



CARLSBAD  
FRESNO  
IRVINE  
LOS ANGELES  
PALM SPRINGS  
POINT RICHMOND  
RIVERSIDE  
ROSEVILLE  
SAN LUIS OBISPO

October 8, 2018

*Via Email*

Peter Wang  
SVC Corporation  
48834 Kato Road, Suite 101A  
Fremont, California 94538

Subject: Biological Resources Habitat Assessment for Proposed Subdivision  
830 Witherly Lane, Fremont, Alameda County

Dear Mr. Wang:

LSA submits this biological resources habitat assessment for the proposed subdivision at 830 Witherly Lane in Fremont, Alameda County. The primary objective of the assessment 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 assessment is based on the review of database searches, LSA's reconnaissance-level field survey, and LSA's project experience with biological resource issues in the City of Fremont.

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/avoidance measures to reduce remaining impacts to a level of less than significant under CEQA.

## **METHODS**

LSA Senior Biologist Dan Sidle and Senior Botanist/Arborist Tim Milliken conducted a reconnaissance-level survey of the 3.8-acre project site on August 2, 2018, 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 2018), the California Native Plant Society's *Inventory of Rare and Endangered Plants* (CNPS 2018), and the U.S. Fish and Wildlife Service's *Information for Planning and Consultation (IPaC)* on-line database (USFWS 2018) 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 site for 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. LSA also roughly mapped the limits of the riparian vegetation along the drainage channels.

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 2018; and mammals, Bradley et al. (2014).

## HABITAT/LAND COVER TYPES

The project site currently supports two fields with non-native annual grassland species with ruderal (weedy) vegetation, trees, a house, a barn/out-building, and a basketball court and garden associated with the Montessori school. A drainage channel with associated riparian vegetation occurs near the northern boundary of the project site, while another smaller drainage channel occurs near the eastern boundary of the project site. The project site is bounded by Ohlone College to the south, residential development to the west, a drainage channel, riparian woodland, and residential development to the north, and a residence and Mission Peak Regional Park to the east and southeast. Soils on the project site consist of *Azule clay loam, 3 to 30 percent slopes*, and *Diablo clay, very deep, 15 to 30 percent slopes, eroded*, which are both well-drained soils (UC Davis SoilWeb 2018).

### Non-Native Annual Grasslands

The two fields are dominated by non-native annual grass species and ruderal forbs. Plant species observed consist of wild oats (*Avena* sp.), soft chess brome (*Bromus hordeaceus*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), mustard (*Brassica* sp.), Italian thistle (*Carduus pycnocephalus*), fiddle dock (*Rumex pulcher*), bristly ox-tongue (*Helminthotheca echioides*), prickly lettuce (*Lactuca serriola*), stinkwort (*Dittrichia graveolens*), field bindweed (*Convolvulus arvensis*), narrow-leaf milkweed (*Asclepias fascicularis*), Bermuda grass (*Cynodon dactylon*), English plantain (*Plantago lanceolata*), Italian rye grass (*Festuca perennis*), purple star-thistle (*Centaurea calcitrapa*), and pennyroyal (*Mentha pulegium*). Besides milkweed, no native plants were observed within the fields.

### Trees and Shrubs

Trees and shrubs occur along the perimeter of the project site and near the buildings. These trees and shrubs include coast live oak (*Quercus agrifolia*), coast redwood (*Sequoia sempervirens*), California fan palm (*Washingtonia filifera*), eucalyptus (*Eucalyptus* spp.), Brazilian pepper (*Schinus terebinthifolius*), plum (*Prunus* sp.), silver wattle (*Acacia dealbata*), deodar cedar (*Cedrus deodara*), olive (*Olea europaea*), Fremont's cottonwood (*Populus fremontii*), pine (*Pinus* spp.), evergreen pear (*Pyrus kawakamii*), almond (*Prunus dulcis*), crape myrtle (*Lagerstroemia indica*), western redbud (*Cercis occidentalis*), bottlebrush (*Callistemon* sp.), oleander (*Nerium oleander*), cotoneaster (*Cotoneaster* sp.), cactus (*Opuntia* sp.), coyote brush (*Baccharis pilularis*), and other ornamental trees and shrubs. English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), and lavender (*Lavandula* sp.) also grow in these areas.

