

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. PROJECT INFORMATION

- A. **Project name:** Las Tres Marias Estates, Valley Springs, California.
- B. **Affected species:** Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*), federally listed as threatened, state listed as threatened.
- C. **Project size:** 108.76 acres
- D. **Brief project description, including minimization and mitigation plans:**

Project Description

The Proposed Project consists of three components:

The Proposed Project, Las Tres Marias Estates, consists of a 15-lot subdivision, with a minimum 5-acre parcel size. Thirteen of the lots would be between 5.0 and 5.5 acres, one lot would be 9.0 acres, and the largest and most northerly lot would encompass 26.57 acres, including an existing pond that would be left undisturbed.

The subdivision has been designed to preserve open space corridors that may serve as overland migration routes for the federally threatened Central California Distinct Population Segment of the California tiger salamander (tiger salamander). The tiger salamander is state listed as threatened. The development of each parcel by individual owners will be allowed only within the proposed building envelope created for each parcel.

The project site encompasses approximately 108.76 acres and is located on the north side of Highway 12, in northwest Calaveras County, California. The site lies just west of the town of Burson at the northwest corner of Highway 12 and Messing Road and consists of three separate parcels, Assessor's Parcel Number (APN) 048-017-098 consisting of 2.47± acres, APN 048-017-103 consisting of 23.58± acres, and APN 048-017-112 consisting of 82.71± acres. It is located within the boundaries of the Wallace 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle, specifically in the east half of Section 19, Township 4N, Range 10E, Mt. Diablo Meridian.

The following activities would be covered by the Low-Effect HCP:

1. **Project Roadways and Overall Grading:** Approximately 0.8 mile of paved internal roads would be constructed to serve the interior parcels, as well as the entrance to the project site. All internal roads (Sofia Court, Victoria Court, and Carmela Court) would consist of two 12-foot-wide paved travel lanes with 4-foot gravel shoulders on each side. The cul-de-sacs at the end of Sofia and Victoria courts would consist of 80-foot diameter paved travel areas with 4-foot wide gravel shoulders, and the turn-around at the end of Carmela Court would consist of a 60-foot wide paved hammerhead with 4-foot-wide gravel shoulders. All internal roads have been surveyed and are included on the tentative map that has been approved by the County. When fully developed, the project's internal roadways will produce an aggregate of approximately 2.25 acres of impervious (i.e. paved) surfaces.

Roadway construction would utilize conventional earthmoving equipment; blasting or unusual earthmoving equipment is not anticipated for the project. Earthmoving equipment required for roadway construction would include at least one water truck, one or two dozers in the D-6 or D-8 class, one paddlewheel scraper, one excavator or backhoe, one self-propelled sheepsfoot compactor, one grader, one smooth-drum roller, and a paving machine. Other minor, incidental equipment may include portable compactors, a 10-yard end-dump truck, and miscellaneous service vehicles. Driveways leading to the building envelopes on each lot would have a maximum grade of 12 percent and would be constructed utilizing techniques and equipment similar to that utilized for roadway construction. Driveways are typically 12 feet in width, having finish surfaces ranging from rolled gravel to asphalt paving to concrete. Total grading that would be necessary to construct the subdivision, not including the improvements on individual lots, is estimated to be approximately 5,000 cubic yards. No mass grading of the site is proposed and none of the existing drainage patterns would be changed.

2. **Electrical and Communications Utilities:** The applicant would be responsible for bringing electrical and communication utilities onto the project site to service the individual lots. PG&E has an existing electrical supply along Highway 12; therefore service to the project site would likely extend from this supply. Electrical service will likely be overhead with primary feeds to pole-mounted transformers and secondary feeds to individual homes. Secondary feeds may be overhead or underground, at the individual homeowner's discretion. Underground services, where utilized, would require a single conduit trench, approximately 18 to 24 inches wide, which would be excavated with a backhoe or trencher and then completely backfilled on completion.
3. **Communications utilities** would be extended onto the project site from existing infrastructure along Highway 12. Communications utilities may be either overhead on joint poles co-utilized for primary electrical service, or underground. Underground utilities would likely take the form of a joint trench, which combines

several utilities together in a single trench. Joint trench configurations vary, however a typical joint trench is between 24 and 36 inches wide and contains two or more conduits, cables or pipelines. The joint trench would be excavated with a backhoe or trencher and would be completely backfilled upon completion.

