

August 31, 2023

2240 Nord Partnership
Attn: Chris Giampaoli
901 Bruce Road Suite 100
Chico, CA 95928

RE: Biological Resource Assessment Letter for the 2240 Nord Partnership Project

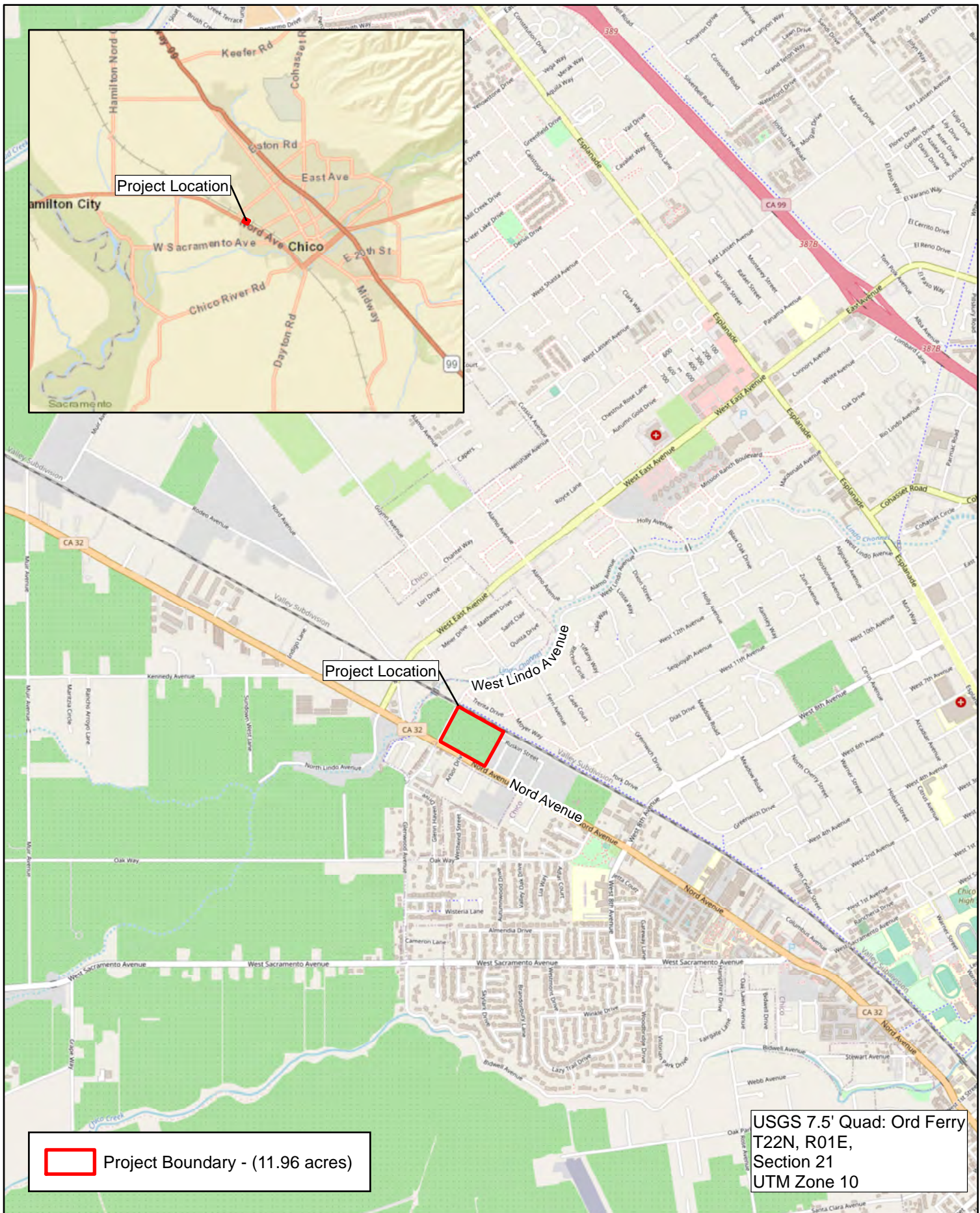
Mr. Giampaoli,

Per your request, Gallaway Enterprises conducted a biological resource assessment (BRA) within the 11.96-acre 2240 Nord Partnership Project (Project) biological survey area (BSA) located in Chico, Butte County, CA (**Figures 1 and 2**). The purpose of the BRA letter is to document the endangered, threatened, sensitive and rare species, and their habitats that occur or may occur in the biological survey area (BSA) of the Project. A habitat assessment of the Project was completed by Gallaway Enterprises' Biologist Cassie Corridoni on August 25, 2023.

Project Location and Environmental Setting

The site is located along Nord Avenue between West Lindo Avenue and Purcell Lane in Chico, Butte County, California. The BSA falls within Section 21 & 28, Township 22N, Range 1E; and is located at latitude 39.739630, longitude -121.877263. The BSA is comprised of barren, annual grassland, and urban habitat. Subdivision housing lies to the north, south, and east of the BSA and barren habitat continues to the northwest.

The topography of the BSA where Project activities will take place is relatively flat. The BSA is located at approximately 174 feet in elevation. Soils within the BSA are Vina fine sandy loam, sandy substratum, 0 to 2 percent slopes, and almendra loam, 0 to 1 percent slopes; well-drained with a deep restrictive layer of more than 80 inches in depth. The average annual precipitation for the area is 25.66 inches and the average temperature is 61° F (WRCC 2023).