### Drainage Channel and Riparian Woodland

A drainage channel with associated riparian woodland occurs along the northern boundary of the project site. The drainage supports eucalyptus, coast live oak, Himalayan blackberry, coyote brush, rush (*Juncus* sp.), and California mugwort (*Artemisia douglasiana*).

A smaller, approximately 1-foot-wide drainage channel occurs along the northeastern boundary. Portions of the channel adjacent to the project site support watercress (*Nasturtium officinale*) and bull thistle (*Cirsium vulgare*).

### WILDLIFE

Wildlife species or wildlife sign observed within or adjacent to the project site during the field survey consisted of western fence lizard (*Sceloporus occidentalis*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), wild turkey (*Meleagris gallopavo*), California quail (*Callipepla californica*), California scrub-jay (*Aphelocoma californica*), mourning dove (*Zenaida macroura*), rock pigeon (*Columba livia*), acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Dryobates nuttallii*), red-breasted sapsucker (*Sphyrapicus ruber*; sapsucker holes observed on tree trunks and branches), barn swallow (*Hirundo rustica*), chestnut-backed chickadee (*Poecile rufescens*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), white-breasted nuthatch (*Sitta carolinensis*), black phoebe (*Sayornis nigricans*), northern mockingbird (*Mimus polyglottos*), Anna's hummingbird (*Calypte anna*), American robin (*Turdus migratorius*), California towhee (*Melospiza crissalis*), spotted towhee (*Pipilo maculatus*), dark-eyed junco (*Junco hyemalis*), lesser goldfinch (*Spinus psaltria*), house finch (*Haemorhous mexicanus*), black-tailed deer (*Odocoileus hemionus*), and Botta's pocket gopher (*Thomomys bottae*; burrows). Barn swallow nests that appeared to have been active earlier in the year were observed in the out-building. A mourning dove was observed carrying what appeared to be nest material into a tree near the Montessori school. Botta's pocket gopher burrows were observed within the two fields. Neither California ground squirrels (*Otospermophilus beecheyi*) nor their burrows were observed on the site.

The project site and surrounding trees provide suitable nesting habitat for several bird species. Birds of prey, such as red-tailed hawk, could nest in the eucalyptus trees north of the site, while songbirds/passerines, such as mourning dove, California towhee, lesser goldfinch, barn swallow, and house finch, could nest in the trees, shrubs, and/or buildings on the site.

### 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 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 within 5 miles of the project site (CDFW 2018), but these species are not likely to occur at the project site due to disturbance caused from prior development of the site and the resulting introduction of non-native, invasive plant species. Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), which occurs in disturbed ruderal grasslands, was not observed during the field survey, which was conducted during a time in which the species would have been identifiable.

### Special-Status Animal Species

Special-status animal species that are known to occur in the vicinity of the site and for which suitable habitat is present include California tiger salamander (*Ambystoma californiense*), northern harrier (*Circus cyaneus*), 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*), Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*), and pallid bat (*Antrozous pallidus*). A discussion of these and other special-status animal species that have potential to occur on or in the vicinity of the site are included below:

- Suitable upland habitat for California tiger salamanders is present in the two fields. The closest CNDDDB breeding records for the California tiger salamander are a likely extirpated record approximately 2.11 miles from the site at the intersection of Adams Avenue with the railroad tracks and at a stock pond approximately 2.3 miles from the site. CNDDDB breeding pond occurrences greater than 2 miles from the site are often considered beyond the distance California tiger salamanders are expected to travel, but individual adult salamanders have been found in close proximity to the site, including one adult that was found in a fountain at Ohlone College, approximately 415 feet south of the site (CDFW 2018). A review of aerial imagery revealed two potential breeding pools in Mission Peak Regional Park east and southeast of the site, one approximately 0.50 mile to the east and one approximately 0.90 mile to the southeast. Although the CNDDDB does not show these ponds as supporting California tiger salamanders, these pools could be occupied by the species. With ground squirrels absent from the site, the only burrow donors for tiger salamanders would be gophers.
- California red-legged frog (*Rana draytonii*) and western pond turtle (*Emys marmorata*) are unlikely to occur due to the lack of suitable aquatic habitat on or adjacent to the site and the absence of recorded observations of either species in the site's proximity. The closest CNDDDB record for California red-legged frogs is approximately 1.5 miles from the site in a stock pond, while western pond turtles are known from Alameda Creek, approximately 3 miles from the site. The drainage channels adjacent to the site are relatively small and do not provide suitable breeding habitat for California red-legged frog or western pond turtle. Mission Creek is a larger creek located approximately 0.25 mile north of the site with residential development situated