4. **Water Infrastructure:** The applicant would be responsible for drilling one well per lot prior to the sale of each lot to prove a sufficient water supply prior to lot recordation. Fifteen (15) wells would be drilled upon full buildout. A conventional air or mud rotary water well drilling rig would be utilized to drill each well. Well diameters vary; however, in this area most well drillers construct an 8-inch borehole, which is fitted with a 6-inch PVC casing extending to the ground surface. Each well would be completed to the surface with a concrete sanitary seal and a four-foot square concrete pad. Once drilled, the applicant would test and cap each borehole, and then well development (i.e. fitting each well with pumping and control equipment) would be the future responsibility of individual lot owners.
5. **On-site Wastewater Infrastructure:** Each individual lot's wastewater disposal requirements would be served by an on-site septic system. Leach fields for each of the septic systems would vary in size depending on home size and other site-specific factors, however, most leach fields range between 5,000 and 6,000 square feet in area. Leach fields are typically - but not always - located downslope from the dwelling, are mostly or entirely below ground, and finished leach field surfaces are grass-covered soil. Most leach fields are difficult to differentiate from the surrounding landscape once finished. In addition to the leach field, each septic system would also include one or more septic tanks, the size of which varies with the size of the dwelling. Most septic tanks are approximately 5 feet wide and 10 feet long; tanks are completely buried and backfilled, with the only surface exposure taking the form of one or more manhole risers with lids at or near finish grade. Construction equipment typically utilized for septic system construction includes one backhoe and often a small dozer or Bobcat-type loader. Septic systems would be designed for and constructed by each individual lot owner at the time of home construction.

Mitigation Measures

The proposed subdivision layout was designed to permanently retain all aquatic habitats and the most suitable upland habitats for tiger salamander on the project site (area containing potential burrows that may be used by tiger salamander during overland migration). The current subdivision layout provides uninterrupted movement corridors that will allow individual tiger salamander to travel across the property with minimal impediments. Specific mitigation measures are discussed in the low-effect HCP (Miriam Green Associates 2012). This document also specifies avoidance and minimization measures that will be implemented during construction and discusses deed restrictions that will be placed on each lot to preserve habitat.

II. DOES THE HCP FIT THE LOW-EFFECT CRITERIA IN THE HCP HANDBOOK? *(The answer must be yes to all three questions below in order to be considered a low-effect HCP. If the answer is no to any of the questions, then the project should not be considered a low-effect HCP. Each “yes” must be accompanied with an explanation.)*

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan?

Yes. Effects of the HCP on tiger salamander are expected to be minor or negligible. Tiger salamanders have not been documented on the project site during site visits conducted in 2007 and 2011. While protocol surveys were not conducted for this species the project site is located in a geographic area that is known to support tiger salamanders. In addition, the California Natural Diversity Database (CNDDDB) reports a 2001 record of tiger salamanders approximately 1 mile away (CNDDDB occurrence #566; 3 adults in a stream channel). Due to the close proximity of known occurrences of tiger salamanders and the presence of suitable upland habitat, it is reasonable to conclude that tiger salamanders may utilize the project area. Individuals that migrate overland across the project site would not be prevented from continuing to do so following project completion. No formidable barriers would be created by construction of the proposed subdivision because open space corridors will be maintained within the subdivision and restrictions will be placed on the types of fencing and other buildings that will be permitted.

Some upland habitat will be lost by construction of the proposed subdivision. However, none of the aquatic features on the project site will be disturbed as part of the proposed project. The building envelopes on each lot have been specifically created to occupy the least environmentally sensitive areas.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?

