OLBERDING ENVIRONMENTAL, INC.
Wetland Regulation and Permitting

June 4, 2025

Josh Seidel
Bar None Auction
4751 Power Inn Road
Sacramento, CA 95826

SUBJECT: Habitat Assessment for the Elder Creek Property

Dear Mr. Seidel:

Olberding Environmental, Inc. conducted a habitat assessment of the Elder Creek Property (Survey Area) for the purpose of evaluating whether or not any of the previously delineated seasonal wetlands should be classified as vernal pool features and to ensure that the habitat types identified within the Survey Area correspond to the Land Cover Types identified within the South Sacramento Habitat Conservation Plan (SSHCP). The Survey Area is located south of State Highway 16 (CA-16), at the intersection of Bradshaw Road and Elder Creek Road, in Sacramento County (See Attachment 1, Figures 1-4). A site visit was conducted on June 3, 2025. A list of plant and wildlife species observed within the Survey Area is included as Attachment 2, and representative photos taken during the survey are included as Attachment 3.

The Survey Area consists of approximately 46.69 acres of open land. A portion of the Survey Area was previously used as a residence but was demolished prior to the survey. The Survey Area contains three habitat types consisting of disturbed, valley grassland, and seasonal wetlands (Attachment 1, Figure 5). A Biological Resources Assessment (BRA; Olberding 2024) and a Jurisdictional Delineation of the Survey Area were conducted in 2024. These surveys identified a total of 14 seasonal wetlands within the Survey Area. An additional site visit was conducted in November 2024 to confirm the presence of these wetland features.

METHODS

Habitat Assessment – Vernal pools represent a specific type of seasonal wetland. Within California, vernal pools will typically have a clay hardpan, or similar restrictive layer within the soil substrate. This allows for a prolonged saturation and gradual draw-down of the water level, providing habitat for specially adapted plant species. Within northern California, characteristic vernal pool plant species include Bolander's silver sagebrush (*Artemisia cana* ssp. *bolanderi*), yellow carpet (*Blennosperma nanum*), winged water starwort (*Callitriche marginata*), Common microcalis (*Cicendia quadrangularis*), alkali weed (*Cressa truxillensis*), Hoover's downingia

(*Downingia bella*), Harlequin doningia (*Downingia insignis*), willow herb (*Epilobium densiflorum*), Jepson's button celery (*Eryngium aristulatum*), Mathias' button celery (*Eryngium mathiasiae*), coyote thistle (*Eryngium vaseyi*), alkali goldfields (*Lasthenia ferrisiae*), smooth goldfields (*Lasthenia glaberrima*), monkeyflower (*Mimulus* ssp.), alkali plagiobothrys (*Plagiobothrys leptocladus*), Douglas' pogogyne (*Pogogyne douglasii*), pogogyne (*Pogogyne* spp.), woolly marbles (*Psilocarphus brevissimus*), Sierra mock stonecrop (*Sedella pumila*), salt sand spurry (*Spergularia salina*), and neckweed (*Veronica peregrina*). Where short inundation periods are characteristic, bristled downingia (*Downingia bicornuta*), goldfields (*Lasthenia californica*), psathyrotes (*Psathyrotes* spp.), and mock stonecrops (*Sedella* spp.) are often present. Where longer inundation periods are characteristic, Loch Lomond button celery (*Eryngium constancei*) and needle spikerush (*Eleocharis acicularis*) may be found (NatureServe Explorer 2025). If any of these species are observed in abundance (greater than 10% cover of the feature) then the feature would be classified as a vernal pool feature.

The SSHCP identifies numerous Land Cover Types that occur within the plan area. The Land Cover Types that are potentially relevant to this Survey Area include Disturbed, Seasonal Wetlands, Swale, Valley Grassland, and Vernal Pool. Each of these Land Cover Types have specific descriptions outlined within the SSHCP. These descriptions were compared with the results of the site assessment to determine the Land Cover Types present within the Survey Area.

RESULTS

None of the aquatic features contained characteristic vernal pool plant species. Surveys conducted in 2024 identified low density occurrences of winged water starwort and coyote thistle within some of the features, but these species did not represent greater than 10% cover of the features. Therefore, the aquatic features identified within the Survey Area should be classified as seasonal wetlands, and not vernal pool features. Photos of some of these features are included in Attachment 3, Photos 1-2.

