

Junipero Serra Trail Project

Appendix B: Biological Resources Report



Junipero Serra Trail Project Cupertino, CA

Biological Resources Report



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December 2021

PLANNING | DESIGN | COMMUNICATIONS | MANAGEMENT | SCIENCE | TECHNOLOGY

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1 Introduction

This report provides an evaluation of biological resources that may be impacted by the proposed Junipero Serra Trail Project (project) in the City of Cupertino, Santa Clara County, California. It identifies sensitive biological resources with the potential to be impacted by the project, and recommended measures to avoid significant impacts defined by the California Environmental Quality Act (CEQA).

The report will be used during project planning and to support the CEQA documentation. The report includes the following sections:

- Section 2 Project Location and Description: provides an overview of the activities proposed under the project.
- Section 3 Regulatory Setting: provides a brief explanation of the federal, state, and local regulations that pertain to the project.
- Section 4 Methods: explains the approach used for the evaluation, including field work and literature review.
- Section 5 Environmental Setting: provides a description of the environmental conditions in the project area, including vegetation communities and associated wildlife habitats present.
- Section 6 Special-status Species and Sensitive Habitats: describes special-status plant and animal species, and sensitive communities that are known to occur or that could potentially occur in the project area.
- Section 7 Biological Impact Assessment: provides an evaluation of the potential impacts to biological resources that may occur as a result of the project; and responses to the CEQA Guidelines Appendix G questions related to biological resources; and provides recommendations to avoid or minimize impacts to biological resources, as needed, to ensure that the project remains in compliance with all applicable federal, state, and local regulatory requirements and avoids significant impacts under CEQA.

2 Project Location and Description

The project is located in the City of Cupertino almost entirely within Valley Water rights-of-way along the existing maintenance road that follows the Junipero Serra Channel on the south side of Interstate 280 from Mary Avenue at the western extent to the intersection of Calabazas Creek and Vallco Parkway at the eastern extent (Appendix A, Figures 1 and 2).

The Junipero Serra Trail was originally approved in 2016 as part of the City's Bicycle Transportation Plan (City of Cupertino 2016) and supplemented in 2018 with the City's

Pedestrian Transportation Plan (City of Cupertino 2018) and is intended to be the northern segment of a larger community-wide loop of on- and off-street bicycle facilities (currently referred to as, “The Loop”). The trail would create an important east-west off-street trail across the heart of the City of Cupertino that serves recreational users, commuters, school children, and bicyclists. The segment of the trail included in this analysis extends from De Anza Boulevard on the west to Calabazas Creek/Vallco Parkway on the east. These are known as the Junipero Serra Central (De Anza Boulevard to Wolfe Road) and Junipero Serra East (Wolfe to Calabazas Creek/Vallco Parkway Trail segments of the Loop Trail.

The trail is proposed as a 12-foot wide Class I Shared Use path with an 8-foot wide asphalt path with up to 2-foot shoulders of unpaved decomposed granite. Four-foot to six-foot high guard rails (e.g., split-rail fencing) would be installed as needed to separate trail users when near the Valley Water Channel top of bank or Caltrans right-of-way. Bench seating, decorative paving, boardwalk decking, and interpretive and wayfinding signage, and landscaping are also proposed the various trailheads along the trail.

Blaney Avenue Alternative. BKF Engineers prepared a memo in 2021 that studied an alternative trail alignment adjacent to North Blaney Avenue. The proposed alternative at this trail location included a trail alignment that does not encroach into North Blaney Avenue. Where Lucille Avenue transitions into North Blaney Avenue, the trail is configured to run parallel to existing guard rail, which will require realignment and extension of an existing sound wall and chain link fence along Caltrans right-of-way, will pass next to a utility pole and underneath its guy wire. Additionally, a structure and/or fill would need to be placed over the existing channel and the culvert along with the reconfiguration of related storm drain piping.

3 Regulatory Setting

Biological resources in California are protected under federal, state, and local laws. The laws that may pertain to the biological resources affected by the project are described in this section.

3.1 Federal

3.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has the following four primary components: (1) provisions for listing species, (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries), (3) prohibitions against “taking” (i.e., harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any

such conduct) of listed species, and (4) provisions for permits that allow incidental “take”. FESA also discusses recovery plans and the designation of critical habitat for listed species.

Both the USFWS and NOAA Fisheries share the responsibility for administration of FESA. Section 7 requires federal agencies, in consultation with, and with the assistance of the USFWS or NOAA Fisheries, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a HCP.

3.1.2 U.S. Migratory Bird Treaty Act

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof...” In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

3.1.3 Clean Water Act

The Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board enforces Section 401.

Section 404

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the United States” (U.S.). “Waters of the U.S.” include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting.

Substantial impacts to waters of the U.S. may require an Individual Permit. Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permits’ other respective conditions are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

Section 401

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB).

The RWQCB issues and enforces permits for discharge of treated water, landfills, stormwater runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and

in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

3.2 State

3.2.1 California Environmental Quality Act (CEQA)

CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an “Initial Study and Negative Declaration” (or Mitigated Negative Declaration) or with an “Environmental Impact Report”. Certain classes of projects are exempt from detailed analysis under CEQA if they meet specific criteria and are eligible for a Categorical Exemption.

CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the state or federal Endangered Species acts but that meet specified criteria. The state maintains a list of sensitive, or “special-status”, biological resources, including those listed by the state or federal government or the California Native Plant Society (CNPS) as endangered, threatened, rare or of special concern due to declining populations. During CEQA analysis for a proposed project, the California Natural Diversity Data Base (CNDDB) is usually consulted. CNDDB relies on information provided by the California Department of Fish and Wildlife (CDFW), USFWS, and CNPS, among others. Under CEQA, the lists kept by these, and any other widely recognized organizations are considered when determining the impact of a project.

3.2.1 California Endangered Species Act

The California Endangered Species Act (CESA; Fish and Game Code 2050 et seq.) generally parallels FESA. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the California Fish and Game Code prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. “Take” is defined in Section 86 of the California Fish and Game Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” This definition differs from the definition of “take” under FESA. CESA is administered by CDFW. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

3.2.2 California Fish and Game Code Sections 1600-1607

Sections 1600-1607 of the California Fish and Game Code require that a Notification of Lake or Streambed Alteration application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares a Lake or Streambed Alteration Agreement (LSAA or SAA), that includes measures to protect affected fish and wildlife resources.

3.2.3 Native Plant Protection Act

The Native Plant Protection Act (NPPA) was created in 1977 with the intent to preserve, protect, and enhance rare and endangered plants in California (California Fish and Game Code sections 1900 to 1913). The NPPA is administered by CDFW, which has the authority to designate native plants as endangered or rare and to protect them from “take.” CDFW maintains a list of plant species that have been officially classified as endangered, threatened, or rare. These special-status plants have special protection under California law and projects that directly impact them may not qualify for a categorical exemption under CEQA guidelines.

3.2.4 Fully Protected Species and Species of Special Concern

The classification of California fully protected (CFP) species was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species” (CDFW Fish and Game Commission 1998). “Take” of these species may be authorized for necessary scientific research. This language makes the CFP designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California species of special concern (CSSC) are broadly defined as animals not listed under FESA or CESA, but which are nonetheless of concern to CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA, and cumbersome recovery efforts that might ultimately be required. This designation also is

intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

3.2.5 California Migratory Bird Protection Act

Fish & Game Code section 3513 states that federal authorization of take or possession is no longer lawful under the state Fish & Game Code if the federal rules or regulations are inconsistent with state law. The California Migratory Bird Protection Act (MBPA) was passed in September 2019 to provide a level of protection to migratory birds in California consistent with the U.S. MBTA prior to the 2017 rule change limiting protection of migratory birds under the U.S. MBTA to purposeful actions (i.e., directly and knowingly removing a nest to construct a project, hunting, and poaching). Thus, under the MBPA, protections for migratory birds in California are consistent with rules and regulations adopted by the United States Secretary of the Interior under the U.S. MBTA before January 1, 2017. The MBPA reverts to existing provisions of the U.S. MBTA on January 20, 2025.

3.2.6 Nesting Birds

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under California Fish and Game Code Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

3.2.7 Non-Game Mammals

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission". The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-

game mammal and are protected under California Fish and Game Code, in addition to being protected if they are a listed species (e.g., CSSC, CFP, state or federal threatened, or state or federal endangered).

3.2.8 Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or are of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies, or regulations, or by the CDFW (i.e., CNDDDB) or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority (Holland 1986; CDFW 2016). Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

3.2.9 Porter-Cologne Water Quality Control Act

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans, which identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as “waters of the State,” include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., soil) to waters of the State must file a Notice of Intent (NOI) or a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

3.2.10 State and Local Requirements to Control Construction-Phase and Post-Construction Water Quality Impacts

Construction Phase. The CWA has nationally regulated the discharge of pollutants to the waters of the U.S. from any point source since 1972. In 1987, amendments to the CWA added Section 402(p), which established a framework for regulating nonpoint source storm water discharges under the National Pollutant Discharge Elimination System (NPDES). The NPDES is a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the U.S. In California, this permit program is administered by the RWQCBs. The NPDES General Construction Permit requirements apply to clearing, grading, and disturbances to the ground such as excavation. Construction activities on one or more acres are subject to a

series of permitting requirements contained in the NPDES General Construction Permit. This permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to be implemented during project construction. The project sponsor is also required to submit a Notice of Intent (NOI) with the State Water Resources Control Board Division of Water Quality. The NOI includes general information on the types of construction activities that would occur on the site.

