

**APPENDIX B-2**  
**BIOLOGICAL RESOURCES IMPACTS**  
**ASSESSMENT**

## **IV: BIOLOGICAL RESOURCES**

**CAVALLO HIGHLANDS  
HAYWARD, CALIFORNIA**

Submitted to:

David J. Powers  
1611 Telegraph Avenue, Suite 1002  
Oakland, California 94612

Prepared by:

LSA Associates, Inc.  
157 Park Place  
Pt. Richmond, California 94801  
510.236.6810

Project No. DJP1801

The logo for LSA Associates, Inc. consists of the letters 'LSA' in a bold, blue, sans-serif font.

April 2018

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**AFFECTED ENVIRONMENT:**

**Methods**

The following information was obtained during surveys of the project site (site) conducted by LSA Biologists John Kunna on February 3, 2016; Bernhard Warzecha on May 6, 2016; John Kunna and Tim Milliken on June 1, 2016; Bernhard Warzecha on May 12, 2017, and John Kunna on April 19, 2018. The purposes of these surveys were to evaluate the site’s potential to support special-status species and sensitive natural communities, delineate potential jurisdictional features, inventory trees on the site, and conduct focused surveys for a rare plant. LSA searched the California Natural

Diversity Database (CNDDDB)<sup>1</sup> for records of special-status species occurrences within 5 miles of the site and obtained an official species list from the United States Fish and Wildlife Service (USFWS). LSA also reviewed the Alameda County Breeding Bird Atlas (Richmond et al.) and unpublished biological information for the site and immediate area (LSA 2005). In order to analyze the impacts of the project, LSA biologists reviewed the updated site plans provided by the applicant. The site plan reviewed was produced by RJA and is dated March 5, 2018.

## Vegetation

Plant communities at the site include non-native annual grassland, eucalyptus woodland, California bay laurel woodland, scattered planted ornamental and fruit trees, and scattered other native trees such as coast live oak (*Quercus agrifolia*). Coyote brush (*Baccharis pilularis*) is the most common shrub species on the property, followed by poison oak (*Toxicodendron diversilobum*). Italian thistle (*Carduus pycnocephalus*) is abundant throughout the site, most dominantly in the flat parts of the valley on the northern side of the site.

**Non-native Annual Grassland.** Most of the property is covered in non-native annual grasslands typical of historically grazed ranches in the area, including soft chess (*Bromus hordeaceus*), wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*), and Italian ryegrass (*Festuca perennis*). Intermixed are common forbs, including rose clover (*Trifolium hirtum*), sweetclover (*Melilotus indicus*), lupine (*Lupinus* sp.), burclover (*Medicago polymorpha*), bristly ox-tongue (*Helminthotheca echioides*), poison hemlock (*Conium maculatum*), California poppy (*Eschscholzia californica*), and vetch (*Vicia* sp.). The most common broad-leaved plant species of this community is Italian thistle. A small patch of bracken fern (*Pteridium aquilinum pubescens*) grows out of the grassland on the northern side of the property, on the steep north-facing slope on the southern side of the drainage. Several rock outcroppings are scattered throughout the grasslands. The grassland has consistently been grazed by horses, and three cattle were also grazing the site at the time of the April 2018 site visit. Old pens, fences, troughs, and other structures indicate that the property had historically been used for horses, cattle, and chickens.

**Eucalyptus Woodland.** A grove of approximately 55 blue-gum eucalyptus (*Eucalyptus globulus*) trees is located on the eastern side of the property.

**California Bay Laurel Woodland.** A small grove of California bay laurels (*Umbellularia californica*) is located in a rock outcrop in the southern corner of the property. Most of the trees in the grove have multiple trunks. The largest multi-stemmed tree has a total diameter at breast height (DBH) of approximately 200 inches.

**Ornamental Plants.** An approximately 100-square-foot patch of blue lily (*Agapanthus praecox*) is growing on the toe of a slope on the eastern side of the site. In addition to the aforementioned blue-gum eucalyptus, planted ornamental trees on the property include one blackwood acacia (*Acacia melanoxydon*), one deodar cedar (*Cedrus deodara*), one olive (*Olea europaea*), four pines (*Pinus* sp.), and three plum (*Prunus x domestica*).

