LIVE OAK
ASSOCIATES, INC.

BIOLOGICAL REPORT IN SUPPORT OF A CEQA CLASS 32 EXEMPTION

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1 INTRODUCTION

The 320 Sheridan Drive Property ("Project Site") was evaluated by Live Oak Associates, Inc. (LOA) to ascertain whether or not build-out of a proposed residential development ("Project") would be eligible for an exemption from the California Environmental Quality Act ("CEQA"). Specifically, LOA was tasked with analyzing the biological resources of the Project Site and region for purposes of determining whether the Class 32 Exemption (14 Cal. Code Regs ("CEQA Guidelines"), § 15332) might apply to the Project.

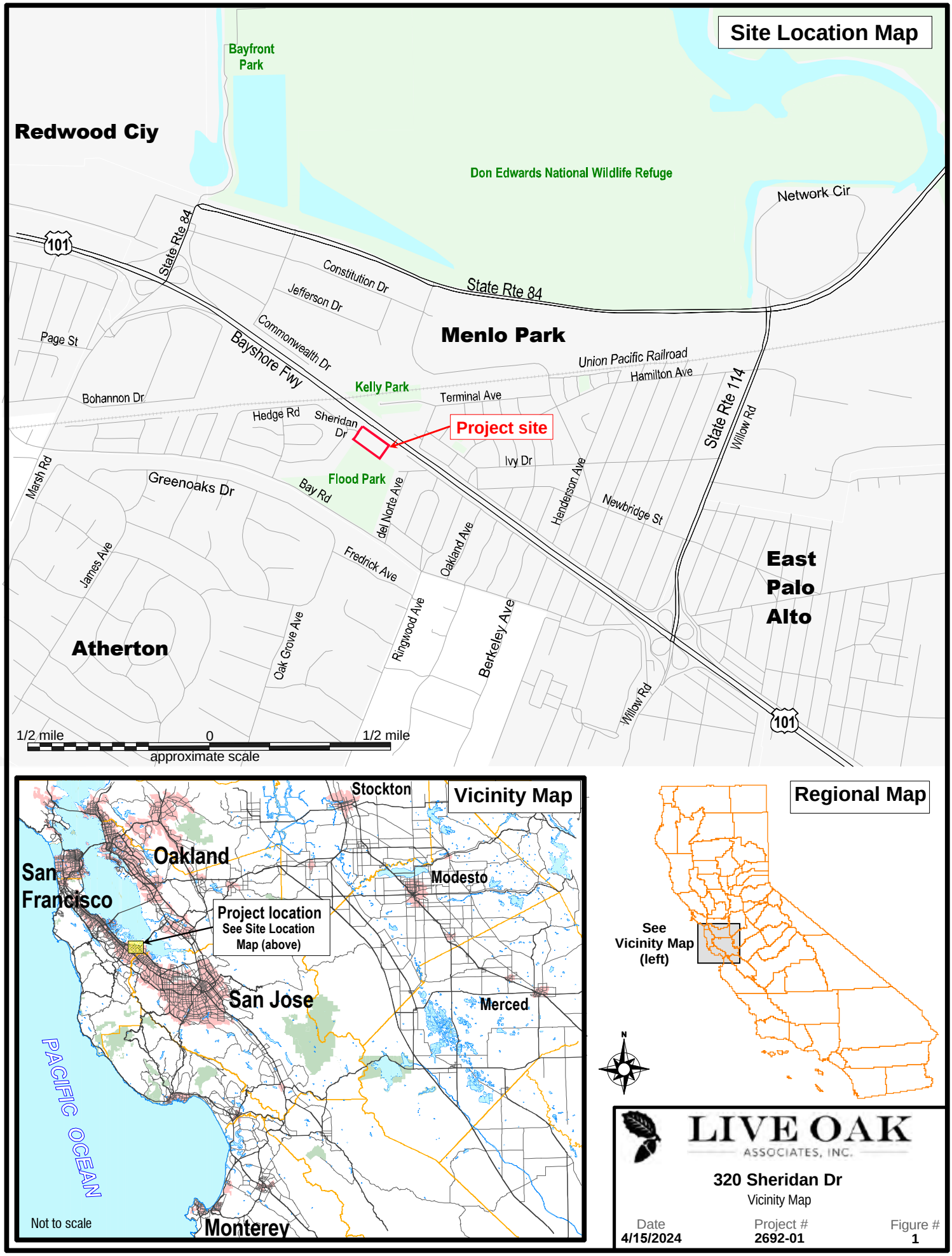
In furtherance of its analysis regarding the applicability of the CEQA Guidelines section 15332 exemption, this report describes the biotic resources of the approximately 2.5-acre Project Site and evaluates whether the Project Site, which previously functioned as an elementary school and would be redeveloped into an affordable housing development project, has value as habitat for endangered, rare, or threatened species. The Project Site is located at 320 Sheridan Dr. (APN 055-303-110) in the City of Menlo Park, San Mateo County, California (Figure 1). The Project Site can be found within the Palo Alto U.S.G.S. 7.5' quadrangle in Section 23 of Township 5 south, Range 3 west.

