



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

LA PALOMA-ROBLEDA PATHWAY BIOLOGICAL EVALUATION TOWN OF LOS ALTOS HILLS, CALIFORNIA

Prepared by

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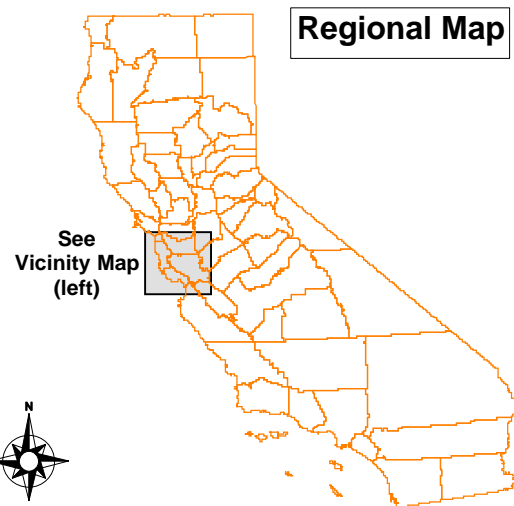
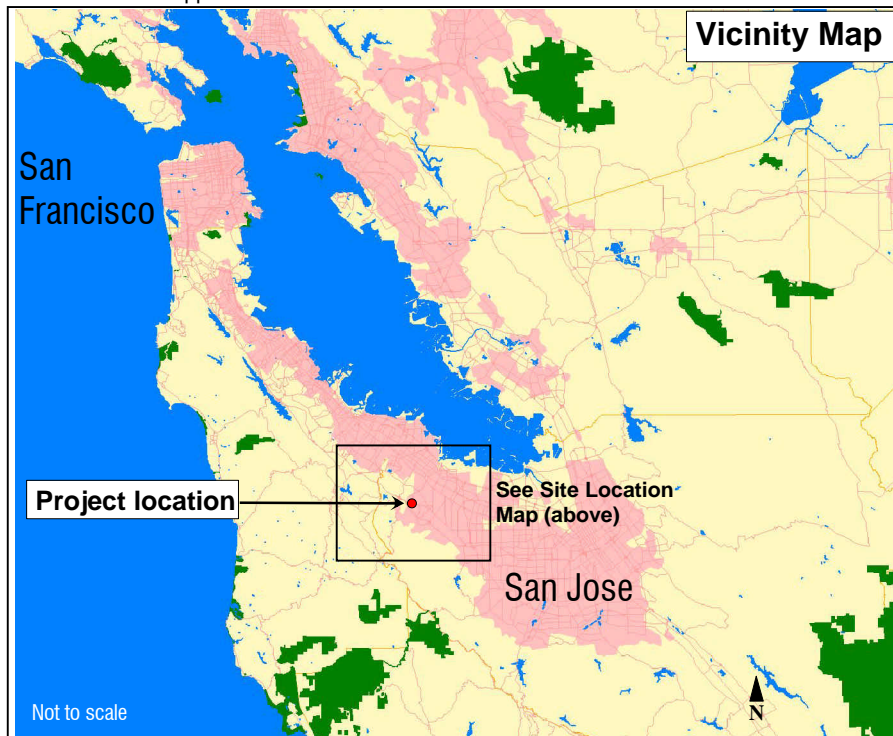
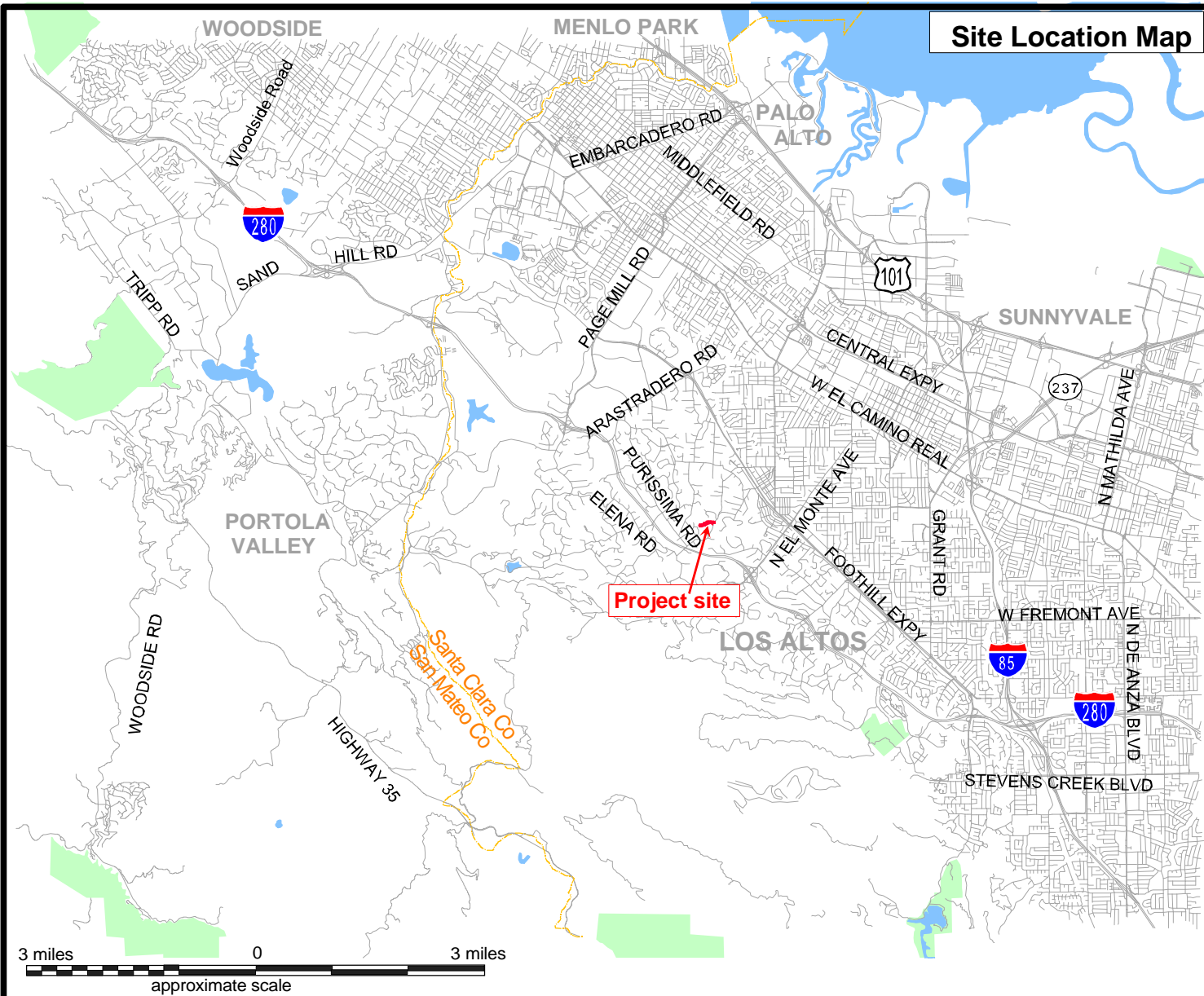
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1 INTRODUCTION

Live Oak Associates, Inc. (LOA), has completed a biological evaluation of an approximately 960-foot-long proposed trail alignment (hereafter referred to as “study area” or “site”) in the Town of Los Altos Hills, Santa Clara County, California (Figure 1). The purpose of this analysis is to describe the biological resources of the site and evaluate likely impacts to these resources resulting from constructing the trail.

Development of the trail could potentially damage or modify biotic habitats used by sensitive plant and wildlife species. In such cases, these activities may be regulated by state or federal agencies, subject to provisions of the California Environmental Quality Act (CEQA), and/or covered by policies and ordinances of the Town of Los Altos Hills. Therefore, this report addresses: 1) sensitive biotic resources potentially occurring in the study area; 2) the federal, state, and local laws regulating such resources, 3) possible significant impacts to these resources that could result from the project; and 4) mitigation measures that would reduce these impacts to a less-than-significant level as defined by CEQA. As such, the objectives of this report are to:

- Summarize all site-specific information related to existing biological resources;
- Make reasonable inferences about the biological resources that could occur onsite based on habitat suitability and the proximity of the site to a species’ known range;
- Summarize all state and federal natural resource protection laws that may be relevant to possible future site development;
- Identify and discuss project impacts to biological resources likely to occur on the site within the context of CEQA or any state or federal laws; and
- Identify avoidance and mitigation measures that would reduce impacts to a less-than-significant level as identified by CEQA and that are generally consistent with recommendations of the resource agencies for affected biological resources.



 Live Oak Associates, Inc.		
La Paloma-Robleda Pathway Site / Vicinity Map		
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The analysis of impacts, as discussed in Section 3.0 of this report, was based on the known and potential biotic resources of the study area discussed in Section 2.0. Sources of information used in the preparation of this analysis included: 1) the *California Natural Diversity Data Base* (CDFW 2020); 2) the *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2020); 3) manuals and references related to plants and animals of the Santa Clara County region; and 4) the Town of Los Altos Hills policies and ordinances.

A field survey of the study area was conducted on August 13, 2020, by LOA ecologists Arren Allegretti and Katrina Krakow, at which time the principal biotic habitats and land uses of the site were identified, and the constituent plants and animals were noted. The field survey was completed concurrently with a formal wetland delineation (LOA 2020).

1.1 PROJECT LOCATION

The site is located adjacent to an unnamed tributary of Adobe Creek, west of Robleda Road, south of Wildcrest Drive, and north of Atherton Court. It may be found within the Mindego Hill 7.5' U.S. Geological Survey (USGS) quadrangle in the northwestern half of section 25, township 6 south, range 3 west. The site is bounded by low density residential development to the north and south, a small area of open land to the west, and Robleda Road to the east. The surrounding land use consists of single-family residences and related major and minor streets.

