

H. BIOLOGICAL RESOURCES

This section describes the biological resources present or potentially present in the Truckee Railyard Draft Master Plan Area (Master Plan Area), and discusses potential impacts to these resources that could result from implementation and buildout of the Draft Master Plan, as well as associated mitigation measures to offset any impacts.

1. Setting

A description of the existing conditions related to biological resources and the methods for analysis is provided below.

a. Methods

(1) Literature Search. Prior to conducting any field work, LSA Associates, Inc. (LSA) performed database searches of the California Natural Diversity Database¹ (CNDDDB) and California Native Plant Society (CNPS) Online Inventory,² referencing the Independence Lake, Kings Beach, Tahoe City, Granite Chief, Hobart Mills, Boca, Norden, Truckee, and Martis Peak quadrangles. LSA also obtained a species list from the U.S. Fish and Wildlife (USFWS), Sacramento Field Office website, referencing these quadrangles.

The special status species lists obtained from the CNDDDB, CNPS, and USFWS were reviewed to determine which species could potentially occur in the Master Plan Area. Those species with potential to occur based on literature review and habitat requirements were compiled into a cumulative list presented in Table IV.H-2. In addition, special status species that were not included on the lists and/or have not been recorded in the area but could potentially occur in the Master Plan Area based on habitat suitability are also included in the table. Conversely, species occurring on the lists that require specific habitat not present in the Master Plan Area (e.g., steep slopes, rock outcrops) were eliminated as potentially occurring and are not included in the table. Those species that could potentially occur in the Master Plan Area are discussed in Section 5.

(2) Field Surveys. Surveys were conducted by an LSA biologist in November 2006 and July 2007. Vegetation was characterized and mapped in accordance with *A Manual of California Vegetation*,³ as appropriate, and all habitats in the Master Plan Area were

¹ California Department of Fish and Game. 2008. Rarefind 3 personal computer program. Sacramento, CA.

² California Native Plant Society. 2008. 6th Inventory of Rare and Endangered Vascular Plants of California - Online Edition.

³ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, CA,

inspected to determine if they were suitable to support special status species. An inventory was taken of all wildlife and plant species observed.

Potential wetlands and/or other waters of the U.S. in the Master Plan Area were delineated by North Fork Associates on August 9, November 8, and November 15, 2006.⁴ The delineation was conducted in accordance with the 1987 Corps of Engineers Wetland Delineation Manual (Routine Method).⁵ The delineation was verified by the Army Corps of Engineers during a field visit on October 10, 2007.

Subsequent to the field work, the Master Plan Area boundary was expanded in three areas: (1) along Glenshire Road, the boundary was moved north of the existing road alignment, (2) at the east end of the Master Plan Area, the boundary was moved approximately 300 feet to the east, and (3) the southern boundary was moved south of the existing railroad tracks. The expansion south of the railroad tracks is not significant for biological resources as that additional area consists of existing development. However, the other two areas include undeveloped lands that had to be considered. For general biological resources, the existing information collected from the Master Plan Area was extrapolated to the new areas with a high level of confidence. For the jurisdictional delineation, only the additional area at the eastern end of the Master Plan Area contained potential jurisdictional waters as it included a reach of Trout Creek. North Fork was able to extrapolate the extent of jurisdictional waters in the additional area but was not able to delineate the boundaries between wetlands and other waters. Consequently, all jurisdictional waters mapped in the additional area at the eastern end of the Master Plan Area were mapped as other waters (i.e., not wetlands).

b. Regulatory Background.

(1) Special Status Species. Special status plants and wildlife are those species that are: (1) listed as rare, threatened, or endangered by USFWS or the California Department of Fish and Game (CDFG) under State or federal Endangered Species Acts; (2) on formal lists as candidates for listing as threatened or endangered; (3) on formal lists as species of concern; or 4) otherwise recognized at the federal, State, or local level as sensitive.

Federal and California Endangered Species Acts. Under the Federal Endangered Species Act (FESA), it is unlawful to “take” any species listed as threatened or endangered. “Take” is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” An activity is defined as “take” even if it is unintentional or accidental. Take provisions under FESA apply only to listed fish and

⁴ North Fork Associates. 2007. Wetland Delineation for the +/-55.3-Acre Trout Creek Project. Prepared for the Town of Truckee, September 14, 2007 (Revised October 12, 2007).

⁵ Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-97-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS.

wildlife species under the jurisdiction of the USFWS and/or the National Oceanic & Atmospheric Administration, National Marine Fisheries Service (NMFS). Consultation with USFWS or NMFS is required if a project “may affect”, or result in “take” of, a listed species.

When a species is listed, the USFWS and/or NMFS, in most cases, must officially designate specific areas as critical habitat for the species. Consultation with USFWS and/or NMFS is required for projects that include a federal action or federal funding if the project will modify designated critical habitat.

Under the California Endangered Species Act (CESA), it is unlawful to “take” any species listed as rare, threatened, or endangered. “Take” means to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA take provisions apply to fish, wildlife, and plant species. Take may result whenever activities occur in areas that support a listed species. Consultation with CDFG is required if a project will result in “take” of a listed species.

Magnuson-Stevens Fishery Conservation and Management Act. Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), essential fish habitat (EFH) must be designated in every fishery management plan. EFH includes “...those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The MSA requires consultation with NMFS for projects that include a federal action or federal funding and may adversely modify EFH.

Migratory Bird Treaty Act and California Department of Fish and Game Code. The Migratory Bird Treaty Act (MBTA) prohibits actions that will result in “take” of migratory birds, their eggs, feathers, or nests. “Take” is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof.

Migratory birds are also protected, as defined in the MBTA, under Section 3513 of the California Fish and Game Code. In addition, Section 3503 of the California Fish and Game Code prohibits the take, possession, or needless destruction of the nest or eggs of any bird, except as otherwise provided by the California Fish and Game Code or other regulation.