between the project site and the creek, but no CNDDDB occurrences have been recorded in this creek.

- Alameda whipsnake (*Masticophis lateralis*) is unlikely to occur due to the lack of suitable scrub habitat on or adjacent to the site.
- American peregrine falcon, northern harrier, golden eagle, and tricolored blackbird could forage on the site but are unlikely to nest on the site due to the lack of suitable nesting habitat on or adjacent to the site. The fields are regularly mowed and do not provide suitable vegetation and cover for northern harrier or tricolored blackbird nests. The stand of eucalyptus trees north of the site is relatively small and exposed and therefore likely does not provide suitable sites for golden eagles.
- One suitable large rodent burrow was observed along Witherly Lane during the reconnaissance-level survey, but due to its location along the street this burrow is unlikely to be occupied by burrowing owls.
- White-tailed kite could nest in the trees or large shrubs on or adjacent to the site and could forage in the two fields. No white-tailed kites or stick nests were observed during the field survey, but this species could nest on or adjacent to the site in the future.
- Loggerhead shrike could nest in the trees and large shrubs on or adjacent to the site and forage in the two fields. No shrikes or shrike nests were observed during the field survey, but the site does provide suitable nesting habitat and therefore this species could nest on or adjacent to the site in the future.
- Townsend's western big-eared bat and pallid bat may forage over the site but are unlikely to roost on the site due to the lack of suitable roosting habitat. No evidence of roosting bats was observed in the existing house and out-building.
- Although suitable grassland habitat may be present for the American badger (*Taxidea taxus*) in the two fields, this species is not likely to occur due to the site's close proximity to urban development and lack of primary prey (ground squirrels).

## SENSITIVE HABITATS

### Waters of the United States/State

Potentially jurisdictional drainage channels occur along the northern and northeastern boundary of the project site. Ultimately the U.S. Army Corps of Engineers (Corps) determines whether or not the drainage channels are jurisdictional. These drainage channels would be protected by a minimum 50-foot setback. 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

The trees and vegetation along the drainage channels would likely be considered riparian woodland and would be protected by CDFW. The proposed project would establish a minimum 50-foot setback from the drainage channels and therefore would not impact the channels or riparian woodland. (LSA's rough map of limits of the riparian vegetation was used by the project engineer to determine the location of the 50-foot setback.) No other sensitive plant communities or sensitive habitat occurs at the project site.

### WILDLIFE NURSERY SITES

The project site does not support suitable habitat for wildlife nursery sites, including bird rookeries or roosting bat colonies. No evidence of roosting bats (i.e., guano, urine stains, droppings, odor) was detected along the outside of the house or inside or outside of the out-building during LSA's field survey. The house appeared to be in decent shape with no suitable openings visible.

### WILDLIFE MOVEMENT CORRIDORS

The project site includes a house, barn/out-building, two fields, basketball court, and garden. The existing wildlife movement corridors along the drainage channels and riparian corridors north of the site would be protected by a 50-foot setback. Existing wildlife that currently move through the two fields, basketball court, and garden 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*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), and black-tailed deer.