1.2 PROJECT DESCRIPTION

The project involves the construction of an off-road pedestrian pathway segment to connect the existing off-road pathway on the property at 13310 La Paloma Road to the existing roadside pathway on Robleda Road at 12940 Atherton Court. The pathway segment will be an off-road path that is approximately three feet wide and approximately 960 feet in length. It will be located within an existing 20-foot wide path and equestrian easement along the northern boundaries of the properties at 12933 and 12940 Atherton Court. The pathway will also be adjacent to the southern boundaries of the properties at 13643, 13581, and 13303 Wildcrest Drive.

The new off-road pathway segment is located within a riparian corridor and is adjacent to an intermittent drainage channel that eventually flows into Adobe Creek. The pathway segment will be a native path that is unimproved compacted dirt with an average width of three feet. Pathway improvements will include a small pedestrian bridge, two low retaining walls, a larger pedestrian

bridge, and stairs to connect with the pathway on Robleda Road. There will be some grading for pathway leveling, low retaining walls and stairs, and a small amount of brush and native plant removal, but no tree removal.

The proposed path will cross the channel by way of clear span bridges located at the eastern and western ends of the study area. No bridge footings are proposed to be placed within channel banks and no fill is proposed for areas below the ordinary high water line of the channel. To prevent erosion, the path will include rolling grades that allows water to exit the path rather than run down the path. Two rock retaining walls are proposed along the path for slope stabilization purposes. The rock retaining walls will occur above the proposed path (non-channel side) along the steepest sections near Atherton Court and Robleda Drive, respectively. Stairs are proposed to be constructed by the Robleda drive pathway connection.

The pathway alignment is surrounded by low density single-family residential land uses. The pathway is located on the northern edge of two properties (APNs 175-37-033 and 175-37-034) and directly adjacent to the southern boundary of four properties (APNs 175-36-047, 175-36-020, 175-36-021, and 175-36-024). The pathway connection on Robleda Road is also adjacent to a small undeveloped property owned by the Purissima Water District (APN 175-36-015). The site setting is a riparian corridor along an intermittent drainage channel that includes dense trees and brush as well as steep topography.

2 EXISTING CONDITIONS

The proposed path is within coast live oak riparian woodland and forest, and parallels and crosses an unnamed tributary of Adobe Creek. Topographically, the site is highest at its northwestern corner at the juncture with an existing trail, at approximately 382 feet (116 meters) National Geodetic Vertical Datum (NGVD). The proposed alignment then parallels the unnamed tributary along its southern slope to approximately 78 meters (256 feet) NGVD at the lowest point, then travels back up the slope to meet with Robleda Road approximately 84 meters (276 feet) NGVD. The site is bounded by low density residential development to the north and south, a small area of open land to the west, and Robleda Road to the east. The surrounding land use consists of single-family residences and related major and minor streets.

2.1 SOILS

One soil type, Literr loam, 15 to 30 percent slope, was identified on the site. Literr soils consist of alluvium derived from mixed rock sources and are very deep and well drained, with slow permeability. This soil is not considered to be hydric, meaning it does not tend to pond water and support the growth of hydrophytic vegetation. The site does not support edaphic conditions such as serpentine or alkaline soils.

2.2 CLIMATE

Santa Clara County experiences a Mediterranean climate with warm, dry summers and cool, wet winters. The average annual daytime temperature in the general vicinity of the site is 69° F. Average annual precipitation in the general vicinity of the site is 15 inches, nearly all of which falls between November and April (WRCC 2019).

2.3 BIOTIC HABITATS

Two biotic habitats occur onsite: coast live oak riparian woodland and forest and intermittent drainage channel; these habitats are discussed in greater detail below.

2.3.1 Coast Live Oak Riparian Woodland and Forest

The site is within coast live oak riparian woodland and forest habitat which is dominated by coast live oak (*Quercus agrifolia*), and supports other species of trees including valley oak (*Quercus*



LEGEND



Study Area Boundary



Proposed Path



Coast Live Oak Riparian Forest & Woodland




Intermittent Drainage Channel

200' 0 100' 200 feet

Approximate Scale
1" = 100'

Source:

Engineering plan courtesy of Town of Los Altos Hills Public Works
Topography courtesy of Santa Clara Valley Water District LIDAR survey
Aerial Photograph Courtesy of USDA Aerial Photo Field Office 12/17/2018

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	La Paloma-Robleda Pathway Biotic Habitats		
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lobata), California bay (*Umbellularia californica*), California buckeye (*Aesculus californica*), and elderberry (*Sambucus nigra* ssp. *caerulea*). Some non-native trees and shrubs also occur onsite and adjacent to the site including scotchbroom (*Cytisus scoparius*), Russian olive (*Elaeagnus angustifolia*), and oleander (*Nerium oleander*). The understory of the site supports poison-oak (*Toxicodendron diversilobum*) and other native species such as wild rose (*Rosa californica*), bracken fern (*Pteridium aquilinum* var. *pubescens*), gooseberry (*Ribes uva-crispa*), snowberry (*Symphoricarpos albus*.), and pink honeysuckle (*Lonicera hispidula*). Non-native grasses, including wild oats (*Avena* sp.) and ripgut brome (*Bromus diandrus*) were scattered throughout the understory at the time of LOA's field survey. A rudimentary social trail has been established by people walking through the easement and is characterized by bare ground near the location of the proposed trail.

This habitat supports a variety of wildlife species common to the region. The most prominent of these is the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), the nests of which were abundant on and adjacent to the site at the time of LOA's survey. Woodrat nests increase the suitability of the area for amphibians, reptiles, and small mammals of the site such as Pacific chorus frogs (*Pseudacris regilla*), western fence lizards (*Sceloporus occidentalis*), alligator lizards (*Elgaria coerulea*), sharp-tailed snake (*Contia tenuis*), and mice. Avian species occurring in this habitat include woodpeckers such as the acorn woodpecker (*Melanerpes formicivorus*) and other birds that frequent the tree canopy such as the white-breasted nuthatch (*Sitta carolinensis*), chestnut-backed chickadee (*Poecile rufescens*), dark-eyed junco (*Junco hyemalis*), and bushtit (*Psaltiriparus minimus*). Virginia opossums (*Didelphis virginiana*) and raccoons (*Procyon lotor*) likely forage onsite and coyotes (*Canis latrans*) were observed on the site during the August 2020 site visit. Due to the proximity of residences and current human use of the site, it is likely that domestic dogs (*Canis familiaris*) and house cats (*Felis catus*) regularly occur on the site.

2.3.2 Intermittent Drainage Channel

A 927-ft reach of an intermittent drainage channel parallels the proposed trail alignment and will be crossed by the trail alignment at two locations. Water was present in the lower portion of this habitat during the August 2020 site visit, whereas the upper reach was dry. LOA biologists observed several outfalls located above the top of bank from neighboring properties. At the time of the August 2020 site visit, it appeared that flows in the channel were not dependent on the

outfalls, but rather from groundwater and precipitation. While the wet areas of the intermittent drainage channel did not support vegetation on the channel bed, riparian vegetation occurred on the immediate banks. These include poison-oak, sedges (*Carex* sp.), tall flat sedge (*Cyperus eragrostis*), rushes (*Juncus* spp.), pennyroyal (*Mentha pulegium*), and stinging nettle (*Urtica dioica*). The channel's overstory consisted of similar species to those described for the adjacent coast live oak riparian woodland and forest habitat.

The intermittent drainage channel is expected to support a similar complement of wildlife species to those identified for the coast live oak riparian woodland and forest habitat. In addition, when wet, the channel may be used by frogs such as the Pacific chorus frog and California red-legged frog (*Rana draytonii*) for breeding and movement through the site.

2.4 MOVEMENT CORRIDORS

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

Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for animals to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

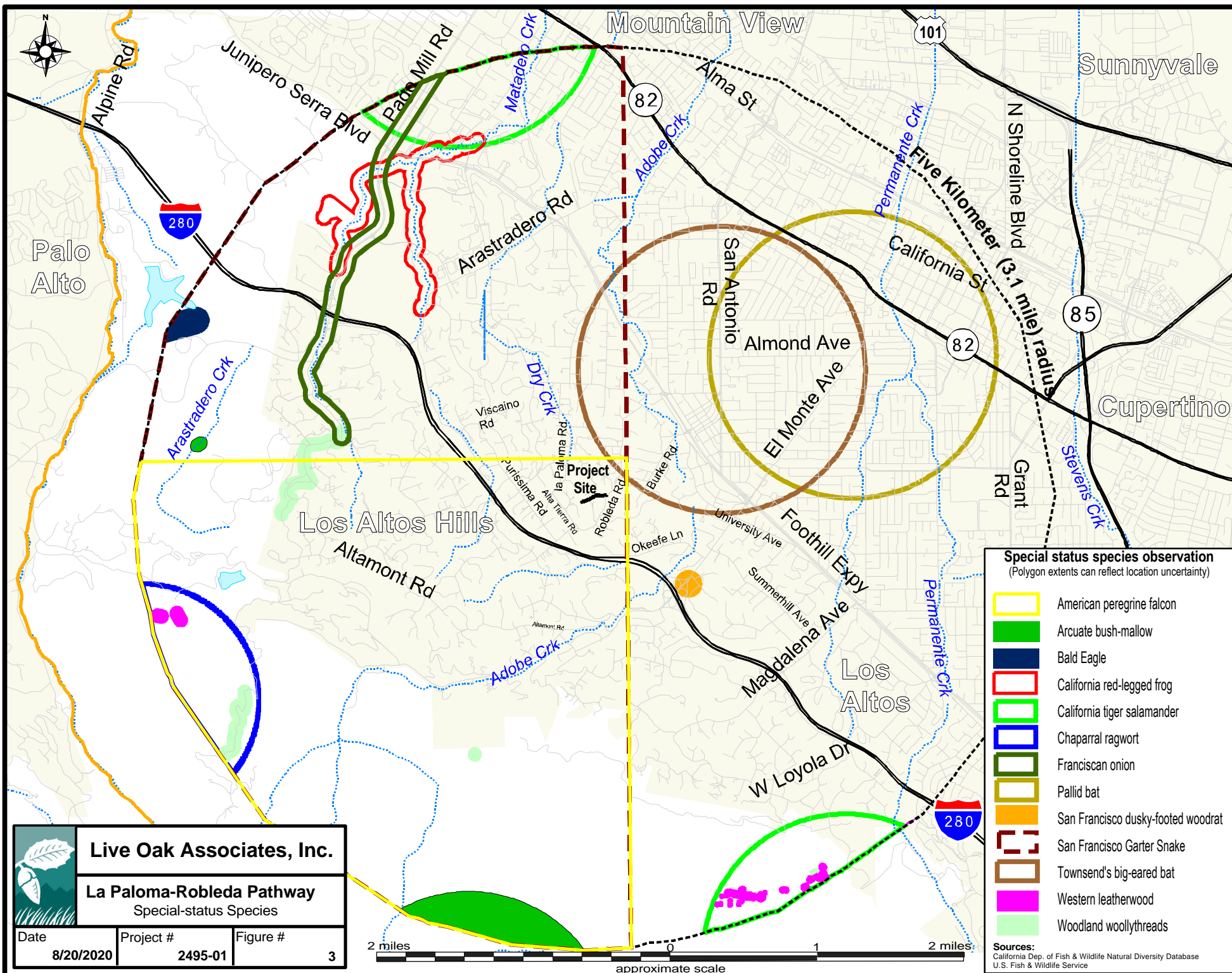
Wildlife likely use the intermittent channel and coast live oak riparian woodland and forest habitats of the site as part of their home range and dispersal movements. Although surrounding land uses include dispersed residences on large lots, the project site does not fall within any regional corridor. Movements on and across the site are expected to consist of normal movements associated with an individual animal's home range or territory, or animals dispersing from their natal range.

