BIOLOGICAL RESOURCES ANALYSIS REPORT

FOR THE

18081 SARATOGA LOS GATOS ROAD PROPERTY

CITY OF MONTE SERENO, SANTA CLARA COUNTY, CALIFORNIA



Prepared for:

Mr. AJIT SINGH
2059 Camden Avenue, #298
San Jose, CA 95124

Prepared by:

MAR 08 2018

OLBERDING ENVIRONMENTAL, INC.
Wetland Regulatory Consultants
193 Blue Ravine Road, Suite 165
Folsom, California 95630

Phone: (925) 866-2111 ~ Fax: (925) 866-2126

E-mail: jeff@olberdingenv.com
Contact: Jeff Olberding

JANUARY 2018

TABLE OF CONTENTS

SUMMARY 1
1.0 INTRODUCTION 2
2.0 LOCATION 2
3.0 PROPERTY DESCRIPTION 2
4.0 REGULATORY SETTING 3
4.1 Federal Regulatory Setting 3
4.1.1 Plants and Wildlife 3
4.1.2 Wetlands/Waters 3
4.1.3 Migratory Bird Treaty Act 4
4.1.4 Federal Bald and Golden Eagle Protection Act 5
4.2 State Regulatory Setting 5
4.2.1 Plants and Wildlife 5
4.2.2 Wetlands/Waters 6
4.2.3 California Environmental Quality Act 7
5.0 METHODS OF ANALYSIS FOR GENERAL BIOLOGICAL RESOURCES 7
5.1 Soils Evaluation 9
5.2 Plant Survey Methods 9
5.2.1 Review of Literature and Data Sources 9
5.2.2 Field Surveys 9
5.3 Wildlife Survey Methods 9
5.3.1 Review of Literature and Data Sources 10
5.3.2 Field Surveys 10
6.0 RESULTS FOR GENERAL BIOLOGICAL RESOURCES 10
6.1 Soil Evaluation Results 10
6.2 Plant Survey Results 10
6.2.1 Floristic Inventory and Habitat Characterization 11
6.2.2 Special-Status Plant Species 12
6.3 Wildlife Survey Results 13
6.3.1 General Wildlife Species and Habitats 13
7.0 CONCLUSIONS 21
7.1 Wetlands 21
7.2 Special-status Plants 21
7.3 Special-status Wildlife 22
8.0 RECOMMENDATIONS 22
9.0 LITERATURE CITED 25

LIST OF ATTACHMENTS

ATTACHMENT 1 FIGURES

Figure 1	Regional Map
Figure 2	Vicinity Map
Figure 3	USGS Topographic Map
Figure 4	Aerial Map
Figure 5	CNDDB Wildlife Occurrences within 5 miles
Figure 6	CNDDB Plant Occurrences within 5 miles
Figure 7	USFWS Critical Habitat
Figure 8	Soils Map
Figure 9	Photo Location Map
Figure 10	Habitat Map

ATTACHMENT 2 TABLES

Table 1	Plant and Wildlife Species Observed Within/Adjacent to the Survey Area
Table 2	Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 7.5 Minute Quadrangle Maps

ATTACHMENT 3 SITE PHOTOGRAPHS

This report should be cited as: Olberding Environmental, Inc. January 2018. *Biological Resources Analysis Report for the 18081 Saratoga Los Gatos Road Property, City of Monte Sereno, Santa Clara County, California.* Prepared for Mr. Ajit Singh, San Jose, California.

SUMMARY

On January 12, 2018, Olberding Environmental, Inc. conducted a field reconnaissance survey of the 18081 Saratoga Los Gatos Road 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 0.96 acres located within the City of Monte Sereno, Santa Clara 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 eight special-status plant species have been observed within a five mile radius 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 plant species.

A total of seven bird species were identified as having the potential to occur on or adjacent to the Property. The following four bird species have a moderate potential to occur in a foraging capacity only: red-shouldered hawk (*Buteo lineatus*), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius),* and sharp-shinned hawk (*Accipiter striatus*). The red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), and loggerhead shrike (*Lanius ludovicianus*) have a moderate potential to occur in a foraging and nesting capacity. Due to lack of suitable 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 January 2018 survey; however, based on habitat suitability, it was determined that bats have a low to moderate 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 shed structure on the northern edge 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), Santa Cruz black salamander (*Aneides flavipunctatus niger*), and California giant salamander (*Dicamptodon ensatus*) within a 5-mile radius of the Property. However, due to the historic nature of the occurrences, the lack of suitable habitat for each and the surrounding residential development, it is unlikely that these

species could use the Property for dispersal and all 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 Monte Sereno, Santa Clara 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 2018) maintained by the CDFW and the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2018). 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 January, 12 2018. 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 its north, east and west boundaries, and by Saratoga Los Gatos Road (State Route 9) providing access along the southwestern edge of the property. Additional residences are located on the opposite side of the roadway. Attachment 1, Figure 1 depicts the regional location of the Property in Santa Clara County, while Attachment 1, Figure 2 illustrates the vicinity of the Property in relationship to the City of Monte Sereno. Attachment 1, Figure 3 identifies the location of the Property in the Los Gatos USGS 7.5-minute 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 South, keep left to continue onto California 17 South. After 7 miles take the exit for State Route 9 towards Los Gatos/Saratoga. Follow State Route 9 for 0.7 miles. The Property is located on the right hand side at 18081 Saratoga Los Gatos Road.

3.0 PROPERTY DESCRIPTION

The Property encompasses approximately 0.96 acres in a square shape bound by residential area on all boundaries with Saratoga Los Gatos Road along the south western boundary.

A majority of the Property supports ornamental woodland and urban/developed habitats. Ruderal grassland habitat with scattered oak trees (*Quercus* sp.) also occurs within the northern part of the Property. Characteristic vegetation includes a mixture of annual grasses and forbs. These include Bermuda grass (*Cynodon dactylon*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena* spp.), Himalayan blackberry (*Rubus armeniacus*) and black mustard (*Brassica nigra*). The Property has multiple structures existing on-site including an old house pad, a shed, two old cars and gazebo. Ornamental trees and shrubs including but not

limited to bamboo (*Bambusoideae* sp.), Brazilian peppertree (*Schinus molle*), oleander (*Nerium oleander*), magnolia (*Magnolia grandiflora*), Italian cypress (*Cupressus sempervirens*), privet (*Ligustrum spp.*), acacia sp., and Mexican fan palm (*Washingtonia robusta*) were found in this area as well. The topography of the Property consists of slightly sloping land that ranges from 480 to 461 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 Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta USGS 7.5-minute quadrangles (adjacent 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 January 12, 2018. 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 were 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 2018). 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 2018).

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 2018) 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 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 2018). 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 (2018) 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:

- **334: Urban Land- Montavista- Togasara complex, 9-15 percent slopes** – The composition of this soil type within the Project Area consists of 55 percent Urban Land, 25 percent Montavista and similar soils, 15 percent Togasara and similar soils, and 5 percent of minor components consisting of Pachic Argixerolls.