(2) Jurisdictional Waters. Jurisdictional waters include most drainage features (rivers, streams), open water features (lakes, ponds), and wetlands (marshes, seeps). Jurisdictional waters are often regulated by one or more government agencies, as described below.

Army Corps of Engineers. Under Section 404 of the Clean Water Act (CWA), the Army Corps of Engineers (Corps) regulates the discharge of dredged or fill material into waters of the U.S. Waters of the U.S. are those waters that have a connection to interstate commerce,

either direct via a tributary system or indirect through a nexus identified in the Corps regulations. In non-tidal waters, the lateral limit of jurisdiction under Section 404 extends to the ordinary high water mark (OHWM) of a waterbody or, where adjacent wetlands are present, beyond the OHWM to the limit of the wetlands. The OHWM is defined as “that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area” (33 CFR 328.3). In tidal waters, the lateral limit of jurisdiction extends to the high tidal line (HTL) or, where adjacent wetlands are present, beyond the HTL to the limit of the wetlands.

Wetlands are defined as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions.” Non-wetland waters essentially include any body of water, not otherwise exempted, that displays an OHWM.

Regional Water Quality Control Board. Under Section 401 of the CWA, the State Water Resources Control Board must certify all activities requiring a 404 permit. The Regional Water Quality Control Board (RWQCB) regulates these activities and issues water quality certification for those activities requiring a 404 permit. In addition, the RWQCB has authority to regulate the discharge of “waste” into waters of the State pursuant to the Porter-Cologne Water Quality Control Act (PCWQCA). The RWQCB may also regulate the discharge of fill within the 100-year floodplain of waters of the State.

California Department of Fish and Game. CDFG, through provisions of Sections 1600-1616 of the State of California Code of Regulations, is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be substantially adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and the conveyance of at least ephemeral flows. CDFG regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFG.

CDFG generally includes, within the jurisdictional limits of streams and lakes, any riparian habitat present. Riparian habitat includes willows, cottonwoods, and other vegetation typically associated with the banks of a stream or lake shoreline. In most situations, wetlands associated with a stream or lake would fall within the limits of riparian habitat. Thus, defining the limits of CDFG jurisdiction based on riparian habitat will automatically include any wetland areas. CDFG has not defined wetlands for jurisdictional purposes. Wetlands not associated with a lake, stream, or other regulated area are generally not subject to CDFG jurisdiction.

c. Plant Communities/Land Uses. The majority of the Master Plan Area is developed or disturbed. Natural plant communities are limited to Trout Creek and adjacent areas. Plant community/land use nomenclature is per A Manual of California Vegetation,⁶ as appropriate. Plant community/land uses in the Master Plan Area are limited to mixed willow series and Jeffrey pine series. Plant communities/land uses are shown in Figure IV.H-1 and the acreages for these areas are summarized in Table IV.H-1.

(1) Mixed Willow Series. The mixed willow series occurs along Trout Creek and the intermittent overflow channel (see Section 4c. below). This community supports several willow species, but no single willow species is dominant. In the Master Plan Area, the mixed willow series community is dominated by Lemmon’s willow (*Salix lemmonii*), narrowleaved willow (*Salix exigua*) and Hooker willow (*Salix hookeriana*). The understory on the creek banks and adjacent marsh areas support Mexican rush (*Juncus balticus*), sedge (*Carex* sp.), meadow barley (*Hordeum brachyantherum*) and hairy willow herb (*Epilobium ciliatum*). A total of 3.67 acres of mixed willow series occurs in the Master Plan Area.

Table IV.H-1 Summary of Plant Communities/Land Uses in the Master Plan Area

Plant Community/Land Use	Acres
Mixed Willow Series	3.67
Jeffrey Pine Series	3.36
Disturbed/Ruderal	8.04
Develped	64.75
Total	79.82

Source: LSA Associates, Inc., 2008.

(2) Jeffrey Pine Series. The Jeffrey pine series occurs along Glenshire Drive near the north boundary of the Master Plan Area. It is likely that this community was present throughout most of the Master Plan Area before it was developed. This community is characterized by a Jeffrey pine overstory of varying density and an understory of shrubs and forbs including Great Basin sagebrush (*Artemisia tridentata vaseyana*), bitterbrush (*Purshia tridentata*), squirreltail (*Elymus elymoides*), and diffuse gayophytum (*Gayophytum diffusum* var. *parviflorum*). A total of 3.36 acres of Jeffrey pine series occurs in the Master Plan Area.

(3) Ruderal/Disturbed. Areas defined as ruderal/disturbed have been altered by human actions such that the natural communities no longer exist. Since much of the Master Plan Area is developed or extremely disturbed, it was difficult to define the boundary between completely developed areas and ruderal/disturbed areas. For purposes of this evaluation ruderal/disturbed areas are those areas that have been disturbed but are mostly vegetated (i.e., versus being absent of vegetation). Ruderal/disturbed areas are dominated by weedy forbs such as prickly lettuce (*Lactuca serriola*), wooly mullein (*Verbascum*

⁶ Sawyer, John O. and Todd Keeler-Wolf. 1995, op. cit.