2.5 SPECIAL STATUS PLANTS AND ANIMALS

Several species of plants and animals within the state of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to

agricultural and urban uses. As described more fully in Section 3.2, state and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as threatened or endangered under state and federal endangered species legislation. Others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFW. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered (CNPS 2020). Collectively, these plants and animals are referred to as “special status species.”

LOA searched published accounts for all of the relevant special status plant and animal species occurring within the Mindego Hill USGS 7.5’ quadrangle and the eight surrounding quadrangles (Franklin Point, Big Basin, Mountain View, Cupertino, Palo Alto, La Honda, Woodside, and Castle Rock Ridge) using the *California Natural Diversity Data Base* (CNDDDB) Rarefind 5 (CDFW 2020) and the CNPS database of Rare and Endangered Plants of California (CNPS 2020). These species and their potential to occur in the study area are listed in Tables 1a, 1b, 2a, and 2b. Sources of information for this table included the CNDDDB (CDFW 2020), *Listed Plants and Listed Animals* (USFWS 2019), *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2020), *The California Native Plant Society’s Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2020), *California Bird Species of Special Concern* (Shuford and Gardall 2008), and *California Amphibian and Reptile Species of Special Concern* (Thompson et al. 2016). Figure 3 depicts local occurrences of special status species found in the CNDDDB.



Live Oak Associates, Inc.

La Paloma-Robleda Pathway
Special-status Species

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Special status species observation
(Polygon extents can reflect location uncertainty)

- American peregrine falcon
- Arcuate bush-mallow
- Bald Eagle
- California red-legged frog
- California tiger salamander
- Chaparral ragwort
- Franciscan onion
- Pallid bat
- San Francisco dusky-footed woodrat
- San Francisco Garter Snake
- Townsend's big-eared bat
- Western leatherwood
- Woodland woollythreads

Sources:
California Dep. of Fish & Wildlife Natural Diversity Database
U.S. Fish & Wildlife Service

Serpentine and alkaline soils are completely lacking from the site; as such, those plant species that are uniquely adapted to serpentine or alkaline conditions are considered absent from the site. These species include the San Mateo thorn mint (*Acanthomintha duttonii*), alkali milk-vetch (*Astragalus tener* var. *tener*), Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), Crystal Springs fountain thistle (*Cirsium fontinale* var. *fontinale*), San Mateo woolly sunflower (*Eriophyllum latilobum*), Marin western flax (*Hesperolinon congestum*), Loma Prieta Hoita (*Hoita strobilina*), serpentine leptosiphon (*Leptosiphon ambiguus*), Crystal Springs lessingia (*Lessingia arachnoidea*), woolly-headed Lessingia (*Lessingia hololeuca*), woodland woollythreads (*Monolopia gracilens*), and caper-fruited tropidocarpum (*Tropidocarpum capparideum*).

Plant species associated with habitats that are absent from the study area (e.g., vernal pools, coniferous forest, chaparral, coastal scrub) are also considered absent from the site. These species include Anderson's manzanita (*Arctostaphylos andersonii*), Blasdale's bent grass (*Agrostis blasdalei*), Schreiber's manzanita (*Arctostaphylos glutinosa*), Ohlone manzanita (*Arctostaphylos ohloneana*), Bonny doon manzanita (*Arctostaphylos silvicola*), Kings Mountain manzanita (*Arctostaphylos regismontana*), coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*), coast rock cress (*Arabis blepharophylla*), Brewer's calandrinia (*Calandrinia breweri*), Santa Cruz Mountains pussypaws (*Calyptridium parryi* var. *hesseae*), Point Reyes bird's-beak (*Chloropyron maritimum* ssp. *palustre*), Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwengiana*), Franciscan thistle (*Cirsium andrewsii*), Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*), round-headed Chinese-houses (*Collinsia corymbosa*), San Francisco collinsia (*Collinsia multicolor*), clustered lady's slipper (*Cypripedium fasciculatum*), mountain lady's slipper (*Cypripedium montanum*), Hoover's button-celery (*Eryngium aristulatum* var. *hooveri*), sand-loving wallflower epton's coyote-thistle (*Eryngium jepsonii*), San Francisco wallflower (*Erysimum franciscanum*), short-leaved evax (*Hesperovax sparsiflora* var. *brevifolia*), Santa Cruz cypress (*Hesperocyparis abramsiana* var. *abramsiana*), Butano ridge cypress (*Hesperocyparis abramsiana* var. *butanoensis*), coast iris (*Iris longipetala*), legene (*Legene limosa*), Point Reyes meadowfoam (*Limnanthes douglasii* ssp. *sulphurea*), San Mateo tree lupine (*Lupinus arboreus* var. *eximius*), arcuate bush-mallow (*Malacothamnus arcuatus*), Santa Cruz mountains beardtongue (*Penstemon rattanii* var. *kleei*), white-flowered rein orchid (*Piperia candida*), Choris' popcorn-flower (*Plagiobothrys chorisianus* var. *chorisianus*), San Francisco

popcorn flower (*Plagiobothrys diffusus*), chaparral ragwort (*Senecio aphanactis*), Scouler's catchfly (*Silene scouleri* ssp. *scouleri*), San Francisco campion (*Silene verecunda*), Santa Cruz microseris (*Stebbinsoseris decipiens*), slender-leaved pondweed (*Stuckenia filiformis* ssp. *alpina*), California seablite (*Suaeda californica*), two-fork clover (*Trifolium amoenum*), Santa Cruz clover (*Trifolium buckwestiorum*), and Pacific grove clover (*Trifolium polyodon*).

Special status moss and lichen species such as slender silver moss (*Anomobryum julaceum*), Minute pocket moss (*Fissidens pauperculus*), Vaginulate grimmia moss (*Grimmia vaginulata*), and Methuselah's beard lichen (*Usnea longissima*) are also absent from the site because of the lack of habitat to support these species.

Wildlife species that would not be expected to occur on the site because the habitats necessary to support them are absent from the site (i.e. chaparral, redwoods, marsh, serpentine habitats), or because the site is outside the species' known range have not been included in the tables below.

Plant and animal species having some potential to occur onsite or in the immediate vicinity are included in Tables 1a, 1b, 2a, and 2b below. The likelihood of these species to occur onsite are based on the presence of suitable habitats onsite and the proximity of the site to the species' known range and documented locations.

Table 1a. Special status species that could occur in the project vicinity.

PLANTS (adapted from CDFW 2020 and CNPS 2020)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status*	General habitat description	*Occurrence in the study area
White-rayed pentachaeta <i>Pentachaeta bellidiflora</i>	FE, CE, CRPR 1B	<u>Habitat</u> : Cismontane woodland and valley and foothill grasslands, often on serpentinite. <u>Elevation</u> : 35-620 meters <u>Blooms</u> : March–May <u>Life form</u> : annual herb	Absent. The lack of serpentine soils makes it unlikely for this species to occur onsite. The nearest documented occurrence of this species is 16 miles northeast of the site (CDFW 2020).