After conducting the site visit, it was determined that a portion of the Survey Area that was previously identified as non-native annual grassland would be more accurately identified as disturbed. This portion of the Survey Area is where the former residence was located. Vegetation within this area is dominated by field mustard (*Brassica rapa*), yellow-star thistle (*Centaurea solstitialis*), field bindweed (*Convolvulus arvensis*), stinkwort (*Dittrichia graveolens*), wall barley (*Hordeum murinum*), and wild radish (*Raphanus raphanistrum*). The disturbed portion of the Survey Area is shown in Attachment 1, Figure 5. Photos of this area are included in Attachment 3, Photos 3-4.

The total acreage of each Land Cover Type is shown in Attachment 1, Figure 5 and included below. The Development Fees taken from Table 12-5 of the SSHCP for each of the relevant Land Cover

Types are also included below. The "disturbed" habitat area (1.79 ac) does not require any fees or mitigation.

From Table 12-5 of the SSHCP
Development Fees Used in the SSHCP Economic Model

Land Cover	Preservation Fees		Re-establishment/ Establishment Fees		Total	Acreage Within the Survey Area
	Land	Other	Re-establishment/ Establishment and Land	Other		
Valley Grassland	$12,940	$4,764	$0	$0	$16,212	41.08
Seasonal Wetland	$17,401	$4,788	$110,893	$5,138	$138,220	3.82

While conducting the habitat assessment, the biologist discovered an active burrowing owl (*Athene cunicularia*) burrow. This burrow is located along the north rim of the seasonal wetland feature SW 9. This feature consists of a deep pit (10+ feet) that was excavated in 2016 to determine the percolation characteristics of the site. The biologist observed an adult owl flushing out from the burrow and captured photos of three eggs within the nest. Photos of the burrow and eggs are included in Attachment 3, Photos 5-6. Female burrowing owls typically incubate their eggs for 28 to 30 days. After the eggs hatch, the female remains with the young for the first one to two weeks, but the juveniles will not leave the nest for about six weeks.

Two Swainson's hawks (*Buteo swainsonii*) were observed foraging over the Survey Area. The hawks did not display any nesting behavior, and no potential nests were observed.

CONCLUSIONS

It was determined that the aquatic features previously identified within the Survey Area are accurately classified as seasonal wetlands, as opposed to vernal pools. The site assessment also concluded that a portion of the Survey Area meets the classification for the disturbed Land Cover Type, as opposed to non-native annual grassland. In addition to these determinations there was an incidental sighting of an active burrowing owl nest adjacent to the seasonal wetland feature SW 9.

As the hydrological conditions on a site are unlikely to drastically change within a year, the assessment of the Land Cover Types, including the absence of vernal pool features, should be considered valid for the length of the Corps approved wetland delineation completed in 2024 (typically 5 years). If work has not commenced by 2029, or if hydrological conditions in the Survey Area have been significantly altered, then a re-assessment of the aquatic features within the Survey Area would be necessary.

The breeding season for burrowing owls runs from February through August. As eggs were observed within the nest, it may be up to 30 days before the eggs hatch, followed by an additional six weeks until the fledglings leave the nest. Due to this, it is likely that the burrowing owl nest will remain active through August 2025. The SSHCP includes specific Avoidance and Minimization Measures in the event that burrowing owls are present on the project site. This includes the establishment of a 250-ft buffer around the active burrow where work activities will be restricted. This 250-ft buffer is shown on Attachment 1, Figure 5. The relevant measures are included below.

WBO-3 (Burrowing Owl Avoidance): If western burrowing owl or evidence of western burrowing owl is observed on the project site or within 250 feet of the project site during pre-construction surveys, then the following will occur:

During Breeding Season: If the approved biologist finds evidence of western burrowing owls within a project site during the breeding season (February 1 through August 31), all project-related activities will avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 250-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 250-foot buffer zone. Construction and other project-related activities may be allowed inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the Third-Party Project Proponent develops an avoidance, minimization, and monitoring plan that is approved by the Implementing Entity and Wildlife Agencies prior to project construction based on the following criteria:

- The implementing Entity and Wildlife Agencies approve of the avoidance and minimization plan provided by the project applicant.
- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

If there is any change in owl nesting and foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until any owls present are no longer affected by nearby construction activities, and with written concurrence from the Wildlife Agencies.

If monitoring by the approved biologist indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by the Wildlife Agencies. The approved biologist will excavate the burrow in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl to prevent reoccupation after receiving approval from the Wildlife Agencies.