Post-Construction Phase. In many Bay Area counties, including Santa Clara County, projects must also comply with the *California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (MRP)* (Water Board Order No. R2-2009-0074). This MRP requires that all projects implement BMPs and incorporate Low Impact Development practices into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. To meet these permit and policy requirements, projects must incorporate the use of green roofs, pervious surfaces, tree planters, bioretention and/or detention basins, among other methods.

3.3 Local

3.3.1 City of Cupertino Municipal Code

The following provisions of the City of Cupertino Municipal Code (CMC) help to minimize adverse effects to biological resources as a result of development in Cupertino:

Chapter 14.15, Landscape Ordinance, implements the California Water Conservation in Landscaping Act of 2006 by establishing new water-efficient landscaping and irrigation requirements. In general, any building or landscape projects that involve more than 2,500 square feet of landscape area are required to submit a Landscape Project Submittal to the Director of Community Development for approval. Existing and established landscapes over one acre, including cemeteries, are required to submit water budget calculations and audits of established landscapes.

Chapter 14.18, Protected Trees, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes. Removal of a protected tree requires a permit from the City of Cupertino. "Protected" trees include trees of a certain species and size in all zoning districts; heritage trees in all zoning districts; any tree required to be planted or retained as part of an approved development application, building permit, tree removal permit, or code enforcement action in all zoning districts; and approved privacy protection planting in R-1 zoning districts. Protected trees include trees of the following species that have a minimum single trunk diameter of 12 inches (38-inch circumference) or a minimum multi-trunk diameter of 24 inches (75-inch circumference) measured as 4.5 feet from the natural grade: native oak tree species (*Quercus* spp.), including coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), and interior live oak

(*Quercus wislizeni*); California buckeye (*Aesculus californica*); big leaf maple (*Acer macrophyllum*); deodar cedar (*Cedrus deodara*); blue atlas cedar (*Cedrus atlantica* 'Glauca'); bay laurel or California bay (*Umbellularia californica*); and western sycamore (*Platanus racemosa*).

3.3.2 Town of Cupertino General Plan

The Cupertino General Plan (City of Cupertino 2015) includes policies that are relevant to the protection of biological resources and applicable to the proposed project. The policies are identified in Chapter 6, Environmental Resources and Sustainability, of the General Plan and are listed below.

Policy ES-5.2 Development Near Sensitive Areas. Encourage the clustering of new development away from sensitive areas such as riparian corridors, wildlife habitat and corridors, public open space preserves and ridgelines. New developments in these areas must have a harmonious landscaping plan approved prior to development.

Policy ES-5.3 Landscaping in and Near Natural Vegetation. Preserve and enhance existing natural vegetation, landscape features and open space when new development is proposed within existing natural areas. When development is proposed near natural vegetation, encourage the landscaping to be consistent with the palate of vegetation found in the natural vegetation.

Policy ES-5.6 Recreation and Wildlife. Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered, or designated as species of special concern.

3.3.3 Valley Water – Water Resources Protection Ordinance

This ordinance protects water resources managed by the Santa Clara Valley Water District (Valley Water) by regulating modifications, entry, use or access to water district facilities and/or water district easements. Valley Water uses the Water Resources Protection Manual to administer the Water Resources Protection Ordinance. The manual includes requirements, recommendations, and design guides for protection of riparian corridors, native landscaping, temporary erosion control options, encroachment between top of bank, trail construction, and flood protection. Both the Junipero Serra Trail and Calabazas Creek within the project area are subject to Valley Water jurisdiction.

4 Methods

This section describes the methods used to complete the general biological resources assessment. Methods include a database and literature review, field survey, an assessment of

plant communities and wildlife habitats and corridors, an assessment of sensitive habitats and aquatic features, and a habitat evaluation for special-status species.

4.1 Background Review

Available background information pertaining to the biological resources on and near the project was reviewed prior to conducting field surveys. Information was compiled and subsequently compared against site conditions during field surveys. The following sources were consulted:

- CNDDDB record search for 9-quadrangles including: *Cupertino, San Jose West, Milpitas, Mountain View, Palo Alto, Mindego Hill, Big Basin, Castle Rock Ridge, and Los Gatos* (CNDDDB 2021),
- CNPS Rare Plant Program *Inventory of Rare and Endangered Plants of California* record 9-quadrangle search, including: *Cupertino, San Jose West, Milpitas, Mountain View, Palo Alto, Mindego Hill, Big Basin, Castle Rock Ridge, and Los Gatos* (CNPS 2021) Quadrangle-level results are not maintained for California Rare Plant Rank (CRPR) 3 and 4 species, so we also conducted a search of the CNPS Inventory records for these species occurring in Santa Clara County (CNPS 2021),
- CDFW CNDDDB for natural communities of special concern that occur within the project region (CNDDDB 2021),
- USFWS Information for Planning and Consultation (IPaC) tool (USFWS 2021), and
- Other relevant scientific literature, technical databases, resource agency reports, and Federal Register notices and other information published by USFWS and NMFS to assess the current distribution of special-status plants and animals in the project vicinity.

4.2 Field Surveys

Field surveys of the project area were conducted by MIG senior biologist Tay Peterson, B.A. on November 9, 2021, and MIG senior biologist David Gallagher, M.S. on December 1, 2021. (Appendix A, Figure 2). The surveys were conducted to provide a project-specific impact assessment for the development of the site as described in the project description. Specifically, surveys were conducted to (1) assess existing biotic habitats and plant and animal communities in the parcel, (2) assess the project area for its potential to support special-status species and their habitats, and (3) identify potential jurisdictional habitats (e.g., waters of the U.S./state), and other sensitive biological resources.

4.2.1 Sensitive Habitats and Aquatic Features

All plant communities observed in the project area were evaluated to determine if they are considered sensitive. Sensitive natural communities are communities that are especially diverse; regionally uncommon; or of special concern to local, state, and federal agencies.

Elimination or substantial degradation of these communities would constitute a significant impact under CEQA.

The project area was also inspected for the presence of wetlands, drainages, streams, coastal waterways, and other aquatic features, including those that support stream-dependent (i.e., riparian) plant species that could be subject to jurisdiction by the USACE, RWQCB, and/or CDFW. Wetlands are defined for regulatory purposes in the 33 CFR 328.3 and 40 CFR 230.3 as “areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” To be considered subject to federal jurisdiction, a wetland must be located within the project area and normally exhibit positive indicators for hydrophytic vegetation, hydric soil, and wetland hydrology.

4.2.2 Special-Status Species Habitat Evaluation

During the field surveys, Ms. Peterson and Mr. Gallagher evaluated the suitability of the habitat to support special-status species documented in the project area. For the purposes of this assessment, special-status species include those plant and animals listed, proposed for listing or candidates for listing as threatened or endangered by the USFWS or NOAA Fisheries under FESA, those listed or proposed for listing as rare, threatened or endangered by the CDFW under CESA, animals designated as CFP or CSSC by CDFW, birds protected by USFWS under the MBTA and/or by CDFW under Fish and Game Code Sections 3503 and 3513, and plants listed as Rank 1A, 1B, 2, 3 and 4 of the CNPS Inventory.

The potential occurrence of special-status plant and animal species in the project area was initially evaluated by developing a list of special-status species that are known to or have the potential to occur in the vicinity of the project area based on a 9-quad search of current database records (e.g., CNDDDB and CNPS Electronic Inventory records) and review of the USFWS list of federal endangered and threatened species (i.e., IPaC). The potential for occurrence of those species included on the 9-quad list was then evaluated based on the habitat requirements of each species relative to the habitat conditions documented in the project area. If there are no documented occurrences within five miles of the project area, if there is clearly no suitable habitat present, and if the project area is clearly outside of the expected range of the species, these species were eliminated from consideration and are not discussed further. All remaining species were then evaluated for the potential to occur on or in the immediate vicinity of the project area according to the following criteria:

Not Expected: 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/or no components of suitable habitat are present within or adjacent to the project area.

Low Potential: The CNDDDB or other documents may or may not record the occurrence of the species within a five-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area.

Moderate Potential: 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 five-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.

High Potential: The CNDDDB or other reputable documents record the occurrence of the species off-site, but within a five-mile radius of the project area and within the last 10 years. All or most of the components representing suitable habitat are present within the project area.

Present or Assumed Present: Species was observed on the project area, or recent species records (within five years) from literature or other sources are known within the project area.

