4.4 BIOLOGICAL RESOURCES

4.4.1 Background

The 2003 *San Juan Oaks Golf Club General Plan Amendment, Zone Change, and Vesting Tentative Subdivision Map EIR* (2003 EIR) examined the impacts of the 2003 San Juan Oaks Golf Club Project to accommodate a variety of land uses under the Rural/Planned Unit Development (R/PUD) and C-1 (Commercial Thoroughfare Overlay) County General Plan and zoning designations. At that time as part of the 2003 EIR process, biological resources were evaluated for the approximately 1,994-acre Project Site, including a 2003 proposed development area that is generally the same from a footprint standpoint as that proposed under the current development plan (refer to Figure 1-1 in Section 1.0, *Introduction*). At that time, biological evaluations and impact analyses were prepared based on the results of several biological studies conducted and prepared over the preceding ten years including BioSystems Analysis, Inc. (1993 and 1994; Appendices K1 and K2 respectively); H.T. Harvey and Associates (1994; Appendix K3); Zander Associates, (2003a, 2003b; Appendices K4, K5 respectively).

These earlier studies were part of environmental review accomplished in 1994 when the existing golf course and related facilities at San Juan Oaks were being considered for approval. BioSystems conducted field surveys to determine the presence of California tiger salamander (CTS) *(Ambystoma californiense)* on the Project Site prior to the development of the existing San Juan Oaks golf course and related facilities (collectively, "Existing Golf Club"). Surveys were conducted on April 8 and 9 and on April 28 and 29, 1993. Nine ponds and three drainages were considered in their surveys (see discussion below on CTS). All ponds with water were seined for larvae using a fine mesh net (1/16"). BioSystems followed the recommended CDFG survey protocol of that time, which required seining each pond twice, two weeks apart in April when larvae were most likely to occur in ponds.

BioSystems also conducted San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*) field surveys of the Project Site prior to the development of the Existing Golf Club. Surveys were conducted May 14 through 21, 1993 in accordance with then-accepted State and federal northern protocol survey methods which included monitoring scent stations, walking transects (den and sign surveys) and conducting night spotlighting surveys.

H. T. Harvey and Associates identified waters of the U. S. through surveys conducted on-site on July 12, October 7, and November 5, 1993. Surveys were conducted within the boundaries of the Existing Golf Club. The vegetation, soils, and hydrology of that portion of the Project Site were examined following the then-applicable guidelines outlined in the "Routine Determination Method" in the USACE of Engineers 1987 Wetlands Delineation Manual.

Zander Associates began surveys of the Existing Golf Club in 1999 with the majority of the work continuing through 2003. The Zander Associates 1999 to 2003 study area focused on the portion of the Project Site outside of the Existing Golf Club and within the study area boundary and a few of the golf course ponds. From 1999 through 2003, Zander completed a wetlands assessment; identified, characterized and mapped the different vegetation types; and completed surveys for California red-legged frog (CRLF) *(Rana aurora draytonii)*, CTS, burrowing owl *(Athene cunicularia)* and other special-status animal and plant species.

Additional biological analyses were ongoing after 2003 in support of biological permitting, and biological monitoring was conducted in accordance with project permits for work conducted within wetland habitat. The additional studies and permitting included the following:

- *Zander Associates (2005; Appendix K6)*
- *Mori (2006, 2012: Appendices K10 and K11 respectively)*
- *United States Fish and Wildlife Service (USFWS) Biological Opinion (BO) (2006; Appendix K12)*
- *United States Army Corps of Engineers (USACE) (2007; Appendix K13)*
- *Johnson et al. (2008; Appendix K14)*
- *Regional Water Quality Control Board (2007; Appendix K16)*

In 2005 and 2006, Zander Associates met on-site with representatives of the United States Fish and Wildlife Service (USFWS) to confirm site characteristics and discuss endangered species permitting. Following direction from the USFWS, Zander Associates assisted Mr. Bryan Mori, USFWS designated CTS biologist, with a full season protocol CTS trapping study within all suitable CTS breeding habitat on the Project Site in the winter and spring of 2005-2006., consistent with then-applicable methodologies. The results of that study provided information used in the Biological Opinion (BO) issued by the USFWS on August 11, 2006, and provides a known record of CTS on and adjacent to project impact areas. The permitting history on this project is presented in Section 4.4.3 below.

Between 2006 and 2012, representatives from the University of California at Davis (Dr. Brad Shaffer et al.) visited the Project Site to collect tissue samples of tiger salamanders from selected ponds on the Project Site. Preliminary results of the 2006 collections were presented in a subsequent technical memorandum (Johnson et al. 2008). These collections are part of a long-term (20+ year) regional study of hybridization between native salamanders and non-native introduced species.