The Implementing Entity and Wildlife Agencies will respond to a request from the Third-Party Project Proponent to review the proposed construction monitoring plan within 21 days.

WBO-4 (Burrowing Owl Construction Monitoring): During construction of Covered Activities, 250-foot construction buffer zones will be established and maintained around any occupied burrow. An approved biologist will monitor the site to ensure that buffers are enforced and owls are not disturbed. The approved biologist will also train construction personnel on avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

Due to the positive identification of an active burrowing owl burrow, the implementation of these Avoidance and Minimization Measures are required to comply with the SSHCP.

If you have any questions, please feel free to contact me at (916) 985-1188.

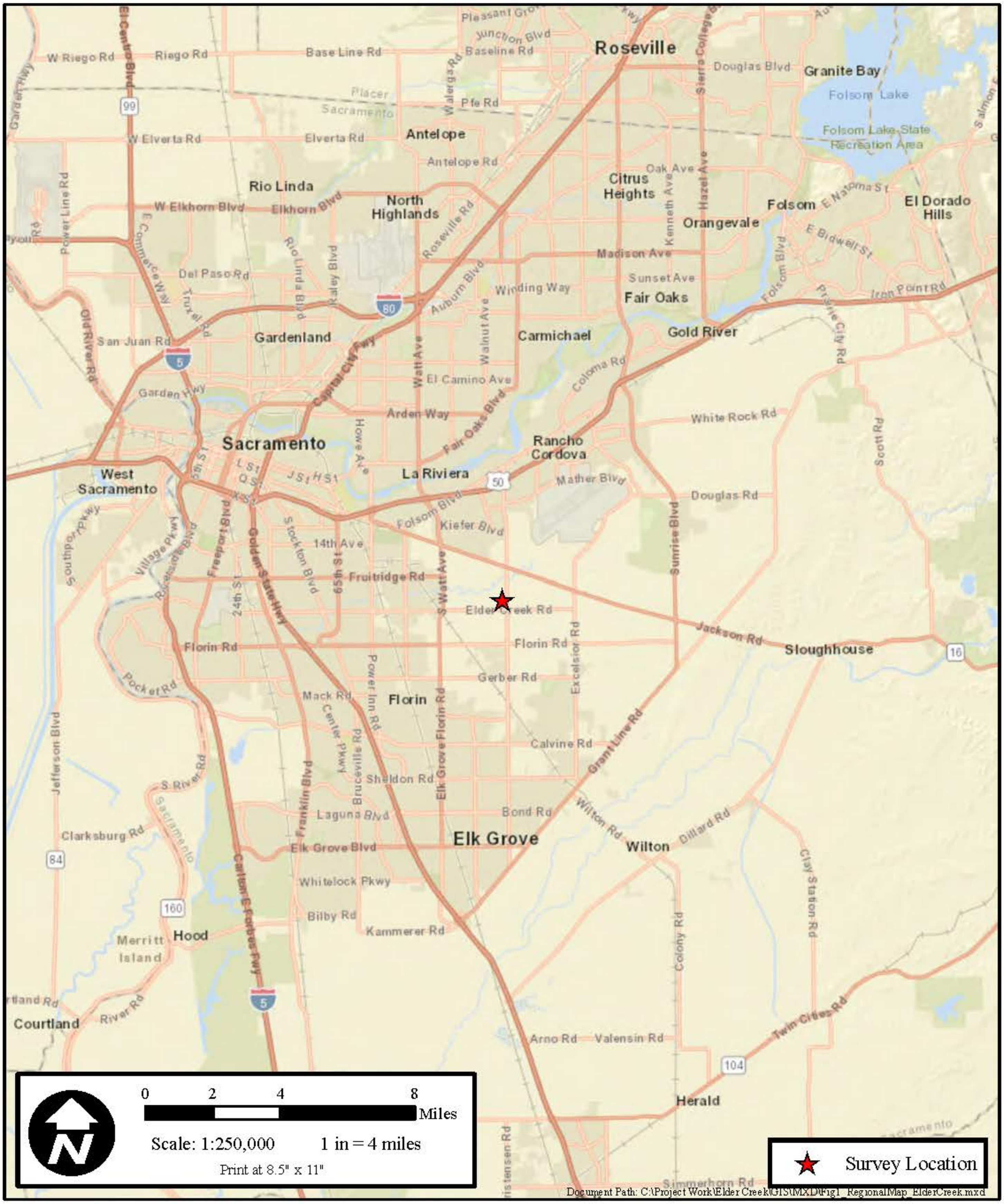
Sincerely,

Jeff Olberding

Jeff Olberding
Regulatory Scientist

ATTACHMENTS

ATTACHMENT 1
FIGURES



OLBERDING -ENVIRONMENTAL-
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Figure 1: Regional Map
Elder Creek Property
Sacramento County, California