### LOCAL AND STATE REGULATIONS

#### City of Fremont Tree Preservation Ordinance

The City of Fremont may require a permit for the removal of trees on the property that are protected under the City's Tree Preservation Ordinance. Qualifying trees at the property may include:

1. Coast live oak trees with at least a 10-inch Diameter at Breast Height (DBH) at 4.5 feet above ground;
2. Trees 18-inch DBH or larger of any tree species, except commercial-type fruit or nut-bearing trees, excluding black walnut and European olive;
3. Trees 6-inch DBH on undeveloped or vacant land;
4. Trees located within any single family home lot larger than 10,000 square feet; and
5. Trees located within the front yard of any single family home lot 10,000 square feet or less (a side yard facing a street on a corner lot is regulated as a front yard).

Three protected coast live oak trees (with a diameter of 25, 26, and 34 inches) were surveyed by LSA's arborist. If impacted, these protected trees would require a permit from the City and may need to be mitigated with replacement trees at a minimum 1:1 ratio.

## **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. The project site is not located within the East Alameda County Conservation Strategy study area.

## **RECOMMENDED AVOIDANCE MEASURES**

Based on the field survey and review of CNDDDB records (CDFW 2018), LSA recommends the following avoidance measures be implemented to ensure impacts to biological resources are avoided/minimized:

### **California Tiger Salamander**

Because suitable upland habitat for California tiger salamanders is present in the two fields which are contiguous with the adjacent open space where salamanders have been observed, California tiger salamanders could occur within the fields on site. All development activities on the site, therefore, must comply with federal and State regulations regarding this species. Measures should be implemented to avoid potential impacts to the species. Such measures may include, but are not limited to, the following. Exclusion fencing should be installed around the perimeter of the two fields to deter tiger salamanders from accessing the fields. The fencing should be regularly maintained, especially during the rainy season when salamanders could traverse onto the fields. A qualified biologist should conduct pre-construction surveys prior to grubbing and grading activities within the two fields. A qualified biologist should also monitor initial grubbing and grading activities to ensure no California tiger salamanders are present.

### **Nesting Birds**

The project should avoid construction activities during the bird nesting season (February 1 through August 31). If construction activities are scheduled during the nesting season, a qualified biologist should conduct a pre-construction survey of all suitable nesting habitat (i.e., fields, trees, shrubs, buildings) within 250 feet of the project site (where accessible). The pre-construction survey should be conducted no more than 14 days prior to the start of work. If the survey indicates the presence of nesting birds, protective buffer zones should be established around the nests as follows: for raptor nests, the size of the buffer zone should be a 250-foot radius centered on the nest; for other birds, the size of the buffer zone should be a 50- to 100-foot radius centered on the nest. In some cases, these buffers may be increased or decreased depending on the bird species and the level of disturbance that will occur near the nest.

### **Roosting Bats**

A qualified biologist should conduct a pre-construction survey for roosting bats at all suitable bat roosting habitat (trees, the barn/outbuilding and other structures, etc.) within the project area

within 14 days prior to the beginning of project-related activities. If active bat roosts are discovered or if evidence of recent prior occupation is established, a buffer should be established around the roost site until the roost site is no longer active. If an active bat roost needs to be removed as part of the proposed project, the project biologist would need to consult CDFW to determine appropriate methods for the removal of the roost. As part of CDFW's approval, a new roost site may need to be created on the project site as mitigation.

### Special-Status Plants

No special-status plants are likely to be present on the project site due to the lack of suitable habitat, introduction of non-native plants, and prior disturbance at the site. The riparian woodland and drainage channels will be protected by an established setback, while remaining habitat within the two fields and landscaping/trees are unlikely to support special-status plants. No protocol-level plant surveys are recommended.

### Waters of the US/Waters of the State

The two potentially jurisdictional drainage channels will be protected by an established setback. Any impacts to the drainage channels, including construction of a storm drain outfall into the drainage, would likely require permits from the Corps, CDFW, and Regional Water Quality Control Board.

### Riparian Woodland

The riparian woodland will be protected by the established setback. (LSA's rough map of limits of the riparian vegetation was used by the project engineer to determine the location of the setback.) Any impacts to the riparian trees and vegetation, such as trimming of branches, would likely require a Streambed Alteration Agreement permit from CDFW.