  A1--0 to 2 inches, (0 to 5 cm); brown (10YR 4/3) broken face clay loam, dark brown (10YR 3/3) broken face moist; 33 percent clay; strong very fine granular and strong fine granular and moderate fine subangular blocky structure; slightly hard, very friable, moderately sticky, moderately plastic; many very fine roots; many very fine interstitial pores; 10 percent rounded very strongly cemented 2 to 75 millimeter mixed rock fragments; slightly acid, pH 6.6

  A2--2 to 9 inches, (5 to 24 cm); brown (10YR 4/3) broken face clay loam, dark brown (10YR 3/3) broken face moist; 33 percent clay; strong medium subangular blocky and strong fine subangular blocky structure; slightly hard, friable, moderately sticky, moderately plastic; common very fine roots; common very fine tubular and many very fine interstitial pores; 30 percent clay films on all faces of peds; 5 percent rounded very strongly cemented 2 to 75 millimeter mixed rock fragments; slightly acid, pH 6.2

  ABt--9 to 17 inches, (24 to 42 cm); brown (7.5YR 4/3) broken face clay loam, dark brown (7.5YR 3/3) broken face moist; 35 percent clay; moderate medium subangular blocky structure; slightly hard, friable, moderately sticky, moderately plastic; common very fine roots; common very fine tubular pores; 60 percent clay films on all faces of peds; 5 percent rounded very strongly cemented 2 to 75 millimeter mixed rock fragments; slightly acid, pH 6.2

6.2 Plant Survey Results

6.2.1 Floristic Inventory and Habitat Characterization

The Property supports three habitat types consisting of urban/developed, ornamental woodland and ruderal 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 types 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

A house pad is present at the southern edge of the Property. There is also a shed, gazebo and a debris pile within the south western portion of the Property. These structures are primarily surrounded by ornamental or landscaping plants such as privet, ornamental shrubs and cactus.

Ruderal grassland

The majority of the Property has been recently disturbed and is primarily bare soil. There is sparse ruderal vegetation popping up through the soil and around the edges of the Property. Dominant ruderal vegetation consisted of species including but not limited to, Bermuda grass, rip-gut brome, wild radish (*Raphanus raphanistrum*), Himalayan blackberry, periwinkle (*Vinca minor*), common vetch (*Vicia sativa*) and prickly lettuce (*Lactuca serriola*).

Ornamental Woodland

Several medium sized oak, privet, Brazilian peppertree (*Schinus molle*) magnolia (*Magnolia grandiflora*), and birch (*Betula* sp.) trees are located along the edges of the Property and scattered amongst the grassland habitat within the northern portion of the Property. Large palm and conifer trees are visible on adjacent parcels. Understory plants within the southern portion of the Property is covered in yellow woodsorrel (*Oxalis stricta*), with ornamental bulbs calla lily (*Zantedeschia aethiopica*) and daffodil (*Narcissus papyraceus*) scattered around.

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 eight 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 has been disturbed recently, seeds produced by vegetation growing in this ruderal habitat offer foraging opportunities for an assortment of wildlife species.

Small passerines, including the cedar waxwing (*Bombycilla cedrorum),* yellow-rumped warbler (*Setophaga coronate*), California towhee (*Pipilo crissalis*), Anna's hummingbird (*Calypte anna*), and Bewick's wren (*Thryomanes bewickii*) were observed foraging in the Property. Western scrub-jay (*Aphelocoma californica*), and American crow (*Corvus bracyrynchos*) 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 could forage on the seeds and plants found in annual grasslands include field mouse (*Peromyscus sp.*), Botta's pocket gopher (*Thomomys bottae*) and fox squirrel (*Sciurus niger*).

Ornamental Woodland

The ornamental woodland provides suitable foraging and nesting opportunities for bird and raptor species as well as mammal species. Avian species observed include chestnut-backed chickadee (*Poecile rufescens*), western scrub jay, house finch (*Carpodacus mexicanus*), dark eyed junco (*Junco hyemalis*), lesser goldfinch (*Spinus psaltria*), and oak titmouse (*Baeolophus inornatus*). The larger ornamental and oak trees provide suitable nesting locations for passerine birds, red-tailed hawk, loggerhead shrike and Cooper's hawk.

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. While there are large oak and ornamental trees throughout the Property that could provide marginally suitable nesting opportunities for this species, it is unlikely they will use them as a nest site. 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 ornamental and oak trees throughout the Property and the large conifers on the adjacent properties may provide suitable nesting opportunities for this species. The Property offers a potential for foraging opportunities throughout the grassland habitat. Given the information above and the ubiquitous nature of this species, the red-tailed hawk has a moderate potential to occur on the Property in a nesting and foraging capacity.

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 ornamental and oak trees along the across of the Property could provide nesting opportunities for this species but it is unlikely that they will use it as a nesting site. 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.

CNDDB did not list the white-tailed kite as occurring within the vicinity of the Property. Large ornamental and oak trees within the Property may provide nesting opportunities for this species but it is unlikely that they will use them as nesting sites due to the human disturbances. 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. 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 within a 5-mile radius of the Property. However, large ornamental and oak trees within the Property could provide moderately suitable nesting opportunities for Cooper's hawk but it is unlikely that the sharp-shinned hawk would use the trees on the Property as nesting sites. The Property offers a potential for foraging opportunities for both species. Given the information above, the Cooper's hawk has a moderate potential to occur in a nesting and foraging capacity and sharp-shinned hawk has a moderate potential to occur on the Property in a foraging capacity only.

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 did not list any occurrences of burrowing owl within the vicinity of the Property. No ground squirrels or other large burrows were observed during the reconnaissance survey. During the January 2018 survey burrowing owls were not observed on the Property and with lack of burrowing mammal burrows and no CNDDB records nearby they are presumed absent from 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 listed one occurrence (Occurrence # 96) of hoary bat and one occurrence (Occurrence # 100) of the pallid bat within a 5-mile radius of the Property. Additionally, there were several large 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.

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 two occurrences of the California red-legged frog within a 5-mile radius of the Property. The closest occurrence (Occurrence #211) is located approximately 4.75 miles west of the Property where a juvenile frog was captured in Saratoga Creek in 1997. The most recent occurrence (Occurrence #961) is located approximately 4.5 miles west of the Property where an adult and 3 larvae were observed in Calabasas Creek in 2007. 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 one occurrence of the California tiger salamander roughly 4 miles east of the Property. This occurrence is a historical record of a museum collection made in San Jose in 1895 and the site is now considered extirpated. The Property is completely surrounded by existing residential development with no breeding or aestivation 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.

California Giant Salamander (*Dicamptodon ensatus*). State Protected.

The California Giant Salamander is found in the south and north Coast Ranges from southern Santa Cruz County north just beyond the Sonoma-Mendocino County border. The species inhabits moist forests within and near clear, cold, rocky streams or seepages. When above ground it is found under logs, bark, rocks, and other large objects, usually near water. The cool, humid, shady environment that this species commonly inhabits favors some diurnal activity. This species of salamander preys on a variety of items such as small snakes, lizards, shrews, small rodents and other salamanders.

Breeding occurs after the first rains when adults move to nearby pond or creek pool sites. Pools near sprints at the head waters of creeks or beneath waterfalls are usually favored. Females lay from 70 to 185 eggs in concealed locations beneath stabilized rock and log jams. The eggs are attached by their short pedicles to such objects and are attended by the female (Stebbins and McGinnis 2012).

