassland provides marginally suitable habitat for five special-status plant species; occurrence details including blooming periods for each species are presented in Table 3.7-1. These CNPS Rare Plant Rank 1B species have low potential to occur on the site, and are considered Rare, Threatened, or Endangered in California and elsewhere by the CNPS. The species include Congdon's tarplant (*Centromadia parryi* spp. *congdonii*), fragrant fritillary (*Fritillaria liliacea*), Hickman's onion (*Allium hickmanii*), Hutchinson's larkspur (*Delphinium hutchinsoniae*), and Santa Cruz microseris (*Stebbinsoseris decipiens*). These plants are all herbaceous and therefore typically only observable during their blooming periods. However, these species are not expected to occur because they were not observed during past biological and focused plant surveys conducted on the project site (Regan Biological and Horticultural Consulting 2011, 2013, and 2017).

California Tiger Salamander

California tiger salamander (*Ambystoma californiense*) is a federally and state-listed Threatened species. The project site is not located within federally designated critical habitat for this species. The California tiger salamander is dependent on small shallow bodies of water for breeding. It can be found in grasslands, most frequently within 400 feet of breeding pools or ponds where California ground squirrels (*Spermophilus beecheyi*) are prevalent and active. California tiger salamanders will occupy the burrows of the ground squirrels during summer and fall months, emerging to move toward breeding sites when the rainy season commences. They typically disperse to burrows and other hiding places in oak woodlands and grasslands within a quarter mile or less by early summer.