<sup>1</sup> California Department of Fish and Wildlife. 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. March 1, 2018.

**Special-status Plant Species.** The CNDDDB contained occurrences for six special-status plant species within 5 miles of the site. The two occurrences for one of these species, alkali milk-vetch (*Astragalus tener* var. *tener*) are considered extirpated, and no suitable vernal pool habitat is present on the site. Therefore the species was not considered further. The remaining five species are summarized in Table A: Special-status Plant Species with Extant Occurrences within 5 Miles of the Site. Upon further review, potentially suitable habitat for only one of the species, Diablo helianthella, was determined to be present on the site. A description of this species follows.

Diablo helianthella (*Helianthella castanea*) is a spring blooming perennial that occurs in broadleafed upland forests and woodlands, riparian woodlands, coastal scrub, chaparral, and valley and foothill grassland, usually in chaparral/oak woodland interface; in rocky azonal soils, often in partial shade. There is one CNDDDB occurrence for the species, approximately 1 mile from the property. This species generally does not persist in heavily grazed areas.

This plant can be identifiable outside of its blooming period, and it was not detected during the reconnaissance survey in February of 2016. Floristic inventories conducted in 1998 throughout the adjacent and much larger Stonebrae development did not find Diablo helianthella, or any other special-status plant species (LSA 2002). LSA botanist Bernhard Warzecha surveyed the property for Diablo helianthella in May of 2017 when it would have been easily detected, and the species was not found. LSA biologist John Kunna also looked for the species in April of 2018 and also did not detect it. It is therefore now determined to be absent from the property.

### **Special-status Animal Species**

The list of CNDDDB occurrences within 5 miles of the property indicated the potential presence of nine special-status animal species in the vicinity of the site (Table B). For five of these species, there is little or no potential for them to occur on the property. The potential presence of special-status animal species is discussed in greater detail in the following section.

**Table A: Special-status Plant Species with Extant Occurrences within 5 Miles of the Site**

Species	Status*	Habitat Requirements and Blooming Period	Potential to Occur on Site
Diablo Helianthella <i>Helianthella castanea</i>	-/-/RPR 1B	Rocky soils in chaparral/oak woodland interface. Blooms from March to June.	None. The CNDDDB lists one occurrence, approximately 1 mile away, within Garin Regional Park. Focused surveys have not detected the species on the site.
Hairless Popcornflower <i>Plagiobothrys glaber</i>	-/-/RPR 1A	Coastal salt marshes, alkaline meadows, and seeps. Blooms from March to May.	None. The species is believed to be extinct in California. No suitable habitat on the property.
Most Beautiful Jewelflower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	-/-/RPR 1B	Serpentine soils in chaparral, cismontane woodland, and grassland. Blooms from April to September.	None. The property does not have any serpentine soils.
Oregon Polemonium <i>Polemonium carneum</i>	-/-/RPR 2	Coastal prairie, opening in coastal scrub and lower montane coniferous forests. Blooms from April to September.	None. No suitable habitat on the property. The CNDDDB contains one occurrence for this species, approximately 2 miles east of the property. The sighting was made in 1932.
Santa Cruz Tarplant <i>Holocarpha macradenia</i>	FT/CE/RPR 1B	Occurs in sandy-clay soil in coastal prairie, coastal scrub, and valley and foothill grassland. Blooms from June to October.	None. No suitable habitat on the property. The CNDDDB contains one “possibly extirpated” occurrence 4.2 miles from the property. Other sources say that the last remaining natural population in the Bay Area was extirpated by development in 1993.