1:24,000 1 inch = 2,000 feet
0 0.25 0.5 Miles

NORTH Data Sources: ESRI, USGS

2240 Nord Partnership
Regional Location
Figure 1

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GE: #23-123 Map Date: 08/31/2023



1:2,400 1 inch = 200 feet

0 150 300 Feet

NORTH Data Sources: ESRI, Maxar 06/03/2022

2240 Nord Partnership
Biological Survey Area
Figure 2

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GE: #23-123 Map Date: 08/25/2023

METHODS

References Consulted

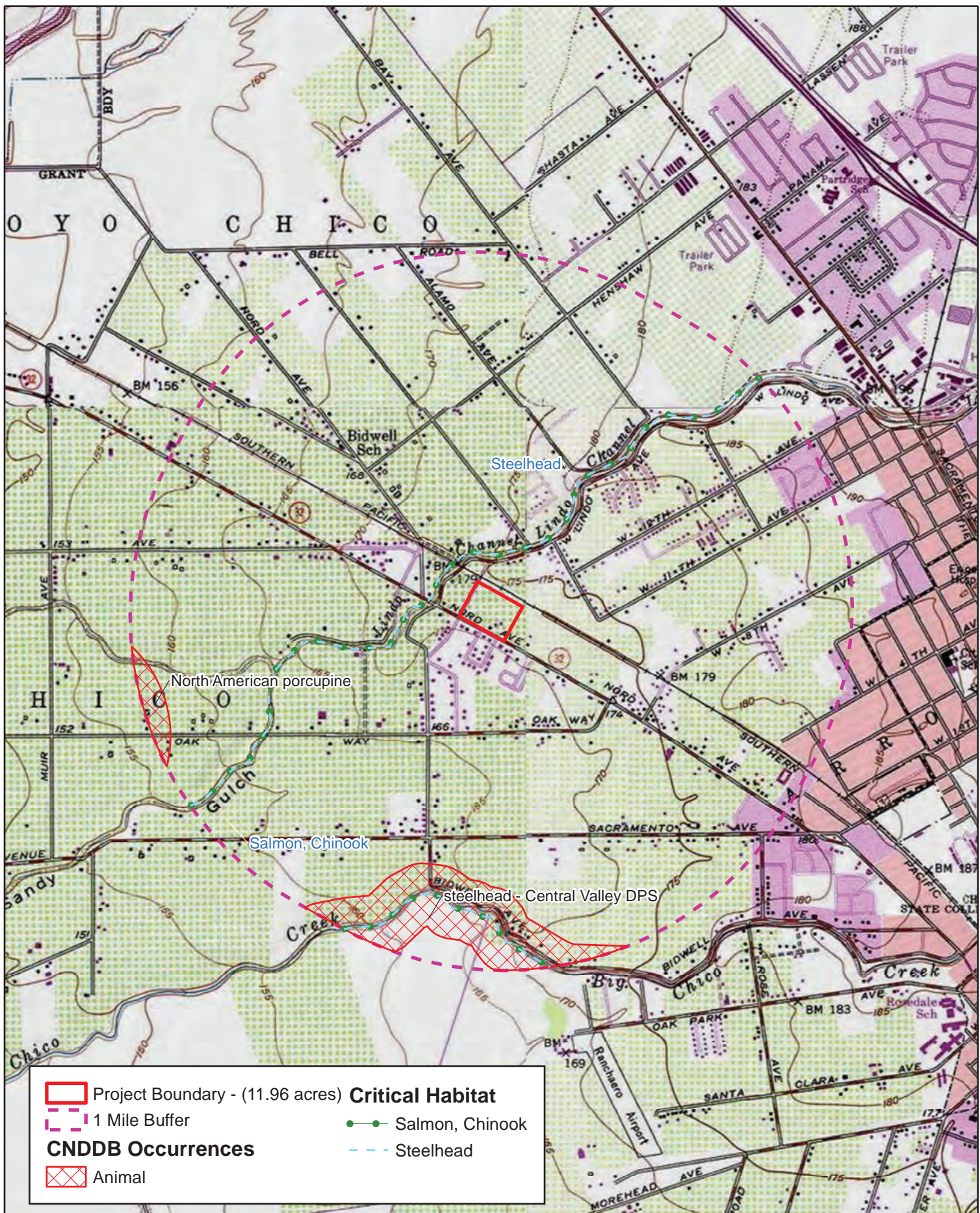
Gallaway Enterprises obtained lists of special-status species that occur in the vicinity of the BSA. The CNDDDB Geographic Information System (GIS) database was also consulted and showed special-status species within a five-mile radius of the BSA (**Figure 3**). Other primary sources of information regarding the occurrence of federally listed threatened, endangered, proposed and candidate species, and their habitats within the BSA used in the preparation of this BRA are:

- USFWS Official Species List for the BSA, August 30, 2023 (**Appendix A; Species Lists**);
- National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Official Species List for the 7.5-minute United States Geological Survey (USGS) “Ord Ferry” quadrangle, August 29, 2023 (**Appendix A; Species Lists**);
- Results of a species record search of the CDFW CNDDDB, RareFind 5, for the 7.5-minute USGS “Ord Ferry”, “Nord”, “Richardson Springs”, and “Chico” quadrangles, August 29, 2023 (**Appendix A; Species Lists**);
- Review of the CNPS Inventory of Rare and Endangered Vascular Plants of California for the 7.5-minute USGS “Ord Ferry”, “Nord”, “Richardson Springs”, and “Chico” quadrangles, August 29, 2023 (**Appendix A; Species Lists**);
- USFWS Critical Habitat Portal, August 29, 2023;
- Results from the habitat assessments conducted by Gallaway Enterprises on August 25, 2023 (**Appendix B; Observed Species Lists**).

Special-Status Species

For the purposes of this BRA special-status species are those that fall into one of the following categories:

- Listed as threatened or endangered, or are proposed or candidates for listing under the California Endangered Species Act (CESA, 14 California Code of Regulations §670.5) or the Federal Endangered Species Act [ESA, 50 Code of Federal Regulations (CFR) §17.12];
- Listed as a species of special concern (SSC) by CDFW or protected under the California Fish and Game Code (CFG) (i.e., Fully Protected Species);
- Ranked by the CNPS as 1A, 1B, or 2;
- Protected under the Migratory Bird Treaty Act (MBTA) or the Bald and Golden Eagle Protection Act; or
- Species that are otherwise protected under policies or ordinances at the local or regional level as required by the California Environmental Quality Act (CEQA, §15380).



Critical Habitat

The ESA requires that critical habitat be designated for all species listed under the ESA. Critical habitat is designated for areas that provide essential habitat elements that enable a species survival, and which are occupied by the species during the species listing under the ESA. Areas outside of the species range of occupancy during the time of its listing can also be determined as critical habitat if the agency decides that the area is essential to the conservation of the species. The USFWS Critical Habitat Portal was accessed on August 30, 2023, to determine if critical habitat occurs within the BSA. Appropriate Federal Registers were also used to confirm the presence or absence of critical habitat.

