# BIOLOGICAL RESOURCES ANALYSIS REPORT

**FOR THE**

# ROBERTSON AVENUE PROPERTY

**CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA**

Prepared for:

**LAFFERTY COMMUNITIES**
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EXHIBIT B

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# LIST OF ATTACHMENTS




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## SUMMARY

On October 20, 2017, Olberding Environmental, Inc. conducted a field reconnaissance survey of the Robertson Avenue Property (Property) for the purpose of identifying sensitive plant and wildlife species, sensitive habitats, and biological constraints potentially occurring on the Property. The Property surveyed is comprised of approximately 3.7 acres located within the City of Newark, Alameda County, California.

Results of this initial reconnaissance survey indicate that the Property does not appear to contain wetlands/waters that are considered potentially jurisdictional by the U.S. Army Corps of Engineers (Corps) because the site lacks evidence of all three parameters (wetland soils, hydrology, and vegetation) that are used to indicate wetlands.

A query of the California Natural Diversity Database (CNDDB) showed that fifteen special-status plant species have been observed within five-miles of the Property. However, none were identified as having a potential to occur based on the absence of suitable habitat on the Property for these species.

A total of seven bird species were identified as having the potential to occur on or adjacent to the Property. The following six bird species have a moderate potential to occur in a foraging capacity only: red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius)*, Cooper's hawk (*Accipiter cooperii*), and sharp-shinned hawk (*Accipiter striatus*). The loggerhead shrike (*Lanius ludovicianus*) has a low potential to occur in a foraging and nesting capacity. Due to lack of habitat (ground squirrel burrows and cattails) the burrowing owl (*Athene cunicularia*) and tri-colored blackbird (*Agelaius tricolor*) are presumed absent. If project construction-related activities such as tree and vegetation removal or grading take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds and raptors are recommended.

No evidence of bat use was observed on the Property during the October 2017 survey; however, based on habitat suitability, it was determined that bats have a low potential to utilize the site in a foraging or roosting capacity. These bat species include: pallid bat (*Antrozous pallidus*) and hoary bat (*Lasiurus cinereus)*. This holds especially true for the empty structure in the southwestern corner of the property. If project construction-related activities such as tree removal or building demolition take place it is recommended that a bat habitat assessment should be conducted by a qualified bat biologist during seasonal periods of bat activity, from May through October, to determine suitability of the on-site habitat. If special-status bat species are discovered, construction activities may be timed to minimize impacts and additional mitigation may be required.

The CNDDB has listed occurrences of the California red-legged frog (*Rana draytonii*) (CRLF), California tiger salamander (*Ambystoma californiense*) (CTS), and Alameda whipsnake (*Masticophis lateralis euryxanthus*) within a 5-mile radius of the Property. However, due to the lack of suitable habitat for each and the surrounding residential development, it is unlikely that these species could use the Property for dispersal, each of these species are presumed absent

from the Property.

## 1.0 INTRODUCTION

Olberding Environmental, Inc. has conducted a biological resources analysis (biological constraints assessment) of the Property, located within the city limits of Newark, Alameda County, California. This biological resources analysis included a review of pertinent literature on relevant background information and habitat characteristics of the site. Our review included researching existing information in the California Natural Diversity Database (CNDDB 2017) maintained by the CDFW and the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2017). Also included was a review of information related to species of plants and animals that could potentially utilize the described habitats identified on and immediately surrounding the Property. To assist in the assessment, a field reconnaissance investigation of the Property was conducted on October 20, 2017. This report documents the methods, results, and conclusions for the reconnaissance-level survey associated with the biological resources analysis for the Property.

## 2.0 LOCATION

The Property is surrounded by residential housing on all boundaries. Attachment 1, Figure 1 depicts the regional location of the Property in Alameda County, while Attachment 1, Figure 2 illustrates the vicinity of the Property in relationship to the City of Newark. Attachment 1, Figure 3 identifies the location of the Property in the Newark USGS 7.5" Quadrangle. An aerial photograph of the Property has been included as Attachment 1, Figure 4.

Access to the Property is provided from Interstate 880. From I-880, take the East Thornton Avenue exit and right onto Thornton Avenue. After traveling 0.3 miles on Thornton, make a left turn onto Cedar Boulevard. After 0.8 miles make a right onto Robertson Avenue. The Property is located at 6179 Robertson Avenue.

## 3.0 PROPERTY DESCRIPTION

The Property encompasses approximately 3.7 acres in a roughly rectangle shape bound by residential area on all boundaries with Robertson Avenue along the southern boundary.

A majority of the Property supports California non-native annual grassland that has been disked recently. Characteristic vegetation includes a mixture of annual grasses and forbs. These include Coyote brush (*Baccharis pilularis*), Italian ryegrass (*Festuca perennis*), wild barley (*Hordeum* spp.), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceu*s), wild oats (*Avena* spp.), filarees (*Erodium* spp.), frankiena (*Frankenia salina*), curly doc (*rumex crispus*), wild rye (*Elymus tritocoides*) Mediterranean linseed (*Bellardia trixago*), and yellow star thistle (*Centaurea solstitialis*). The Property has multiple structures existing on-site including two houses, a shed and a large fenced animal containment area. Multiple ornamental trees and shrubs such as coyote brush, Peruvian pepper tree (*Schinus molle*) and bottlebrush tree (*Callistemon citrinus*) were found in this area as well. The topography of the Property consists of relatively flat

land that range from 24 to 26 feet above sea level.

# 4.0 REGULATORY SETTING

## 4.1 Federal Regulatory Setting

### *4.1.1 Plants and Wildlife*

The federal Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq., as amended) prohibits federal agencies from authorizing, permitting, or funding any action that would result in biological jeopardy to a plant or animal species listed as Threatened or Endangered under the Act. Listed species are taxa for which proposed and final rules have been published in the Federal Register (U.S. Fish and Wildlife Service [USFWS] 2017a). If a proposed project may jeopardize listed species, Section 7 of the ESA requires consideration of those species through formal consultations with the USFWS. Federal Proposed species (USFWS, 2017b) are species for which a proposed listing as Threatened or Endangered under ESA has been published in the Federal Register. If a proposed project may jeopardize proposed species, Section 7 of the ESA affords consideration of those species through informal conferences with USFWS. The USFWS defines federal Candidate species as "those taxa for which we have on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded by other higher priority listing actions" (USFWS, 2017b). Federal Candidate species are not afforded formal protection, although USFWS encourages other federal agencies to give consideration to Candidate species in environmental planning.

### *4.1.2 Wetlands/Waters*

The federal government, acting through the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA), has jurisdiction over all "waters of the United States" as authorized by §404 of the Clean Water Act (CWA) and §10 of the Rivers and Harbors Act of 1899 (33 CFR Parts 320-330). Properties that cause the discharge of dredged or fill material into waters of the United States require permitting by the Corps. Actions affecting small areas of jurisdictional waters of the United States may qualify for a Nationwide Permit (NWP), provided conditions of the permit are met, such as avoiding impacts to threatened or endangered species or to important cultural sites. Properties that affect larger areas or which do not meet the conditions of an NWP require an Individual Permit. The process for obtaining an Individual Permit requires a detailed alternatives analysis and development of a comprehensive mitigation/monitoring plan. Waters of the United States are classified as wetlands, navigable waters, or other waters. Wetlands are transitional habitats between upland terrestrial areas and deeper aquatic habitats such as rivers and lakes. Under federal regulation, wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR Part 328.3[b]). Swamps, marshes, bogs, fens, and estuaries are all defined as wetlands, as are seasonally saturated or inundated areas such as vernal pools, alkali wetlands, seeps, and springs. In addition, portions of the riparian habitat

along a river or stream may be a wetland where the riparian vegetation is at or below the ordinary high water mark and thus also meets the wetland hydrology and hydric soil criteria.

Navigable waters include all waters subject to the ebb and flow of the tides, including the open ocean, tidal bays, and tidal sloughs. Navigable waters also include some large, non-tidal rivers and lakes, which are important for transportation in commerce. The jurisdictional limit over navigable waters extends laterally to the entire water surface and bed of the waterbody landward to the limits of the mean high tide line. For non-tidal rivers or lakes, which have been designated (by the Corps) to be navigable waters, the limit of jurisdiction along the shoreline is defined by the ordinary high water mark. "Other waters" refer to waters of the United States other than wetlands or navigable waters. Other waters include streams and ponds, which are generally open water bodies and are not vegetated. Other waters can be perennial or intermittent water bodies and waterways. The Corps regulates other waters to the outward limit of the ordinary high water mark. Streams should exhibit a defined channel, bed and banks to be delineated as other waters.

The Corps does not generally consider "non-tidal drainage and irrigation ditches excavated on dry land" to be jurisdictional waters of the United States (and such ditches would therefore not be regulated by the Corps (33 CFR Parts 320-330, November 13, 1986). Other areas generally not considered jurisdictional waters include: 1) artificially irrigated areas that would revert to upland habitat if the irrigation ceased; 2) artificial lakes and ponds created by excavating and/or diking of dry land to collect and retain water, used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing; 3) waste treatment ponds; 4) ponds formed by construction activities including borrow pits until abandoned; and 5) ponds created for aesthetic reasons such as reflecting or ornamental ponds (33 CFR Part 328.3). However, the preamble also states that "the Corps reserves the right on a case-by-case basis to determine that a particular waterbody within these categories" can be regulated as jurisdictional water. The EPA also has authority to determine jurisdictional waters of the U.S. on a case-by-case basis. Riparian habitat that is above the ordinary high water mark and does not meet the three-parameter criteria for a wetland would not be regulated as jurisdictional waters of the United States.

### *4.1.3 Migratory Bird Treaty Act*

Raptors are migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that Property-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (generally February 1 – September 1, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or the loss of habitat upon which the birds depend, is considered "taking" and is potentially punishable by fines and/or imprisonment. Such taking would also violate federal law protecting migratory birds (e.g., MBTA).

### *4.1.4 Federal Bald and Golden Eagle Protection Act*

In addition to protection under the MBTA, both the bald eagle and the golden eagle are also protected by the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668-668c). The Bald and Golden Eagle Protection Act, and amended several times since being enacted in 1940, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts, nests, or eggs (USFWS 2017c). The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" (USFWS 2017c).

For purposes of these guidelines, "disturb" means: "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (USFWS 2017c).

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment (USFWS 2017c).

## 4.2 State Regulatory Setting

### *4.2.1 Plants and Wildlife*

Property permitting and approval requires compliance with California Environmental Quality Act (CEQA), the 1984 California Endangered Species Act (CESA), and the 1977 Native Plant Protection Act (NPPA). The CESA and NPPA authorize the California Fish and Game Commission to designate Endangered, Threatened and Rare species and to regulate the taking of these species (§§2050-2098, Fish & Game Code). The California Code of Regulations (Title 14, §670.5) lists animal species considered Endangered or Threatened by the State.

The Natural Heritage Division of the California Department of Fish and Wildlife (CDFW) administers the state rare species program. The CDFW maintains lists of designated Endangered, Threatened, and Rare plant and animal species (CDFW 2017b and 2017c). Listed species either were designated under the NPPA or designated by the Fish and Game Commission. In addition to recognizing three levels of endangerment, the CDFW can afford interim protection to candidate species while they are being reviewed by the Fish and Game Commission.

The CDFW also maintains a list of animal species of special concern (CDFW 2017b), most of which are species whose breeding populations in California may face extirpation. Although these species have no legal status, the CDFW recommends considering them during analysis of proposed property impacts to protect declining populations and avoid the need to list them as

endangered in the future.

Under provisions of §15380(d) of the CEQA Guidelines, the CEQA lead agency and CDFW, in making a determination of significance, must treat non-listed plant and animal species as equivalent to listed species if such species satisfy the minimum biological criteria for listing. In general, the CDFW considers plant species on List 1A (Plants Presumed Extinct in California), List 1B (Plants Rare, Threatened, or Endangered in California and elsewhere), or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1994) as qualifying for legal protection under §15380(d). Species on CNPS Lists 3 or 4 may, but generally do not, qualify for protection under this provision.

Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species and CDFW Species of Special Concern, areas of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the California Natural Diversity Data Base's (CNDDB) working list of "high priority" habitats (i.e., those habitats that are rare or endangered within the borders of California) (Holland 1986).

### *4.2.2 Wetlands/Waters*

The Regional Water Quality Control Board (RWQCB) regulates activities in wetlands and other waters through §401 of the Clean Water Act. Section 401 requires a state water quality certification for properties subject to 404 regulations. Requirements of the certification include mitigation for loss of wetland habitat. In the San Francisco Bay region, the RWQCB may identify additional wetland mitigation beyond the mitigation required by the Corps. California Fish and Game Code §§1600-1607 require the CDFW be notified of any activity that could affect the bank or bed of any stream that has value to fish and wildlife. Upon notification, the CDFW has the discretion to execute a Streambed Alteration Agreement. The CDFW defines a stream as follows:

> *"... a body of water that flows at least periodically...through a bed or channel having banks and supporting fish and other aquatic life. This includes watercourses having a subsurface flow that supports or has supported riparian vegetation."*
>
> (Source: Streambed Alteration Program, California Department of Fish and Wildlife, 2016).