5 Existing Land Uses, Natural Communities, and Habitats

5.1 General Project Area Description

The 9.12-acre project area is an approximately 1.7-mile linear alignment bordering the Junipero Serra Channel and Calabazas Creek, located in the *Cupertino*, California 7.5-minute USGS quadrangle. Approximately 1,000 feet of the proposed alignment adjacent to the Interstate 280 South off-ramp for Wolfe Road was not surveyed since it is on private property (Appendix A, Figures 3a to 3c). The project area is located within an urban area bordered by Interstate 280 to the north with residential and commercial development bordering the remaining project area. The Junipero Serra Channel is located along the northern edge of the proposed trail and Calabazas Creek is located along the eastern edge of the proposed trail where it turns south to join Vallco Parkway. The project area is mainly flat with elevations ranging from approximately 174 feet to 221 feet North American Vertical Datum of 1988 (NAVD88) (Google Inc. 2021).

5.2 Existing Land Uses, Vegetation Communities, and Habitats

The project area is located within the San Francisco Bay Area Subregion of the Central Western Californian Region, both of which are contained within the larger California Floristic Province (Baldwin et al. 2012). Where applicable, vegetation communities were mapped using CDFW's Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2021). The reconnaissance-level field survey identified three vegetation communities, habitats, and land cover types in the project area: (1)

developed, (2) Coast Live Oak Woodland and Forest (*Quercus agrifolia* – *Heteromeles arbutifolia* Alliance), and (3) stream. Existing land cover types, vegetation communities, and habitats in the project area are summarized in Table 1, and their distribution is depicted in Appendix A, Figures 3a to 3c.

Table 1. Summary of Existing Land Cover Types, Vegetation Communities, and Habitats in the Project Area.

| Land Cover Types, Vegetation Communities, and Habitats | Area (acres) |
|--|--------------|
| Developed | 4.82 |
| Coast Live Oak Woodland and Forest (<i>Quercus agrifolia</i> – <i>Heteromeles arbutifolia</i> Alliance) | 0.88 |
| Stream | 3.42 |
| Project Area Total | 9.12 |

5.2.1 Developed

The dominant land cover within the project area is developed and includes the hard pack dirt access roads, chain link fencing, utility poles, building walls, and masonry sound walls. Most areas within this land cover type are devoid of vegetation, but there are scattered areas of vegetation dominated by ornamental and ruderal (i.e., disturbed) species, mostly along the perimeter of the project area (Appendix B, Photo 1). Based on aerial imagery, the approximately 1,000 feet of the proposed alignment not surveyed on foot was mapped as developed land cover.

Trees observed included holly oak (*Quercus ilex*), Chinese elm (*Ulmus parvifolia*), sweetgum (*Liquidambar styraciflua*), blue gum (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*), Peruvian pepper tree (*Schinus molle*), coast live oak (*Quercus agrifolia*), and coast redwood (*Sequoia sempervirens*). Vines and shrubs observed included English ivy (*Hedera helix*), scarlet firethorn (*Pyracantha coccinea*), trumpet creeper (*Campsis radicans*), and mission cactus (*Opuntia ficus-indica*). Herbaceous plants observed included stinkwort (*Dittrichia graveolens*) and wild radish (*Raphanus sativus*). These areas are regularly cleared of understory vegetation, which precludes the establishment of native vegetation and wildlife habitat.

Due to the scarcity of vegetation, the developed portions of the project area provide relatively low-quality habitat for wildlife species. However, a wide variety of wildlife, including the wildlife described in Section 5.2.2 and 5.2.3, may move through developed areas en route to other habitats, especially since the developed areas border streams (see Section 5.2.3 below). The wildlife most often associated with developed areas are those that are tolerant of human disturbance, including introduced species such as the house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), house mouse (*Mus*

musculus), and Norway rat (*Rattus norvegicus*). Several common native species are also able to use this habitat and several native birds may nest on the site, including raccoon (*Procyon lotor*), Anna's hummingbird (*Calypte anna*), dark-eyed junco (*Junco hyemalis*), house finch (*Haemorhous mexicanus*), and California towhee (*Melospiza crissalis*).

5.2.2 Coast Live Oak Woodland and Forest (*Quercus agrifolia* – *Heteromeles arbutifolia* Alliance)

The project area includes native coast oak woodland along Calabazas Creek. Coast live oak and toyon (*Heteromeles arbutifolia*) are the dominant woody species present (Appendix B, Photo 2). Other trees and shrubs present in small numbers included valley oak (*Quercus lobata*) and big berry manzanita (*Arctostaphylos glauca*). The understory was dominated by Bermuda buttercup (*Oxalis pes-caprae*), slender oat (*Avena barbata*), and ripgut brome (*Bromus diandrus*).

Woodlands dominated by oaks typically support diverse animal communities in California and can contribute disproportionately to landscape-level species diversity especially when a stream is nearby. The presence of water during a portion of the year provides abundant food resources, including a wide range of invertebrates; and coast live oaks provide substantial shelter for animals in the form of cavities, crevices in bark, and complex branching growth. However, the oak woodland in the project area is limited in extent and surrounded by urban development, and therefore is not expected to support large numbers of woodland-associated species. Nevertheless, a variety of common wildlife species may occur here, including a wide variety of terrestrial vertebrates (e.g., amphibians, reptiles, and mammals), as well as several guilds of birds, including insectivores (e.g., warblers, flycatchers), seedeaters (e.g., finches), and raptors.

Leaf litter, downed tree branches, low-growing forbs, and fallen logs provide cover for amphibians and reptiles, including California slender salamander (*Batrachoseps attenuatus*), western fence lizard (*Sceloporus occidentalis*), and the San Francisco alligator lizard (*Elgaria coerulea coerulea*). The trees and shrubs may provide habitat for breeding birds such as the bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), chestnut-backed chickadee (*Poecile rufescens*), Anna's hummingbird, dark-eyed junco, California scrub-jay (*Aphelocoma californica*), oak titmouse (*Baeolophus inornatus*), Hutton's vireo (*Vireo huttoni*), and spotted towhee (*Pipilo maculatus*), as well as wintering birds including the hermit thrush (*Catharus guttatus*), ruby-crowned kinglet (*Regulus calendula*), and Townsend's warbler (*Setophaga townsendi*). Trees provide nesting opportunities for smaller raptors, such as the Cooper's hawk (*Accipiter cooperii*) and red-shouldered hawk (*Buteo lineatus*). Mammals, including the native raccoon, striped skunk (*Mephitis mephitis*), and black-tail deer (*Odocoileus hemionus columbianus*), as well as the non-native Virginia opossum (*Didelphis virginiana*) and eastern fox squirrel (*Sciurus niger*) may occur in the coast live oak woodland. Several non-native eastern gray squirrel (*Sciurus carolinensis*) individuals were observed in the woodland along with several California ground squirrel (*Otospermophilus beecheyi*) burrows along the

bank of Calabazas Creek. Additionally, oak trees and culverts may support roost habitat for crevice-roosting bats, including Yuma myotis (*Myotis yumanensis*), California myotis (*Myotis californicus*) and Mexican free-tailed bat (*Tadarida brasiliensis*).

5.2.3 Stream

The project area contains sections of the Junipero Serra Channel and Calabazas Creek (Appendix B, Photos 3 and 4). Within the project area, the Junipero Serra Channel is an engineered trapezoidal concrete storm drain channel that is culverted at roadway crossings, except from Wolfe Road to its confluence with Calabazas Creek, which is an earthen engineered storm drain with a concrete outfall, with an approximately 4-foot drop, at the confluence with Calabazas Creek (Appendix B, Photos 5 and 6). Within the project area, Calabazas Creek flows through a natural channel. However, downstream of the project area, Calabazas Creek enters an engineered channel and just upstream of the project area, Calabazas Creek exits a large box culvert (Appendix B, Photo 7). Within the project area, both the Juniper Serra Channel and Calabazas Creek were mapped up to the top of bank.

Junipero Serra Channel is an intermittent storm drain channel that conveys stormwater runoff from the surrounding urban area into Calabazas Creek. An intermittent storm drain channel in an urban area generally only flows during certain times of the year when runoff from rainfall or other sources of runoff (e.g., irrigation runoff) flow into the channel. During dry periods, storm drain channels may not have flowing surface water. At the time of the site visit, there were small sections of the channel that had standing water (< 1 inch) and patches of wetland vegetation where sediment had accumulated, including common smartweed (*Persicaria hydropiper*), dallis grass (*Paspalum dilatatum*), barnyard grass (*Echinochloa crus-galli*), tall flatsedge (*Cyperus eragrostis*), and bristly ox-tongue (*Helminthotheca echioides*) (Appendix B, Photo 8). The earthen section of the channel, including the banks was vegetated. Species observed within the channel included common smartweed, bristly ox-tongue, watercress (*Nasturtium officinale*), and bull mallow (*Malva nicaeensis*). Trees observed on the banks included coast live oak, sweetgum, and bay laurel (*Umbellularia californica*). Herbaceous species observed on the banks included stinkwort, common bedstraw (*Galium aparine*), vetch (*Vicia* sp.), wild radish, and field hedge parsley (*Torilis arvensis*).