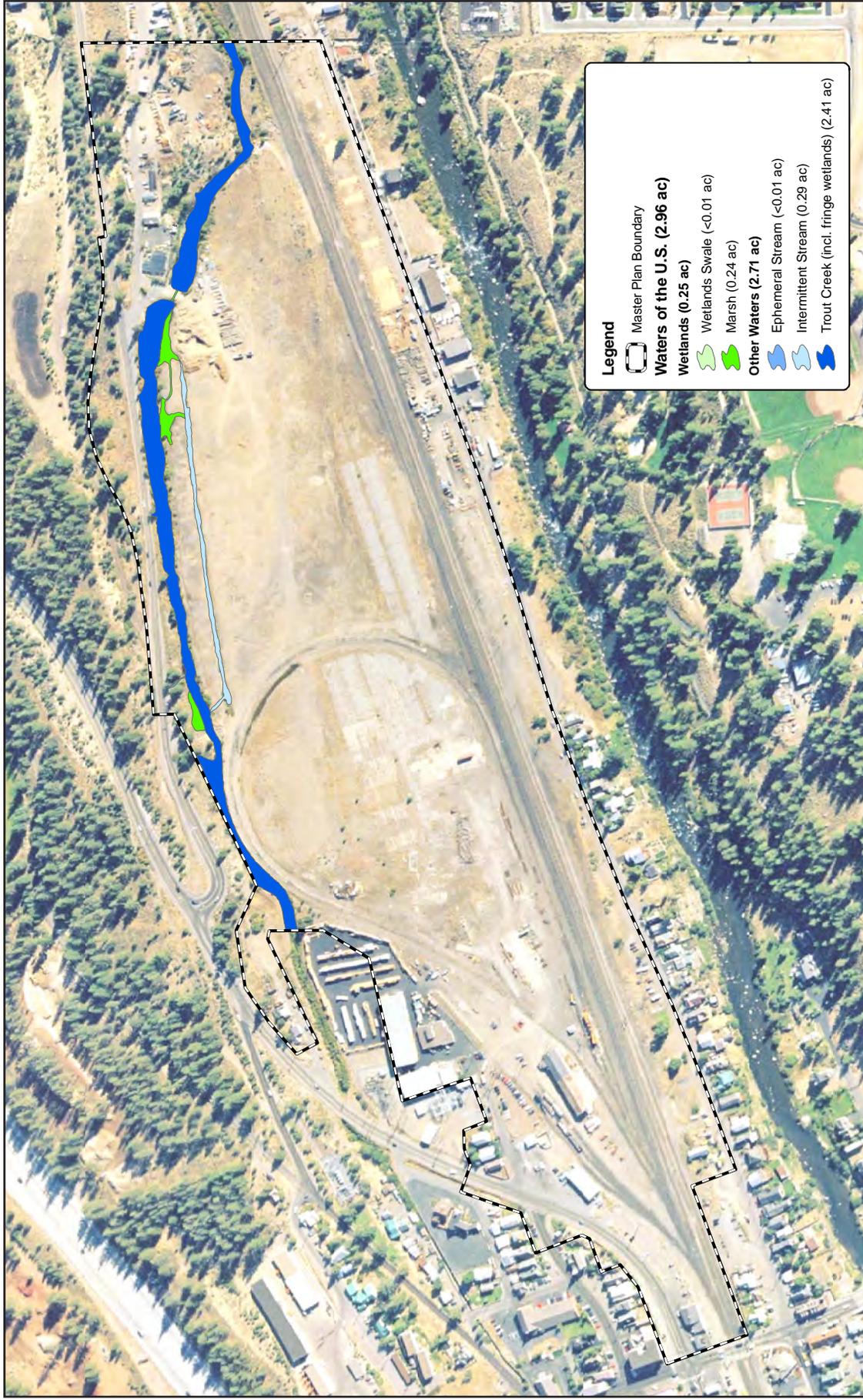


FIGURE IV.H-1

Truckee Railyard Master Plan EIR Jurisdictional Waters within Master Plan Area



thapsus),), white sweetclover (*Melilotus alba*), common dandelion (*Taraxacum officinale*), and several brome grasses (*Bromus* sp.). A total of 8.04 acres of this plant community occurs in the Master Plan Area.

(4) Developed. Developed areas consist of all artificial structures such as buildings and roads, and severely disturbed areas that support little or no vegetation. A total of 64.75 acres of developed land occurs in the Master Plan Area.

d. General Wildlife Usage. Due to the mostly developed and disturbed nature of the Master Plan Area, wildlife usage is low. Trout Creek is the only valuable wildlife habitat in the Master Plan Area, however, being surrounded by predominantly developed and disturbed lands and the close proximity to Downtown Truckee substantially decreases its value as wildlife habitat. Nevertheless, common wildlife species are expected to occur in the Master Plan Area including raccoon (*Procyon lotor*), coyote (*Canis latrans*), chipmunk (*Tamias* sp.), northern flicker (*Colaptes auratus*), Oregon junco (*Junco hyemalis thurberii*), yellow-rumped warbler (*Dendroica coronata*), and Steller's jay (*Cyanocitta stelleri*).

In addition, beaver (*Castor canadensis*) have been observed in the reach of Trout Creek within the Master Plan Area. Several dams are located along the subject reach of the creek, which have resulted in the development of the marsh areas along the creek.

e. Aquatic Resources in the Master Plan Area. Aquatic resources in the Master Plan Area are limited to Trout Creek. Trout Creek originates approximately four miles northwest of Truckee in the Tahoe Donner subdivision. The creek flows southeast through the subdivision and into Truckee where it is conveyed through the Town in a concrete ditch system. The creek exits downtown Truckee at the east end, where it flows under Donner Pass Road and into the Master Plan Area. The reach of Trout Creek in the Master Plan Area has been channelized and rerouted along the north boundary, just south of Glenshire Drive, to make room for the existing balloon track. East of the balloon track, a narrow, intermittent overflow channel is located south of the main channel of Trout Creek; the intermittent channel flows for approximately 1000 feet before confluenting with Trout Creek near the east boundary of the Master Plan Area. After leaving the Master Plan Area, Trout Creek flows along the north side of the railroad tracks for approximately ¼-mile before crossing under the tracks and confluenting with the Truckee River.

f. Special Status Species and Sensitive Habitats. LSA reviewed the specific habitats required by each species listed in Table IV.H-2, and the specific habitats and habitat conditions present in the Master Plan Area. LSA's previous experience with these species was also taken into consideration. Based on this evaluation, LSA determined the likelihood of each species listed in Table IV.H-2 occurring in the Master Plan Area. Special status species that were observed in the Master Plan Area, or determined to potentially occur on the site based on availability of suitable habitat or other factors (i.e., at least a "Low"