The CNDDB has listed eight occurrences of the California giant salamander within a 5-mile radius of the Property. The most recent occurrence (Occurrence #101) was observed approximately 4.5 miles southeast within Hendry's Creek just upstream from Lexington Reservoir. Both larvae and adults were observed May 2015. The closest occurrence (Occurrence # 2) overlaps with the Property but was a historical occurrence observed in 1918. This area has been since developed are the species is presumed to be extirpated from the area. The Property is completely surrounded by existing residential development with no breeding or aestivation habitat present. The isolated nature of the site would preclude the existence of any population of giant salamander. For these reasons the giant salamander is presumed absent from the Property.

Santa Cruz Black Salamander (*Ambystoma californiense*). California Species of Special Concern.

The Santa Cruz black salamander occurs on the San Francisco peninsula in San Mateo, Santa Cruz and Santa Clara counties. The black salamander can be found in a variety of habitats. They include coastal grassland, open oak and conifer woodlands, redwood and Douglas fir forests, clearings near forest edges, banks of permanent streams, areas around springs, wet to damp rock rubble, caves and mine shafts. It is usually found outside areas of contiguous tree canopy. This species of salamander feeds on spiders, beetles, ants, termites, millipedes and flies.

The CNDDB has listed 12 occurrences of the Santa Cruz black salamander within 5-miles of the Property. The most recent occurrence (Occurrence # 39) was observed approximately 4.5 miles southeast within Hendry's Creek just upstream from Lexington Reservoir. Three juveniles were observed May 2016. The closest occurrence (Occurrence # 6) overlaps with the Property but was a historical occurrence observed in 1976. This area has been since developed are the species is presumed to be extirpated from the area. The Property is completely surrounded by existing residential development with no breeding or aestivation habitat present. The isolated nature of the site would preclude the existence of any population of black salamander. For these reasons the black salamander is presumed absent from the Property.

REPTILES

Western Pond Turtle (*Emys marmorata*). California Species of Special Concern.

The western pond turtle is a thoroughly aquatic turtle that may be found in marshes, ponds, streams and irrigation ditches where aquatic vegetation is present. The turtles, which range from nine to ten inches in size, require basking sites and suitable upland habitat for egg laying. Suitable breeding upland habitats may consist of sandy banks or grassy open fields. The western pond turtle has a dark brown to olive-colored carapace with hexagonal scales that lack prominent markings.

Nesting and incubation occur from April to September, with a peak time for mating and egg laying occurring from March to May. After a 73 to 80-day gestation or incubation period, 5 to 13 eggs will be laid from July to October. Eggs are produced either once or twice a year. Females may travel some distance from water for egg-laying, moving as much as 0.8 kilometers (0.5 mile) away from and up to 90 meters (300 feet) above the nearest source of water. Most nests are with 90 meters (300 feet) of water. The female usually leaves the water in the evening and may wander far before selecting a nest site, often in an open area of sand or hardpan that is facing southwards. The nest is flask-shaped with an opening of about five centimeters (two inches). Females spend considerable time covering up the nest with soil and adjacent low vegetation, making it difficult for a person to find unless it has been disturbed by a predator.

Activity slows from November to February. During the winter when water and air temperatures cool, usually from September to March, the turtles begin to hibernate. During hibernation, turtles either bury themselves in the mud at the bottom of ponds or will bury themselves on land in duff (top layer of decomposing vegetation and soil). Some turtles travel more than a half mile to over-winter on land, though many select the nearest wooded or shrubby area they can bury in. Turtles then emerge from hibernation in the spring to start the yearly cycle again.

The CNDDB listed seven occurrences of western pond turtle within a 5-mile radius of the Property. However, there was no ponded water or aquatic vegetation present on site making it very unlikely this species would be found on the Property. Additionally, there are substantial barriers to movement considering the development surrounding the Property. This western pond turtle was not seen during the January 2018 survey and is presumed absent from the site.

7.0 CONCLUSIONS

7.1 Wetlands

Results of the biological resource analysis survey conducted by Olberding Environmental on January 12, 2018, 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 four birds have a moderate potential to occur in a foraging capacity only: white-tailed kite, red-shouldered hawk, American kestrel, and sharp-shinned hawk. The red-tailed hawk, Cooper's hawk and loggerhead shrike have a moderate 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 structures along the western edge and the large trees on-site could provide suitable roosting habitat.

Special-Status Amphibians – The Property does not provide suitable breeding habitat for CRLF, CTS, Santa Cruz black salamander or California giant salamander 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 a few occurrences of each species within five miles but they are all historic (more than 20 years old). Additionally, it is very unlikely that these amphibian species would be able to disperse onto the Property due to surrounding residential development. All are presumed absent from the Property.

Special-Status Reptiles– There is no standing water or aquatic vegetation within the Property and therefore there is no suitable habitat for the western pond turtle. The Property has residential housing on all boundaries making it impossible for the turtle to disperse onto the Property. The western pond turtle 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

California Department of Fish and Wildlife (CDFW) Natural Diversity Data Base, computer listings and map locations of historic and current recorded occurrences of special-status species and natural communities of special concern for USGS 7.5 minute quadrangle map: Los Gatos, January 10, 2018.

_____.2017a. California Wildlife Habitat Relationships. https://www.wildlife.ca.gov/Data/CWHR/Wildlife-Habitats

_____.2017b. Special Animals. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline

_____.2017c. State and federally listed Endangered, Threatened, and Rare plants of California. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline

California Native Plant Society (CNPS). 2018. Inventory of Rare and Endangered Plants (online edition, v6-04d1). California Native Plant Society. Sacramento, CA. Accessed on January 9, 2018 from http://www.cnps.org/inventory

CEQA. 2018. The California Environmental Quality Act. Appendix G, Environmental Checklist Form. Accessed January 9, 2018. Available online at http://resources.ca.gov/ceqa/guidelines/Appendix_G.html

Ehrlich, P.R., D.S. Dobkin, and D. Wheye. 1988. The Birder's Handbook: a field guide to the natural history of North American birds. Simon & Schuster, Inc., New York. 785 pp.

Hickman, J. C. (ed.). 1993. The Jepson manual: higher plants of California. University of California Press, Berkeley, CA. 1400 pp.

Holland (1986) Preliminary Description of the Natural Communities of California. CDFW.

Mayer, K. E. and Laudenslayer W.F. 1988. A Guide to Wildlife Habitats of California. California.

Natural Resources Conservation Service (NRCS). 2017. United States Department of Agriculture. Web Soil Survey. Accessed January 9, 2018. Available on-line at http://websoilsurvey.nrcs.usda.gov

Pierce, Robert J. 1995. Wetland Delineation Lecture Notes. Wetland Training Institute, Inc., Poolesville, MD. WTI 95-2. 200pp.

Sawyer, J.O., T. Keeler-Wolf, and J. Evens. 2009. A manual of California vegetation. 2nd Ed. California Native Plant Society, Sacramento, CA.

Skinner, M. W. and B. M. Pavlik (eds.). 1994. Inventory of rare and endangered vascular plants of California. California Native Plant Society Special Publication No. 1 (5th edition).