Yes. The proposed project would result in the construction of 15 single-family housing units on 5-acre minimum parcels, which would have no or only minor effects on aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

Aesthetics

The area surrounding the project site consists of slightly rolling annual grassland with a few scattered trees and without any distinguishing or scenic features. The surrounding

area includes scattered single-family residences and ranchettes, including a similar subdivision just west of the project site. While the Proposed Project would change the aesthetic nature of the project site, the Applicant will not remove any of the oaks, thereby preserving some of the aesthetic qualities of the project site. The proposed subdivision would not affect any scenic vista. No scenic resources have been documented in the vicinity of the project site (Miriam Green and Associates 2010). Therefore this impact is considered minor and negligible.

Prime Farmland

Currently, the project site is used for low-intensity grazing; no crops are grown. A portion of the property would be converted to individual parcels and it is unlikely that grazing would continue, except possibly on the northernmost lot. However, the property is not considered of high grazing quality (Miriam Green and Associates 2010). The project site is not known to contain soils that would be considered prime, unique, or of statewide importance. The Proposed Project would only remove a small amount of land from low-level grazing, and there are no known soils of special importance. Therefore this impact is considered minor and negligible.

Air Quality

The Proposed Project is located in Calaveras County, which is part of the Mountain Counties Air Basin. Air quality within Calaveras County is under the jurisdiction of the Calaveras County Air Pollution Control District. Although Calaveras County has experienced relatively good air quality, it has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM_{2.5} and PM₁₀). However, the proposed project would result in minor increases in ozone and particulates (Miriam Green and Associates 2010).

Cultural and Archaeological Resources

A cultural resources record search with the Central California Information Center and conducted a field inspection of the project site in October 2004. As part of their work they contacted Native American groups to identify any cultural resources that might be affected by the Proposed Action. Two cultural resources were identified on the project site, but both were determined not to be eligible for inclusion on the National Register of Historic Places. Foothill Resources prepared a report to support a finding of “no effect” under the National Historic Preservation Act (Foothill Resources, Ltd. 2004). The proposed project included measures identified in the Initial Study/Mitigated Negative Declaration (Miriam Green and Associates 2010) to protect any previously unidentified buried cultural resources or human remains discovered during construction of the project, which were also adopted as conditions of approval by Calaveras County. Therefore, no impacts to cultural resources are anticipated.

No paleontological resources or unique geologic features were identified on the site (Miriam Green and Associates 2010). Therefore the proposed project is not expected to impact these resources.

Geology and Soils

The project area has been designated by the California Department of Conservation as having very little potential for strong ground shaking due to a seismic event.

Liquefaction is a result of strong ground shaking from seismic events in areas of uncemented, saturated sand or silt soils. Landslide potential in this portion of Calaveras County is correlated primarily with areas of steep ground slope, particularly those areas of steep slopes having deep surface soils or unconsolidated sediments or fills. The project site's soils are generally shallow to very shallow. The slope and soils conditions, taken together with the site's limited potential for significant ground shaking make this impact minor and negligible.

The project site is located in an area designated as MRA-1, lands not known to contain significant mineral deposits (Miriam Green and Associates 2010). Therefore the proposed project is not expected to impact this resource.

Hazardous Materials

Hazardous materials used during the construction of the proposed project are expected to be limited to common petroleum products associated with construction equipment, such as diesel fuel, lubricants, antifreeze, and solvents. However, when properly stored and used, these products and materials do not present a significant hazard. Therefore this impact is considered minor and negligible.

Water Quality

The General Permit for Discharges of Storm Water Associated with Construction and Land Disturbance Activities (Permit No. 2009-0009-DWQ) requires the project to prepare, maintain and implement a Storm Water Pollution Prevention Plan (SWPPP), which prescribes erosion and sediment control best management practices (BMPs). Therefore this impact is considered minor and negligible.