In October 2012, Mr. Bryan Mori monitored an area of minor grading activity in a small seasonal jurisdictional wetland that had been delineated in 2003 (see Section 4.4.3, *Isolated Wetlands* for the discussion on Isolated Wetland 1). The grading was conducted by the developer (San Juan Oaks, LLC) in conformance with its United States Army Corps of Engineers (USACE) permit (which was originally issued in August 2006 and has since been regularly reauthorized). Specifically, a preconstruction survey of this area was conducted on October 8, 2012; in addition, Mr. Mori, the USFWS designated CTS biologist, was present during grading activities on October 10, 2012 to train construction personnel and monitor to insure that no CTS, CRLF or SJKF were harmed. The entrances of all small mammal burrows were examined for focal species, sign of use and assessed for habitat suitability.

Zander Associates conducted amphibian surveys on April 14, May 6, and May 7, 1999. Sampling was performed using dip nets and/or a 20′ seine with a 1/8 inch fine-mesh. Eight ponds were sampled, and a brief visual survey for suitable habitat was conducted along the drainages. The surveys were targeted for CTS and CRLF, but all fauna captured were identified.

Zander Associates conducted general vegetation and wildlife surveys on April 13 and 14, 1999; May 6 and 25, 1999; May 10, 2000; May 4, 2001; July 31, 2001; and October 14, 2002. Survey methodology involved driving and walking the entire Project Site, using aerial photographs

and topographic maps. Special-status plant surveys were conducted on the Project Site, in accordance with then-applicable CDFG (1984) guidelines on several occasions between 1999 and 2003.

4.4.2 Methodology

The 2003 *San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map EIR* (2003 EIR) evaluated then-existing conditions and assessed potential impacts from project development from development under the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project. The 2003 San Juan Oaks Golf Club project included a General Plan Amendment/Zone Change/Vesting Tentative Tract Map. This previously approved project allowed for the development of 156 market rate residential units, 30 affordable units, a resort hotel, a village commercial site, a park, a permanent wildlife habitat/open space, an additional 18-hole golf course, and an additional nine-hole golf course. None of the previously approved uses have been constructed.

The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1 in Section 1.0, *Introduction*. However, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of the Del Webb at San Juan Oaks Specific Plan Project. Specifically, the Project proposes to increase the previously approved overall impervious building area from approximately 193 acres to approximately 323 acres, increase the total number of residential dwellings from 186 single-family residential dwellings to 1,084 single-family residential dwellings, increase the neighborhood commercial area from approximately seven acres to approximately 14 acres, increase roadway areas from approximately 44 acres to approximately 88 acres, increase the permanent wildlife habitat/open space from approximately 1,163 acres to approximately 1,243 acres, and develop an approximately 10-acre amenity center. In addition, the Project would include the permanent preservation of approximately 153 acres of off-site prime agricultural land.

The Project as proposed still only directly impacts a portion of the approximately 1,994-acre Project Site, with much of the Project Site left undeveloped and proposed for a wildlife habitat preserve. This section of the SEIR presents the existing biological conditions within the entire Project Site as depicted in Figure 2-2; however, direct impacts on biological resources are limited to those areas where Project development and associated ground disturbance are proposed as depicted in Figure 2-4b. This is an important distinction as habitats and species occurring within the portions of the Project Site not proposed for development, and especially within those areas proposed for preservation, would not be expected to have direct impacts, and indirect impacts would be minimal to none. Throughout the section we refer to the Project Site, and then identify and discuss two distinct portions of the Project Site: the "proposed Development Area" consisting of portions of the Project Site where direct impacts are expected (as presented in Figure 2-4b); and the "no-development area" consisting of portions of the Project Site where no direct impacts are expected. The Project Site refers to the entire approximately 1,994-acre area. Vegetation communities, habitats and special status species occurrences, and potential impacts to biological resources are evaluated independently for the Project Site and the proposed Development Area.

The approach taken for this SEIR required a determination of whether the current existing conditions on the Project Site had changed significantly from those present in 2003. Studies in 2013 provided a current evaluation of the conditions within the Project Site that informed the current evaluation of the existing biological resources on the Project Site and current analysis of the potential impacts to biological resources from development of the proposed Project. To that end the evaluations of biological resources in the Project Site, including those within the no-development area, are based on a review of the 2003 EIR, the original studies as cited above, and the following additional background documents: Zander Associates, (2013a and 2013b, 2014; Appendices K7, K8 and K9 respectively); Arbor Resources (2013). Rincon conducted a field visit in October 2013 to confirm that no significant changes in biological conditions on the Project Site have occurred since the prior field study and to also confirm the consistency of the prior findings. The methodologies used in the prior studies that are relevant to the analysis set forth in this SEIR are described below.