Table 7-1 Special-Status Plant Species with Potential to Occur in Vicinity

Species	Status (Federal/ State/CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Alkali milk-vetch *(Astragalus tener* var. *tener)*	--/--/1B.2	Alkaline sites in playas, valley and foothill grassland (on adobe clay), and vernal pools; elevation 1-60m. Blooming period: March – June.	Not expected. No suitable habitat found on the site.
Carmel Valley bush-mallow *(Malacothamnus palmeri* var. *involucratus)*	--/--/1B.2	Chaparral, cismontane woodland, and coastal scrub; elevation 30-1100m. Blooming period: May – October.	Not expected. No suitable habitat found on the site.
Carmel Valley malacothrix *(Malacothrix saxatilis* var. *arachnoidea)*	--/--/1B.2	Rocky sites in chaparral; elevation 25-335m. Blooming period: March – December.	Not expected. No suitable habitat found on the site.
Choris' popcorn-flower *(Plagiobothrys chorisianus* var. *chorisianus)*	--/--/1B.2	Mesic sites in chaparral, coastal scrub, and coastal prairie; elevation 15-100m. Blooming period: March – June.	Not expected. No suitable habitat found on the site.
Congdon's tarplant *(Centromadia parryi* spp. *congdonii)*	--/--/1B.1	Valley and foothill grassland (alkaline); elevation 1-230m. Known to occur on various substrates, and in disturbed and ruderal (weedy) areas. Blooming period: June – November.	Not expected; not observed during focused plant surveys.
Contra Costa goldfields *(Lasthenia conjugens)*	FE/--/1B.1	Wet areas in cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools; elevation 0-470m. Blooming period: March – June.	Not expected. No suitable habitat found on the site.
Eastwood's goldenbush *(Ericameria fasciculata)*	--/--/1B.1	Closed-cone coniferous forest, chaparral (maritime), coastal dunes, and coastal scrub/sand. Blooming period: July – October.	Not expected. No suitable habitat found on the site.
Fragrant fritillary *(Fritillaria liliacea)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine substrate; various soils reported though usually clay in grassland; elevation 3-410m. Blooming period: February – April.	Not expected; not observed during focused plant surveys.
Hickman's onion *(Allium hickmanii)*	--/--/1B.2	Closed-cone coniferous forest, chaparral, coastal scrub, valley and foothill grassland, and coastal prairie; prefers sandy loam, damp ground, and vernal swales; elevation 20-200m. Blooming period: April – May.	Not expected; not observed during focused plant surveys.
Hooked popcorn-flower *(Plagiobothrys uncinatus)*	--/--/1B.2	Chaparral (sandy), cismontane woodland, and valley and foothill grassland; prefers sandstone outcrops and canyon sides, often in burned or disturbed areas; elevation 300-730m. Blooming period: April – May.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/ State/CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Hooker's manzanita *(Arctostaphylos hookeri* ssp. *hookeri)*	--/--/1B.2	Sandy soils in coastal scrub, chaparral, and closed-cone forest habitats; elevation 45-215m. Blooming period: February – April.	Not expected. No suitable habitat found on the site.
Hospital Canyon larkspur *(Delphinium californicum* ssp. *interius)*	--/--/1B.2	Cismontane woodland and chaparral, in wet, boggy meadows, openings in chaparral, and in canyons; elevation 225-1060m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Hutchinson's larkspur *(Delphinium hutchinsoniae)*	--/--/1B.2	Broadleaved upland forest, chaparral, coastal prairie, and coastal scrub; elevation 0-400m. Blooming period: March – June.	Not expected; not observed during focused plant surveys.
Jolon clarkia *(Clarkia jolonensis)*	--/--/1B.2	Cismontane woodland, chaparral, and coastal scrub; elevation 20-660m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Kellogg's horkelia *(Horkelia cuneata* var. *sericea)*	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, and coastal scrub, in sandy or gravelly openings; elevation 10-200m. Blooming period: April – September.	Not expected. No suitable habitat found on the site.
Legenere *(Legenere limosa)*	--/--/1B.1	In beds of vernal pools; elevation 1-880m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Marsh microseris *(Microseris paludosa)*	--/--/1B.2	Mesic sites in closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland; elevation 5-300m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Menzies's wallflower *(Erysimum menziesii)*	FE/SE/1B.1	Coastal dunes. Known only from Mendocino and Monterey counties, localized on dunes and coastal strand; elevation 0-35m. Blooming period: March – June.	Not expected. No suitable habitat found on the site.
Monterey gilia *(Gilia tenuiflora* ssp. *arenaria)*	FE/ST/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub; elevation 0-45m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Monterey pine *(Pinus radiata)*	--/--/1B.1	Closed-cone coniferous forest and cismontane woodland; elevation 25-185m. Evergreen.	Not expected. No suitable habitat found on the site. A few ornamental pines have been planted on the site.