The analysis of the Project Site's habitat value, as discussed in Section 3.0 of this report, was based on the known and potential biotic resources of the Project Site discussed in Section 2.0. Sources of information used in the preparation of this analysis included: 1) the *California Natural Diversity Data Base* (RareFind 5; CDFW 2024); 2) the *California Rare Plant Rank* (CNPS 2024); 3) manuals and references related to plants and animals of the Santa Mateo County region; 4) policies and ordinances of the City of Menlo Park that relate to biotic resources.

A field survey of the Project Site was conducted on February 27, 2024, by LOA ecologist Cristal Romero, to verify existing conditions as well as to assess the site's suitability and value as habitat for supporting special status species.

1.1 PROJECT DESCRIPTION

The project proposes to construct a three-story, 88-unit residential development, along with associated structures and paved parking areas, at the Project Site, which was previously developed with an elementary school.



LIVE OAK ASSOCIATES, INC.

320 Sheridan Dr

Vicinity Map

Date	Project #	Figure #
4/15/2024	2692-01	1

2 EXISTING CONDITIONS

The approximately 2.5-acre Project Site consists of a single parcel and was previously developed with the James Flood Magnet School, which closed in 2012. The Project Site is presently vacant, with concrete pads and landscaping, indicating that the school has been demolished. There are several trees onsite, mostly around the perimeter, though there are a few that stand more or less in the center of the parcel. The parcel is immediately adjacent to US Route 101, with an approximately 10-ft stone wall separating the site from the busy interstate highway. The site is adjacent to a parking lot of Flood Park, the parking lot of a facility currently in use as an interim shelter and services site (LifeMoves), and single-family residences. The site has essentially flat topography with elevations around 16-18 feet.

Annual precipitation in the general vicinity of the Project Site is about 15-20 inches, almost 85% of which falls between the months of October and March. Virtually all precipitation falls in the form of rain.

Only one soil map unit occurs on the site (NRCS 2024): Urban land-Orthents, cut and fill complex, 0 to 5 percent slopes. This soil is characterized as well drained and is not hydric. This soil is not considered alkaline or serpentine; therefore, special status plants adapted to alkaline and serpentine soils are not expected to occur on the site.

2.1 BIOTIC HABITATS

The site supports one land cover type—Developed/Landscaped—which was present on the site.