California Native Plant Society, Sacramento, CA. 338 pp.

Sibley, D.A. 2000. The Sibley Guide to Birds. Alfred Knopf, New York.

Sibley, C.G., and B.L. Munroe, Jr. 1990. Distribution and taxonomy of birds of the world. Yale University Press, New Haven and London. 1111 pp.

Stebbins, R. C. and S.M. McGinnis. 2012. Field Guide to Amphibians and Reptiles of California. University of California Press, Berkeley and London. 87-119 pp.

United States Fish and Wildlife Service (USFWS). 2017a. Endangered and threatened plant and animal species. Accessed on January 9, 2018. http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=CA&s8fid=112761032792&s8fid=112762573902

_____. 2017b. Endangered and threatened wildlife and plants; review of plant and animal taxa that are Candidates or Proposed for listing as Endangered or Threatened; annual notice of findings on recycled petitions; annual description of progress on listing actions; proposed rule. Federal Register 64(205): 57534-57547. Accessed on January 9, 2018.

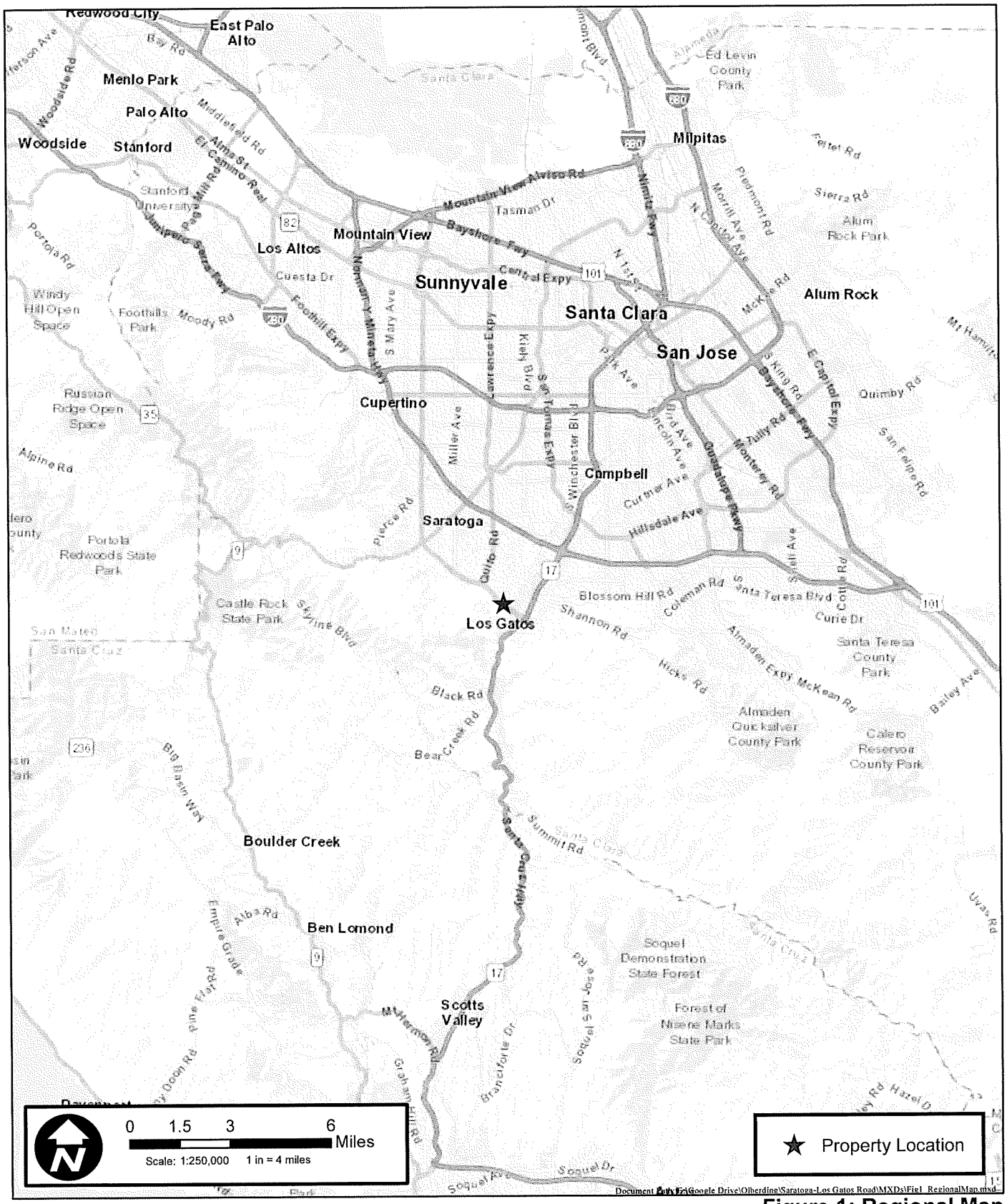
_____. 2017c. Bald Eagle Management Guidelines and Conservation Measures. The Bald and Golden Eagle Protection Act. Accessed on January 9, 2018. Available on-line at http://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf.

ATTACHMENTS

ATTACHMENT 1
FIGURES

Figure 1	Regional Map
Figure 2	Vicinity Map
Figure 3	USGS Quadrangle Map for Los Gatos
Figure 4	Aerial Photograph
Figure 5	CNDDB Map of Special Status Wildlife
Figure 6	CNDDB Map of Special Status Plants
Figure 7	USFWS Designated Critical Habitat
Figure 8	Soils Map
Figure 9	Photo Location Map
Figure 10	Habitat Map

Figure 1
Regional Map



Document Path: G:\Google Drive\Olberding\Saratoga-Los Gatos Road\MXDs\Fig1_RegionalMap.mxd

Figure 1: Regional Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 2
Vicinity Map



Figure 2: Vicinity Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 3
USGS Quadrangle Map for Los Gatos



Figure 3: USGS Topographic Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 4
Aerial Photograph



Figure 4: Aerial Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 5
CNDDB Map of Special Status Wildlife