In practice, CDFW authority is extended to any "blue line" stream shown on a USGS topographic map, as well as unmapped channels with a definable bank and bed. Wetlands, as defined by the Corps, need not be present for CDFW to exert authority.

### *4.2.3 California Environmental Quality Act*

According to Appendix G of the California Environmental Quality Act (CEQA 2017) Guidelines, a proposed project would have a significant impact on biological resources if it would:

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 Wildlife 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, and regulations or by the California Department of Fish and Wildlife 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?

## 5.0 METHODS OF ANALYSIS FOR GENERAL BIOLOGICAL RESOURCES

A special-status plant and wildlife species database search and review was conducted using the CNDDB and other sources. An additional search was conducted for special-status plants using CNPS *Inventory* on-line. Special-status species reports were accessed by searching the CNDDB database for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas USGS 7.5-minute quadrangles which surround the Property, and by examining those species that have been identified in the vicinity of the Property. These quadrangles will be henceforth noted as surrounding quads. The database report identified special-status species known to occur in the region or those that have the potential to occur in the vicinity of the Property. The CNDDB report was used to focus special-status species analysis of the site prior to the reconnaissance surveys.

An Olberding Environmental biologist conducted a reconnaissance-level survey of the Property on October 20, 2017. The survey consisted of walking throughout the Property and evaluating the site and adjacent lands for potential biological resources. Existing conditions, observed plants and wildlife, adjacent land use, soils and potential biological resource constraints were recorded during the visit. Plant and wildlife species observed within and adjacent to the Property during the reconnaissance survey are included in Attachment 2, Table 1.

The objectives of the field survey was to determine the potential presence or absence of special-status species habitat listed in the CNDDB database report and to identify any wetland areas that

could be potentially regulated by the Corps, RWQCB, and/or CDFW (CNDDB 2017). In addition, the Olberding Environmental biologist looked for other potential sensitive species or habitats which may not have been obvious from background database reports or research. Surveys conducted after the growing season or conducted outside of the specific flowering period for a special-status plant cannot conclusively determine the presence or absence of such plant species; therefore, site conditions and habitat type were used to determine potential for occurrence. When suitable habitat was observed to support a special-status plant or animal species it was noted in the discussion for that particular species. Regulatory agencies evaluate the possibility of occurrence based on habitats observed on-site and the degree of connectivity with other special-status animal habitats in the vicinity of the Property. These factors are discussed in each special-status plant or animal section. Potential for occurrence of each special-status or protected plant and animal species was evaluated using the following criteria.

- **Present**: The species has been recorded by CNDDB or other literature as occurring on the Property and/or was observed on the Property during the reconnaissance survey or protocol surveys.

- **May Occur**: The species has been recorded by CNDDB or other literature as occurring within five miles of the Property, and/or was observed within five miles of the Property, and/or suitable habitat for the species is present on the Property or its immediate vicinity.

- **Not Likely to Occur**: The species has historically occurred on or within five miles of the Property, but has no current records. The species occurs within five miles of the Property but only marginally suitable habitat conditions are present. The Property is likely to be used only as incidental foraging habitat or as an occasional migratory corridor.

- **Presumed Absent**: The species will not occur on the Property due to the absence of suitable habitat conditions, and/or the lack of current occurrences. Alternatively, if directed or protocol-level surveys were done during the proper occurrence period and the species was not found, it is presumed absent.

Sources consulted for agency status information include USFWS (2017a) for federally listed species and CDFW (2017b) for State of California listed species. Based on information from the above sources, Olberding Environmental developed a target list of special-status plants and animals with the potential to occur within or in the vicinity of the Property (Attachment 2, Table 2).

### 5.1 Soils Evaluation

The soils present on a property may determine if habitat on the site is suitable for certain special-status plants and animals. The host plants of some special-status invertebrates may also require specific soil conditions. In the absence of suitable soil conditions, special-status plants or animals requiring those conditions would be presumed absent. Information regarding soil characteristics for the Property was obtained by viewing the Natural Resources Conservation Service (NRCS) Web Soil Survey report for the Property (NRCS 2017).

## 5.2 Plant Survey Methods

The purposes of the botanical surveys were (1) to characterize the habitat types (plant communities) of the study area; (2) to determine whether any suitable habitat for any special-status plant species occurs within the study area; and (3) to determine whether any sensitive habitat types (wetlands) occur within the study area. Site conditions and plant habitat surveys are important tools in determining the potential occurrence of plants not recorded during surveys (e.g., special-status plants) because presence cannot conclusively be determined if field surveys are conducted after the growing season or conducted outside a specific flowering period.

### *5.2.1 Review of Literature and Data Sources*

The biologist conducted focused surveys of literature and special-status species databases in order to identify special-status plant species and sensitive habitat types with potential to occur in the study area. Sources reviewed included the CNDDB occurrence records (CNDDB 2017) and CNPS *Inventory* (Skinner and Pavlik 1994) for the surrounding quads; and standard flora (Hickman 1993). From the above sources, a list of special-status plant species with potential to occur in the Property vicinity was developed (Attachment 2, Table 2).

### *5.2.2 Field Surveys*

A biologist from Olberding Environmental conducted a reconnaissance-level survey on October 20, 2017 to determine habitat types and the potential for special-status plants based on the observed habitat types. All vascular plant species that were identifiable at the time of the survey were recorded and identified using keys and descriptions in Hickman (1993).

The habitat types occurring on the Property were characterized according to pre-established categories. In classifying the habitat types on the site, the generalized plant community classification schemes of *A Manual of California Vegetation* (Sawyer, Keeler-Wolf, and Evens 2009) were consulted. The final classification and characterization of the habitat types of the study area were based on field observations.

## 5.3 Wildlife Survey Methods

The purpose of the wildlife survey was to identify special-status wildlife species and/or potential special-status wildlife habitats within the study area.

### *5.3.1 Review of Literature and Data Sources*

A focused review of literature and data sources was conducted in order to determine which special-status wildlife species had potential to occur in the vicinity of the Property. Current agency status information was obtained from USFWS (2017a) for species listed as Threatened or Endangered, as well as Proposed and Candidate species for listing, under the federal ESA; and from CDFW (2017b, 20176c) for species listed as Threatened or Endangered by the state of California under the CESA, or listed as “species of special concern” by CDFW. From the above

sources, a list of special-status wildlife species with potential to occur in the Property vicinity was developed (Attachment 2, Table 2).

### *5.3.2 Field Surveys*

***General Wildlife Survey*** – An Olberding Environmental biologist conducted a survey of species habitat within the entire study area, including visible portions of the adjacent properties. The purpose of the habitat survey was to evaluate wildlife habitats and the potential for any protected species to occur on or adjacent to the Property.

***Reconnaissance-Level Raptor Survey*** – A reconnaissance-level raptor survey was conducted on the Property. Observation points were established on the periphery of the site to view raptor activity over a fifteen- to thirty-minute time period. This survey was conducted with the use of binoculars and notes were taken for each species occurrence. Additionally, utility poles and perch sites in the vicinity of the Property were observed. All raptor activity within and adjacent to the Property was recorded during the reconnaissance-level observation period.

***Reconnaissance-Level Burrowing Owl (Athene cunicularia) Survey*** – A reconnaissance-level burrowing owl (*Athene cunicularia*) survey was also conducted in the Property to identify potential burrow sites or burrowing owl use of on-site habitat. The general presence and density of suitable burrow sites (e.g., rodent burrows) was evaluated for the Property.

## 6.0 RESULTS FOR GENERAL BIOLOGICAL RESOURCES

The search and review of the CNDDB database reports revealed the occurrence of special-status plant and wildlife species that occur in the habitats found within the Property boundaries (CNDDB 2017). The CNDDB database and background data were reviewed for the surrounding quads (Attachment 2, Table 2). Those plants and animals listed in Attachment 2, Table 2 were reviewed for their potential to occur on the Property based on general habitat types. All of the plant and several of the animal species identified by the CNDDB require specific habitat microclimates that were not found to occur within the Property.

### 6.1 Soil Evaluation Results

The NRCS (2017) reports one soil type within the Property. A detailed map of the soil type can be found in Attachment 1, Figure 8. The soils mapped included the following types:

- **125-Marvin silt loam, saline-alkaline –** The Marvin series occurs at elevations between 10 and 100 feet. The composition of this soil type within the Property consists of 85 percent Marvin and similar soils and 15 percent minor components including Pescadero (8%) and willows (7%). This soils type occurs on slopes of 0 to 2 percent with a parent material of alluvium derived sedimentary rock. These soils are somewhat poorly drained that are very saline to slightly saline.

**Ap**--0 to 8 inches; grayish brown, silty clay loam, very dark grayish brown, moist; few faint yellowish brown mottles; massive; hard, friable, slightly sticky, plastic; many fine roots; many very fine pores; slightly acid; abrupt smooth boundary.

**A3**--8 to 13 inches; grayish brown, silty clay loam, very dark grayish brown, moist; few faint yellowish brown mottles; moderate medium and coarse subangular blocky structure; hard, friable.

**B1**--13 to 17 inches; grayish brown, heavy silty clay loam, very dark grayish brown, moist; moderate medium and coarse subangular blocky structure; very hard, firm, sticky, plastic.

**B2t**--17 to 29 inches; dark grayish brown, silty clay, very dark grayish brown, moist; moderate medium and coarse subangular blocky structure; very hard, firm, sticky, plastic; common fine roots in upper part.

**B3**--29 to 42 inches; light olive brown, silty clay, dark grayish brown, moist; moderate medium and coarse subangular blocky structure; very hard, firm, sticky, plastic; few very fine roots; many very fine pores.

**C**--42 to 60 inches; light olive brown, silty clay loam, dark brown, moist; massive; hard, friable, sticky, plastic; few roots; many very fine pores; few thin clay films in pores; slightly effervescent, lime in small soft concretions and disseminated; moderately alkaline.

## 6.2 Plant Survey Results

### *6.2.1 Floristic Inventory and Habitat Characterization*

The Property supports two habitat types consisting of urban/developed and non-native grassland habitat. In classifying the habitat types on the Property, generalized plant community classification schemes were used (Sawyer, Keeler-Wolf, and Evens 2009). The final classification and characterization of the habitat type of the Property was based on field observations.

The habitat type and a description of the plant species present within the habitat type are provided below. Dominant plant species are also noted. A complete list of plant species observed on the Property can be found within Attachment 2, Table 1.

**Urban/Developed**

Two existing houses are present within the southern corner of the Property. There are also large animal pen structures within the northeastern portion of the Property. Both of these structures are surrounded by non-native annual grasses/forbs such as wild oat (*Avena fatua*), soft chess (*Bromus hordeaceous*), rip gut brome (*Bromus diandrus*), yellow star thistle (*Centaurea solstitialis*), and ornamental trees such as Monterey cypress (*Cupressus macrocarpa*) and

Peruvian pepper tree (*Schinus molle*).

**Non-native grassland**

The entire Property has been disked recently and is dominated by ruderal vegetation with some bare soil. Small walnut, oak and ornamental trees are located along the edges of the Property. Large eucalyptus and conifer trees are visible on adjacent parcels as well as a few ornamental trees and shrubs along the Property's southern and western boundary. Dominant ruderal vegetation consisted of species such as, but not limited to, wild oat, rip-gut brome, wild radish (*Raphanus raphanistrum*), narrow leaved milkweed (*Asclepias fascicularis*), broadleaf filaree (*Erodium botrys*) and prickly lettuce (*Lactuca serriola*).

### *6.2.2 Special-Status Plant Species*

Special-status plant species include species listed as Rare, Threatened, or Endangered by the USFWS (2017a) or by the State of California (CDFW 2017c). Federal Proposed and Candidate species (USFWS, 2017b) are also considered to be special-status species. Special-status species also include species listed on List 1A, List 1B, or List 2 of the CNPS Inventory (Skinner and Pavlik, 1994; CNPS 2009). All species in the above categories fall under state regulatory authority under the provisions of CEQA, and may also fall under federal regulatory authority. Considered special-status species are species included on List 3 (Plants About Which We Need More Information—A Review List) or List 4 (Plants of Limited Distribution—A Watch List) of the CNPS *Inventory*. These species are considered to be of lower sensitivity and generally do not fall under specific state or federal regulatory authority. Specific mitigation considerations are not generally required for List 3 and List 4 species.

Attachment 2, Table 2 includes a list of special-status plants with the potential to occur within or in the immediate vicinity of the Property based on a review of the surrounding quads. The special-status plant species identified by the CNDDB as potentially occurring on the Property are known to grow only from specific habitat types. The specific habitats or "micro-climate" necessary for many of the plant species to occur are not found within the boundaries of the Property. The habitats necessary for the CNDDB reported plant species consist of valley and foothill grassland, cismontane woodlands, chaparral, playas, chenopod scrub, adobe clay soils, alkaline soils, serpentine soils, sandy soils, gravelly soils, coastal prairie, coastal scrub, coastal dunes, coastal bluff scrub, coastal salt marsh, vernal pools, seeps, meadows and sinks, marshes or swamps, riparian woodlands, on slopes near drainages, closed cone coniferous forest, north coast coniferous forest, redwood forest, lower montane coniferous forest, and broad leafed upland forest.