Table 1b. Special status species that could occur in the project vicinity (cont'd.).**PLANTS (adapted from CDFW 2020 and CNPS 2020)***Other special status plants listed by CNPS*

Common and scientific names	Status*	General habitat description	*Occurrence in the study area
Franciscan onion <i>Allium peninsulare</i> var. <i>franciscanum</i>	CRPR 1B	<u>Habitat</u> : Cismontane woodland and valley and foothill grassland. Occurs on clay and volcanic soils and often on serpentinite. <u>Elevation</u> : 52-305 meters <u>Blooms</u> : April–June <u>Life form</u> : Perennial bulbiferous herb	Absent. The lack of serpentine soils makes it very unlikely for this species to occur onsite. The closest documented occurrence of this species is five miles northeast of the site, located in Jasper Ridge Biological Preserve, Stanford University (CDFW 2020).
Bent-flowered fiddleneck <i>Amsinckia lunaris</i>	CRPR 1B	<u>Habitat</u> : Coastal bluff scrub, cismontane woodland, and valley and foothill grasslands. This species can also be found in understory of coast live oak woodland and edges of poison oak openings. <u>Elevation</u> : 3-500 meters <u>Blooms</u> : March–June <u>Life form</u> : Annual herb	Absent. Although the site's coast live oak riparian woodland and forest provide marginally suitable habitat for this species, no species within the genus of <i>Amsinckia</i> were observed onsite during the August 2020 site visit. The closest documented occurrence is over nine miles northwest of the site (CDFW 2020).
California androsace <i>Androsace elongata</i> ssp. <i>acuta</i>	CRPR 4	<u>Habitat</u> : Chaparral, cismontane woodland, coastal scrub, meadows and seeps, pinyon and juniper woodland, and valley and foothill grasslands. <u>Elevation</u> : 150-1305 meters <u>Blooms</u> : March–June <u>Life form</u> : Annual herb	Unlikely. The site's coast live oak woodland and riparian habitat provide marginal habitat for this species. Moreover, the disturbance created by an existing social trail and the onsite presence of non-native landscaped plants from adjacent homes makes it unlikely for this species to occur onsite. The closest documented occurrence is five and a half miles northwest of the site (CDFW 2020).
Oakland star-tulip <i>Calochortus umbellatus</i>	CRPR 4.2	<u>Habitat</u> : Occurs in habitats that are often serpentine, in broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grassland. <u>Elevation</u> : 100-700 meters <u>Blooms</u> : March-May <u>Life form</u> : perennial bulbiferous herb	Absent. The lack of serpentine soils and the site's proximity to disturbed and developed areas makes it unlikely for this species to occur onsite. The closest documented occurrence is more than ten miles from the site (CDFW 2020).
Palo Alto thistle <i>Cirsium praeteriens</i>	CRPR 1A	<u>Habitat</u> : Unknown <u>Elevation</u> : 0-100 meters <u>Blooms</u> : June–July <u>Life form</u> : Perennial herb	Absent. The last known collection of this species is from 1901.
Western leatherwood <i>Dirca occidentalis</i>	CRPR 1B	<u>Habitat</u> : Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, and mesic riparian woodlands. <u>Elevation</u> : 25-425 meters <u>Blooms</u> : January–April <u>Life form</u> : Perennial deciduous shrub	Absent. While the site's coast live oak riparian woodland and forest offers some potentially suitable habitat, this species would have been observed on the site during the August 2020 field survey if it occurred onsite. The closest documented occurrence is three miles southwest of the site in Rancho San Antonio County Park (CDFW 2020).

Table 1b. Special status species that could occur in the project vicinity (cont'd.).**PLANTS (adapted from CDFW 2020 and CNPS 2020)***Other special status plants listed by CNPS*

Common and scientific names	Status*	General habitat description	*Occurrence in the study area
California bottle-brush grass <i>Elymus californicus</i>	CRPR 4	<u>Habitat</u> : Broadleafed upland forest, cismontane woodland, North Coast coniferous forest, and riparian woodlands. <u>Elevation</u> : 15-470 meters <u>Blooms</u> : May–November <u>Life form</u> : Perennial herb	Unlikely. The site's coast live oak riparian woodland and forest provides marginally suitable habitat for this species considering its proximity to disturbance or developed areas. The closest documented occurrence is seven miles southwest of the site (CDFW 2020).
Protruding buckwheat <i>Eriogonum nudum</i> var. <i>indictum</i>	CNPS 4	<u>Habitat</u> : Occurs in chaparral, chenopod scrub, and cismontane woodland on clay or serpentine soils. <u>Elevation</u> : 150-800 meters <u>Blooms</u> : May-September <u>Life form</u> : perennial herb	Absent. The lack of serpentine and clay soils as well as the site's proximity to disturbed and developed areas makes it unlikely for this species to occur onsite. The closest documented occurrence is four miles west of the site (CDFW 2020).
Stinkbells <i>Fritillaria agrestis</i>	CNPS 4	<u>Habitats</u> : Occurs in chaparral, valley grassland, foothill woodland, wetland, and riparian habitats. This species can be associated with serpentine soils. <u>Elevation</u> : 10-1555 meters. <u>Blooms</u> : March-June <u>Life form</u> : perennial bulbiferous herb	Absent. The lack of serpentine soils and the site's proximity to disturbed and developed areas makes it unlikely for this species to occur onsite. The closest documented occurrence is more than ten miles from the site (CDFW 2020).
Toren's grimmia <i>Grimmia torenii</i>	CRPR 1B	<u>Habitats</u> : This moss occurs in openings, rocky, boulder and rock walls, carbonate, volcanic areas, and sometimes serpentine soil in chaparral, cismontane woodland, serpentine, and lower montane coniferous forests. <u>Elevation</u> : 325-1160 meters <u>Life form</u> : moss	Absent. The site's elevation range (78 m-116 m) and habitats do not support this species. The site lacks rock walls, serpentine, and volcanic rocks in chaparral and coniferous forest known to support this species. The closest documented occurrence is more than ten miles southwest from the site (CDFW 2020).
Davidson's bush-mallow <i>Malacothamnus davidsonii</i>	CRPR 1B	<u>Habitat</u> : Chaparral, cismontane woodland, coastal scrub, and riparian woodland. <u>Elevation</u> : 185-1140 meters. <u>Blooms</u> : June–January. <u>Life form</u> : Perennial deciduous shrub.	Unlikely. The site provides poor habitat for this species due to its proximity to disturbance or developed areas. The last documented occurrence of this species was in 1936 located approximately two miles southwest of the site (CDFW 2020).
Elongate copper moss <i>Mielichhoferia elongata</i>	CRPR 4	<u>Habitat</u> : Occurs in rocky soils in broadleafed upland forest, chaparral, cismontane woodland, and valley and foothill grassland. <u>Elevation</u> : 0-1960 meters. <u>Blooms</u> : N/A <u>Life form</u> : moss	Absent. The site provides poor to marginally suitable habitat for this species due to the site's proximity to disturbance or developed areas and the lack of appropriate soils to support this species. The closest documented occurrence is more than ten miles from the site (CDFW 2020).

Table 1b. Special status species that could occur in the project vicinity (cont'd.).**PLANTS (adapted from CDFW 2020 and CNPS 2020)***Other special status plants listed by CNPS*

Common and scientific names	Status*	General habitat description	*Occurrence in the study area
Mt. Diablo cottonweed <i>Micropus amphibolus</i>	CRPR 3	<u>Habitat</u> : Occurs in rocky soils in broadleaved upland forest, chaparral, cismontane woodland, and valley and foothill grassland. <u>Elevation</u> : 45-825 meters. <u>Blooms</u> : March-May. <u>Life form</u> : annual herb	Absent. The site provides poor to marginally suitable habitat for this species due to the lack of rocky soils known to support this species and the site's proximity to disturbance or developed areas. The closest documented occurrence is more than ten miles from the site (CDFW 2020).
Monterey pine <i>Pinus radiata</i>	CNPS 1B	<u>Habitat</u> : Occurs in closed-cone coniferous forest and cismontane woodland. <u>Elevation</u> : 25-185 meters <u>Life form</u> : perennial evergreen tree	Absent. This species would have been observed during the August 2020 site survey if it occurred onsite. The closest documented occurrence is more than ten miles from the site (CDFW 2020).
Dudley's lousewort <i>Pedicularis dudleyi</i>	CRPR 1B	<u>Habitat</u> : Maritime chaparral, cismontane woodland, north coast coniferous forest, and valley and foothill grasslands. <u>Elevation</u> : 60-900 meters. <u>Blooms</u> : April-June <u>Life form</u> : Perennial herb	Absent. The site lacks the deep shady areas of maritime chaparral and older coast redwood forests that this species is known to occur in. The coast live oak woodland provides marginally suitable habitat for this species. The nearest documented occurrence of this species is nine miles southwest of the site (CDFW 2020).
Lobb's aquatic buttercup <i>Ranunculus lobbii</i>	CRPR 4	<u>Habitat</u> : Occurs in vernal pools and mesic areas within north coast coniferous forest, cismontane woodland, and valley and foothill grasslands. <u>Elevation</u> : 15-470 meters <u>Blooms</u> : February-May <u>Life form</u> : Annual herb	Absent. The site's intermittent drainage channel within the coast live oak riparian woodland community offers marginally suitable habitat for this aquatic plant. The closest documented occurrence is more than ten miles southwest of the site (CDFW 2020).
Hofmann's sanicle <i>Sanicula hoffmanii</i>	CRPR 4	<u>Habitat</u> : Often found in serpentine or clay soil within cismontane woodland, broadleaved upland forest, coastal bluff scrub, chaparral, coastal scrub, and lower montane coniferous forest. <u>Elevation</u> : 30-95 meters <u>Blooms</u> : April-May <u>Life form</u> : Perennial herb	Absent. The site lacks serpentine and clay soils documented to support this species. Moreover, no species of <i>Sanicula</i> was observed onsite. The closest documented occurrence is more than ten miles southwest of the site (CDFW 2020).

***Explanation of Occurrence Designations and Status Codes**

Present: Species observed on the sites at time of field surveys or during recent past.

Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.

Possible: Species not observed on the sites, but it could occur there from time to time.

Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.

