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August 28, 2019

*Via E-mail*

James Willis  
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Subject: Biological Analysis for Proposed Commercial Development Project  
43510 Osgood Road, Fremont, Alameda County

Dear Mr. Willis:

LSA submits this Biological Analysis for the proposed mixed-use project at 43510 Osgood Road in Fremont, Alameda County. The primary objective of the analysis is to identify potentially significant biological resource constraints to development of the project site, especially those related to special-status species and sensitive habitats. This analysis is based on the review of project documents provided to LSA by the City, a reconnaissance-level field survey, and LSA's project experience with wetlands and endangered species permitting issues in Alameda County and throughout the Bay Area.

This analysis consists of the following elements: (1) a general description of the habitat types present on the project site; (2) identification of special-status species observed or potentially present on the project site; (3) a general assessment of sensitive habitats (including potential waters of the United States/waters of the State); (4) identification of potential project impacts that may be avoided or reduced under each of the California Environmental Quality Act (CEQA) Guidelines Checklist Questions; and (5) proposed mitigation measures to reduce remaining impacts to a level of less than significant under CEQA.

## **METHODS**

LSA Senior Biologist Dan Sidle conducted a reconnaissance-level survey of the 7.81-acre project site on August 14, 2019, to evaluate the potential occurrence of special-status species and sensitive habitats on the site. Prior to conducting the survey, LSA reviewed available background information/literature and searched the records of the California Department of Fish and Wildlife's (CDFW) *California Natural Diversity Database* (CNDDDB) (CDFW 2019), California Native Plant Society's *Inventory of Rare and Endangered Plants* (CNPS 2019), and the U.S. Fish and Wildlife Service's *Information for Planning and Consultation (IPaC)* on-line database (USFWS 2019) for occurrences of special-status plant and wildlife species on or adjacent to the project site. LSA surveyed the project site by walking throughout the site to search for biological resources such as the presence of special-status plants, animals, and their habitats, and sensitive habitats such as wetlands or drainages. The potential presence of special-status species was determined based on an evaluation of the habitat

types present on the site and the CNDDDB records and other occurrence information from the vicinity of the site. During the field survey, Mr. Sidle also investigated the presence of waters of the United States/waters of the State (including adjacent wetlands) that would be subject to regulation under Section 404 of the Clean Water Act and/or the California Porter-Cologne Water Quality Control Act.

The scientific and vernacular nomenclature for the plant and wildlife species used in this analysis are from the following standard sources: plants, Baldwin et al. (2012) and updates listed on the Jepson Herbarium website (<http://ucjeps.berkeley.edu/eflora/>); amphibians and reptiles, Crother (2017) and/or AmphibiaWeb ([www.amphibiaweb.org](http://www.amphibiaweb.org)); birds, American Ornithologists' Union (1998) and supplements through 2019; and mammals, Bradley et al. (2014).

## HABITAT/LAND COVER TYPES

The project site is currently vacant and supports a grassland with ruderal/annual non-native grassland vegetation and a few scattered native and non-native trees. Soils on the project site consist of Danville silty clay loam, which is a well-drained soil and Marvin silt loam, saline-alkali, which is a somewhat poorly drained soil (UC Davis SoilWeb 2019). The site appears at one time to have been used for a residence (no longer present) with the remainder of the site devoted to agricultural practices (e.g. stables and possibly dry farming). More recently the site has been used as a construction storage area, and for storing stockpiles of soil (Cornerstone 2015). Other features on the site include a water supply well in the northwest corner, high voltage electrical transmission line towers in the southeast corner, and a drainage culvert and associated catch basin in the southeast corner near Interstate 680 (I-680). The site is isolated from other open space areas on all sides by I-680 to the east and commercial/industrial development to the north, south, and west.