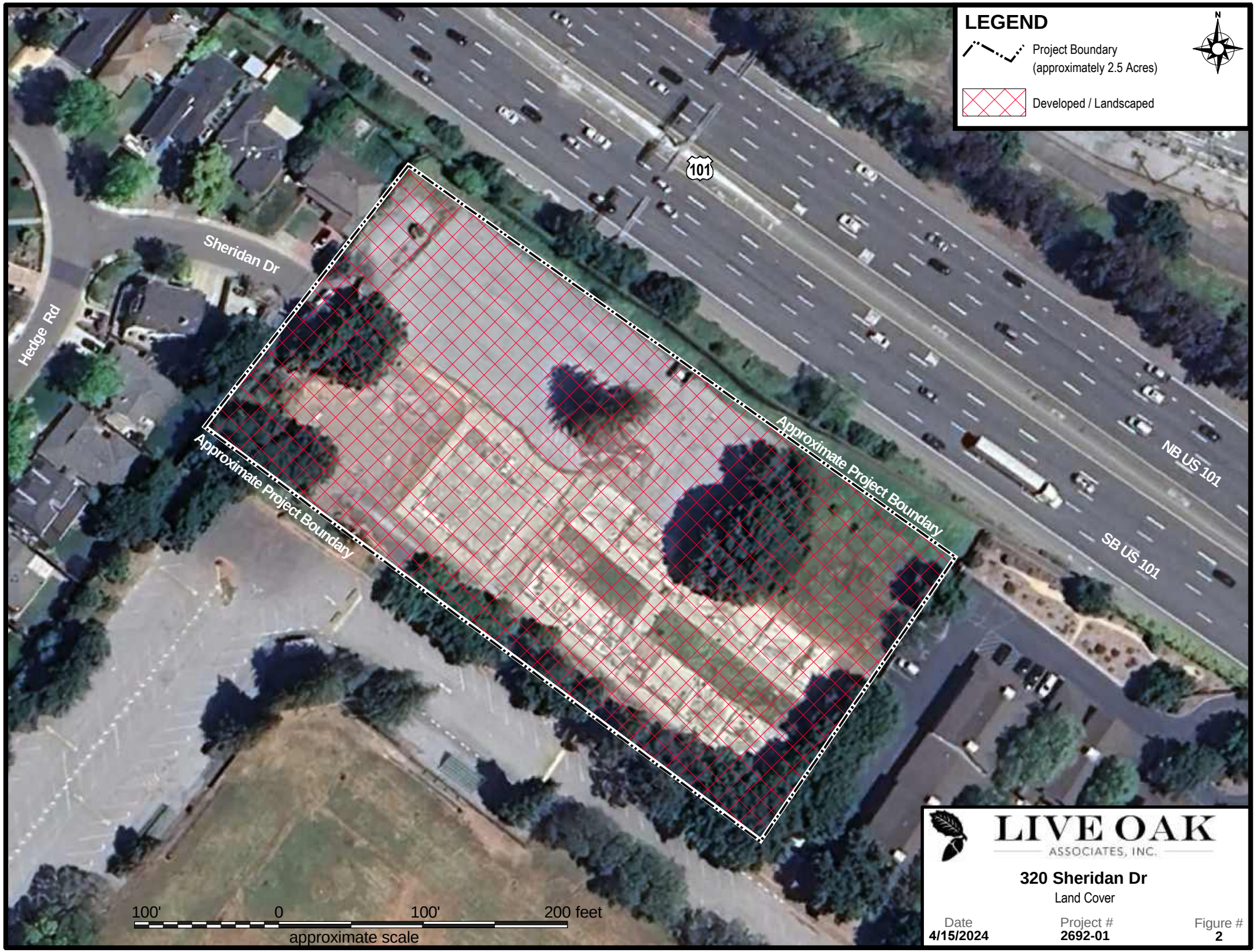
This land cover type is described in greater detail below and in Figure 2.

2.1.1 Developed/Landscaped

The entire site (approximately 2.5-acres) consists of developed habitat. Most of the acreage is paved over, however there are patches of field that likely previously functioned as maintained lawn and landscaping. The remnants of a small garden (raised beds and a few small, cultivated trees that are dead or dying) exists in the eastern corner of the site. Two notable tree species occur on the site: several coast live oaks (*Quercus agrifolia*) and one coastal redwood (*Sequoia sempervirens*). The site supports vegetation typical of urban development with both planted and weedy species, including, but not limited to slender wild oat (*Avena barbata*), coyote brush (*Baccharis pilularis*), cleavers (*Galium sp.*), small-flowered crane's bill *(Geranium pusillum*), English ivy (*Hedera helix*), bristly oxtongue

(*Helminthotheca echioides*), prickly lettuce (*Lactuca serriola*), milk thistle (*Silybum marianum*), rat's tail fescue (*Vulpia pyuros*), and other landscaped trees, plants, and lawn.

Wildlife observed within or flying over the property during the February 2024 site visit was limited to American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), California towhee (*Melozone crissalis*), and Botta's pocket gopher (*Thomomys bottae*) sign.



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320 Sheridan Dr

Land Cover

Date	Project #	Figure #
4/15/2024	**2692-01**	**2**

2.2 MOVEMENT CORRIDORS

General Discussion- Landscape linkages are defined as "areas that allow for the movement of species from one area of suitable habitat to another. A linkage can vary from a narrow strip of habitat that only functions as a conduit for movement (i.e., a corridor) or a large area of intact habitat that is used for movement, dispersal, and other life functions such as foraging and breeding" (ICF International 2012). Many wildlife linkages are broad areas of regional movement corridors for wildlife that generally includes a wide swath of land used for movement between two or more core areas for multiple regional species.

Habitat corridors are vital to terrestrial animals for connectivity between core habitat areas (i.e., larger intact habitat areas where species reside). Connections between two or more core habitat areas help ensure that genetic diversity is maintained, thereby diminishing the probability of inbreeding depression and geographic extinctions.

The quality of habitat within the corridors is important. In general, "better" habitat has less human interference (e.g., roads, homes, etc.) and is more desirable to more species than areas with sparse vegetation and high-density roads. Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for animals to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

Healthy riparian areas (supporting structural diversity, i.e., understory species to saplings to mature riparian trees) not only support a rich and diverse wildlife community but have also been shown to facilitate regional wildlife movement. Riparian areas can vary from tributaries winding through scrubland to densely vegetated riparian forests.

