

## **Appendix C: Draft Biological Resources Screening**

## Memo

To: Leo Tidd, Louis Berger Group, Inc.

From: Lauren Huff, Senior Biologist

Job Code: EJPB

Date: February 9, 2015

**SUBJECT: South Terminal Phase II - Biological Resources Screening**

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### Introduction

In support of preliminary environmental scoping for the Caltrain South Terminal Phase II Project (the proposed project), MIG | TRA Environmental Sciences, Inc. (MIG | TRA) has undertaken an analysis of the biological resources present in the proposed project area. The proposed project is situated in the City of San Jose generally between the south end of Caltrain's Centralized Equipment Maintenance and Operation Facility and the north end of San Jose Diridon Station in Santa Clara County, California (Figure 1). The proposed project includes constructing an addition to the 4<sup>th</sup> mainline track to the east of the existing tracks to accommodate planned increases in Caltrain service and service provided by other operators, such as Altamont Commuter Express, Capital Corridor, and Union Pacific Railroad.

### Methods

MIG | TRA visited the project site on December 17, 2014 to conduct a preliminary assessment of site conditions, evaluate the potential for special-status species to occur, and to determine the presence of sensitive natural resources protected under the California Environmental Quality Act (CEQA), the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (FESA).

In addition, a search was conducted of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) to determine what species have been known to be present in the vicinity of the site in the past. The search was

conducted for the 7.5-minute United States (U.S.) Geological Survey quadrangle spanned by the project, as well as all surrounding quadrangles. The quadrangles searched included San Jose West, Mountain View, Cupertino, Castle Rock Ridge, Los Gatos, Santa Teresa, San Jose East, Calaveras Reservoir, and Milpitas. Finally, existing published and unpublished literature documenting past conditions in the vicinity of the proposed project area were reviewed.

### **Summary of Findings and Recommendations**

The proposed project is comprised of an approximately 0.7-mile section of existing rail line situated between the south end of the Centralized Equipment Maintenance and Operation Facility and the north end of the South Terminal Diridon Station. It is surrounded by lands that are currently developed at a high density with industrial and commercial uses; however, Los Gatos Creek is located approximately 0.3-mile to the west of the project area. While trees, shrubs, and ornamental ground cover provide some habitat for plants and wildlife, habitat values for common and special-status species are poor due to the urban nature of the area and lack of natural habitats that provide opportunities for refuge, foraging and breeding.

Because some urban-adapted wildlife species, including birds protected under the Migratory Bird Treaty Act (MBTA) and bats protected by California Fish and Game Code (see Appendix A) have some potential to be present in or near the proposed project area, it may be necessary to conduct pre-construction wildlife surveys for these species.

The project is not anticipated to have any adverse effects on species listed under FESA or CESA, wetlands or waters of the U.S., migratory corridors, or sensitive natural vegetation communities. With the implementation of mitigation measures the proposed project is not anticipated to have adverse effects on California special-status species, migratory birds, or bats.

### **Environmental Setting**

The proposed project area includes approximately 0.7-mile of existing rail between the south end of the Centralized Equipment Maintenance and Operation Facility and the north end of the San Jose Diridon Station. The tracks are situated in a highly

developed area of San Jose. The railroad tracks sit on a slightly elevated compacted earthen substrate overlain by coarse chipped gravel (ballast). The proposed project area is surrounded on all sides by industrial and commercial buildings, as well as paved roads and parking lots. A combination of native and non-native trees and shrubs have been planted and naturally occur along the rail alignment, rail easement areas, parking lots, and some buildings in the proposed project area. Los Gatos Creek is the only natural habitat near the proposed project area and is located approximately 0.3-mile to the west of the proposed project area.

The elevations for the proposed project area range from approximately 80 feet to 95 feet above mean sea level, with the lower elevations in the north portion of the proposed project area. Annual average precipitation for the project site is approximately 15 inches per year, with the majority of precipitation falling between December and March.

Mapped soils in the area are documented as Urbanland-Hangerone complex, 0 to 2 percent slopes, drained. These soils are typically found in basins at elevations from 0 to 220 feet. The urban land or disturbed/human transported materials dominate this soil type. Hangerone soils are alluvium soils derived from metamorphic and sedimentary rock.

## **Habitats**

The proposed project site supports developed and landscaped habitats. Because these habitats are highly disturbed their value for native plants and wildlife is limited. Habitats in the proposed project area and the plants that they support are discussed in more detail below. Representative photographs of the proposed project area are provided in Appendix B.

*Developed* – Developed habitat makes up the majority of the proposed project area, and is comprised of the rail alignment and right-of-way areas which are paved in asphalt and concrete. Structures within the right-of-way consist of the buildings associated with the San Jose Diridon Station, industrial/commercial buildings, and the SAP Center. Developed habitats generally have a low biological value due to the lack of foraging and refuge opportunities but may support urban-adapted species such as rock dove (*Columba livia*), house finch (*Haemorhous mexicanus*), American crow

(*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), raccoon (*Procyon lotor*), and Virginia opossum (*Didelphis virginiana*).

*Landscaped* – The edges of parking lots and slopes of the raised rail platforms are landscaped with a variety of native and non-native ornamental ground cover, shrub, and tree species. Landscaped habitats provide a moderate biological value for native plants and wildlife, depending on how established and actively maintained they are. Recently-established landscaped areas that are heavily maintained provide the lowest values because there are limited opportunities for foraging and refuge and because they are so frequently disturbed. Trees that were observed include, but are not limited to, tree of heaven (*Ailanthus altissima*), peppertree (*Schinus* sp.), date palm (*Phoenix dactylifera*), sycamore (*Platanus* sp.), fig (*Ficus carica*), and tree tobacco (*Nicotiana glauca*). English ivy (*Hedera helix*) and Himalayan blackberry (*Rubus armeniacus*) were also observed along the rail alignment. Wildlife that was observed in the proposed project area include Anna’s hummingbird (*Calypte anna*), Cedar waxwing (*Bombycilla cedrorum*), white-crowned sparrow (*Zonotrichia leucophrys*), and American crow.

### **Special-Status Plant and Animal Species**

Eleven special-status plant species occurrences have been documented within 5 miles of the proposed project area including arcuate bush-mallow (*Malacothamnus arcuatus*), Congdon’s tarplant (*Centromadia parryi* ssp. *congdonii*), Contra Costa goldfields (*Lasthenia conjugens*), Hall’s bush-mallow (*Malacothamnus hallii*), Hoover’s button-celery (*Eryngium aristulatum* var. *hooveri*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchelli*), Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*), hairless popcornflower (*Plagiobothrys glaber*), robust spineflower (*Chorizanthe robusta* var. *robusta*), and saline clover (*Trifolium hydrophilum*). Due to the highly developed nature of the proposed project area and the surrounding lands, the lack of suitable habitat, as well as the lack of recent or nearby occurrences, no special-status plant species are expected to occur within the proposed project area. A complete list of special-status plant species, their habitat requirements, and their potential to occur in the proposed project area is provided in Appendix C.

Eleven special-status wildlife species occurrences have been documented within 5 miles of the proposed project, including western pond turtle (*Emys marmorata*), great blue heron (*Ardea herodias*), American peregrine falcon (*Falco peregrinus anatum*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), California tiger salamander (*Ambystoma californiense*), Cooper's hawk (*Accipiter cooperii*), Swainson's hawk (*Buteo swainsoni*), Townsend's big-eared bat (*Corynorhinus townsendii*), burrowing owl (*Athene cunicularia*), hoary bat (*Lasiurus cinereus*), and pallid bat (*Antrozous pallidus*). Of the eleven special-status wildlife species, all but the American peregrine falcon and hoary bat are not expected to be present due to a lack of suitable habitat and/or recent or nearby occurrences. Those species with moderate potential to occur in the proposed project area are addressed in greater detail below. A complete list of special-status wildlife species, their habitat requirements, and their potential to occur in the proposed project area is provided in Appendix C.

#### American peregrine falcon.

American peregrine falcon is a California fully protected species. American peregrine falcon forages and nests near wetlands, lakes, rivers, and other aquatic habitats. This species nests on cliffs, tall embankments, dunes, mounds and man-made structures often in highly urbanized environments. American peregrine has been documented nesting on a tall office building in the City of San Jose within 5 miles of the project area. Because peregrine falcons are commonly known to forage and breed in urbanized habitats, they are assumed to have a moderate potential to be present in the vicinity of the proposed project area. However, due to the lack of tall buildings directly in the proposed project area and the lack of aquatic features in the area, they are not expected to nest in the proposed project area. As a result, they are most likely to roost or fly through the proposed project area.

#### Hoary Bat

The hoary bat is listed on California's special animal list. Special animals is a broad term used to refer to all of the animal taxa tracked by the CNDDDB, regardless of their legal or protection status. The species on the list are considered by the CDFW to be those taxa of greatest conservation need. The hoary bat is the most widespread bat in North America. This species may be found at any location in California, although its distribution is patchy in the southeastern deserts. Hoary bat is a solitary species that

winters along the coast and in southern California and breeds inland and north of its winter range. This species feeds primarily on moths although other flying insects are also eaten. Hoary bat generally roosts in dense foliage of medium to large trees. This species prefers open habitat or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. This species could occur under the Santa Clara or Julien Street bridges at the proposed project area or the buildings in or near the proposed project area.

### ***Nesting Bird and Bat Species***

Migratory birds and their nests are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3513. Mature trees and shrubs in the proposed project area provide nesting habitat for songbirds and raptors. Bat roosts are protected under Fish and Game Code section 4150. For bat species that could occur in San Jose, including hoary bat, roost habitats within the proposed project area include leaves, bark, and cavities of large trees, under bridges, and on buildings. Most bats occur year round. Breeding generally occurs in the winter and young are generally born May to July.

### ***Migratory Corridors***

The proposed project site is situated in a highly developed area that is unlikely to support special-status species due to a lack of foraging and cover opportunities. Movement of wildlife species is unlikely in the proposed project area due to the urban nature of the area and the numerous barriers to movement (e.g., pavement, buildings, walls). For these reasons, the proposed project site does not serve as a continuous regional connection for wildlife species.