Monterey spineflower *(Chorizanthe pungens* var. *pungens)*	FT/--/1B.2	Sandy openings in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland; elevation 3-450m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Northern curly-leaved monardella *(Monardella sinuata* ssp. *nigrescens)*	--/--/1B.2	Sandy soils in coastal dunes, coastal scrub, chaparral, and lower montane coniferous forest; elevation 0-300m. Blooming period: April – September.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/ State/CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Oregon meconella *(Meconella oregana)*	--/--/1B.1	Open, moist places in coastal prairie and coastal scrub; elevation 250-500m. Blooming period: March – April.	Not expected. No suitable habitat found on the site.
Pacific Grove clover *(Trifolium polyodon)*	--/SR/1B.1	Mesic sites in closed-cone coniferous forest, coastal prairie, meadows and seeps, and valley and foothill grassland; elevation 5-120m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Pajaro manzanita *(Arctostaphylos pajaroensis)*	--/--/1B.1	Sandy soils in chaparral; elevation 30-760m. Blooming period: December – March.	Not expected. No suitable habitat found on the site; this perennial shrub not observed.
Pine rose *(Rosa pinetorum)*	--/--/1B.2	Closed-cone coniferous forest; elevation 2-300m. Blooming period: May – July.	Not expected. No suitable habitat found on the site.
Pink Johnny-nip *(Castilleja ambigua* var. *insalutata*)	--/--/1B.1	Coastal bluff scrub and coastal prairie; elevation 0-100m. Blooming period: May – August.	Not expected. No suitable habitat found on the site.
Pinnacles buckwheat *(Eriogonum nortonii)*	--/--/1B.3	Chaparral, and valley and foothill grassland; sandy sites; often on recent burns; elevation 300-975m. Blooming period: May – June.	Not expected. No suitable habitat found on the site.
Point Reyes horkelia *(Horkelia marinensis)*	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m. Blooming period: May – September.	Not expected. No suitable habitat found on the site.
Robust spineflower *(Chorizanthe robusta* var. *robusta)*	FE/--/1B.1	Sandy or gravelly openings in cismontane woodland, coastal dunes, and coastal scrub; prefers sandy terraces and bluffs or loose sand; elevation 3-300m. Blooming period: April – July.	Not expected. No suitable habitat found on the site.
Round-leaved filaree *(California macrophylla)*	--/--/1B.2	Clay sites in cismontane woodland, and valley and foothill grassland; elevation 15-1200m. Blooming period: March – May.	Not expected. No suitable habitat found on the site.
Sand-loving wallflower *(Erysimum ammophilum)*	--/--/1B.2	Sandy openings in maritime chaparral, coastal dunes, and coastal scrub; elevation 0 – 60m. Blooming period: February – June.	Not expected. No suitable habitat found on the site.
Sandmat manzanita *(Arctostaphylos pumila)*	--/--/1B.2	Sandy openings in closed-cone coniferous forest, maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub; elevation 30-730m. Blooming period: February – May.	Not expected. No suitable habitat found on the site; this perennial shrub not observed.
Santa Cruz clover *(Trifolium buckwestiorum)*	--/--/1B.1	Mesic sites in broadleaved upland forest, cismontane woodland, and coastal prairie; prefers moist grassland and gravelly margins; elevation 105-610m. Blooming period: April – October.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/ State/CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Santa Cruz microseris *(Stebbinsoseris decipiens)*	--/--/1B.2	Open areas in broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and valley and foothill grassland; sometimes on serpentine substrates; elevation 10-500m. Blooming period: April – May.	Not expected; not observed during focused plant surveys.
Santa Lucia bedstraw *(Galium clementis)*	--/--/1B.3	Montane coniferous forest. Forms soft mats in shady rocky patches, on granite or serpentine, mostly on exposed peaks; elevation 1130-1780m. Blooming period: May – July.	Not expected. No suitable habitat found on the site.
Santa Lucia bush-mallow *(Malacothamnus palmeri* var. *palmeri)*	--/--/1B.2	Chaparral. Prefers dry rocky slopes, mostly near summits, but occasionally extends down canyons to the sea; elevation 60-365m. Blooming period: May – July.	Not expected. No suitable habitat found on the site.
Seaside bird's-beak *(Cordylanthus rigidus* ssp. *littoralis)*	--/SE/1B.1	Sandy often disturbed sites in closed-cone coniferous forest, maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub; elevation 0-215m. Blooming period: May – October.	Not expected. No suitable habitat found on the site.
Tidestrom's lupine *(Lupinus tidestromii)*	FE/SE/1B.1	Partially stabilized dunes, immediately near the ocean; elevation 0-3m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Toro manzanita *(Arctostaphylos montereyensis)*	--/--/1B.2	Sandy areas in maritime chaparral, cismontane woodland, and coastal scrub; elevation 30-730m. Blooming period: February – March.	Not expected. No suitable habitat found on the site; this perennial shrub not observed.
Umbrella larkspur *(Delphinium umbraculorum)*	--/--/1B.3	Mesic sites in cismontane woodland; elevation 400-1600m. Blooming period: April – June.	Not expected. No suitable habitat found on the site.
Vernal pool bent grass *(Agrostis lacuna-vernalis)*	--/--/1B.1	Vernal pools (mima mounds); elevation 115-145m.	Not expected. No suitable habitat found on the site.
Yadon's rein orchid *(Piperia yadonii)*	FE/--/1B.1	Sandy sites in coastal bluff scrub, closed-cone coniferous forest, and maritime chaparral; elevation 10-510m. Blooming period: May – August.	Not expected. No suitable habitat found on the site.