Occurrences of special-status plants within a five-mile radius of the point roughly representing the center of the Property are described in detail. Occurrence distance from the Property is estimated from this center point (Attachment 1, Figure 6).

No special-status plants were found to potentially occur within the Property due to unsuitable habitats and lack of nearby CNDDB occurrences.

## 6.3 Wildlife Survey Results

### *6.3.1 General Wildlife Species and Habitats*

A complete list of wildlife species observed within the Property can be found in Attachment 2, Table 1. Wildlife species commonly occurring within habitat types present on the Property are discussed below:

**Urban/Developed**

Although none were observed, a variety of bat species including the pallid bat, hoary bat and others could utilize the existing structures for roosting habitat.

**Non-native grassland**

Though the Property is routinely disked, seeds produced by vegetation growing in this ruderal habitat offer foraging opportunities for an assortment of wildlife species.

The western fence lizard (*Scelsporus occidentalis*) was seen at the edges of the Property. Small passerines, including the black phoebe (*Sayornis nigricans*), mourning dove, rock dove (*Columba livia*), California towhee (*Pipilo crissalis*), Anna's hummingbird (*Calypte anna*), European starling (*Sturnus vulgaris*), bushtit (*Psaltriparus minimus*) and white-crowned sparrow (*Zonotrichia leucophrys*) were observed foraging in the Property. Red-winged blackbird (*Agelaius phoeniceus*), western scrub-jay (*Aphelocoma californica*), northern mocking bird (*Mimus polyglottos*), American crow (*Corvus bracyrynchos*), and common raven (*Corvus corax*) were observed foraging on the site as well. Loggerhead shrike could also potentially forage in this habitat.

Raptors that could potentially forage in the annual grassland habitat are sharp-shinned hawk, Cooper's hawk, red-tailed hawk, white-tailed kite and red-shouldered hawk. Small mammals that forage on the seeds and plants found in annual grasslands include field mouse (*Peromyscus sp.*), Botta's pocket gopher (*Thomomys bottae*) and desert cottontail (*Sylvilagus audubonii*).

**BIRDS**

**Red-shouldered Hawk (*Buteo lineatus*). State Protected.**

The red-shouldered hawk is a medium-sized, slender *Buteo* with long legs and a long tail and is smaller than the red-tailed hawk. Upperparts are dark with pale spotting, and rusty-reddish feathers on the wing create the distinctive shoulder patch. The tail has several wide, dark bars; the intervening narrow stripes and the tip of the tail are white, and there is variation in the number of tail bars among adults and juveniles. The habitat that the red-shouldered hawk prefers varies from bottomland hardwoods and riparian areas to upland deciduous or mixed deciduous-conifer forest, and almost always includes some form of water, such as a swamp, marsh, river, or pond. In the west, the red-shouldered hawk sometimes occurs in coniferous forests, and has been expanding its range of occupied habitats to include various woodlands, including stands of

eucalyptus trees amid urban sprawl. They typically place their nests in a broad-leaved tree (occasionally in a conifer), below the forest canopy but toward the tree top, usually in the crotch of the main trunk. Nest trees are often near a pond, stream, or swamp, and can be in suburban neighborhoods or parks. These hawks eat mostly small mammals, lizards, snakes, and amphibians. They also eat toads, snakes, and crayfish. They occasionally eat birds, sometimes from bird feeders; recorded prey includes sparrows, starlings, and doves.

CNDDB did not list the red-shouldered hawk as occurring within the vicinity of the Property. Large eucalyptus and conifer trees along the southern and eastern boundaries adjacent to the Property may provide nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the grassland habitat. Given the information above, this species has a moderate potential to occur on the Property in a foraging capacity only.

**Red-Tailed Hawk (*Buteo jamaicensis*). State Protected.**

The red-tailed hawk is a large *Buteo* that is distinct due to the red color of its tail feathers in contrast to the brown color of its body. Not all red-tailed hawks exhibit the distinct coloration on their tail and gradations may occur especially in young birds. Red-tailed hawks hunt rodents by soaring over grassland habitat. Nest trees for red-tailed hawks are usually tall trees with a well-developed canopy that includes a strong branching structure on which to build a nest.

CNDDB did not list the red-tailed hawk as occurring within the vicinity of the Property. Large eucalyptus and conifer trees along the southern and eastern boundaries adjacent to the Property may provide nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the grassland habitat. Given the information above, this species has a moderate potential to occur on the Property in a foraging capacity only.

**American Kestrel (*Falco sparverius*). State Protected.**

The American kestrel is the smallest of raptor species and is distinct due to the black barring on its face. The female kestrel is slightly larger than the male bird and is differentiated by its brown and red coloration. The male kestrel is slightly smaller than the female and has gray wing patches near the top of the wing. Kestrels favor open areas with short ground vegetation and sparse trees. You'll find them in meadows, grasslands, deserts, parks, farm fields, cities, and suburbs. Kestrels utilize cavities in trees for nesting and hunt small rodents and birds.

CNDDB did not list the American kestrel as occurring within the vicinity of the Property. Large eucalyptus and conifer trees along the southern and eastern boundaries adjacent to the Property may provide nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the grassland habitat. Given the information above, this species has a moderate potential to occur on the Property in a foraging capacity only.

**White-tailed Kite (*Elanus leucurus*). Federal Species of Concern, CDFW: Fully Protected.**

The white-tailed kite is falcon-shaped with a long white tail. This raptor has black patches on the shoulders that are highly visible while the bird is flying or perching. White-tailed kites forage in annual grasslands, farmlands, orchards, chaparral, and at the edges of marshes and meadows.

They are found nesting in trees and shrubs such as willows (*Salix* sp.), California sycamore (*Platanus racemosa*), and coast live oak (*Quercus agrifolia*) often near marshes, lakes, rivers, or ponds. This raptor often hovers while inspecting the ground below for prey. The White-tailed Kite eats mainly small mammals, as well as some birds, lizards, and insects. Annual grasslands are considered good foraging habitat for white-tailed kites, which will forage in human-impacted areas.

The CNDDB has listed three occurrences of the white-tailed kite within the vicinity of the Property. The closest occurrence (occurrence # 2) was observed on the north side of Coyote Hills Slough within a sycamore tree. Large eucalyptus and conifer trees along the southern and eastern boundaries adjacent to the Property may provide nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the grassland habitat. Given the information above, this species has a moderate potential to occur on the Property in a foraging capacity only.

**Loggerhead Shrike (*Lanius ludovicianus*). Federal Species of Special Concern, California Species of Special Concern.**

The loggerhead shrike is a black and white perching bird with a black face mask that extends over the bill. A common resident and winter visitor in lowlands and foothills throughout California. It prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. It occurs only rarely in heavily urbanized areas, but is often found in open cropland. This species hunts large insects, small rodents and even small birds. Loggerhead shrikes are known for their habit of impaling their food on thorns or barb wire for future consumption. The range and habitat for the loggerhead shrike has steadily shrunk due to human development within grasslands; however, this species is often found on lands grazed by cattle that are fenced with barb wire. These birds use shrubs, dense trees, and thickets of vegetation for nesting sites.

CNDDB did not list the loggerhead shrike as occurring within the vicinity of the Property. The trees and shrubs present within the Property offer potentially suitable nesting habitat although they may not occur within such a heavily urbanized area. Given the information above the loggerhead shrike has low potential to occur on the Property in a foraging and nesting capacity.

**Sharp-Shinned Hawk (*Accipiter striatus*). State Protected.**

**Cooper's Hawk (*Accipiter cooperii*). State Protected.**

The sharp-shinned hawk is a small raptor with short, rounded wings. This hawk has a long tail that is squared-off at tip with prominent corners. This raptor typically flies with several quick, snappy wingbeats and a short glide, but also soars. Its small, rounded head does not project far beyond the wings when soaring. The adult sharp-shinned hawk exhibits a red eye, black cap, and a blue-gray back and upperwings. The white breast, belly, and underwing coverts are marked by fine, thin, reddish bars.

The Cooper's hawk looks similar to the sharp-shinned hawk, although it is slightly larger in size

and has a long rounded tail. Both hawks hunt in woodlands, riparian areas, and even densely vegetated urban areas. These raptors capture small birds, rodents, and reptiles. They often hunt along the edges of woodlands, shorelines, and riparian habitats where migrating passerines are found. Nesting habitat for these raptors consists of woodlands, coniferous forest, and dense oak woodland adjacent or close to open areas. Both of these species may occur on the Property as the riparian habitat is considered suitable foraging and breeding habitat for both. Neither species was observed on the site during the reconnaissance surveys, nor was any evidence of current nesting detected.

CNDDB did not list the Cooper's hawk or Sharp-shinned hawk as occurring within the vicinity of the Property. Large eucalyptus and conifer trees along the southern and eastern boundaries adjacent to the Property may provide nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the Property. Given the information above, these species have a moderate potential to occur on the Property in a foraging capacity only.

**Tricolored Blackbird (*Agelaius tricolor*). Federal Species of Special Concern, California Species of Special Concern.**

A close relative of the red-winged blackbird (*Agelaius phoeniceus*), the tricolored blackbird is distinguished by a white patch underscoring the bright red epaulettes that are prominent in the males of both species. Often found in large flocks of red-winged blackbirds, this species is highly colonial. Nesting colonies usually occur in marshy habitats, often in large stands of blackberry and cattail.

The CNDDB listed four occurrences of the tri-colored blackbird within the vicinity of the Property. The closest occurrence (Occurrence # 844) was a historic occurrence located 2.6 miles south of the interstate 880 and Highway 84 intersection which was a dense patch of nettle surrounded by developed area. The area is now no longer suitable for tri-colored blackbird and they are presumed extirpated from the area. The Property does not have any suitable habitat on site and they are presumed absent.

**Burrowing Owl (*Athene cunicularia*). Federal Species of Special Concern, California Species of Special Concern.**

The U.S. Fish and Wildlife Service has identified the burrowing owl is as a "candidate" species. Candidate species are animals and plants that may warrant official listing as threatened or endangered, but there is no conclusive data to give them this protection at the present time. As a candidate species, burrowing owls receive no legal protection under the Endangered Species Act (ESA). However, this species does receive some legal protection from the U.S. through the Migratory Bird Treaty Act, which forbids the destruction of the birds and active nests. In California, the burrowing owl considered a "species of special concern."

Burrowing owls are ground dwelling members of the owl family and are small brown to tan colored birds with bold spots and barring. Burrowing owls generally require open annual grassland habitats in which to nest, but can be found on abandoned lots, roads, airports, and other urban areas. Burrowing owls generally use abandoned California ground squirrel holes for their

nesting burrow, but are also known to use pipes or other debris for nesting purposes. Burrowing owls prefer annual grassland habitats with low vegetative cover. The breeding season for burrowing owls occurs from March through August. Burrowing owls often nest in loose colonies about 100 yards apart. They lay three to twelve eggs from mid-May to early June. The female incubates the clutch for about 28 days, while the male provides her with food. The young owls begin appearing at the burrow's entrance two weeks after hatching and leave the nest to hunt for insects on their own after about 45 days. The chicks can fly well at six weeks old.

The CNDDB listed 14 occurrences of burrowing owl within the vicinity of the Property. The closest occurrence (Occurrence #270) was observed at Ohlone College approximately 1.5 miles southeast of the Property. Four pairs of owls and nine juveniles were observed in June 2005. No ground squirrels or other large burrows were observed during the reconnaissance survey. During the October 2017 survey burrowing owls were not observed on the property and with lack of burrowing mammal burrows and no recent CNDDB records nearby they are not likely to occur within the Property.

**MAMMALS**

**Special-status Bats**

Bats (Order - *Chiroptera*) are the only mammals capable of "true" flight. They are nocturnal feeders and locate their prey which consists of small to medium sized insects by echolocation. Bats consume vast amounts of insects making them very effective pest control agents. They may eat as much as their body weight in insects per day. Maternity roosts comprised of only females, may be found in buildings or mine shafts with temperatures up to 40 degrees Celsius and a high percentage of humidity to ensure rapid growth of their young. Female bats give birth to only one or two young annually and roost in small or large numbers. Males may live singly or in small groups, but scientists are still unsure of the whereabouts of most males in summer.

Special-status bats with the potential to occur on the Property are listed below.

- Pallid bat (*Antrozous pallidus*)
- Hoary bat (*Lasiurus cinereus)*

The CNDDB did not list any occurrences of these bats within 5 miles of the Property. However, there were palm trees and unoccupied structures that may provide roosting habitat within the Property. The habitats provided on and near the Property provide an array of insects allowing for abundant foraging opportunities. Given the presence of suitable roosting habitat and foraging opportunities; the pallid bat and hoary bat have a potential to occur on the Property in a foraging and roosting capacity. Townsend's bats are very sensitive to disturbance; therefore, as this Property is adjacent to an existing residential area, it is unlikely that Townsend's bats would find suitable roosting habitat and are presumed absent.