### ***Potentially Jurisdictional Wetlands and Waters of the U.S.***

Los Gatos Creek is located approximately 0.3-mile west of the proposed project area. No wetlands or waters under the jurisdiction of the CDFW, U.S. Army Corps of Engineers (USACE), or Regional Water Quality Control Board (RWQCB) are present in the proposed project area.

**Environmental Checklist**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
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 US 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

*Would the proposed 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 CDFW or U.S. Fish and Wildlife Service (USFWS)?**

**Less Than Significant Impact with Mitigation.**

Nesting Birds. Nesting birds, including raptors, protected under MBTA and California Fish and Game Code are potentially present in the trees and shrubs in the proposed project area. Project activities during the avian breeding season (generally February 1 to August 15) could disrupt bird nests causing injury to individuals or nest abandonment. This impact is potentially significant. Implementation of Mitigation Measure BIO-1 would reduce the impact to less than significant.

**Impact BIO-1:** Construction activities, including the removal of trees, during the avian nesting season could cause harm to the nests of birds, including raptors, protected under MBTA and California Fish and Game Code.

**Mitigation Measure BIO-1:** If project construction will occur during the breeding season for birds and raptors protected under MBTA (February 1 through August 15), a qualified biological monitor will survey mature trees, shrubs and structures within 50 feet of the center line of the tracks for the presence of active nests, no more than a week in advance of the start of project construction. If active nests are found, a construction buffer should be established by the qualified biological monitor in coordination with CDFW and USFWS. Typical buffers are 300 feet for raptors and 100 feet for other migratory bird species. The buffer should remain in place until the qualified biologist has determined that young have left the nest.

**Effectiveness:** These measures will minimize impacts on bird species and assure the project does not violate the MBTA.

**Implementation:** Caltrain or its Contractor.

**Timing:** February 1 through August 15, no more than a week in advance of the start of project construction.

**Monitoring:** The biologist will prepare a written record of survey results and implementation of any avoidance/minimization measures to be kept on file at the Caltrain office. The biologist will monitor any active nests to determine when young have matured sufficiently to have fledged.

Bat Roosts. Nocturnal and maternal bat roosts, including hoary bat, are potentially present under the bridges in the proposed project area. Project activities on or near the Santa Clara Street and Julien Street bridges could disrupt these roosts. This impact is potentially significant. Implementation of Mitigation Measure BIO-2 would reduce the impact to less than significant.

**Impact BIO-2:** Construction activities on or near the Santa Clara Street and Julien Street bridges could disrupt roosting bats.

**Mitigation Measure BIO-2:** Work on structures should be conducted outside of the maternal roosting season for hoary bat which is February through August, if possible. If construction is to occur on or near the Santa Clara Street and Julien Street bridges between February and August, a survey under the bridges for evidence of bat roosting should be conducted no more than one week before the start of project construction. The survey shall be done by a biologist with the necessary expertise, including being able to acoustically measure for bats. If roosting is confirmed, roosting bats will be excluded before work is conducted and work should be conducted at dusk or other measures recommended by the bat biologist should be implemented that minimizes bat mortality. If a maternal roost is detected (none have been observed onsite to date), that roost will either not be disturbed or will be replaced as specified by the bat biologist.

**Effectiveness:** These measures will minimize impacts on bat species.

**Implementation:** Caltrain or its Contractor.

**Timing:** February through August, no more than a week in advance of the start of project construction.

**Monitoring:** The biologist will prepare a written record of survey results and implementation of any avoidance/minimization measures to be kept on file at the Caltrain office. The biologist will recommend additional measures if a bat roost is found.

**b) 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 CDFW or USFWS?**

**No Impact.** No riparian habitat or sensitive natural communities are present in the proposed project area; therefore, no impact will occur.

**c) Have a substantial adverse effect on federal protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes, vernal pools, coastal areas, etc.) through direct removal, filling, hydrological interruption or other means?**

**Less Than Significant Impact.** No wetlands or waters under the jurisdiction of the CDFW, USACE, or RWQCB are present in the proposed proposed project area. Construction has the potential to have an impact through erosion, storm water runoff or accidental spills of hazardous materials or pollutants on the water quality where sediment or pollutants have the potential to be carried to adjacent storm drain inlets that convey water to adjacent aquatic resources. This is a potentially significant impact. To address the potential for impacts of stormwater runoff during construction on waterbodies located offsite, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared by a qualified SWPPP Practitioner. The SWPPP will identify Best Management Practices to be implemented during project construction activities to comply with the State Water Resources Control Board Order No. 2009-009-DWQ Construction General Storm Water Permit. The implementation of the SWPPP will reduce potential impacts on federal wetlands and waters of the U.S. to a less-than-significant level.

**d) Interfere substantially with 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?**

**No Impact.** The proposed project will not interfere substantially with any movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. No migratory corridors occur within the proposed project area nor will any be impacted by the proposed project.

**e) Conflict with any applicable local policies protecting biological resources?**

**Less Than Significant.**

The proposed project will not conflict with the San Jose General Plan policies (see Appendix A) because the biological resource mitigation measures for the project are compatible with these policies.

Landscape trees are present along the proposed project alignment and may be removed as a part of the project. Mitigation Measure BIO-3 will be implemented to ensure tree removal will not conflict with tree ordinances and result in impacts to

biological resources. Mitigation Measure BIO-3 recommends that trees within the project limits be surveyed by a certified arborist and that the Joint Powers Board (JPB), which operates the Caltrain passenger service, coordinate with the City of San Jose prior to removal of any heritage or ordinance trees identified by the certified arborist.

**Impact BIO-3:** Removal of trees could conflict with the City of San Jose Tree Removal Ordinance.

**Minimization Measure BIO-3:** A certified arborist will conduct an assessment of the trees to be removed as a result of the project. The assessment will identify the location, species, diameter, and health and vigor of each tree to be removed. In addition, the arborist will determine if any of these trees have been designated by the City of San Jose to be of special historical value or of significant community benefit.

The JPB is not subject to local tree ordinances and is; therefore, not required to obtain a permit to remove trees. However, prior to tree removal, the JPB will notify and coordinate with the City of San Jose prior to the removal of any tree determined to be an ordinance tree, a heritage tree, or a tree of special historical value or significant community benefit.

**Effectiveness:** This measure will ensure the project will not conflict with local policies.

**Implementation:** Caltrain or its Contractor.

**Timing:** Prior to removing any trees.

**Monitoring:** The tree survey report and records of correspondance with the City of San Jose will be kept in Caltrains files to demonstrate compliance with this measure.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP) or other approved local, regional or state habitat conservation plan?**

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**No Impact.** The proposed project is within the Santa Clara Valley Habitat Plan HCP/NCCP area. The project will not conflict with the HCP/NCCP because the biological resource mitigation measures for the project are compatible with the conditions of the HCP/NCCP measures. The proposed project is located within an area designated as “urban-suburban” in the HCP/NCCP; therefore, there is no impact. In addition, the proposed project will not generate new vehicle trips; therefore, the project will not be subject to a nitrogen deposition fee.

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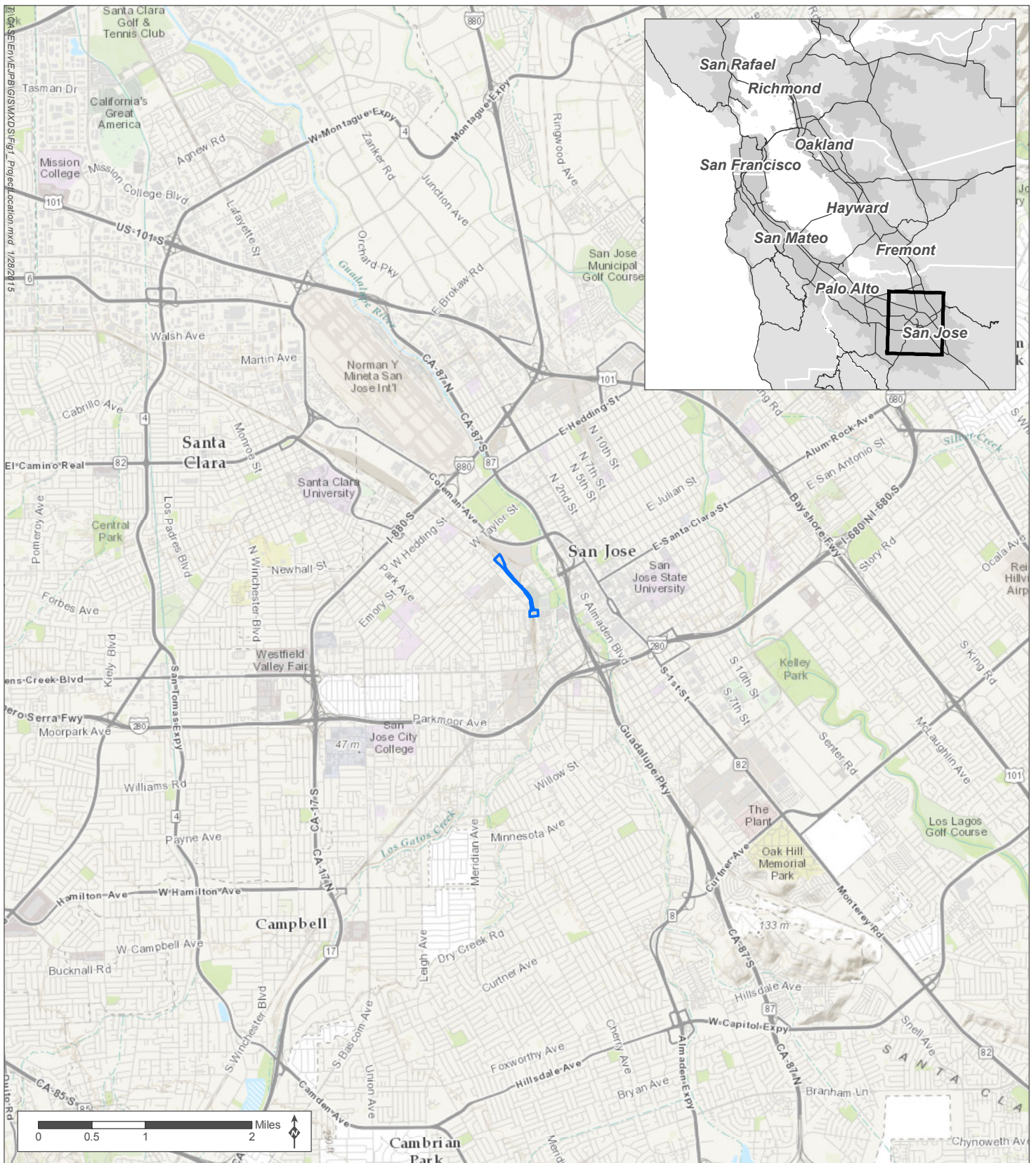
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**Figure 1 Project Location Map**