Revision Date: 02/14/2024

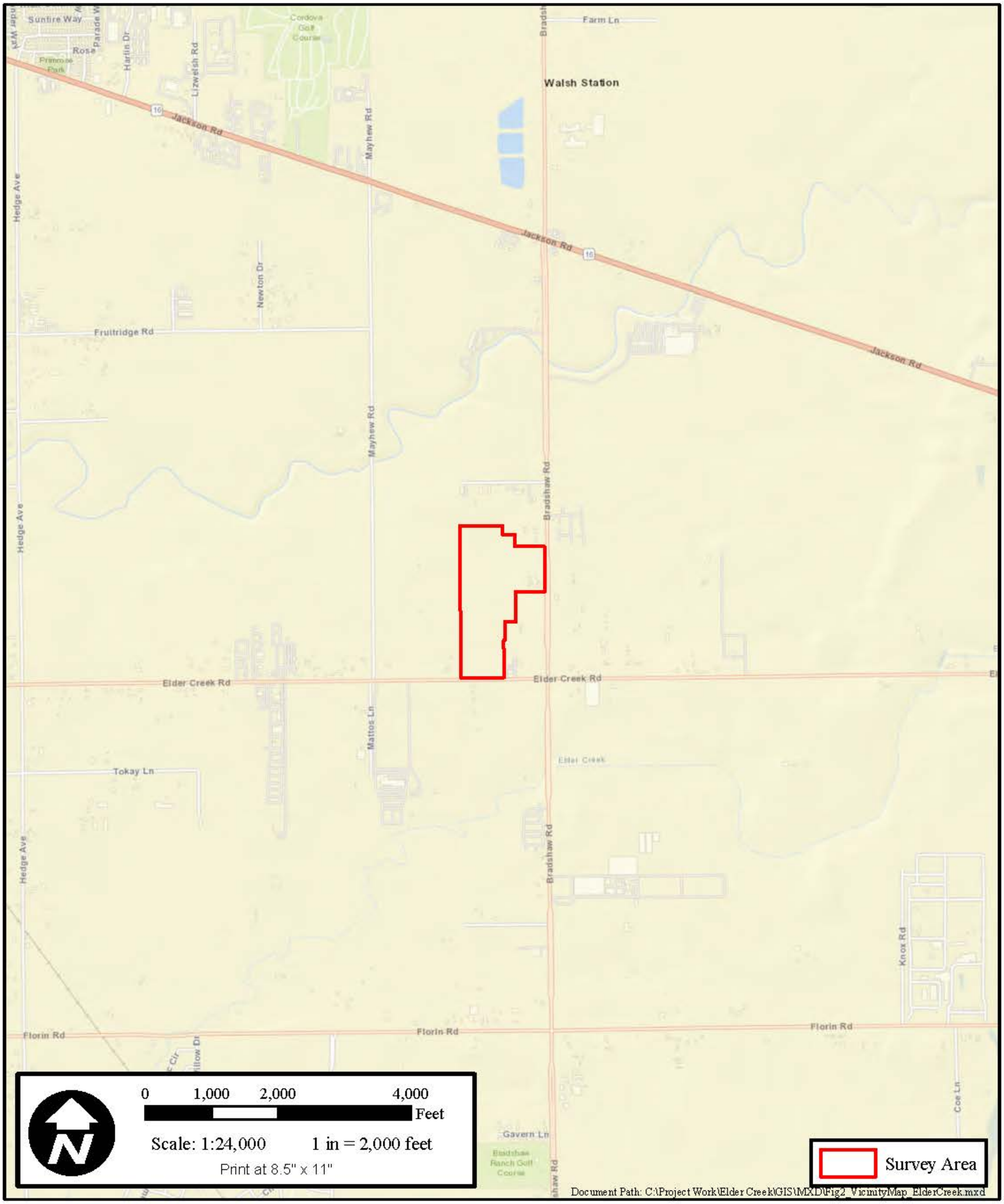

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Figure 2: Vicinity Map
Elder Creek Property
Sacramento County, California