Absent: Species not observed on the sites and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE Federally Endangered

CE California Endangered

FT Federally Threatened

CT California Threatened

FPE Federally Endangered (Proposed)

CR California Rare

FC Federal Candidate

CP California Protected

CRPR California Rare Plant Rank

1A Plants Presumed Extinct in California

- 1B Plants Rare, Threatened, or Endangered in California and elsewhere
 2 Plants Rare, Threatened, or Endangered in California, but more common elsewhere
 3 Plants about which we need more information – a review list
 4 Plants of limited distribution – a watch list

Table 2a. Special status species that could occur in the project vicinity.**ANIMALS (adapted from CDFW 2020 and USFWS 2020)***Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts*

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Crotch bumble bee <i>Bombus crotchii</i>	CCE	In California, inhabits open grassland and scrub habitats of the southern 2/3 of California. Historically in, but largely extirpated from, the Central Valley. Constructs nests underground in animal burrows. Overwintering sites are likely in soft soils or in debris or leaf litter.	Absent. The site does not support suitable habitat for this species. Additionally, the most recent recorded observation of this species is more than three miles from the site (CDFW 2020).
Western bumble bee <i>Bombus occidentalis</i>	CCE	In California, mainly occurs within the coastal and Sierra Nevada ranges within meadows and grasslands and some natural areas within urban environments. There is some indication that the current distribution has shifted to high elevation and coastal areas. Historically occurred from the Channel Islands to the northern California border. Tends to construct nest underground in animal burrows on west and south-west facing slopes. Overwintering sites are likely in friable soils or in debris or leaf litter.	Absent. The site does not support suitable habitat for this species. Additionally, the most recently recorded observation of this species is more than three miles from the site (CDFW 2020).
Coho salmon- Central California Coast ESU <i>Oncorhynchus kisutch</i>	FE, CE	This species spawns in freshwater streams; adults live in ocean, usually within 30 km of their natal stream. Occupied California streams are located in central to northern California.	Absent. Coho salmon have not been documented in Adobe Creek. The onsite drainage does not provide good habitat for this species, and stream barriers occur downstream of the reach of the site. The nearest documented occurrence of this species is more than three miles from the site (CDFW 2020).

Table 2a. Special status species that could occur in the project vicinity.**ANIMALS (adapted from CDFW 2020 and USFWS 2020)***Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts*

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Steelhead–Central California Coast DPS <i>Oncorhynchus mykiss irideus</i>	FT	This species spawns in freshwater rivers or streams in the spring and spends the remainder of its life in the ocean. Occurs in low-elevation streams that lack significant barriers for travel to and from the ocean. Spawning habitat consists of streams or tributaries with cool, well-oxygenated water and gravel substrate. Fry tend to utilize shallow, protected areas associated with stream margins. Juveniles inhabit riffles, but older juveniles will inhabit deeper runs or pools.	Absent. Steelhead have not been documented in Adobe Creek. The drainage does not provide good habitat for this species, and stream barriers occur downstream of the reach of the site. The nearest documented occurrence of this species is more than three miles from the site (CDFW 2020).
Longfin smelt <i>Spirinchus thaleichthys</i>	FC, CT, CSC	This anadromous species occurs in the Sacramento-San Joaquin estuary, with one record from Monterey Bay. Adults inhabit bays, estuaries, and nearshore coastal areas. Spawning occurs in sandy to gravelly substrates of freshwater reaches of coastal rivers or tributaries. Tends to occupy the middle or bottom part of the water column.	Absent. Longfin smelt have not been documented in Adobe Creek. The drainage does not provide good habitat for this species, and stream barriers occur downstream of the reach of the site. The nearest documented occurrence of this species is more than three miles from the site (CDFW 2020).
California tiger salamander <i>Ambystoma californiense</i>	FT, CT	Breeds in vernal pools and stock ponds of central California and aestivates (oversummers) in grassland habitats adjacent to the breeding sites.	Absent. Although suitable upland habitat is present on the site and surrounding the site in the form of woodrat nests, breeding habitat in the form of pools within the channel is absent from the site. The nearest documented occurrence of this species is more than three miles from the site (CDFW 2020).
Foothill yellow-legged frog <i>Rana boylei</i>	CE, CSC	Occurs in partly shaded, shallow, swiftly-flowing streams and riffles with rocky substrate in a variety of habitats.	Absent. Onsite habitat for this species is poor. The nearest documented occurrence of this species is more than three miles from the site (CDFW 2020).

Table 2a. Special status species that could occur in the project vicinity.**ANIMALS (adapted from CDFW 2020 and USFWS 2020)***Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts*

Common and scientific names	Status	General habitat description	*Occurrence in the study area
California red-legged frog <i>Rana draytonii</i>	FT, CSC	Occurs in rivers, creeks and stock ponds of the Sierra foothills and coast range, preferring pools with overhanging vegetation.	Possible. Suitable breeding habitat exists within the onsite reach of the intermittent drainage channel, particularly the downstream portion which appears to hold water year-round (pooled water was observed during the August 2020 site visit). Suitable upland habitat exists in the form of woodrat nests, where CRLF may seek refuge during significant storm events. The nearest recorded observation of CRLF is nearly three miles to the northwest of the site within Matadero Creek between Old Page Mill Bridge and Foothill Boulevard (CNDDB Occ #230).
Bald eagle <i>Haliaeetus leucocephalus</i>	CE, CP	Breeding habitat is usually within 4 km of a water source in a tall tree or cliffs; roosting in large numbers in winter is common.	Absent. Nesting habitat is marginal, as they tend to nest near open water, and foraging habitat is absent from the site.

Table 2b. Special status species that could occur in the project vicinity.**ANIMALS (adapted from CDFW 2020, and USFWS 2020)***California Species of Special Concern and Protected Species*

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Santa Cruz black salamander <i>Aneides flavipunctatus niger</i>	CSC	Occurs in deciduous woodland, coniferous forests, and coastal grasslands around the Santa Cruz Mountains and foothills. This species is occasionally found in the yards of older homes with mature live oaks and shrubs in the San Francisco Bay Area (Stebbins et al. 2014). This species can typically be found under rocks near streams, in talus, under damp logs, rotting wood, and other objects.	Unlikely. Onsite habitat for this species is poor, as it lacks suitable litter cover this species, although woodrat nests may provide some refugia. The nearest documented occurrence is more than three miles southeast of the site (CNDDB 2020).
California giant salamander <i>Dicamptodon ensatus</i>	CSC	Occurs in or adjacent to cold clear permanent to semi-permanent streams and seeps.	Absent. The site contains low summer water flows and is outside of this species' normal range. The nearest documented occurrence is more than three miles from the site (CDFW 2020).

Table 2b. Special status species that could occur in the project vicinity.
ANIMALS (adapted from CDFW 2020, and USFWS 2020)
California Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Red-bellied newt <i>Taricha rivularis</i>	CSC	This species lays eggs in running water and can be found in coastal woodlands and redwood forest along the coast of northern California north of San Francisco except for a small population occurring in the Steven's Creek watershed near the San Francisco Bay.	Unlikely. Although the site is within the Steven's Creek watershed, it is unlikely this species occurs onsite due to the drainage's low water flows. Additionally, the nearest documented occurrence is more than three miles from the site (CDFW 2020).
Western pond turtle <i>Actinemys marmorata</i>	CSC	Intermittent and permanent waterways including streams, marshes, rivers, ponds and lakes. Open slow-moving water of rivers and creeks of central California with rocks and logs for basking.	Absent. Onsite habitat for this species is poor. The site contains shallow water depths and lacks suitable basking areas. Additionally, the nearest documented occurrence is more than three miles from the site (CDFW 2020).
White-tailed kite <i>Elanus leucurus</i>	CP	Open grasslands and agricultural areas throughout central California.	Possible. Nesting and foraging habitat for this species occurs onsite and adjacent to the site.
Northern harrier <i>Circus cyaneus</i>	CSC	Frequents meadows, grasslands, open rangelands, freshwater emergent wetlands; uncommon in wooded habitats.	Absent. Suitable breeding and foraging habitat is absent from the site.
Golden eagle <i>Aquila chrysaetos</i>	CP	Typically frequents rolling foothills, mountain areas, woodland areas, sage-juniper flats, and desert habitats.	Absent. Suitable breeding and foraging habitat is absent from the site.
Peregrine falcon <i>Falco peregrinus anatum</i>	CP	Individuals breed on cliffs in the Sierra or in coastal habitats; occurs in many habitats of the state during migration and winter.	Absent. Suitable breeding and foraging habitat is absent from the site.
Burrowing owl <i>Athene cunicularia</i>	CSC	Open, dry grasslands, deserts and ruderal areas. Requires suitable burrows. This species is often associated with California ground squirrels.	Absent. Suitable breeding and foraging habitat is absent from the site.
Long-eared owl <i>Asio otus</i>	CSC	Frequents dense, riparian and live oak thickets near meadow edges and nearby woodland and forest habitats. Breed in valley foothill hardwood up to ponderosa pine habitats.	Absent. Riparian habitat on the site is marginal and lacks the dense thickets preferred by this species.
Pallid bat <i>Antrozous pallidus</i>	CSC	Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees, and buildings.	Possible. Although suitable roosting habitat in the form of large hollows in trees is absent from the site itself, this species may be expected to forage on the site.

Table 2b. Special status species that could occur in the project vicinity.
ANIMALS (adapted from CDFW 2020, and USFWS 2020)
California Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	CSC	Primarily a cave-dwelling bat that may also roost in buildings, bridges, rock crevices, and hollow trees. Occurs in a variety of habitats of the state.	Possible. Although suitable roosting habitat in the form of large hollows in trees is absent from the site itself, this species may be expected to forage on the site.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	CSC	Found in hardwood forests, oak riparian and shrub habitats.	Present. Several woodrat nests were observed on the site and adjacent to the site during the August 2020 site visit.
American badger <i>Taxidea taxus</i>	CSC	Found in drier open stages of most shrub, open forest and herbaceous habitats with friable soils.	Absent. Suitable habitat for this species is absent from the site.
Ringtail <i>Bassariscus astutus</i>	CP	Rocky habitats or riparian and heavily wooded habitats near water.	Unlikely. The riparian habitat on the site is of poor suitability for this species. Additionally, the nearest recorded observation of this species is more than three miles from the site (CDFW 2020).