Sources: CDFW 2017, CNPS 2017, USFWS 2017, EMC Planning Group 2017

Listing Status Codes:

Federal (USFWS)

FE - Listed as Endangered under the Federal Endangered Species Act.

FT - Listed as Threatened under the Federal Endangered Species Act.

FC - Candidate for listing under the Federal Endangered Species Act.

State (CDFW)

SE - Listed as Endangered under the California Endangered Species Act.

ST - Listed as Threatened under the California Endangered Species Act.

SR - Listed as Rare under the California Endangered Species Act.

SC - Candidate for listing under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions

1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.

2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.

.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).

.2: Fairly endangered in California (20-80% occurrences threatened).

.3: Not very threatened in California (less than 20% of occurrences threatened low degree and immediacy of threat or no current threats known).

Table 7-2 Special-Status Wildlife Species with Potential to Occur in Vicinity

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
American badger *(Taxidea taxus)*	--/SSC	Most abundant in drier, open stages of shrub, forest, and herbaceous habitats. Needs sufficient food and open, uncultivated ground with friable soils to dig burrows. Preys on burrowing rodents.	Low potential to occur. Marginally suitable habitat found on the site.
Bank swallow *(Riparia riparia)*	--/ST	Highly colonial species that nests in alluvial soils along rivers, streams, lakes, and ocean coasts. Nesting colonies only occur in vertical banks or bluffs of friable soils at least one meter tall, suitable for burrowing with some predator deterrence values.	Not expected. No suitable habitat found on the site.
Bay checkerspot butterfly *(Euphydryas editha bayensis)*	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. *Plantago erecta* is the primary host plant; *Castilleja densiflora* and *C. exserta* are secondary host plants.	Not expected. No suitable habitat found on the site.
Black legless lizard *(Anniella pulchra nigra)*	--/SSC	Moist, warm habitats with loose soil for burrowing and prostrate plant cover in beaches, chaparral, pine-oak woodland, or riparian areas.	Not expected. No suitable habitat found on the site.
Burrowing owl *(Athene cunicularia)*	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	Low potential to occur. Marginally suitable habitat found on the site.
California red-legged frog *(Rana draytonii)*	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	Not expected. No suitable habitat found on the site.
California tiger salamander *(Ambystoma californiense)*	FT/ST	Grasslands and oak woodlands near seasonal pools and stock ponds in central and coastal California. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter. Requires seasonal water sources that persist into late March for breeding.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Coast horned lizard *(Phrynosoma blainvillii)*	--/SSC	Arid grassland and scrubland habitats; prefers lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burrowing, and abundant supply of ants and other insects for feeding.	Not expected. No suitable habitat found on the site.
Coast Range newt *(Taricha torosa)*	--/SSC	Coastal drainages; lives in terrestrial habitats and can migrate over one km to breed in ponds, reservoirs, and slow-moving streams.	Not expected. No suitable habitat found on the site.
Foothill yellow-legged frog *(Rana boylii)*	--/SSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Not expected. No suitable habitat found on the site.
Monterey dusky-footed woodrat *(Neotoma macrotis luciana)*	--/SSC	Forest habitats of moderate canopy and moderate to dense understory. Also chaparral habitats. Nests constructed of grass, leaves, sticks, feathers, etc. Population may be limited by availability of nest materials.	Moderate potential to occur. Three potential nest sites identified during the survey.
Silvery legless lizard *(Anniella pulchra pulchra)*	--/SSC	Sandy or loose loamy soils under sparse vegetation; moist soils.	Not expected. No suitable habitat found on the site.
Smith's blue butterfly *(Euphilotes enoptes smithi)*	FE/--	Coastal dunes and coastal sage scrub. Host plants include *Eriogonum latifolium* and *E. parvifolium* for larval and adult stages.	Not expected. No suitable habitat found on the site.
Steelhead *(Oncorhynchus mykiss irideus)*	FT/--	Coastal streams with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean. USFWS-designated critical habitat for this species is present northeast of the site along the Salinas River.	Not expected. No suitable habitat found on the site.
Swainson's hawk *(Buteo swainsoni)*	--/ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas, such as grasslands or agricultural fields supporting rodent populations.	Not expected. No suitable habitat found on the site. Outside of known range for species.
Tidewater goby *(Eucyclogobius newberryi)*	FE/SSC	Brackish water habitats; found in shallow lagoons and lower stream reaches in still but not stagnant water with high oxygen levels.	Not expected. No suitable habitat found on the site.

Species	Status (Federal/State)	Suitable Habitat Description	Potential to Occur on Project Site
Townsend's big-eared bat *(Corynorhinus townsendii)*	--/SSC	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected. No suitable habitat found on the site.
Tricolored blackbird *(Agelaius tricolor)*	--/SC&SSC	Areas adjacent to open water with protected nesting substrate, which typically consists of dense, emergent freshwater marsh vegetation.	Not expected. No suitable habitat found on the site.
Two-striped garter snake *(Thamnophis hammondii)*	--/SSC	Coastal California up to 7,000 feet in elevation. Highly aquatic, found in or near permanent fresh water, often along streams with rocky beds and riparian vegetation.	Not expected. No suitable habitat found on the site.
Western pond turtle *(Emys marmorata)*	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs), and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.	Not expected. No suitable habitat found on the site.
Western red bat *(Lasiurus blossevillii)*	--/SSC	Roosts primarily in trees, 2-40 feet above the ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees and open areas for foraging.	Low potential to occur. Marginally suitable roosting habitat found on the site. Known to occur in the project vicinity.
Western snowy plover *(Charadrius alexandrinus nivosus)*	FT/SSC	Sandy beaches, salt pond levees, shores of large alkali lakes; needs sandy, gravelly, or friable soils for nesting.	Not expected. No suitable habitat found on the site.