**Salt-Marsh Harvest Mouse (*Reithrodontomys raviventris*). Federally Endangered, State Endangered, CDFG: Fully Protected.**

The salt-marsh harvest mouse (SMHM), also known as the red-bellied harvest mouse, resides only in the saline emergent wetlands of the greater San Francisco Bay and its tributaries. This small rodent displays a dark brown back and a pinkish cinnamon or tawny belly with a bi-colored tail. Adults average 12 to 18 centimeters in length with a six to ten centimeter long tail. The height is between 1.5 and 2.1 centimeters with an average weight between 10 to 20 grams. The primary habitat for this rodent is pickleweed (*Salicornia depressa*). These small mice build loosely organized nests in vegetation above ground and do not burrow. SMHM also require higher areas within their range where they may escape from high water.

As would be expected of a mouse native to salt marshes, this species is a competent swimmer and is tolerant of salt in its diet and water supply. It can drink salt water and sometimes even prefers it to fresh. It eats seeds and plants, especially pickleweed and glasswort (*Salicornia virginica*), one of the most common salt marsh plant species. This mouse is nocturnal, with particularly noted activity on moonlit nights, and is also an agile climber.

The SMHM is known to be found in the following specific locales (among others): the Sonoma Creek discharge area known as the Napa Sonoma Marsh, Sausalito baylands, San Rafael baylands, and San Francisco Bay sloughs in Alviso. Its endangered designation is due to its limited range, historic decline in population, and continuing threat of habitat loss due to development encroachment at the perimeter of San Francisco Bay. Predation by domestic cats is also an issue due to encroachment of the limited habitat by humans. The SMHM has protected habitat within numerous Bay Area wildlife refuges and several jurisdictions are starting to establish ways to protect this species. For example, the City of San Rafael has established a shoreline setback standard to prevent any land development within fifty feet of the shoreline; this measure has been applied to several specific land developments along the San Francisco Bay shoreline.

The CNDDB listed 14 occurrences within the vicinity of the Property. A majority of these occurrences were observed within East Bay Regional Parks Coyote Hills and Don Edwards National Wildlife Refuge. Both of these areas are located south of the Property near the bay within marsh habitat. The Property has no suitable habitat on site due to surrounding residential housing and lack of marsh habitat. For these reasons the salt marsh harvest mouse is presumed absent.

**AMPHIBIANS**

**California Red-Legged Frog (*Rana draytonii*). Federally Threatened, California Species of Special Concern.**

California red-legged frog (CRLF) was listed as a Federal threatened species on May 31, 1996 (61 FR 25813) and is considered threatened throughout its range. If a proposed Property may jeopardize listed species, Section 7 of the ESA requires consideration of those species through formal consultations with the USFWS. Federal Proposed species (USFWS 2006c) are species for

which a proposed listing as Threatened or Endangered under the ESA has been published in the Federal Register. If a proposed Property may jeopardize proposed species, Section 7 of the ESA affords consideration of those species through informal conferences with USFWS. On April 13, 2006, USFWS designated critical habitat for the CRLF under the ESA. In total, approximately 450,288 acres fell within the boundaries of critical habitat designation. A new ruling by the USFWS on March 17, 2010, revised the designation of critical habitat for CRLF (75 FR 12815 12959). In total, approximately 1,636,609 acres of critical habitat in 27 California counties fall within the boundaries of the final revised critical habitat designation. This rule became effective on April 16, 2010.

The CRLF is a rather large frog, measuring one and a half to five inches in length. They are reddish-brown to gray in color, with many poorly defined dark specks and blotches. Dorsolateral folds are present. The underside of the CRLF is washed with red on the lower abdomen and hind legs. The CRLF has a dark mask bordered by a light stripe on the jaw, smooth eardrums, and not fully webbed toes. The male has enlarged forearms and swollen thumbs. Its vocals consist of a series of weak throaty notes, rather harsh, and lasting two to three seconds. Breeding occurs from December to March with egg masses laid in permanent bodies of water.

The CRLF is found in lowlands, foothill woodland and grasslands, near marshes, lakes, ponds or other water sources. These amphibians require dense shrubby or emergent vegetation closely associated with deep still or slow-moving water. Generally, these frogs favor intermittent streams with water at least two and a half feet deep and where the shoreline has relatively intact emergent or shoreline vegetation. CRLF is known from streams with relatively low gradients and those waters where introduced fish and bullfrogs are absent. CRLF are known to take refuge upland in small mammal burrows during periods of high water flow. CRLF occurs west of the Sierra Nevada-Cascade and in the Coast Ranges along the entire length of the state. Historically, they occurred throughout the Central Valley and Sierra Nevada foothills south to northern Baja California. Now they are found from Sonoma and Butte Counties south to Riverside, but mainly in Monterey, San Luis Obispo, and Santa Barbara Counties.

The CNDDB has listed one occurrence of the California red-legged frog roughly 4.5 miles north of the Property. This occurrence was made within an unnamed ditch next adjacent to the intersection of Highway 238 and Seventh Street, Union City. The Property is completely surrounded by existing residential development with no breeding habitat present. The isolated nature of the site would preclude the existence of any population of CRLF. Our site assessment concluded that CRLF would not be present based on the lack of breeding habitat both on and immediately surrounding the Property, lack of occurrences in the vicinity, dispersal barriers such as existing development and past use of the Property for farming purposes. CRLF are presumed to be absent from the Property.

**California Tiger Salamander (*Ambystoma californiense*). Federally Threatened, State Threatened.**

Adult California tiger salamanders (CTS) inhabit rolling grassland and oak savannah. Adults spend most of the year in subterranean retreats such as rodent burrows, but may be found on the surface during dispersal to and from breeding sites. The preferred breeding sites are vernal pools

and other temporary ponds. However, CTS may use permanent manmade ponds as breeding habitat. CTS adults begin migrating to ponds after the first heavy rains of fall and can be found in or around the breeding ponds during and after winter rainstorm events. In extremely dry years, CTS may not reproduce.

After mating, females lay several small clusters of eggs, which contain from one to over 100 eggs. The eggs are deposited on both emergent and submerged vegetation, as well as submerged detritus. A minimum of ten weeks is required to complete larval development through metamorphosis, at which time the larvae will normally weigh about ten grams. Larvae remaining in pools for a longer time period can grow to much larger sizes. Upon metamorphosis, juvenile CTS migrate in large masses at night from the drying breeding sites to refuge sites. Prior to this migration, the juveniles spend anywhere from a few hours to a few days near the pond margin. Adult CTS are largely opportunistic feeders, preying upon arthropod and annelid species that occur in burrow systems, as well as aquatic invertebrates found within seasonal pools. The larvae feed on aquatic invertebrates and insects, showing a distinct preference for larvae of the Pacific tree frog.

On August 4, 2004, the U.S. Fish and Wildlife Service (USFWS) announced the listing of the CTS as threatened throughout its range with the exception of the Sonoma and Santa Barbara County populations which are listed as endangered (USFWS 2006). On March 3, 2010, the California Fish and Game Commission designated CTS as threatened under the California Endangered Species Act. On August 23, 2005, the Service designated 199,109 acres of critical habitat in 19 counties for the central California population of the CTS. On August 2, 2005, they proposed 74,223 acres of critical habitat for CTS in Sonoma County, California. This habitat is located in the Santa Rosa Plain in central Sonoma and includes lands bordered on the west by Laguna de Santa Rosa, to the south by Skillman Road, northwest of Petaluma, to the east by foothills, and to the north by Windsor Creek. On December 14, 2005, in a final decision, USFWS designated and excluded 17,418 acres of critical habitat for CTS, so that no critical habitat is being designated for the Sonoma County population.

The CNDDB has listed five occurrences of the California tiger salamander roughly 4.5 miles southeast of the Property. These occurrences were made within vernal pool complexes at Don Edwards National Wildlife Refuge. The Property is completely surrounded by existing residential development with no breeding habitat present. The isolated nature of the site would preclude the existence of any population of CTS. For these reasons CTS are presumed absent from the Property.

**REPTILES**

**Alameda Whipsnake (*Masticophis lateralis euryxanthus*). Federal Threatened Species.**

The Alameda whipsnake is one of two subspecies of the California whipsnake, distinguished from the chaparral whipsnake (*M. l. lateralis*) by the broad orange striping on its sides. Adults reach approximately 3 to 5 feet in length and show a sooty black to dark brown back, cream-colored undersides and pinkish tail. This species is typically found in chaparral, northern coastal sage scrub, and coastal sage habitats; however annual grasslands, oak woodlands, and oak

savannah serve as habitat during the breeding season. Egg-laying occurs near scrub habitat, on ungrazed grasslands with scattered shrub cover. The known distribution for Alameda whipsnake includes Sobrante Ridge, Oakland Hills, Mount Diablo, the Black Hills, and Wauhab Ridge.

The CNDDB has listed 2 Alameda whipsnake (*Masticophis lateralis euryxanthus*) occurrences within a 5-mile radius of the Property. Due to the sensitivity of the species the CNDDB does not list the exact location of these occurrences. However, there is no suitable rock outcrop or scrub habitat within the boundary of the Property and like the CRLF and CTS, the Alameda whipsnake would need a corridor in order to disperse onto the Property. Without an existing corridor the presence of the Alameda whipsnake is unlikely due to the isolation of the site and is presumed absent from the Property.

## 7.0 CONCLUSIONS

### 7.1 Wetlands

Results of the biological resource analysis survey conducted by Olberding Environmental on October 20, 2017, did not identify any wetland/waters on the Property that may be considered jurisdictional by the Corps showing no positive indicators of wetland soils, hydrology, and vegetation. Based on the results of our reconnaissance survey, the site lacked all criteria used by the Corps to determine wetland status.

### 7.2 Special-status Plants

No special-status plant species were determined to have a potential to occur on the Property. This was based on the absence of suitable habitats, soil types, and nearby and recent CNDDB occurrences.

### 7.3 Special-status Wildlife

**Foraging or Nesting Raptor/Passerine Species –** A total of seven birds were determined to have a potential to occur on the Property. The following six birds have a moderate potential to occur in a foraging capacity only: white-tailed kite, red-tailed hawk, red-shouldered hawk, American kestrel, Cooper's hawk, and sharp-shinned hawk. The loggerhead shrike has a low potential to occur in a foraging or nesting capacity. The burrowing owl and tri-colored blackbird are presumed absent from the Property.

**Special-status Mammal Species –** Given the presence of suitable onsite habitat; the pallid bat and hoary bat have a potential to occur on the Property in a foraging and roosting capacity. No immediate signs were present during the initial survey but the unoccupied structure in the southwestern corner and palm trees on-site could provide suitable roosting habitat.

**Special-Status Amphibians** – The seasonal wetland habitat on the Property does not provide suitable breeding habitat for CRLF or CTS as there is no permanent water source, and the annual grassland habitat on the site is not suitable for upland refuge due to lack of burrowing mammal

burrows. CNDDB notes occurrences of CRLF and CTS within five miles but none would be able to disperse onto the Property due to surrounding residential development. The CRLF and CTS are presumed absent from the Property.

**Special-Status Reptiles**– The grassland habitat on site does not provide suitable habitat for the threatened Alameda whipsnake. The Property has residential housing on all boundaries making it impossible for the whipsnake to disperse onto the Property. The alameda whipsnake is presumed absent from the Property.

## 8.0 RECOMMENDATIONS

- **Pre-Construction Avian Survey** – If project construction-related activities would take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds and raptors (birds of prey) within the Property and the large trees within the adjacent riparian area should be conducted by a competent biologist 14 days prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone should be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a competent biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site(s).

- **Pre-construction Bat Survey –** To avoid "take" of special–status bats, the following mitigation measures shall be implemented prior to the removal of any existing trees or structures on the project site:

  a) A bat habitat assessment shall be conducted by a qualified bat biologist during seasonal periods of bat activity (mid–February through mid–October. Feb. 15 – Apr. 15, and Aug. 15 – October 30), to determine suitability of each existing structure as bat roost habitat.

  b) Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur.

  c) Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the bat biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified bat biologist.

d) Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non–volant (non–flying or inactive, either young, or seasonally torpid) individuals.

**OR**

A qualified wildlife biologist experienced in surveying for and identifying bat species should survey the portion of the mixed oak woodland and mixed riparian habitats if tree removal is proposed to determine if any special–status bats reside in the trees. Any special–status bats identified should be removed without harm. Bat houses sufficient to shelter the number of bats removed should be erected in open space areas that would not be disturbed by project development.

· **Erosion Control** – Grading and excavation activities could expose soil to increased rates of erosion during construction periods. During construction, runoff from the Property could adversely affect aquatic life through storm water runoff systems that flow to nearby streams and creeks. Surface water runoff could remove particles of fill or excavated soil from the site, or could erode soil down-gradient, if the flow were not controlled. Deposition of eroded material in nearby water features could increase turbidity, thereby endangering aquatic life, and reducing wildlife habitat. Implementation of appropriate mitigation measures would ensure that impacts to aquatic organisms would be avoided or minimized. Mitigation measures may include best management practices (BMP's) such as hay bales, silt fencing, placement of straw mulch and hydro seeding of exposed soils after construction as identified in a Storm Water Pollution Prevention Plan (SWPPP) for the Property during development activities.