Local Discussion- The Project Site is developed and is surrounded by development which prohibits the free movement of regional wildlife from one suitable habitat patch to another. Therefore, the redevelopment of the parcel is not expected to have any further impact to the site's ecological value. Additionally, the approximately 10-ft wall and active highway adjacent to the site currently inhibits the area from being an effective movement corridor. Therefore, the site is expected to play a minimal role

in the regional movement of wildlife species, and species moving through the site are likely limited to common species occurring in urban areas such as raccoons, opossums, and skunks.

2.3 SPECIAL STATUS PLANTS AND ANIMALS

Several species of plants and animals within the state of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described more fully in Section 3.2, state and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. To that end, many native plant and animal species have been formally designated as threatened or endangered under state and federal endangered species legislation. Others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the CDFW. Finally, the California Native Plant Society (CNPS) in collaboration with the CDFW, have developed the California Rare Plant Rank (CRPR) assigned to rare, threatened, or endangered plants which fall under Section 15380 of CEQA (CDFW, 2018). Collectively, these plants and animals are referred to as "special status species."

LOA conducted a search of published accounts for all special status species, including endangered, threatened, California species of special concern, and species listed for candidacy under the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA) for the Palo Alto USGS 7.5-minute quadrangle in which the Project Site is located, and for the eight surrounding quadrangles (San Mateo, Redwood Point, Newark, Woodside, Mountain View, La Honda, Mindego Hill, and Cupertino) in the California Natural Diversity Data Base (CNDDB) Rarefind (CDFW 2024) and the CNPS inventory of rare and endangered plants.

Local Discussion- The Project Site's suitability as habitat for special status plants and animals known to occur within the region was evaluated. Please see Appendix A for an evaluation of special status species' potential to occur on the site.

2.4 JURISDICTIONAL WATERS

General Discussion-Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), CDFW, and the Regional Water Quality Control Board (RWQCB). See Section 3.2.5 of this report for additional information.

Local Discussion- The site does not support jurisdictional waters. The closest riparian corridor to the site is that of San Francisquito Creek which occurs more than three miles away.

3 ANALYSIS OF VALUE OF HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES

3.1 ANALYSIS CRITERIA

Projects requiring discretionary approvals that permit the lead agency to exercise sufficient discretion to alter the project in a manner that would reduce its environmental effects are subject to the provisions of CEQA. Projects meeting certain criteria can be exempt from CEQA under the Class 32 Exemption. As related to biological resources, the Class 32 Exemption requires that a project site has no value as habitat for endangered, rare, or threatened species. Per the California Code of Regulations:

(a) "Species" as used in this section means a species or subspecies of animal or plant or a variety of plant.

(b) A species of animal or plant is:

(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

A. Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

B. (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or

(2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).

This report analyzes the Project Site's value as habitat for such species including those species that have been designated by the California Department of Fish and Wildlife (CDFW) as a "Species of Special Concern" (SSC) or "Fully Protected" (FP). These designations are appropriately included as the criteria for these designations are such that these species would qualify as "rare". Moreover, take or possession of fully protected species is prohibited without the authorization of CDFW and only under specific circumstances.

3.2 RELEVANT GOALS, POLICIES, AND LAWS

3.2.1 Threatened and Endangered Species

State and federal "endangered species" legislation has provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the take of a listed species. To "take" a listed species, as defined by the state of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under the California Environmental Quality Act (CEQA). Both agencies review CEQA documents to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

3.2.2 Migratory Birds

State and federal laws also protect most bird species, including some species that do not fall withing the categories of endangered, threatened, or rare. The State of California signed Assembly Bill 454 into law in 2019, which clarifies native bird protection and increases protections where California law previously deferred to Federal law. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

3.2.3 Birds of Prey

Birds of prey are protected in California under provisions of the State Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Additionally, the Bald and Golden Eagle Protection Act (16 U.S.C., scc. 668-668c) prohibits anyone from taking bald or golden eagles, including their parts, nests, or eggs, unless authorized under a federal permit. The act prohibits any disturbance that directly affects an eagle or an active eagle nest as well as any disturbance caused by humans around a previously used nest site during a time when eagles are not present such that it agitates or bothers an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment.