\* Status:

- FT - Federally listed as threatened
- CE - California state-listed as endangered
- Rare Plant Rank 1A - Extirpated in California, rare or extinct elsewhere
- Rare Plant Rank 1B - Rare, threatened, or endangered in California and elsewhere
- Rare Plant Rank 2 - Endangered in California

**Table B: Special-status Wildlife Species with Extant Occurrences within 5 Miles of the Site**

Species	Status*	Habitat Requirements	Potential to Occur on Site
<b>Amphibians</b>			
California tiger salamander <i>Ambystoma californiense</i>	FT/CT	Breeds in seasonal pools and stock ponds. Requires upland grasslands adjacent to aquatic breeding habitat with small mammal burrows.	None. The CNDDDB contains only one occurrence within 5 miles of the property. The observation was made in a pond in Pleasanton Ridge Regional Park, approximately 2.5 miles east of the property, on the other side of Stonebrae. There are no suitable seasonal pools or ground squirrel burrows on the property. Has not been identified on Stonebrae with over 20 years of aquatic surveys.
California red-legged frog <i>Rana draytonii</i>	FT/SSC	Inhabits marshes, slow parts of streams, lakes, reservoirs, ponds, and other permanent or nearly permanent water with emergent vegetation. When not breeding the frogs may be found in damp woods and uplands. Uses rodent burrows and soil cracks for cover during periods of hot, dry weather.	Moderate. The CNDDDB contains 13 occurrences within 5 miles of the property. Individuals from nearby known breeding ponds may move through the site, which is suitable upland and dispersal habitat.
<b>Reptiles</b>			
Alameda striped racer <i>Coluber lateralis euryxanthus</i> (also known as Alameda whipsnake, <i>Masticophis lateralis euryxanthus</i> )	FT/CT	Found on slopes and ravines where chaparral shrubs and oak trees form a vegetative mosaic with grasslands. Often associated with rock outcrops and an abundance of prey species such as western fence lizard.	Moderate. The CNDDDB contains numerous recent occurrences within 5 miles of the project area. Alameda striped racers have been trapped at the Stonebrae development to the east and at the Bailey Ranch development to the west. The site contains some suitable habitat with rock outcroppings that is contiguous with known populations to the south. However, the small size of the property and surrounding development limit the potential for the species to be on the site.
<b>Birds</b>			
White-tailed kite <i>Elanus leucurus</i>	-/-/CFP	Hunts in open grassland habitats with sparse shrubs and trees. Nests near the top of trees.	Moderate. Suitable nesting and foraging habitat present. LSA biologists have observed kites at Stonebrae.

Species	Status*	Habitat Requirements	Potential to Occur on Site
Golden eagle <i>Aquila chrysaetos</i>	-/-/CFP	Hunts in rolling foothills and mountain areas. Usually nests on cliffs but will also use large trees and electrical transmission towers in open areas.	Low. Although golden eagles are often seen in the area, they are unlikely to nest on the property. The CNDDDB has one presumed extant occurrence within 5 miles of the site. The observation was made in 1993, of a nest in Sibley Volcanic Regional Preserve. There is a known golden eagle nest approximately 1 mile southwest of the site, in Garin Regional Park.
Burrowing owl <i>Athene cunicularia</i>	-/-/SSC	Inhabits open, dry, nearly or quite level grassland, prairie, and desert floor. Subterranean nester that generally uses existing mammal burrows (especially of ground squirrels), but will also excavate its own burrows or use culverts or pipes.	None. The CNDDDB contains only one occurrence within 5 miles of the property, and that site was subsequently developed. LSA biologists have seen burrowing owls around rock outcrops on the Stonebrae Country Club. Not expected to nest on the property due to lack of suitable burrows and flat, open habitat for foraging.
<b>Mammals</b>			
Pallid bat <i>Antrozous pallidus</i>	-/-/SSC	Roosts in caves, tunnels, and occasionally buildings and hollow trees. Forages over a variety of habitats.	Low. One of the two CNDDDB occurrences within 5 miles of the property is from an observation made in 1932; the other is of a single specimen collected in Hayward at an unknown date. Marginal roosting habitat in buildings and possibly trees is present on the site.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	-/-/SSC	Chaparral and woodlands. Feeds mainly on woody plants. An agile climber that builds conspicuous stick houses in trees and on the ground.	High. One old, inactive woodrat house and one active house were observed just south of the property.
Western mastiff bat <i>Eumops perotis californicus</i>	-/-/SSC	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, chaparral, and urban. Roosts in crevices in cliffs, large rock outcroppings, and tall buildings.	None. The CNDDDB contains only one occurrence within 5 miles of the project, based on a specimen collected from "Hayward" in 1899. No suitable roost sites are present on the site.