***Explanation of Occurrence Designations and Status Codes**

Present: Species observed on the sites at time of field surveys or during recent past.

Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.

Possible: Species not observed on the sites, but it could occur there from time to time.

Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.

Absent: Species not observed on the sites, and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FC	Federal Candidate	CP	California Protected
CSC	California Species of Special Concern	CTC	California Threatened (Candidate)

2.6 JURISDICTIONAL WATERS

The U.S. Army Corps of Engineers (USACE) has regulatory authority over waters of the U.S., which includes certain rivers, creeks, lakes, ponds, reservoirs, wetlands, and, in some cases, irrigation canals (Section 3.6). The CDFW asserts jurisdiction over waters in California that have a defined bed and bank, including engineered channels that replace, and/or connect to, natural drainages. The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) assert jurisdiction over all surface water and groundwater in the State of California.

The USACE defines wetlands as areas that have the following indicators: 1) a prevalence of hydrophytic vegetation, 2) presence of hydric soils, and 3) indicators of wetland hydrology. The onsite channel only exhibited indicators of hydric soils and wetland hydrology, and thus did not meet all three criteria of a wetland. Specifically, the channel did not have sufficient coverage and dominance of hydrophytic vegetation to meet the criteria of hydrophytic vegetation. The channel had intermittent water pooling in downstream locations during the August field surveys. The channel is fed primarily by ground water, although grey water from residential pipes also contribute water to this channel. Rainwater is notable source of the channel's water during the wet season between October and May.

The onsite intermittent drainage channel would likely be considered jurisdictional by both the USACE and RWQCB. The onsite channel contributes water flow to Adobe Creek that is a tributary to the San Francisco Bay, a traditional navigable water of the U.S. The recent Navigable Waters Protection Rule clearly identifies traditional navigable waters and its tributaries as jurisdictional waters of the U.S. (Section 3.2.5).

Typically, the limit of USACE and RWQCB jurisdiction over tributary streams is the ordinary high water level. In practice, however, the RWQCB has claimed jurisdiction over channels to the top of bank. The onsite intermittent channel is also subject to the jurisdiction of the CDFW up to the top of bank or the edge of associated riparian vegetation, whichever is greater. Ultimately, each agency (i.e., USACE, CDFW, and RWQCB) will rely on their own methodology to determine whether and to what extent they regulate a hydrologic feature.

No other jurisdictional waters or wetlands are present on the site.

3 IMPACTS AND MITIGATIONS

3.1 SIGNIFICANCE CRITERIA

General plans, area plans, and specific projects are subject to the provisions of the California Environmental Quality Act. The purpose of CEQA is to assess the impacts of proposed projects on the environment before they are constructed. For example, site development may require the removal of some or all existing vegetation. Animals associated with this vegetation could be destroyed or displaced. Animals adapted to humans, roads, buildings, pets, etc., may replace those species formerly occurring on a site. Plants and animals that are state and/or federally listed as threatened or endangered may be destroyed or displaced. Sensitive habitats such as wetlands and riparian woodlands may be altered or destroyed. These impacts may be considered significant. According to *2019 CEQA Status and Guidelines* (2019), “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic interest. Specific project impacts to biological resources may be considered “significant” if they will:

- 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;
- 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;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- 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;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

3.2 RELEVANT GOALS, POLICIES, AND LAWS

3.2.1 Threatened and Endangered Species

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

3.2.2 Migratory Birds

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712) prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.

Native birds are also protected under California state law. The California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513),

as well as any other native non-game bird (Section 3800), even if incidental to lawful activities. Moreover, the California Migratory Bird Protection Act, enacted in September 2019, clarifies native bird protection and increases protections where California law previously deferred to federal law.

3.2.3 Birds of Prey

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

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

3.2.4 Bats

Section 2000 and 4150 of the California Fish and Game Code states that it is unlawful to take or possess a number of species, including bats, without a license or permit, as required by Section 3007. Additionally, Title 14 of the California Code of Regulations states it is unlawful to harass, herd, or drive a number of species, including bats. To harass is defined as “an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering.” For these reasons, bat colonies in particular are considered to be sensitive and therefore, disturbances that cause harm to bat colonies are unlawful.

3.2.5 Wetlands and Other Jurisdictional Waters

Jurisdictional waters include waters of the United States subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE) and waters of the State of California subject to the regulatory authority of the California Department of Fish and Wildlife (CDFW) and the California Regional Water Quality Control Board (RWQCB).

3.2.5.1 Clean Water Act, Section 404

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. Drainage channels and adjacent wetlands may be considered “waters of the United States” or “jurisdictional waters” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations and clarified in federal courts.

The definition of waters of the U.S. have changed several times in recent years. In January 2020, the Environmental Protection Agency (EPA) and USACE jointly issued the Navigable Waters Protection Rule. The new rule was published in the Federal Register on April 21, 2020, and took effect on June 22, 2020.

The Navigable Waters Protection Rule (33 CFR §328.3(a)) defines waters of the U.S. as:

Territorial Seas and Traditional Navigable Waters (TNWs)

- The territorial seas and traditional navigable waters include large rivers and lakes and tidally influenced waterbodies used in interstate or foreign commerce.

Tributaries

- Tributaries include perennial and intermittent rivers and streams that contribute surface flow to traditional navigable waters in a typical year. These naturally occurring surface water channels must flow more often than just after a single precipitation event—that is, tributaries must be perennial or intermittent.
- Tributaries can connect to a traditional navigable water or territorial sea in a typical year either directly or through other “waters of the United States,” through channelized non-jurisdictional surface waters, through artificial features (including culverts and spillways), or through natural features (including debris piles and boulder fields).
- Ditches are to be considered tributaries only where they satisfy the flow conditions of the perennial and intermittent tributary definition and either were constructed in or relocate a tributary or were constructed in an adjacent wetland and contribute perennial or intermittent flow to a traditional navigable water in a typical year.

Lakes, Ponds, and Impoundments of Jurisdictional Waters

- Lakes, ponds, and impoundments of jurisdictional waters are jurisdictional where they contribute surface water flow to a traditional navigable water or territorial sea in a typical year either directly or through other waters of the United States, through channelized non-jurisdictional surface waters, through artificial features (including culverts and spillways), or through natural features (including debris piles and boulder fields).
- Lakes, ponds, and impoundments of jurisdictional waters are also jurisdictional where they are flooded by a water of the United States in a typical year, such as certain oxbow lakes that lie along the Mississippi River.

Adjacent Wetlands

- Wetlands that physically touch other jurisdictional waters are “adjacent wetlands.”
- Wetlands separated from a water of the United States by only a natural berm, bank or dune are also “adjacent.”
- Wetlands inundated by flooding from a water of the United States in a typical year are “adjacent.”
- Wetlands that are physically separated from a jurisdictional water by an artificial dike, barrier, or similar artificial structure are “adjacent” so long as that structure allows for a direct hydrologic surface connection between the wetlands and the jurisdictional water in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature.
- An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year.

The Navigable Waters Protection Rule also outlines what do not constitute waters of the United States. The following waters/features are not jurisdictional under the rule:

- Waterbodies that are not included in the four categories of waters of the United States listed above.
- Groundwater, including groundwater drained through subsurface drainage systems, such as drains in agricultural lands.
- Ephemeral features, including ephemeral streams, swales, gullies, rills, and pools.
- Diffuse stormwater run-off and directional sheet flow over upland.
- Many farm and roadside ditches.
- Prior converted cropland retains its longstanding exclusion, but is defined for the first time in the final rule. The agencies are clarifying that this exclusion will cease to apply when cropland is abandoned (i.e., not used for, or in support of, agricultural purposes in the immediately preceding five years) and has reverted to wetlands.

- Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.
- Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters.
- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel.
- Stormwater control features excavated or constructed in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off.
- Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention and infiltration basins and ponds, that are constructed in upland or in non-jurisdictional waters.
- Waste treatment systems have been excluded from the definition of waters of the United States since 1979 and will continue to be excluded under the final rule. Waste treatment systems include all components, including lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either actively or passively, from wastewater or stormwater prior to discharge (or eliminating any such discharge).

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to the permit requirements of the USACE under Section 404 of the Clean Water Act. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued without a CWA Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards (Section 3.6.2).

3.2.5.2 Porter-Cologne Water Quality Act/Clean Water Act, Section 401

There are nine Regional Water Quality Control Boards statewide; collectively, they oversee regional and local water quality in California. The RWQCB administers Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The RWQCB for a given region regulates discharges of fill or pollutants into waters of the State through the issuance of various permits and orders.

Pursuant to Section 401 of the Clean Water Act, the RWQCB regulates waters of the State that are also waters of the U.S. Discharges into such waters require a Section 401 Water Quality Certification from the RWQCB as a condition to obtaining certain federal permits, such as a Clean

Water Act Section 404 permit (Section 3.6.1). Discharges into all Waters of the State, even those that are not also Waters of the U.S., require Waste Discharge Requirements (WDRs), or a waiver of WDRs, from the RWQCB.

The Porter-Cologne Water Quality Control Act, Water Code Section 13260, requires that “any person discharging waste, or proposing to discharge waste, within any region that could affect the ‘waters of the State’ to file a report of discharge” with the RWQCB. Waters of the State as defined in the Porter-Cologne Act (Water Code Section 13050[e]) are “any surface water or groundwater, including saline waters, within the boundaries of the state.” This gives the RWQCB authority to regulate a broader set of waters than the Clean Water Act alone. In addition to regulating waters of the U.S. through the Section 401 Water Quality Certification process, the RWQCB also claims jurisdiction and exercises discretionary authority over “isolated waters,” or waters that are not themselves waters of the U.S. and are not hydrologically connected to waters of the U.S.