Biological and Botanical Surveys

A habitat assessment was conducted by Gallaway Enterprises' Biologist Cassie Corridoni to assess the presence of suitable habitat for special status species within the BSA.

Habitat Assessment

A habitat assessment of the BSA was conducted on August 25, 2023. The purpose of the habitat assessment was to determine if suitable habitat occurs within the BSA for special-status species. The habitat assessment was conducted by walking the entire BSA and recording specific habitat types and elements. If habitat was observed for special-status species it was then evaluated for quality based on vegetation composition and structure, physical features (e.g., soils, elevation), microclimate, surrounding area, presence of predatory species and available resources (e.g., prey items, nesting substrates), and land use patterns (**Figure 4**).

RESULTS

Terrestrial Habitat

Annual Grassland

Annual grassland (0.06 acres) occurs in the northwestern corner of the BSA. Dominant vegetation within the annual grassland habitat included rip-gut brome (*Bromus diandrus*), wild oat species (*Avena sp.*), and wall hare barley (*Hordeum murinum*). A variety of species may use grassland habitat including the western fence lizard (*Sceloporus occidentalis*) and California ground squirrel (*Otospermophilus beecheyi*).

Barren

Barren habitat within the BSA (11.67 acres) occurs in the majority of the BSA. Barren habitat is typified by non-vegetated soil, rock, paved roads, and gravel. Within the BSA, exposed soil comprises barren habitat. The barren habitat type provides low-quality habitat to wildlife.

Urban

Urban habitat makes up (0.23 acres) of the BSA and is composed of one residential property. Urban habitat within the BSA provides habitat for species such as the California scrub jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), and Nuttall's woodpecker (*Picoides nuttallii*).



1:2,400 1 inch = 200 feet
0 100 200 Feet

Data Sources: ESRI, Maxar 06/03/2022

2240 Nord Partnership
Habitat Types
Figure 4

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GE: #23-123 Map Date: 08/25/2023

Critical Habitat

There is no designated critical habitat within or adjacent to the BSA.

Sensitive Natural Communities

No SNCs occur within the BSA.

Aquatic Resources

There are no aquatic resources within the BSA.

Special-Status Species

Based on the habitat assessment and the results of the USFWS, Sacramento Office, IPAC Species List Generator, CNDDDB, and CNPS list of rare and endangered plants database search, the following special-status species have the potential to occur within the vicinity of the BSA and/or have suitable habitat and/or recorded observations within or within close proximity of the BSA. Not all special-status species listed under federal and state species lists are discussed due to unsuitable habitat within the BSA or lack of observations in the area.

A list of species and their potential to occur is presented in **Table 1**.

Endangered, Threatened and Rare Plants

There were no endangered, threatened, or rare plants observed within the BSA during the habitat assessment conducted on August 25, 2023. There is *no potential* for any special-status plant species to occur within the BSA. A list of all plant species observed within the BSA can be found in **Appendix B**.

Endangered, Threatened and Special Status Wildlife

A wildlife habitat assessment was conducted within the BSA on August 25, 2023. Suitable habitat for migratory birds and raptors protected under the MBTA and the CFGC is present within the BSA. A list of wildlife species observed within the BSA can be found in **Appendix B**.

Table 1. Special-status Species and Sensitive Natural Communities and Their Potential to Occur in the BSA of the 2240 Nord Partnership Project, Redding, CA.

Common Name (Scientific Name)	<u>Status</u> Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
SENSITIVE NATURAL COMMUNITIES			
Coastal and valley freshwater marsh	_/SNC/_	Freshwater marsh.	None. There is no designated coastal and valley freshwater marsh habitat within the BSA.
Great valley cottonwood riparian forest	_/SNC/_	Riparian forest.	None. There is no designated great valley cottonwood riparian forest habitat within the BSA.
Great valley mixed riparian forest	_/SNC/_	Riparian forest.	None. There is no designated great valley mixed riparian forest habitat within the BSA.
Great valley valley oak riparian forest	_/SNC/_	Riparian forest.	None. There is no designated great valley valley oak riparian forest habitat within the BSA.
Great valley willow scrub	_/SNC/_	Riparian scrub.	None. There is no designated coastal and valley freshwater marsh habitat within the BSA.
Northern hardpan vernal pool	_/SNC/_	Vernal pools.	None. There is no designated great valley willow scrub habitat within the BSA.
Northern volcanic mud flow vernal pool	_/SNC/_	These systems are shallow ephemeral waterbodies found in very small depressions (>50 sq meters) throughout foothills of the southern Cascades and Sierra Nevada. Often on solid volcanic bedrock.	None. There is no designated northern volcanic mud flow vernal pool habitat within the BSA.

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
PLANTS			
Adobe lily (<i>Fritillaria pluriflora</i>)	_/_/1B.2	Adobe soils. (BP: Feb-Apr)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Ahart's paronychia (<i>Paronychia ahartii</i>)	_/_/1B.1	Vernal pools or vernal mesic area that are nearly barren in clay soils. (BP: Feb-Jun)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>)	_/_/1B.2	Serpentine soils in Chaparral, Cismontane woodland, Ultramafic, Valley & foothill grassland. (BP: Mar-Jun)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Brazilian watermeal (<i>Wolffia brasiliensis</i>)	_/_/2B.3	Shallow freshwater marshes. (perennial herb, aquatic, BP: Apr – Dec)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Butte County checkerbloom (<i>Sidalcea robusta</i>)	_/_/1B.2	Blue oak woodlands often associated with ephemeral drainages. (BP: Apr-Jun)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Butte County meadowfoam (<i>Limnanthes floccosa</i> ssp. <i>californica</i>)	FE/SE/1B.1	Vernal pools and swales. (BP Mar-May)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
California beaked-rush (<i>Rhynchospora californica</i>)	_/_/1B.1	Freshwater seep and marsh habitats. (BP: May-Jul)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
California satintail (<i>Imperata brevifolia</i>)	_/_/2B.1	Alkaline seeps and mesic riparian scrub. (BP: Sep – May)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
PLANTS			
Ferris' milk-vetch (<i>Astragalus tener</i> var. <i>ferrisiae</i>)	_/_/1B.1	Annual herb. Vernal mesic meadow & seep, subalkaline flats in valley & foothill grasslands. (BP: Apr – May)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Flagella-like atractylocarpus (<i>Campylopodiella stenocarpa</i>)	_/_/2B.2	Cismontane woodland.	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Greene's tuctoria (<i>Tuctoria greenei</i>)	FE/_/_/1B.1	Vernal pools in open grasslands. (BP: May-Jul/Sep)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Hoover's spurge (<i>Euphorbia hooveri</i>)	FT/_/_/1B.2	Vernal pools and wetlands with volcanic or clay substrate. (BP: Jul-Sep/Oct)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Northern slender pondweed (<i>Stuckenia filiformis</i> ssp. <i>alpina</i>)	_/_/2B.2	Marshes and swamps (shallow freshwater). (BP: May – Jul)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Pink creamsacs (<i>Castilleja rubicundula</i> var. <i>rubicundula</i>)	_/_/1B.2	Meadows and mesic openings in chaparral or grasslands on serpentine. (annual herb, BP: Apr – Jun)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Red Bluff dwarf rush (<i>Juncus leiospermus</i> var. <i>leiospermus</i>)	_/_/1B.1	Vernal pools and vernal mesic sites. (BP: Mar-Jun)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
Silky cryptantha (<i>Cryptantha crinita</i>)	_/_/1B.2	Cobble bars within streambeds. (BP: Apr-May)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
White-stemmed clarkia (<i>Clarkia gracilis</i> ssp. <i>albicaulis</i>)	_/_/1B.2	Dry, grassy openings in chaparral or foothill woodland. Sometimes on serpentine. (BP: May-Jul)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.