\*Status:

- FT = Federally listed as threatened
- CT = California state listed as threatened
- SSC = California species of special concern
- CFP = California fully protected



White-tailed kite (*Elanus leucurus*) is considered Fully Protected by the California Fish and Game Code. As such, the California Department of Fish and Wildlife (CDFW) cannot authorize any take of this species. This raptor nests in tall shrubs and small trees of grasslands and savannas and could occur in the trees and large shrubs on and adjacent to the project site. White-tailed kites have been seen by LSA biologists nearby at the Stonebrae development.

Pallid bat (*Antrozous pallidus*) is classified as a State Species of Special Concern (SSC). The species is locally common throughout California at low elevations. They feed at night on a variety of invertebrates, often catching them on the ground in open areas. During the day, pallid bats roost in caves and crevices in rock outcroppings, occasionally using cavities in large trees or buildings. Pallid bats do not migrate, and may hibernate or become less active during cold weather. There are no recent CNDDDB occurrences within 5 miles of the site. No evidence of pallid bat roosts was detected during the surveys conducted by LSA biologists.

San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is classified as an SSC. These woodrats build large, conspicuous stick houses. They feed on a variety of fruits, nuts, seeds, and foliage. Woodrats are considered a keystone species, because their houses also provide shelter for a variety of other small animal species. Woodrats are a prey item for owls, snakes, and carnivorous mammals. The CNDDDB contains one occurrence (Occurrence #11) of San Francisco dusky-footed woodrat within 5 miles of the project area (CDFW 2016). Additionally, one woodrat house was seen in the drainage immediately south of the project site.

Alameda striped racer (*Coluber lateralis euryxanthus*) (formerly known as Alameda whipsnake) is federally and state listed as Threatened. The CNDDDB contains numerous recent occurrences of the species within 5 miles of the project area. Alameda striped racers have been trapped at the Stonebrae development to the east and at the Bailey Ranch development to the west. The property contains some suitable habitat with rock outcroppings that is contiguous with known populations to the south. However, the small size of the property and surrounding development limit the potential for the species to be on the property. The habitat value of the site for the Alameda striped racer is low and individual snakes may use the property only rarely.

California red-legged frog (*Rana draytonii*) is federally listed as Threatened, and CDFW considers it an SSC. California red-legged frogs are known to be present in the Stonebrae development and have been observed within 1 mile of the project site regularly over the past 20 years. Most recently, LSA biologists documented breeding activity at a pond 0.78 mile southeast of the project site during the 2017 breeding season (LSA 2018). Breeding was also observed at 15 other Stonebrae ponds in 2017. The habitat value of the site for the California red-legged frog is low, and individual dispersing California red-legged frogs may use the property only rarely. The property site is now an “ecological sink” for the frog (i.e., very low quality habitat that, on its own, would not be able to support a population and which does not contribute to/results in the loss of individuals in higher quality areas). The Stonebrae and Bailey Ridge residential developments have created an increase in pets and other urban-adapted predators (e.g. raccoons) that prey on the frog. LSA biologists have seen raccoon prints and a domestic cat on the project site.

**Jurisdictional Waters.** The most prominent topographical feature of the site is the main ridge that divides the property into two sub-watersheds. The smaller of the two watersheds consists of a steep north-facing slope that drains flows from the main ridge, and a south and west-facing slope that

collects flow from the south- and southwest-facing embankment of Stonebrae Country Club Drive. Both slopes drain to an approximately 280-foot-long swale in the northwestern corner of the site, which historically collected additional runoff from a larger watershed to the north. The swale appears to have been hydrologically disconnected from this additional large watershed in 2006, when the Stonebrae Country Club Drive and associated embankment were constructed.