Sources: CDFW 2017, USFWS 2017, EMC Planning Group 2017

Listing Status Codes:

Federal (USFWS)

FE - Listed as Endangered under the Federal Endangered Species Act.

FT - Listed as Threatened under the Federal Endangered Species Act.

FC - Candidate for listing under the Federal Endangered Species Act.

State (CDFW)

SE - Listed as Endangered under the California Endangered Species Act.

ST - Listed as Threatened under the California Endangered Species Act.

SC - Candidate for listing under the California Endangered Species Act.

SFP - CDFW Fully Protected species under California Fish and Game Code.

SSC - CDFW Species of Special Concern.

The project site does not contain habitat suitable for California tiger salamander breeding. CDFW records indicate that there are no known occurrences of California tiger salamander within 2.5 miles of the site. There are no ponds or wetted areas on the site. The ditch that runs along the eastern edge of the property is outside the project boundary and did not support standing water at the time of the survey, even after extremely heavy rains this season (winter 2015-2016). The ditch also appears to be sprayed with herbicides, as vegetation observed in this area was yellow, in contrast to surrounding vegetation. There were very few California ground squirrel burrows observed in the grassland areas, and California tiger salamander is not expected to utilize the site for upland refuge habitat.

California Red-Legged Frog

California red-legged frog (*Rana draytonii*) is federally listed as Threatened and is a California Species of Special Concern. The project site is not located within federally designated critical habitat for this species. California red-legged frog is California's largest native frog, and is generally restricted to riparian and lacustrine (lake) habitats. This species prefers deep, still pools, usually greater than two feet in depth, in creeks, rivers or lakes below 5,000 feet in elevation. Breeding habitats require freshwater emergent vegetation or thick riparian vegetation, especially willow thickets adjacent to shorelines. California red-legged frogs can survive in seasonal bodies of water that dry up for short periods if a permanent water body or dense vegetation is nearby. They can move considerable distances overland, with dispersal occurring predominantly within creek drainages. Individuals are often found during the summer in foraging habitat not suitable for breeding, and therefore are presumed to move seasonally between summer foraging and winter breeding habitats.

The project site does not contain habitat suitable for California red-legged frog breeding. CDFW records indicate that there are no known occurrences of California red-legged frog within 2.5 miles of the site. As described above, there are no ponds or wetted areas on the site. There are very few California ground squirrel burrows observed in the grassland areas, and California red-legged frog is not expected to utilize the site for upland refuge habitat.

American Badger

American badger (*Taxidea taxus*) is a California Species of Special Concern. It is an uncommon, permanent resident found throughout most of the state, except in the northern North Coast area. Typical habitats include drier open stages of most shrub, forest, and herbaceous habitats with friable soils suitable for burrows. Prey species include fossorial rodents such as rats, mice, chipmunks, ground squirrels, and pocket gophers. Badger diet shifts seasonally depending on the availability of prey and may also include reptiles, insects, earthworms, eggs, birds, and carrion. American badger was recorded in 1992 approximately two miles from the project site. Badgers have been well documented in this part of Monterey

County from the former Fort Ord, Toro Park, and many cattle ranches in the Sierra de Salinas and Santa Lucia range valleys. The project site, however, contains marginally suitable habitat and prey for this species.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a California Species of Special Concern. Burrowing owls live and breed in burrows in the ground, especially in abandoned California ground squirrel burrows. Optimal habitat conditions include large open, dry and nearly level grasslands or prairies with short to moderate vegetation height and cover, areas of bare ground, and populations of burrowing mammals. This species is known to occur about four miles northeast of the site on the Salinas Municipal Airport property. The project site's non-native grassland provides marginally suitable foraging habitat for burrowing owl, and a few scattered small mammal burrows on the site could be utilized for nesting habitat. Burrowing owl has low potential to occur on the site.

Monterey Dusky-Footed Woodrat

Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) is a California Species of Special Concern and is typically found within dense chaparral or oak woodland habitats with moderately dense understory growth and abundant dead wood available for midden construction. A midden is a small pile or "house" made of sticks, leaves, bones, seeds, etc. gathered by a rodent. Three possible midden locations were identified on the project site during the survey. Two Monterey cypress trees had entrance burrows and grass caches, and one gum tree had a potential stick midden (lacking a visible entrance/fresh scat, though there did appear to be freshly chewed sticks present).