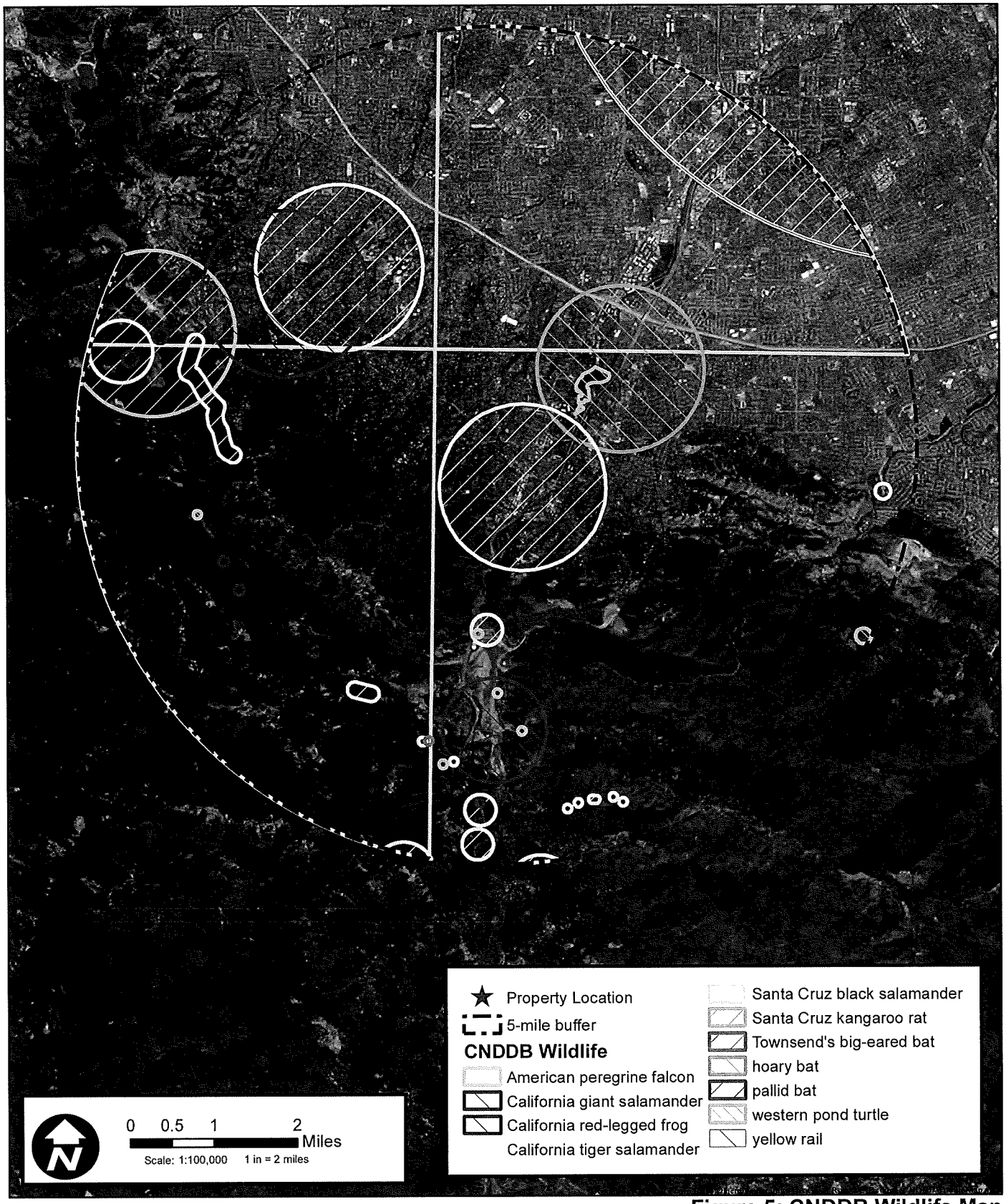


Figure 5: CNDDB Wildlife Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

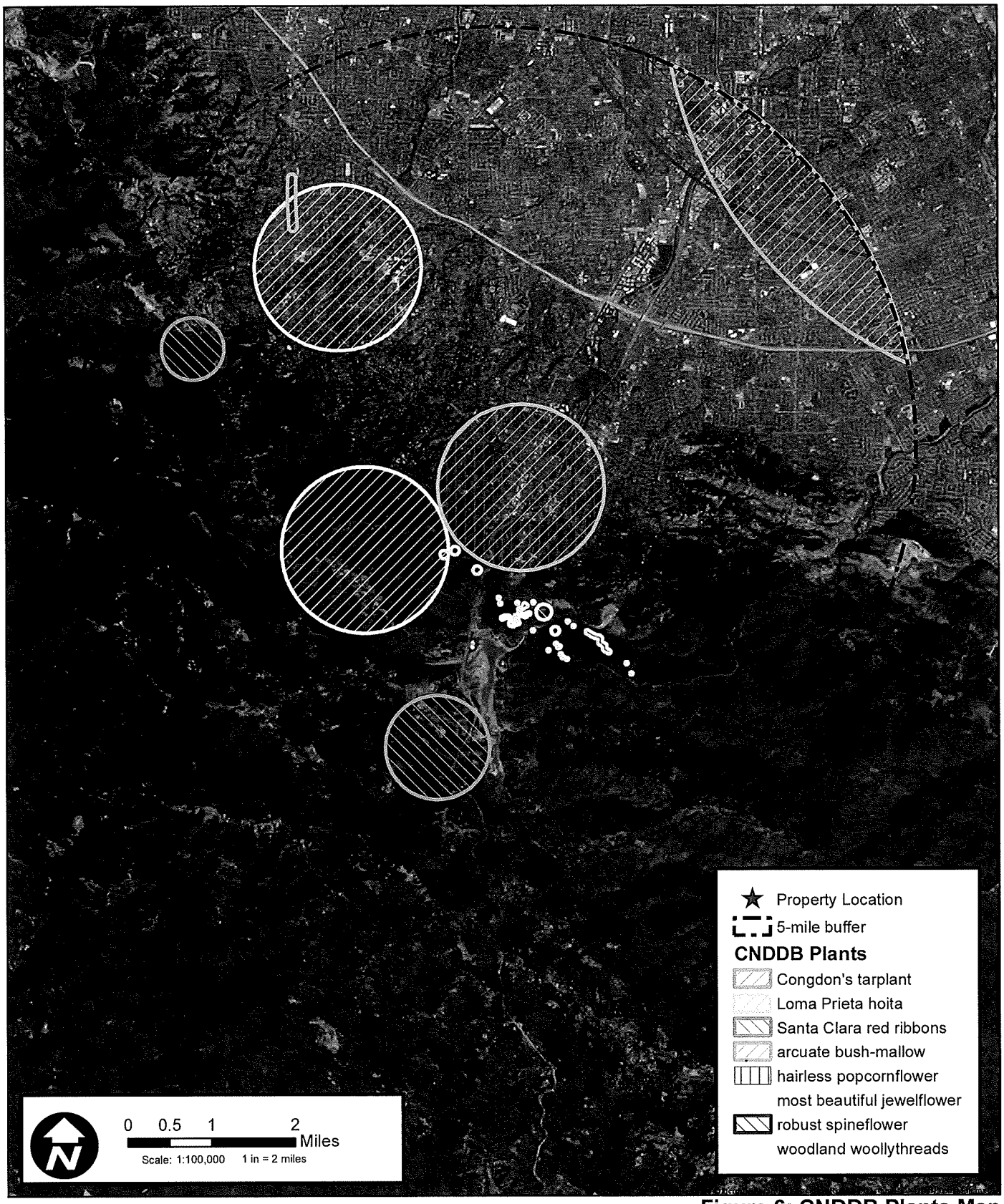


Figure 6: CNDDB Plants Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 7
USFWS Designated Critical Habitat