A 280-foot-long swale on the northern side of the site conveys ephemeral to intermittent flows of the northern sub-watershed toward a storm drain gutter off the site to the west. The swale is covered with black plastic sheeting. The plastic sheeting is disintegrating at places, giving views of an on average 1-foot-wide bed with cut banks and an ordinary high water mark, with clear evidence of concentrated flow, including recent bank erosion, destruction of terrestrial vegetation, and the presence of litter and debris. The swale may qualify as a jurisdictional tributary, classified as a non-relatively permanent water, intermittent riverine (Cowardin Code R4). The potential jurisdictional area of this tributary is approximately 280 square feet. LSA conducted a wetland delineation of the site on May 6, 2016. The Corps conducted a field survey of the site on May 11, 2017, and provided a letter verifying the preliminary jurisdiction dated October 26, 2017.

**Sensitive Natural Communities.** CDFW tracks the occurrences of plant communities that are either known or believed to be of high priority for inventory in the CNDDDB. Northern coastal salt marsh is the only sensitive natural community with an occurrence within 5 miles of the site,<sup>1</sup> but it is not present on or in the immediate vicinity of the site. No other sensitive natural communities were identified during the biological surveys.

### **Discussion**

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**Potentially Significant Unless Mitigation Incorporated.** Several special-status species could occur on the site. These species could be adversely affected during construction activities and through the permanent loss of habitat. Implementation of Mitigation Measures BIO-1A and BIO-1B would help reduce impacts to special-status species to a less-than-significant level.

**Mitigation Measure BIO-1A:** A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific

---

<sup>1</sup> California Department of Fish and Wildlife. 2016. 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. January 1, 2016.

protective measures described in this document or any subsequent documents such as an Incidental Take Permit and/or Biological Opinion. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures.

Mitigation Measure BIO-1B: A qualified biologist will be on the site daily to monitor initial vegetation clearing and ground-disturbing activities.

The white-tailed kite and other bird species could nest in trees and shrubs in and adjacent to the project site. Implementation of the following mitigation measures would reduce potential impacts to this special-status species to a less-than-significant level.

Mitigation Measure BIO-2A: Information on white-tailed kites and other protected migratory birds shall be included in the environmental education program, as detailed in Mitigation Measure BIO-1A.

Mitigation Measure BIO-2B: If feasible, construction activities shall occur during the non-breeding season (September 1–January 31). If such activities are scheduled during the breeding season, a qualified biologist shall conduct a preconstruction nest survey of all trees and shrubs and other suitable nesting habitat in and within 300 feet of the limits of work. The survey shall be conducted not more than 5 days prior to the start of work. If the survey indicates the potential presence of nesting white-tailed kites or other birds, the biologist shall determine an appropriately sized buffer around the nest and no work will be allowed in this buffer until the young have successfully fledged. The size of the nest buffer will be determined by a qualified biologist in consultation with CDFW and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 300 feet for raptors and 50 feet for other birds should suffice to prevent disturbance, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

The pallid bat may roost in trees and buildings on the site. All of the trees and buildings on the site will be removed to allow development of the property. In the unlikely event pallid bats or other bat species are present on the site, building demolition and tree removal could result in injury or mortality to bats. With the implementation of Mitigation Measure BIO-3A impacts to pallid bat will be less-than-significant.

Mitigation Measure BIO-3A: Pre-demolition Bat Survey: A qualified bat biologist shall conduct a bat survey, no more than 14 days prior to the removal of any buildings or structures, to determine if bats are present. No activities that would result in disturbance to an active roost shall proceed prior to completion of the survey. If no active roosts are observed, then no further action shall be warranted. If a maternity roost is present, a qualified biologist shall determine the extent of a construction-free buffer zone around the active nurseries located during the survey. CDFW shall be notified of any active nurseries within the demolition/construction zone. No demolition or construction activities shall occur within the

construction-free buffer zone between March 1 and August 31 to avoid construction disturbance to the maternity roost, as determined by the bat biologist. After August 31, roosting bats shall be safely evicted by a qualified bat biologist. A final report documenting the survey effort and any protection measures implemented by the project shall be submitted to the City Planning Department prior to the start of any demolition or grading activity.

The San Francisco dusky-footed woodrat may inhabit the site. Two houses built by woodrats are present within 50 feet of the southern boundary of the site. Implementation of Mitigation Measures BIO-1A, BIO-1B, BIO-4A, and BIO-4B would reduce potential impacts to this special-status species to a less-than-significant level.