### Ruderal/Non-Native Annual Grassland

The field supports primarily non-native annual grassland and ruderal vegetation. Plant species observed during the reconnaissance-level survey consisted of mostly non-native grasses and forbs, including wild oats (*Avena* sp.), Mediterranean barley (*Hordeum marinum*), Bermuda grass (*Cynodon dactylon*), mustard (*Brassica* and/or *Hirschfeldia* spp.), Harding grass (*Phalaris aquatica*), prickly lettuce (*Lactuca serriola*), Italian thistle (*Carduus pycnocephalus*), milk thistle (*Silybum marianum*), Russian knapweed (*Acroptilon repens*), prostrate knotweed (*Polygonum aviculare* ssp. *depressum*), burclover (*Medicago polymorpha*), English plantain (*Plantago lanceolatum*), chicory (*Cichorium intybus*), stinkwort (*Dittrichia graveolens*), sweet fennel (*Foeniculum vulgare*), bristly ox-tongue (*Helminthotheca echioides*), curly dock (*Rumex crispus*), field bindweed (*Convolvulus arvensis*), perennial pepperweed (*Lepidium latifolium*), wild radish (*Raphanus sativus*), and ivy (*Hedera* sp.).

Native plants in the ruderal/non-native grassland included coyote brush (*Baccharis pilularis*) and alkali mallow (*Malva leprosa*) with one patch of alkali heath (*Frankenia salina*). An approximate 15-foot by 20-foot patch of alkali heath, a native plant that often occurs in alkaline wetlands or sinks, was observed in an upland area in the grasslands toward the eastern end of the site; it was not observed in a wetland or sink. Alkali heath salt marshes (*Frankenia salina* Herbaceous Alliance) are considered a sensitive plant community with a Global Ranking of 4 (greater than 100 viable occurrences worldwide) and a State Ranking of 3 (21-100 viable occurrences statewide), but this

single patch of alkali heath would not constitute as sensitive plant community due to its small size and its setting within a ruderal non-native grassland.

### Wetlands

A wetland channel was observed along the northeastern boundary of the project site, mostly between Interstate 680 (I-680) and a chain-link fence with a small seasonal wetland extending onto the project-side of the fence (Figure 1). Plants observed in the wetland channel and seasonal wetland include narrow leaf cattail (*Typha angustifolia*), rough cocklebur (*Xanthium strumarium*), tall flatsedge (*Cyperus eragrostis*), Harding grass, and non-native upland grass and forb species.

### Trees

A total of 33 trees were surveyed at the project site (Sanfilippo 2019). The project arborist report lists the removal of 32 of these trees due to poor health or their conflict with the proposed project (Sanfilippo 2019). These trees include four coast live oak (*Quercus agrifolia*), a native tree, and several non-native or landscape trees that are either native to areas outside of California or native to other parts of California, such as Monterey pine (*Pinus radiata*) and coast redwood (*Sequoia sempervirens*). These non-native trees consist of black walnut (*Juglans nigra*), evergreen pear (*Pyrus kawakami*), glossy privet (*Ligustrum lucidum*), Chinese elm (*Ulmus parvifolia*), sweet bay (*Laurus nobilis*), hackberry (*Celtis australis*), olive (*Olea europaea*), sweet gum (*Liquidambar styraciflua*), Mexican fan palm (*Washingtonia robusta*), jacaranda (*Jacaranda mimosifolia*), eucalyptus (*Eucalyptus* sp.), white mulberry (*Morus alba*), nectarine (*Prunus* sp.), and Chinese juniper (*Juniperus chinensis*). The proposed project will avoid one 6-inch coast live oak (Tree #31), while all of the other trees will be removed.

### WILDLIFE

Several wildlife species were observed within or adjacent to the project site during the field survey. Many of these species were foraging within the grassland and trees. The grassland supports habitat for Botta's pocket gopher (*Thomomys bottae*), which were observed in the grasslands. Several birds were observed foraging in the grasslands, trees, or shrubs on the site. These bird species consisted of wild turkey (*Meleagris gallopavo*), common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), California towhee (*Melospiza crissalis*), lesser goldfinch (*Spinus psaltria*), and house finch (*Haemorhous mexicanus*). Feral cats were also observed during the survey.

### SPECIAL-STATUS SPECIES

For the purposes of this assessment, special-status species are defined as follows:

1. Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA);
2. Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
3. Plant species that are on the California Rare Plant Rank (CRPR) Lists 1A, 1B, and 2;

4. Animal species that are designated as Species of Special Concern or Fully Protected by CDFW; or
5. Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines.