— South Terminal Phase 02 Project Location

**Figure 1** Project Location Map

South Terminal Phase 02 Project – Biological Resources Screening

## APPENDIX A: REGULATORY SETTING

### Regulatory Setting

Federal, state and local laws and regulations governing biological resources are discussed below. Violation of these laws and regulations would constitute a significant biological impact. Biological resources in California are protected under federal and state laws. The laws that pertain to the biological resources found in the City of San Jose include the:

- Federal Endangered Species Act (FESA) protects species listed by the federal government as threatened or endangered;
- United States (U.S.) Clean Water Act of 1972 protects water quality and wetland habitat;
- U.S. Migratory Bird Treaty Act (MBTA) protects most U.S. birds;
- California Endangered Species Act (CESA) protects species listed by the state as rare, threatened, or endangered under Fish and Game Code 2050 et seq;
- California Environmental Quality Act mitigates the environmental effects of human-initiated development;
- California Department of Fish and Game Code Sections 1600-1607 that protect stream bed, bank and channel; 3500-3516 that protect nesting birds and fully-protected birds; 4700 and 5050 that protect fully-protected mammals, reptiles and amphibians;
- State Porter Cologne Act and State and Federal Clean Water Act Section 401;
- Envision San San Jose 2040 General Plan, Environmental Resources Element; and

- City of San Jose Tree Ordinance.

## **Federal Regulations**

### ***Federal Endangered Species Act***

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of the Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the ESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful "take" of any listed fish or wildlife species. Take, as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action." The USFWS's regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

### ***U.S. Clean Water Act of 1972***

The U.S. does not have a federal, comprehensive law protecting wetlands. However, through the regulation of activities in "waters of the U.S.," the Clean Water Act of 1972

is the main federal law used to protect wetlands. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into “waters of the U.S.,” which includes traditional navigable waters, interstate waters, certain tributaries of any of these waters, and wetlands that meet these criteria or that are adjacent to any of these waters.

The U.S. Army Corps of Engineers (USACE) also regulates activities in waters of the U.S. under the federal Rivers and Harbors Act. Section 10 of the Rivers and Harbors Act requires permits for any work or structures in navigable waters of the United States, including wetlands within or adjacent to these waters. Both dredging and filling are regulated activities under the Act. Navigable waters are defined as those waters that are subject to the ebb and flow of the tide, or that are presently, have been, or may be used for transport of interstate or foreign commerce.

### ***The Migratory Bird Treaty Act of 1918***

Under the MBTA, it is unlawful to “pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not.” In short, under the MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird or destroying an egg. The USFWS oversees implementation of the MBTA.

## **State Regulations**

### ***California Endangered Species Act***

Provisions of CESA protect state-listed threatened and endangered species. The California Department of Fish and Wildlife (CDFW) is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code, but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

***Fish and Game Code Section 1602***

Section 1602 requires an entity to notify CDFW of any proposed activity that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing pavement where it may pass into any stream, river, or lake. CDFW uses the USFWS definition of wetlands when regulating these activities.

***Fish and Game Code Section 3503, 3503.5, and 3513***

According to Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except English sparrow (*Passer domesticus*) and European Starling (*Sturnus vulgaris*)). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey) from “take”. Section 3513 essentially overlaps with the MBTA, prohibiting the “take” or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW.

***Fish and Game Code Section 4150***

Pursuant to Fish and Game Code section 4150, “[a]ll mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.” Bats are an example of a non-game mammal.

***State Porter Cologne Act and State and Federal Clean Water Act Section 401***

*Porter Cologne Act.* California’s Porter Cologne Water Quality Control Act (Porter-Cologne Act) regulates Waters of the State, which includes “any surface water or groundwater, including saline waters, within the boundaries of the State”. The California regional water quality control boards (RWQCB) establish Waste Discharge Requirements (WDRs) pursuant to the Porter-Cologne Act for activities involving discharges such as those to land, groundwater, or from diffused sources. Such activities require a complete Report of Waste Discharge with the appropriate RWQCB

to obtain WDRs. The project is in the San Francisco Bay RWQCB. Any discharges to land or groundwater associated with the project would require, WDRs.

*Clean Water Act, Section 401.* Any applicant for a Federal permit to impact waters of the U.S. under Section 404 of the Clean Water Act, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local RWQCB and is required when construction or operation of facilities may result in a discharge to navigable waters and must certify that the activity complies with all applicable water quality standards.

### **Local Regulations**

***The Envision San Jose 2040 General Plan.*** The San Jose General Plan provides the framework for zoning and land use decisions within the community. The Environmental Resources Element includes the City’s policies regarding the development, management and preservation of its natural resources. The following policies are applicable to this project:

*ER-4.4: Special-Status Plants and Animals* – Require that development projects incorporate mitigation measures to avoid and minimize impacts to special-status species.

*ER-5.1: Migratory Birds* – Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

*ER-5.2: Migratory Birds* – Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

*ER-6.5: Urban Natural Interface* – Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

*ER-8.1:* Urban Runoff – Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

*ER-8.4:* Urban Runoff – Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

### ***Santa Clara Valley Habitat Plan***

The Santa Clara valley Habitat Plan is a Habitat Conservation Plan/Natural Community Conserveation Plan (HCP/NCCP) that was approved in January 2013 by several agencies in the region (Local Partners). It was developed over several years in order to fulfill state and federal requirements, and it promotes the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities. The primary goal of the HCP/NCCP is to obtain authorization for incidental take of covered species under the FESA for specific covered activities, including urban development, in-stream capital projects, in-stream operations and maintenance, rural capital projects, rural operations and maintenance, rural development, and conservation strategy implementation. The HCP provides take authorization for 18 listed and non-listed species (i.e., covered species). The HCP/NCCP also includes conservation measures to protect all 18 species.

The implementation of the Habitat Plan will be accomplished through project requirements set by the Habitat Plan Agency and Local Partners, including the City of San Jose. The City of San Jose requirements currently mirror the requirements of the Habitat Plan Agency. The Agency has a screening form to determine if a project is eligible for coverage under the Habitat Plan, in addition to an application form and a fee worksheet. All development that occurs on land mapped by the HCP as “urban-suburban”, “landfill”, “reservoir”, or “agricultural developed” land cover types are exempt from development fees, with the exception of the nitrogen deposition fee and burrowing owl fee, if the development is not located in or adjacent to a parcel that contains a stream, riparian woodland or forest, wetland, pond, or serpentine.



### ***City of San Jose Tree Ordinance***

The City of San Jose Tree Ordinance (Chapter 13.28 and 13.32) was adopted with the goal of protecting existing trees where ordinance and/or heritage trees must be removed.

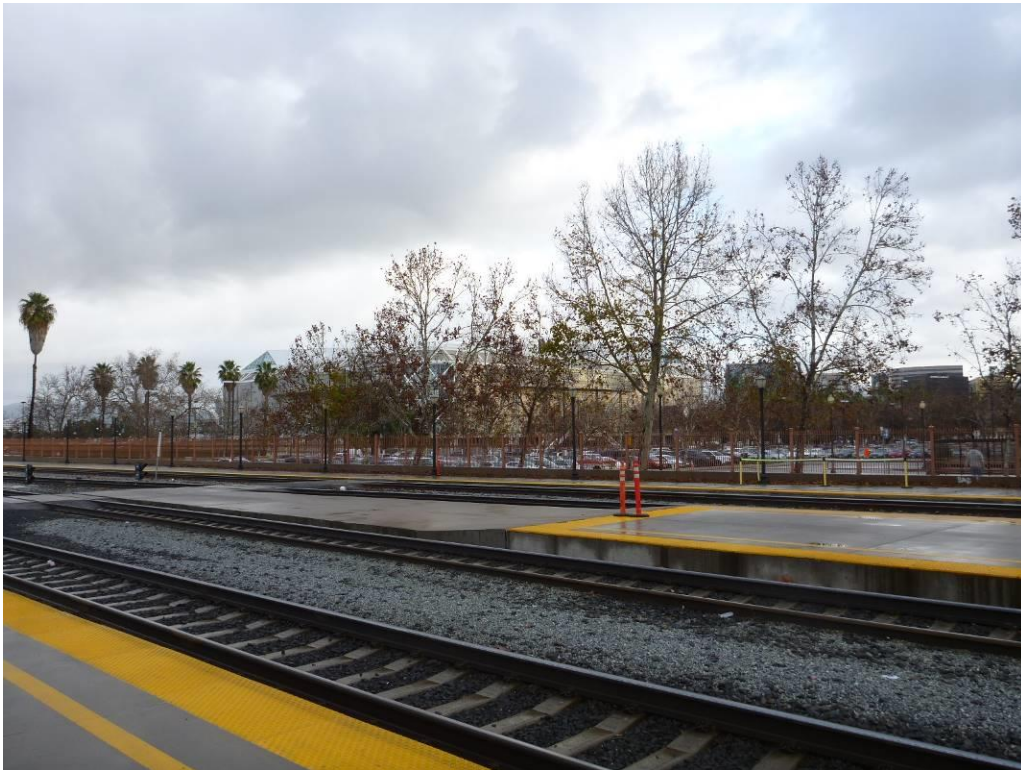
Ordinance trees are defined as any live or dead woody perennial plant characterized by having a main stem or trunk which measures 56 inches or more in circumference at a height of 24 inches above natural grade slope. For purposes of this chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope. "Tree" shall include the plural of that term.