3.2.4 Bats

Section 2000 and 4150 of the California Fish and Game Code states that it is unlawful to take or possess several species, including bats, without a license or permit, as required by Section 3007. Additionally, Title 14 of the California Code of Regulations states it is unlawful to harass, herd, or drive several species, including bats. To harass is defined as "an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering." For these reasons, bat

colonies are sensitive and therefore, disturbances that cause harm to bat colonies are unlawful even though some bat species are not considered endangered, threatened, or rare.

3.2.5 Wetlands and Other "Jurisdictional Waters"

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), defined in the CWA as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not supply a definition for waters of the U.S., and that has been the subject of considerable debate since the CWA's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and USACE. These definitions have been interpreted, and in some cases, invalidated, by federal courts.

Waters of the U.S. are presently defined by the EPA and USACE's joint 2023 Revised Definition of 'Waters of the U.S.' Rule (2023 WOTUS Rule), with certain interpretive modifications imposed by the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. These waters include:

- Waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- The territorial seas.
- Interstate waters, including interstate wetlands.
- Impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries to other waters of the U.S. that are relatively permanent, standing or continuously flowing bodies of water.
- Wetlands adjacent to other waters of the U.S. that have a continuous surface connection to those waters.

The 2023 WOTUS Rule also defines several exclusions from the definition of waters of the U.S., many of which are longstanding exclusions from earlier regulatory regimes. These generally include:

- Waste treatment systems.
- Prior converted cropland.
- Ditches excavated wholly in and draining only dry land that do not carry a relatively permanent flow of water.
- Certain artificial features, e.g., irrigation basins, swimming pools, borrow pits, and artificially irrigated areas.
- Swales and erosional features characterized by low volume, infrequent, or short duration flow.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into waters of the State through the issuance of various permits and orders. Discharges into waters of the State that are also waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining a Section 404 Clean Water Act permit. Discharges into waters of the State that are not also waters of the U.S. require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB.

The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a water of the U.S. may require a NPDES permit.

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed

Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

3.3 IMPACTS SPECIFIC TO THE PROJECT

The approximately 2.5-acre property plans to construct a three-story, 88-unit dwelling with associated structures, parking, and landscaping. The Project Site's value as habitat for endangered, rare, or threatened species is discussed in detail below.

3.3.1 Potential Project Impacts to Special Status Plants

Potential Impact. The Project Site was previously developed and still supports cement slabs. No conditions that would indicate the area is suitable for special status plants were observed during the site visit or during background research. These conditions include but are not limited to the habitat's lack of serpentine soils, vernal pools, chaparral, and/or because the site is substantially below the elevations at which these species occur, etc. In addition to the site itself having been fully developed, the adjacent areas are also developed except for the adjacent park, therefore, most special status plant species known to occur, or to once have occurred, in the project region are considered absent from the project's immediate vicinity. In addition to the current absence of special status plants, the site's existing conditions in conjunction with how extensively the surrounding area has been paved and/or landscaped, makes it such that there is little to no potential for special status species to colonize in the future. Therefore, the project site has no value as habitat for special status plants.

Mitigation. None warranted.

3.3.2 Value as Habitat for Special Status Animals

Potential Impact. After a review of the databases described in Section 2.3, 31 special status species occur, or once occurred, regionally. Of these 31 species, all except four are found absent or unlikely to occur on the site due to a lack of suitable habitat for these species. The four species considered as "possible" to exist on the site are white-tailed kite, northern harrier, pallid bat, and Townsend's big-eared bat. Please see Appendix A for additional species-specific information.

Suitable nesting habitat for the northern harrier is absent from the site, however, this species may forage over the site from time to time. The Project Site has no significant value as habitat for the northern harrier and mitigation for this species is not warranted. Potentially suitable nesting and foraging habitat for white-tailed kites exists on the site and adjacent to the site, but the quality is considered marginal. While a few larger trees could potentially be used for nesting, white-tailed kites are unlikely to stay due to marginal quality of the habitat. Habitat for these species is readily available in the vicinity of the project, therefore, given the small size and marginal quality of Project Site, its redevelopment does not constitute a significant loss of habitat and mitigation is not warranted for these species.

Special status bats (pallid bat and Townsend's big-eared bat) may occur as regular foragers over the site, however, they are not expected to roost onsite as suitable roosting habitat is currently absent from the site. Redevelopment of site would not significantly alter the parcel's value as foraging habitat as it has been previously developed and would be consistent with the surrounding area in terms of human activity and utilization. Furthermore, ample foraging habitat is available regionally for these species. Thus, the Project Site has no significant value as habitat for special status bats and no mitigation is warranted.

Mitigation. No mitigation warranted for loss of habitat for special status animal species as the site has no significant value as habitat for endangered, rare, or threatened species.