Calabazas Creek is a 13.3-mile-long northeast by northward-flowing intermittent to perennial stream originating on Table Mountain in Santa Clara County, California and flows into the San Francisco Bay via the Guadalupe Slough. The Calabazas Creek watershed covers an area of approximately 20 square miles. Major tributaries to Calabazas Creek include Prospect, Rodeo, and Regnart Creeks, the El Camino Storm Drain, and the Junipero Serra Channel. The Creek flows through the cities of Saratoga, Cupertino, Sunnyvale, San Jose, and Santa Clara. Within the urban areas, the creek is mostly an engineered channel. However, the upper reaches of the creek, where it passes through unincorporated County jurisdiction and into Saratoga, flows through a natural channel. At the time of the site visit, there was no surface water present. The

channel was mostly unvegetated, but small patches of wetland vegetation were observed along the margins of the creek, including mule fat (*Baccharis salicifolia*). The Coast Live Oak Woodland and Forest was present along the banks of the creek (see Section 5.2.2 above).

Calabazas Creek contains suitable habitat for native fishes, including California roach (*Hesperoleucus symmetricus*), Sacramento sucker (*Catostomus occidentalis*), Three-spined stickleback (*Gasterosteus aculeatus*) as well as non-native fishes, including Western mosquitofish (*Gambusia affinis*). Central California Coast steelhead (*Oncorhynchus mykiss*) occurred historically in Calabazas Creek but are now considered extirpated (Leidy 2007; Leidy et al. 2005) (see Section 6.2.1 below). Due to the outfall structure on the Junipero Serra Channel, fish are likely only present during very high flow events even if flowing water is present in Calabazas Creek.

6 Special-Status Species and Sensitive Habitats

CEQA requires assessment of the effects of a project on species that are “threatened, rare, or endangered”; such species are typically described as “special-status species”. Impacts on these species are regulated by federal and state laws described under the Regulatory Setting above.

6.1 Special-Status Plants

The CNPS (2021) and CNDDDB (2021) identify 91 special-status plant species as potentially occurring in the nine 7.5-minute quadrangles containing and/or surrounding the project area. All 91 of those potentially occurring special-status plant species were determined to be absent from the project area for at least one of the following reasons: (1) a lack of specific habitat (e.g., freshwater marsh) and/or edaphic requirements (e.g., serpentine soils) for the species in question, (2) the geographic range of the species does not overlap the project area, (3) the species is known to be extirpated from the site vicinity, and/or (4) the habitats within the project area are too degraded to reasonably expect any special-status species to occur there.

6.2 Special-Status Animals

Based on a review of the USFWS and CNDDDB databases, the biologist’s knowledge of sensitive species, and an assessment of the types of habitats within the project area, it was determined that one wildlife species could potentially occur within or near the project area. This determination was made due to the presence of essential habitat requirements for the species, the presence of known occurrences within five miles of the project area, and/or the project area’s location within the species’ known range of distribution. The legal status and likelihood of occurrence of special-status animal species in the project area are discussed in greater detail below.

Special-status species that are not expected to occur in the project area because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat were excluded from the analysis.

Animal species not expected to occur in the project area for these reasons include California giant salamander (*Dicamptodon ensatus*), California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylei*), Santa Cruz black salamander (*Aneides flavipunctatus niger*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), burrowing owl (*Athene cunicularia*), long-eared owl (*Asio otus*), peregrine falcon (*Falco peregrinus*), white-tailed kite (*Elanus leucurus*), yellow warbler (*Setophaga petechia*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*).

6.2.1 Special-Status Fish

Central California Coast Steelhead (*Oncorhynchus mykiss irideus*). Federal Listing Status: Threatened; State Listing Status: None. The Central California Coast (CCC) steelhead Distinct Population Segment (DPS) was listed as a threatened species on August 18, 1997 (NMFS 1997), and the threatened status was reaffirmed on January 5, 2006 (NMFS 2006). Critical habitat was designated for the CCC steelhead DPS on September 2, 2005 (NMFS 2005), and a final recovery plan was published in October 2016. Like CCC coho salmon, steelhead populations in many areas have declined due to degradation of spawning habitat, introduction of barriers to upstream migration, over-harvesting by recreational fisheries, and reduction in winter flows due to damming and reduction of spring flows due to water diversions (NMFS 1997). In addition, non-native fish species, such as striped bass (*Morone saxatilis*), common carp (*Cyprinus carpio*), and white catfish (*Ameiurus catus*), may pose risks to native steelhead populations through predation, competition, and habitat modification. Increasing predation pressure at river mouths and in the ocean from the growing California sea lion population is also posing significant risk to CCC steelhead.

Steelhead are found along the entire Pacific Coast of the United States. The CCC steelhead DPS includes all naturally spawned populations of steelhead in coastal streams from the Russian River (inclusive) to Aptos Creek (inclusive), and the drainages of San Francisco, San Pablo, and Suisun bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers; and tributary streams to Suisun Marsh including Suisun Creek, Green Valley Creek, and an unnamed tributary to Cordelia Slough (commonly referred to as Red Top Creek), exclusive of the Sacramento-San Joaquin River Basin of the California Central Valley.

Steelhead in the CCC DPS are winter-spawning steelhead, maturing in the ocean and spawning shortly after entering freshwater. Winter steelhead enter rivers and streams in the late fall and winter months when higher flows and associated lower water temperatures occur. Adult female steelhead will prepare a redd (or nest) in a gravel-bottomed, fast-flowing, well-oxygenated rivers

and streams. Preferred streams typically support dense canopy cover that provides shade, woody debris, and organic matter, and are usually free of rooted or aquatic vegetation. The length of the incubation period is dependent on water temperature. Fry emerge from the gravel, and rear along the stream margins, moving gradually into pools and riffles as they grow larger. Young juveniles feed primarily on aquatic invertebrate drift.

In California, juveniles usually live in freshwater for 1 to 3 years (Shapovalov and Taft 1954; Barnhart 1986; Busby et al. 1996) then smolt and migrate to the sea; because of this multi-year rearing period, steelhead can only spawn in tributaries that maintain suitable temperature and other water quality parameters year-round. Most downstream smolt migration takes place between February and June, with peak timing of steelhead smolt outmigration in Central California occurring from March to May (Barnhart 1986; Fukushima and Lesh 1998).

Critical habitat for the Central California Coast steelhead DPS was designated on September 2, 2005, and includes all river reaches and estuarine areas accessible to listed steelhead in coastal river basins from the Russian River in Sonoma County to Aptos Creek in Santa Cruz County. The San Mateo Hydrologic Unit includes the coastal streams in San Mateo County from San Pedro Creek near Pacifica to Butano Creek near Año Nuevo and the Santa Clara Hydrologic Unit including San Francisquito Creek, Stevens Creek, Guadalupe River, Coyote Creek, and Penitencia Creek (NMFS 2006).

Steelhead in most tributaries to San Francisco and San Pablo bays have been virtually extirpated, including Calabazas Creek (McEwan and Jackson 1996). Steelhead occurred historically in Calabazas Creek but have not been observed since the 1970s and there are several impassable barriers to migration upstream from the San Francisco Bay (Leidy 2005; Leidy et al. 2007). Therefore, CCC steelhead are not expected to occur in Calabazas Creek in the project area.

6.2.2 Special-Status Amphibians

California Red-legged Frog (*Rana draytonii*). **Federal status: Threatened; State status: Species of Special Concern.** The California red-legged frog was federally listed as threatened in June 1996 (USFWS 1996) based largely on a significant range reduction and continued threats to surviving populations. Critical habitat was most recently designated in March 2010 (USFWS 2010). Designated critical habitat is not present in the project area. The historical distribution of the California red-legged frog extended from the city of Redding in the Central Valley and Point Reyes National Seashore along the coast, south to Baja California, Mexico. The species' current distribution includes isolated locations in the Sierra Nevada and the San Francisco Bay area, and along the central coast (USFWS 2002).

The California red-legged frog inhabits freshwater pools, streams, and ponds throughout the Central California Coast Range and isolated portions of the western slope of the Sierra Nevada

(Fellers 2005). Its preferred breeding habitat consists of deep perennial pools with emergent vegetation for attaching egg clusters (Fellers 2005), as well as shallow benches to act as nurseries for juveniles (Jennings and Hayes 1994). However, red-legged frogs will also breed in small, shallow pools as well as intermittent streams. Non-breeding frogs may be found adjacent to streams and ponds and may travel up to two miles from their breeding locations across a variety of upland habitats to other suitable non-breeding habitats (Bulger et al. 2003; Fellers and Kleeman 2007). However, the distance moved is highly site-dependent and is influenced by the local landscape (Fellers and Kleeman 2007). California red-legged frogs generally disperse during the wet season from mid-October to mid-April.

The Junipero Serra Channel within the project area lacks suitable aquatic breeding habitat (i.e., long-lived pools or slow-moving streams with emergent vegetation or other egg mass attachment sites) for the California red-legged frog. However, the earthen portion of the channel between Wolfe Road and Calabazas Creek does provide suitable foraging and dispersal habitat, including the presence of small mammal burrows, which are used for aestivation during the non-breeding season. Additionally, Calabazas Creek, within the project area, provides suitable foraging and dispersal habitat and may provide suitable breeding habitat if water and emergent vegetation are present for sufficient periods of time. The nearest known breeding populations of red-legged frogs are located in Permanente Creek in Rancho San Antonio County and Open Space Preserve, approximately four miles west of the project area; and in the upper reaches of Calabazas Creek, approximately five miles upstream of the project area (CNDDDB 2021). However, there are no documented occurrences of red-legged frog in the urbanized reaches, including the entire downstream section of Calabazas Creek (CNDDDB 2021).