In addition to Rincon's peer review, in order to provide updated information on the biological conditions within the Project Site and confirm the current conditions within the entire Project Site, Zander Associates conducted additional biological surveys in 2013. Zander Associates biologists systematically traversed the Project Site on April 4, 2013, to evaluate general vegetation and wildlife habitat characteristics. Zander Associates biologists drove on farm and ranch roads, and walked transects across fields and hillsides to compare current conditions with those described and mapped previously. Each of the ponds, previously mapped wetlands, riparian areas and drainages were evaluated in 2013 for current conditions. The biologists searched for mammal burrows and carefully observed areas with evident ground squirrel (*Otospermophilus beecheyi*) activity to identify any sign of burrowing owls. All plant species encountered were identified, and specimens of species that were not identified in the field were collected for later keying. A Zander Associates botanist surveyed the Project Site on April 23, 2013 and again on May 1, 2013 to identify any later blooming species that might have been missed earlier in the season. No additional aquatic habitat sampling or other protocol wildlife surveys were conducted in 2013. Special-status species previously documented on the Project Site, including CTS, CRLF and nesting raptors, were assumed to still be present on the site.

Because habitats and vegetation communities remained essentially unchanged from 2003 surveys, the early studies and permitting completed between 1999 and 2012, in conjunction with the studies completed in 2013 and 2014 provide sufficient information to accurately characterize existing biological conditions and evaluate the potential for special status species to occur on the Project Site. The 2013/2014 surveys provided updated survey results for species that could have become established on the Project Site since 2003. For example, special status plants could have colonized areas where they were not previously observed (where suitable habitat and microhabitat conditions are present), and botanical surveys are generally only valid for 2-3 seasons; therefore, updated focused botanical surveys in suitable habitat were necessary, and conducted in 2013 as described above. Furthermore, the 2013 surveys confirmed the current status of vegetation communities and habitat within the Project Site that provides the basis for evaluating the potential for special status species to occur on the Project Site, and ensures all potentially occurring species have been evaluated for potential impacts within this SEIR. Updated results from 2013 field surveys did not identify any new vegetation communities or habitats, and provided no evidence that any additional special status species not previously evaluated have potential to occur on the Project Site. However, the changes between the 2003

San Juan Oaks Golf Club Project and the proposed Project did require a re-evaluation of potential impacts to all biological resources. It is important to note that evaluating the vegetation communities and habitats that are present within the Project Site provides sufficient information to evaluate the potential for the site to support special status biological resources, and thus assess the potential impacts to those resources. Specific focused or protocol surveys are not necessarily required if species are known to occur or have the potential to occur on the Project Site, and no additional surveys beyond those completed to date are necessary for this project.

Zander Associates remapped vegetation types on the current aerial photograph of the Project Site, updated the special status species tables provided in the Zander Associates (2003) report, and added to the plant list for the Project Site. This information has been incorporated into this SEIR as applicable as part of the updated analysis.

In October 2013, Rincon conducted a reconnaissance field visit to: 1) field-verify the proposed Project Site and 2) verify the accuracy and adequacy of available background information and studies. Information on special-status species with potential to occur within the Project Site was obtained through a 9-quad[a] search of the California Natural Diversity Data Base (CDFW, 2014) and Rincon's expertise of the local flora and fauna within San Benito County and the greater central coast region. For purposes of this SEIR analysis, the existing conditions of the Project Site are described further below, and may discussed in the context of the entire Project Site, the no-development area, or the proposed development area.

4.4.3 Setting

The Project Site encompasses approximately 1,994 acres within the foothills of the Gabilan Range of the coastal mountains at the southeastern end of the San Juan Valley. The Project Site is located approximately three miles southwest of the City of Hollister and approximately 1.0 mile south of State Route 156 (SR 156) (see Figures 2-1 and 2-2 in Section 2.0, *Project Description*) in unincorporated San Benito County. Bordering the Project Site are sparsely developed wooded hills to the south and west at the base of the Gabilan Range, agricultural land, industrial uses (including, among others, the Pacific Scientific Energetic Materials Company) to the north, and San Justo Recreation Area to the east. As described in Section 2.4.2 and shown in Table 2-3 of Section 2.0, *Project Description,* only a portion of the Project Site is proposed for new development (see Figure 2-4b), while the remaining parts of the Project Site would be preserved for wildlife habitat, open space and/or agricultural uses.