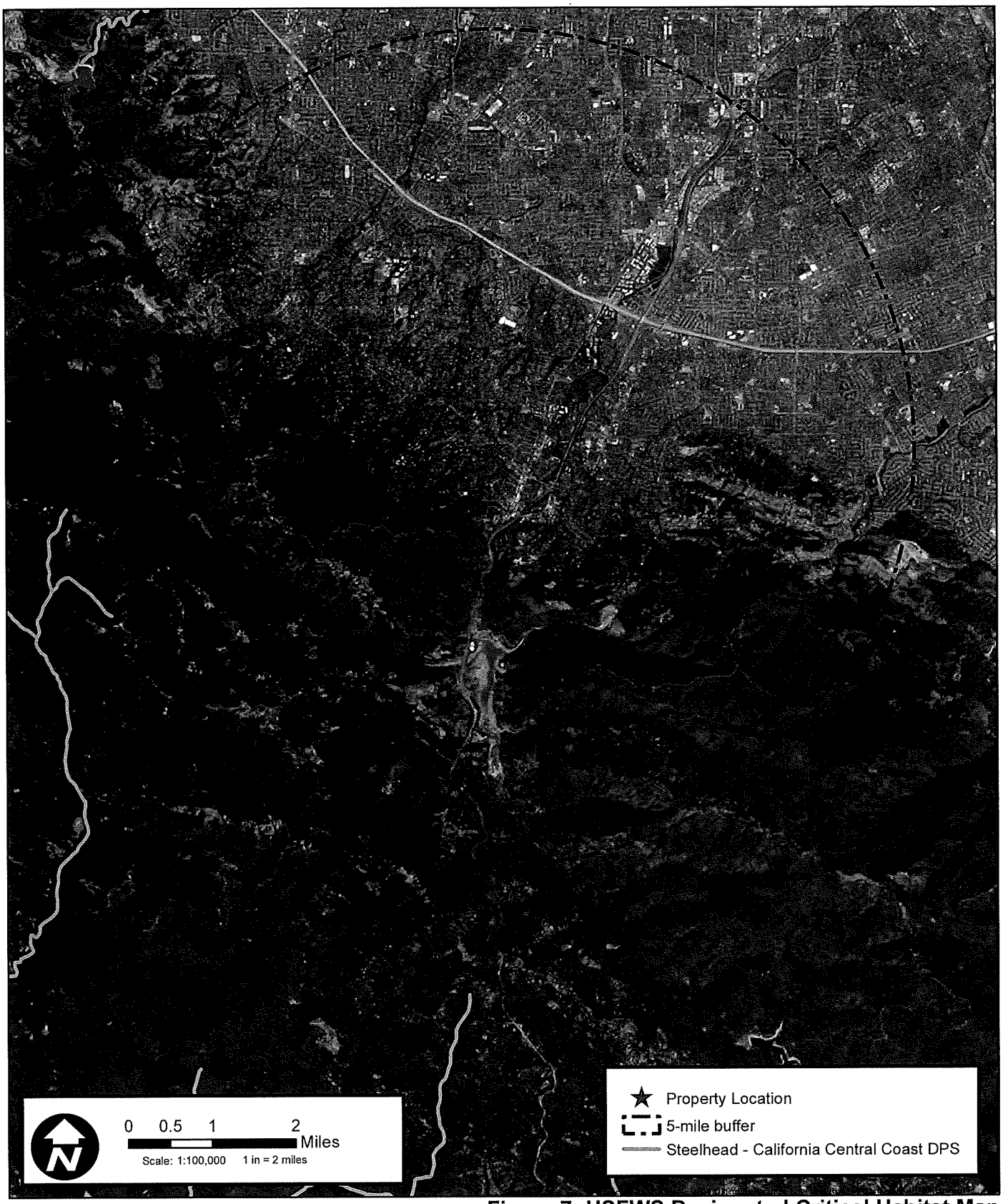


Figure 7: USFWS Designated Critical Habitat Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 8
Soils Map



Figure 8: Soils Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 9
Photo Location Map



Figure 9: Photo Points Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

Figure 10
Habitat Map



Figure 10: Habitat Map
18081 Saratoga-Los Gatos Road Property
Santa Clara County

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

Map Revision Date: 1/12/2018

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	
Acacia sp.	Acacia tree
Avena fatua	Wild oat
Baccharis pilularis	Coyote brush
Brassica nigra	Black mustard
Bromus diandrus	Rip-gut brome
Bromus hordeaceous	Soft chess
Camellia sp.	Camellia bush
Cardamine hirsuta	Bittercress
Carduus pycnocephalus	Italian thistle
Cupressus sempervirens	Italian cypress
Cynodon dactylon	Bermuda grass
Dittrichia graveolens	Stinkwort
Erodium botrys	Red-stemmed filaree
Festuca perennis	Italian rye grass
Geranium dissectum	Cutleaf geranium
Hedera helix	English ivy
Helminthotheca echioides	Bristly ox-tongue
Heteromeles arbutifolia	Toyon
Lactuca serriola	Prickly lettuce
Ligustrum japonicum	Wax-leafed privet
Ligustrum ovalifolium	California privet
Magnolia grandiflora	Magnolia tree
Malva parviflora	Cheeseweed
Medicago polymorpha	Bur clover
N/A	Ornamental shrubs
N/A	Ornamental succulents
Nandina domestica	Heavenly bamboo
Narcissus papyraceus	Paperwhite daffodil
Nerium oleander	Oleander
Oxalis stricta	Yellow woodsorrel
Quercus agrifolia	Coast live oak
Quercus lobate	Valley oak
Pelargonium hortorum	Ornamental geranium
Phyllostachys sp.	Ornamental bamboo
Piptatherum miliaceum	Smilo grass
Raphanus raphanistrum	Wild radish
Rubus armeniacus	Himalayan blackberry
Rumex crispus	Curly dock
Schinus molle	Brazilian peppertree
Vicia sativa	Common vetch
Vinca minor	Periwinkle

Table 1 Wildlife Species Observed Within/Adjacent to the Survey Area	
Scientific Name	**Common Name**
Washingtonia robusta	Mexican fan palm
Zantedeschia aethiopica	Calla lily
Animal Species Observed	
Birds	
Aphelocoma californica	Western scrub jay
Baeolophus inornatus	Oak titmouse
Calypte anna	Anna's hummingbird
Corvus brachyrhynchos	American crow
Corvus corax	Common raven
Junco hyemalis	Dark-eyed junco
Melozone crissalis	California towhee
Passer domesticus	House sparrow
Picoides nuttallii	Nuttall's woodpecker
Poecile rufescens	Chestnut-backed chickadee
Psaltriparus minimus	Bushtit
Setophaga coronata	Yellow-rumped warbler
Spinus psaltria	Lesser goldfinch
Thryomanes bewickii	Bewick's wren
Turdus migratorius	American robin
Zenaida macroura	Mourning dove
Mammals	
Sciurus griseus	Gray squirrel
Sciurus niger	Fox squirrel
Thomomys bottae	Botta's pocket gopher