The Proposed Project would require the creation of 15 new wells on the project site, one for each new parcel. Calaveras County has adopted standard conditions of approval that require groundwater production and aquifer testing for all new land division projects (Miriam Green and Associates 2010). The project site is designated by the official County Groundwater Potential Map as being located within groundwater potential Zone 1, which requires a well to be drilled and tested for capacity and production on each proposed parcel. Each parcel must demonstrate through individual well production testing that the parcel meets the Proof of Groundwater ordinance's prescriptive criteria for source capacity. Compliance with the Proof of Groundwater ordinance will ensure that the Proposed Project does not deplete regional groundwater supplies. Therefore the proposed project is not expected to impact this resource.

Noise

The project site is located in a rural portion of Calaveras County. The nearest community is Burson, situated approximately one mile to the east and consisting of scattered rural residences and a few businesses. The Golden Oaks subdivision, consisting of single-family residences/ranchettes on 5-acre parcels, is located immediately to the west of the project site. The principal noise source in the vicinity is traffic on State Route 12.

Initially, following approval of the proposed project, the Applicant would construct the infrastructure needed for each parcel, including grading, road construction, and drilling of wells. Because construction would be temporary, rather than ongoing, and noise would be attenuated by distance to sensitive receptors, the hilly terrain, vegetation, and construction activities would be limited to daylight hours, this impact is considered minor and negligible.

- C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources, which would be considered significant?**

Yes. The impacts of the HCP would be very minor. No other projects are anticipated in the vicinity of the proposed project, and all direct impacts of the proposed project are very minor. Thus, even considered together with other past, present, and reasonably foreseeable similar projects, the proposed action would not result in cumulative effects on environmental values or resources.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

- A. Have significant adverse effects on public health or safety?**

No. The HCP will have no adverse effects on public health and safety. The only hazardous materials that would be used during project construction would be common petroleum products associated with construction equipment and concrete. However, when properly transported, stored, and used, these materials do not present a substantial hazard to either the public or the environment. No schools are located within ¼ mile of the project site (the nearest being 4.5 miles away). No hazardous waste sites were identified on or near the project site. The project site is not located within an airport land use plan or near a private airstrip, and the nearest public airport is located 14.5 east of the project site. The proposed project would not interfere with an adopted emergency response plan, nor block any public emergency routes. All of Calaveras County is designated as having a very high fire rating. However, Calaveras County code requirements require 100-foot defensible space around structures and removal of

flammable brush and plants within 30-feet of structures. Thus, the fire hazard is not considered significant.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. As described above under II.B, no significant historic or cultural resources have been identified on the project site. No parks or recreational facilities are located on, or near the site, and the Proposed Action would not generate a substantial new demand for parks and recreational facilities. The project site is not in or near a wilderness area nor adjacent to a wild or scenic river. Water for the site will be provided from on-site wells, but the aquifer from which water would be drawn is not a principal drinking water aquifer.

The project site is currently used for low-intensity grazing; no crops are grown. The land is low quality, as supplemental feed must be provided to cattle to supplement the grazing. The project site does not contain any soils that are prime, unique, or of Statewide Importance.

No areas planned for development on the project site are within a 100-year flood hazard area. The site is not on the Register of Historic Landmarks and is not an ecologically significant area.

A Jurisdictional Delineation Report for the site was prepared by Quad Knopf (2007). The following wetlands and other waters of the United States were identified on the site.

Seasonal Wetlands. Six seasonal wetlands are located in the southern portion of the project site along Highway 12. These appear to be isolated features were water ponds seasonally with no hydrological connection to each other or off-site.

Swale. Six swale features are located on the project site. These are larger features than the seasonal wetlands and appear to be areas where water may pond, but they mainly serve as locations where the water gathers and flows down hill.

Spring. One spring is located on the project site on a hill near a rock outcrop.

Permanent Pond. An earthen dam forms the southwest border of the 5-acre pond located in Lot 15 in the northern portion of the project site. A linear channel runs between the northwest end of the pond and a larger body of water (a water ski lake) located off-site to the northwest. During the wet season this channel flows northwest

from the pond to the ski lake and to an adjacent channel. Although the elevation of the pond fluctuates throughout the year it is considered a permanent water feature.