Table IV.H-2 Special Status Species Potentially Occurring in the Truckee Railyard Master Plan Area

Scientific Name	Common Name	Status	Habitat Requirements	Potential for Occurrence	Comments
Mammals					
<i>Aplodontia rufa californica</i>	Sierra Nevada mountain beaver	CSC	Found in dense growths of small deciduous trees and shrubs with soft, wet soil and an abundance of water in the Sierra Nevadas and East Slope.	A	The narrow riparian corridor along the reach of Trout Creek in the Master Plan Area is not suitable habitat for this species. Species not observed during site surveys.***
<i>Vulpes Vulpes necator</i>	Sierra Nevada red fox	ST	Found from the Cascades down to the Sierra Nevadas in a variety of habitats from wet meadows to forested areas. Use dense vegetation and rocky areas for cover and den sites. Prefers forests interspersed with meadows or alpine fell-fields.	A	Although a small area of undeveloped habitat is present in the Master Plan Area, this species is not expected to occur due to the predominantly developed conditions in the Master Plan Area. Species not observed during site surveys.
Birds					
<i>Dendroica petechia brewsteri</i>	Yellow warbler	CSC	Nests in riparian habitats and prefers willows, cottonwoods, aspens, sycamores, and alders for both nesting and foraging. Also nests in montane shrubbery in open conifer forests.	M	Suitable nesting habitat is available in the Master Plan Area and this species is known from the vicinity. See discussion in Section 1.5.1.
<i>Empidonax traillii</i>	Willow flycatcher	SE	Inhabits extensive thickets of low, dense willows on edge of wet meadows, ponds, or backwaters, 2,000 – 8,000 ft elevation; requires dense willow thickets for nesting/roosting. Low, exposed branches are used for singing posts/hunting perches.	M	Willow riparian habitat in the Master Plan Area is not suitable nesting habitat, but this species could potentially migrate through the Master Plan Area. See discussion in Section 1.5.1.
Amphibians					
<i>Rana sierrae</i>	Sierra Nevada mountain yellow-legged frog	FC; CSC	Always encountered within a few feet of water; partly shaded, shallow streams, and riffles with a rocky substrate. Tadpoles may require up to two years to complete their aquatic development.	L	The reach of Trout Creek in the Master Plan Area provides marginal habitat for this species and it could potentially occur. See discussion in Section 1.5.1.

Table IV.H-2 Special Status Species Potentially Occurring in the Truckee Railyard Master Plan Project Area (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential for Occurrence	Comments
Fish					
<i>Oncorhynchus clarki henshawi</i>	Lahontan cutthroat trout	FT	Historically in all accessible cold waters of the Lahonton Basin. The current distribution is limited to the Truckee River and several tributaries. Requires gravel riffles in streams for spawning.	A	Trout Creek is not suitable habitat for this species due to the high level of disturbance and narrow channel width. Species not observed during site surveys.
Invertebrates					
<i>Cryptochia excella</i>	Kings Canyon chryptochian caddisfly	None	Known from the type locality and from Sagehen reaches of Lower Kiln tributary, Nevada County. Restricted to cold spring streams and their sources.	L	The reach of Trout Creek in the Master Plan Area provides marginal habitat for this species and it could potentially occur. See discussion in Section 1.5.1.
<i>Desmona bethula</i>	Amphibious caddisfly	None	Known from Sierra Nevada, including Madera, Mariposa, Mono, Nevada, Placer, Plumas, and Sierra counties, and Sequoia National Park. Larvae live in small spring streams with slow currents in wet meadows.	A	The relatively fast current in the reach of Trout Creek in the Master Plan Area make it unsuitable for this species. Species not observed during site surveys.
<i>Ecclisomyia bilera</i>	Kings Creek ecclisomyia caddisfly	None	Known from Lassen Volcanic National Park, Lassen County, and springs in Lincoln Creek basin in Sierra County. Larvae live in small, cold springs sources, and are often found among rocks and gravel.	L	The reach of Trout Creek in the Master Plan Area provides marginal habitat for this species and it could potentially occur. See discussion in Section 1.5.1.
<i>Goeracea oregana</i>	Sagehen Creek goaracean caddisfly	None	Benthic species, found in clear, relatively warm springs. Known from several sites in Nevada County.	L	The reach of Trout Creek in the Master Plan Area provides marginal habitat for this species and it could potentially occur. See discussion in Section 1.5.1.
<i>Lepidostoma ermanae</i>	Cold Spring caddisfly	None	Locally distributed in the northern Sierra Nevada. Found in cold springs at 6,700 feet elevation, that are permanently shaded. Larvae are restricted to spring sources. The cylindrical larval case is made from stones.	L	The reach of Trout Creek in the Master Plan Area provides marginal habitat for this species and it could potentially occur. See discussion in Section 1.5.1.

Table IV.H-2 Special Status Species Potentially Occurring in the Truckee Railyard Master Plan Project Area (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential for Occurrence	Comments
Plants					
<i>Bruchia bolanderi</i>	Bolander's bruchia	CNPS 2	Occurs in meadows and seeps in upper and lower montane coniferous forest, 5,600 - 9,200 ft. elevation. Blooming period unknown.	L	Potential habitat for this species is present in the Master Plan Area and it could potentially occur. Focused surveys were not conducted for mosses. See discussion in Section 1.5.2.
<i>Carex limosa</i>	Shore sedge	CNPS 2	Bogs and fens in lower and upper montane coniferous forests, 4,000 - 9100 ft. elevation. Blooms June - August.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.
<i>Drosera angelica</i>	English sundew	CNPS 2	Bogs and fens, and meadows and seeps; 4,200 - 6,500 ft. elevation. Blooms June - September.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.
<i>Epilobium oregonum</i>	Oregon fireweed	CNPS 1B	In and near springs and bogs in meadows, lower and upper coniferous forest, sometimes in serpentine, 1,640-8,560 ft. elevation. Blooms June - September.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.