### Special-Status Plant Species

Several CNDDDB occurrences of special-status plant species have been recorded in the project vicinity (Table A; CDFW 2019), and although unlikely to occur due to prior disturbance at the site, some of these species could be present. The project site includes a grassland with alkaline substrates and therefore, although unlikely, could support three special-status plants that are known to occur in alkaline meadows: brittlescale (*Atriplex depressa*), lesser saltscale (*Atriplex minuscula*), and Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). These three plant species are all CRPR List 1B species, which are plants that are considered rare, threatened, or endangered in California and elsewhere. The wetland channel along the northeastern boundary of the site could support suitable habitat for the long-styled sand-spurrey (*Spergularia macrotheca* var. *longistyla*), but prior grading at the wetland during construction of the adjacent I-680 may precludes its presence within this wetland channel. This wetland channel would be avoided during construction.

### Special-Status Animal Species

Special-status animal species that are known to occur in the vicinity of the project site and for which suitable habitat is present include northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), American peregrine falcon (*Falco peregrinus anatum*), golden eagle (*Aquila chrysaetos*), tricolored blackbird (*Agelaius tricolor*), loggerhead shrike (*Lanius ludovicianus*), and pallid bat (*Antrozous pallidus*). Northern harrier, golden eagle, and tricolored blackbird could forage on the project site but are unlikely to nest on the project site due to the lack of suitable or high quality nesting habitat. Although upland habitat typical of that used by California tiger salamanders (*Ambystoma californiense*) with rodent burrows is present in the grassland, tiger salamanders are unlikely to occur due to the absence of suitable aquatic breeding habitat on or adjacent to the site and the site's isolation from occupied habitat. Additionally, the California red-legged frog (*Rana draytonii*) and western pond turtle (*Emys marmorata*) would not occur due to the lack of suitable aquatic habitat on or adjacent to the site. The Alameda whipsnake (*Masticophis lateralis*) would not occur due to the lack of suitable scrub habitat on or adjacent to the site and the isolation of the site from occupied habitat. Although suitable grassland habitat is present for the American badger (*Taxidea taxus*), this species is not likely to occur due to the site's relatively small size, its location surrounded by urban development, absence of prey (e.g., burrowing rodents) and its isolation from large open grassland habitat. No suitable burrowing sites/surrogates, such as California ground squirrel (*Otospermophilus beecheyi*) burrows are present on the site. No burrowing owls or burrowing owl sign were observed during LSA's survey. Although no structures are present on the site, the on-site trees could provide suitable roosting habitat for bats.

## SENSITIVE HABITATS

### Waters of the United States/State

A wetland channel and associated seasonal wetland were observed along the northeastern boundary of the project site, mostly between I-680 and a chain-linked fence with a small seasonal

wetland extending onto the project-side of the fence (Figure 1). A concrete drainage culvert and catch basin is located on the other side of the chain-linked fence in the southeast corner of the site near I-680 (see Phase I Environmental Site Assessment [Cornerstone 2015]). The wetland channel, associated seasonal wetland, and culvert may be considered a jurisdictional feature by the U.S. Army Corps of Engineers. No other wetlands or waters of the United States/State that are potentially jurisdictional under Section 404 of the Clean Water Act were observed on the site during the field survey.

### Riparian or Other Sensitive Habitat

No riparian habitat, sensitive plant communities, or other sensitive habitat is present at the project site.

### WILDLIFE NURSERY SITES

The project site does not support any suitable habitat for wildlife nursery sites, including bird rookeries or roosting bat colonies.

### WILDLIFE MOVEMENT CORRIDORS

The project site is a vacant lot with grasslands situated within an urban setting surrounded by urban development, such as roads/highways, buildings, and parking lots. No significant wildlife movement corridors, such as stream channels or riparian corridors occur at the site. Existing wildlife that currently move through the site are urban-adapted species that would likely continue to move through the site after project development. Typical urban wildlife that may move through the site include various native and non-native birds, raccoon (*Procyon lotor*), and small rodents, such as house mouse (*Mus musculus*) and Botta's pocket gopher.

### LOCAL AND STATE REGULATIONS

#### City of Fremont Municipal Code: Resource Protection

Chapter 18.218 *Standard Development Requirements to Address Resource Protection* of the City Municipal Code addresses special-status species that could occur at the project site.