Seasonal Stream. The seasonal stream consists of a scoured channel that runs from the confluence of the linear channel that runs between the pond and the off-site ski lake located to the northwest and the headwaters of the stream itself. As the pond level rises during precipitation events, it eventually flows over a small weir and runs down the seasonal stream channel flowing in a meandering course toward the southwest. Based on the topography and the presence of drift lines, it appears that pools form within and adjacent to the stream channel and persist for some time after it ceases to flow.

Ephemeral Pond. A small pond is located just east of the project site. This feature is a manmade, ephemeral pond that fills with rain during the winter and retains water until early to mid-summer. The pond covers approximately 1,000 square feet during a normal water year and has a maximum depth of approximately 3 feet at its deepest point.

The proposed project will avoid impacts to these aquatic resources.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?

No. No controversial environmental effects are expected, as the proposed project is consistent and in compliance with development within Calaveras County. Furthermore, the applicant is currently in compliance with state and federal environmental laws and has addressed, in the low-effect HCP and in other environmental commitments listed above, all environmental concerns regarding the property.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. Implementation of the HCP would not create uncertain or potentially significant environmental effects. The environmental effects of the Proposed Action are well understood, minor in scope and extent, and have been designed to minimize adverse effects on tiger salamanders. Implementation would not involve unique or unknown environmental risks because the proposed construction activities are generally routine and would not involve substantial sub-surface work.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Implementation of the HCP would not establish a precedent, as the Proposed Action involves only routine activities, and no significant environmental impacts are anticipated.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. This project is not directly related to any other actions. No other development projects in the vicinity of the project site have been identified. Any unanticipated future activities that may occur at, or adjacent to, the site will have to undergo separate environmental reviews and obtain separate permits.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. Both a record search conducted by the Central California Information Center and a field survey of the project site were conducted in October 2004 and revealed no properties on or near the project site that are eligible for listing on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species?

No. As noted above in section II.A, effects of the HCP on tiger salamander are expected to be minor or negligible. While some upland habitat will be lost by construction of the proposed project none of the aquatic features on the project site will be disturbed as part of the proposed project. The building envelopes on each lot have been specifically created to occupy the least environmentally sensitive areas. The project site is not located within designated critical habitat for tiger salamander; therefore, no effects to critical habitat are expected as a result of the proposed project or implementation of the HCP. No other federally listed or proposed species would be impacted by the proposed project.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. The Proposed Action will not have adverse effects on wetlands, as those wetlands and other waters of the United States identified on the project site will not be impacted by project construction (see also response to III.B above). The Project is not considered a water development project, so compliance with the Fish and Wildlife Coordination Act and Executive Order 11988 are not required.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Implementation of the HCP would not violate Federal, State, local or tribal law imposed for the protection of the environment. No tribal interests were identified in completing the outreach associated with compliance with Section 106 of the National Historic Preservation Act.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. Based on the analysis above, the Las Tres Marias HCP qualifies as a "Low-Effect" HCP as defined in the Service's Habitat Conservation Planning Handbook (November 1996). Therefore this action is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further NEPA documentation will be made.

Signature Approval:

Field Supervisor

Date

REFERENCES

- Foothill Resources, Ltd. 2004. Cultural Resource Survey of Parcels of Land Totaling ca. 127 acres near Burson, Calaveras County, CA. Prepared for Luis San Bartolome and Denise Paterson. November 16, 2004. 10 pp + appendix.
- Miriam Green Associates. 2012. Low-Effect Habitat Conservation Plan for the California Tiger Salamander for the Las Tres Marias Estates Project, Calaveras County, California. February 3, 2012. Draft. Prepared for Luis San Bartolome, Valley Springs, CA.
- Miriam Green Associates. 2010. Las Tres Marias Estates Initial Study and Mitigated Negative Declaration. Prepared for the Calaveras County Planning Department, San Andreas, CA. June 22, 2010. Revised September 3, 2010.
- Quad Knopf. 2007. Delineation of the Waters of the United States for Las Tres Marias Estates Subdivision, Calaveras County, CA. Prepared for Luis San Bartolome. December 2007.