## 9.0 LITERATURE CITED


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# ATTACHMENTS

# ATTACHMENT 1
# FIGURES

**Figure 1**
**Regional Map**

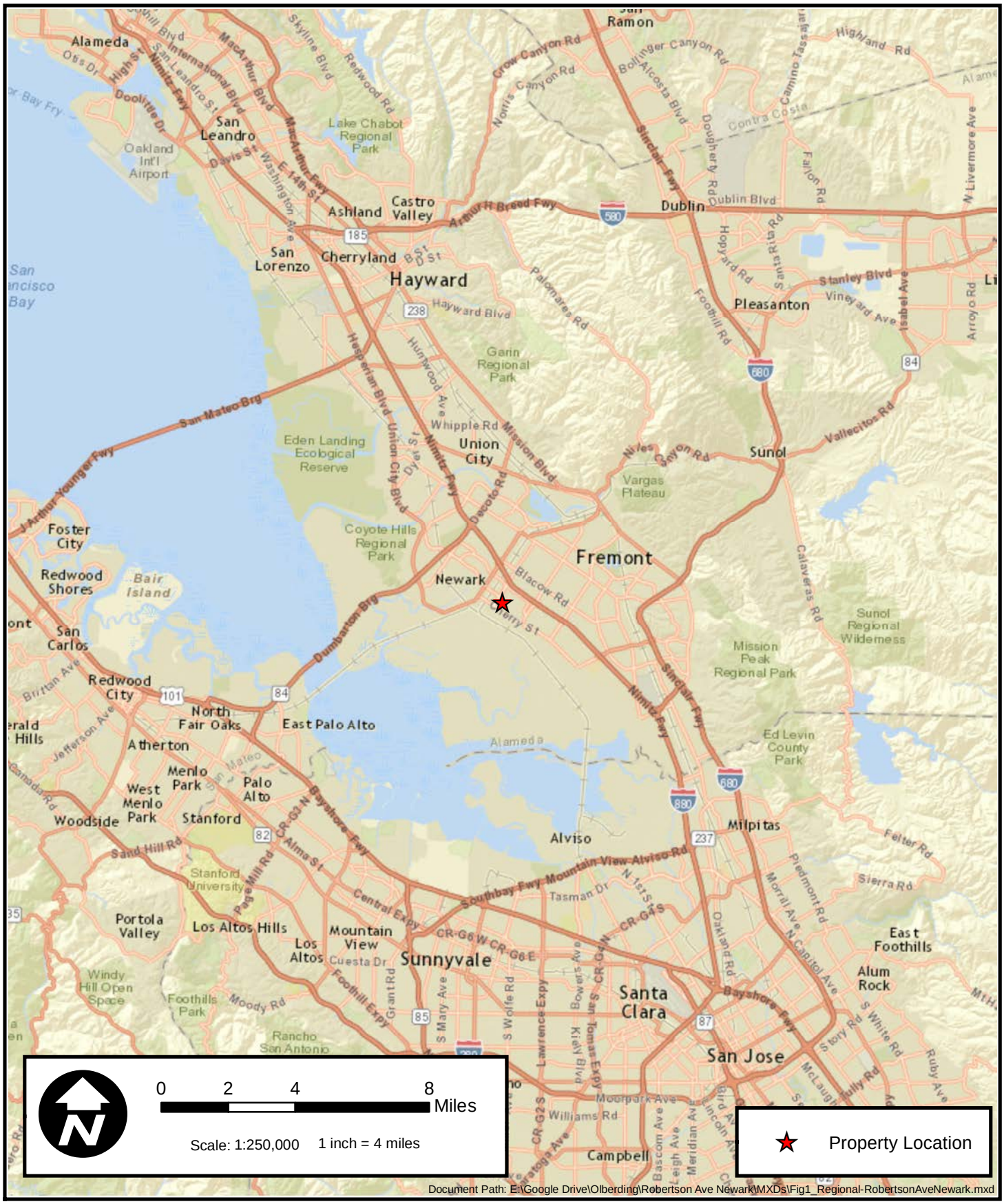


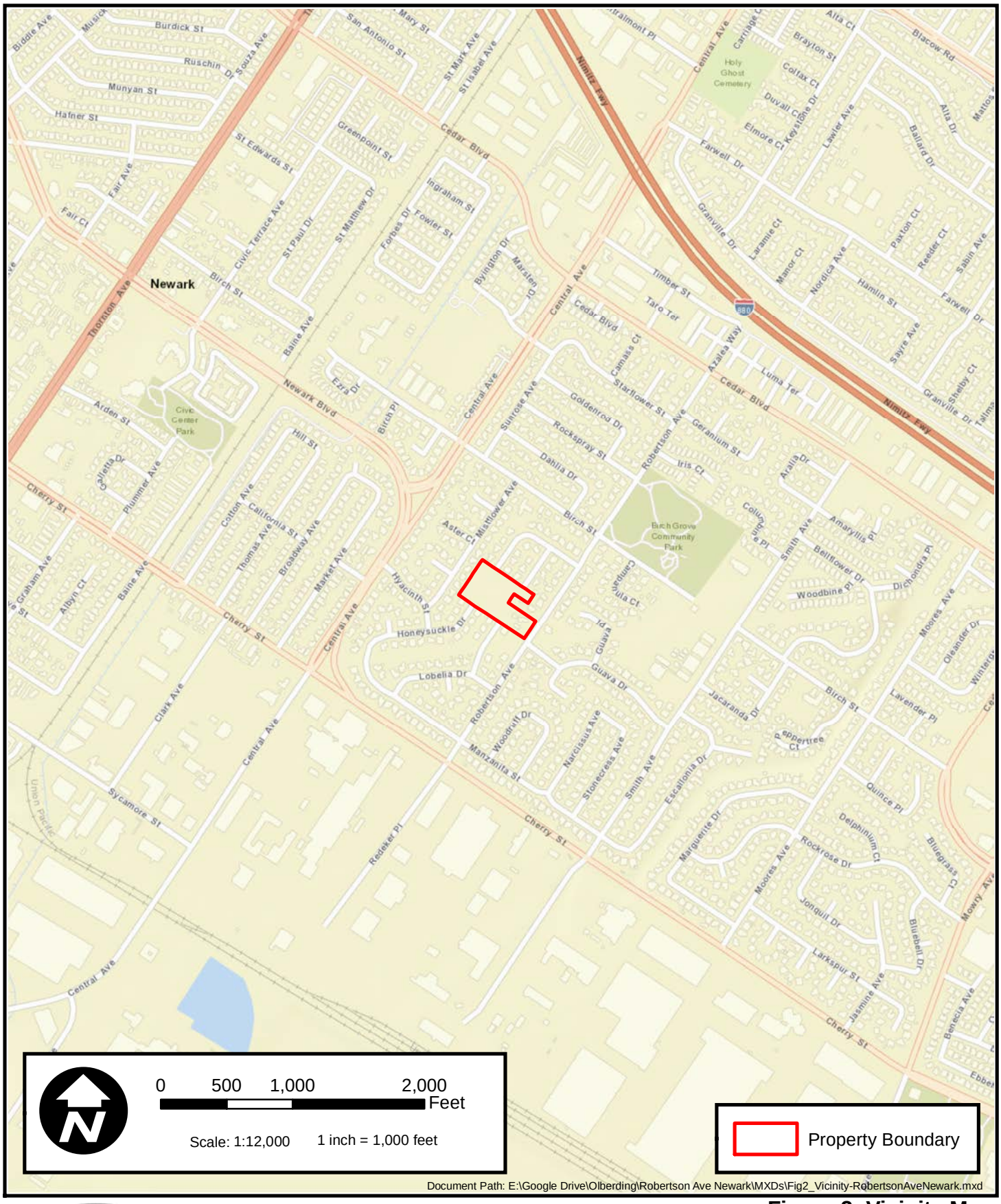

**Figure 1: Regional Map**
**Robertson Avenue Property**
**Alameda County, California**

OLBERDING ENVIRONMENTAL INC.

193 Blue Ravine Rd., Ste. 165
Folsom, CA 95630
Phone: (916) 985-1188

Map Creation Date: 10/25/2017

**Figure 2**
**Vicinity Map**




Document Path: E:\Google Drive\Olberding\Robertson Ave Newark\MXDs\Fig2_Vicinity-RobertsonAveNewark.mxd

**Figure 2: Vicinity Map**
**Robertson Avenue Property**
**Alameda County, California**


193 Blue Ravine Rd., Ste. 165
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Phone: (916) 985-1188


Map Creation Date: 10/27/2017

**Figure 3**
**USGS Quadrangle Map for Newark**

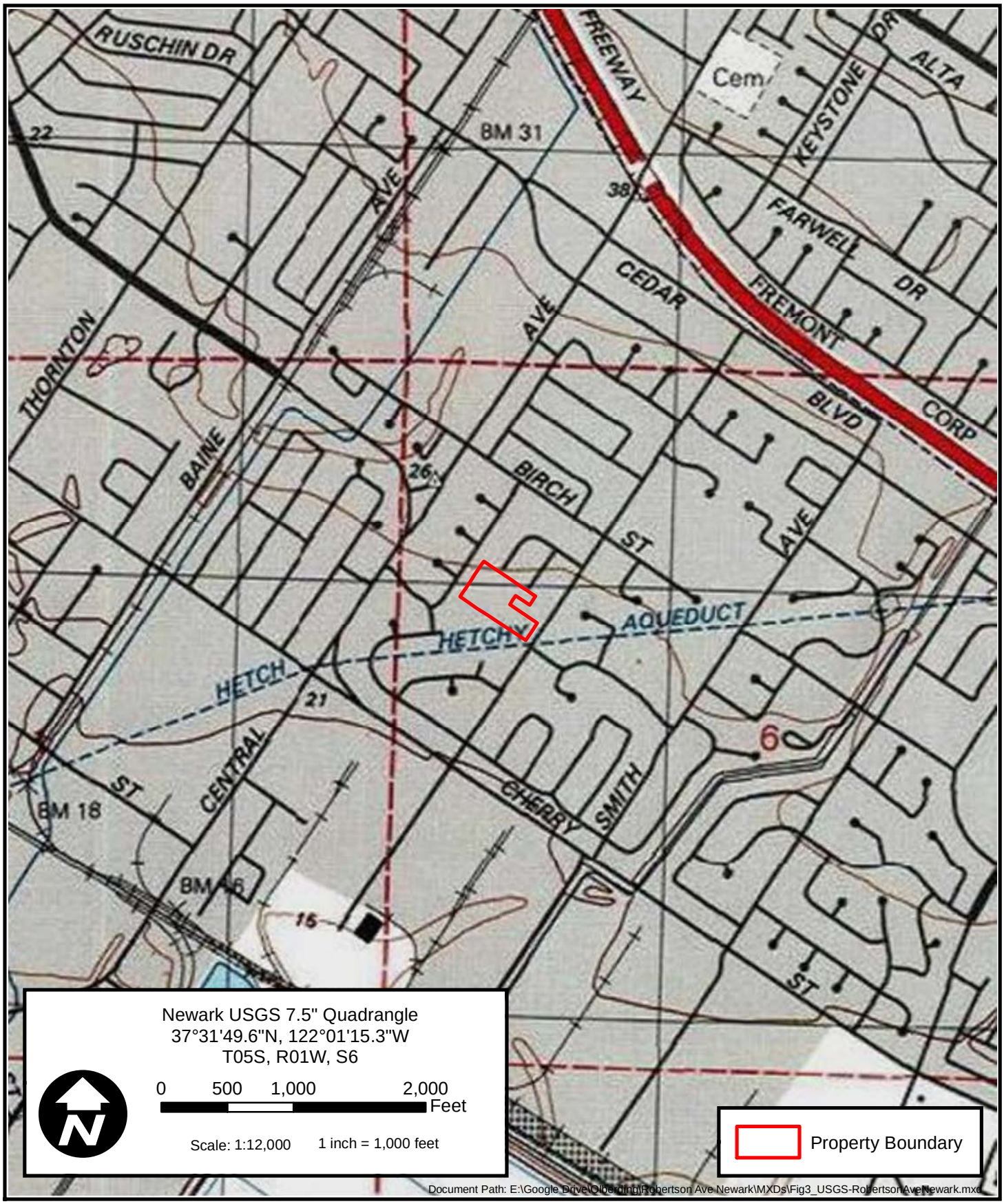


**Figure 3: USGS Topographic Map**
**Robertson Avenue Property**
**Alameda County, California**

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**Figure 4**
**Aerial Photograph**


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**Figure 4: Aerial Map**
**Robertson Avenue Property**
**Alameda County, California**