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

3.2.5.3 California Fish and Game Code, Section 1602

The CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If the CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

3.2.6 Local Ordinances, Policies, and Habitat Conservation Plans

Tree removal. The Town's municipal code has several ordinances related to the removal of trees. The municipal code defines a "heritage oak" as "any tree of the genus *Quercus*, including, but not limited to, Valley Oak (*Quercus lobata*), California Live Oak (*Quercus kelloggii*) [sic], Black Oak (*Quercus agrifolia*) [sic], and Blue Oak (*Quercus douglasii*) that has a trunk or multiple trunk thirty-six (36) inches in circumference (approximately twelve (12) inches in diameter) at a point four (4) feet above the root crown" (5-8.02 of the Municipal Code). A tree removal permit must be obtained from the Town prior to the removal or "purposeful" damage of any heritage oak. The Town may require compensation measures, including, but not limited to, the planting of up to five trees for each heritage oak removed (12-2.301 through 12-2.307 of the Municipal Code).

For development of private property, the Town seeks "to preserve and protect existing trees...from unnecessary removal or damage...and development plans shall accommodate existing trees whenever possible" (12-2.502 of the Municipal Code). If trees are to be removed, the Town may require compensation measures, including, but not limited to, the planting of up to five replacement trees for each removed tree.

No other local ordinances or policies are known to be applicable to the project. No known habitat conservation plans are in effect for this site.

3.3 IMPACTS AND MITIGATIONS SPECIFIC TO THE PROJECT SITE

The proposed project consists of an approximately 960-foot long off-road pedestrian pathway located within an existing 20-foot wide path and equestrian easement adjacent to an intermittent drainage channel within coast live oak riparian woodland and forest. The path, as proposed, will cross the channel by way of clear span bridges located at the eastern and western ends of the study area. To avoid impacts to the channel's bed and bank, no bridge footings are proposed to be placed within channel banks and no fill is proposed for areas below the ordinary high water line of the channel. The path will include rolling grades and two rock retaining walls to stabilize slopes and prevent erosion. The rock retaining walls will occur on the non-channel side of the path's steepest sections located near Atherton Court and Robleda Drive, respectively. Any appreciable difference in either scope or general locations of the proposed project would require an additional impact assessment to ensure that unanticipated impacts to biotic resources are not likely to occur.

3.3.1 Impacts to Habitat for Special Status Plants

Potential Impacts. Eighteen special status vascular plant species are known to occur in the general project vicinity (Tables 1a and 1b). The proposed pathway would have no effect on habitat or regional populations of these species since the site provides no habitat or poor habitat for these special status plants. Therefore, the project would not adversely affect any of these species, and impacts would be less than significant as defined by CEQA.

Mitigation. Mitigation measures are not warranted.

3.3.2 Impacts to Habitat for Special Status Animals

Potential Impacts. Of the twenty-four special status animal species known to occur in the region (Tables 2a and 2b), only five of these species have the potential to occur on the site, comprising the California red-legged frog (CRLF), white-tailed kite, pallid bat, Townsend's big-eared bat, and San Francisco dusky-footed woodrat (woodrat); nests of the latter were observed onsite during the August 2020 site visit. The remaining species would be absent from or unlikely to occur on the site due to the absence of suitable habitat or project location (e.g., outside of the common range for the species).

As the project is the construction of a natural trail in a location where a social trail exists from people walking through the easement, and this habitat is locally and regionally available, impacts to habitat for these species is less-than-significant.

Although the pallid bat and Townsend's big-eared bat may forage on and over the site, the site does not support suitable roosting habitat in the form of hollow trees for these species, therefore, impacts to habitat for and individuals of these species would be less than significant.

Although this project would not significantly negatively impact the habitat for special status animal species expected to occur on the site, impacts to individual CRLF, white-tailed kites, and/or woodrats would be considered significant under CEQA. Potential impacts to these species are discussed in greater detail in Sections 3.3.3, 3.3.4, and 3.3.5.

Mitigation. Mitigation measures to compensate for habitat impacts are not warranted. Mitigation measures to specifically avoid and minimize potential impacts to individual CRLF, white-tailed kites, and San Francisco dusky-footed woodrats are discussed in Sections 3.3.3, 3.3.4, and 3.3.5.

3.3.3 Impacts to San Francisco Dusky-Footed Woodrats

Potential Impacts. Several San Francisco dusky-footed woodrat nests were observed on the project site and adjacent to the project site during the August 2020 field survey. The San Francisco dusky-footed woodrat is a state species of special concern and any construction activities that result in harm or mortality to this species, or in nest abandonment, may be considered a significant impact under CEQA.

Mitigation. The following measures will reduce impacts on individual San Francisco dusky-footed woodrats to a less-than-significant level under CEQA and will ensure compliance with state laws.

Mitigation Measure 3.3.3a: Pre-construction survey. A qualified biologist will conduct a pre-construction survey for San Francisco dusky-footed woodrat nests no more than 30 days and no less than 14 days prior to the onset of construction activities. This survey timing allows for the scheduling of and deconstruction of any woodrat nests which need deconstructing. The survey will encompass all construction zones and surrounding lands within 50 feet.

Mitigation Measure 3.3.3b: Nest deconstruction. Identified nests will be avoided, where possible. If avoidance is not possible, the nest(s) will be manually deconstructed by a qualified biologist when helpless young are not present, typically during the non-breeding season (October through January).

Mitigation Measure 3.3.3c: Construction-free buffers. If it is determined during the pre-construction survey that young may be present, a suitable buffer depending on the timing within the breeding season (ranging from 15-50 feet) will be established around the nest and maintained during construction until the young are independent and have successfully moved from the nest on their own.

3.3.4 Impacts to California Red-Legged Frogs

Potential Impacts. The lower reach of the intermittent channel of the site appears to hold water year-round (pooled water was observed during the August 2020 site visit) and provides suitable aquatic habitat for the CRLF. The intermittent channel may support breeding habitat within the study area. However, with the exception of the two clear span footbridges, the proposed trail alignment occurs outside of suitable CRLF breeding habitat. Both proposed footbridge locations

will clear span reaches of the channel that are ephemeral in nature. The upstream bridge location does not span over aquatic habitat. However, the downstream bridge location is more likely to support CRLF as it is located near the confluence of two drainage channels and is close to the drainage channel which appears to be perennially aquatic near Robleda Drive; this location also provides more suitable habitat along the banks. Therefore, the project is expected to have a less-than-significant impact on habitat for the CRLF.

Due to the proximity of the project to potentially suitable breeding habitat for the CRLF, the project site supports potential upland habitat for the CRLF, therefore, project construction may result in harm, injury, or death of individual CRLF, which would be considered a significant impact.

Mitigation. The following measures are designed to avoid and minimize impacts to CRLF.

Mitigation Measure 3.3.4a: Pre-construction survey. A qualified biologist will survey the entire reach, banks, and surrounding uplands of this intermittent channel within the project area as well as the reaches immediately up- and downstream of the project area. The pre-construction survey will occur the morning prior to initiation of work. If CRLF are observed within the work area, they will be allowed to move out of the work area on their own before the project can commence.

Mitigation Measure 3.3.4b: Exclusion fencing. Immediately following the pre-construction surveys and a determination that CRLF are not present in the work zone, a wildlife exclusion fence will be installed and maintained around or along the work zone to prevent CRLF from moving into the area.

Mitigation Measure 3.3.4c: Monitoring. A qualified biologist or trained project personnel will survey the site each day prior to the start of work to ensure that CRLF are not present within the work zone.

Mitigation Measure 3.3.4d: Tailgate training. All workers associated with project construction activities will attend a tailgate training to be conducted by a qualified biologist. The tailgate training will include instruction on CRLF identification, project-specific avoidance and minimization measures, and steps to be taken if CRLF are encountered on the project site.

Regulatory issues. The CRLF is listed as threatened under the federal Endangered Species Act. The applicant may need to seek incidental take authorization from the USFWS pursuant to Section 7 or 10 of the Endangered Species Act for potential project-related impacts to CRLF.

3.3.5 Impacts to Migratory Birds and Other Birds of Prey

Potential Impacts. Trees and other vegetation within and adjacent to the site provide potential nesting habitat for migratory birds and birds of prey, including, but not limited to the white-tailed kite. If a migratory bird or other bird of prey were to nest on or adjacent to the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality or other harm to these birds. Project construction that adversely affect the nesting success of migratory birds and other birds of prey or result in mortality, injury, or other harm of individual birds would be considered a significant impact.

Mitigation. The following measures will reduce impacts on nesting migratory birds and raptors to a less-than-significant level under CEQA and will ensure compliance with state laws.

Mitigation Measure 3.3.5a: Preconstruction survey. To the maximum extent practicable, vegetation planned for removal should be removed during the non-breeding season (September 1 through January 31). If it is not possible to avoid vegetation removal during the breeding season (February 1 through August 31), preconstruction surveys will be conducted by a qualified biologist no more than 14 days prior to the start of any such activities occurring during the breeding season.

The preconstruction survey will include all trees, shrubs, or other areas of potential nesting habitat within the project footprint and within 250 feet for raptors and 50 feet for other birds where practicable and legal access allows. If the target species are deemed absent from the area, then no mitigations are required, and construction could commence within 14 days following the survey.

Mitigation Measure 3.3.5b: Disturbance-free buffers. If nesting raptors or migratory birds are detected during the survey, a suitable disturbance-free buffer will be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area, and may be up to 250 feet. The buffer area(s) will be enclosed with temporary fencing, and equipment and workers will not enter the enclosed buffer areas. Buffers will remain in place until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of

their parents. Implementation of the above measures would mitigate impacts to nesting raptors and other migratory birds to a less-than-significant level.

