



4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. 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 Game or U.S. Fish and Wildlife Service?		✓		
b. 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c. 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?				✓
d. 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?				✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓		
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

- a) ***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 Game or U.S. Fish and Wildlife Service?***

Less Than Significant Impact With Mitigation Incorporated. The project site is currently highly disturbed, as the existing Holiday Haus Motel covers approximately 87 percent of the site. According to the *Sierra Star Master Plan Draft SEIR*, eleven special status wildlife species have a moderate to high potential to occur in the wider project area. No special status plants are present on the adjoining Sierra Star Master Plan property. Therefore, it is anticipated that no special status plant species are present on the project site. The project site appears to have similar vegetation as the surrounding developed uses.

Suitable roost habitat is reported in the area for four special status bat species, which include the long-eared myotis, long-legged myotis, fringed myotis, and Yuma myotis. Potential roost habitat includes any mature tree stand (greater than 25-inch diameter at breast height) and any large snags or felled trees. The project site adjoins the



Sierra Star Master Plan property to the north. Similar tree species are present on-site (ranging from three to 48 inches in diameter). Therefore, it is assumed that the four special status bat species are potentially present on the project site. The project may result in a significant impact to these special status bat species or their roosts. Implementation of Mitigation Measure BIO-1 would require that tree and snag removal would not occur during breeding season. However, should these removal activities take place during breeding season, preconstruction surveys would be required to take place. If no roosting bats are found during the survey, no further mitigation is required. However, if these bats species are detected, a 50-foot buffer exclusion zone would be established around each occupied snag or tree until the roosting activities have ceased. With implementation of BIO-1, impacts in this regard would be reduced to less than significant levels.

According to the *Sierra Star Master Plan Draft SEIR*, raptors and other birds may potentially nest within the trees and shrubs that occur in the project area. Therefore, there is a potential for construction-related impacts to nesting birds on-site. Snags are also an important habitat requirement for cavity nesting bird species. Disturbance that results in the abandonment of an active nest is considered a significant impact. Implementation of Mitigation Measure BIO-2 would require that tree and snag removal not occur during nesting season. However, if these removal activities do take place during nesting season, then a preconstruction raptor survey would be required. If no active nests are found during the survey, no further mitigation would be required. However, if active nests are detected, species-specific measures would be prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG) and implemented to prevent abandonment of the active nest. With implementation of BIO-2, impacts in this regard would be less than significant.

Subsequent permitting processes with resource agencies may result in additional mitigation beyond that required by the Town during the CEQA process. Any additional mitigation required by these agencies would be required to be incorporated as a condition of the project's permit authorization.

Fire Access Road Alternative

Implementation of the Fire Access Road Alternative would result in increased site disturbance as a result of the additional on-site roadway. Slightly more trees would be removed upon implementation of this Alternative compared to the proposed Project. However, similar to the proposed project, implementation of Mitigation Measures BIO-1 and BIO-2 would reduce these impacts to less than significant levels.

Mitigation Measures:

BIO-1 In order to avoid impacting breeding or hibernating bats, tree and snag removal shall occur in September and October, after the bat breeding season and before the bat hibernation season. If snag and tree removal is to take place outside of this time frame, a pre-construction bat survey shall be conducted. If no roosting bats are found during the survey, no further mitigation would be required. If bats are detected, a 50-foot buffer



exclusion zone should be established around each occupied snag or tree until the roosting activities have ceased.

BIO-2 To avoid nesting birds and/or raptors, one of the following must be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with construction during September through March, when birds are not nesting; or
- Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season. A qualified wildlife biologist shall conduct a pre-construction raptor survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the project site). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG) and implemented to prevent abandonment of the active nest. At a minimum grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 25 feet is required by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified wildlife biologist verifying that the young have fledged shall be submitted to the Town prior to initiation of grading in the nest-setback zone.

b) *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 California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. No riparian habitats or sensitive natural communities are present on-site. The site currently is, and has been, developed with the existing Holiday Haus Motel, which covers 87 percent of the site. While the Jeffrey pine-fir forest plant community is present on-site, it is not considered sensitive. Refer to *Impact Statement e)* below for a discussion of potential impacts resulting from tree removal. No impacts would occur in this regard.