Mitigation Measure BIO-4A: Information on the San Francisco dusky-footed woodrat shall be included in the environmental education program, as detailed in Mitigation Measure BIO-1A.

Mitigation Measure BIO-4B: A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat houses within 14 days prior to any tree removal or ground-disturbing activities. Any woodrat houses shall be identified and their locations mapped and flagged to be avoided during construction activities. No work will occur within a 20-foot buffer of any woodrat houses. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary.

The Alameda striped racer is known to historically occur in the vicinity of the site. Individual Alameda striped racers may travel through the site. Grading and other construction activities may crush or entomb individual Alameda striped racers, resulting in injury or mortality. The project would likely lead to indirect impacts to the Alameda striped racer, including an increase in the number of non-native predators such as rats and domestic or feral dogs and cats. The project would also attract native and non-native urban-adapted mammalian predators, such as rats, raccoons, and striped skunks. These species are often attracted to developed environments to feed on garbage. Alameda striped racers will avoid areas that lie adjacent to urban development due to lack of cover and prey species in combination with the increase in native and non-native predators. Project grading and development will permanently impact approximately 8.2 acres<sup>1</sup> of potential Alameda striped racer habitat. Implementation of Mitigation Measures BIO-1A, BIO-1B, BIO-5A, BIO-5B, BIO-5C, BIO-5D, BIO-5E, and BIO-5F would reduce potential impacts to this special-status species to a less-than-significant level.

Mitigation Measure BIO-5A: Information on the Alameda striped racer shall be included in the environmental education program, as detailed in Mitigation Measure BIO-1A.

Mitigation Measure BIO-5B: A qualified biologist will survey for Alameda striped racer during all initial ground-disturbing activities on the site. If an Alameda striped racer is found, it shall be captured and relocated away from the construction area by a qualified biologist in accordance with an approved relocation plan in compliance with all applicable regulations

---

<sup>1</sup> The entire site is approximately 8.88 acres. Buildings, a paved driveway, and a dense eucalyptus grove cover approximately 0.68 acres of the site, leaving 8.2 acres of potential habitat.

and guidelines. The biologist shall submit the results of the survey (and capture/relocation if applicable) to CDFW and USFWS for review and approval.

Mitigation Measure BIO-5C: Unless alternative (equivalent or more effective) measures are recommended by the qualified biologist and approved by the Planning Director, the project applicant shall install a solid fence to deter Alameda striped racers from entering the work site. The snake exclusion fence shall be constructed as follows:

- i. Plywood sheets at least 3 feet in height, above ground. Heavy duty geotextile fabric or other materials approved by USFWS and CDFW may also be used for the snake exclusion fence;
- ii. Buried 4 to 6 inches into the ground;
- iii. Soil back-filled against the plywood fence to create a solid barrier at the ground;
- iv. Plywood sheets maintained in an upright position with t-posts or stakes;
- v. Ends of plywood sheets overlapped with no gaps to ensure a complete barrier;
- vi. Escape funnels installed in the fence every 200 linear feet; and
- vii. Work site shall be completely enclosed by the exclusion fence or approved traps shall be installed at the ends of exclusion fence segments to allow capture and relocation of Alameda striped racer away from the construction area by a permitted biologist. The location and design of the proposed exclusion fence shall be submitted for review and approval by CDFW, USFWS, and Planning Director and be included on plans for all construction-related permits. If the permits obtained through the implementation of Mitigation Measure BIO-5F require an alternate design or approach, those requirements will take precedence.

Mitigation Measure BIO-5D: The project applicant shall comply with the requirements in the above sections during construction activities. The approved protocol from Mitigation Measure BIO-5B above shall be followed in the event an Alameda striped racer is encountered. The snake exclusion fence from Mitigation Measure BIO-5C shall be installed and remain in place throughout the construction period. All construction activities and equipment/materials/debris storage shall take place on the project side of the exclusion fence.

Mitigation Measure BIO-5E: To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential Alameda striped racer habitat, the project applicant shall purchase 8.2 acres of Alameda striped racer credits from a CDFW-approved mitigation or conservation bank(s) or other approved site. Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction.