Map Creation Date: 10/25/2017

**Figure 5**
**CNDDB Map of Special Status Wildlife**

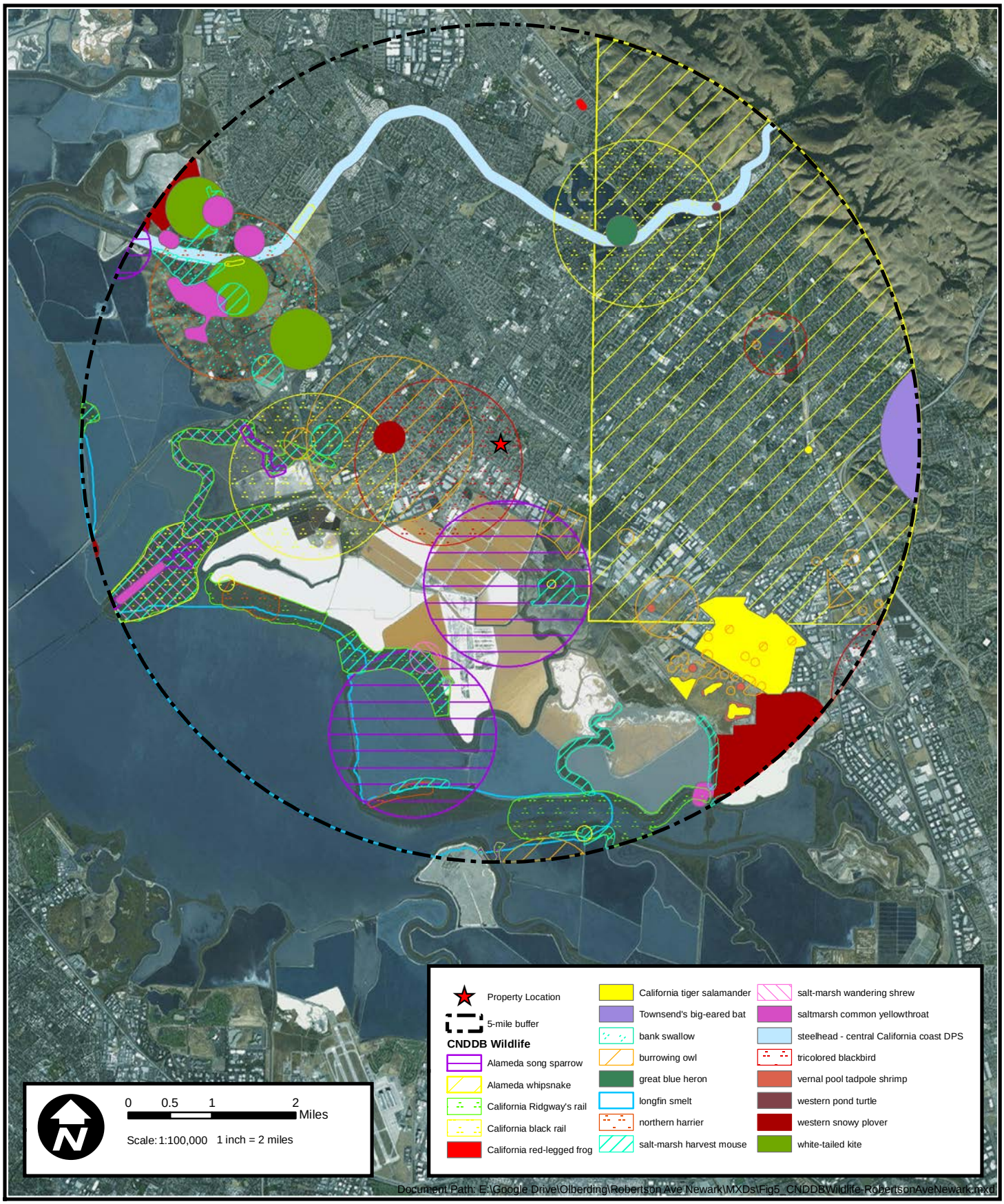


**Figure 5: CNDDB Wildlife Map**
**Robertson Avenue Property**
**Alameda County, California**

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Map Creation Date: 10/27/2017

**Figure 6**
**CNDDB Map of Special Status Plants**

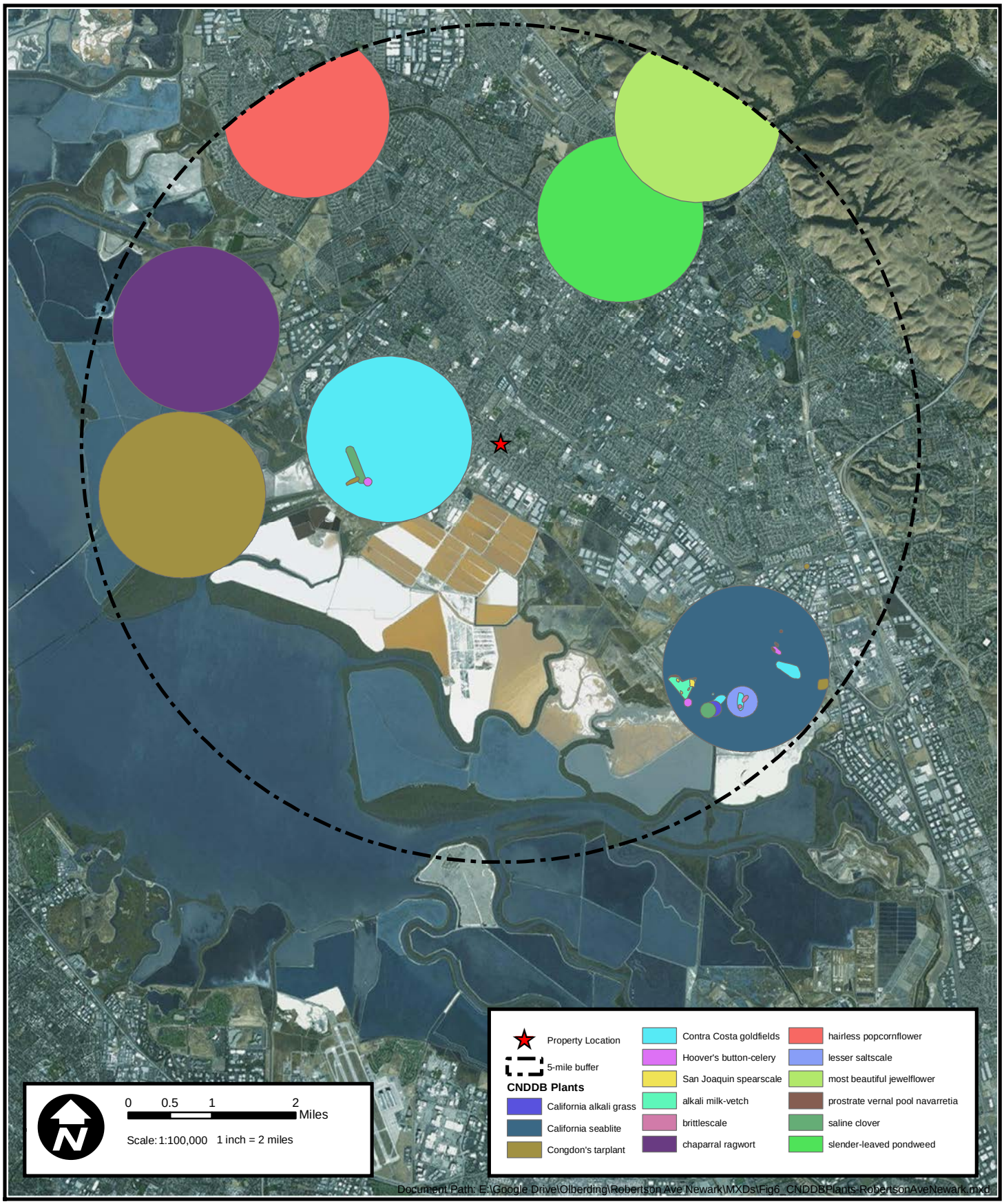


**Figure 6: CNDDB Plants Map**
**Robertson Avenue Property**
**Alameda County, California**

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Map Creation Date: 10/25/2017

**Figure 7**
**USFWS Designated Critical Habitat**

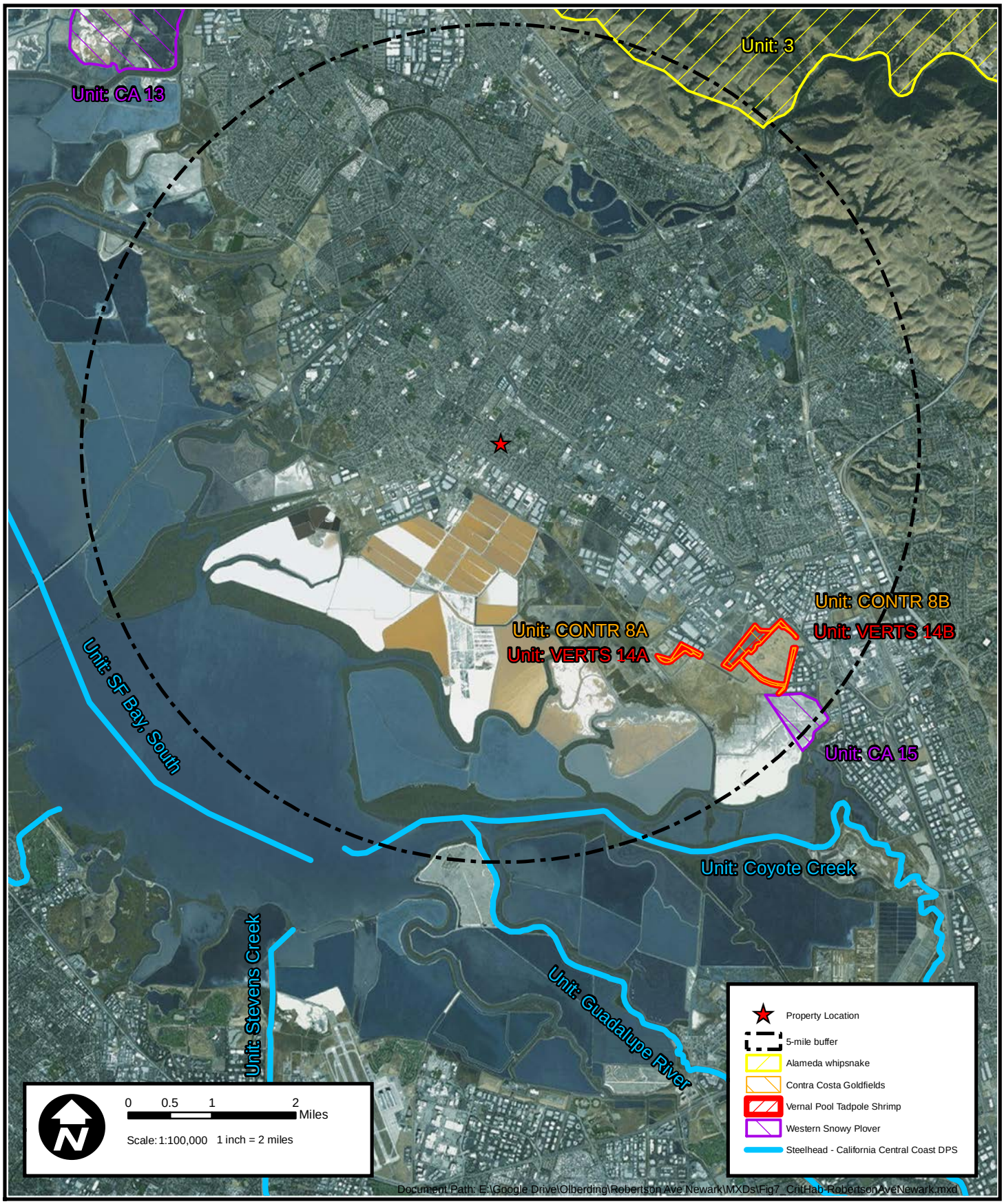


**Figure 7: USFWS Designated Critical Habitat Map**
**Robertson Avenue Property**
**Alameda County, California**

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193 Blue Ravine Rd., Ste. 165
Folsom, CA 95630
Phone: (916) 985-1188

Map Creation Date: 10/27/2017

**Figure 8**
**Soils Map**


**Figure 8: Soils Map**
**Robertson Avenue Property**
**Alameda County, California**

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Folsom, CA 95630
Phone: (916) 985-1188