Heritage trees are defined as any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.

The permit requirements for removing an ordinance or heritage tree are as follows.

LEO TIDD  
LOUIS BERGER GROUP, INC.  
FEBRUARY 9, 2015

## **APPENDIX B: REPRESENTATIVE PHOTOGRAPHS**



**Photo 1:** South portion of the project area at South Terminal Diridon Station, facing northeast.



**Photo 2:** South portion of the project area at South Terminal Diridon Station looking at the mainline track to be modified, facing north.

**Title:** Site Photographs – South Terminal II Project

**Date:** February 2015

**Site:** San Jose, California





**Photo 3:** Santa Clara Street bridge crossing, facing west.



**Photo 4:** View of the project area within the SAP Center parking lot, facing north.

**Title:** Site Photographs – South Terminal II Project

**Date:** February 2015

**Site:** San Jose, California





**Photo 5:** Julien Street bridge crossing, facing northwest.



**Photo 6:** North portion of the project area near the Centralized Equipment Maintenance and Operation Facility, facing northwest.

**Title:** Site Photographs – South Terminal II Project

**Date:** February 2015

**Site:** San Jose, California



LEO TIDD  
LOUIS BERGER GROUP, INC.  
FEBRUARY 9, 2015

## **APPENDIX C: SPECIAL-STATUS PLANT AND WILDLIFE SPECIES**

**Table 1. Special-Status Plant Species Potential to Occur in the Project Area.**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Alkali milk-vetch ( <i>Astragalus tener</i> var. <i>tener</i> )	1B.2	Endemic to California. Found in Alameda, Merced, Napa, Solano, and Yolo counties. Thought to be extirpated from Contra Costa, Monterey, San Benito, Santa Clara, San Francisco, San Joaquin, Sonoma, and Stanislaus counties.	Alkali milk-vetch is found in alkali playa, valley and foothill grassland and vernal pool habitat. This species prefers low ground, alkali flats, and flooded lands. It occurs at elevations below 200 feet.	March – June	No CNDDDB occurrences for alkali milk-vetch have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Anderson’s manzanita ( <i>Arctostaphylos andersonii</i> )	1B.2	Endemic to California. Found in Santa Clara, Santa Cruz, and San Mateo counties.	Anderson’s manzanita is found in the openings and edges of broad-leaved upland forest, chaparral, and north coast coniferous forest. It occurs at elevations from approximately 200 to 2,500 feet.	November – May	No CNDDDB occurrences for Anderson’s manzanita have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Arcuate bush-mallow ( <i>Malacothamnus arcuatus</i> )	1B.2	Endemic to California. Found in Santa Clara, Santa Cruz, and San Mateo counties.	Arcuate bush-mallow is found growing in chaparral and cismontane woodland habitats. It occurs at elevations between approximately 50 and 1,160 feet.	April – September	One CNDDDB occurrence for arcuate bush-mallow has been documented within 5 miles of the project area in Santa Clara; however, this occurrence was last observed in 1961 No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Ben Lomond buckwheat ( <i>Eriogonum nudum</i> var. <i>decurrens</i> )	1B.1	Endemic to California. Found in the Santa Cruz sandhills.	Ben Lomond buckwheat occurs in sandy soils in chaparral, cismontane woodland, and the maritime ponderosa pine from approximately 160 to 2,600 feet in elevation.	June – October	No CNDDDB occurrences for Ben Lomond buckwheat have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Ben Lomond spineflower ( <i>Chorizanthe pungens</i> var. <i>harwegiana</i> )	FE	Endemic to California and occurs in in the Zayante sand hills in the Santa Cruz Mountains.	Ben Lomond spineflower occurs in sandy soils in lower montane coniferous forests in the Zayante sand hills in the Santa Cruz Mountains from approximately 300 to 2,000 feet in elevation.	April – July	No CNDDDB occurrences for Ben Lomond spineflower have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Big-scale balsamroot ( <i>Balsamorhiza macrolepis</i> )	1B.2	Endemic to California. Found in Alameda, Amador, Butte, Colusa, El Dorado, Lake, Mariposa, Napa, Placer, Santa Clara, Shasta, Solano, Sonoma, Tehama, and Tuolumne counties.	Big-scale balsamroot occurs in chaparral, cismontane, and valley and foothill grassland habitats. It sometimes occurs in serpentinite habitats. It occurs at elevations from approximately 300 to 5,100 feet.	March – June	No CNDDDB occurrences for big-scale balsamroot have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Bonny Doon manzanita ( <i>Arctostaphylos silvicola</i> )	1B.2	Endemic to the Zayante sand hills in the Santa Cruz Mountains.	Bonny Doon manzanita occurs in inland marine sands in closed cone coniferous forest, chaparral, and lower montane coniferous forest habitat from approximately 400 to 1,970 feet in elevation.	January – March	No CNDDDB occurrences for Bonny Doon manzanita have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>