Revision Date: 02/14/2024

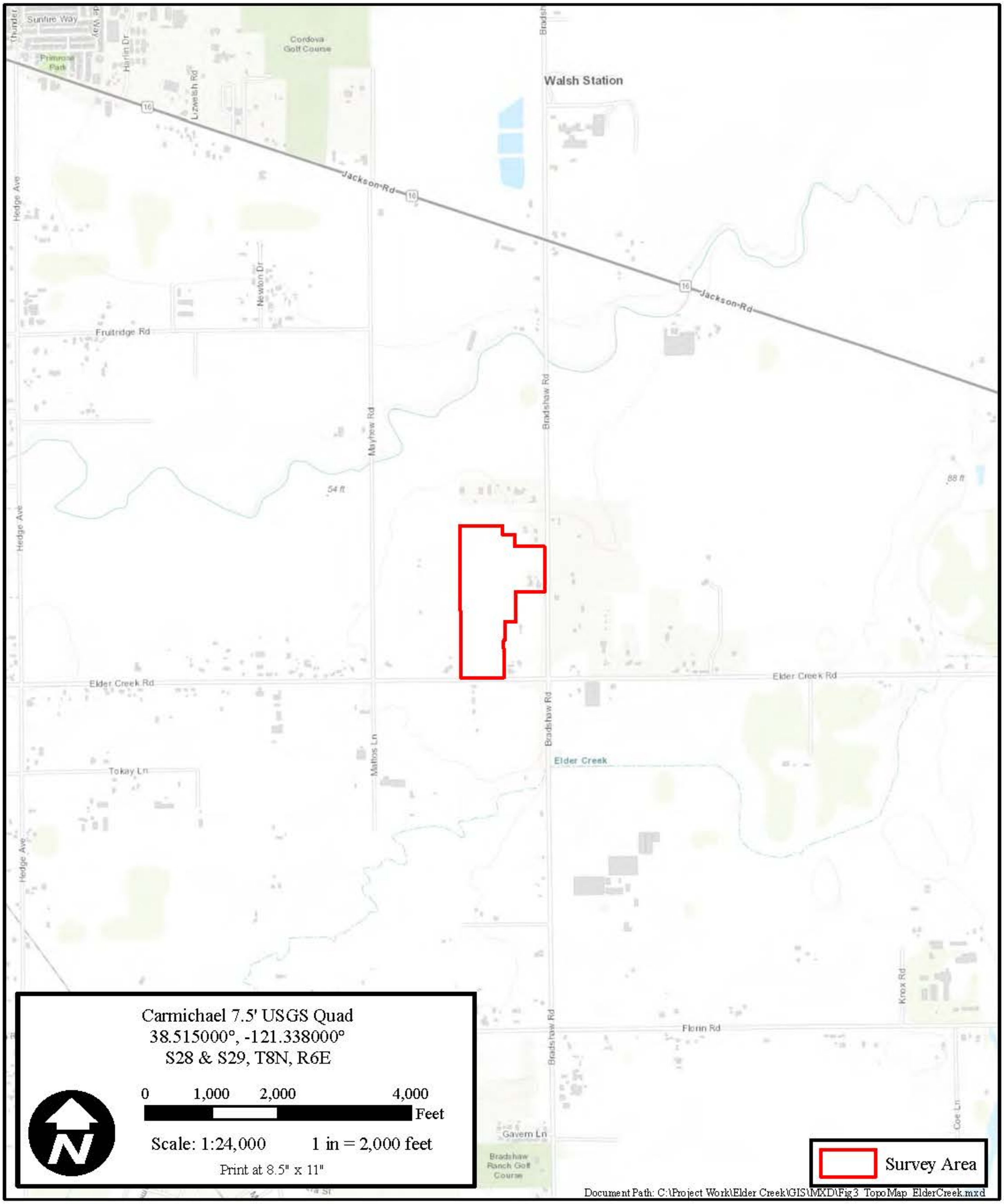

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Figure 3: USGS Topographic Map
Elder Creek Property
Sacramento County, California

Revision Date: 02/14/2024

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Figure 4: Aerial Map
Elder Creek Property
Sacramento County, California