Even though the project area contains suitable habitat for California red-legged frog, it is highly unlikely that red-legged frogs would breed or disperse into the project area due to the high levels of disturbance and isolation from natural habitats in the region. Further, the surrounding urbanization precludes overland dispersal onto the site from potential off-site habitat and it is extremely unlikely that an individual from Permanent Creek and the remote upstream portions of Calabazas Creek would disperse downstream as far as the project site. Therefore, California red-legged frog are not expected to occur within the project area, and none were observed during the field visits.

6.2.3 Special-Status Reptiles

Western Pond Turtle (*Actinemys marmorata*). **Federal status: None; State status: Species of Special Concern.** The western pond turtle occurs in ponds, streams, and other wetland habitats in the Pacific slope drainages of California (Bury and Germano 2008). Ponds or slack-water pools with suitable basking sites (such as logs) are an important habitat component for this species, and western pond turtles do not occur commonly along high-gradient streams. Females lay eggs in upland habitats, in clay or silty soils in unshaded areas. Juveniles occur in

shallow aquatic habitats with emergent vegetation and ample invertebrate prey. Nesting habitat is typically found within 600 feet of aquatic habitat (Jennings and Hayes 1994), but if no suitable nesting habitat can be found close by, adults may travel overland considerable distances to nest.

The Junipero Serra Channel within the project area does not provide suitable aquatic habitat due to ephemeral flows and the lack of substantial emergent vegetation along most of its length. However, Calabazas Creek may provide suitable aquatic habitat if water is present for sufficient periods of time. Also, if present in Calabazas Creek, western pond turtle could potentially move into the adjacent upland areas within the project area. The nearest known documented occurrences of western pond turtle are from Saratoga Creek near its confluence with Calabazas Creek at Guadalupe Slough; the salt ponds, marshes, and channels along the Bay trail to the west, both approximately seven miles downstream of the project area; and Vasona Lake County Park in Los Gatos, approximately six miles south of the project area (CNDDDB 2021).

Even though the project area contains suitable habitat for western pond turtle, it is highly unlikely that pond turtles would breed or disperse into the project area due to the high levels of disturbance and isolation from natural habitats in the region. Further, the surrounding urbanization precludes overland dispersal onto the site from potential off-site habitat and it is extremely unlikely that an individual from Vasona Lake and the downstream portions of Calabazas Creek would disperse upstream as far as the project site. Therefore, western pond turtle is not expected to occur within the project area, and none were observed during the field visits.

6.2.4 Special-status Mammals

San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*). Federal status: None; State status: Species of Special Concern. The San Francisco dusky-footed woodrat occurs in a variety of woodland and scrub habitats throughout San Mateo County and the adjacent Central Coast Range, south to the Pajaro River in Monterey County (Hall 1981, Zeiner et al. 1990). San Francisco dusky-footed woodrats prefer riparian and oak woodland forests with dense understory cover, or thick chaparral habitat, and build large, complex houses of sticks and other woody debris, which may be maintained by a series of occupants for several generations (Carraway and Verts 1991; Lee and Tietje 2005). Also, they will often build these stick houses in the canopy of trees. Woodrats also use human-made structures, and can nest in electrical boxes, sheds, pipes, abandoned vehicles, wooden pallets, and portable storage containers. The breeding season for dusky-footed woodrat begins in February and sometimes continues through September, with females bearing a single brood of one to four young per year (Carraway and Verts 1991).

No woodrat houses were observed during the field surveys. However, at least five woodrat nests were observed along the north bank of the Junipero Serra drainage channel between

Wolfe Road and Calabazas Creek in 2019 (H.T. Harvey & Associates 2019). Additionally, there is suitable habitat for dusky-footed woodrat in the Coast Live Oak Woodland and Forest along Calabazas Creek. Therefore, San Francisco dusky-footed woodrat has a high potential to be present in the project area.

6.2.5 Bat Colonies

Bats tend to forage and roost near freshwater sources. Both Calabazas Creek and Junipero Serra Channel provide a seasonal source of freshwater within and adjacent to the project area. Cavities within trees as well as culverts in and adjacent to the project area may provide suitable day and maternity roost habitat for many species of bats.

Roost sites play a critical role in mating, hibernation, rearing young, conserving energy, and protection from adverse weather and predators. Selection of roost sites is influenced by distribution and abundance of food resources, risks of predation, as well as the physical attributes of the roost itself. Roost selection is paramount to the success of a species and the removal of roost habitat could adversely impact the survivorship of a species (Kunz 1982).

Depending upon species, maternity roosts can host from a few to thousands of reproductive female bats that congregate during spring and summer months to give birth and nurse their young. In California, maternity roosts may remain active from April through August. As a potentially uncommon and limited resource, maternity roosts may be the limiting resource for a local population of bats, and thus may be essential to the survival of a local bat population. Maternity roosts tend to have sensitivity to disturbance, with documented instances of abandonment even during the presence of flightless young. As bats have a low reproductive rate of typically one pup per year, negative impacts to maternity roosts can have profound impacts on a local population of bats (Szewczak 2013).

Disturbance of roosting habitat of any bat species would be considered significant under CEQA guidelines. No suitable tree cavities were observed within the project area. However, the culverted sections of Junipero Serra Channel and Calabazas Creek in or adjacent to the project area provide potential roosting habitat for bats.

6.2.6 Nesting Birds

Nesting birds may occur in trees, shrubs, understory vegetation, shallow scrapes on bare ground, and in culverts in and around the project area. All migratory bird species are protected under the California Fish and Game Code.

6.3 Sensitive and Regulated Plant Communities and Habitats

Natural communities have been considered part of the Natural Heritage Conservation triad, along with plants and animals of conservation significance since the state inception of the

Natural Heritage Program in 1979. CDFW determines the level of rarity and imperilment of vegetation types; and tracks sensitive communities in its Rarefind database (CNDDDB 2021). Global rankings (G) of natural communities reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas state (S) rankings reflect the condition of a habitat within California. Natural communities are defined using NatureServe's standard heritage program methodology as follows (CDFG 2007):

- G1/S1: Less than 6 viable occurrences or less than 2,000 acres.
- G2/S2: Between 6 and 20 occurrences or 2,000 to 10,000 acres.
- G3/S3: Between 21 and 100 occurrences or 10,000 to 50,000 acres.
- G4/S4: The community is apparently secure, but factors and threats exist to cause some concern.
- G5/S4: The community is demonstrably secure to ineradicable due to being common throughout the world (for global rank) or the state of California (for state rank).

State rankings are further described by the following threat code extensions:

- S1.1: Very threatened.
- S1.2: Threatened.
- S1.3: No current threats known.

In addition to tracking sensitive natural communities, CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors (Sawyer et al. 1995). If an alliance is marked G1-G3, all the vegetation associations within it will also be of high priority (CDFG 2007). CDFW provides the Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2020).

Natural Communities of Special Concern. There are no CDFW classified sensitive natural communities within the project area.

Sensitive Vegetation Alliances. There are no CDFW classified sensitive plant communities within the project area.

CDFW Stream/Riparian Habitat. As described above under Regulatory Setting, the California Fish and Game Code includes regulations governing the use of, or impacts to, many of the state's fish, wildlife, and sensitive habitats, including the bed and banks of rivers, lakes, and streams. Both the Junipero Serra Channel and Calabazas Creek and its associated riparian habitat up to the top of bank is subject to CDFW jurisdiction under Section 1600 et seq. of State Fish and Game Code (Appendix A, Figures 3a to 3c).

Critical Habitat/EFH. There is no designated critical habitat or essential fish habitat within the project area.

Waters of the U.S./State. Both the Junipero Serra Channel and Calabazas Creek meet the definition of waters of the U.S./state and any impacts to verified waters of the U.S./state within the project area would be subject to jurisdiction by the USACE and RWQCB. Waters of the state generally extend to the top of the bank (Appendix A, Figures 3a to 3c).

6.4 Wildlife Corridors

Wildlife corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller, they are unable to support as many individuals (patch size); and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

Due to habitat fragmentation in the project region, the vegetation communities along streams and other aquatic features often function as environmental corridors that allow animals to move among habitat patches. Both the Junipero Serra Channel and Calabazas Creek within the project area likely function as wildlife movement corridors. However, the project area is in an urban setting and is not adjacent to or connects open space areas. Therefore, the project area likely functions as an isolated wildlife corridor that provides movement and refugia for wildlife that are commonly found in developed areas.

7 Biological Impact Assessment

This section describes potential impacts to sensitive biological resources—including special-status plants and animals, and waters of the U.S. and the state—that may occur as a result of implementing the project.

The CEQA Guidelines define which impacts are considered significant. The Act defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” Potential impacts to biological resources were determined in accordance with Appendix G of the CEQA Guidelines. Impacts would be considered potentially significant if the proposed project will:

- 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 Game or U.S. Fish and Wildlife Service".
- 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 Game or U.S. Fish and Wildlife Service".

- C. "have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means".
- 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".
- E. "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance".
- F. "conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan".