**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Brittlescale ( <i>Atriplex depressa</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Colusa, Fresno, Glenn, Kern, Merced, Solano, Stanislaus, Tulare, and Yolo counties.	Brittlescale occurs in alkaline, clay soils in chenopod scrub, playa, meadow and seep, valley and foothill grassland, and vernal pool habitat. It occurs at elevations from near sea level to approximately 1,050 feet.	April – October	No CNDDB occurrences for brittlescale have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
California seablite ( <i>Suaeda californica</i> )	FE 1B.1	Endemic to California. Found in San Luis Obispo County. Thought to be extirpated from Alameda, Santa Clara, Contra Costa, and San Francisco counties.	California seablite is found growing in coastal salt marshes and swamps, playas, and vernal pools. It occurs at elevations below 50 feet.	July – October	No suitable habitat for California seablite is present in the project area. No CNDDB occurrences have been documented within 5 miles of the project area. <b>No Potential</b>
Chaparral harebell ( <i>Campanula exigua</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Merced, San Benito, Santa Clara, and Stanislaus counties.	Chaparral harebell occurs in rocky, usually serpentinite chaparral habitat. It occurs from approximately 900 to 4,100 feet.	May – June	No CNDDB occurrences for chaparral harebell have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Congdon’s tarplant ( <i>Centromadia parryi</i> ssp. <i>congdonii</i> )	1B.1	Endemic to California. Found in Alameda, Contra Costa, Monterey, Santa Clara, San Luis Obispo, and San Mateo counties. Thought to be extirpated from Santa Cruz and Solano counties.	Congdon’s tarplant is found in alkaline valley and foothill grassland habitats. It occurs at elevations below 750 feet.	May – November	One CNDDB occurrence for Congdon’s tarplant has been documented within 5 miles of the project area in east San Jose; however, this occurrence was last observed in 1908. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Contra Costa goldfields <i>(Lasthenia conjugens)</i>	1B.1	Endemic to California. Found in Alameda, Contra Costa, Monterey, Marin, Napa, Solano, and Sonoma counties. Thought to be extirpated from Mendocino, Santa Barbara, and Santa Clara counties.	Contra Costa goldfields is found in cismontane woodlands, alkaline playas, valley and foothill grassland, and mesic vernal pool habitats. It occurs at elevations below 1,600 feet.	March – June	One CNDDDB occurrence for Contra Costa goldfields has been documented within 5 miles of the project area at the junction of Capital Avenue and Cornwall Street in San Jose; however, this occurrence was last observed in 1958. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Fragrant fritillary <i>(Fritillaria liliacea)</i>	1B.2	Endemic to California. Found in Alameda, Contra Costa, Monterey, Marin, San Benito, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma counties.	Fragrant fritillary is often found on serpentine soils in cismontane woodland, coastal scrub, valley and foothill grassland, and coastal prairie habitats. It occurs at elevations below 1,350 feet.	February – April	No CNDDDB occurrences for fragrant fritillary have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Hairless popcornflower <i>(Plagiobothrys glaber)</i>	1A	Endemic to California. Thought to be extirpated in California. Previously found in Alameda, Marin, San Benito, and Santa Clara counties.	Hairless popcornflower was last observed in the 1950's. It occurs in alkaline meadow and seep habitat and coastal salt marshes and swamps. It occurs at elevations from approximately 50 to 600 feet.	March – May	Two CNDDDB occurrences for hairless popcornflower have been documented within 5 miles of the project area at the junction of Story Road and Bayshore Freeway in San Jose and in Santa Clara. However, the most recent occurrence was last observed in 1955. No suitable habitat for this species is present in the project area. In addition, this species is thought to be extirpated from California. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Hall's bush-mallow ( <i>Malacothamnus hallii</i> )	1B.2	Endemic to California. Found in Contra Costa, Lake, Mendocino, Merced, Santa Clara, San Mateo, and Stanislaus counties.	Hall's bush mallow is found growing in chaparral and coastal scrub habitats. It occurs at elevations between approximately 30 and 2,500 feet.	May – October	Two CNDDDB occurrences for Hall's bush-mallow have been documented within 5 miles of the project area near Guadalupe Creek and on the south side of Communications Hill in San Jose. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Hoover's button-celery ( <i>Eryngium aristulatum</i> var. <i>hooveri</i> )	1B.1	Endemic to California. Found in Alameda, San Benito, Santa Clara, San Diego, and San Luis Obispo counties.	Hoover's button-celery is a vernal pool obligate species. It occurs at elevations below 150 feet.	July – August	One CNDDDB occurrence for Hoover's button-celery has been documented within 5 miles of the project area in Santa Clara; however, this occurrence was last observed in 1902. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Indian Valley bush-mallow ( <i>Malacothamnus aboriginum</i> )	1B.2	Endemic to California. Found in Fresno, Kings, San Mateo, Santa Clara, Monterey, and San Benito counties.	Indian Valley bush-mallow is found in rocky and/or granitic soils in chaparral and cismontane woodland habitat. It often occurs in burned areas. It occurs at elevations from approximately 500 to 5,570 feet.	April – October	No CNDDDB occurrences for Indian Valley bush-mallow have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Lesser saltscale ( <i>Atriplex minuscula</i> )	1B.1	Endemic to California. Found in Alameda, Butte, Fresno, Kern, Madera, Merced, and Tulare counties.	Lesser saltscale is found in sandy, alkaline soils in chenopod scrub, playa, and valley and foothill grassland habitats. It occurs from approximately 50 to 650 feet.	May – October	No CNDDDB occurrences for lesser saltscale have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Loma Prieta hoita ( <i>Hoita strobilina</i> )	1B.1	Endemic to California. Found in Contra Costa, Santa Clara, and Santa Cruz counties. Thought to be extirpated from Alameda County.	Loma Prieta hoita is found in chaparral, cismontane woodland, and riparian woodland habitats. It usually grows in serpentinite soils in mesic conditions. It occurs at elevations between approximately 100 and 2,800 feet.	May – October	No CNDDB occurrences for Loma Prieta hoita have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Maple-leaved checkerbloom ( <i>Sidalcea malachroides</i> )	4.2	Found in California and Oregon. In California, found in Del Norte, Humboldt, Mendocino, Monterey, Santa Clara, Santa Cruz, and Sonoma counties.	Maple-leaved checkerbloom is often found in disturbed areas. It occurs in broadleaved upland forest, coastal prairie, coastal scrub, North Coast coniferous forest, and riparian woodland habitats. It occurs at elevations from sea level to approximately 2,400 feet.	March – August	No CNDDB occurrences for maple-leaved checkerbloom have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>albidus</i> )	FE 1B.1	Endemic to Santa Clara County.	Metcalf Canyon jewelflower is found in serpentinite valley and foothill grassland habitats. It occurs at elevations from approximately 150 to 2,600 feet.	April – July	One CNDDB occurrence for Metcalf Canyon jewelflower has been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Most beautiful jewel-flower ( <i>Streptanthus albidus</i> ssp. <i>peramoenus</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Monterey, Santa Clara, and San Luis Obispo counties.	Most beautiful jewel-flower grows in serpentinite soils in chaparral, cismontane woodland, and valley and foothill grassland habitat. It occurs at elevations between 360 and 3,280 feet.	March – October	No CNDDDB occurrences for most beautiful jewel-flower have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Mt. Hamilton thistle ( <i>Cirsium fontinale</i> var. <i>campylon</i> )	1B.2	Endemic to California. Found in Alameda, Santa Clara, and Stanislaus counties.	Mt. Hamilton thistle is found in serpentinite seeps in chaparral, cismontane woodland, and valley and foothill grassland habitats. It occurs at elevations from approximately 330 to 3,000 feet.	February – October	No CNDDDB occurrences for Mt. Hamilton thistle have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Point Reyes bird's-beak ( <i>Chloropyron maritimum</i> ssp. <i>Palustre</i> )	1B.2	Endemic to California. Found in Humboldt, Marin, San Francisco, and Sonoma counties.	Point Reyes bird's-beak is found in coastal salt marshes and swamps. It occurs at elevations below 30 feet.	June – October	No CNDDDB occurrences for Point Reyes bird's-beak have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Prostrate vernal pool navarretia ( <i>Navarretia prostrata</i> )	1B.1	Endemic to California. Found in Alameda, Fresno, Los Angeles, Merced, Monterey, Orange, Riverside, San Bernardino, San Benito, Santa Clara, San Diego, and San Luis Obispo counties.	Prostrate vernal pool navarretia is found in mesic coastal scrub, meadow and seep, vernal pool, and alkaline valley and foothill grassland habitats. It occurs at elevations from approximately 50 to 4,000 feet.	April – July	No CNDDDB occurrences for prostrate vernal pool navarretia have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	FE 1B.1	Endemic to California. Found in Monterey, Marin, Santa Cruz, and San Francisco counties. Thought to be extirpated from San Mateo, Santa Clara, and Alameda counties.	Robust spineflower is found growing in sandy or gravelly soils in maritime chaparral, openings in cismontane woodland, coastal dunes, and coastal scrub habitats. It occurs at elevations from approximately sea level to 1,000 feet.	April – September	One CNDDDB occurrence for robust spineflower has been documented within 5 miles of the project area; however, this occurrence was last observed in 1882. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Round-leaved filaree ( <i>California macrophylla</i> )	1B.1	Found in California, Baja California, and Oregon. In California, found as far north as Mendocino County south to San Diego County.	Round-leaved filaree is found in clay soils in cismontane woodland and valley and foothill grassland habitats. It occurs at elevation from approximately 50 to 4,000 feet.	March – May	No CNDDDB occurrences for round-leaved filaree have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Saline clover ( <i>Trifolium hydrophilum</i> )	1B.2	Endemic to California. Found in Alameda, Colusa, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties.	Saline clover occurs in marshes and swamps, mesic and alkaline valley and foothill grassland, and in vernal pool habitats. Many previously extant sites are thought likely to be extirpated. It occurs at elevations below 1,000 feet.	April – June	One CNDDDB occurrence for saline clover has been documented within 5 miles of the project area in San Jose; however, this occurrence was last observed in 1903. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
San Francisco collinsia ( <i>Collinsia multicolor</i> )	4.3	Endemic to California. Found in Monterey, Marin, Santa Clara, Santa Cruz, San Francisco, and San Mateo counties.	San Francisco collinsia is found in closed-cone coniferous forest and coastal scrub habitats, sometimes in serpentinite soils. It occurs at elevations from approximately 100 to 820 feet.	March – May	No CNDDDB occurrences for San Francisco collinsia have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
San Joaquin spearscale ( <i>Atriplex joaquinana</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Colusa, Fresno, Glenn, Merced, Monterey, Napa, San Benito, San Luis Obispo, Solano, and Yolo counties. Thought to be extirpated from Santa Clara, San Joaquin, and Tulare counties.	San Joaquin spearscale is found in alkaline soils in chenopod scrub, meadow and seep, playa, and valley and foothill grassland habitats. It occurs at elevations from near sea level to approximately 2,700 feet.	April – October	No CNDDDB occurrences for San Joaquin spearscale have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Santa Clara red ribbons ( <i>Clarkia concinna</i> ssp. <i>automixa</i> )	4.3	Endemic to California. Found in Alameda, Santa Clara, and Santa Cruz counties.	Santa Clara red ribbons is found in chaparral and cismontane woodland habitats. It occurs at elevations from approximately 300 to 5,000 feet.	April – July	One CNDDDB occurrence for Santa Clara red ribbons has been documented within 5 miles of the project area near Alum Rock in San Jose. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Santa Clara Valley dudleya ( <i>Dudleya abramsii</i> ssp. <i>setchelli</i> )	FE 1B.2	Endemic to Santa Clara County.	Santa Clara Valley dudleya is found in rocky, serpentinite soils in cismontane woodland and valley and foothill grassland habitats. It occurs at elevations from approximately 200 to 1,500 feet.	April – October	Two CNDDDB occurrences for Santa Clara Valley dudleya have been documented within 5 miles of the project area on Communications and near the Santa Clara County fairgrounds in San Jose. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Santa Cruz Mountains beardtongue ( <i>Penstemon rattanii</i> var. <i>kleei</i> )	1B.2	Only known from fewer than 10 recorded observations in Santa Clara and Santa Cruz counties in California.	Santa Cruz Mountains beardtongue inhabits sandy shale slopes in recently burnt chaparral and openings in lower montane coniferous forest habitats from approximately 1,200 to 3,500 feet in elevation.	May – June	No CNDDDB occurrences for Santa Cruz Mountains beardtongue have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Santa Cruz Mountains pussypaws ( <i>Calyptridium parryi</i> var. <i>hesseae</i> )	1B.1	Endemic to California. Found in Monterey, Santa Clara, Santa Cruz, San Luis Obispo, and Stanislaus counties.	Santa Cruz Mountains pussypaws is low growing, and occurs in sandy or gravelly openings in chaparral or cismontane woodland habitats from approximately 1,000 to 5,000 feet in elevation.	May – August	No CNDDDB occurrences for Santa Cruz Mountains pussypaws have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Santa Cruz wallflower ( <i>Erysimum teretifolium</i> )	FE CE 1B.1	Endemic to pockets of sandstone soils in the Santa Cruz Mountains.	Santa Cruz wallflower occurs in open areas within northern maritime chaparral and within the scattered ponderosa pines in the sand parklands from approximately 400 to 2,000 feet in elevation. The largest populations are found on ridgelines where underlying fossilized sand dollar beds inhibit the growth of all but herbaceous perennials and annuals.	March – July	No CNDDDB occurrences for Santa Cruz wallflower have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>



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Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> )	1B.2	Endemic to the Santa Clara Valley along the western slope of the Santa Cruz Mountains.	Smooth lessingia occurs serpentinite chaparral and cismontane woodland habitats. It often occurs along roadsides within suitable habitat. It occurs at elevations from approximately 400 to 1,400 feet.	July – November	No CNDDDB occurrences for smooth lessingia have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Western leatherwood ( <i>Dirca occidentalis</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Marin, Santa Clara, San Mateo, and Sonoma counties.	Western leatherwood is found in mesic habitats including broad-leaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, and riparian forest and woodland. It occurs at elevations from approximately 80 to 1,400 feet.	January – April	No CNDDDB occurrences for western leatherwood have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
White-flowered rein orchid ( <i>Piperia candida</i> )	1B.2	Found in California, Oregon, and Washington. In California, found in Del Norte, Humboldt, Mendocino, Santa Clara, Santa Cruz, Siskiyou, San Mateo, Sonoma, and Trinity counties.	White-flowered rein orchid inhabits broadleaved upland forests, lower montane coniferous forests, and North Coast coniferous forests and is sometimes found near or in areas with serpentine soils. It occurs below 4,300 feet in elevation.	March – September	No CNDDDB occurrences for white-flowered rein orchid have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**DRAFT**