Map Creation Date: 10/27/2017

**Figure 9**
**Photo Location Map**

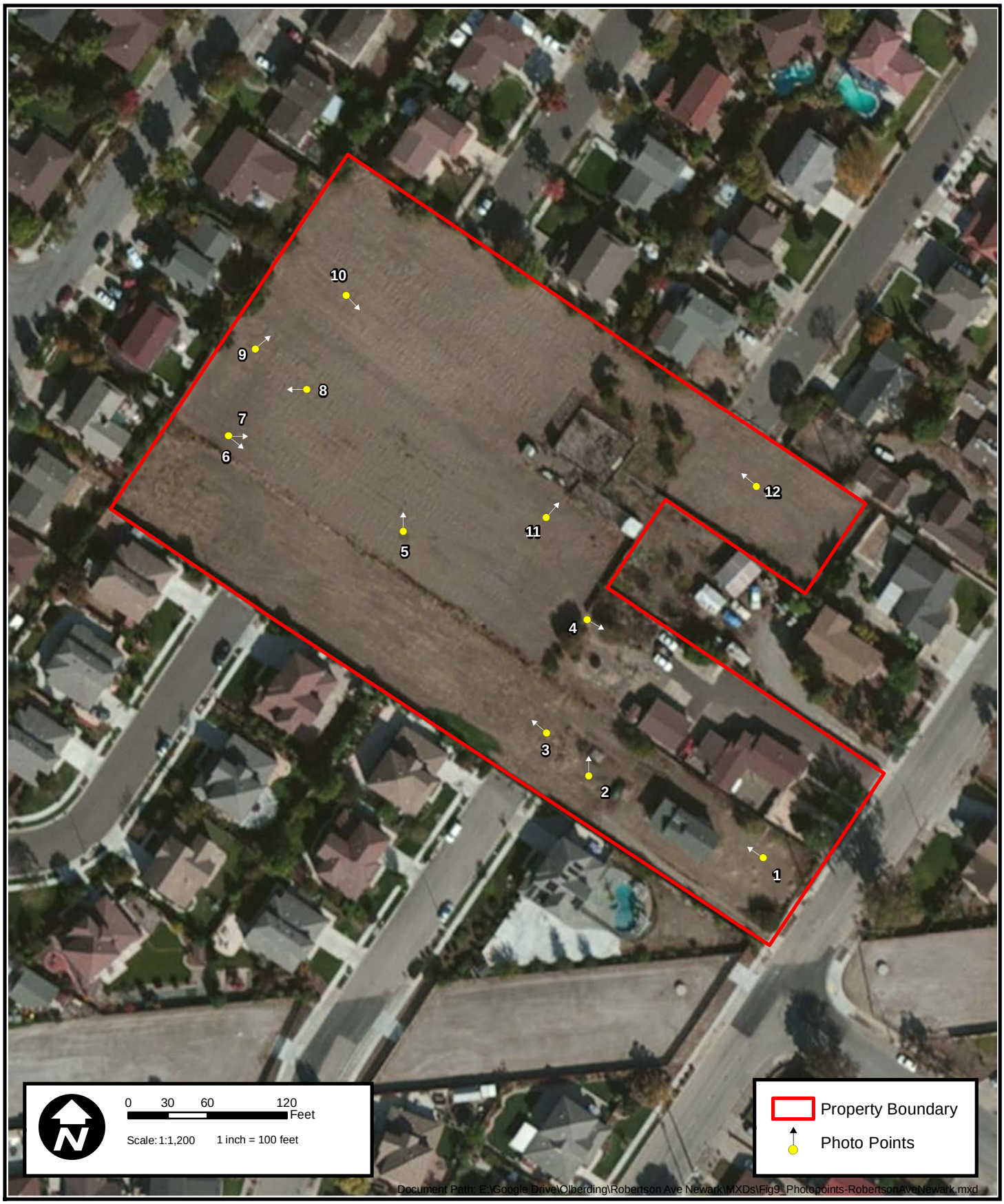


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**Figure 9: Photo Points Map**
**Robertson Avenue Property**
**Alameda County, California**

Map Creation Date: 10/27/2017

**Figure 10**
**Habitat Map**


**Figure 10: Habitat Map**
**Robertson Avenue Property**
**Alameda County, California**

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Folsom, CA 95630
Phone: (916) 985-1188

Map Creation Date: 11/6/2017

# ATTACHMENT 2

# TABLES

# Table 1

# Plant and Wildlife Species Observed

# Within/Adjacent to the Survey Area

**Table 1**

**Wildlife Species Observed Within/Adjacent to the Survey Area**

| Scientific Name | Common Name |
|---|---|
| **Plant Species Observed** | |
| *Avena fatua* | Wild oat |
| *Baccharis pilularis* | Coyote brush |
| *Brassica nigra* | Black mustard |
| *Brassica rapa* | Birdsrape mustard |
| *Bromus diandrus* | Rip-gut brome |
| *Bromus hordeaceous* | Soft chess |
| *Callistemon citrinus* | Bottlebrush tree |
| *Convolvulus arvensis* | Field bindweed |
| *Cupressus macrocarpa* | Monterey cypress |
| *Cynodon dactylon* | Bermuda grass |
| *Distichilis spicata* | Salt grass |
| *Dittrichia graveolens* | Stinkwort |
| *Elymus triticoides* | Creeping wild rye |
| *Erodium botrys* | Red-stemmed filaree |
| *Festuca myros* | Six-week rattail grass |
| *Festuca perennis* | Italian rye grass |
| *Frankenia salina* | Alkali heath |
| *Helichrysum luteoalbum* | Cudweed |
| *Helminthotheca echioides* | Bristly ox-tongue |
| *Hordeum marinum* | Mediterranean barley |
| *Hordeum murinum* | Hare barley |
| *Junglans hindsii* | Northern black walnut |
| *Lactuca serriola* | Prickly lettuce |
| *Magnolia grandiflora* | Magnolia tree |
| *Malva parviflora* | Cheeseweed |
| *Medicago polymorpha* | Bur clover |
| *Olea europaea* | Olive tree |
| *Quercus agrifolia* | Coast live oak |
| *Piptatherum miliaceum* | Smilo grass |
| *Polygonum aviculare* | Prostrate knotweed |
| *Raphanus raphanistrum* | Wild radish |
| *Rumex crispus* | Curly dock |
| *Rumex pulcher* | Fiddle dock |
| *Schinus molle* | Peruvian pepper tree |
| *Trifolium hirtum* | Rose clover |
| *Washingtonia robusta* | Mexican fan palm |
| **Animal Species Observed** | |
| **Birds** | |
| *Aphelocoma californica* | Western scrub jay |
| *Calypte anna* | Anna’s hummingbird |
| *Carpdacus mexicanus* | House finch |

**Table 1**

**Wildlife Species Observed Within/Adjacent to the Survey Area**

| Scientific Name | Common Name |
|---|---|
| *Cathartes aura* | Turkey vulture |
| *Corvus brachyrhynchos* | American crow |
| *Corvus corax* | Common raven |
| *Melozone crissalis* | California towhee |
| *Mimus polyglottos* | Northern mockingbird |
| *Passer domesticus* | House sparrow |
| *Pipilo crissalis* | California towhee |
| *Psaltriparus minimus* | Bushtit |
| *Sayornis nigricans* | Black phoebe |
| *Sayornis saya* | Say's phoebe |
| *Setophaga coronata* | Yellow-rumped warbler |
| *Thryomanes bewickii* | Bewick's wren |
| *Turdus migratorius* | American robin |
| *Zenaida macroura* | Mourning dove |
| *Zonotrichia leucophyrs* | White-crowned sparrow |
| **Mammals** | |
| *Felis catus* | Domestic feral cat |
| *Thomomys bottae* | Botta's pocket gopher |
| **Reptiles** | |
| *Sceloporus occidentalis* | Western fence lizard |

# Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| PLANTS | | | | | |
| San Mateo Thorn-Mint (*Acanthomintha duttonii*) | E/E/1B | April – June | Chaparral and valley and foothill grassland in serpentine soils. | Low No suitable habitat present | Presumed absent |
| Franciscan Onion (*Allium peninsulare* var. *franciscanum*) | -/-/1B | May – June | Cismontane woodland and valley and foothill grasslands in clay and often serpentine soils. | Low No suitable habitat present | Presumed absent |
| Bent-Flowered Fiddleneck (*Amsinckia lunaris*) | -/-/1B | March – June | Cismontane woodland, valley and foothill grassland, and coastal bluff scrub. | Low No suitable habitat present | Presumed absent |
| Alkali Milk-Vetch (*Astragalus tener* var. *tener*) | -/-/1B | March – June | Playas, valley and foothill grasslands in adobe clay soils, and vernal pools in alkaline soils. | Low No suitable habitat present | Presumed absent |
| Brittlescale (*Atriplex depressa*) | -/-/1B | May – October | Chenopod scrub, meadows and sinks, playas, valley and foothill grasslands, and alkaline vernal pools with clay substrate. | Low No suitable habitat present | Presumed absent |
| Lesser Saltscale (*Atriplex minuscula*) | -/-/1B | May – October | Chenopod scrub, playas, and valley and foothill grasslands in alkaline, sandy soils. | Low No suitable habitat present | Presumed absent |
| San Joaquin Spearscale (*Atriplex joaquiniana*) | -/-/1B | April – October | Chenopod scrub, meadows and seeps, playas, valley and foothill grassland in alkaline soils. | Low No suitable habitat present | Presumed absent |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Big-Scale Balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*) | -/-/1B | March – June | Chaparral, cismontane woodland, and valley and foothills grasslands, sometimes in serpentinite outcrops. | Low No suitable habitat present | Presumed absent |
| Chaparral Harebell (*Campanula exigua*) | -/-/1B | May – June | Chaparral, in rocky, usually serpentine soils. | Low No suitable habitat present | Presumed absent |
| Congdon's Tarplant (*Centromadia parryi* ssp. *condonii*) | -/-/1B | June – November | Valley and foothill grasslands in alkaline soils. | Low Survey during blooming period | Presumed absent |
| Point Reyes Bird's-Beak (*Cordylanthus maritimus* ssp. *palustris*) | -/-/1B | June – October | Coastal salt marsh, usually in coastal salt marsh with *Salicornia, Distichlis, Jaumea, Spartina*, etc. Also marshes and swamps. | Low No suitable habitat present | Presumed absent |
| Hoover's Button-Celery (*Eryngium aristulatum* var. *hooveri*) | -/-/1B | July | Vernal pools. | Low No suitable habitat present | Presumed absent |
| Robust Spineflower (*Chorizanthe robusta* var. *robusta*) | E/-/1B | April – September | Openings in cismontane woodlands, coastal dunes, and in valley and foothill grasslands with sandy or gravelly soils. | Low No suitable habitat present | Presumed absent |
| Santa Clara Red Ribbons (*Clarkia concinna* ssp. a*utomixa*) | -/-/4 | May – June | Cismontane woodland, chaparral, on slopes and near drainages. | Low No suitable habitat present | Presumed absent |
| Western Leatherwood (*Dirca occidentalis*) | -/-/1B | January – April | Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, and mesic riparian woodland. | Low No suitable habitat present | Presumed absent |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Jepson's coyote-thistle (*Eryngium jepsonii*) | -/-/1B | April − August | Clay soils. Valley and foothill grasslands. Vernal pools. | Low Suitable habitat present | Not likely to Occur |
| Fragrant Fritillary (*Fritillaria liliacea*) | -/-/1B | February – April | Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grasslands, often in serpentine soils. | Low No suitable habitat present | Presumed absent |
| Diablo Helianthella (*Helianthella castanea*) | -/-/1B | March – June | Broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Usually in chaparral/oak woodland interface in rocky, azonal soils, often in partial shade. | Low No suitable habitat present | Presumed absent |
| Marin Western Flax (*Hesperolinon congestum*) | T/T/1B | April – July | Chaparral and valley and foothill grassland in serpentine soils. | Low No suitable habitat present | Presumed absent |
| Loma Prieta Hoita (*Hoita strobilina*) | -/-/1B | May – October | Chaparral, cismontane woodland, riparian woodland, usually in mesic, serpentine soils. | Low Survey during blooming period | Presumed absent |
| Santa Cruz Tarplant (*Holocarpha macradenia*) | T/E/1B | June – October | Coastal prairie, coastal scrub, and valley and foothill grasslands, often with clay, sandy soils; often with non-natives. | Low No suitable habitat present | Presumed absent |
| Kellogg's Horkelia (*Horkelia cuneata* ssp. *sericea*) | -/-/1B | April – September | Closed-cone coniferous forests, chaparral, and in openings in coastal scrub, old dune, and coastal sandhill habitat with sandy or gravelly soils. | Low No suitable habitat present | Presumed absent |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Contra Costa Goldfields (*Lasthenia conjugens*) | E/-/1B | March – June | Valley and foothill grassland, cismontane woodland, and vernal pools, swales, and low depressions in open grassy areas. | Low No suitable habitat present | Presumed absent |
| Arcuate Bush-Mallow (*Malacothamnus arcuatus*) | -/-/1B | April – September | Chaparral and cismontane woodland | Low No suitable habitat present | Presumed absent |
| Woodland Woolythreads (*Monolopia gracilens*) | -/-/1B | February – July | Found in serpentine, broadleafed upland forest (openings), chaparral (openings), cismontane woodland, north coast coniferous forest (openings), valley and foothill grassland. | Low No suitable habitat present | Presumed absent |
| Prostrate Vernal Pool Navarretia (*Navarretia prostrata*) | -/-/1B | April – June | Coastal scrub, valley and foothill grassland, vernal pools, alkaline soils in grassland, or in mesic vernal pools, meadows and seeps. | Low No suitable habitat present | Presumed absent |
| Choris' Popcorn-Flower (*Plagiobothrys chorisianus* var. *chorisianus*) | -/-/1B | March – June | Chaparral, coastal prairie, and coastal scrub in mesic soils. | Low No suitable habitat present | Presumed absent |
| Hairless Popcorn-Flower (*Plagiobothrys glaber*) | -/-/1A | March – May | Meadows and seeps, marshes and swamps, coastal salt marshes and alkaline meadows. | Low No suitable habitat present | Presumed absent |
| Oregon Polemonium (*Polemonium carneum*) | -/-/2 | April – September | Coastal prairie, coastal scrub, and lower montane coniferous forest from 0-1830 meters in elevation. | Low No suitable habitat present | Presumed absent |