Direct take of a federally or state listed species is considered a significant impact. Per Section 3(18) of FESA, the term take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Temporary and/or permanent habitat loss is not considered a significant impact to sensitive species (other than for listed or candidate species under the FESA and CESA), unless a significant percentage of total suitable habitat throughout the species' range is degraded or somehow made unsuitable, or areas supporting a large proportion of the species' population are substantially and adversely impacted. Potential impacts to nesting bird species and bat colonies would be considered significant due to their protection under California Fish and Game Code.

7.1 Impacts to Special-Status Plant Species – No Impact

No special-status plant species are expected to occur within the project area due to the lack of suitable habitat. Therefore, the proposed project would not result in a substantial adverse effect on any special-status plant species.

7.2 Impacts to Special-status Mammals – Less than Significant with Mitigation

The San Francisco dusky-footed woodrat may occur year-round in the riparian corridor of the Junipero Serra Channel between Wolfe Road and Calabazas Creek as well as the riparian corridor of Calabazas Creek and the adjacent Coast Live Oak Woodland and Forest. Project activities could result in injury to or mortality of dusky-footed woodrats due to clearing, grading, and worker foot traffic. In addition, indirect impacts could occur as a result of over-crowding (from individuals in disturbed habitat moving to areas that are already occupied) and increased risk of predation. Project construction would also result in the temporary impact on foraging individuals through the alteration of foraging patterns (e.g., avoidance of work areas because of increased noise and activity levels during project activities). Additionally, dusky-footed woodrats are very important ecologically in that they provide an important prey source, and their nests also provide habitat for a wide variety of small mammals, reptiles, and amphibians. Therefore,

project-related impacts to dusky-footed woodrats would be considered significant under CEQA. With the Implementation of Mitigation Measure BIO-1A and BIO-1B, impacts to San Francisco dusky-footed woodrats will be less than significant.

Mitigation Measure BIO-1A: Pre-Construction Survey for San Francisco Dusky-Footed Woodrats. Within 30 days prior to the start of construction activities, a qualified biologist will map all San Francisco dusky-footed woodrat houses within a 25-foot buffer around the project footprint. Environmentally sensitive habitat fencing will be placed to protect the houses with a minimum 25-foot buffer. If a 25-foot buffer is not feasible, a smaller buffer may be allowable based on advice from a qualified biologist with knowledge of woodrat ecology and behavior, or Mitigation Measure BIO-1B may be implemented.

Mitigation Measure BIO-1B: Relocation of Woodrat Houses. In the unlikely event that one or more woodrat houses are determined to be present and physical disturbance or destruction of the houses cannot be avoided, then the woodrats will be evicted from their houses and the nest material relocated outside of the disturbance area, prior to onset of activities that would disturb the house, to avoid injury or mortality of the woodrats. The reproductive season for San Francisco dusky-footed woodrats typically starts in February or March and breeding activity usually continues to July but can extend into September. Thus, relocation efforts should be completed in the fall to minimize the potential for impacts on young woodrats in the house. Additionally, it is recommended that the period between the completion of the relocation efforts and the start of construction activities be minimized to reduce the potential for woodrats to reconstruct houses in the project footprint prior to the start of construction activities.

Relocation generally involves first choosing an alternate location for the house material based on the following criteria: 1) proximity to current nest location; 2) safe buffer distance from planned work; 3) availability of food resources; and 4) availability of cover. An alternate house structure will then be built at the chosen location. Subsequently, during the evening hours (i.e., within 1 hour prior to sunset), a qualified biologist will slowly dismantle the existing woodrat house to allow any woodrats to flee and seek cover. All sticks from the nest will be collected and spread over the alternate structure. However, alternative relocation measures can be employed as advised by a qualified wildlife biologist in consultation with CDFW.

7.3 Impacts to Roosting Bats – Less than Significant Impact with Mitigation

Construction disturbance could result in the disturbance of active maternity or day roosts. In addition, noise and increased construction activity could temporarily alter foraging behavior, potentially resulting in the abandonment of nest sites. Therefore, project-related impacts to roosting habitat for bats would be considered significant under CEQA. However, with the implementation of Mitigation Measures BIO-2A to BIO-2C below, impacts to roosting bats will be less than significant.

Mitigation Measure BIO-2A: Pre-Construction Survey for Roosting Bats. A survey of culverts within the project site, including a 50-foot buffer (as feasible) shall be conducted by a qualified bat biologist no less than 30 days before the start of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading). If construction activities are delayed by more than 30 days, an additional bat survey shall be performed. The survey may be conducted at any time of year but should be conducted in such a way to allow sufficient time to determine if special-status bats or maternity colonies are present on the site. The results of the survey shall be documented.

If no habitat or signs of bats are detected during the habitat suitability survey, no further surveys are warranted. If suitable habitat is present and signs of bat occupancy (e.g., guano pellets or urine staining) are detected, Mitigation Measure BIO-1B shall apply.

Mitigation Measure BIO-2B: Acoustic Survey. If suitable habitat is present and signs of bat occupancy are detected, a follow-up dusk emergence survey shall be conducted no less than 30 days prior to construction activities. A dusk survey will determine the number of bats present and will also include the use of acoustic equipment to determine the species of bats present. The results of the survey shall be documented. If an active roost is observed within the project site, Mitigation Measure BIO-2C shall apply.

Mitigation Measure BIO-2C: Roost Buffer. If a day roost or a maternity colony is detected and is found sufficiently close to work areas to be disturbed by construction activities, the qualified biologist shall determine the extent of a construction-free buffer zone to be established around the roost in consultation with CDFW. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading shall be permitted. Monitoring shall be required to ensure compliance with relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

7.4 Impacts to Nesting Birds – Less than Significant Impact with Mitigation

All migratory bird species and their nests are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Project activities must comply with the provisions of the MBTA and California Fish and Game Code (i.e., avoid take of protected nesting birds). Therefore, project-related impacts to nesting birds would be considered significant under CEQA.

Construction disturbance during the avian breeding season (February 1 through September 15, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. In addition, noise and increased construction activity could temporarily alter foraging behavior,

potentially resulting in the abandonment of nest sites. However, with the implementation of Mitigation Measure BIO-3 below, impacts to nesting birds will be less than significant.

Mitigation Measure BIO-3: Pre-Construction/Pre-Disturbance Survey for Nesting Birds

Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

Pre-Construction Surveys. If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than five days prior to the initiation of any site disturbance activities and equipment mobilization, including tree, shrub, or vegetation removal, fence installation, grading, etc. If project activities are delayed by more than five days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, culverts) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 1,000 feet for raptors and up to 250 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged. Monitoring will be required to ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings will be documented.

7.5 Impacts to Sensitive Communities – No Impact

7.6 Impacts to Jurisdictional Waters – Less than Significant Impact

The Junipero Serra Channel and Calabazas Creek are subject to the regulatory jurisdiction of the USACE, RWQCB and CDFW, and will require CWA 401/404 and LSAA permits, if impacted. The project proposes to install an asphalt path trail along the top of bank. The top of bank was mapped during the December 2021 site visit and based on the proposed trail location and site

conditions, the proposed trail alignment may require work within the top of bank, which may require authorization from the RWQCB and CDFW. However, the proposed trail alignment occurs outside of the active channel and will not require authorization from the USACE. The construction of the trail may result in the removal of vegetation as well as placement of fill within the top of bank for both the Juniper Serra Channel and Calabazas Creek. However, the work within the top of bank will not alter the hydrology of the channel and creek, or adversely affect the movement of native wildlife, or adversely impact any special-status species or sensitive plant communities.

The Blaney Avenue alternative includes modifying the existing Junipero Serra Channel by extending an existing 72-inch culvert for 38 feet and the realignment of an existing storm drain at Blaney Avenue. At this location, the Junipero Serra Channel is an engineered trapezoidal concrete channel with concrete banks and no associated riparian vegetation. The extension of the culvert will not likely alter the hydrology of the downstream reach of the channel and will not remove woody riparian vegetation from the top of bank. Also, the extension of the culvert will not adversely affect the movement of native wildlife or adversely impact any special-status species or sensitive plant communities. In addition to RWQCB and CDFW permits, the Blaney Avenue alternative would require authorization from the USACE for impacts within the active channel below the ordinary high water mark (OHWM).

The proposed project includes the creation of impervious surfaces due to the use of asphalt in trail construction, which will result in an increase in stormwater runoff into stream habitat. Runoff may contain harmful pollutants like trash, chemicals, and dirt/sediment which may adversely affect water quality and wildlife. Additionally, construction activities for the proposed alignment, including the Blaney Avenue alternative, could cause the degradation of surface or ground water quality in the Junipero Serra Channel and Calabazas Creek due to erosion and transport of fine sediments or unintentional release of contaminants. Therefore, project-related impacts to stream habitat would be considered significant under CEQA.

Construction projects in California causing land disturbances that are equal to 1.0 acre or greater must comply with State requirements to control the discharge of stormwater pollutants under National Pollutant Discharge Elimination System (NPDES)/Construction General Permit. Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and maintained during the project, and it must include the use of BMPs to protect water quality until the site is stabilized. Standard permit conditions under the NPDES/Construction General Permit require that the applicant utilize various measures including on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other measures.