Habitats in the Project Site are composed of oak woodlands and non-native annual grassland used primarily for grazing, and agricultural areas containing row crops and olives. A portion of the Project Site in the northeast is used for dryland farming**.** Mixed riparian forest, seasonal ponds (stock ponds and water retention basins), isolated seasonal wetlands, and disturbed/developed areas including the Existing Golf Club cover the remaining land within the Project Site. Elevations on the Project Site range from a low of approximately 220 feet in the relatively flat pasturelands toward the westerly edge, to a high of approximately 1,120 feet in

[a] *The CNDDB search was conducted on the Hollister, California U.S. Geological Survey 7.5 minute topographic quadrangle and the surrounding eight quadrangles (Chittenden, San Felipe, Three Sisters, San Juan Bautista, Tres Pinos, Natividad, Mt. Harlan, Paicines). Results of the database search are used to develop a complete list of special status species that may occur within the Project site given the vegetation communities and habitat present on the Project site.*

the hills to the south. The hills are cut by several prominent ephemeral water courses that carry winter runoff in a more or less northerly direction toward the pasturelands where the channels disappear and the water dissipates as overland flow.

a. Habitat Types. Four distinct habitat types (non-native annual grassland, oak woodland, mixed riparian forest, ruderal/disturbed areas) and four wetland features (isolated seasonal wetlands, ephemeral drainages, seasonal ponds, and seeps that may be seasonal in duration) were identified on the Project Site. These findings are consistent with the prior environmental analysis, which determined that these four distinct habitat types and four wetland features were located within the Project Site. Agricultural fields are also present within the Project Site. Table 4.4-1 lists the current approximate acreages of these habitats and wetland features within the Project Site. Habitats and Wetland features are presented on Figures 4.4-1 and 4.4-2 respectively. Classification of the on-site habitat types or vegetation communities was based on technical reports prepared by Zander Associates (2003a, 2003b, 2013), that described vegetation communities in the Project Site based on Holland's classification of terrestrial vegetation (1986), and referencing Sawyer et al. vegetation classification system (2009) where appropriate. In addition, there were isolated seasonal wetlands, several seasonal ponds, natural ephemeral drainage features, and seeps identified on-site. The basic characteristics of all habitats and wetlands are described below. The extent of each habitat and wetland feature on the Project Site is illustrated on Figures 4.4-1 and 4.4-2. There are several areas located within the Project Site that are considered "waters of the United States" that fall under the jurisdiction of the USACE pursuant to Section 404 of the Clean Water Act (1972) (Figure 4.4-2). Figure 4.4-3 shows the location of the proposed development area within the Project Site overlain on habitats, depicting where potential impacts to biological resources may occur from Project development.

Table 4.4-1
Habitat Summary Table

Habitat Type	Approximate Acres in Project Site[1]	Approximate Acres in Proposed Development Area[1]
Non-native Annual Grassland	955	124
Oak Woodland	454	0
Mixed Riparian Woodland	53	0
Ruderal/Disturbed	170	8.8
Isolated Seasonal Wetland	0.7	0.59
Ephemeral Drainages	1.43	0
Seasonal Ponds	6.95	0
Seeps	0.27	0
Agricultural Fields	347	296