Mitigation Measure BIO-5F: The applicant shall obtain the appropriate permits from USFWS and CDFW agencies or shall obtain concurrence from these agencies that no permits are required prior to initiation of construction activities and implement all conditions stipulated in the permits.

California red-legged frogs are known to breed in ponds within 1 mile of the site. No potential breeding habitat is located on the site. Although unlikely, individual California red-legged frogs may occasionally disperse through the site. The project therefore could cause the potential for harassment, injury, and/or mortality of individual adults and juveniles during construction. This includes the risk

of incidental take crushing or entombment of individuals during grading. The project will result in permanent alteration of 8.2 acres of degraded but potentially occupied upland habitat. Implementation of the perimeter wildlife exclusion fencing as described in Mitigation Measure BIO-5C will reduce the potential for dispersing frogs to move into the site. Mitigation Measures BIO-1A, BIO-1B, BIO-6A, BIO-6B, BIO-6C, BIO-6D, and BIO-6E would further reduce potential impacts to this special-status species to a less-than-significant level.

Mitigation Measure BIO-6A: Information on the California red-legged frog shall be included in the environmental education program, as detailed in Mitigation Measure BIO-1A.

Mitigation Measure BIO-6B: No more than 24 hours prior to the date of initial ground disturbance, a preconstruction survey for the California red-legged frog will be conducted by a USFWS-approved biologist at the project site. The survey will consist of walking the project limits and within the project site to ascertain the possible presence of the species. The USFWS-approved biologist will investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows. If any California red-legged frogs are found, the USFWS-approved biologist will contact the USFWS to determine if moving any of the individuals is appropriate. In making this determination the USFWS will consider if an appropriate relocation site exists. If the USFWS approves moving animals, the applicant will ensure that the USFWS-approved biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated. Only USFWS-approved biologists will capture, handle, and monitor the California red-legged frog.

Mitigation Measure BIO-6C: To the extent practicable, initial ground-disturbing activities will be avoided between November 1 and March 31 because that is the time period when California red-legged frogs are most likely to be moving through upland areas. When ground-disturbing activities must take place between November 1 and March 31, the applicant will ensure that daily monitoring by the USFWS-approved biologist is completed for the California red-legged frog.

Mitigation Measure BIO-6D: The applicant shall obtain the appropriate permit from USFWS or shall obtain concurrence that no permit is required prior to initiation of construction activities and implement all conditions stipulated in the permit.

Mitigation Measure BIO-6E: To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential California red-legged frog upland habitat, the project applicant shall purchase 8.2 acres of California red-legged frog credits from a USFWS-approved mitigation or conservation bank(s). Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction. If a permit issued by the USFWS has differing requirements, those requirements will take precedence.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact.** The project would not adversely affect any riparian habitat, which is absent from the site. The ephemeral stream on the northern side of the property conveys stormwater but does not support any aquatic wildlife. This drainage only carries water intermittently, is lined with plastic sheeting, and does not support typical riparian plant species such as cattails and cottonwood trees. This ephemeral stream conveys stormwater from the adjacent Stonebrae development. A riparian corridor associated with an ephemeral stream located outside of the project area to the south will not be directly impacted by the project.

The CDFW tracks the occurrences of natural plant communities that are of limited distribution Statewide or within a county or region. Many special-status natural communities support special-status plants and animals and are addressed separately as habitat for those species. Northern coastal salt marsh is the only special-status natural community that the CNDDDB lists within 5 miles of the site. Northern coastal salt marsh is not present at the project site and will not be affected by the project.

- c) *Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Potentially Significant Unless Mitigation Incorporated.** There are no vegetated wetlands in the project site. The Army Corps of Engineers (Corps) conducted a preliminary jurisdictional determination and stated in a letter dated October 26, 2017 that one feature on the site may be subject to the Corps regulatory authority. . The feature is an ephemeral stream that measures approximately 280 feet long and averages 1 foot in width. The project will impact all approximately 280 linear feet of this ephemeral stream.

Implementation of Mitigation Measure BIO-7A would reduce potential impacts to this special-status species to a less-than-significant level.