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Marin Knotweed (*Polygonum marinense*) | -/-/3 | (April) May – August (October) Months in parentheses are uncommon | Coastal salt and brackish marshes and swamps. | Low No suitable habitat present | Presumed absent |
| Adobe Sanicle (*Sanicula maritima*) | -/R/1B | February – May | Meadows and seeps, valley and foothill grassland, chaparral, and coastal prairie. Moist clay or ultramafic soils, wet and dry clay soils, coastal sage scrub. | Low No suitable habitat present | Presumed absent |
| Most Beautiful Jewel-Flower (*Streptanthus albidus* ssp. *peramoenus*) | -/-/1B | April – June | Chaparral, cismontane woodland, and valley and foothill grasslands in serpentine soils on ridges and slopes. | Low No suitable habitat present | Presumed absent |
| Slender-Leaved Pondweed (*Stuckenia filiformis subsp. alpina*) | -/-/2 | May – July | Assorted freshwater marshes and swamps. Shallow, clear water of lakes and drainage channels. | Low No suitable habitat present | Presumed absent |
| California Seablite (*Suaeda californica*) | E/-/1B | July – October | Marshes and swamps, margins of coastal salt marshes. | Low No suitable habitat present | Presumed absent |
| Rayless or Chaparral Ragwort (*Senecio aphanactis*) | -/-/2 | January – April | Cismontane woodland, coastal scrub, drying alkaline flats, chaparral. | Low No suitable habitat present | Presumed absent |

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| INVERTEBRATES | | | | | |
| Vernal Pool Tadpole Shrimp (*Lepidurus packardi*) | E/-/- | Once every two weeks within two weeks of pool inundation, continuing until pool has been inundated for 120 continuous days (usually December – May) | Turbid vernal pools and swales in Sacramento Valley. Grass bottomed swales of unplowed grasslands. | Low No suitable habitat present | Presumed absent |
| California Linderiella (*Linderiella occidentalis*) | SOC/-/- | December – May (dependent on the timing of winter and spring rains) | Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions. Water in the pools has very low alkalinity and conductivity. | Low No suitable habitat present | Presumed absent |
| BIRDS | | | | | |
| Cooper's Hawk (*Accipiter cooperii*) | -/CP | February – August | Oak woodlands, coniferous forests, riparian corridors. Often hunts on edges between habitats. | Moderate Suitable foraging habitat present | May Occur |
| Sharp-Shinned Hawk (*Accipiter striatus*) | -/CP | February – August | Oak woodlands, coniferous forests, riparian corridors. Often hunts on edges between habitats. | Moderate Suitable foraging habitat present | May Occur |
| Tricolored Blackbird (*Agelaius tricolor*) | SOC/-/SSC | February – August | Nesting within seasonal wetland marshes, blackberry brambles or other protected substrates. Forages in annual grassland and wetland habitats. | Low No suitable habitat present | Not Likely to Occur |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Golden Eagle (*Aquila chrysaetos*) | FP/CP/- | February – August | Nests in cliff-walled canyons and tall trees in open areas. (Nesting and wintering) Rolling foothills mountain areas, sage-juniper flats, and desert. | Low No suitable habitat present | Presumed absent |
| Great Blue Heron (*Ardea herodias*) ROOKERIES | -/-/- | February – August | (Rookery) Nests in tall trees in close proximity to foraging areas such as marshes and streams. | Low No suitable habitat present | Presumed absent |
| Burrowing Owl (*Athene cunicularia*) | SOC/-/SC | February – August | Dry open annual or perennial grassland, desert and scrubland. Uses abandoned mammal burrows for nesting. | Low No suitable habitat present | Not Likely to Occur |
| Red-tailed Hawk (*Buteo jamaicensis*) | -/CP/- | February – August | Various grassland habitats, urban land, oak woodlands with grassland for foraging. | Moderate Suitable foraging habitat present | May Occur |
| Red-shouldered Hawk (*Buteo lineatus*) | -/CP/- | February – August | Forages in variety of semi-developed habitats including orchards. Forages in woodlands and riparian areas. Nests in riparian habitat but also eucalyptus groves. | Moderate Suitable foraging habitat present | May Occur |
| Ferruginous Hawk (*Buteo regalis*) | -/CP/- | Late Fall – Winter | Open country such as semiarid grasslands with few trees, rocky outcrops, and open valleys. Also along streams or in agricultural areas during migration. | Foraging only Suitable habitat present | Not Likely to Occur |
| Western Snowy Plover (*Charadrius alexandrinus nivosus*) | T/-/SSC | February – August | Sandy beaches, salt pond levees, shores of large alkali lakes. Requires sandy, gravelly, or friable soils for nesting. | Low No suitable habitat present | Presumed absent |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Northern Harrier (*Circus cyaneus*) | -/SC | February – August | Nests in grasslands and marshlands, ground nesting bird. | Foraging only Suitable habitat present | Not Likely to Occur |
| White-tailed Kite (*Elanus leucurus*) | SOC/CP/FP | February – August | Various grassland habitats, urban land, oak woodlands with grassland for foraging. | Moderate Suitable foraging habitat present | May Occur |
| American Kestrel (*Falco sparverius*) | -/CP/- | February – August | Various grassland habitats, urban land, oak woodlands with grassland for foraging. | Moderate Suitable foraging habitat present | May Occur |
| Saltmarsh Common Yellowthroat (*Geothlypis trichas sinuosa*) | SOC/-/SSC | February – August | Fresh and saltwater marshes of the San Francisco Bay area. Forages in thick, continuous vegetation down to water surface. Nests in tall grasses, tule patches, and willows. | Low No suitable habitat present | Presumed absent |
| Loggerhead Shrike (*Lanius ludovicianus*) | SOC/-/SSC | February – August | Open grassland habitats, grazed grasslands. Uses shrubs for nesting. | Low Suitable habitat present | May Occur |
| California Black Rail (*Laterallus jamaicensis coturniculus*) | SOC/T/FP | February – August | Occurs in tidal salt-marsh with heavy pickleweed growth. Mainly inhabits salt-marshes bordering larger bays. Also in fresh and brackish marshes, all at low elevation. | Low No suitable habitat present | Presumed absent |
| Alameda Song Sparrow (*Melospiza melodia pusillula*) | -/-/SSC | February – August | Resident of salt marshes bordering south arm of San Francisco Bay, inhabits *Salicornia* marshes, nests low in *Grindelia* bushes (high enough to escape high tides) and in *Salicornia*. | Low No suitable habitat present | Presumed absent |

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| California Ridgeway's Rail (*Rallus longirostris obsoletus*) | E/E/- | February – August | Salt to brackish-water marshes with tidal sloughs in San Francisco Bay area. Found in dense pickleweed. | Low No suitable habitat present | Presumed absent |
| Bank Swallow (*Riparia riparia*) | SOC/T/- | February – August | Nests in colonies in riparian or other lowland habitats. Nest is constructed in vertical bank or cliff with fine sandy soils near streams, rivers, lakes or ocean. | Low No suitable habitat present | Presumed absent |
| Black Skimmer (*Rynchops niger*) | -/-/SSC | February – August | Nesting colonies are protected. Nests along the north and south ends of the Salton Sea, and on salt pond levees of south San Francisco Bay. Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. | Low No suitable habitat present | Presumed absent |
| California Least Tern (*Sternula antillarum browni*) | E/E/- | February – August | (Nesting colony) Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas. | Low No suitable habitat present | Presumed absent |
| MAMMALS | | | | | |
| Pallid Bat (*Antrozous pallidus*) | -/SC/- | N/A | Forages in grasslands, shrublands, deserts, forests, and woodlands. Most common in open, dry habitats. Roosts in rock crevices, caves, tree hollows, and artificial structures. Roosts must protect bats from high temperatures; very sensitive to disturbance of roosting sites. | Low Suitable habitat present | May Occur |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| Townsend's Big-Eared Bat (*Corynorhinus townsendii*) | -/SSC/- | Resident | Throughout California in a wide variety of habitats; roosts in the open, hanging from walls and ceilings. Needs sites free from human disturbance. Most common in mesic sites. | Low No suitable habitat present | Presumed Absent |
| Hoary Bat (*Lasiurus cinereus*) | -/-/- | Resident | Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees near water. Feeds mainly on moths. | Low Suitable habitat present | May Occur |
| Yuma Myotis (*Myotis yumanensis*) | -/-/- | Resident | Roosts primarily in caves, rocks and crevices, but also found in artificial structures. Opportunistic hunters with a wide range of insect prey. Hunts for insects above the surface of slow moving water or in vegetation close to the water's edge. | Low No suitable habitat present | Presumed Absent |
| Salt-Marsh Harvest Mouse (*Reithrodontomys raviventris*) | E/E/FP | Resident | Middle marsh habitat dominated by pickleweed. Only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is primary habitat. Do not burrow, build loosely organized nests. Require higher areas for flood escape. | Low No suitable habitat present | Presumed Absent |
| Salt-Marsh Wandering Shrew (*Sorex vagrans halicoetes*) | SOC/-/SSC | Resident | Salt marshes of the southern arm of San Francisco Bay, medium high marsh 6-8 feet above sea level where abundant driftwood is scattered among *Salicornia*. | Low No suitable habitat present | Presumed Absent |

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| American Badger (*Taxidea taxus*) | -/-/SSC | Resident | Shrub, forest, and herbaceous habitats with friable soils to dig burrows. Need open, uncultivated ground. Prey on fossorial mammals. | Low Suitable habitat present | Not likely to occur |
| AMPHIBIAN | | | | | |
| California Tiger Salamander (*Ambystoma californiense*) | T/T/- | Aquatic Surveys - Once each in March, April, and May with at least 10 days between surveys.<br><br>Upland Surveys - 20 nights of surveying under proper conditions beginning October 15 and ending March 15. | Vernal pools, swales and depressions for breeding, needs underground refugia. | Low No suitable habitat present | Presumed Absent |
| Foothill Yellow-Legged Frog (*Rana boylii*) | SOC/-/SC | Year-round resident | Partially-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need cobble for egg-laying. | Low No suitable habitat present | Presumed Absent |
| California Red-Legged Frog (*Rana draytonii*) | T/-/SC | May 1 – November 1 | Lowlands and foothills in or near permanent deep water with dense, shrubby or emergent riparian habitat. Requires 11-20 weeks of permanent water for breeding and larval development. Must have access to aestivation habitat. | Low No suitable habitat present | Presumed Absent |

**Table 2**

**Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]**

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|
| REPTILE | | | | | |
| Western Pond Turtle (*Emys marmorata*) | -/-/SC | March – October | Aquatic turtle needs permanent water in ponds, streams, irrigation ditches. Nests on sandy banks or grassy fields. | Low No suitable habitat present | Presumed Absent |
| Alameda Whipsnake (*Masticophis lateralis euryxanthus*) | T/T | Year-round resident | Valley foothill hardwood habitat of the coast ranges between Monterey and north San Francisco Bay areas. | Low No suitable habitat present | Presumed Absent |
| Coast Horned Lizard (*Phrynosoma blainvillii*) | -/SSC/- | Year-round resident | Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes; requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects. | Low No suitable habitat present | Presumed Absent |

## Table 2

## Special-Status Species for the Newark, San Leandro, Hayward, Dublin, Niles, Redwood Point, Palo Alto, Mountain View, Milpitas 7.5 Minute Quadrangle Maps[1]

| Common Name/Scientific Name | Status (Fed/State/ CNPS)[2] | Blooming or Survey Period | Habitats of Occurrence | Potential on Site | Status on Site** |
|---|---|---|---|---|---|

1. Special-status plants and animals as reported by the California Natural Diversity Data Base, California Native Plant Society, and other background research October 2017
2. Order of Codes for Plants - Fed/State/CNPS
   Order of Codes for Animals - Fed/State/CDFW
   Codes:
   SOC - Federal Species of Concern
   SC - California Species of Special Concern
   E - Federally/State Listed as an Endangered Species
   T - Federally/State Listed as a Threatened Species
   C - Species listed as a Candidate for Federal Threatened or Endangered Status
   R - Rare
   D - Delisted
   CP- California protected
   FP - State Fully Protected
   DFG: SC California Special Concern species
   1B - California Native Plant Society considers the plant Rare, Threatened, or Endangered in California and elsewhere.
   1A - CNPS Plants presumed extinct in California.
   2 - CNPS Plants Rare, Threatened or Endangered in California, but more common elsewhere.
   3 - CNPS Plants on a review list to find more information about a particular species.
   4 - CNPS Plants of limited distribution - a watch list.

# ATTACHMENT 3

# SITE PHOTOGRAPHS

Photo 1: Facing northwest, photo shows the two existing houses on site. Note the structure on the left was unoccupied but could have a potential for bats.

Photo 2: Facing north, photo shows ornamental trees and shrubs around developed area.

Photo 3: Facing northwest, photo shows annual grassland habitat in the foreground and existing residential development in the background.

Photo 4: Facing southeast, photo shows the second existing house surrounded by asphalt. Also note the large trees off the Property that could be suitable nesting habitat for avian species.

Photo 5: Facing north, photo shows disked grassland habitat.

Photo 6: Facing southeast, photo shows alternate angle of disked grassland habitat.

Photo 7: Facing east, photo shows disked grassland habitat.

Photo 8: Facing west, photo shows northern boundary where large ornamental trees exist. Nesting birds may occur here.

Photo 9: Facing northeast, photo shows alternate angle of the Property.

Photo 10: Facing southeast, photo shows remnant vegetation down the center of the Property.

Photo 11: Facing northeast, photo shows cage structures in the center of the Property.

Photo 12: Facing northwest, photo shows ornamental trees in the southeastern corner of the Property. They may provide suitable nesting habitat for a variety of small passerine birds.