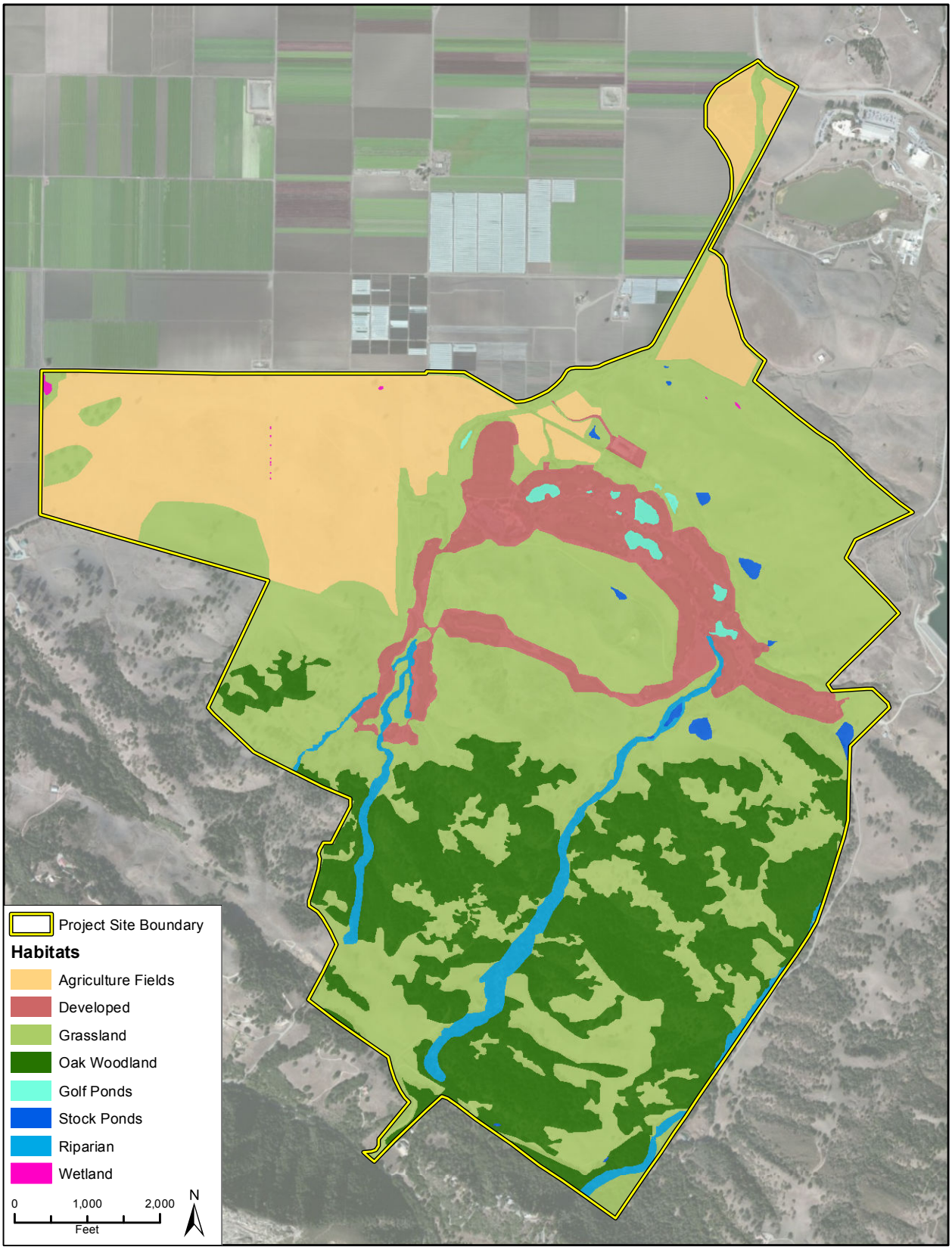
[1] *Calculated based on data provided from Zander Associates, 2013.*

Non-native Annual Grassland. Non-native annual grassland is the most dominant vegetation type in the Project Site consisting of approximately 955 acres (refer to Figure 4.4-1). In the Project Site, this habitat type resembles Non-Native Grassland as described by Holland (1986), and includes the wild oats and annual brome grasslands of Sawyer et al. (2009). The grasslands have become compacted by cattle grazing and naturalized by introduced annual species including rip gut brome (*Bromus diandrus*), soft chess brome (*Bromus hordeaceus*), wild oats

(*Avena* spp.) Italian ryegrass (*Festuca perennis*), rat-tail fescue (Festuca myuros) and hare barley (*Hordeum murinum* ssp. *leporinum*). Native wildflowers observed in the grasslands during spring and summer surveys were sparse but included blue-eyed grass (*Sisyrinchium bellum*), purple owl's clover (*Castilleja exserta* ssp. *exserta*), common muilla (*Muilla maritima*), suncup (Taraxia ovata), and California poppy (*Eschscholzia californica*). Within the non-native annual grassland at higher elevations and on steep slopes patches of native perennial bunch grasses, primarily purple needlegrass (*Stipa pulchra*) and nodding needlegrass (Stipa cernua), were observed. There were areas where native grasses were locally dominant, but the patches were relatively small and fragmented and therefore did not meet the minimum standards to be characterized as "native grassland" and were not distinguished as a separate habitat type.

Grasslands provide foraging habitat for a variety of animals. Within the Project Site, this habitat has been disturbed by grazing; however, it nonetheless continues to maintain a suitable value for a wide range of wildlife species. Invertebrate species often found in grasslands provide a food source for lizards, birds, and some small mammals, including bats. Many of these animals, in turn, serve as prey for larger species. Animals commonly found in California grasslands include gopher snake (*Pituophis catenifer catenifer*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), Black phoebe (*Sayornis nigricans*), western meadowlark (*Sturnella neglecta*), western harvest mouse (*Reithrodontomys megalotis)*, Botta's pocket gopher (*Thomomys bottae*), black-tailed jack rabbit (*Lepus californicus*), coyote (*Canis latrans*), bobcat (*Lynx rufus*), and black-tailed deer (*Odocoileus hemionus*). Special-status species such as SJKF and burrowing owl may be less common, but also utilize even highly disturbed grassland habitat.