Endangered Species. Both federal and state legislation provide a framework for protecting and facilitating the recovery of threatened and endangered populations of listed animal species.

1. The federal government regulates threatened animal species through the Endangered Species Act, which lists identified species and prohibits a "take" of any such species. The Federal Migratory Bird Treaty Act makes it unlawful to take (kill, harm, harass, etc.) any migratory listed bird.
2. The California Endangered Species Act establishes that it is the state's policy to conserve, protect, and enhance endangered species and their habitats, and Cal. Fish & Game Code §§ 3503, 3503.5, and 3800 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a take.

3. The general plan identifies potentially occurring special-status species in the City of Fremont. Nesting or roosting burrowing owls (commonly found on vacant or agricultural habitat with burrows of California ground squirrels) are a listed species, as are other birds with propensity to nest in local trees, and also various bat species that may be found in existing or abandoned structures on property slated for development.
4. The general plan also includes policies and implementation measures for the protection of rare, threatened, endangered and candidate species and their habitats consistent with state and federal law. However, the general plan program EIR does not contain specific project-level mitigation measures to address the occurrence of burrowing owls on vacant sites, nesting or special-status bird species, or nesting or special-status bat species that could occur in Fremont.

Chapter 18.218.050 *Standard Development Requirements: Biology, Special-Status Species* of the City Municipal Code also includes measures that require preconstruction surveys for nesting birds, burrowing owls, and roosting bats. These surveys are recommended for the proposed project and described in the Recommendations section below.

#### **City of Fremont Municipal Code: City of Fremont Tree Preservation Ordinance**

Chapter 18.215 Tree Preservation of the City of Fremont's Municipal Code requires a tree removal permit for removing, damaging, or relocating the following trees on private property:

1. A tree having a diameter at breast height (DBH) of 6 inches or more and located on a vacant or underdeveloped lot;
2. A tree having a DBH of 6 inches or more and located on a developed lot, which is the subject of a contemplated or pending application for a development project;
3. A native tree or tree of exceptional adaptability to the Fremont area having a DBH of 10 inches or more;
4. A tree having a DBH of 18 inches or more;
5. A tree that was required by the City to be planted or retained as mitigation for the removal of a tree;
6. A tree planted or retained as a condition of any City-conferred development project approval, including approvals conferred prior to adoption of this chapter; or
7. One of six or more trees of the same species that are located on the same lot and that each have 6 or more inches in DBH.

Of the 32 trees slated for removal, 30 would require a permit for removal, while a permit would not be required for two small trees (trees #3 and 29), which have a DBH of 6 inches or less (Sanfilippo 2019). One coast live oak tree will be preserved on the site.

Since 30 of the removed trees on the site are protected by the City's tree preservation ordinance, the removal or trimming, or transplanting of any of these trees would require a permit from the City and would likely be subject to the City's mitigation requirements according to the ordinance. Impacted trees are typically mitigated with replacement trees at a minimum 1:1 ratio. The proposed tree mitigation ratio of replacing each removed tree with a 24-inch box replacement tree will meet or exceed the City's requirements (Sanfilippo 2019). The one preserved coast live oak tree (tree #31) on the site should be protected according to the Tree Preservation Guidelines presented within the project's preliminary arborist report prepared by Shawn Sanfilippo (2019).

## **HABITAT CONSERVATION PLANS**

The project site is not located within the limits of a conservation plan and therefore would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

## **CITY OF FREMONT GENERAL PLAN**

The provisions of the City's General Plan (Fremont 2011) contains the following goal, policies, and implementation measures that pertain to biological resources that are or may be present at the project site. The proposed project will need to be in compliance with these General Plan as related to biological resources.

### **Goals, Policies and Implementing Actions**

Goal 7-1: Biological Resources: A thriving natural environment with protected habitat that enhances the biological value of the City and preserves the open space frame.