Mitigation Measure BIO-7A: The project will compensate for impacts to all areas delineated as jurisdictional on the site. The impacted feature shall be mitigated at a 1:1 ratio consistent with the Corps “no net loss” policy. The project applicant will obtain the necessary permits from the Corps, Regional Water Quality Control Board, and CDFW for any fill of jurisdictional areas. All terms of the permits shall be implemented as a condition of the project.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Potentially Significant Unless Mitigation Incorporated.** The project would not affect any fish. The project will affect the movement of common native resident wildlife species and a grazed open space area that is mostly surrounded by residential development and a school. Two black-tailed deer

(*Odocoileus hemionus*) (a doe and a fawn) were seen on the project site on June 1, 2016. One deer was seen on the property on April 19, 2018, and numerous deer trails cross the property. Existing paved roads, residential housing, and tall fences surrounding the school sports fields already obstruct wildlife movements to some degree. Although the development would permanently block existing deer trails, deer are a common, non-special-status species and are able to persist in altered suburban landscapes; therefore, this impact is not considered significant.

Several species of native birds are expected to nest in the trees, shrubs, and grasslands in and adjacent to the project site. Native birds may also nest on manmade structures on the property. The nests of most native birds are protected under the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code. If conducted during the nesting season (February 1 to August 31), proposed tree removal, demolition, and grading activities could directly impact nesting birds by removing vegetation or structures that support active nests. Implementation of Mitigation Measures BIO-2A and BIO-2B would completely avoid or reduce impacts to nesting birds to a less-than-significant level.

Mitigation Measure BIO-2A: Information on white-tailed kites and other protected migratory birds shall be included in the environmental education program, as detailed in Mitigation Measure BIO-1A.

Mitigation Measure BIO-2B: If feasible, construction activities shall occur during the non-breeding season (September 1–January 31). If such activities are scheduled during the breeding season, a qualified biologist shall conduct a preconstruction nest survey of all trees and shrubs and other suitable nesting habitat in and within 300 feet of the limits of work. The survey shall be conducted not more than 5 days prior to the start of work. If the survey indicates the potential presence of nesting white-tailed kites or other birds, the biologist shall determine an appropriately sized buffer around the nest and no work will be allowed in this buffer until the young have successfully fledged. The size of the nest buffer will be determined by a qualified biologist in consultation with CDFW and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 300 feet for raptors and 50 feet for other birds should suffice to prevent disturbance, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact.** The City of Hayward does not have any local policies or ordinances protecting biological resources, with the exception of the City's tree ordinance. Development of the site will require the removal of 80 trees that meet the definition of protected trees as defined by Hayward Municipal Code Chapter 10-15.13. A tree inventory and valuation has been conducted for protected trees on the project site (LSA 2016c). The project will comply with the City of Hayward's Tree Preservation Ordinance. Therefore, there will be no conflict and no impact.



- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

**No Impact.** The site is not located within any lands covered by a local, regional, or State habitat conservation plan or natural community conservation plan.

---

## REFERENCES

California Department of Fish and Wildlife (CDFW). 2016. California Natural Diversity Database (CNDDDB), commercial version. Biogeographic Data Branch, California Department of Fish and Wildlife, Sacramento. January 1, 2016.

California Native Plant Society (CNPS). 2016. Inventory of Rare and Endangered Plants in California (online edition, v7-06b). California Native Plant Society, Sacramento.  
<<http://www.cnps.org/inventory>>.

LSA. 2002. Special Status Plant Species Survey Report. Blue Rock Country Club, Hayward, California. Prepared for YCS Investments.

LSA. 2016a. Biological Constraints Analysis. Aitken Property, Hayward, California. Prepared for Hayden Land Company.

LSA. 2016b. Clean Water Act Jurisdictional Determination. Aitken Property, Hayward, California. Prepared for Hayden Land Company.

LSA. 2016c. Tree Inventory and Appraisal, Aitken Property, City of Hayward, Alameda County, California. Prepared for Hayden Land Company.

LSA. 2018. Stonebrae Country Club 2017 Annual Report. Prepared for Stonebrae LP. March, 2018.

Richmond, B., H. Green. D.C. Rice, and H. Peeters. 2012. Alameda County Breeding Bird Atlas. Golden Gate Audubon Society.