Oak Woodland. The oak woodland habitat on-site corresponds to the coast live oak, valley oak, blue oak, and black oak woodlands described by Holland (1986). This habitat type in the Project Site is dominated by various oak species depending on moisture availability, slope and aspect of a particular area. Because no one oak species is dominant, the oak woodlands in the Project Site most closely conform to the mixed oak forest (*Quercus* forest alliance) described by Sawyer et al.(2009). Oak woodland habitat covered approximately 454 acres and was concentrated in the southern portion of the Project Site. At the lower elevations and along ephemeral drainages near the canyon bottoms, coast live oak (*Quercus agrifolia*) and valley oak (Q*uercus lobata*) were roughly co-dominant with big leaf maple (*Acer macrophyllum*), California bay laurel (*Umbellularia californica*) and blue elderberry (*Sambucus mexicana*) occurring as common associates. At higher elevations on drier areas and south-facing slopes, blue oak (*Quercus douglasii*) was dominant, with black oak (Q*uercus kelloggii*), madrone (*Arbutus menziesii*) and coast live oak present in localized areas. Canopy density of oak woodland habitat varies depending on the particular microclimate. The on-site canopy was most dense where the microclimate was moister such as on north-facing slopes, in moderately steep ravines and along canyon bottoms. On south-facing slopes, near the tops of ridges and on open knolls, the canopy was more open and characteristic of an oak savanna. Understory composition also varied depending upon local conditions such as canopy density, moisture availability and soil type. In the relatively drier areas of the site, a grassland dominated understory was present, while in areas of higher relative moisture, the more common understory species included poison oak (*Toxicodendron diversilobum*), California blackberry (*Rubus ursinus*), snowberry (S*ymphoricarpos albus* var. *laevigatus*), wood rose (*Rosa gymnocarpa*), hedge nettle (*Stachys bullata*), and wood fern (*Dryopteris arguta*).



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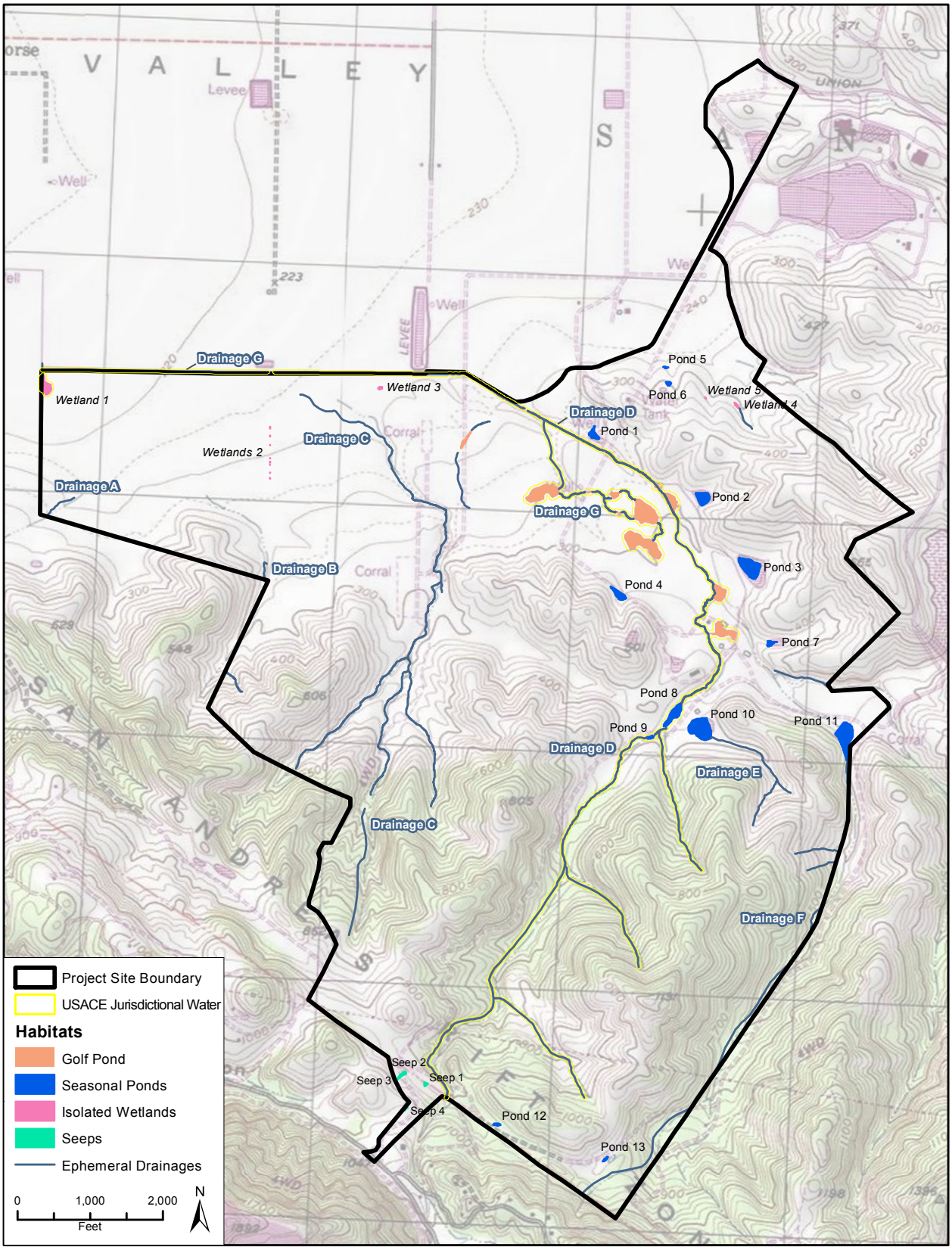
Habitat Map