- Policy 7-1.1: Preservation of Natural Habitat: Preserve and protect fish, wildlife, and plant species and their habitats including wetlands, creeks, lakes, ponds, saltwater bodies and other riparian areas. Maintain these areas for their critical biological values and to help improve water quality.
  - Implementation 7-1.1.A: Protect Riparian and Wetland Areas: Preserve and minimize impacts to natural and semi-natural wetland areas, including riparian corridors, vernal pools and their wildlife habitat through the development and environmental review process. Riparian areas and wetlands should be protected and/or restored as project amenities. Require mitigation for potential significant environmental impacts on riparian areas from development.
  - Implementation 7-1.1.D: Conservation of Habitat and Natural Areas: Require conservation, protection and/or revegetation of habitat and natural areas for nesting, foraging and retreat for projects that impact such areas.
- Policy 7-1.2: Protection of Species: Preserve and protect rare, threatened, endangered and candidate species and their habitats consistent with State and Federal law.



- Implementation 7-1.2.A: Creation of Habitat Protection Areas: Work with public and private entities to establish habitat protection areas to provide habitat for rare, threatened, endangered or candidate species. Designate these areas as open space and regulate development within these areas.
- Implementation 7-1.2.B: Weed Abatement: Develop regulations that address the habitat impacts from weed abatement and the draining and disking of fields, grasslands, wetlands and other potential wildlife habitat areas.
- Implementation 7-1.2.D: Mitigation of Special Status Species: When off-site mitigation is required for special status species, require that mitigation be provided within the City of Fremont to the maximum extent practical. If not practical in the City of Fremont require mitigation in Alameda County, followed by the nine-county Bay Area.
- Policy 7-1.7: Mitigate Development Impacts: Mitigate the impacts of development on the natural environment to the extent possible through sound planning, design, and management of development projects.
  - Implementation 7-1.7.A: Evaluate Projects with CEQA: Evaluate development projects for impacts to the natural environment per the California Environmental Quality Act (CEQA) and require measures to mitigate potential impacts to less than significant levels.
- Policy 7-1.8: Urban Forest: Promote and protect the City's urban forest and maintain healthy tree resources within the City.
  - Implementation 7-1.8.A: Tree Master Plan: Prepare a Tree Master Plan to promote healthy tree resources in the City and to identify tree species along various corridors in the City.
  - Implementation 7-1.8.B: Monitor Tree Resources: Actively monitor the City's tree resources for disease and impaired growth and replace as required.
  - Implementation 7-1.8.C: Residential Tree Planting Program: Encourage property owners to preserve and care for trees on their property and to plant additional trees in appropriate locations.
  - Implementation 7-1.8.D: Tree Preservation Ordinance: Enforce the City's Tree Preservation ordinance and continue to make information regarding the ordinance easily available to the public and development community.
  - Implementation 7-1.8.E: Tree Removal Requests: Continue to carefully review tree removal permit requests for conformance with City removal criteria (i.e., fire or safety risk, state of disease).
  - Implementation 7-1.8.F: Encourage Planting of Native Trees: Encourage planting of native tree species in new development and redevelopment projects and the replacement of



native trees when trees are proposed for removal. In particular, encourage tree planting near structures to shade buildings and reduce energy requirements.

## RECOMMENDED MITIGATION MEASURES

Based on the field survey and review of CNDDDB records (CDFW 2019), LSA recommends the following measures be implemented to ensure impacts to biological resources are avoided. The measures that address nesting birds, burrowing owls, and roosting bats are adapted from City Municipal Code Chapter 18.218.050 *Standard Development Requirements: Biology, Special-Status Species*.

### Plant Surveys

Due to the presence of suitable habitat within alkaline substrates, protocol-level plants surveys should be conducted for brittlescale, lesser saltscale, Congdon's tarplant, and long-styled sand-spurrey. The surveys should be conducted according to CDFW's (2018) *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. One survey could be conducted for the brittlescale, lesser saltscale, and Congdon's tarplant between June and September in order to account for the blooming period of all three plants, while an additional survey would need to be conducted in the spring since the long-styled sand-spurrey, which blooms from February to May. Portions of the wetland channel and seasonal wetland may be located off-site and may not be accessible due to the existing fence. None of these plant species were observed during the reconnaissance-level survey.

### Pre-construction Surveys for Nesting Birds

The following measures shall be implemented prior to removal of any trees/shrubs, grading, or ground disturbing activities to protect nesting birds at the project site:

- A. Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).
- B. Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
- C. Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.
- D. Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.