Species Name	Federal, State, and CNPS Listing Status <sup>1</sup>	Geographic Distribution	Habitat Preferences, Distribution Information, and Additional Notes	Flowering Phenology	Potential to Occur <sup>2</sup>
White-rayed pentachaeta ( <i>Pentachaeta bellidiflora</i> )	FE CE 1B.1	Endemic to California. Found in San Mateo County. Thought to be extirpated from Marin and Santa Cruz counties.	White-rayed pentachaeta grows in cismontane woodland and valley and foothill grassland habitats and is often in serpentinite soils. It occurs at elevations between 100 to 2,000 feet.	March – May	No CNDDB occurrences for white-rayed pentachaeta have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Woodland woollythreads ( <i>Monolopia gracilens</i> )	1B.2	Endemic to California. Found in Alameda, Contra Costa, Monterey, San Benito, Santa Clara, Santa Cruz, San Luis Obispo, and San Mateo counties.	Woodland woollythreads grows in serpentine soils in openings in broad-leafed upland forests, openings in chaparral, cismontane woodlands, north coast coniferous forests, and valley foothill grassland habitats. It occurs at elevations between 330 and 4,000 feet.	February – July	No CNDDB occurrences for woodland woollythreads have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

<p><sup>1</sup> Status explanations:</p> <p><b>Federal:</b>  FE = Listed as endangered under the Federal Endangered Species Act.  FT = Listed as threatened under the Federal Endangered Species Act.</p> <p><b>State:</b>  CE = Listed as endangered under the California Endangered Species Act.  CT = Listed as threatened under the California Endangered Species Act.</p> <p><b>California Rare Plant Rank:</b>  Rank 1A = Presumed extinct in California;  Rank 1B = Rare, threatened, or endangered in California and elsewhere;  Rank 2A = Plants presumed extirpated in California, but more common elsewhere; Rank 2B: Rare, threatened, or endangered in California, but more common elsewhere;  Rank 3 = Plants for which more information is needed – A review list; and  Rank 4 = Plants of limited distribution – A watch list.</p> <p>Additional threat ranks endangerment codes are assigned to each taxon or group as follows:</p> <ul style="list-style-type: none"> <li>.1 = Seriously endangered in California (over 80% of occurrences threatened/high degree of immediacy of threat).</li> <li>.2 = Fairly endangered in California (20-80% occurrences threatened).</li> <li>.3 = Not very endangered in California (&lt;20% of occurrences threatened or no current threats known).</li> </ul>	<p><sup>2</sup> Potential Occurrence explanations:</p> <p><b>Present:</b> Species was observed on the project site, or recent species records (within five years) from literature are known within the project area.</p> <p><b>High:</b> The CNDDDB or other reputable documents record the occurrence of the species off-site, but within a 5-mile radius of the project area and within the last 10 years. High-quality suitable habitat is present within the project area.</p> <p><b>Moderate:</b> Species does not meet all terms of High or Low category. For example: CNDDDB or other reputable documents may record the occurrence of the species near but beyond a 5-mile radius of the project area, or some of the components representing suitable habitat are present within or adjacent to the project area, but the habitat is substantially degraded or fragmented.</p> <p><b>Low:</b> The CNDDDB or other documents may or may not record the occurrence of the species within a 5-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area.</p> <p><b>No:</b> CNDDDB or other documents do not record the occurrence of the species within or reasonably near the project area and within the last 10 years, and no or extremely few components of suitable habitat are present within or adjacent to the project area; or site is outside of specie’s range.</p>
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**Table 2. Special-Status Wildlife Species Potential to Occur in the Project Area.**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
<b>Invertebrates</b>				
Bay checkerspot butterfly ( <i>Euphydryas editha bayensis</i> )	FT	Restricted to native grasslands on outcrops of serpentine soil Santa Clara and San Mateo Counties, California.	Bay checkerspot butterfly is found in shallow, serpentine-derived soils in native grasslands supporting larval host plants, including dwarf plantain ( <i>Plantago erecta</i> ) or purple owl's clover ( <i>Castilleja densiflora</i> or <i>Castilleja exserta</i> ).	No CNDDDB occurrences for Bay checkerspot butterfly have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Hom's micro-blind harvestman ( <i>Microcina homi</i> )	SA	Only known from Santa Clara County.	Hom's micro-blind harvestman is found in open grassland habitats in xeric environments. It is often found beneath serpentine rocks.	No CNDDDB occurrences for Hom's micro-blind harvestman have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Isopod ( <i>Calasellus californicus</i> )	SA	Found in Lake, Napa, Marin, Santa Cruz, and Santa Clara counties.	Isopod is found in freshwater habitats, including wells and springs.	No CNDDDB occurrences for an isopod have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Mimic tryonia ( <i>Tryonia imitator</i> )	SA	Found in Sonoma County south to San Diego County.	Mimic tryonia is a snail found in brackish salt marshes. It inhabits coastal lagoons, estuaries and salt marshes where it lives in permanently flooded areas. It is able to withstand a wide range of salinities.	No CNDDDB occurrences for mimic tryonia have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Opler's longhorn moth ( <i>Adela operella</i> )	SA	Occurs along the west side of the San Francisco Bay in Alameda, Marin, Sonoma, Santa Cruz, and Santa Clara counties and in the inner Coast Ranges.	The Opler's longhorn moth is found in grasslands where its larval food plant cream cups ( <i>Platystemon californicus</i> ) grows. It prefers habitats with serpentine soils.	No CNDDDB occurrences for Opler's longhorn moth have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Vernal pool tadpole shrimp ( <i>Lepidurus packardi</i> )	FE	Found in the Central Valley and San Francisco Bay area.	Vernal pool tadpole shrimp is found in vernal pools. The vernal pools this species inhabit can contain a range of clear to highly turbid water and can vary in size.	No CNDDDB occurrences for vernal pool tadpole shrimp have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Zayante band-winged grasshopper ( <i>Trimerotropis infantilis</i> )	FE	Endemic to the Zayante sand hills in the Santa Cruz Mountains in California.	Zayante band-winged grasshopper occurs in open sandy areas that are sparsely covered with <i>Lotus</i> sp., herbs, and grasses at the base of pines. Adults of this species are usually active during the day between May and August. This species lays fertilized eggs in the ground, in plant roots, or in manure.	No CNDDDB occurrences for Zayante band-winged grasshopper have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
<b>Fish</b>				
Coho salmon (Central California coast Evolutionary Significant Unit [ESU]) ( <i>Oncorhynchus kisutch</i> )	FE CE	This ESU is found from Punta Gorda in Humboldt County south to the San Francisco Bay.	Coho salmon spends approximately the first half of its life cycle rearing and feeding in streams and small freshwater tributaries. Spawning habitat for this species includes small streams with stable gravel substrates. The remainder of this species' life cycle is spent foraging in estuarine and marine waters of the Pacific Ocean.	No CNDDDB occurrences for coho salmon have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area.  <b>No Potential</b>
Longfin smelt ( <i>Spirinchus thaleichthys</i> )	FC CT CSSC	Found in nearshore coastal environments from San Francisco Bay north to Lake Earl, near the Oregon Border. Specifically, found in the Sacramento-San Joaquin Delta, San Pablo Bay, San Francisco Bay, the Gulf of Farallones, the Humboldt Bay, and the Eel River estuary.	Longfin smelt is found in open waters of estuaries, mostly in the middle or bottom of the water column. It prefers salinities of 15 to 30 parts per thousand, but it can be found in completely freshwater to almost pure saltwater.	No CNDDDB occurrences for longfin smelt have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area.  <b>No Potential</b>
Steelhead (Central California coast Distinct Population Segment [DPS]) ( <i>Oncorhynchus mykiss irideus</i> )	FT	This DPS includes all populations of steelhead from the Russian River south to Aptos Creek. Steelhead in drainages of San Francisco, San Pablo, and Suisun Bays are also part of this DPS.	Adult steelhead migrate from the ocean into streams in the late fall, winter, or early spring seeking out deep pools within fast moving water to rest prior to spawning. Steelhead spawn in shallow-water gravel beds.	No CNDDDB occurrences for steelhead have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area.  <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
<b>Amphibians</b>				
California red-legged frog ( <i>Rana draytonii</i> )	FT CSSC	Found from Riverside County to Mendocino County along the Coast Range, from Calaveras County to Butte County in the Sierra Nevada, and in Baja California.	California red-legged frog is found in lowlands and foothills in or near permanent sources of deep water. It prefers shorelines with extensive vegetation since it disperses far during and after rain. Larvae require 11-12 weeks of permanent water for development.	No CNDDB occurrences for California red-legged frog have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
California tiger salamander ( <i>Ambystoma californiense</i> )	FT CT CSSC	Found in the Coast Range and Sierra Nevada foothills of California. In the Coast Range, it occurs from southern San Mateo County south to central San Luis Obispo County, and also in the vicinity of northwestern Santa Barbara County. In the Sierra Nevada foothills, it occurs from northern Yolo County to northwestern Kern County and northern Tulare County.	California tiger salamander are found in grasslands and open oak woodlands. Necessary habitat components for this species include California ground squirrel ( <i>Otospermophilus beecheyi</i> ) or gopher burrows for underground retreats and breeding ponds, such as seasonal wetlands, vernal pools, or slow moving streams that do not support predatory fish or frog populations.	Five CNDDB occurrences for California tiger salamander have been documented within 5 miles of the project area in San Jose; however, all of these occurrences are thought to be extirpated. No suitable habitat aquatic breeding habitat for this species is present in or near the project area. In addition, due to the developed nature of the project area, no suitable aestivation habitat is present in the area. <b>No Potential</b>