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 7.5 Minute Quadrangle Maps

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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					
California Androsace (*Androsace elongate ssp. acuta)*	-/-/4.2	March – June	Chaparral, cismontane woodland, coastal scrub, meadows and seeps, pinyon and juniper woodland, valley and foothill grassland	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
Congdon's Tarplant (*Centromadia parryi* ssp. *condonii*)	-/-/1B	June – November	Valley and foothill grasslands in alkaline soils.	Low No suitable habitat present	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
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
Mt. Hamilton Fountain Thistle (*Cirsium fontinale var. campylon)*	-/-/1B	April – October	Serpentine seeps. Chaparral, cismontane woodland, valley and foothill grassland.	Low No suitable habitat present	Presumed absent
Santa Clara Red Ribbons (*Clarkia concinna* ssp. *automixa*)	-/-/4	May – June	Cismontane woodland, chaparral, on slopes and near drainages.	Low No suitable habitat present	Presumed absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
Lewis' Clarkia (*Clarkia lewisii)*	-/-/4.3	May – July	Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub	Low No suitable habitat present	Presumed absent
San Francisco Collinsia (*Collinsia multicolor)*	-/-/1B	March – May	Sometimes serpentine. Closed-cone coniferous forest, coastal scrub.	Low No suitable habitat present	Presumed absent
Santa Clara Valley Dudleya (*Dudleya abramsii ssp. Setchellii)*	E/-/1B	April – October	Serpentine, rocky environments. Cismontane woodland, valley and foothill grassland.	Low No suitable habitat present	Presumed absent
Hoover's Button-Celery (*Eryngium aristulatum var. hooveri)*	-/-/1B	June – August	Vernal pools.	Low No suitable habitat present	Presumed absent
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
Phlox-Leaf Serpentine Bedstraw (*Galium andrewsii ssp. gatense)*	-/-/4.2	April – June	Serpentine, rocky environments. Chaparral, cismontane woodland, lower montane coniferous forest.	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 No suitable habitat present	Presumed absent
Coast Iris (*Iris longipetala)*	-/-/4.2	March – May	Mesic environments. Coastal prairie, lower montane coniferous forest, meadows and seeps.	Low No suitable habitat present	Presumed absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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	Mesic soils. Cismontane woodland, alkaline playas, valley and foothill grassland, vernal pools.	Low No suitable habitat present	Presumed absent
Bristly Leptosiphon (*Leptosiphon acicularis)*	-/-/4.2	April – July	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland	Low No suitable habitat present	Presumed absent
Serpentine Leptosiphon (*Leptosiphon ambiguus)*	-/-/4.2	March - June	Usually serpentine. Cismontane woodland, coastal scrub, valley and foothill grassland.	Low No suitable habitat present	Presumed absent
Large-Flowered Leptosiphon (*Leptosiphon grandiflorus)*	-/-/4.2	April – August	Usually sandy soils. Coastal bluff scrub, closed-cone coniferous forest, cismontane woodland, coastal dunes, coastal prairie, valley and foothill grassland	Low No suitable habitat present	Presumed absent
Smooth Lessingia (*Lessingia micradenia var. glabrata)*	-/-/1B	(April – June) July – November	Serpentine, often on roadsides. Chaparral, cismontane woodland, valley and foothill grassland	Low No suitable habitat present	Presumed absent
Arcuate Bush-Mallow (*Malacothamnus arcuatus)*	-/-/1B	April – September	Chaparral, cismontane woodland	Low No suitable habitat present	Presumed absent
Hall's Bush-Mallow (*Malacothamnus hallii)*	-/-/1B	May – September	Chaparral, coastal scrub	Low No suitable habitat present	Presumed absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
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
Hickman's Popcorn Flower (*Plagiobothrys chorisianus var. hickmanii)*	-/-/4.2	April – June	Closed-cone coniferous forest, chaparral, coastal scrub, marshes and swamps, vernal pools	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
Metcalf Canyon Jewel-Flower (*Streptanthus albidus ssp. albidus)*	E/-/1B	April – June	Valley and foothill grassland in serpentine soils	Low No suitable habitat present	Presumed absent
Most Beautiful Jewel-Flower (*Streptanthus albidus* ssp. peramoenus)	-/-/1B	April – September	Serpentine soils. Chaparral, cismontane woodland, valley and foothill grassland	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
Saline Clover (*Trifolium hydrophilum)*	-/-/1B	April – June	Marshes and swamps, vernal fools, and valley and foothill grassland with mesic, alkaline soils	Low No suitable habitat present	Presumed absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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
BIRDS					
Cooper's Hawk (*Accipiter cooperii*)	-/CP	February – August	Oak woodlands, coniferous forests, riparian corridors. Often hunts on edges between habitats.	Moderate Suitable 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 Foraging capacity only	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
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

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
Great Egret (*Ardea alba*) ROOKERIES	-/-/-	February – August	Freshwater, brackish and marine wetlands. Form breeding colonies on lakes, ponds, marshes, estuaries or islands. Forage in marshes, swamps, streams rivers, ponds, tidal flats, canals and flooded fam fields.	Low No suitable habitat present	Presumed Absent
Great Blue Heron (*Ardea herodias*) ROOKERIES	-/-/-	February – August	Saltwater and freshwater habitats from open coasts, marshes, sloughs, riverbanks, and lakes to small ponds. Also forage in grasslands and agricultural fields.	Low No suitable habitat present	Presumed Absent
Bell's Sage Sparrow (*Artemisiospiza belli belli*)	-/-/WL	February - August	Shrubby habitats such as coastal sagebrush, chaparral and desert.	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	Presumed Absent
Red-tailed Hawk (*Buteo jamaicensis*)	-/CP/-	February – August	Various grassland habitats, urban land, oak woodlands with grassland for foraging.	Moderate Suitable 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 Foraging capacity only	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.	Low No suitable habitat present	Presumed Absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
Swainson's Hawk (*Buteo swainsonii)*	-/T/-	February – October	Nests in riparian areas and in oak savannah near foraging areas. Forages in alfalfa and grain fields with rodent populations.	Low No suitable habitat present	Presumed Absent
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
Northern Harrier (*Circus cyaneus*)	-/SC	February – August	Nests in grasslands and marshlands, ground nesting bird.	Low No suitable habitat present	Presumed Absent
Yellow Rail (*Coturnicops noveboracensis)*	-/-/SSC	February - August	Salt or brackish marshes or wet meadows. Prefers habitats with tall, dense vegetation such as sedges or cattails.	Low No suitable habitat present	Presumed absent
Snowy Egret (*Egretta thula*) ROOKERIES	-/-/-	February - August	Found along the coast but breed in inland wetlands. Nest on thick vegetation in barrier islands, saltmarsh islands, swamps or marshes.	Low No suitable habitat present	Presumed Absent
White-tailed Kite (*Elanus leucurus*)	SOC/CP/FP	February – August	Various grassland habitats, urban land, oak woodlands with grassland for foraging.	Moderate Foraging capacity only	May occur
Merlin Falcon (*Falco columbarius*)	-/CP/WL	September – May	Seacoast, tidal estuaries, open woodlands, savannahs, edges of grasslands and deserts, farms and ranches, near water. Clumps of trees or windbreaks are required for	Low No suitable habitat present	Presumed Absent
American Peregrine Falcon (*Falco peregrinus anatum)*	-/-/FP	February - August	Nests near wetlands, lakes, rivers, or other water. On cliffs, banks, dunes, mounds, and human-made structures.	Low No suitable habitat present	Presumed Absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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 Kestrel (*Falco sparverius)*	-/CP/-	February – August	Various grassland habitats, urban land, oak woodlands with grassland for foraging.	Moderate Foraging capacity only	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
Bald Eagle (*Haliaeetus leucocephalus)*	-/E/FP	January – July	Wetland habitats such as coasts, rivers, lakes or marshes. Uses large mature conifers or hardwood trees for nesting.	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 Gull (*Larus californicus)*	-/-/WL	February – August	Breed on sparsely vegetated islands or levees near water. Forage in any open area where they can find food including dumps, meadows, beaches or mudflats.	Low Suitable foraging habitat present	Not likely to occur
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
Black-Crowned Night Heron (*Nycticorax nycticorax*) ROOKERIES	-/-/-	February – August	Inhabits wetlands including saltmarshes, freshwater marshes, swamps, streams, rivers, lakes, canals and tidal mudflats.	Low No suitable habitat present	Presumed Absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
Double-Crested Cormorant (*Phalacrocorax auratus*)	-/-/WL	February – August	Seek large bodies of water. Inhabit coasts, inland lakes, freshwater marshes and saltmarshes.	Low No suitable habitat present	Presumed Absent
Yellow Warbler (*Setophaga petechia)*	-/-/SSC	February – August	Breeds in shrubby thickets and woods, particularly along water or wetlands. Forage in small trees or shrubs.	Low Suitable habitat present	Not likely to occur
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.	Moderate Suitable habitat present	May occur
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 Suitable habitat present	Not likely to occur
Western Red Bat (*Lasiurus blossevillii)*	-/-/SSC	Resident	Winter in western lowlands and coastal regions of the San Francisco Bay. Roosts in forests and woodlands. Feed in grasslands, shrublands, open woodlands and forests and croplands.	Low Suitable habitat present	Not likely to occur