Western Red Bat

Mature trees on the site provide potential roosting habitat for foliage-roosting bats, including the California Species of Special Concern western red bat (*Lasiurus blossevillii*). This species is known to occur in the project region.

Nesting Raptors and Migratory Birds

Many bird species are migratory and fall under the jurisdiction of the Migratory Bird Treaty Act, protections for birds of prey, and/or are considered Fully Protected Species (discussed further in the Regulatory Setting section below). Several avian species were observed at the project site during the reconnaissance field survey, including turkey vulture, red-tailed hawk, American kestrel, golden-crowned sparrow, and downy woodpecker. Additional species may forage at the site, including Cooper's hawk (*Accipiter cooperii*) and golden eagle (*Aquila chrysaetos*). Although no nesting activity was observed during the surveys, there are trees and shrubs present on the project site that could provide suitable nesting habitat for a variety of species, including hawks, owls, and songbirds.

Wildlife Movement

Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main populations, permitting an increase in gene flow among populations. These habitat linkages can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete locales and populations located within larger habitat areas.

River Road and intensive agricultural row crop production to the north of the site and dense residential development to the south and east of the site likely restricts wildlife movement through the project site. Common mammals such as black-tailed deer (*Odocoileus hemionus columbianus*), black-tailed jackrabbit (*Lepus californicus*), and raccoon may utilize the on-site non-native grasslands for limited wildlife movement. The few oak trees on the property's hillside likely allow more wildlife movement opportunities due to the presence of cover and possible foraging opportunities. However, the hillside area where the few oak trees are located is not proposed for development.

7.2 REGULATORY SETTING

Federal Plans and Regulations

Endangered Species Act

The federal Endangered Species Act of 1973 (known hereafter as the "Act") protects species that the USFWS has listed as "Endangered" or "Threatened." Permits may be required from USFWS if activities associated with a proposed project would result in the "take" of a federally listed species or its habitat. Under the Act, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in "take." "Take" of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act of 1989 prohibits killing, possessing, or trading in 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 of over 800 native birds, including many common species.

Clean Water Act

Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into "Waters of the U.S." including wetlands. Certain natural drainage channels and wetlands are considered jurisdictional "Waters of the U.S." The U.S. Army Corps of Engineers (USACE) is responsible for administering the Section 404 permit program. The agency determines the extent of its jurisdiction as defined by ordinary high water marks on channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 *Corps of Engineers Wetlands Delineation Manual* and the 2006 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*.

Activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the project proponent agrees to provide compensatory mitigation which results in no net loss of wetland area, function, or value, either through wetland creation, restoration, or the purchase of wetland credits through an approved wetland mitigation bank. In addition to individual project discharge permits, the USACE also issues general nationwide permits applicable for certain activities.

State Plans and Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the "take" of a state-listed Threatened or Endangered species. "Take" is defined under these laws as an activity that would directly or indirectly kill an individual of a species. If a project would result in the "take" of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

Nesting Birds and Birds of Prey

Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders Falconiformes and Strigiformes) are specifically protected in California under provisions of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the breeding season, is considered take by the CDFW.

Streambed Alterations

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that support wildlife resources and/or riparian vegetation are subject to CDFW regulations. Activities that would disturb these drainages are regulated by the CDFW; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates measures that will protect the habitat values of the drainage in question.

California Porter-Cologne Water Quality Control Act

Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (RWQCB) may necessitate Waste Discharge Requirements for the fill or alteration of "Waters of the State," which according to California Water Code Section 13050 includes "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state RWQCB is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

Local Plans and Regulations

County of Monterey General Plan

The *2010 Monterey County General Plan* - Conservation and Open Space (OS) element contains the following goal and policies associated with biological resources that are applicable to the proposed project:

> Goal OS-5: Conserve listed species, critical habitat, habitat and species protected in area plans; avoid, minimize and mitigate significant impacts to biological resources.
>
> Policy OS-5.4: Development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible. Measures may include but are not limited to: clustering lots for development to avoid critical habitat areas, dedications of permanent conservation easements; or, other appropriate means. If development may affect listed species, consultation with United States Fish and Wildlife Service (CDFG) may be required and impacts may be mitigated by expanding the resource

> elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined as required by law.Policy OS-5.16: A biological study shall be required for any development project requiring a discretionary permit and having the potential to 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, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species…
>
> Policy OS-5.25: Occupied nests of statutorily protected migratory birds and raptors shall not be disturbed during the breeding season (generally February 1 to September 15) The county shall consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to: determine whether work is proposed during nesting season for migratory birds or raptors, determine whether site vegetation is suitable to nesting migratory birds or raptors, identify any regulatory requirements for setbacks or other avoidance measures for migratory birds and raptors which could nest on the site, and establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of disruption of nesting birds.…

County of Monterey Toro Area Plan

The *Toro Area Plan* is part of the Monterey County General Plan. It contains the following supplemental policy regarding protection of biological resources:

> T-3.7 Removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel modification needed for fire prevention in the vicinity of structures and shall include:
>
> a. Permit requirements.
>
> b. Replacement criteria
>
> c. Exceptions for emergencies and governmental agencies

Monterey County Zoning Ordinance, Title 21

The *Monterey County Zoning Ordinance: Title 21*, Section 21.64.260 – Preservation of Oak and Other Protected Trees, states that "no oak or madrone tree six inches or more in diameter two feet above ground level shall be removed in the …Toro Area Plan areas" without a County-approved permit.

Las Palmas Ranch Specific Plan

3. All structure, including residential, including residential, commercial, recreational and accessory buildings; fences; walls; decks and signs shall require design approval. Approval shall be based upon conformity with the policies of this plan as well as the following specific criteria:

A. Compatibility of external design, materials and colors with existing ground elevations and natural land forms.

B. Conformity of design and location of structures with respect to existing ground elevations and natural land forms.

C. Mitigation of visual impacts from within the development and from major designated view corridors outside of the project.

D. Protection of significant trees and vegetation. Trees over 36" in circumference (four feet above the ground) shall be retained. Where it is necessary to remove such trees for better design or layout, then they shall be replaced on a two for one basis subject to the approval of the Director of Planning.

E. Prevention of erosion, sedimentation and visual impacts resulting from grading, excavation, cutting or filling.

7.3 THRESHOLDS OR STANDARDS OF SIGNIFICANCE

The CEQA Guidelines (Appendix G) indicates that a project may have a significant effect on the environment if it would have any of the effects listed below.

- 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 and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; 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.

The project site does not contain sensitive natural communities or riparian habitat. Though a shallow man-made drainage ditch exists along the eastern edge of the site adjacent to residences, it is not located within the development area, and no wetlands or waterways potentially under regulatory agency jurisdiction would be impacted by the proposed project. Though the project site contains County-regulated oak trees, they are not located within the development area. No habitat conservation plans apply to the project area. No further discussion of these topics is required. The applicable issues for the proposed project (special-status species and wildlife movement) are evaluated in the impact analysis below.

7.4 Environmental Impact Analysis

Special-Status Species

American Badger, Burrowing Owl, Monterey Dusky-Footed Woodrat, and Western Red Bat

Impacts to special-status wildlife species would be a significant adverse environmental impact. If American badger, burrowing owl, Monterey dusky-footed woodrat, and western red bat are present on the project site, construction activities could result in the loss or disruption of individual animals.

Nesting Raptors and Migratory Birds

If nesting birds protected by state and federal regulations are present on or adjacent to the site during site preparation or construction activities, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Protected nesting birds, including protected raptor species, have the potential to nest on and adjacent to the project site. Construction activities including vegetation removal and site preparation have potential to impact nesting birds (including raptors) protected under the federal Migratory Bird Treaty Act and California Fish and Game Code if such activities occur during the nesting bird season (February 1 through September 15).

Wildlife Movement

The proposed project would impede to a limited degree the local movement of common wildlife due to habitat loss. However, the site does not function as a regional wildlife

movement corridor or habitat linkage. This is a less than significant adverse environmental impact.

Tree Removal

The proposed project does not include the removal of trees protected by the Monterey County Municipal Code, Chapter 16.60 – Preservation of Oak Trees and Other Protected Trees within the Toro Plan area. Eucalyptus trees proposed for removal on the project site are not native and therefore, are not protected by the county.

7.5 IMPACT SUMMARY AND MITIGATION MEASURES

Anticipated project impacts to special-status biological resources are presented below, along with applicable measures designed to avoid, minimize, and/or mitigate significant impacts.