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Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Foothill yellow-legged frog <i>(Rana boylei)</i>	CSSC	Found in the Coast Ranges from the Oregon border south to the Transverse Mountains in Los Angeles County, in most of northern California west of the Cascade crest, and along the western flank of the Sierra Nevada south to Kern County.	Foothill yellow-legged frog inhabits partially shaded, shallow perennial stream habitats with at least some rocky or cobble substrate in forests, chaparral, and woodlands. When disturbed, this species will escape into deeper water and hide under cover. This species lays between 100 and 1,000 eggs on rocks submerged in water between April and July. Individuals hatch as a tadpole after approximately 1 week and usually undergo metamorphosis by October.	No CNDDDB occurrences for foothill yellow-legged frog have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
<b>Reptiles</b>				
Alameda whipsnake <i>(Masticophis lateralis euryxanthus)</i>	FT CT	Found in the East Bay in Contra Costa, Alameda, and parts of San Joaquin and Santa Clara counties. Current distribution has been fragmented into five populations: the Tilden-Briones, Oakland-Las Trampas, and Mount Diablo-Black Hills populations in Contra Costa County, the Hayward-Pleasanton Ridge population in Alameda County; and the Sunol-Cedar Mountain population largely in Alameda County with extensions into San Joaquin and Santa Clara counties.	Alameda whipsnake is typically found in chaparral, northern coastal sage scrub, and coastal sage habitats. Recent telemetry data indicate that, although home ranges of Alameda whipsnakes are centered on shrub communities, they venture up to 500 feet into adjacent habitats, including grassland, oak savanna, and occasionally oak-bay woodland. Alameda whipsnakes require deep crevices or abundant rodent burrows for cover.	Two CNDDDB occurrences for Alameda whipsnake have been documented within 5 miles of the project area, most likely near the Calaveras Reservoir. No suitable habitat for this species is present in the project area. In addition, due to the urban nature of the project area, Alameda whipsnake are unlikely to disperse through the area. <b>No Potential</b>



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Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Coast horned lizard ( <i>Phrynosoma blainvillii</i> )	CSSC	Occurs in the Sierra Nevada foothills from Butte County to Kern County and throughout the central and southern California coast.	Coast horned lizard occurs in valley-foothill hardwood, conifer and riparian habitats, as well as in pine-cypress, juniper and annual grassland habitats. It inhabits open country, especially sandy areas, washes, floodplains, and wind-blown deposits within these habitats. Its elevation range extends up to 4,000 feet in the Sierra Nevada foothills and up to 6,000 feet in the mountains in southern California.	No CNDDDB occurrences for coast horned lizard have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Western pond turtle ( <i>Emys marmorata</i> )	CSSC	Found from Baja California, Mexico north through Klickitat County, Washington. In California, found west of the Sierra-Cascade crest. Absent from desert regions, except the Mojave Desert along the Mojave River and its tributaries.	Western pond turtle requires permanent or nearly permanent bodies of water including ponds, marshes, rivers, streams, and irrigation ditches. It requires basking sites, such as submerged rocks, logs, open mud banks, or floating vegetation mats. This species also requires sandy banks or grassy open fields up to 0.5 kilometers from the water's edge for egg laying.	Three CNDDDB occurrences for western pond turtle have been documented within 5 miles of the project area, including in the Guadalupe River and ponds in San Jose. No suitable aquatic habitat for this species is present in the project area. <b>No Potential</b>

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
<b>Birds</b>				
Alameda song sparrow ( <i>Melospiza melodia pusillula</i> )	CSSC	Restricted to the tidal marshes on the fringes of the south San Francisco Bay.	Alameda song sparrow is a resident of salt marshes bordering the south arm of the San Francisco Bay. It prefers tidally influenced habitats. This species is found in all relatively large marshes (e.g., Dumbarton Marsh, Palo Alto Baylands) and in most remnant patches of marsh vegetation along sloughs, dikes, and levees, including some highly disturbed and urbanized sites. Vegetation is required for nesting sites, song perches, and concealment from predators. In addition, Alameda song sparrow requires some upper marsh vegetation for nesting in order to ensure the nests remain dry during high tide.	No CNDDDB occurrences for Alameda song sparrow have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	CFP	Occurs throughout the Central Valley, coastal areas, and northern mountains of California.	American peregrine falcon uses steep cliffs and buildings for nesting. It forages over a variety of habitats, especially wetlands.	One CNDDDB occurrence for American peregrine falcon has been documented within 5 miles of the project area on a high rise office building in San Jose. Suitable nesting habitat for this species is present in the vicinity of the project area in the high rise office buildings in San Jose. Suitable foraging habitat is present within the vicinity of the project area; therefore, peregrine falcon may fly through the project area. <b>Moderate Potential</b>
Black swift ( <i>Cypseloides niger</i> )	CSSC	Breeds widely but locally throughout western North America, from southeastern Alaska to southern California, as far east as central Colorado, throughout Mexico to Costa Rica, and on some Caribbean islands. In California breeds along the Santa Cruz coast, locally in the central and southern Sierra Nevada, and in the San Gabriel Mountains.	Breeding Black Swifts are restricted to a very limited supply of potential nesting locations: behind or beside permanent or semipermanent waterfalls, on perpendicular cliffs near water and in sea caves.	No CNDDDB occurrences for black swift have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Burrowing owl ( <i>Athene cunicularia</i> )	CSSC	Found year-round throughout much of California, except the coastal counties north of Marin and mountainous areas.	Burrowing owl is found in open, dry annual grasslands and scrublands characterized by low-growing vegetation. It is dependent upon burrowing mammals, especially the California ground squirrel for nesting and wintering sites.	Twelve CNDDDB occurrences for burrowing owl have been documented within 5 miles of the project area in ruderal, annual grassland, and earthen berm habitats in San Jose. No suitable habitat for this species is present in the project area. In addition, no ground squirrel ( <i>Otospermophilus beecheyi</i> ) or burrows were observed in the median strips and dirt habitat surrounding buildings and parking lots in the project area. <b>Low Potential</b>
California black rail ( <i>Laterallus jamaicensis coturniculus</i> )	CT	The majority found in the tidal salt marshes of the northern San Francisco Bay region, primarily in San Pablo and Suisun Bays. Smaller populations occur in San Francisco Bay, the Outer Coast of Marin County, freshwater marshes in the foothills of the Sierra Nevada, and in the Colorado River Area.	California black rail is found in marshlands with unrestricted tidal influence (estuarine, intertidal, emergent, or regularly flooded). It prefers areas dominated by pickleweed ( <i>Salicornia virginica</i> ), bulrushes ( <i>Scirpus</i> sp.), matted salt grass ( <i>Distichilis spicata</i> ), and other marsh vegetation.	No CNDDDB occurrences for California black rail have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
California clapper rail <i>(Rallus longirostris obsoletus)</i>	FT CT	Found almost exclusively in the marshes of the San Francisco estuary in San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, and Marin counties.	California clapper rail is found in tidal saltwater and brackish marshes traversed by tidal sloughs in the vicinity of the San Francisco Bay. It prefers tall stands of pickleweed and pacific cordgrass ( <i>Spartina foliosa</i> ), but they are also associated with gumplant ( <i>Grindelia</i> sp.), saltgrass ( <i>Distichlis spicata</i> ), and alkali heath ( <i>Frankenia grandifolia</i> ).	No CNDDDB occurrences for California clapper rail have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
California least tern <i>(Sternula antillarum browni)</i>	FE CE	Nests along the coast from San Francisco Bay south to Northern Baja California.	California least tern forages primarily in shallow estuaries or lagoons where small fish are abundant. It nests in loose colonies in areas relatively free of human or predatory disturbance on bare or sparsely vegetated, flat substrates in sand beach, alkali flat, or landfill habitats near shallow-water feeding areas.	No CNDDDB occurrences for California least tern have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Cooper's hawk <i>(Accipiter cooperii)</i>	SA	Breeds throughout the contiguous 48 United States, southern Canada, and northern Mexico. In California it breeds throughout most of the wooded portion of the state.	Cooper's hawk breeds in deciduous, mixed, and coniferous forests near water. During migration, is uses a mixture of habitat types with vegetative cover, often hunting on the edges of wooded areas.	One CNDDDB occurrence for Cooper's hawk has been documented within 5 miles of the project area along Calabazas Creek in San Jose. Suitable habitat for this species may be present in Los Gatos Creek approximately 0.3-mile west of the project area; therefore, this species may occasionally fly through the project area.  <b>Low Potential</b>
Golden eagle <i>(Aquila chrysaetos)</i>	FP	Uncommon permanent resident and migrant throughout the state, except for the center of the Central Valley.	Golden eagle is found in rolling foothills and mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes, cliffs, and rock outcrops.	No CNDDDB occurrences for golden eagle have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area.  <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Great blue heron ( <i>Ardea herodias</i> )	SA	Found throughout California. Less common in the mountains and above the foothills.	Great blue heron is a colonial nester in shallow estuary systems and fresh and saline emergent wetlands. It forages in a variety of habitats including rocky shores, coastal lagoons, saltwater and freshwater marshes, mudflats, bays, estuaries, along the margins of rivers, lakes, and irrigation canals, and in flooded fields. It often roosts on the ground during the day and above ground in secluded tall trees at night. Nesting colonies are typically found in groves of large trees, often in the highest branches. Its preferred nesting habitat is free of human disturbance and mammalian predators and near good foraging areas. It often nests in mixed colonies with other herons, egrets, and cormorants.	One CNDDB occurrence for great blue heron has been documented within 5 miles of the project area in Coyote Creek in San Jose. No suitable habitat for this species is present in the project area. No known rookeries are present in the vicinity of the project area; however, Los Gatos Creek is 0.3-mile to the west of the project area. As a result, great blue heron may fly through the project area. <b>Low Potential</b>
Northern harrier ( <i>Circus cyaneus</i> )	CSSC	Breed from sea level near the coast to at least 9,000 feet in the Glass Mountain region of Mono County.	Northern harrier is predominantly found in grassland and wetland communities; however, it uses various habitats. It nests on the ground in shrubby vegetation, usually at marsh edges.	No CNDDB occurrences for northern harrier have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Osprey ( <i>Pandion haliaetus</i> )	SA	Historically, nested throughout most of California. Currently, found in forested areas associated with lakes and reservoirs in northern California.	Osprey nests within forested habitats adjacent or near rivers of other large water bodies.	No CNDDDB occurrences for osprey have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Saltmarsh common yellowthroat ( <i>Geothlypis trichas sinuosa</i> )	CSSC	Found year-round in the vicinity of San Francisco Bay, from Tomales Bay in Marin County and Napa Sloughs in southern Sonoma County on the north, east to Carquinez Straight, and south to vicinity of San Jose in Santa Clara County. Historic locations of confirmed breeding include Lake Merced in San Francisco County, and Coyote Creek, Alviso, and Milpitas in Santa Clara County	Saltmarsh common yellowthroat nests and forages in fresh and saltwater marshes and seasonal wetlands. It breeds on the ground or up to 8 centimeters off the ground under the cover of dense shrubs and emergent aquatic vegetation.	No CNDDDB occurrences for saltmarsh common yellowthroat have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Snowy egret ( <i>Egretta thula</i> )	SA	Widespread in California. Recent nesting colonies near Redwood City, San Rafael, Pittsburg, Los Banos, Bishop, and the south end of the Salton Sea, as well as locally in Santa Barbara and San Diego counties.	Snowy egret is found along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. It requires either dense emergent wetland or trees within daily commuting range of suitable aquatic or wetland feeding areas.	No CNDDDB occurrences for snowy egret have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. No known rookeries are present in the vicinity of the project area; however, Los Gatos Creek is 0.3-mile to the west of the project area. As a result, snowy egret may fly through the project area. <b>Low Potential</b>