Table IV.H-2 Special Status Species Potentially Occurring in the Truckee Railyard Master Plan Project Area (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential for Occurrence	Comments
<i>Glyceria grandis</i>	American manna grass	CNPS 2	Bogs and fens; meadows and seeps; marshes and swamps (streambanks and lake margins), 500 – 6,500 ft. elevation. Blooms June – August.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.
<i>Ivesia sericoleuca</i>	Plumas ivesia	CNPS 1B	Vernally mesic areas; in lower montane coniferous forests, and meadows, 4,800 – 7,200 ft. elevation. Blooms May – September.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.
<i>Meesia uliginosa</i>	Broad-nerved hump moss	CNPS 2	Bogs and fens, meadows and seeps, upper montane coniferous forest growing on mesic soils, 4,200 – 8,200 ft. elevation. Blooms in October.	L	Potential habitat for this species is present in the Master Plan Area and it could potentially occur. Focused surveys were not conducted for mosses. See discussion in Section 1.5.2.
<i>Potamogeton filiformis</i>	Slender-leaved pondweed	CNPS 2	Marshes and swamps; shallow freshwater, 1,000 – 7,000 ft. elevation. Blooms May – June.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.

Table IV.H-2 Special Status Species Potentially Occurring in the Truckee Railyard Master Plan Project Area (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential for Occurrence	Comments
<i>Rorippa subumbellata</i>	Tahoe yellow cress	SE; FC; CNPS 1B	Meadows and seeps; decomposed granitic beaches; in lower montane coniferous forest, 6,200 – 6,300 ft. elevation. Blooms May – September.	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.
<i>Scutellaria galericulata</i>	Marsh skullcap	CNPS 2	Occurs under moist conditions in meadow and freshwater-marsh habitats, 0 – 6,900 ft. elevation. Blooms June – September..	A	Potential habitat for this species is present in the Master Plan Area. Focused surveys for this species were conducted in the Master Plan Area with negative results. The surveys were conducted during the normal blooming period for this species and it would have been identifiable if present.

LEGEND

Explanation of Occurrence Potential:

- A (Absent) – Species is concluded to be absent from the BSA based on no suitable habitat present and/or failure to detect the species during focused surveys.
- L (Low Potential for Occurrence) – There are no recent or historical records of the species occurring in the BSA or its immediate vicinity, and suitable habitat for the species does not occur in the BSA or its immediate vicinity.
- M (Moderate Potential for Occurrence) – There is a recent or historical record of the species in the BSA or its immediate vicinity or the project is within the species range and contains suitable habitat for the species.
- H (High Potential for Occurrence) – There is both a recent or historical record of the species in, or in the immediate vicinity of, the BSA and/or suitable habitat for the species occurs in, or in the immediate vicinity of, the BSA.
- P (Species Present) – The species was observed in the BSA at the time of the survey, or there are numerous records of the species in the BSA over a period of time sufficient to establish that the species is present.

Federal

- FT = Threatened
- FPE = Proposed Endangered
- FPT = Proposed Threatened
- FC = Candidate
- FD =Delisted

State

- SE = Endangered
- ST = Threatened
- SR = Rare
- CSC = Species of Concern
- SFPS = State Fully Protected Species

CNPS

- CNPS 1A = Presumed extinct in California
- CNPS 1B = Rare or Endangered in California and elsewhere
- CNPS 2 = Rare or Endangered in California, more common elsewhere

*** Mountain beaver is not closely related to CA beaver, which built the dams on the site.
 Source: LSA Associates, Inc., 2008.

potential for occurrence in Table IV.H-2), are discussed more fully below. Species determined unlikely to occur in the Master Plan Area based on these same factors are documented accordingly in Table IV.H-2, and are not discussed further in this report.

(1) Special Status Wildlife. The Master Plan Area includes potential habitat for four special status wildlife species.

Yellow Warbler. The yellow warbler (*Dendroica petechia*) is a State species of concern. The yellow warbler nests in riparian areas dominated with deciduous species, usually in small trees and shrubs typical such as willow, cottonwood, and alder.

The mixed willow community along the reach of Trout Creek in the Master Plan Area provides suitable nesting and foraging habitat for this species. The nearest CNDDDB record for yellow warbler is approximately 3 miles west near Donner Lake. Yellow warbler was not observed in the Master Plan Area during site surveys. There is moderate potential for this species to occur in the Master Plan Area.

Willow Flycatcher. The willow flycatcher (*Empidonax traillii*) is a State endangered species. This songbird species is a rare to uncommon summer resident in wet meadows and montane riparian habitats in the Sierra Nevada and Cascade Range. Willow flycatchers are usually found in broad, open river valleys or large mountain meadows with a dense growth of willow shrubs, usually between 2,000 and 6,000 feet elevation. Willow flycatchers migrate through riparian habitats in the lower elevations en route to higher elevation nesting areas.

The mixed willow community along the reach of Trout Creek in the Master Plan Area is not dense or extensive enough to provide suitable nesting habitat for willow flycatcher but this species could forage in the Master Plan Area and/or migrate through to upstream nesting habitat. The CNDDDB contains a 1915 record for willow flycatcher from the Master Plan Area and a record from approximately 3 miles southeast at the Martis Creek Lake Recreation Area. Willow flycatcher was not observed in the Master Plan Area during site surveys. There is moderate potential for this species to occur in the Master Plan Area.

Sierra Nevada Mountain Yellow-legged Frog. The Sierra Nevada mountain yellow-legged frog (*Rana sierrae*) is a federal candidate species and a State species of special concern. This species inhabit ponds, lakes, and streams at high elevations.¹ This species is highly aquatic, rarely moving far from the water. Sierra Nevada mountain yellow-legged frogs appear to prefer gently sloping shorelines and lake margins that provide shallow

¹ Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. California Dept. of Fish and Game, Inland Fisheries Division, Rancho Cordova, CA. Contract No. 8023.

water habitat. Larvae require two years of development before they metamorphose to adults. This species appears to be intolerant of introduced non-native fish species.