Common Name (Scientific Name)	<u>Status</u> Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
PLANTS			
Woolly rose-mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>)	_/_/1B.2	Freshwater marshes and swamps, often in rip-rap. (BP Jun-Sep)	None. No suitable habitat is present within the BSA and species was not observed during the habitat assessment.
INVERTEBRATES			
Crotch bumble bee (<i>Bombus crotchii</i>)	_/_/CE/_	Native grasslands and shrublands featuring Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	None. There is no suitable habitat within the BSA.
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	FE/_/_	Deep, moderately turbid vernal pools.	None. There are no aquatic resources within the BSA.
Monarch butterfly (<i>Danaus plexippus</i>)	FC/_/_	Egg and larval stage dependent upon milkweed. Adults migrate seasonally, amassing in dense tree canopies; e.g., eucalyptus.	None. No milkweed was observed within the BSA.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT/_/_	Blue elderberry shrubs; usually associated with riparian areas.	None. No elderberry shrubs were observed within the BSA.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/_/_	Vernal pools and seasonally ponded areas.	None. There are no aquatic resources within the BSA.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE/_/_	Deep vernal pools.	None. There are no aquatic resources within the BSA.

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
AMPHIBIANS AND REPTILES			
Foothill yellow-legged frog North coast DPS (<i>Rana boylei</i> pop. 1)	_/SSC/_	Partly shaded, shallow streams and riffles with rocky substrates in a variety of habitats, commonly found in canyons and narrow streams. (sea level - 6,700 ft. elevation)	None. There are no aquatic resources within or adjacent to the BSA.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/_	Prefers freshwater marsh and low gradient streams. Has adapted to rice paddies, drainage canals, and irrigation ditches.	None. There are no aquatic resources within or adjacent to the BSA.
Western pond turtle (<i>Emys marmorata</i>)	_/SSC/_	Inhabits ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires suitable basking sites and upland habitat for egg laying.	None. There are no aquatic resources within or adjacent to the BSA.
Western spadefoot (<i>Spea hammondi</i>)	_/SSC/_	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Open, intermittent pools are essential for breeding (January through May).	None. There are no aquatic resources within or adjacent to the BSA and the ground is highly disturbed.
FISH			
Chinook salmon Central Valley spring-run Evolutionarily Significant Unit (ESU) (<i>Oncorhynchus tshawytscha</i>)	FT/ST/_	Sacramento River and its tributaries.	None. There are no aquatic resources within the BSA.

Common Name (Scientific Name)	<u>Status</u> Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
FISH			
Green sturgeon - southern DPS (<i>Acipenser medirostris</i> pop. 1)	FT/_/_	Spawning site fidelity. Spawns in the Sacramento, Feather and Yuba Rivers. Presence in upper Stanislaus and San Joaquin Rivers may indicate spawning. Non-spawning adults occupy marine/estuarine waters. Delta Estuary is important for rearing juveniles.	None. There are no aquatic resources within the BSA.
Steelhead, Central Valley DPS (<i>Oncorhynchus mykiss irideus</i> pop 11)	FT/_/_	Occurs below man-made impassable barriers in the Sacramento and San Joaquin rivers and tributaries. Adults migrate from ocean to natal freshwater streams to spawn. Yuba River has essentially the only remaining wild steelhead fishery in Central Valley.	None. There are no aquatic resources within the BSA.
BIRDS			
Bald eagle (<i>Haliaeetus leucocephalus</i>)	_/SE,FP/_	Coast, large lakes and river systems, with open forests with large trees and snags.	None. There is no suitable habitat within the BSA.
Bank swallow (<i>Riparia riparia</i>)	_/ST/_	Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	None. There is no suitable nesting habitat within the BSA.
Burrowing owl (<i>Athene cunicularia</i>)	_/SSC/_	Grasslands or openings with friable soils, rodent burrows, or man-made structures (e.g., culverts, debris piles).	None. The soils are highly disturbed and barren and there are no suitable structures for burrows within the BSA.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	_/ST, FP/_	Brackish and fresh emergent wetlands with dense vegetation (bulrushes and cattails).	None. There are no wetlands within the BSA.

Common Name (Scientific Name)	<u>Status</u> Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
BIRDS			
Least Bell's vireo (<i>Vireo bellii pusillus</i>)	FE/SE/_	Willows and dense valley foothill riparian habitat. Obligate riparian species during the breeding season, prefers early successional habitat. Inhabits structurally diverse woodlands along watercourses.	None. Least Bell's vireo has been extirpated from northern California since the early 1980s, and the BSA is located outside of the known current range of this species (USFWS 1998).
Swainson's hawk (<i>Buteo swainsoni</i>)	_/ST/_	Valleys and low foothills. Breeds in grasslands with scattered tress, juniper-sage, flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	None. The BSA is primarily barren and does not support foraging habitat.
Tricolored blackbird (<i>Agelaius tricolor</i>)	_/ST/_	Colony nester within freshwater marshes, swamps, and wetlands. Requires open water, protected nesting substrates and foraging habitat within open fields. Mostly found in Central Valley.	None. There is no suitable habitat within the BSA.
Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	FT/SE/_	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems.	None. There is no suitable habitat within the BSA.