3.3.3 Loss of Habitat for Native Wildlife

Potential Impact. The developed habitat of the site comprises only a small portion of the regionally available habitat for plant and animal species that are expected to use the Project Site. The proposed project would result in the redevelopment of developed habitat. This would not result in a significant loss of habitat for local wildlife. Therefore, impacts due to the loss of habitats for native wildlife resulting from the proposed project are considered less-than-significant.

3.3.4 Potential Impacts to Riparian Habitat and Other Sensitive Natural Communities, Including Federally and State Protected Wetlands

Potential Impacts. No jurisdictional waters, wetlands, aquatic habitats, or riparian habitat occur on the site or in the nearby vicinity. Therefore, the project as proposed will have no impact on riparian habitats

or on waters under the jurisdiction of the U.S. or state and offers no value as habitat for sensitive species that inhabit wetlands, waters, or other aquatic habitats.

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APPENDIX A

Utilizing the LOA conducted a search of published accounts within the California Natural Diversity Data Base (CNDDB) Rarefind (CDFW 2024), and CNPS inventory of rare and endangered plants for all relevant special status species (i.e. endangered, threatened, or rare species) for the Palo Alto USGS 7.5-minute quadrangle in which the Project Site occurs, and for the eight surrounding quadrangles (San Mateo, Redwood Point, Newark, Woodside, Mountain View, La Honda, Mindego Hill, and Cupertino).

As the site was previously fully developed and currently supports developed and ruderal landscaped areas and serpentine and alkaline soils are absent from the site, all special status plants are considered absent from the site.

Similarly, animals that require specialized habitats and/or conditions (e.g. redwood forests, chaparral, grasslands, marshes, coastal scrub, riparian, vernal pools etc.) that do not occur on or within the immediate vicinity of the site are also considered absent. These species include California giant salamander (*Dicamptodon ensatus*), California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), yellow rail (*Coturnicops noveboracensis*), black skimmer (*Rynchops niger*), California least tern (*Sternuka antillarum browni*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), salt-marsh harvest mouse (*Reithrodontomys raviventris*), and salt-marsh wandering shrew (*Sorex vagrans halicoetes*).

Animal species that are considered absent or unlikely to be utilize the site but have the potential to occur on the Project Site or immediate vicinity because suitable habitats are present and/or the site is located in or near their known distributions are included in Tables 1 below. The tables also include a description of the species' habitat and a rationale for its likelihood to occur on the site.

TABLE 1: SPECIAL STATUS ANIMAL SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2024 and USFWS 2024)
Species listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts, and species that California Department of Fish and Wildlife has designated as Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Western bumble bee *Bombus occidentalis*	CCE	Mainly occurring within the coastal and Sierra Nevada ranges, within meadows and grasslands and some natural areas within urban environments. Indication of recent population potentially being restricted to high elevation and coastal areas. Historically occurred from the Channel Islands to the northern California border. The flight period is February to late November, peaking in late June and late September. Tends to construct nests underground in animal burrows on west and south-west facing slopes. Overwintering sites are likely in friable soils or in debris or leaf litter.	**Absent**. Suitable nesting habitat was not observed during the site survey and the site supports a limited growth of flowering plants on which this species can forage. Therefore, this species is considered absent from the site**.**
Crotch bumble bee *Bombus crotchii*	CCE	In California, inhabits open grassland and scrub habitats of the southern 2/3 of California. Historically in, but largely extirpated from the Central Valley. Flight period for queens is late February to late October peaking in April and July; flight period for males and workers is March through September peaking in early July. Constructs nests underground in animal burrows. Overwintering sites are likely in soft soils or in debris or leaf litter.	**Absent.** Suitable nesting habitat was not observed during the site survey and the site supports a limited growth of flowering plants on which this species can forage. Therefore, this species is considered absent from the site.