The reach of Trout Creek in the Master Plan Area provides only marginal habitat for Sierra Nevada mountain yellow-legged frogs due to its degraded condition. There are no CNDDDB records for this species within five miles of the Master Plan Area; the nearest record is approximately 8 miles east near Hirschdale in Gray Creek. No Sierra Nevada mountain yellow-legged frogs were observed during site surveys. There is low potential for this species to occur in the Master Plan Area.

Kings Canyon Chryptochian Caddisfly, Kings Creek Ecclisomyia Caddisfly, Sagehen Creek Goaracean Caddisfly, and Cold Spring Caddisfly. The Kings Canyon chryptochian caddisfly (*Cryptochia excella*), Kings Creek ecclisomyia caddisfly (*Ecclisomyia bilera*), and Cold Spring caddisfly (*Lepidostoma ermanae*) occur in cold springs streams at high elevations. The Sagehen Creek goaracean caddisfly (*Goeracea oregona*) is known from relatively warm streams. None of these species have any special status.¹

These species could potentially occur in the reach of Trout Creek within the Master Plan Area but the historical disturbance of the creek in the Master Plan Area and influence of beaver activity (i.e., dams) decreases the habitat value for these species. There are no CNDDDB records for these species within 5 miles of the Master Plan Area. There is low potential for these species to occur in the Master Plan Area.

(2) Special Status Plants. Potential habitat for special status plants exist within the Master Plan Area. Bolander's bruchia (*Bruchia bolanderi*) and broad-nerved hump moss (*Meesia uliginosa*) are CNPS 2 species. These mosses typically occur in bogs or fens, sometimes meadows or seeps, in upper and lower montane coniferous forest.

The reach of Trout Creek in the Master Plan Area provides potential habitat for these species due to the presence of marsh area resulting from beaver dams. There is one CNDDDB record for broad-nerved hump moss approximately 4.5 miles northwest of the Master Plan Area; there are no CNDDDB records for Bolander's bruchia within five miles of the Master Plan Area. Mosses were not included in focused plant surveys in the Master Plan Area. There is low potential for these species to occur in the Master Plan Area.

g. Potential Jurisdictional Waters. Jurisdictional waters, as referenced in this document, include waters of the U.S., waters of the State, and streams and associated riparian vegetation under CDFG jurisdiction pursuant to Section 1600 of the Fish and Game Code (referred to as "CDFG waters"). Unless otherwise noted, waters of the State are identical to

¹ These species are not defined as special status; however, they are included on a broader "special animals" list maintained by CDFG.

waters of the U.S. Potential jurisdictional waters in the Master Plan Area include waters of the U.S. and CDFG waters, as described below.

(1) Waters of the U.S. Waters of the U.S. in the Master Plan Area include seasonal and perennial wetlands and non-wetland waters. As noted above, waters of the U.S. in the Master Plan Area were delineated by North Fork Associates. The primary purpose of the delineation was to support future restoration projects on the reach of Trout Creek within and adjacent to the Master Plan Area. As a result, portions of the delineation extend beyond the western limits of the Master Plan Area. The area of waters of the U.S. referenced herein reflects only that portion of the delineation within the Master Plan Area.

Waters of the U.S. in the Master Plan Area are summarized in Table IV.H-3 and shown in Figure IV.H-2.

Table IV.H-3 Jurisdictional Waters in the Master Plan Area

Type	Acres
Wetlands	0.25
Non-Wetland (Other) Waters	2.71
Total Waters of the U.S.	2.96
CDFG Waters	3.67

Source: LSA Associates, Inc., 2008.

(2) Wetlands. Wetlands in the Master Plan Area include areas of marsh adjacent to Trout Creek and a small swale that flows into Trout Creek, totaling 0.25 acre.

These wetlands were dominated by hydrophytes including sedge – FACW and Mexican rush – FACW; other species present but not dominant include meadow barley – FACW and hairy willow herb – FACW. Consequently, these areas meet Corps vegetation criteria for wetlands.

Soils in the wetland areas loam, 7.5YR 3/1 with no mottling. Soils were saturated to a depth of 12 inches. Based on the low chroma of the soils and the saturated conditions, these areas meet Corps soils and hydrology criteria for wetlands.

Non-Wetland (Other) Waters. Non-wetland waters in the Master Plan Area consist of Trout Creek, an overflow channel that conveys intermittent flows, and a small ephemeral drainage that conveys road runoff from Glenshire Drive, totaling 2.71 acres.

CDFG Waters. CDFG waters in the Master Plan Area consist the waters of the U.S. described above, and additional areas adjacent to Trout Creek that support riparian vegetation but are not waters of the U.S. The limits of CDFG waters is shown on Figure 1 as “Mixed Willow Series” and total 3.67 acres.