Revision Date: 02/14/2024

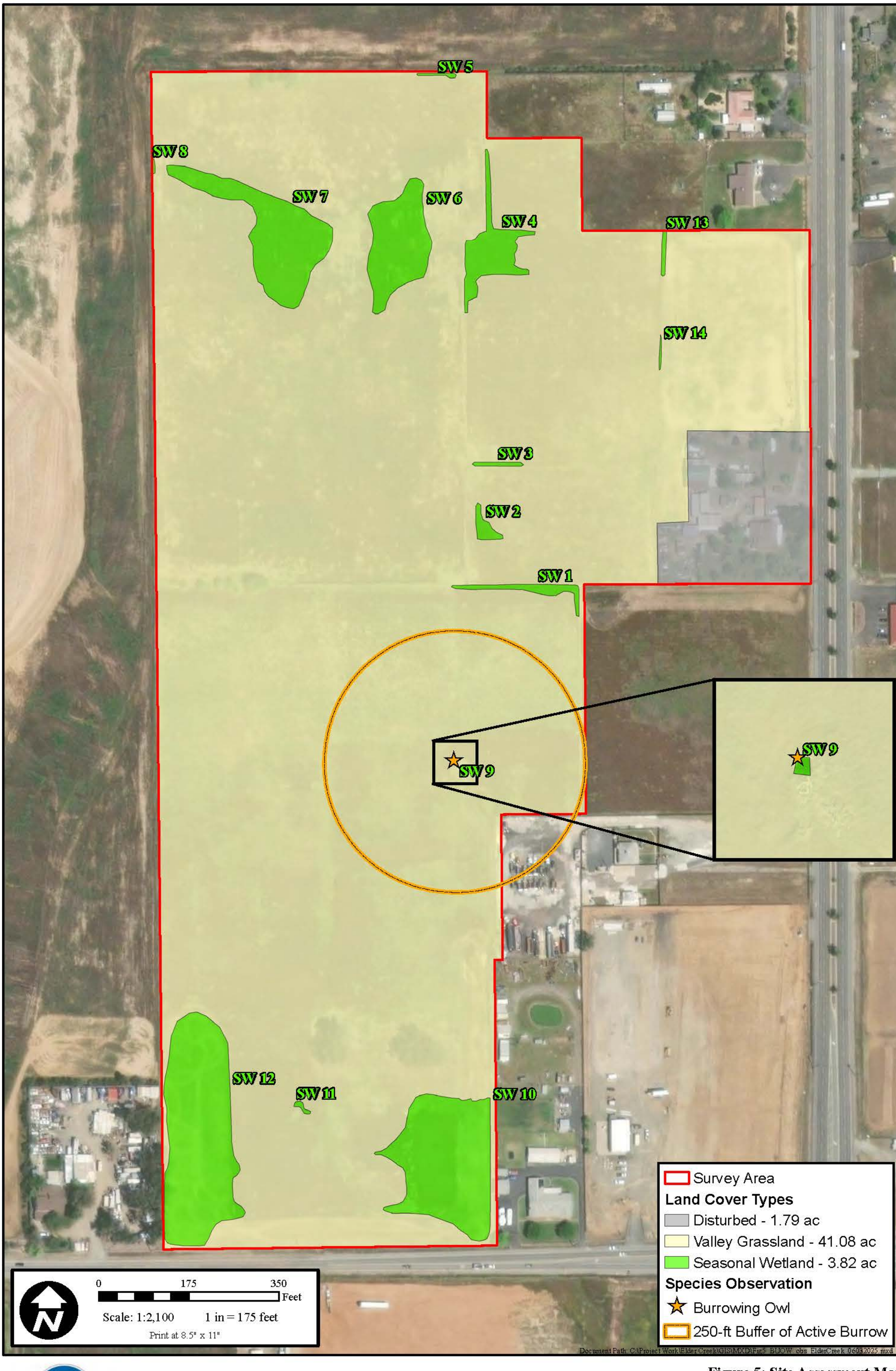

Figure 5: Site Assessment Map
Elder Creek Property
Sacramento County, California

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Revision Date: 06/03/2025

ATTACHMENT 2
SPECIES OBSERVED

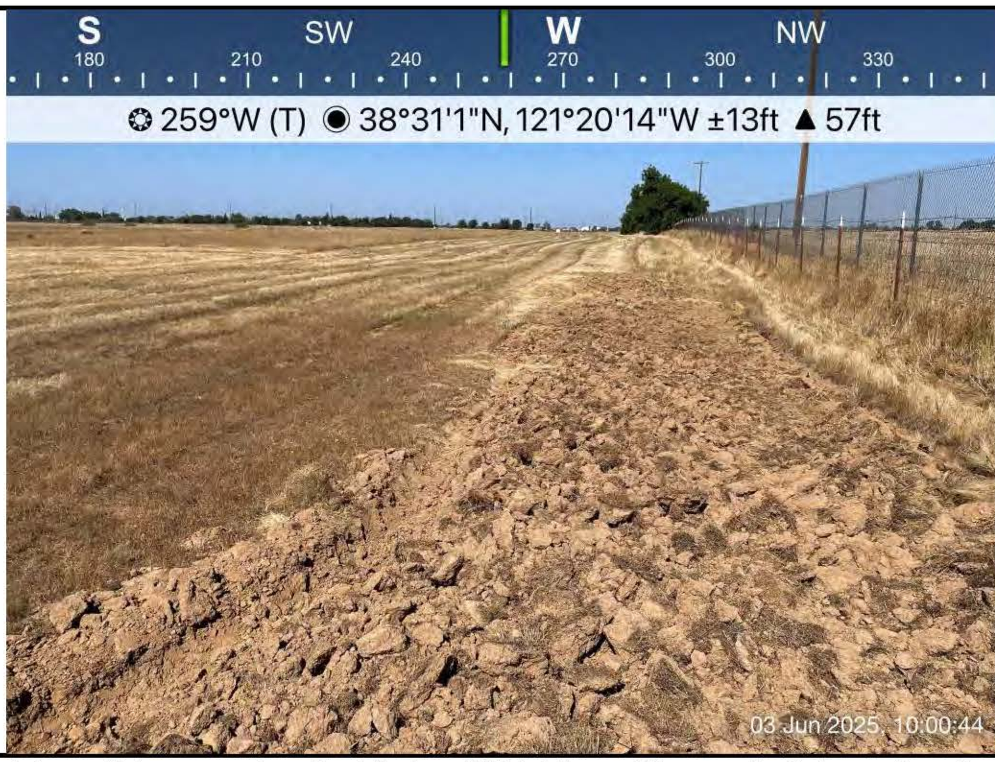
Attachment 2: Elder Creek Property - Species Observed (2025)

Species Name	Common Name	Indicator Status
Plants		
Asclepias fascicularis	narrow leaf milkweed	FAC
Brassica rapa	field mustard	FACU
Brodiaea elegans	harvest brodiaea	FACU
Bromus diandrus	ripgut brome	NL (UPL)
Capsella bursa-pastoris	shepard's purse	FACU
Cardus pycnocephalus	Italian thistle	NL (UPL)
Carya illinoinensis	pecan	FAC
Centaurea solstitialis	yellow star thistle	NL (UPL)
Chenopodium album	fat hen	FACU
Convolvulus arvensis	field bindweed	NL (UPL)
Croton setiger	turkey-mullein	NL (UPL)
Cynodon dactylon	Bermuda grass	FACU
Dittrichia graveolens	stinkwort	NL (UPL)
Elymus canadensis	Canada wild rye	FAC
Epilobium brachycarpum	annual fireweed	FAC
Erodium botrys	broad leaf filaree	FACU
Eucalyptus globulus	blue gum trees	NL (UPL)