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence
MAMMALS			
Pallid bat (<i>Antrozous pallidus</i>)	_/SSC/_	Common at low elevations in grasslands, shrublands, woodlands, and forests, most common in open, dry habitats with rocky areas for roosting. Social, roost in groups of 20 or more. Day roosts in caves, crevices, mines, and occasionally in hollow trees, buildings and bridges that are protected from high temperatures and with access to open foraging habitats. Night roosts in open sites. Very sensitive to disturbance of roosting sites.	None. There is no suitable habitat within the BSA.
Western mastiff bat (<i>Eumops perotis californicus</i>)	_/SSC/_	Roosts in crevices on cliff faces, rock outcrops with a minimum 2-meter drop-off, bridges, and buildings.	None. There are no cliffs or rock outcrops within the BSA.
Western red bat (<i>Lasiurus blossevillii</i>)	_/SSC/_	Solitary, family groups roost together, nursery colonies found with many females and young, usually does not roost with other species. Roosts primarily in trees, often in edge habitats adjacent to streams, fields, or urban areas. Preferred roost sites are protected from above, open below, and located above dark ground-cover, 2-40 ft high. Roost in leaf litter in the winter.	None. No suitable roosting habitat is present.

CODE DESIGNATIONS	
FE or FT = Federally listed as Endangered or Threatened FC = Federal Candidate Species SE or ST = State Listed as Endangered or Threatened SC = State Candidate Species SSC = State Species of Special Concern FP = State Fully Protected Species SNC = CDFW Sensitive Natural Community	CNPS California Rare Plant Rank (CRPR): CRPR 1B = Rare or Endangered in California or elsewhere CRPR 2 = Rare or Endangered in California, more common elsewhere CRPR 3 = More information is needed CRPR 4 = Plants with limited distribution 0.1 = Seriously Threatened 0.2 = Fairly Threatened 0.1 0.3 = Not very Threatened
<p>Potential for Occurrence: for plants it is considered the potential to occur during the survey period; for birds and bats it is considered the potential to breed, forage, roost, or over-winter in the BSA during migration. Any bird or bat species could fly over the BSA, but this is not considered a potential occurrence. The categories for the potential for occurrence include:</p> <p>None: The species or natural community is known not to occur, and has no potential to occur in the BSA based on sufficient surveys, the lack suitable habitat, and/or the BSA is well outside of the known distribution of the species.</p> <p>Low: Potential habitat in the BSA is sub-marginal and/or the species is known to occur in the vicinity of the BSA.</p> <p>Moderate: Suitable habitat is present in the BSA and/or the species is known to occur in the vicinity of the BSA. Pre-construction surveys may be required.</p> <p>High: Habitat in the BSA is highly suitable for the species and there are reliable records close to the BSA, but the species was not observed. Pre-construction surveys required, with the exception of indicators for foraging habitat.</p> <p>Known: Species was detected in the BSA or a recent reliable record exists for the BSA.</p>	

REGULATORY FRAMEWORK

The following describes federal, state, and local environmental laws and policies that may be relevant if the BSA were to be developed or modified.

Federal

Migratory Bird Treaty Act

The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 CFR §10.13). Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance have the potential to affect bird species protected by the MBTA. Thus, vegetation removal and ground disturbance in areas with breeding birds should be conducted outside of the breeding season (approximately February 1 through August 31 in the Central Valley). If vegetation removal or ground disturbance activities are conducted during the breeding season, then a qualified biologist must determine if there are any nests of bird species protected under the MBTA present in the construction area prior to commencement of construction. If active nests are located or presumed present, then appropriate avoidance measures (e.g. spatial or temporal buffers) must be implemented.

Federal Endangered Species Act

The United States Congress passed the ESA in 1973 to protect species that are endangered or threatened with extinction. The ESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

Under the ESA, species may be listed as either “endangered” or “threatened.” Endangered means a species is in danger of extinction throughout all or a significant portion of its range. Threatened means a species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. All species of plants and animals, except non-native species and pest insects, are eligible for listing as endangered or threatened. The USFWS also maintains a list of “candidate” species. Candidate species are species for which there is enough information to warrant proposing them for listing, but that have not yet been proposed. “Proposed” species are those that have been proposed for listing but have not yet been listed.

The ESA makes it unlawful to “take” a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.”

Waters of the United States, Clean Water Act, Section 404

The USACE and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into jurisdictional waters of the United States, under the Clean Water Act (§404). The term “waters of the United States” is an encompassing term that includes “wetlands” and “other waters.” Wetlands have been defined for regulatory purposes as follows: “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR §328.3, 40 CFR 230.3). Wetlands generally include swamps, marshes, bogs, and similar areas. “Other waters” of the United States are seasonal or perennial water bodies, including lakes, stream channels, drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (i.e., hydrophytic vegetation, hydric soil, and wetland hydrology) (33 CFR 328.4).

The USACE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits are general permits issued to cover particular fill activities. All nationwide permits have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each nationwide permit.

Clean Water Act, Section 401

The Clean Water Act (§401) requires water quality certification and authorization for placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with the Clean Water Act (§401), criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. The resulting requirements are used as criteria in granting National Pollutant Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Regional Water Quality Control Board (RWQCB) per the Clean Water Act (§402). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

State of California

California Endangered Species Act

The CESA is similar to the ESA but pertains to state-listed endangered and threatened species. The CESA requires state agencies to consult with the CDFW when preparing documents to comply with the CEQA. The purpose is to ensure that the actions of the lead agency do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species. In addition to formal listing under the federal and state endangered species acts, “species of special concern” receive consideration by CDFW. Species of special concern are those whose numbers, reproductive success, or habitat may be threatened.

