Appendix BR-2

Supplemental Biological Resources Information

ESA

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memorandum

date	February 1, 2024
to	Alison Little, Sacramento County Planning and Environmental Review
cc	
from	Daniel Huang, ESA
subject	Evaluation of Tricolored Blackbird, Giant Garter Snake, and Western Pond Turtle Habitat Suitability along Bayou Way

The focus of this memorandum is the evaluation of the WattEV SWIFT project site to provide suitable habitat for three particular special-status species: tricolored blackbird (*Agelaius tricolor*), giant garter snake (*Thamnophis gigas*), and western pond turtle (*Emys marmorata*). This memorandum primarily focuses on the northern edge of that project site located along Bayou Way.

A Dudek biologist performed a field survey of the study area for the WattEV SWIFT project site on August 14, 2023. Dudek biologists had previously conducted Swainson's hawk (*Buteo swainsoni*) protocol surveys of the same area in 2020. The focus of the August 2023 field survey was to assess overall habitat suitability of the WattEV SWIFT project site for special-status species. The special-status species that were considered during the site survey were identified through results of a literature and database review of the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Conservation (IPaC) Trust Resource Report and the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB). No protocol-level or focused surveys for special-status species were conducted by Dudek during the August 2023 field survey. The findings from Dudek were summarized in the Watt EV Electric Vehicle Charging Project Biological Resources Assessment (Biological Resources Assessment). In this Biological Resources Assessment, Dudek determined that the study area was within the known geographic range for tricolored blackbird, giant garter snake, and western pond turtle.[1]

Giant Garter Snake

In their Biological Resources Assessment, Dudek presented a map of suitable habitat for giant garter snake that shows the ditches along the northern, western, and southern edges of the study area to be marginal habitat for the species (Dudek 2023). The aquatic channel east of the study area is considered to be of better quality aquatic

[1] While other special-status species were identified by Dudek to have at least a moderate potential to occur within the WattEV SWIFT project site, the focus of this brief memorandum is specifically on these three species mentioned.

habitat for giant garter snake, but the WattEV SWIFT project site is separated from this channel by the existing Power Line Road, which is considered to be a barrier to movement of the snake (Dudek 2023).

Sacramento County staff provided clarification on the current management of the irrigation ditch located along the south side of Bayou Way, which is located along the northern margin of the project site. Based upon our evaluation, Dudek's determination that this ditch represents suitable, albeit marginal habitat for giant garter snake, may have been based on their understanding of local water management patterns circa 2020 when the Swainson's hawk protocol surveys around the study area were conducted. However, local conditions in subsequent years have changed. The ditch has since been abandoned and is no longer used to convey irrigation flows. Consequently, the ditch contains water only following rainfall events (Sacramento County, pers. comm, 2024). As such, the ditch no longer contains water during the period of the giant garter snake's active season from spring to mid fall. Based on this updated understanding of local site conditions, ESA biologists have reconsidered Dudek's evaluation of this former irrigation feature as suitable giant garter snake habitat and have concluded that since the ditch no longer contains water during the snake's active season, it should not be considered suitable or even marginal aquatic habitat for giant garter snake.

Dudek's assessment of the other ditch habitat along the western and southern margins of the property were also re-evaluated. It is ESA's understanding that existing flow management within these features has not changed in recent years. Therefore, these features could contain water during the giant garter snake's active season. As such, Dudek's assessment of these features as "marginal" habitat for giant garter snake was considered to remain appropriate. As described in the project design for the WattEV project, these features would be entirely avoided by design by 200 feet, which is often considered to be the typical upland distribution range of this highly aquatic giant garter snake species. Based on this project design feature, the project would have no impact on giant garter snake habitat. Furthermore, Mitigation Measure BR-6 in the EIR, which requires installation and maintenance of exclusion fencing around the western and southern perimeters of the work area to physically preclude movement of western pond turtle into active construction areas, would have the ancillary benefit of physically excluding giant garter snake as well. Accordingly, the EIR for the project concluded that the project's impact to giant garter snake would be less than significant and no mitigation would be required.

Western Pond Turtle

The biological resources assessment prepared by Dudek determined that western pond turtle had a moderate potential to occur within the WattEV study area (Dudek 2023). This evaluation was based on the determination that the area falls within the species' known geographic range and there was a documented occurrence of the species recorded in the CNDDB three miles away (CDFW 2023). Dudek evaluated the adjacent canals along the perimeter of the study area and concluded that they provide marginal aquatic habitat for the species, and the adjacent agricultural fields present suitable terrestrial habitat. No western pond turtles were observed during the field survey conducted by Dudek.