A stormwater management plan will be developed to ensure that, during rain events, construction activities do not increase the levels of erosion and sedimentation. This plan will include the use of erosion-control materials (e.g., baffles, fiber rolls, or hay bales; temporary containment berms) and erosion-control measures such as straw application or hydroseeding with native grasses on disturbed slopes; and floating sediment booms and/or curtains to minimize any impacts that may occur due to increased mobilization of sediments. Suitable erosion control, sediment control, source control, treatment control, material management, and non-stormwater management best management practices will be implemented.

A list of example BMPs include:

- Work areas that are temporarily impacted will be restored with respect to pre-existing contours and conditions, to the extent feasible, upon completion of work. Restoration work including re-vegetation and soil stabilization will be evaluated upon completion of work and performed, as needed.
- Implement a dewatering plan for the Blaney Avenue alternative. For work within the channel, the work area will be isolated from the channel using water control structures such as temporary coffer dams.
- Store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
- Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
- Avoid cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated.
- Perform clearing and earth moving activities during dry weather to the maximum extent practical.
- Remove spoils promptly and avoid stockpiling of fill materials when rain is forecast. Cover soil stockpiles and other materials with a tarp or other waterproof material during qualifying rain events.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination and dispersal by wind.
- In the event of rain, all grading work is to cease immediately.
- Implement an erosion control plan during the wet season (October 15 through April 15), including, at a minimum, the following:
 - All paved areas will be kept clear of earth material and debris
 - Inlet protection will be installed at open inlets to prevent sediment from entering the storm drain system.
 - Straw rolls will be placed at the toe of slopes, and along the down slope perimeter of the project area.

- To prevent trapping of animals, plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material will not be used at the project site.
- Implement an approved accidental spill plan, including. The plan will describe what actions will be taken in the event of a spill. The plan will also incorporate preventative measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage. In the event of a contaminant spill, work at the site will immediately cease until the contractor has contained and mitigated the spill. The contractor will immediately prevent further contamination and notify appropriate authorities and mitigate damage as appropriate. Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits, shall always be available on site. Containers for storage, transportation, and disposal of contaminated absorbent materials will be provided in the project site.

In addition to construction-phase requirements, new and redevelopment projects in many Bay Area counties, including Santa Clara County, must also comply with the post-construction site design, source control and on-site runoff treatment control provisions of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater NPDES Permit (MRP). The MRP requires that projects implement BMPs and incorporate Low Impact Development practices into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of stormwater runoff coming from a site. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, bioretention and/or detention basins, among other on-site treatment controls.

During the construction phase, compliance with the requirements to control the discharge of stormwater pollutants under the NPDES Construction General Permit and MRP will reduce impacts to stream habitat to a less than significant level. In addition, the project may require permits from the RWQCB and CDFW for impacts on creek habitat during construction. The Blaney Avenue alternative would also require authorization from the USACE for impacts within the active channel below the OHWM. Generally, the resource agencies require mitigation for project related impacts to stream habitat.

7.7 Impacts to Wildlife Movement– Less than Significant Impact

Construction activities could temporarily restrict some wildlife species from moving between suitable habitat patches during project implementation. In addition, noise and disturbance associated with construction activities could cause a temporary reduction in habitat connectivity through the site for species that commonly use habitats in the project area.

However, due to the type of construction activities, e.g., light grading on existing access roads, installation of wildlife friendly split-rail fencing and landscaping, or in the case of the Blaney

Avenue alternative, the extension of an existing culvert along an engineered storm drain channel, impacts on wildlife movement are less than significant. Furthermore, because project construction will not occur at night, when many mammals, reptiles, and amphibians are active, use of the project area by dispersing nocturnal animals would not be diminished during construction.

Numerous animals likely breed within and around the project area, but no particularly important wildlife nursery areas are present in the project area or would be impacted by the project. Once construction activities are complete, wildlife movement conditions would be similar to pre-project conditions in upland and riparian habitats, and wildlife dispersal through the project area is expected to return to existing conditions. Therefore, impacts to wildlife movement from construction activities are expected to be less than significant.

7.8 Impacts due to Conflicts with Local Policies – No Impact

Since the project occurs on land managed by Valley Water, the project will comply with the conditions of the Water Resources Protection Ordinance as it pertains to the project, including work within the top of bank, landscaping, trail construction, etc. (see Section 3.3.3 above). Also, if protected trees need to be removed as part of the project, the City of Cupertino will comply with the guidelines for the removal of protected trees as described in the City of Cupertino Municipal Code (see Section 3.3.1 above).

7.9 Impact due to Conflicts with an Adopted Habitat Conservation Plan – No Impact

The proposed project does not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

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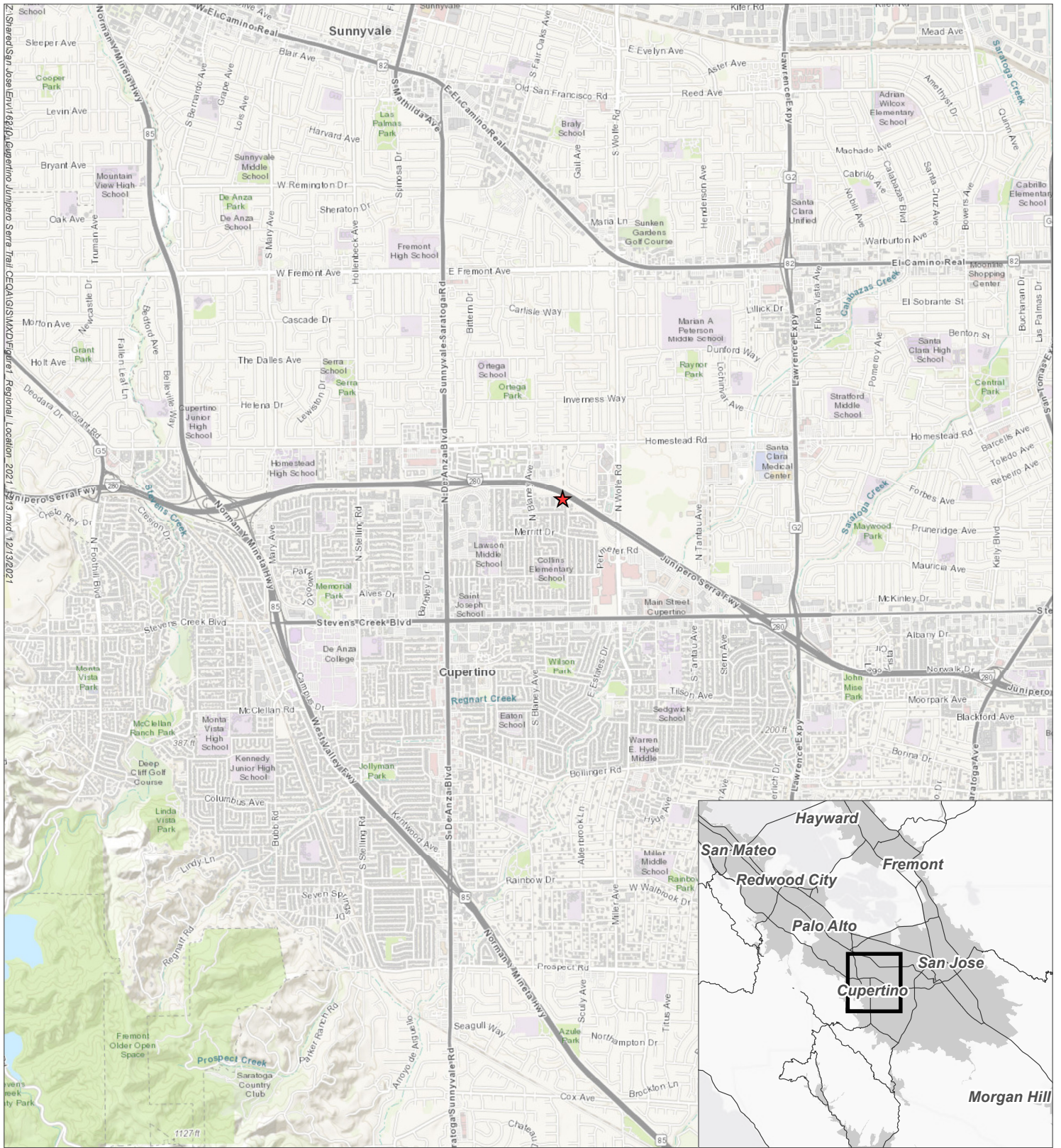
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Appendix A Figures



Source: ESRI 2021; MIG 2021

Figure 1 Regional Location

Junipero Serra Trail Project





Source: ESRI 2021; MIG 2021



 Project Area (9.12 acres)

Figure 2 Project Area Map
Junipero Serra Trail Project



Source: ESRI 2021; MIG 2021

- Project Area (9.12 acres)
- Stream Habitat (3.42 acres)
- Developed (4.82 acres)