California Fish and Game Code (§3503.5)

The CFGC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (all owls except barn owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFGC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

Rare and Endangered Plants

The CNPS maintains a list of plant species native to California with low population numbers, limited distribution, or otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS California Rare Plant Rank (CRPR) plants receive consideration under CEQA review. The CNPS CRPR categorizes plants as follows:

- Rank 1A: Plants presumed extinct in California;
- Rank 1B: Plants rare, threatened, or endangered in California or elsewhere;
- Rank 2A: Plants presumed extirpated or extinct in California, but not elsewhere;
- Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere;
- Rank 3: Plants about which we need more information; and
- Rank 4: Plants of limited distribution.

The California Native Plant Protection Act (CFGC §1900-1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered as defined by CDFW. An exception to this prohibition allows landowners, under specific circumstances, to take listed plant species, provided that the owners first notify CDFW and give the agency at least 10 days to retrieve (and presumably replant) the plants and/or seeds before they are destroyed. Fish and game Code §1913 exempts from the ‘take’ prohibition “the removal of endangered or rare native plants from a canal, lateral channel, building site, or road, or other right of way.”

Lake and Streambed Alteration Agreement, CFGC (§1602)

The CDFW is a trustee agency that has jurisdiction under the CFGC (§1600 et seq.). The CFGC (§1602), requires that a state or local government agency, public utility, or private entity must notify CDFW if a proposed project will “substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds... except when the department has been notified pursuant to Section 1601.” If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties

involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

California Environmental Quality Act Guidelines §15380

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines §15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled based on the definition in the ESA and the section of the CFGC dealing with rare, threatened, and endangered plants and animals. The CEQA Guidelines (§15380) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (e.g. candidate species, species of concern) would occur. Thus, CEQA provides an agency with the ability to protect a species from a project's potential impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

AVOIDANCE AND MINIMIZATION MEASURES

The following are avoidance and minimization measures recommended to avoid and minimize impacts to special-status species that have been identified as having potential to occur within the BSA.

Migratory Birds and Raptors

To avoid impacts to avian species protected under the MBTA and the CFGC, the following are recommended avoidance and minimization measures for migratory birds and raptors:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the bird nesting season (February 1 – August 31).
- If Project activities cannot be initiated outside of the bird nesting season, then the following will occur:
 - A qualified biologist will conduct a pre-construction survey within the BSA and within 250 feet of the BSA, where accessible, within seven (7) days prior to the initiation of Project activities.
 - If an active [i.e., containing egg(s) or young] nest is observed within the BSA or in an area adjacent to the BSA where impacts could occur, a species-specific protection buffer will be established. The species protection buffer will be defined by a qualified biologist based on the species, nest type, and tolerance to disturbance. Project activities shall be prohibited within the buffer zones until the young have fledged or the nest fails, and a qualified biologist has determined the nest to no longer be active. Nests shall be monitored by a qualified biologist once per week and a report submitted to the CEQA lead agency weekly

If you have any questions or need further assistance, please do not hesitate to contact Kevin Sevier at 530-332-9909 or kevin@gallawayenterprises.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alex Smither".

Alexander Smither

Biologist

Gallaway Enterprises

530-332-9909

Alex@gallawayenterprises.com

Attachments:

Appendix A: Species Lists

Appendix B: Observed Wildlife Species List

Appendix C: Site Photos

Appendix A: Species Lists



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (Ord Ferry (3912168) OR Nord (3912178) OR Richardson Springs (3912177) OR Chico (3912167))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Acipenser medirostris pop. 1</i> green sturgeon - southern DPS	AFCAA01031	Threatened	None	G2T1	S1	
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S2	SSC
<i>Anthicus antiochensis</i> Antioch Dunes anthicid beetle	IICOL49020	None	None	G3	S3	
<i>Anthicus sacramento</i> Sacramento anthicid beetle	IICOL49010	None	None	G4	S4	
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G4	S3	SSC
<i>Ardea alba</i> great egret	ABNGA04040	None	None	G5	S4	
<i>Ardea herodias</i> great blue heron	ABNGA04010	None	None	G5	S4	
<i>Astragalus tener var. ferrisiae</i> Ferris' milk-vetch	PDFAB0F8R3	None	None	G2T1	S1	1B.1
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S2	SSC
<i>Balsamorhiza macrolepis</i> big-scale balsamroot	PDAST11061	None	None	G2	S2	1B.2
<i>Bombus crotchii</i> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G2	S2	
<i>Bombus pensylvanicus</i> American bumble bee	IIHYM24260	None	None	G3G4	S2	
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	ICBRA03010	Endangered	None	G2	S2	
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
<i>Branchinecta mesovallensis</i> midvalley fairy shrimp	ICBRA03150	None	None	G2	S2S3	
<i>Buteo swainsoni</i> Swainson's hawk	ABNKC19070	None	Threatened	G5	S4	
<i>Campylopodiella stenocarpa</i> flagella-like atractylocarpus	NBMUS84010	None	None	G5	S1?	2B.2
<i>Castilleja rubicundula var. rubicundula</i> pink creamsacs	PDSCR0D482	None	None	G5T2	S2	1B.2
<i>Clarkia gracilis ssp. albicaulis</i> white-stemmed clarkia	PDONA050J1	None	None	G5T3	S3	1B.2



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Coastal and Valley Freshwater Marsh Coastal and Valley Freshwater Marsh	CTT52410CA	None	None	G3	S2.1	
Coccyzus americanus occidentalis western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
Cryptantha crinita silky cryptantha	PDBOR0A0Q0	None	None	G2	S2	1B.2
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T3	S3	
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Erethizon dorsatum North American porcupine	AMAFJ01010	None	None	G5	S3	
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G4G5T4	S3S4	SSC
Euphorbia hooveri Hoover's spurge	PDEUP0D150	Threatened	None	G1	S1	1B.2
Fritillaria eastwoodiae Butte County fritillary	PMLIL0V060	None	None	G3Q	S3	3.2
Fritillaria pluriflora adobe-lily	PMLIL0V0F0	None	None	G2G3	S2S3	1B.2
Great Valley Cottonwood Riparian Forest Great Valley Cottonwood Riparian Forest	CTT61410CA	None	None	G2	S2.1	
Great Valley Mixed Riparian Forest Great Valley Mixed Riparian Forest	CTT61420CA	None	None	G2	S2.2	
Great Valley Valley Oak Riparian Forest Great Valley Valley Oak Riparian Forest	CTT61430CA	None	None	G1	S1.1	
Great Valley Willow Scrub Great Valley Willow Scrub	CTT63410CA	None	None	G3	S3.2	
Haliaeetus leucocephalus bald eagle	ABNKC10010	Delisted	Endangered	G5	S3	FP
Hibiscus lasiocarpus var. occidentalis woolly rose-mallow	PDMAL0H0R3	None	None	G5T3	S3	1B.2
Imperata brevifolia California satintail	PMPOA3D020	None	None	G3	S3	2B.1
Juncus leiospermus var. leiospermus Red Bluff dwarf rush	PMJUN011L2	None	None	G2T2	S2	1B.1
Lasionycteris noctivagans silver-haired bat	AMACC02010	None	None	G3G4	S3S4	
Lasiurus cinereus hoary bat	AMACC05032	None	None	G3G4	S4	
Lasiurus frantzii western red bat	AMACC05080	None	None	G4	S3	SSC