IMPACT Potential Loss or Disturbance of American Badger (Less than Significant with Mitigation)

If American badger is present on the project site, construction activities could result in the loss or disturbance of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

BIO-1 Prior to the start of construction activities, a qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys of the grassland habitat on the site to identify any potential American badger burrows/dens. These surveys shall be conducted no more than 15 days prior to the start of construction. If a potential American badger burrow/den is found during the surveys, coordination with the CDFW shall be undertaken in order to develop a suitable strategy to avoid impacts to American badger.

After CDFW approval, impacts to active American badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

Implementation of this mitigation measure would eliminate the potential impact by requiring pre-construction surveys for American badger burrows/dens, and avoidance of any active dens if present in the development footprint.

IMPACT Potential Loss or Disturbance of Burrowing Owl (Less than Significant with Mitigation)

If burrowing owl is present on or adjacent to the project site, construction activities could result in the loss or disturbance of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

BIO-2 To avoid/minimize impacts to burrowing owls potentially occurring on or adjacent to the project site, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). If these pre-construction "take avoidance" surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near construction areas, consultation with the CDFW shall occur to interpret survey results and develop a project-specific avoidance and minimization approach.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

Implementation of this mitigation measure would reduce the potential impact by requiring pre-construction surveys for burrowing owl, and consultation with the CDFW to protect individual burrowing owls if they are present on or adjacent to the project site.

IMPACT Potential Loss or Disturbance of Monterey Dusky-Footed Woodrat (Less than Significant with Mitigation)

Three possible woodrat midden locations were identified at the project site during the reconnaissance field survey. Loss or disturbance of woodrats due to midden removal during construction activities would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

BIO-3 A qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys for woodrat nests within the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. All woodrat middens shall be flagged for avoidance of direct construction impacts where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow the occupants to disperse.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

Implementation of this mitigation measure would reduce the potential impact by requiring pre-construction surveys for Monterey dusky-footed woodrat middens, and avoidance or dismantling of any middens within the development footprint.

IMPACT Potential Loss or Disturbance of Special-Status Western Red Bat (Less than Significant with Mitigation)

Potential habitat for western red bat occurs in tree foliage within the project site. If special-status bats are present on the site, tree removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

BIO-4 Prior to tree removal activities, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a focused survey for bats and potential roosting sites in trees to be removed and trees within 250 feet of the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. The surveys can be conducted by visual identification and assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit.

If no roosting sites or bats are found, a letter report confirming absence shall be sent to the Monterey County Resource Management Agency and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided to the Monterey County Resource Management Agency prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (which is May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 250-foot buffer zone (or different size if determined in consultation with the CDFW) shall be established around the roosting site within which no construction activities including tree removal shall occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal, the individuals will be safely evicted, under the direction of a qualified bat biologist and in consultation with the CDFW. Methods could include carefully opening the roosting area by hand to expose the cavity. Removal of the tree or snag shall be conducted no earlier than the following day (i.e., at least one night will be provided between initial disturbance and the tree removal). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

Implementation of this mitigation measure would reduce the potential impact by requiring pre-construction surveys prior to tree removal activities with avoidance of any bat maternity

roosts or eviction of non-breeding bats if present on or adjacent to the development footprint.

IMPACT Potential Loss or Disturbance of Protected Nesting Birds (Less than Significant with Mitigation)

Protected nesting birds, including raptor species, have potential to nest on and adjacent to the project site during the nesting bird season (February 1 through September 15). If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than significant level.

Mitigation Measure

BIO-5 To avoid possible impacts to nesting birds on and adjacent to the project site, if noise generation, ground disturbance, vegetation and tree removal, including removal of non-native trees, or other construction activities begin during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than one week prior to the initiation of disturbance or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared by the qualified biologist to determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

The project proponent shall be responsible for implementation of this mitigation measure with oversight by the Monterey County Resource Management Agency. Compliance with this measure shall be documented and submitted to the county.

Implementation of this mitigation measure would eliminate the potential impact by requiring pre-construction surveys for nesting birds, and avoidance of any active nest(s) if present on or adjacent to the development footprint.

IMPACT Impede Movement of Common Wildlife (Less than Significant)

Since the 15.64-acre project is undeveloped, the proposed project, through the construction of new buildings and site improvements, would impede to a limited degree the local movement of common wildlife species due to habitat loss. This, however, is a less than significant environmental impact. Considerable open space areas with similar habitat are immediately adjacent to the west of the project site, and even if this area to the west develops as part of the Ferrini Ranch project, open space areas will be retained that allow the movement of local wildlife species. Since this is a less than significant environmental impact no mitigation measures are required.

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