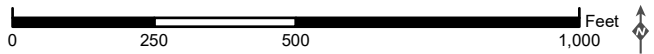
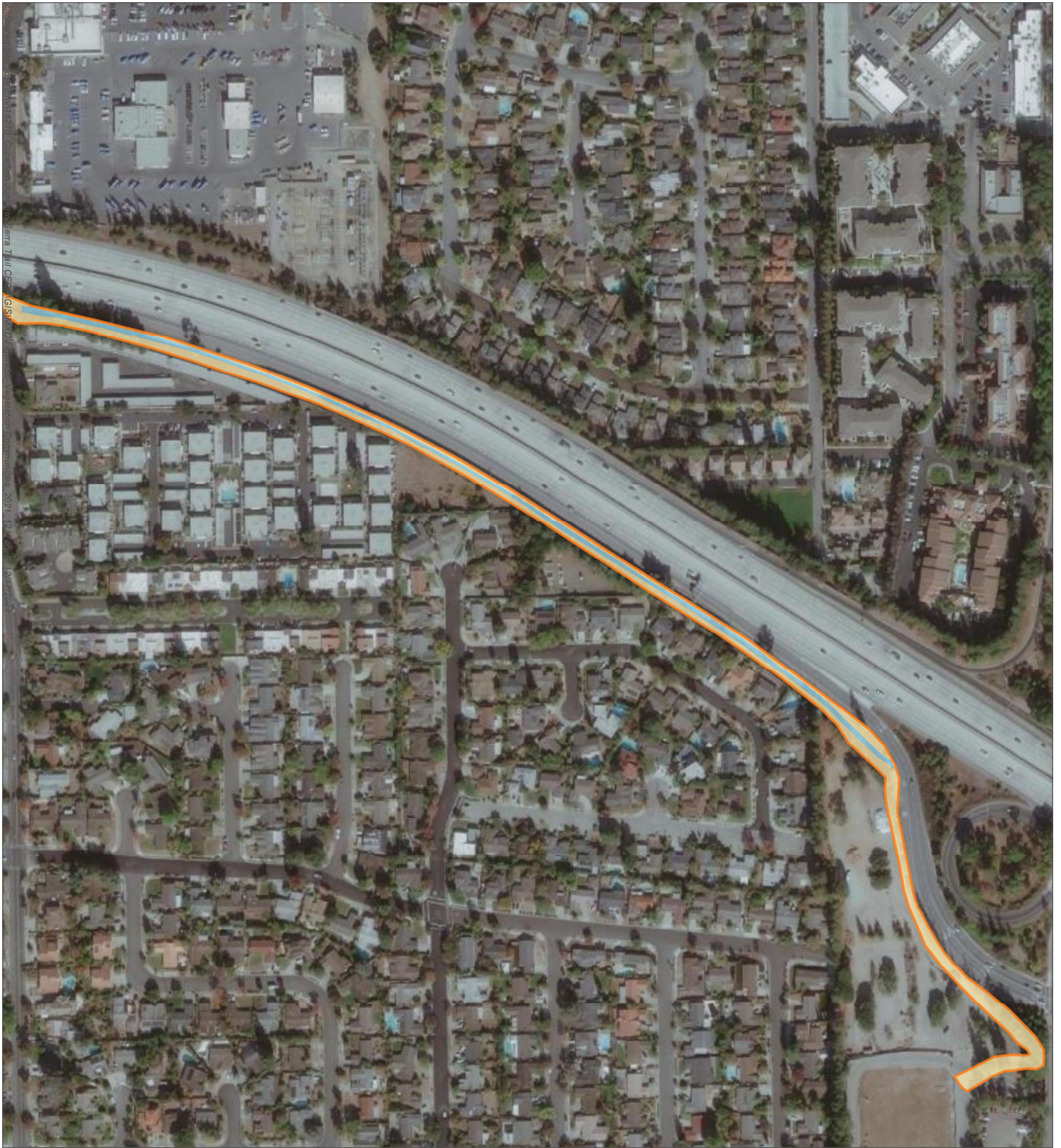


Figure 3a Vegetation Communities
Junipero Serra Trail Project



Source: ESRI 2021; MIG 2021

- Project Area (9.12 acres)
- Stream Habitat (3.42 acres)
- Developed (4.82 acres)

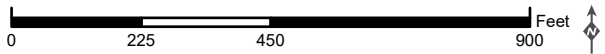
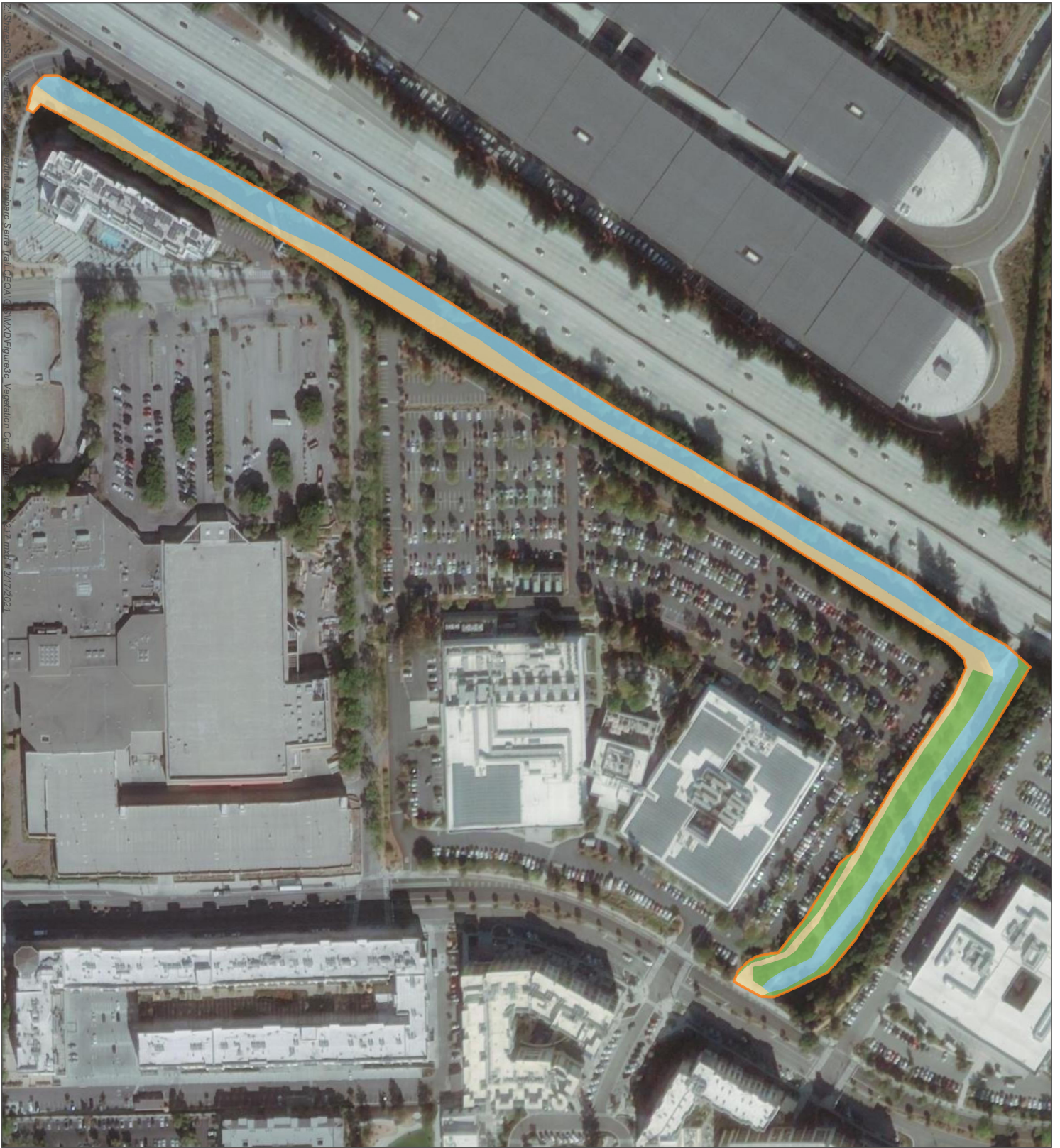


Figure 3c Vegetation Communities

Junipero Serra Trail Project



Source: ESRI 2021; MIG 2021

- Project Area (9.12 acres)
- Coast Live Oak Woodland and Forest (0.88 acre)
- Stream Habitat (3.42 acres)
- Developed (4.82 acres)

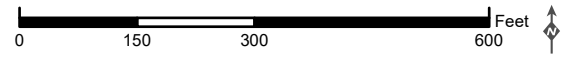


Figure 3c Vegetation Communities
Junipero Serra Trail Project

Appendix B Photographs



Photo 1. Developed land cover within the project area. Junipero Serra Channel with hardpack access road, chain link fence, and sound wall.



Photo 2. Coast Live Oak Woodland and Forest within the project area.



Photo 3. The Junipero Serra Channel within the project area. Surface water was present along portions of the channel.



Photo 4. Calabazas Creek within the project area.



Photo 5. The Junipero Serra Channel, between Wolfe Road and Calabazas Creek, is a vegetated engineered earthen channel.



Photo 6. The confluence of the Junipero Serra Channel and Calabazas Creek within the project area.



Photo 7. Box culvert where Calabazas Creek enters the project area.



Photo 8. The Junipero Serra Channel within the project area. Surface water and wetland vegetation was present along portions of the channel.