Festuca [Vulpia] myros	rattail sixweeks grass	FACU
Festuca perennis	Italian rye grass	FAC
Gleditsia triacanthos	honey-locust	FAC
Heterotheca grandiflora	telegraph weed	NL (UPL)
Holocarpha virgata	narrow tarplant	NL (UPL)
Hordeum marinum	Mediterranean barley	FAC
Hordeum murinum	wall barley	FAU
Hypochaeris glabra	smooth cats ear	NL (UPL)
Juglans nigra	black walnut	UPL
Lactuca serriola	prickly lettuce	FACU
Lasthenia californica	California goldfields	FACU
Leontodon saxatillis	hawkbit	FACU
Lythrum hyssopifolia	hyssop loosestrife	OBL
Phleum pratense	common timothy grass	FACU
Raphanus raphanistrum	wild raddish	NL (UPL)
Rumex crispus	curly dock	FAC
Spergularia rubra	purple sand spurry	FAC
Trifolium depauperatum	dwarf sac clover	FAC
Trifolium hirtum	rose clover	NL (UPL)
Trifolium willdenovii	tomcat clover	FACW
Vicia villosa	hairy vetch	NL (UPL)
Wildlife		
Invertebrates		
Apis mellifera	European honeybee	-
Bombus sp.	bumble bee	-
Schistocerca sp.	bird grasshopper	-
Reptiles		
Sceloporus occidentalis	western fence lizard	-
Birds		
Ardea alba	great egret	-
Athene cunicularia	western burrowing owl (nesting)	CA ESA Candidate