Figure 4.4-1



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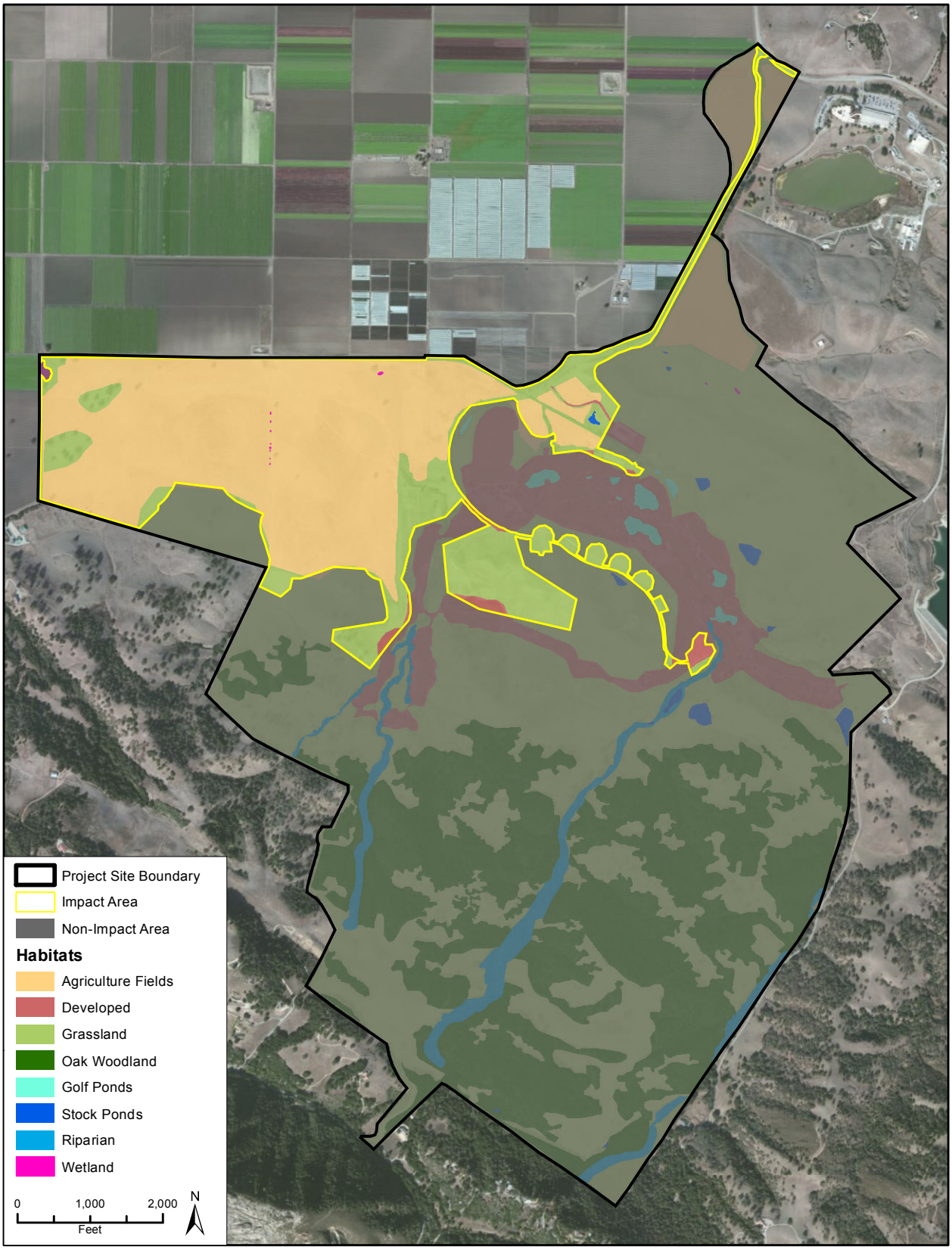
Wetland Features Map