Fire Access Road Alternative

Similar to the proposed project, the Fire Access Road Alternative would result in no impact, as no riparian habitats or sensitive natural communities are present on-site. Refer to *Impact Statement e)* below for a discussion of potential impacts resulting from tree removal. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.



- c) ***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?***

No Impact. There are no wetlands present on the project site. Currently, the site is, and has been, developed with the Holiday Haus Motel facility. No impacts would occur in this regard.

Fire Access Road Alternative

Similar to the proposed project, the Fire Access Road Alternative would result in no impact, as no wetlands are present on-site. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- d) ***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?***

No Impact. No wildlife corridors or native wildlife nurseries are known to exist on the project site or in the vicinity. No impact would occur as a result of project implementation.

Fire Access Road Alternative

Similar to the proposed project, the Fire Access Road Alternative would result in no impact, as no wildlife corridors or native wildlife nurseries are known to exist on-site. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Less Than Significant Impact With Mitigation Incorporated. The Town has adopted several ordinances that protect biological resources. Municipal Code Chapter 6.24, *Feeding of Wildlife Prohibited*, specifies that no person shall feed or in any manner provide food for nondomesticated animals, Municipal Code Chapter 8.12, *Refuse Disposal*, requires proper refuse disposal to eliminate the availability of refuse for wildlife and Section 17.20.040(H), *Vegetation*, requires the preservation of existing trees and vegetation within commercial zones to the maximum extent possible.

Implementation of the proposed project would remove approximately 200 trees that would range in diameter from 3 to 48 inches in diameter. Approximately 80 trees would be removed in order to construct the proposed Hotel Condominium facility and the pedestrian/bike path. The remainder of removed trees would occur as a result of the future Intrastar 7B Road. Several trees along SR-203/Main Street and along the southern and eastern boundaries would remain. The project's conceptual tree



planting plan includes approximately 97 deciduous and evergreen trees to replace the trees being removed. With implementation of Mitigation Measure BIO-3, the project would be designed to conform with the Municipal Code Section 17.20.040(H), *Vegetation*, such that existing trees and vegetation would be preserved to the maximum extent possible. Implementation of BIO-3 would reduce these impacts to less than significant levels.

Through the Use Permit application process, the proposed development would be reviewed by the Town to confirm consistency with these ordinances protecting biological resources. With the Town's discretionary review and approval of the proposed development through the established procedures, implementation of the project would not conflict with ordinances protecting biological resources and a less than significant impact would occur in this regard.

Fire Access Road Alternative

Implementation of the Fire Access Road Alternative would result in increased site disturbance as a result of the additional on-site roadway. Slightly more trees along the eastern project boundary would be removed upon implementation of this Alternative compared to the proposed project. Similar to the proposed project, existing trees along the western and eastern project boundaries and along SR-203/Main Street would remain. With implementation of Mitigation Measures BIO-3, impacts resulting from tree removal for the Fire Access Road Alternative would be reduced to less than significant levels.

Mitigation Measures:

BIO-3 Prior to the removal of any trees greater than six inches in diameter, a final analysis of the value of trees removed shall be prepared by a licensed forester or arborist. Prior to removal of any trees greater than six inches in diameter a development permit or a tree removal permit must be approved by the Town. Tree replacement shall be within the project area, or off-site; as may be approved by the Community Development Director.

f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

No Impact. Conservation and recovery plans for areas, which encompass or are in the vicinity of the project site include the Owens Basin Wetland and Aquatic Species Recovery Plan, the Mule Deer Herd Management Plans, and the Greater Sage-Grouse Conservation Plan for Nevada and Eastern California. However, the project site is not located within the jurisdiction of any of these plans. Thus, implementation of the proposed project would not conflict with any adopted Habitat Conservation Plans, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans.



Fire Access Road Alternative

Similar to the proposed project, the Fire Access Road Alternative would result in no impact, as the project site is not located within the jurisdiction of any of the above referenced plans. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.