3.3.6 Impacts to Jurisdictional Waters or Riparian Habitat

Potential Impacts. The intermittent drainage channel is presumed to be a water of the U.S. and a water of the State subject to regulation by the USACE, RWQCB, and CDFW. With the exception of the two footbridges, the proposed trail alignment and the two retaining walls will be located well outside the channel (approximately 10-15 feet away from the channel bed). Temporary impacts to the channel are likely to occur during the construction of the two footbridges located at the eastern and western ends of the path. While detailed drawings of the footbridges have not been completed, construction of the two footbridges is proposed to occur above the ordinary high water line of the intermittent drainage channel. Bridge footings will be located beyond the channel banks to avoid impacts to jurisdictional waters and riparian habitat.

Since these impacts to the intermittent drainage channel are temporary and minor, these impacts would be considered less-than-significant under CEQA. Similarly, impacts to riparian habitat would also be considered less-than-significant under CEQA. While a small amount of brush removal would occur, no trees within the coast live oak riparian woodland and forest would be removed. Moreover, the proposed construction of an off-road pathway on an existing social trail would not drastically alter the function and utility of the onsite riparian habitat. Wildlife would likely continue to use the riparian habitat for daily movements. Impacts to riparian habitat would also be concentrated on the designated off-road path as opposed to dispersed impacts currently occurring from foot-traffic on the existing social trail. In sum, the concentration and containment of impacts resulting from the proposed path, the retainment of riparian trees, and the maintenance of riparian habitat function and value would have no significant adverse impacts under CEQA.

Mitigation. Because impacts to jurisdictional waters and riparian habitats are considered less than significant under CEQA, no mitigation is required.

Regulatory Issues. As discussed, the onsite intermittent drainage channel may fall under the jurisdiction of the USACE, RWQCB, and CDFW. Accordingly, the project proponent must comply with all state and federal regulations related to disturbance to jurisdictional waters. Because no fill is proposed for areas below ordinary high water of the channel, Clean Water Act

permitting may not be necessary. If impacts spanning the channel's bed to the top of bank are completely avoided as stated in current project plans, the applicant may not need to obtain a Section 1602 Streambed Alteration Agreement from the CDFW and Waste Discharge Requirements (WDRs) or a waiver of WDRs from the RWQCB.

3.3.7 Loss of Habitat for Native Wildlife

Potential Impacts. The construction of an off-road path/trail in a location where a current trail exists from people walking through the easement, will not significantly change the existing habitat for native wildlife. Therefore, impacts to habitat for these species is less-than-significant.

Mitigation. Mitigation measures are not warranted.

3.3.8 Interference with the Movement of Native Wildlife

Potential Impacts. Although this site is not within any defined wildlife corridor or landscape linkage, native wildlife is expected to use the site for their daily movements and dispersal movements. Construction of the path may result in additional potential for wildlife interaction with people in this area or may impact how or when native wildlife use this area. However, as people are already active through the project site and since the site is surrounded by low density residential housing, wildlife is expected to use this site in a similar manner post-construction. Wildlife species presently utilizing this area are expected to continue moving through it after the trail is built. Therefore, the proposed project would have a less-than-significant impact on movements of native wildlife within the region.

Mitigation. Mitigation measures are not warranted.

3.3.9 Degradation of Water Quality in Seasonal Drainages, Stock Ponds, and Downstream Waters

Potential Impacts. Construction of the trail will require grading that leaves the soil barren of vegetation and, therefore, vulnerable to sheet, rill, or gully erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals, and adjacent wetlands. Furthermore, urban runoff is often polluted with grease, oil, pesticide and herbicide residues, heavy metals, etc. These pollutants may eventually be carried to sensitive wetland habitats used by a diversity of native wildlife species. The deposition of pollutants and sediments in sensitive riparian and wetland habitats would be considered a potentially significant adverse environmental impact.

The project proponent is expected to comply with the provisions of applicable permits, including standard erosion control measures that employ best management practices (BMPs). Compliance with the above permit(s) should result in no impact to water quality in seasonal creeks, reservoirs, and downstream waters from the proposed project and should not result in the deposition of pollutants and sediments in sensitive riparian and wetland habitats.

Mitigation. Mitigation measures are not warranted.

3.3.10 Local Ordinance: Trees

Potential Impacts. Current plans do not include removal of any trees. Should trees require removal, the project shall obtain a tree removal permit and follow conditions of that permit, which may include compensation measures, including, but not limited to the planting of up to five replacement trees for each removed tree. Therefore, the project is not expected to conflict with the Town's tree ordinance.

Although tree removal is not currently planned for this project, grading of the trail may impact tree roots and we advise that an arborist review the grading plan prior to trail construction.

Mitigation. Mitigation measures are not warranted.

3.3.11 Habitat Conservation Plans/ Natural Community Conservation Plans (HCP/NCCP)

Potential Impacts. No known HCPs or NCCPs are in effect for this site.

Mitigation. Mitigation measures are not warranted.

4 LITERATURE CITED

- California Department of Fish and Game. 2002. California Fish and Game code. Gould Publications. Binghamton, N.Y.
- _____. 2020. Annual Report on the Status of California State Listed Threatened and Endangered Animals and Plants. The Resources Agency, Sacramento, CA.
- _____. 2020. California Natural Diversity Database, Rarefind5. The Resources Agency, Sacramento, CA.
- California Native Plant Society (CNPS). 2020. Inventory of Rare and Endangered Plants (online edition, v6-05c). California Native Plant Society. Sacramento, CA.
<http://www.cnps.org/inventory>.
- Natural Resources Conservation Service. 2020. Soil survey of Santa Clara Area, California, Western Part. USDA. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- Remy, M. H., T. A. Thomas, J. G. Moose, and W. F. Manley. 1996. Guide to the California Environmental Quality Act.
- Shuford, W. David and Thomas Gardall eds. 2008. California Bird Species of Special Concern. Western Field Ornithologists and California Department of Fish and Game.
- Stebbins, R.C. and McGinnis, S.M., 2012. Field guide to amphibians and reptiles of California: revised edition (Vol. 103). Univ of California Press.
- Thomson, Robert C., Amber N. Wright, and H. Bradley Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Wildlife. University of California Press.
- Town of Los Altos Hills Municipal Code.
- U.S. Army Corps of Engineers (USACE). 1987. Corps of Engineers wetlands delineation manual. Department of the Army.
- _____. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Engineer Research and Development Center.
- USACE and EPA. 2007a. Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States*. Environmental Protection Agency and U.S. Army Corps of Engineers. Washington, D.C.
- _____. 2007b. U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook. Environmental Protection Agency and U.S. Army Corps of Engineers. Washington, D.C.
- U. S. Fish and Wildlife Service (USFWS). 2020. Endangered and threatened wildlife and plants.
- Wetland Training Institute, Inc. 1991. Federal Wetland Regulation Reference Manual. B.N. Goode and R.J. Pierce (eds.) WTI 90-1. 281pp.

APPENDIX A: LIST OF VASCULAR PLANT SPECIES IDENTIFIED AT THE SITE

The plant species listed below were observed on the proposed La Paloma-Robleda path during the field survey conducted by Live Oak Associates, Inc. on August 12, 2020. The wetland indicator status of each plant as listed in the U.S. Army Corps of Engineers 2018 National Wetland Plant list is shown following its common name (USACE 2018).

OBL - Obligate
 FACW - Facultative Wetland
 FAC - Facultative
 FACU - Facultative Upland
 UPL - Upland

ANACARDIACEAE – SUMAC FAMILY

<i>Toxicodendron diversilobum</i>	Poison oak	FACU
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APIACEAE – CARROT FAMILY

<i>Torilis arvensis*</i>	Field hedge parsley	UPL
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ARECACEAE – PALM FAMILY

<i>Washingtonia</i> sp.	Fan palm	FACW
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ASTERACEAE – SUNFLOWER FAMILY

<i>Baccharis pilularis</i>	Coyote brush	UPL
<i>Delairea odorata</i>	Cape Ivy	FAC

CAPRIFOLIACEAE – HONEYSUCKLE FAMILY

<i>Sambucus nigra</i> ssp. <i>caerulea</i>	Blue elderberry	FAC
<i>Lonicera hispidula</i>	Pink Honeysuckle	FACU
<i>Symphoricarpos albus</i>	Common snowberry	FACU

CYPERACEAE – SEDGE FAMILY

<i>Carex</i> sp.	Sedge	-
<i>Cyperus eragrostis</i>	Tall flatsedge	FACW

DENNSTAEDTIACEAE – BRACKEN FERN FAMILY

<i>Pteridium aquilinum</i> var. <i>pubescens</i>	Bracken Fern	FACU
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ELAEGNACEAE – OLEASTER FAMILY

<i>Elaeagnus angustifolia</i>	Russian Olive	FAC
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FAGACEAE – OAK FAMILY

<i>Quercus agrifolia</i>	Coast live oak	UPL
<i>Quercus lobata</i>	Valley oak	FACU

JUNCACEAE – RUSH FAMILY

<i>Juncus balticus</i>	Baltic rush	FACW
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LAMIACEAE – MINT FAMILY

<i>Mentha pulegium</i> *	Pennyroyal	OBL
<i>Mentha spicata</i> var. <i>spicata</i> *	Spearmint	OBL
APOCYNACEAE – DOGBANE FAMILY		
<i>Nerium oleander</i> *	Oleander	UPL
<i>Vinca major</i> *	Greater periwinkle	UPL
POACEAE - GRASS FAMILY		
<i>Avena barbata</i> *	Slender wild oats	UPL
<i>Avena fatua</i> *	Wild oat	UPL
<i>Bromus diandrus</i> *	Ripgut brome	UPL
<i>Vulpia bromoides</i> *	Brome fescue	FAC
ROSACEAE – ROSE FAMILY		
<i>Heteromeles arbutifolia</i>	Toyon	UPL
<i>Rosa californica</i>	California rose	FAC
SAPINDACEAE – SOAPBERRY FAMILY		
<i>Aesculus californica</i>	California buckeye	UPL
URTICACEAE – NETTLE FAMILY		
<i>Urtica dioica</i>	Stinging nettle	FAC

* Introduced non-native species