### City Tree Removal Permit

A total of three trees are considered protected trees under the City's Tree Preservation Ordinance. A permit from the City of Fremont may be required for the removal of protected trees.

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

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

## REFERENCES

- American Ornithologists' Union (AOU). 1998. Check-list of North American birds. 7th Edition. American Ornithologists' Union, Washington, D.C.
- AmphibiaWeb. 2018. Website: [www.amphibiaweb.org](http://www.amphibiaweb.org). University of California, Berkeley.
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- Bradley, R.D., L.K. Ammerman, R.J. Baker, L.C. Bradley, J.A. Cook, R.C. Dowler, D.J. Schmidly, F.B. Stangl, Jr., R.A. Van Den Bussche, and B. Würsig. 2014. Revised Checklist of North American Mammals North of Mexico, 2014. Occasional Papers, Museum of Texas Tech University No. 237.
- California Department of Fish and Wildlife (CDFW). 2018. Query of the California Natural Diversity Database for special-status species occurrences within 5 miles of the project site. Biogeographic Data Branch, California Department of Fish and Wildlife, Sacramento. July 3.
- California Native Plant Society (CNPS). 2018. Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). California Native Plant Society, Rare Plant Program, Sacramento, CA. Website <http://www.rareplants.cnps.org>. August 7.
- Crother, B.I. (ed.). 2017. Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding, pp. 1-102. SSAR Herpetological Circular No. 43.
- UC Davis SoilWeb. 2018. Web Soil Survey. Accessed at [http://casoilresource.lawr.ucdavis.edu/soil\\_web/ssurgo.php](http://casoilresource.lawr.ucdavis.edu/soil_web/ssurgo.php) on August 7.
- U.S. Fish and Wildlife Service (USFWS). 2018. IPaC Information for Planning and Consultation. List of federally listed species known to occur in the project area. August 7.

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

Species	Status (Federal/ State)	Habitat	Potential for Occurrence <sup>a</sup>
<b>Plants</b>			
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	–/List 1B	Occurs in grassland; in alkaline soils; 1-230 meters; Jun-Nov.	Not likely to occur due to prior grading at the site and the lack of alkali substrates. This plant was not observed during the reconnaissance-level survey, which was conducted at a time in which the plant would be identifiable. No <i>Centromadia</i> tarplant species observed during the field survey. Closest CNDDB occurrence is approximately 2.5 miles from the site.
<b>Fish</b>			
Steelhead - Central California Coast Distinct Population Segment <i>Oncorhynchus mykiss irideus</i>	FT/–	Coastal streams from Russian River south to Aptos Creek (Santa Cruz Co.); includes streams tributary to San Francisco and San Pablo Bays.	No suitable habitat present. Drainage channel north of the site is not known to support steelhead. Closest CNDDB occurrence is in Alameda Creek approximately 3 miles from the site.
<b>Invertebrates</b>			
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE/–	Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water; pools commonly found in grass-bottomed swales of unplowed grasslands; some pools are mud-bottomed and highly turbid.	No suitable habitat present. Closest CNDDB occurrence is approximately 4.1 miles from the site.
<b>Amphibians</b>			
California tiger salamander <i>Ambystoma californiense</i>	FT/ST	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.	Suitable terrestrial habitat present in the two fields. The closest CNDDB breeding records are a likely extirpated record approximately 2.11 miles from the site at the intersection of Adams Avenue with the railroad tracks and at a stock pond approximately 2.3 miles from the site. CNDDB breeding pond occurrences greater than 2 miles from the site are often considered beyond the distance salamanders are expected to travel, but individual adult salamanders have been found in close proximity, including one adult found at Ohlone College, approximately 415 feet south of the site (CDFW 2018). A review of aerial imagery revealed two potential breeding pools in Mission Peak Regional Park east and southeast of the site, one approximately 0.50 mile to the east and one approximately 0.90 mile to the southeast. Although the CNDDB does not show these ponds as supporting the species, these pools could be occupied.

Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
California red-legged frog <i>Rana draytonii</i>	FT/SSC	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. Drainage north of the site does not support suitable breeding habitat and the species is unlikely to use drainage as aquatic habitat due to its small size and isolation from occupied habitat. Closest CNDDDB occurrence is approximately 1.5 miles away in a stock pond.
<b>Reptiles</b>			
Western pond turtle <i>Emys marmorata</i>	-/SSC	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. Drainage channel north of the site is small and does not provide suitable basking sites or plunge pools suitable for pond turtles. Pond turtles are unlikely to use drainage as aquatic habitat due to its small size and isolation from occupied habitat. Closest CNDDDB occurrence is in Alameda Creek approximately 3 miles from the project site.
Alameda whipsnake <i>Masticophis lateralis euryxanthusi</i>	FT/ST	Found in chaparral and rock outcrops.	No suitable habitat present on or near the project site. CNDDDB occurrence locations are in the region, but due to their sensitivity are suppressed by CDFW.
<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.	Suitable foraging habitat present in the fields and suitable nesting habitat present in the trees on and adjacent to the site. No CNDDDB occurrences within 5 miles of the project site.
Northern harrier <i>Circus cyaneus</i>	-/SSC	Nests and forages in meadows, grasslands, open rangeland, and fresh or saltwater marshes.	Although suitable foraging and nesting habitat is present in the fields on the site, this raptor is unlikely to occur due to the site's lack of cover within the two fields. No CNDDDB occurrences within 5 miles of 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, but fields provide suitable foraging habitat. Eucalyptus trees north of the site are not well sheltered and do not provide ideal nesting habitat for species. No large stick nests observed during the field survey. No CNDDDB occurrences within 5 miles of 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, but fields may provide suitable foraging habitat.

Species	Status (Federal/State)	Habitat	Potential for Occurrence <sup>a</sup>
Burrowing owl <i>Athene cunicularia</i>	–/SSC	Nests in burrows in grasslands and woodlands; often associated with ground squirrels. Will also nest in artificial structures (culverts, concrete debris piles, etc.).	May forage in the fields on the project site, but no suitable burrow sites present. One suitable burrow observed near landscaping along Witherly Lane, but burrow would not likely be occupied due to its proximity to the Montessori school and Witherly Lane. No burrowing owl sign (i.e., white wash, feathers, pellets) observed at the burrow. Closest CNDDDB occurrence is approximately 2.1 miles from the project site.
Loggerhead shrike <i>Lanius ludovicianus</i>	–/SSC	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.	Could forage in the on-site fields and nest in the trees and shrubs on or adjacent to the site. No CNDDDB occurrences within 5 miles of the project site.
Tricolored blackbird <i>Agelaius tricolor</i>	–/CE	Nests in dense vegetation near open water, forages in grasslands and agricultural fields.	No suitable nesting habitat present, but on-site fields provide suitable foraging habitat. Closest CNDDDB occurrence is approximately 2.2 miles from the project site.
<b>Mammals</b>			
Townsend’s western big-eared bat <i>Corynorhinus townsendii townsendii</i>	–/SSC	Found in wooded areas with caves or old buildings for roost sites.	No suitable roosting or hibernating habitat present. Closest CNDDDB occurrence is a record of a maternity roost at Mission San Jose, which was removed in 1986 due to renovations.
Pallid bat <i>Antrozous pallidus</i>	–/SSC	Occupies a wide variety of habitats at low elevations. Most commonly found in open, dry habitats with rocky areas for roosting.	No suitable roosting or hibernating habitat present in the buildings, but could roost in large trees adjacent to the site. Closest CNDDDB occurrence is approximately 2 miles from the project site.
American badger <i>Taxidea taxus</i>	–/SSC	Grassland, scrub, and woodland with loose-textured soils.	Although suitable foraging habitat is present within the fields, this species would not occur at the site due to its location adjacent to a school and residential development and the lack of abundant prey. No CNDDDB occurrences within 5 miles of the project site.

**Status Codes:**

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

<sup>a</sup> Nearest records are based on CNDDDB (CDFW 2018) occurrences unless otherwise noted.

Source: LSA 2018.