**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Swainson's hawk ( <i>Buteo swainsoni</i> )	CT	Found in the Central Valley in California and northeastern California from Butte Valley to the Klamath Basin. A few scattered nest locations have been observed in Shasta Valley, Owens Valley, and the Mojave Desert.	Swainson's hawk breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural lands. It requires adjacent suitable foraging areas such as alfalfa or grain fields with suitable rodent populations.	One CNDDDB occurrence for Swainson's hawk has been observed within 5 miles of the project area; however, this occurrence was last observed in 1889 and is thought to be extirpated. No suitable foraging or nesting habitat is present in or near the project area. In addition, this species range does not currently extend to the project area. <b>No Potential</b>
Tricolored blackbird ( <i>Agelaius tricolor</i> )	CSSC	Generally found in the Central Valley. Also breeds locally in other lowland areas of California west of the Cascade-Sierra axis and in valleys at higher elevations in northeastern California.	Tricolored blackbird nests in or near open water in emergent wetland vegetation, especially in cattails ( <i>Typha</i> sp.), but also in trees and shrubs. This species forages where insect prey is abundant, such as in croplands, grassy fields, flooded lands, and along edges of ponds.	No CNDDDB occurrences for tricolored blackbird have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Western snowy plover ( <i>Charadrius alexandrinus nivosus</i> )	FT CSSC	Occurs along the entire coastline of California.	Western snowy plover is found on sandy beaches, salt pond levees, and shores of large alkali lakes. It needs sandy, gravelly, or friable soils for nesting.	No CNDDDB occurrences western snowy plover have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
White-tailed kite <i>(Elanus leucurus)</i>	CFP	Found year-round in nearly all areas of California up to the western Sierra Nevada foothills and southeast deserts. Common in the Central Valley of California and along the entire length of the coast, possibly breeding in more arid regions east of the Sierra Nevada and Transverse Range (Inyo and eastern Kern Counties). Documented breeding in Imperial County, western Riverside County, and eastern San Diego County. In the Sacramento Valley, populations have predominantly increased in irrigated agricultural areas where the California vole ( <i>Microtus californicus</i> ) often occurs.	White-tailed kite nests in rolling foothills or valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. It forages in open grasslands, meadows, or marshes with perching sites.	No CNDDDB occurrences for white-tailed kite have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
<b>Mammals</b>				
Berkeley kangaroo rat <i>(Dipodomys heermanni berkeleyensis)</i>	SA	Found in the Berkeley hills area of California. Last confirmed sighting of this species was in 1940 at the Calaveras Reservoir.	Berkeley kangaroo rat is found in thin soils on bare ridgetops or rocky outcrops with scattered chaparral or annual grassland habitat.	No CNDDDB occurrences for Berkeley kangaroo rat have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Hoary bat ( <i>Lasiurus cinereus</i> )	SA	Found throughout California, although distribution is patchy in the southeastern deserts.	Hoary bat prefers open habitats or habitat mosaics, with access to trees for cover. It prefers open areas or habitat edges for feeding. It roosts in dense foliage of medium to large trees. It requires water nearby foraging and roosting sites.	Two CNDDDB occurrences for hoary bat have been documented within 5 miles of the project area in San Jose. Suitable habitat for this species is present in the project area under the Santa Clara and Julian Street bridges or on the buildings in or near the project site. No sign (i.e., guano) was observed during the December 2014 site visit. <b>Moderate Potential</b>
Long-eared myotis ( <i>Myotis evotis</i> )	SA	Widespread in California, but generally believed to be uncommon in most of its range. Avoids the arid Central Valley and hot deserts, occurring along the entire coast and in the Sierra Nevada, Cascades, and Great Basin from the Oregon border south through the Tehachapi Mountains to the Coast Ranges.	Long-eared myotis has been found in nearly all brush, woodland, and forest habitats, from sea level to at least 9000 feet. It prefers coniferous woodland and forest habitats.	No CNDDDB occurrences for long-eared myotis have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Pallid bat ( <i>Antrozous pallidus</i> )	CSSC	Common throughout low elevations of California. No found in the high Sierra from Shasta to Kern counties and the northwestern corner of the State from Del Norte and western Siskiyou counties to northern Mendocino County.	Pallid bat is uncommon, especially in urban areas. This species roosts in caves and large trees and forages in grasslands and oak savannah. It is most common in open, dry habitats with rocky areas for roosting.	One CNDDDB occurrence for pallid bat has been documented within 5 miles of the project area in San Jose. However, this occurrence was last recorded in 1943. Limited suitable habitat for this species is present in and near the project area. In addition, due to the urban nature of the project area, this species unlikely to be present. <b>Low Potential</b>
Saltmarsh harvest mouse ( <i>Reithrodontomys raviventris</i> )	FE CE	Occurs only in the saline emergent wetlands of the San Francisco Bay and its tributaries.	Saltmarsh harvest mouse is only found in saline emergent wetlands in the San Francisco Bay and its tributaries. It uses pickleweed as its primary cover. It also uses non-submerged, salt-tolerant vegetation for escape during extremely high tides.	No CNDDDB occurrences for saltmarsh harvest mouse have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Saltmarsh wandering shrew ( <i>Sorex vagrans halicoetes</i> )	CSSC	Endemic to the salt marshes of the south arm of the San Francisco Bay in San Mateo, Santa Clara, Alameda, and Contra Costa counties.	Saltmarsh wandering shrew is most frequently found in salt marshes that provide dense cover and have abundant sources of invertebrates for food and continuous ground moisture.	No CNDDDB occurrences for saltmarsh wandering shrew have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
Santa Cruz kangaroo rat ( <i>Dipodomys venustus venustus</i> )	SA	Found in the cool, maritime mountains of west-central California.	Santa Cruz kangaroo rat occurs in chaparral habitats in the low foothills of the Santa Cruz Mountains on substrates of sands, loams, and sandy loams.	No CNDDDB occurrences for Santa Cruz kangaroo rat have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>
Townsend’s big-eared bat ( <i>Corynorhinus townsendii</i> )	CPT CSSC	Found throughout California, but details of its distribution are not well known. Found in all but subalpine and alpine habitats.	Townsend’s big-eared bat roosts in caves, mines, and large trees. It forages within woodlands and along stream edges. This species is extremely sensitive to human disturbance.	One CNDDDB occurrences for Townsend’s big-eared bat has been documented within 5 miles of the project area in San Jose; however, this occurrence was last observed in 1943. Given the urban nature of the project area, only low-quality roosting habitat for this species is present. In addition, low-quality foraging habitat is present along Los Gatos Creek approximately 0.3-mile west of the project area. <b>Low Potential</b>
Yuma myotis ( <i>Myotis yumanensis</i> )	SA	Widespread in California. Uncommon in the Mojave and Colorado Desert regions, except for the mountain ranges bordering the Colorado River Valley.	Yuma myotis is found in a wide variety of habitats ranging from sea level to 11,000 feet, but it is uncommon to rare above 8000 feet. Optimal habitats are open forests and woodlands with sources of water over which to feed.	No CNDDDB occurrences for Yuma myotis have been documented within 5 miles of the project area. No suitable habitat for this species is present in the project area. <b>No Potential</b>

**D R A F T**

Species Name	Federal and State Listing Status <sup>1</sup>	Geographic Distribution	Habitat Requirements	Potential to Occur <sup>2</sup>
<p><sup>1</sup> Status explanations:</p> <p><b>Federal:</b>  FE = Listed as endangered under the Federal Endangered Species Act.  FT = Listed as threatened under the Federal Endangered Species Act.  FC = Candidate species to be listed under the Federal Endangered Species Act.</p> <p><b>State:</b>  CE = Listed as endangered under the California Endangered Species Act.  CT = Listed as threatened under the California Endangered Species Act.  CPT = Proposed as threatened under the California Endangered Species Act.  CSSC = Species of Special Concern designated by California Department of Fish and Wildlife.  CFP = Fully Protected Species under California Fish and Game Code.  SA = Listed in California as a special animal.</p>			<p><sup>2</sup> Potential Occurrence explanations:</p> <p><b>Present:</b> Species was observed on the project site, or recent species records (within five years) from literature are known within the project area.</p> <p><b>High:</b> The CNDDDB or other reputable documents record the occurrence of the species off-site, but within a 10-mile radius of the project area and within the last 10 years. High-quality suitable habitat is present within the project area.</p> <p><b>Moderate:</b> Species does not meet all terms of High or Low category. For example: CNDDDB or other reputable documents may record the occurrence of the species near but beyond a 10-mile radius of the project area, or some of the components representing suitable habitat are present within or adjacent to the project area, but the habitat is substantially degraded or fragmented.</p> <p><b>Low:</b> The CNDDDB or other documents may or may not record the occurrence of the species within a 10-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area.</p> <p><b>No:</b> CNDDDB or other documents do not record the occurrence of the species within or reasonably near the project area and within the last 10 years, and no or extremely few components of suitable habitat are present within or adjacent to the project area.</p>	