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
Santa Cruz Kangaroo Rat (*Dipodomys venustus venustus*)	-/-/-	Resident	Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz mountains. Needs soft, well-drained sand.	None	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.	Moderate Suitable habitat present	May occur
Long-Eared Myotis (*Myotis evotis)*	-/-/-	Resident	Semi-arid shrublands, prairie, subalpine forests. Roost in tree cavities, rock crevices, caves or abandoned buildings but prefer rock crevices.	Low Suitable habitat present	Not likely to 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

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
San Francisco Dusky-Footed Woodrat (*Neotoma fuscipes annectens)*	-/-/SSC	Resident	Oak and willow woodland. Prefers moderate canopy and a brushy understory with suitable house and nesting building materials	Low No suitable habitat present	Presumed Absent
AMPHIBIAN					
California Tiger Salamander (*Ambystoma californiense*)	T/T/-	Aquatic Surveys - Once each in March, April, and May with at least 10 days between surveys. 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
Santa Cruz Black Salamander (*Aneides niger)*	-/-/SSC	Year-round resident	Occurs in mixed deciduous woodland, coniferous forests, coastal grasslands. Found under rocks near streams, in talus, under damp logs, and other objects.	Low No suitable habitat present	Presumed Absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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 Giant Salamander (*Dicamptodon ensatus)*	-/-/SSC	Year-round resident	Occurs in wet coastal forests in or near clear, cold permanent and semi-permanent streams and seepages. One population has been found inhabiting flowing water in a network of caves.	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
Coast Range Newt (*Taricha torosa)*	-/-/SSC	Year-round resident	Found in wet forests, oak forests, chaparral, and rolling grasslands	Low No suitable habitat present	Presumed Absent
REPTILE					
Northern California Legless Lizard (*Anniella pulchra)*	-/-/SSC	Year-round resident	Occurs in moist warm loose soil with plant cover. Moisture is essential. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks.	Low No suitable habitat present	Presumed Absent

Table 2

Special-Status Species for the Los Gatos, San Jose West, San Jose East, Santa Teresa Hills, Castle Rock Ridge, Cupertino, Felton, Laurel and Loma Prieta 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**
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
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

1. Special-status plants and animals as reported by the California Natural Diversity Data Base, California Native Plant Society, and other background research January 2018
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

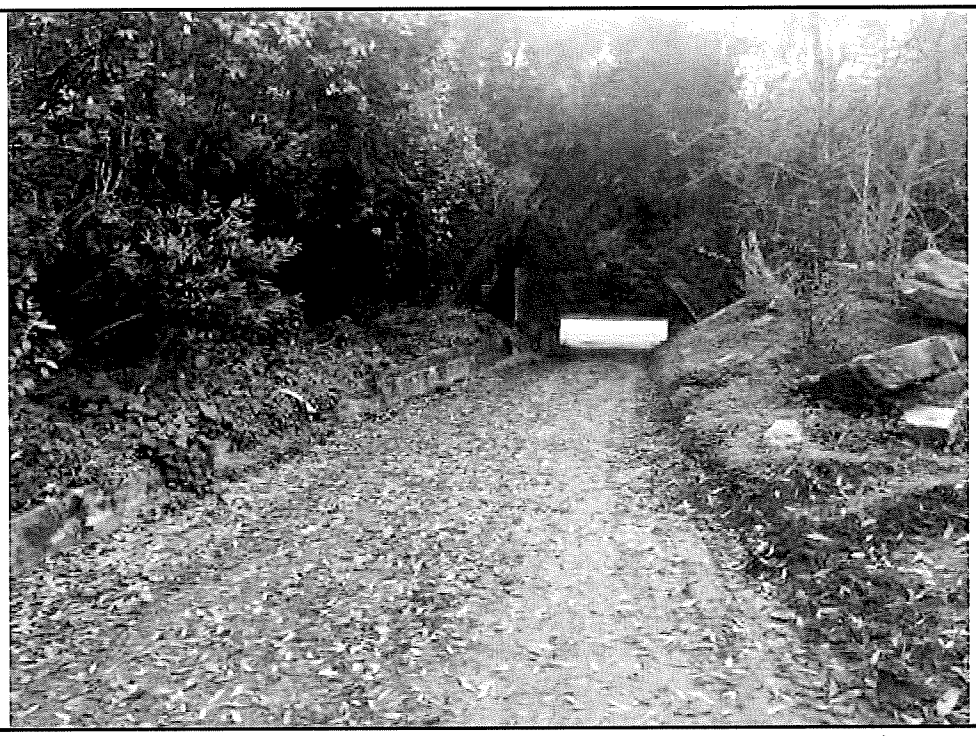


Photo 1: Facing southwest, photo shows the driveway entrance from Saratoga-Los Gatos Road.



Photo 2: Facing northeast, photo shows a portion of the existing house structure pad in the foreground and mixed ornamental woodland in the background.



Photo 3: Facing east, photo shows existing concrete driveway and two abandoned cars.



Photo 4: Facing north, photo shows disturbed bare ground and scattered oaks across the northern portion of the Property.



Photo 5: Facing west, photo shows a small group of live oak trees in the center of the northern portion of the Property.



Photo 6: Facing west, photo shows bare ground within the ruderal grassland habitat.



Photo 7: Facing north, photo shows open grassland area that has recently been disturbed.



Photo 8: Facing south, photo shows old blackberry thatch and multiple small oak trees.



Photo 9: Facing west, photo shows small shed structure.



Photo 10: Facing north, photo shows same shed structure from alternate angle. Shed and gazebo structures are surrounded by ornamental trees and cactus.