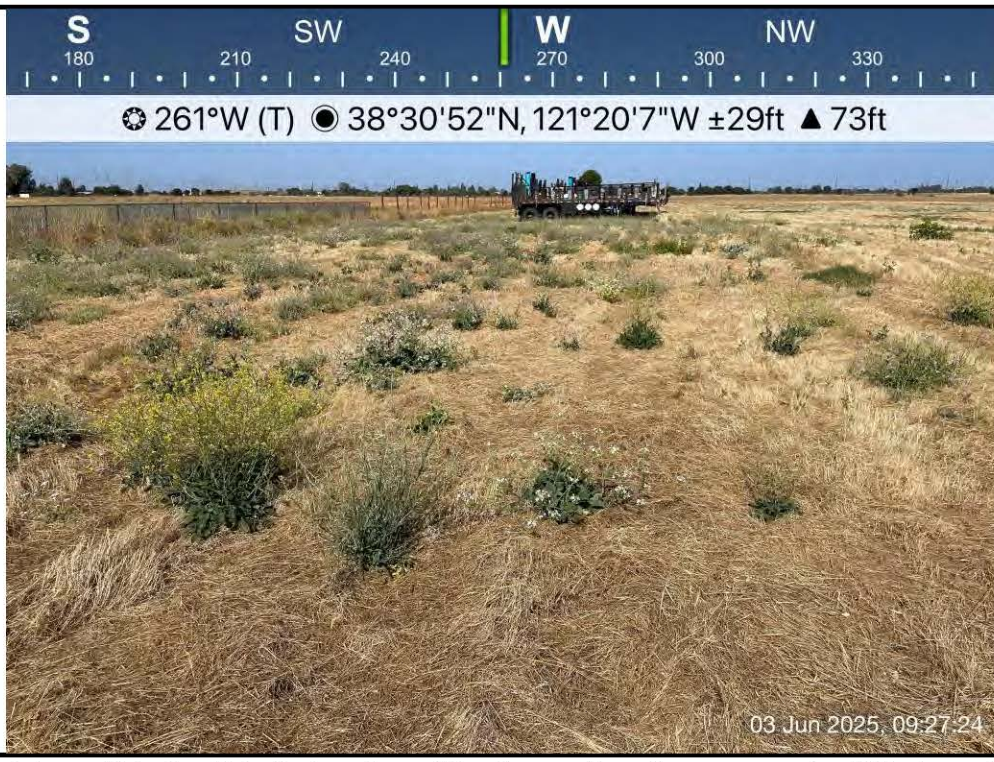
Species Name	Common Name	Indicator Status
Buteo jamaicensis	red-tailed hawk	-
Buteo swainsoni	Swainson's hawk (foraging)	CA ESA Threatened
Cathartes aura	turkey vulture	-
Haemorhous mexicanus	house finch	-
Mimus polyglottos	northern mockingbird	-
Sturnella neglecta	western meadowlark	-
Mammals		
Lepus californicus	black-tailed jackrabbit	-

ATTACHMENT 3
REPRESENTATIVE PHOTOS

1. Photo 1 is taken within seasonal wetland feature SW 7. Vegetation within this feature was dominated by curly dock (*Rumex crispus*), Italian rye grass (*Festuca perennis*), and hyssop loosestrife (*Lythrum hyssopifolia*).



2. Photo 2 is taken within seasonal wetland feature SW 5. Many of the aquatic features along the edge of the Survey Area had already been disked due to fire suppression. However, dominant vegetation within this feature includes California goldfields (*Lashenia californica*) and Italian rye grass.



3. Photo 3 is taken within the disturbed portion of the Survey Area. Large amounts of black mustard, yellow-star thistle, and wild radish can be seen in this photo.

4. Photo 4 is taken within the disturbed portion of the Survey Area. Areas of bare gravel can be seen, as well as stinkwort, small pecan trees (*Carya illinoinensis*).

5. Photo 5 shows the active burrowing owl burrow. An adult owl was observed flushing from the burrow, and the area around the burrow contained feathers and wash.

6. Photo 6 shows the three eggs that are located within the active burrow.