### Pre-construction Surveys for Burrowing Owl

Although no suitable burrow surrogates for burrowing owls were observed during the field survey, new surrogates, such as ground squirrel burrows, could occur at the site in the future. The following measures shall be implemented prior to grading or ground disturbing activities in order to avoid potential impacts to burrowing owls:

- A. **Preconstruction Surveys.** Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the CDFW. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
- B. **Implement Buffer Zones.** Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.
- C. **Passive Relocation.** If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.
- D. **Initiation of Construction Activities.** When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.

### Pre-construction Surveys for Roosting Bats

The following measures shall be implemented prior to any tree removal at the project site to avoid potential impacts to special-status (i.e., pallid bat) or roosting bat species:

- A. **Preconstruction Surveys.** A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of trees as bat roost habitat.
- B. **Protective Buffer Zone(s).** If active bat roosts are found on site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost.
- C. **Mitigation and Exclusion.** If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the

qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.

## REPLACEMENT OF TREES

A tree removal permit from the City shall be obtained in order to remove or trim on-site trees that are protected by the City's tree preservation ordinance. These trees shall be mitigated according to the ordinance and be replaced at a minimum 1:1 ratio. The one preserved coast live oak tree (tree #31) shall be protected according to the Tree Preservation Guidelines presented within the project's preliminary arborist report prepared by Shawn Sanfilippo (2019).

Please contact me at (510) 236-6810 or at dan.side@lsa.net if you have questions and/or require further information regarding this biological analysis.

Sincerely,

**LSA Associates, Inc.**

Dan Sidle  
Associate/Senior Biologist

Attachments: Figure 1: Existing Conditions  
Figure 2: CNDDDB Occurrences within 1 Mile of Project Site  
Table A: Special-Status Species Evaluated for the Project Site

## REFERENCES

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**Table A: Special-Status Species Evaluated for the Project Site**

Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
<b>Plants</b>			
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	-/List 1B	Occurs in low ground, alkali flats, and flooded lands in annual grassland or in playas or vernal pools; 1-170 meters; Mar-Jun	No suitable habitat present. Closest extant CNDDDB occurrence is approximately 2.6 miles from the project site.
Brittlescale <i>Atriplex depressa</i>	-/List 1B	Occurs in chenopod scrub, meadows, playas, valley and foothill grassland, and vernal pools, usually in alkali scalds or alkali clay in meadows or annual grassland; rarely associated with riparian, marshes or vernal pools; 1-320 meters; Apr-Oct	Suitable habitat may be present due to alkaline soils on the site, but prior disturbance from agricultural and residential development likely precludes this species from occurring on the site. Closest CNDDDB occurrence is approximately 2.4 miles from the project site.
San Joaquin spearscale <i>Extriplex joaquinana</i>	-/List 1B	Occurs in chenopod scrub, alkali meadow, grassland; in seasonal alkali wetlands or sink scrub; 1-250 meters; Apr-Oct	No suitable habitat present. Closest CNDDDB occurrence is approximately 1.2 miles from the project site.
Lesser saltscale <i>Atriplex minuscula</i>	-/List 1B	Occurs in alkali sink and grassland in sandy, alkaline soils in chenopod scrub, valley and foothill grassland, cismontane woodland; 20-100 meters; Jun-Sep	Suitable habitat may be present due to alkaline soils on the site, but prior disturbance from agricultural and residential development likely precludes this species from occurring on the site. Closest CNDDDB occurrence is approximately 2.3 miles from the project site.
<i>Campanula exigua</i> Chaparral harebell	-/List 1B	Occurs in chaparral (rocky, usually serpentinite); 275-1,250 meters; May-Jun	No suitable habitat present. Closest CNDDDB occurrence is approximately 5 miles from the project site.
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	-/List 1B	Occurs in grassland; in alkaline soils; 1-230 meters; Jun-Nov	Suitable habitat may be present, although no <i>Centromadia</i> tarplant observed during the reconnaissance-level survey. Closest CNDDDB occurrence is approximately 0.7 mile from the project site.
Hoover's button-celery <i>Eryngium aristulatum</i> var. <i>hooveri</i>	-/List 1B	Occurs in alkaline depressions, vernal pools, roadside ditches, and wet places near the coast; 3-45 meters; Jul (rarely Aug)	No suitable habitat present. Closest CNDDDB occurrence is approximately 1.7 miles from the project site.
Contra Costa goldfields <i>Lasthenia conjugens</i>	FE/List 1B	Cismontane woodland, playas (alkaline), valley and foothill grassland, vernal pools/mesic; 0-470 meters; Mar-Jun	No suitable habitat present. Closest CNDDDB extant occurrence is approximately 1.6 miles from the project site.
Prostrate vernal pool navarretia <i>Navarretia prostrata</i>	-/List 1B	Occurs in alkaline soils and mesic sites in coastal scrub, valley and foothill grassland, vernal pools; 15-700 meters; Apr-Jul	No suitable habitat present. Closest CNDDDB occurrence is approximately 1.5 miles from the project site.

Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
California Alkali Grass <i>Puccinellia simplex</i>	-/List 1B	Occurs in alkaline, vernal mesic; sinks, flats, and lake margins in chenopod scrub, meadows and seeps, valley and foothill grassland, and vernal pools; 5-2520 meters; Mar-May	No suitable habitat present. Closest CNDDDB occurrence is approximately 2.6 miles from the project site.
Chaparral ragwort <i>Senecio aphanactis</i>	-/List 2B	Occurs in chaparral, cismontane woodland, coastal scrub in drying alkaline flats; 20-855 meters; Jan-Apr	No suitable habitat present. Closest CNDDDB occurrence is an 1892 record approximately 4.8 miles from the project site.
Long-styled sand-spurrey <i>Spergularia macrotheca</i> var. <i>longistyla</i>	-/List 1B	Occurs in wetlands and riparian habitat; 6 to 170 meters; Feb-May	Suitable habitat may be present in the wetland channel, along the northeastern boundary of the site, but prior grading at the site and along I-680 likely precludes their presence. Closest CNDDDB occurrence is a 1934 record from an unknown location in Niles.
Most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	-/List 1B	Occurs in serpentine outcrops, on ridges and slopes in chaparral, valley and foothill grassland, and cismontane woodland; 120-730 meters; Mar-Oct	No suitable habitat present. Closest CNDDDB occurrence is approximately 2.7 miles from the site.
California seablite <i>Suaeda californica</i>	FE/List 1B	Occurs in margins of coastal salt marshes; 0-15 meters; Jul-Oct	No suitable habitat present. Closest CNDDDB occurrence is approximately 1.1 miles from the site.
Saline clover <i>Trifolium hydrophilum</i>	-/List 1B	Occurs in marsh, swamps, valley and foothill grassland, vernal pools; 0-300 meters; Apr-Jun	No suitable habitat present. Closest CNDDDB occurrence is approximately 2.7 miles from the project site.
<b>Amphibians</b>			
California tiger salamander <i>Ambystoma californiense</i>	FT/CT	Breeds in vernal pools, ponds, and stock ponds. Spends summer and early fall in uplands surrounding breeding sites, taking refuge in small mammal burrows or other underground cover.	Although suitable upland grassland habitat with gopher burrows is present, this salamander would not occur at the site due to its location within an urban setting and its isolation from any known or suitable breeding ponds. Closest CNDDDB occurrence is of a likely extirpated breeding record approximately 0.9 miles from the project site.
California red-legged frog <i>Rana draytonii</i>	FT/CSC	Found in lowlands and foothills in or near permanent ponds and streams with dense, shrubby, or emergent riparian vegetation.	No suitable habitat present on or adjacent to the site. Closest CNDDDB occurrence is approximately 1.7 miles away in Agua Caliente Creek.
<b>Reptiles</b>			
Western pond turtle <i>Emys marmorata</i>	-/CSC	Found in ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and adjacent grasslands or other open habitat for egg-laying.	No suitable aquatic habitat present. Closest CNDDDB occurrence is in Alameda Creek approximately 4 miles from the project site in Alameda Creek.

Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	FT/CT	Found in chaparral and rock outcrops.	No suitable habitat present.
<b>Birds</b>			
White-tailed kite <i>Elanus leucurus</i>	-/CFP	Nests in shrubs and trees in open areas and forages in adjacent grasslands and agricultural land.	Although suitable foraging habitat is present and suitable nesting habitat is present in the trees on and adjacent to the site, this raptor is unlikely to occur due to the site's relatively small size and its urban setting. No stick nests observed in any of the trees during the field survey. No CNDDB occurrences in close proximity to the project site.
Northern harrier <i>Circus hudsonius</i>	-/CSC	Nests and forages in meadows, grasslands, open rangeland, and fresh or saltwater marshes.	Although suitable foraging and nesting habitat is present, this raptor is unlikely to occur due to the site's relatively small size and its urban setting. No CNDDB occurrences in close proximity to the project site.
Golden eagle <i>Aquila chrysaetos</i>	-/CFP	Forages in rolling foothill or coast-range terrain, with open grassland and scattered large trees. Nests in large trees, on cliffs, and occasionally on power line poles.	No suitable nesting habitat present; site provides limited foraging habitat. No CNDDB occurrences in close proximity to the project site.
American peregrine falcon <i>Falco peregrinus anatum</i>	Delisted/ Delisted/ CFP	Forages in open country, mountains, and sea coasts. Nests on high cliffs, bridges, and buildings.	No suitable nesting habitat present; site provides suitable foraging habitat.
Burrowing owl <i>Athene cunicularia</i>	-/CSC	Nests in burrows in grasslands and woodlands; often associated with ground squirrels. Will also nest in artificial structures (culverts, concrete debris piles, etc.).	No suitable burrowing surrogates present; could briefly forage on the site or migrate through the site, but would not winter or breed on the site due to the lack of suitable burrowing sites. Closest CNDDB occurrence is approximately 0.75 mile from the project site.
Loggerhead shrike <i>Lanius ludovicianus</i>	-/CSC	Found in grasslands and open shrub or woodland communities. Nests in dense shrubs or trees and forages in scrub, open woodlands, grasslands, and croplands. Frequently uses fences, posts, and utility lines as hunting perches.	Although suitable foraging habitat is present in the field and suitable nesting habitat is present in the trees on the site, this bird is unlikely to occur due to the site's relatively small size and its urban setting. No CNDDB occurrences in close proximity to the project site.



Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
Tricolored blackbird <i>Agelaius tricolor</i>	–/CT	Nests in dense vegetation near open water, forages in grasslands and agricultural fields.	Limited suitable nesting habitat may be present along wetland ditch between the site and I-680; site provides limited foraging habitat. Closest CNDDDB occurrence is a possibly extirpated record of a nesting colony approximately 1.1 miles from the project site.
<b>Mammals</b>			
Townsend’s western big-eared bat <i>Corynorhinus townsendii townsendii</i>	–/CSC	Found in wooded areas with caves or old buildings for roost sites.	No suitable roosting or hibernating habitat present. Limited foraging habitat present. Closest CNDDDB occurrence is a possibly extirpated record approximately 0.6 mile from the project site.
Pallid bat <i>Antrozous pallidus</i>	–/CSC	Occupies a wide variety of habitats at low elevations. Most commonly found in open, dry habitats with rocky areas for roosting.	Suitable roosting habitat may be present in the on-site trees. Foraging habitat present in the grasslands. Closest CNDDDB occurrence is approximately 3.6 mile from the project site.
American badger <i>Taxidea taxus</i>	–/CSC	Grassland, scrub, and woodland with loose-textured soils.	Although suitable foraging habitat is present, this species would not occur at the site due to its location within an urban setting and its isolation from larger tracts of open space. No CNDDDB occurrences in close proximity to the project site.

Status Codes:

- FE = Federally listed as an endangered species.
- FT = Federally listed as a threatened species.
- CE = State-listed as an endangered species.
- CT = State-listed as a threatened species.
- CFP = State-listed as a fully protected species.
- CSC = State Species of Special Concern.
- List 1B = RPR: plant considered rare, threatened, or endangered in California and elsewhere.
- List 2B = RPR: plant considered rare, threatened, or endangered in California but more common elsewhere.
- = No status.

<sup>a</sup> Nearest records are based on CNDDDB (CDFW 2019) occurrences unless otherwise noted.

Source: LSA 2019.