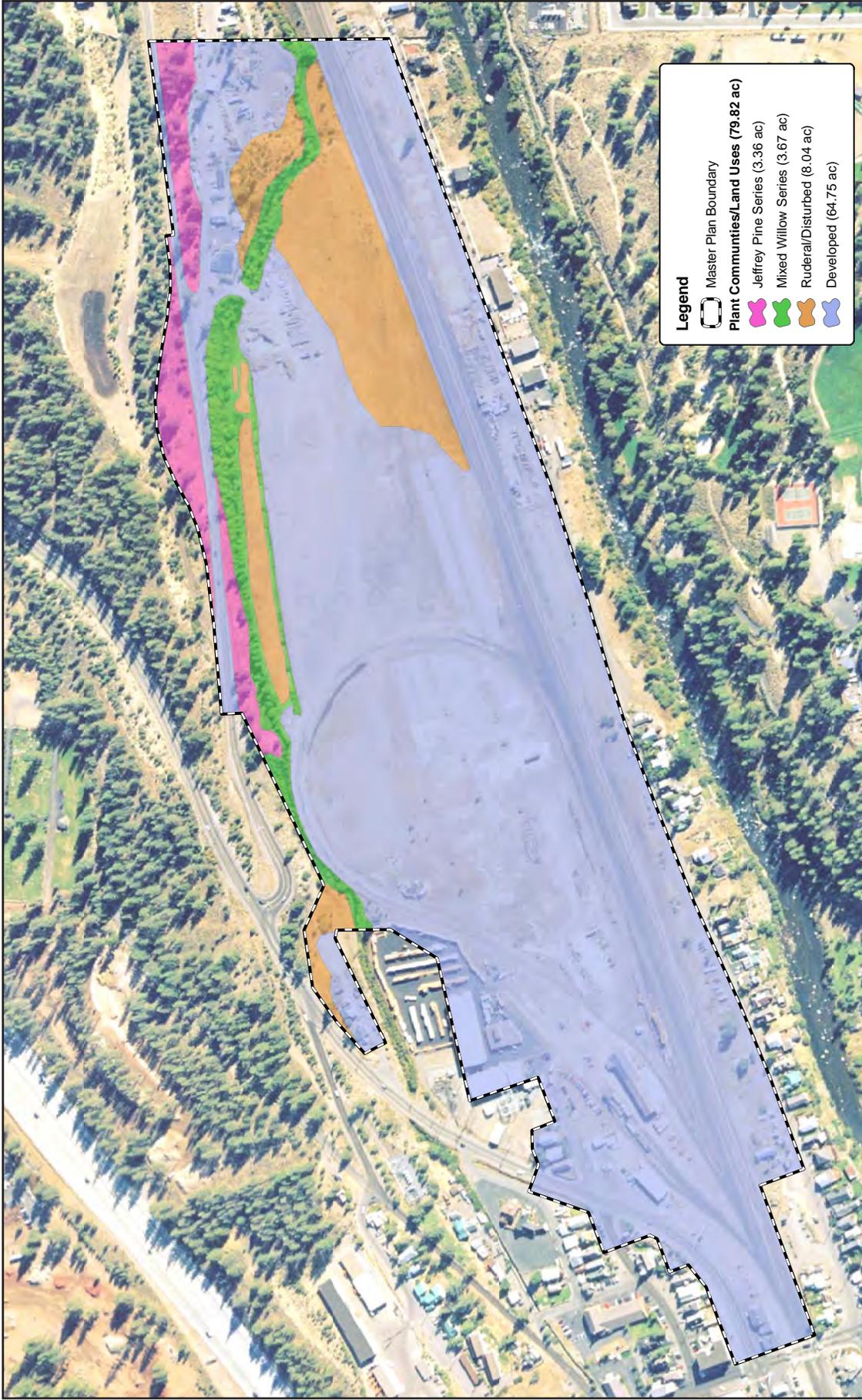


FIGURE IV.H-2

Truckee Railyard Master Plan EIR
Plant Communities / Land Uses within Master Plan Area

2. Relevant Railyard Draft Master Plan Policies

The Draft Master Plan includes specific polices related to biological resources. New development within the Master Plan Area would be subject to the following biological resources policies from the Draft Master Plan:

Policies

4.e: Restore Trout Creek, enhance the quality of the fisheries habitat, and develop a greenway along the creek as a prominent natural and recreational feature available to the public.

4.f: Restore Trout Creek while striving to balance natural, wildlife, habitat, flood control, social and cultural elements (including recreation and interpretive signage) to create a healthy and sustainable environment.

4.g: Embrace Trout Creek as an urban stream and reinforce this natural asset while creating a place for human enjoyment.

3. Impacts and Mitigation Measures

This section provides an analysis of the project impacts that may occur with development of the Plan Area and the recommended mitigation measures for offsetting those impacts. The evaluation of impacts is based on the resources present, or reasonably likely to be present, in the Master Plan Area and the proposed project as described herein.

Features of the proposed project that could impact biological resources include the Donner Pass Road Extension and the relocated balloon track where they cross Trout Creek and the intermittent overflow channel, portions of the Trout Creek Neighborhood and Warehouse areas where they encroach into the overflow channel, and the realignment of Glenshire Drive where it encroaches into Jeffrey Pine forest. The remaining project features will be located in existing developed areas and will not impact biological resources.

Impacts to biological resources resulting from the Donner Pass Road Extension and the relocated balloon track (e.g., jurisdictional waters), as described herein, reflect implementation of the proposed project independent of the Trout Creek Restoration. If the proposed project is implemented prior to or in conjunction with the Trout Creek Restoration, impacts to biological resources resulting from these project features will be lessened.

a. Criteria of Significance. Potential significant impacts associated with biological resources have been evaluated using the following criteria:

- Substantially degrade the quality of the environment;
- Substantially reduce the habitat of a fish or wildlife species;
- Cause a fish or wildlife species to drop below self-sustaining levels;

- Threaten to eliminate a plant or animal community;
- Substantially reduce the number or restrict the range of an endangered, rare, or threatened species;
- 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 CDFG or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (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; 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 significance criteria identified above are based on Section 15065 and Appendix G of the CEQA Guidelines. A number of other agencies have promulgated criteria and definitions relevant to the implementation of CEQA significance criteria, as described below.

CEQA Section 15206 states that a project is of statewide, regional, or area wide significance if it has the potential to substantially affect sensitive wildlife habitats including, but not limited to, riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species, as defined by Fish and Game Code Section 903. CEQA Section 15380 further provides that a plant or animal species may be treated as rare or endangered even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future.

b. Less-Than-Significant Biological Resources Impacts. The following impacts were determined to be less than significant and, as a result, no mitigation is proposed.