The ditch along Bayou Way in the northern portion of the study area should not be considered potential aquatic habitat for western pond turtle, given the presence of water within this channel is merely ephemeral. Dudek in the biological resources assessment similarly did not characterize this feature as potential western pond turtle aquatic habitat.

ESA also evaluated Dudek's determination that there was a moderate potential for western pond turtle to be present within the project site based on the presence of suitable aquatic habitat along the southern perimeter of the

study area, and determined that conclusion to be appropriate. These features do appear to provide potential habitat for western pond turtle, although the aquatic habitat quality is likely to be marginal for the species. Since these ditches provide suitable, though marginal, aquatic habitat for western pond turtle, the adjacent upland areas have to also be considered as potential terrestrial habitat for western pond turtle. As discussed previously, the project design for WattEV currently provides a buffer of 200 feet away from the ditches along the western and southern perimeter of the project site. This buffer distance was principally based on current understanding of giant garter snake upland distribution range from aquatic habitat. Although western pond turtles when on land generally stay relatively close to suitable aquatic habitat, their upland dispersal range is known to extend further than giant garter snake. Therefore, the project's designed buffer of 200 feet from around suitable aquatic habitat was considered to not be fully sufficient to fully avoid potential construction impacts on western pond turtle. Ultimately, since the aquatic habitat for western pond turtle along the western and southern edges of the study area for WattEV is marginal, the likelihood of western pond turtle being present within the area of proposed construction work area is consequently limited. Nevertheless, Mitigation Measure BR-6 in the EIR has conservatively prescribed pre-construction surveys for western pond turtles, as well installation of exclusion fencing around the western and southern perimeters of the work area to prevent western pond turtles from entering into the construction area. This exclusion fencing would also have the added benefit of physically excluding giant garter snakes from the construction area, even though the presence of the aforementioned buffer zone alone would mean the potential for garter snake presence within the construction area is already unlikely.

Tricolored Blackbird

There are no documented historic records of tricolored blackbirds occurring at the WattEV project site, and no tricolored blackbirds were observed during the Dudek field survey (Dudek 2023). The closest CNDDB occurrence of this species was documented in willow trees along an irrigation ditch approximately two miles to the east in 1992; this occurrence record was updated in 2018 with the assessment that the habitat has likely been removed as part of subsequent development (CDFW 2023). Dudek assessed that there was suitable nesting habitat for tricolored blackbird based upon the presence of Himalayan blackberry (*Rubus armeniacus*) brambles along the margins of the study area. The mapping of these brambles were limited to the abandoned irrigation ditch feature running south of Bayou Way along the northern end of the WattEV project site. Himalayan blackberry is a facultative wetland plant species that presumably relied upon the shallow groundwater stemming from the irrigation water that used to be present in the now abandoned ditch along Bayou Way. As previously described, Sacramento County has clarified that this ditch is no longer used to convey irrigation water.

Tricolored blackbirds are documented to prefer the tallest blackberry stands, especially those that are supported by fences; they are also found to use blackberry stands not associated with fences when they are near a reliable source of water (Meese and Breedy 2015). ESA reviewed Dudek's images of the blackberry stands along with imagery of the site available from Google to confirm that the stands were small and low in height. Furthermore, given that ditch along Bayou Way is now abandoned and is no longer used for irrigation purposes, there is no longer the presence of open water available for the blackberry plants. Given these factors, ESA is of the professional judgment that the blackberry brambles along Bayou Way do not provide suitable breeding habitat for tricolored blackbird and hence disagree with Dudek's determination in their biological resources assessment that the WattEV project site provides moderate potential for tricolored blackbirds to be present specifically based on the presence of suitable breeding habitat. Furthermore, the potential impact to tricolored blackbird associated with implementation of the WattEV project is further reduced when taking into consideration Mitigation Measure BR-

7[2] proposed in the EIR. If this measure is adopted, it would call for a survey for active migratory bird nests if construction activity is to commence within 50 feet of nesting habitat. Since the blackberry stands are in close proximity to the trees that would be removed, they would be surveyed for nest resources in the event construction activity commences during the migratory bird nesting season. Based upon these considerations, the EIR has concluded that the project's impacts to tricolored blackbird would be less than significant.

References

California Department of Fish and Wildlife (CDFW), 2023. RareFind 5. California Natural Diversity Database. CDFW, Biogeographic Data Branch. Accessed August 2023. Available: https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp.

Dudek, 2023. Biological Resources Assessment: Watt EV Electric Vehicle Charging Project. Prepared for Kimley-Horn. September 2023.

Meese, R.J. and E.C. Beedy. 2015. Managing nesting and foraging habitats to benefit breeding Tricolored Blackbirds. Central Valley Bird Club Bulletin 17:79-96.

[2] Mitigation Measure BR-7 is a general nesting bird protective measure and not targeted at tricolored blackbird specifically.