TABLE 1: SPECIAL STATUS ANIMAL SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2024 and USFWS 2024)
Species listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts, and species that California Department of Fish and Wildlife has designated as Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
California tiger salamander *Ambystoma californiense*	FT, CT	Breeds in vernal pools and stock ponds of central California and aestivates in grassland habitats adjacent to the breeding sites. Orloff (2011) found that CTS can travel up to 1.3 miles from their breeding sites to aestivate.	**Absent.** Suitable breeding habitat for this species in the form of vernal pools or stagnant pools with continuous inundation for a minimum of three months is absent from the site and the vicinity of the site. Therefore, this species is considered to be absent from the site.
Foothill yellow-legged frog (FYLF) *Rana boylii*	FT, CE	Frequents partly shaded, shallow, swiftly flowing streams and riffles with rocky substrate in a variety of habitats.	**Absent.** The project site does not support suitable habitat and is over 5km from a riparian corridor. The most recently recorded observation in the vicinity is over 100 years old (CDFW 2024). Therefore, this species is not expected to occur on the site.
California red-legged frog (CRLF) *Rana draytonii*	FT, CSC	Rivers, creeks and stock ponds of the Sierra foothills and coast range, preferring pools with overhanging vegetation.	**Absent.** The site itself does not support suitable habitat and is over three miles from a riparian corridor and there are no ponds within the immediate vicinity of the site. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
San Francisco gartersnake *Thamnophis sirtalis tetrataenia*	FE, SE, CP	Requires both aquatic and upland habitat. Often found in or next to aquatic freshwater habitat, including ponds, creeks, marshes, canals, which they use for foraging and basking during the day. Also use grassy areas near water sources to regulate their body temperature, find cover, forage, mate and hibernate. During colder months, moves into underground rodent burrows or under rocks for shelter.	**Absent.** The project site does not support suitable habitat for this species. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.

TABLE 1: SPECIAL STATUS ANIMAL SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2024 and USFWS 2024)
Species listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts, and species that California Department of Fish and Wildlife has designated as Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Western snowy plover *Charadrius alexandrines nivosus*	FT, CSC	Uses man-made agricultural wastewater ponds and reservoir margins. Breeds on barren to sparsely vegetated ground at alkaline or saline lakes, reservoirs, ponds, and riverine sand bar.	**Absent.** Breeding and foraging habitat is absent from the site and the nearest recorded observations are on the other side of Highway 101 (CDFW 2024).
Tricolored blackbird *Agelaius tricolor*	CSC, CT	Breeds near fresh water, primarily emergent wetlands, with tall thickets. Forages in nearby grassland and cropland habitats.	**Absent.** The site and nearby riparian habitat does not support breeding and nesting habitat. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
Santa Cruz black salamander *Aneides niger*	CSC	Occurs in deciduous woodland, coniferous forests, and coastal grasslands around the Santa Cruz Mountains and foothills. This species is occasionally found in the yards of older homes with mature live oaks and shrubs in the San Francisco Bay Area (Stebbins et al. 2014). This species can typically be found under rocks near streams, in talus, under damp logs, rotting wood, and other objects.	**Absent.** The site itself does not support suitable habitat. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
Red-bellied newt *Taricha rivularis*	CSC	Inhabits primarily redwood forest, but also found within mixed conifer, valley-foothill woodland, montane hardwood, and hardwood-conifer habitats. Migrates to streams during fall and winter rains.	**Absent.** Suitable habitat for this species, woodland, is absent from the site. Additionally, there are no recorded observations of this species within the vicinity (CDFW 2024).
Western pond turtle (WPT) *Emys marmorata*	CSC, CPT	An aquatic turtle of ponds, marshes, slow-moving rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites and sandy banks or grassy open fields for egg laying.	**Absent.** The site itself does not support suitable habitat and is over three miles from a riparian corridor. Additionally, the most recently recorded observation of this species in the vicinity is over 100 years old (CDFW 2024). Therefore, this species is not expected to occur on the site.

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Coast horned lizard *Phrynosoma blainvillii*	CSC	Occur in grasslands, scrublands, oak woodlands, etc. of central California. Common in sandy washes with scattered shrubs.	**Absent.** The site itself does not support suitable habitat. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
White-tailed kite (WTK) *Elanus leucurus*	CP	Open grasslands and agricultural areas throughout central California.	**Possible.** Habitat onsite is considered marginal but a few larger trees could potentially be used for nesting. but it is unlikely to stay due to unsuitability of the habitat.
Northern harrier *Circus hudsonius*	CSC	Coastal salt and freshwater marsh. Nest and forage in grasslands, from satgrass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edges.	**Possible.** Suitable breeding is absent from the site; however, marginal foraging habitat is present onsite.
Bald Eagle *Haliaeetus leucocephalus*	CP	Inhabits areas that are within a couple miles of a large body of water, in which they will do a significant portion of their hunting. Typically nest in large, mature, accessible trees, as well as cliffs and man-made structures.	**Unlikely.** Suitable breeding and foraging habitat for the bald eagle is absent from the site itself but does occur within the region. Since this is a volant species, it is possible the species could pass through the site, but it is unlikely to stay due to unsuitability of the habitat.
Golden Eagle *Aquila chrysaetos*	CP	Typically frequents rolling foothills, mountain areas, sage-juniper flats, and desert.	**Absent.** Suitable breeding and foraging habitat for the golden eagle is absent from the site and the immediate vicinity.
Long-eared Owl *Asio otus*	CSC	Typically nests in dense tall shrubs or trees, and forages in adjacent open habitats such as grassland or shrubland.	**Absent.** Suitable habitat is absent from the site. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
Short-eared Owl - nesting *Asio flammeus*	CSC	Transient or occasional breeder in grasslands, marshes, and in some agricultural lands of the San Joaquin Valley.	**Absent.** Suitable habitat is absent from the site. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.