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Laterallus jamaicensis coturniculus</i> California black rail	ABNME03041	None	Threatened	G3T1	S2	FP
<i>Lepidurus packardii</i> vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G3	S3	
<i>Limnanthes floccosa ssp. californica</i> Butte County meadowfoam	PDLIM02042	Endangered	Endangered	G4T1	S1	1B.1
<i>Limnanthes floccosa ssp. floccosa</i> woolly meadowfoam	PDLIM02043	None	None	G4T4	S3	4.2
<i>Linderiella occidentalis</i> California linderiella	ICBRA06010	None	None	G2G3	S2S3	
<i>Myotis yumanensis</i> Yuma myotis	AMACC01020	None	None	G5	S4	
<i>Northern Hardpan Vernal Pool</i> Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
<i>Northern Volcanic Mud Flow Vernal Pool</i> Northern Volcanic Mud Flow Vernal Pool	CTT44132CA	None	None	G1	S1.1	
<i>Oncorhynchus mykiss irideus pop. 11</i> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
<i>Oncorhynchus tshawytscha pop. 11</i> chinook salmon - Central Valley spring-run ESU	AFCHA0205L	Threatened	Threatened	G5T2Q	S2	
<i>Pandion haliaetus</i> osprey	ABNKC01010	None	None	G5	S4	WL
<i>Paronychia ahartii</i> Ahart's paronychia	PDCAR0L0V0	None	None	G3	S3	1B.1
<i>Rana boylei pop. 1</i> foothill yellow-legged frog - north coast DPS	AAABH01051	None	None	G3T4	S4	SSC
<i>Rana boylei pop. 2</i> foothill yellow-legged frog - Feather River DPS	AAABH01052	Proposed Threatened	Threatened	G3T2	S2	
<i>Rhynchospora californica</i> California beaked-rush	PMCYP0N060	None	None	G1	S1	1B.1
<i>Riparia riparia</i> bank swallow	ABPAU08010	None	Threatened	G5	S3	
<i>Sidalcea robusta</i> Butte County checkerbloom	PDMAL110P0	None	None	G2	S2	1B.2
<i>Spea hammondi</i> western spadefoot	AAABF02020	None	None	G2G3	S3S4	SSC
<i>Stuckenia filiformis ssp. alpina</i> northern slender pondweed	PMPOT03091	None	None	G5T5	S2S3	2B.2
<i>Stygobromus gallowayae</i> Galloway's amphipod	ICMAL05E10	None	None	G1	S1	
<i>Thamnophis gigas</i> giant gartersnake	ARADB36150	Threatened	Threatened	G2	S2	



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Tuctoria greenei</i> Greene's tuctoria	PMPOA6N010	Endangered	Rare	G1	S1	1B.1
<i>Vireo bellii pusillus</i> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S3	
<i>Wolffia brasiliensis</i> Brazilian watermeal	PMLEM03020	None	None	G5	S2	2B.3

Record Count: 64

CNPS Rare Plant Inventory



Search Results

29 matches found. Click on scientific name for details

Search Criteria: Quad is one of [3912167:3912168:3912178:3912177]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	CA RARE PLANT RANK
<i>Astragalus pauperculus</i>	depauperate milk-vetch	Fabaceae	annual herb	Mar-Jun	None	None	4.3
<i>Astragalus tener</i> var. <i>ferrisiae</i>	Ferris' milk-vetch	Fabaceae	annual herb	Apr-May	None	None	1B.1
<i>Balsamorhiza macrolepis</i>	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	None	None	1B.2
<i>Brodiaea rosea</i> ssp. <i>vallicola</i>	valley brodiaea	Themidaceae	perennial bulbiferous herb	Apr-May(Jun)	None	None	4.2
<i>Calycadenia oppositifolia</i>	Butte County calycadenia	Asteraceae	annual herb	Apr-Jul	None	None	4.2
<i>Campylopodiella stenocarpa</i>	flagella-like atractylocarpus	Dicranaceae	moss		None	None	CBR
<i>Castilleja rubicundula</i> var. <i>rubicundula</i>	pink creamsacs	Orobanchaceae	annual herb (hemiparasitic)	Apr-Jun	None	None	1B.2
<i>Clarkia gracilis</i> ssp. <i>albicaulis</i>	white-stemmed clarkia	Onagraceae	annual herb	May-Jul	None	None	1B.2
<i>Claytonia palustris</i>	marsh claytonia	Montiaceae	perennial herb	May-Oct	None	None	4.3
<i>Cryptantha crinita</i>	silky cryptantha	Boraginaceae	annual herb	Apr-May	None	None	1B.2
<i>Cryptantha rostellata</i>	red-stemmed cryptantha	Boraginaceae	annual herb	Apr-Jun	None	None	4.2
<i>Erythranthe glaucescens</i>	shield-bracted monkeyflower	Phrymaceae	annual herb	Feb-Aug(Sep)	None	None	4.3
<i>Euphorbia hooveri</i>	Hoover's spurge	Euphorbiaceae	annual herb	Jul-Sep(Oct)	FT	None	1B.2
<i>Fritillaria eastwoodiae</i>	Butte County fritillary	Liliaceae	perennial bulbiferous herb	Mar-Jun	None	None	3.2
<i>Fritillaria pluriflora</i>	adobe-lily	Liliaceae	perennial bulbiferous herb	Feb-Apr	None	None	1B.2
<i>Hesperervax caulescens</i>	hogwallow starfish	Asteraceae	annual herb	Mar-Jun	None	None	4.2
<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	None	None	1B.2
<i>Imperata brevifolia</i>	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	None	None	2B.1
<i>Juncus leiospermus</i> var. <i>leiospermus</i>	Red Bluff dwarf rush	Juncaceae	annual herb	Mar-Jun	None	None	1B.1
<i>Limnanthes floccosa</i> ssp. <i>californica</i>	Butte County meadowfoam	Limnanthaceae	annual herb	Mar-May	FE	CE	1B.1