(1) Plant Communities and Associated Wildlife. Impacts to plant communities and associated wildlife will occur as a result of implementation of the project. The impacts will be relatively minor due to the developed and disturbed nature of the Master Plan Area and will consist of the loss of approximately 0.30 acre of the mixed willow community and 1.12 acres of the Jeffrey pine community. Wildlife using these habitats will likely be displaced to

other habitats, leading to locally reduced wildlife populations. Impacts to wildlife may be greater if work begins in spring, when many species are breeding/nesting.

The mixed willow community is surrounded by predominantly developed and disturbed lands and is in close proximity to Downtown, substantially decreasing the value of this habitat and minimizing the impact resulting from the project. In addition, the project includes an open space buffer around much of Trout Creek and adjacent mixed willow community within the Master Plan Area which will provide protection for this resource. The Jeffrey pine community is abundant in the region and the impacts from the project are relatively minor in comparison. The loss of these communities and associated wildlife habitat value is considered a less-than-significant impact.

(2) **Special Status Wildlife.** The project will not impact wetlands (e.g., marsh areas) in the Master Plan Area, which were the potential habitat for Botlander's bruchia and broad-nerved hump moss. Consequently, the project will not impact these species.

The project will result in the loss of 0.25-acre of non-wetland waters in Trout Creek that could provide habitat for Kings Canyon chryptochian caddisfly, Kings Creek ecclisomyia caddisfly, Sagehen Creek goaracean caddisfly, and Cold Spring caddisfly. The reach of Trout Creek in the Master Plan Area has been channelized and rerouted, modified by beaver dams and road crossings, and the upstream reach through Truckee is conveyed through concrete ditches. As a result of this degradation, the subject reach of Trout Creek is likely only marginal habitat for these species of caddisfly. Loss of this habitat is considered a less-than-significant impact.

c. **Potentially Significant Biological Resources Impacts.** The following section describes potentially significant project impacts to biological resources. Mitigation recommendations are made to avoid, minimize, or offset such impacts where possible.

Impact BIO-1: Yellow Warbler/Nesting Birds. Implementation of the project could impact nesting yellow warbler and/or other birds. (S)

Implementation of the project would result in the removal of trees that could provide suitable nesting habitat for yellow warbler and/or other birds. Disturbance during the nesting season could result in nest abandonment or failure.

Mitigation Measure BIO-1: The following measures shall be implemented to mitigate for potential impacts to nesting birds:

BIO-1a: If possible, all trees, brush and other potential nesting habitat that will be impacted by project construction shall be removed during the non-nesting season (September 1 through February 28).

BIO-1b: If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (March 1 through August 31), all suitable nesting habitat within the limits of work shall be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys shall be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established in the Master Plan Area around the nest and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the nesting season or until the young have fledged, as determined by a qualified biologist.

If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.

BIO-1c: Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).

Implementation of the above three measures will reduce this impact to a less-than-significant level. (LTS)

Impact BIO-2: Willow Flycatcher: Implementation of the Draft Master Plan could impact willow flycatcher. (S)

Work that would encroach into Trout Creek or the associated riparian corridor (e.g., Donner Pass Road Extension) could impact willow flycatcher if this species is present during construction.

Mitigation Measure BIO-2: The following measures shall be implemented to mitigate for potential impacts to willow flycatcher:

BIO-2a: All work that will encroach into Trout Creek or the associated riparian corridor shall be monitored by a qualified biologist to ensure willow flycatcher are not adversely affected by project construction.

BIO-2b: If a willow flycatcher is observed during the monitoring effort, all work in the immediate vicinity shall be halted until the bird has left the area.

Implementation of the above two measures will ensure this impact is reduced to a less-than-significant level. (LTS)

Impact BIO-3: Sierra Nevada Mountain Yellow-legged Frog. Implementation of the project could impact Sierra Nevada mountain yellow-legged frog. (S)

Work that would encroach into Trout Creek (e.g., Donner Pass Road Extension) could impact Sierra Nevada mountain yellow-legged frog if this species is present during construction.

Mitigation Measure BIO-3: The following measures shall be implemented to mitigate for potential impacts to Sierra Nevada mountain yellow-legged frog.

BIO-3a: A qualified biologist shall conduct a preconstruction survey for Sierra Nevada mountain yellow-legged frog no more than a week prior to the start of construction that will encroach into Trout Creek. The survey shall include the reach of Trout Creek in the Master Plan Area.

BIO-3b: If Sierra Nevada mountain yellow-legged frogs are identified in the Master Plan Area, they shall be relocated to a suitable location downstream of the work area.

Implementation of the above two measures will ensure this impact is reduced to a less-than-significant level. (LTS)

Impact BIO-4: Jurisdictional Waters. Implementation of the project would impact waters of the U.S. and CDFG waters, including approximately 0.25-acre of non-wetlands waters in Trout Creek; no wetlands would be impacted. Implementation of the Draft Master Plan would impact 0.30-acre of CDFG waters (see Table IV.H-4). (S)

Table IV.H-4 Impacts to Jurisdictional Waters

Type	Total (Acres)
Wetlands	0.0
Non-wetland Waters	0.25
Total	0.25
CDFG Waters	0.30

Source: LSA Associates, Inc., 2008.

Mitigation Measure BIO-4: The following measures shall be implemented to mitigate for potential impacts to jurisdictional waters.

BIO-4a: The east end of the Master Plan Area that is not included in the current (verified) delineation shall be delineated and submitted to the Corps for verification.

BIO-4b: Waters of the U.S. or CDFG waters permanently impacted during construction shall be mitigated by one of the following methods, or by using a

combination of the methods, contingent upon approval by the Corps, RWQCB, and/or CDFG:

- (a) Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 2:1.
- (b) Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio.
- (c) Payment of in-lieu fees per the current Corps, Sacramento District in-lieu fee schedule.

BIO-4c: All mitigation lands shall be protected in perpetuity through recordation of a conservation easement or equivalent method.

BIO-4d: Prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall obtain any regulatory permits that are required from the Corps, RWQCB, and /or CDFG.

Implementation of the above four measures will ensure this impact is reduced to a less-than-significant level. (LTS)