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Common and scientific names	Status	General habitat description	*Occurrence in the study area
Burrowing owl (BUOW) *Athene cunicularia*	CSC	Open, dry grasslands, deserts, and ruderal areas. Requires suitable burrows. Often associated with California ground squirrels. BOUWs may disperse between breeding habitats up to mean distance of 546 m (Riding and Belthoff 2018).	**Absent.** Ground squirrel burrows and other suitable burrows are absent from the site. The nearest recorded observation is approximately three miles away and is from 1989 (CDFW 2024). Therefore, this species is not expected to breed or forage onsite.
Alameda song sparrow *Melospiza melodia pusillula*	CSC	Found in tidal salt marsh habitat with exposed ground for foraging with no more than 2-5 cm between bases of plants. Current range is generally only along the San Francisco Bay.	**Unlikely.** Suitable habitat is absent from the site. The closest recorded observation within the vicinity is from 2004 and is generally mapped as being "just north of Palo Alto north of Santa Clara County Airport, north of the San Mateo County line, East Palo Alto". This is a volant species, therefore, while it is possible the species could pass through the site, it is unlikely to stay due to unsuitability of the habitat.
Grasshopper sparrow *Ammodramus savannarum*	CSC	Occurs in California during spring and summer in open grasslands with scattered shrubs.	**Absent.** Breeding habitat is absent onsite. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
Purple martin *Progne subis*	CSC	Inhabits woodlands, low elevation coniferous forest of Douglas fir, ponderosa pine, and Monterey pine. Nests in old woodpecker cavities, also in human-made structures and nests widely in human-made birdhouses. Nests often located in tall, isolated trees or snags.	**Absent.** Breeding habitat is absent onsite. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.
Yellow-breasted chat (YBC) *Icteria virens*	CSC	Frequently breeds in dense shrubs and blackberry thickets and uses areas of dense vegetation during migration.	**Absent.** Breeding habitat is absent onsite. Additionally, there are no recorded observations of this species within the site's vicinity (CDFW 2024). Therefore, this species is considered to be absent from the site.

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Loggerhead Shrike *Lanius ludovicianus*	CSC	Frequents open habitats with sparse shrubs and trees, other suitable perches, bare ground, and low herbaceous cover. Nests in tall shrubs and dense trees. Forages in grasslands, marshes, and ruderal habitats. Can often be found in cropland.	**Unlikely.** Habitat onsite is developed and lacks dense bushes used by loggerhead shrikes for breeding. This species could potentially forage on or nearby the site, however it is unlikely to stay long as the quality of habitat for foraging is marginal at best.
Townsend's big-eared bat *Corynorhinus townsendii*	CSC	Primarily a cave-dwelling bat that may also roost in buildings. Occurs in a variety of habitats of the state.	**Possible.** Although suitable roosting habitat is absent from the site, marginal foraging habitat is present for this species.
Pallid Bat *Antrozous pallidus*	CSC	Grasslands, chaparral, woodlands, and forests; most common in dry rocky open areas providing roosting opportunities.	**Possible.** Although suitable roosting habitat is absent from the site, marginal foraging habitat is present for this species.
San Francisco dusky-footed woodrat *Neotoma fuscipes annectens*	CSC	Hardwood forests, oak riparian, and shrub habitats. This species is known to build terrestrial stick houses around logs or near trees in areas that are cool and shaded.	**Absent.** The site did not support woodrat nests at the time of the February 2024 site visit.
American Badger *Taxidea taxus*	CSC	Found in drier open stages of most shrub, forest, and herbaceous habitats with friable soils, specifically grassland environments. Natal dens occur on slopes.	**Absent.** Suitable habitat for the American badger is absent from the site.

*Explanation of Occurrence Designations and Status Codes
Present: Species observed on the sites at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the sites, but it could occur there from time to time.
Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the sites and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CCE	California Endangered (Candidate)
FC	Federal Candidate	CR	California Rare
SCVHP	Santa Clara Valley Habitat Plan Focal Species	CP	California Protected
CSC	California Species of Special Concern		