<u>Limnanthes floccosa ssp. floccosa</u>	woolly meadowfoam	Limnanthaceae	annual herb	Mar-May(Jun)	None	None	4.2
<u>Navarretia heterandra</u>	Tehama navarretia	Polemoniaceae	annual herb	Apr-Jun	None	None	4.3
<u>Paronychia ahartii</u>	Ahart's paronychia	Caryophyllaceae	annual herb	Feb-Jun	None	None	1B.1
<u>Polygonum bidwelliae</u>	Bidwell's knotweed	Polygonaceae	annual herb	Apr-Jul	None	None	4.3
<u>Rhynchospora californica</u>	California beaked-rush	Cyperaceae	perennial rhizomatous herb	May-Jul	None	None	1B.1
<u>Sidalcea robusta</u>	Butte County checkerbloom	Malvaceae	perennial rhizomatous herb	Apr-Jun	None	None	1B.2
<u>Stuckenia filiformis ssp. alpina</u>	northern slender pondweed	Potamogetonaceae	perennial rhizomatous herb (aquatic)	May-Jul	None	None	2B.2
<u>Tuctoria greenei</u>	Greene's tuctoria	Poaceae	annual herb	May-Jul(Sep)	FE	CR	1B.1
<u>Wolffia brasiliensis</u>	Brazilian watermeal	Araceae	perennial herb (aquatic)	Apr-Dec	None	None	2B.3

Showing 1 to 29 of 29 entries

Suggested Citation:

California Native Plant Society, Rare Plant Program. 2023. Rare Plant Inventory (online edition, v9.5). Website <https://www.rareplants.cnps.org> [accessed 29 August 2023].



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

Project Code: 2023-0123901

Project Name: 2240 Nord Partnership

August 30, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

PROJECT SUMMARY

Project Code: 2023-0123901
Project Name: 2240 Nord Partnership
Project Type: New Constr - Above Ground
Project Description: 2240 Nord Avenue, Chico, CA 95926
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.7409662,-121.8780252,1783198,14z>



Counties: Butte County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850	Threatened

CRUSTACEANS

NAME	STATUS
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8246	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Cassie Corridoni
Address: 117 Meyers Street
City: Chico
State: CA
Zip: 95928
Email: cassie@gallawayenterprises.com
Phone: 5303329909

2240 Nord Partnership

Quad Name **Ord Ferry**

Quad Number **39121-F8**

ESA Anadromous Fish

SONCC Coho ESU (T) -

CCC Coho ESU (E) -

CC Chinook Salmon ESU (T) -

CVSR Chinook Salmon ESU (T) - **X**

SRWR Chinook Salmon ESU (E) - **X**

NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -

SCCC Steelhead DPS (T) -

SC Steelhead DPS (E) -

CCV Steelhead DPS (T) - **X**

Eulachon (T) -

sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -

CCC Coho Critical Habitat -

CC Chinook Salmon Critical Habitat -

CVSR Chinook Salmon Critical Habitat - **X**

SRWR Chinook Salmon Critical Habitat - **X**

NC Steelhead Critical Habitat -

CCC Steelhead Critical Habitat -

SCCC Steelhead Critical Habitat -

SC Steelhead Critical Habitat -

CCV Steelhead Critical Habitat - **X**

Eulachon Critical Habitat -

sDPS Green Sturgeon Critical Habitat - **X**

ESA Marine Invertebrates

Range Black Abalone (E) -

Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) -
Olive Ridley Sea Turtle (T/E) -
Leatherback Sea Turtle (E) -
North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

Blue Whale (E) -
Fin Whale (E) -
Humpback Whale (E) -
Southern Resident Killer Whale (E) -
North Pacific Right Whale (E) -
Sei Whale (E) -
Sperm Whale (E) -

ESA Pinnipeds

Guadalupe Fur Seal (T) -
Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -
Chinook Salmon EFH - 
Groundfish EFH -
Coastal Pelagics EFH -
Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

MMPA Cetaceans -

MMPA Pinnipeds -

Lead Agency:
Epick Homes

Applicant:
Chris Giampaoli
Epick Homes
901 Bruce Road Suite 100
Chico, CA 95928





Alexander Smither
Gallaway Enterprises
530.332.9909

Appendix B: Observed Species

Observed Plant List at 2240 Nord Partnership on August 25, 2023	
Scientific Name	Common Name
<i>Avena sp.</i>	Wild oat species
<i>Bromus diandrus</i>	Rip-gut brome
<i>Chondrilla juncea</i>	Rush skeletonweed
<i>Epilobium brachycarpum</i>	Tall willowherb
<i>Erigeron bonariensis</i>	South American horseweed
<i>Eschscholzia californica</i>	California poppy
<i>Hordeum murinum</i>	Wall hare barley
<i>Kali tragus</i>	Prickly russian thistle
<i>Lactuca serriola</i>	Prickly lettuce
<i>Malva sp.</i>	Mallow species
<i>Quercus lobata</i>	Valley oak
<i>Torilis arvensis</i>	Hedge parsley
<i>Tragopogon dubius</i>	Yellow salsify
<i>Tribulus terrestris</i>	Puncture vine
<i>Vitis californica</i>	Wild grape

Observed Species at 2240 Nord Partnership on August 25, 2023	
Scientific Name	Common Name
<i>Aphelocoma californica</i>	California scrub-jay
<i>Cathartes aura</i>	Turkey vulture
<i>Picoides nuttallii</i>	Nuttall's woodpecker

Appendix C: Site Photos Taken on August 25, 2023

	
<p>Barren habitat facing southeast.</p>	<p>Barren habitat facing west.</p>
	
<p>Barren habitat facing west.</p>	<p>Barren habitat facing north.</p>