Figure 4.4-2



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Habitat Impacts

Figure 4.4-3

Generally, individual oak trees and oak woodlands provide important habitat for a variety of wildlife species. Oak trees provide nesting sites and cover for many species, including an abundance of bird species that nest in oak trees or oak woodlands, as well as an array of mammals that use oak woodlands for cover, foraging, and breeding. Cavity-bearing trees supply food, denning, nesting, and roosting sources. Root systems, woody debris and duff in the forest contribute to the structural complexity of the forest floor. The structural complexity of the forest floor results in the development of microclimates that are suitable for amphibians and reptiles and further provides foraging areas for small mammals and birds. Acorns are a valuable food source for many animal species, including the California quail (*Callipepla californica*) and black-tailed deer. Other representative animal species of oak dominated forests include the arboreal salamander (*Aneides lugubris*), southern alligator lizard (*Elgaria multicarinata*), California kingsnake (*Lampropeltis californiae*), ring-necked snake (*Diadophis punctatus*), western screech owl (*Otus kennicottii*), scrub jay (Aphelocoma californica), acorn woodpecker *(Melanerpes formicivorus),* western bluebird *(Sialia mexicana)* and Virginia opossum (*Didelphis virginianus*). Many of the grassland wildlife move freely between habitats and use oak woodland resources. Impacts to biological resources are discussed later in this section; however, no new development is proposed within areas consisting of oak woodland in the Project Site and no oak woodland habitat will be directly affected by proposed development.

Mixed Riparian Forest. The mixed riparian forest habitat type occurs in the Project Site in relatively narrow bands along drainages where the microclimate is moist and the water table is closer to the surface, primarily in the southern portion of the site. In the Project Site, this habitat corresponds with Central Coast live oak riparian forest or the Central Coast cottonwood-sycamore riparian forest (California sycamore series) of Holland (1986). The mixed riparian habitat type within the Project Site covered approximately 53 acres and was dominated by open to closed canopies of coast live oak, valley oak, red willow (*Salix laevigata*), and occasional occurrences of cottonwood (*Populus* sp.). Along the more significant waterway in the southeastern portion of the site (Drainage D on Figure 4.4-2), California sycamore (*Platanus racemosa*) was also a major component of the canopy. Arroyo willow (*Salix lasiolepis*) was interspersed throughout the mixed riparian forest habitat type in the Project Site. Common shrubs associated with this habitat type included poison oak, blue elderberry, snowberry, California blackberry, and California rose (*Rosa californica*). Herbaceous vegetation was sparse but there were a number of native grasses and forbs scattered throughout the riparian forest including Douglas' mugwort (*Artemisia douglasiana*), stinging nettle (*Urtica dioica* ssp. *holosericea*), willowherb (*Epilobium adenocaulon*), miner's lettuce (*Claytonia perfoliata*), and willow dock (*Rumex salicifolius*).

Generally, riparian forests provide valuable wildlife habitat because these forests include a suite of important habitat features that are located adjacent to a water source – a particularly important feature of riparian habitat in the arid western U.S. The riparian canopy typically includes a wide variety of trees and shrubs, and generally consists of abundant cover, providing numerous nesting and foraging opportunities for a wide variety of birds and other wildlife. Animal species that are common to riparian habitats include the California newt (*Taricha torosa*), Pacific chorus frog (*Pseudacris regilla*), CRLF, bullfrog(*Rana catesbeiana*), arboreal salamander, song sparrow(*Melospiza melodia*), yellow warbler(*Dendroica petechia*), and ornate shrew(*Sorex ornatus*).The cottonwood and sycamore trees present in the mixed willow riparian vegetation found in some portions of the Project Site could be used by raptors for nesting and roosting. The

presence of grassland habitat adjacent to these riparian corridors provide important foraging habitat for raptors, and a large number of raptors have been observed within the Project Site. Reptiles including the western fence lizard (*Sceloporus occidentalis*), western skink (Plestiodon skiltonianus), and southern alligator lizard are often found in the leaf litter and downed tree branches in riparian areas. Many of the wildlife associated with other on-site habitats move freely between habitats and would be expected to use resources within the riparian forests.

Cultivated Agricultural Fields. The western portion of the Project Site and several fields just north of the Existing Golf Club and along the main access road to the site (San Juan Oaks Drive) are actively cultivated for forage, grain and other crops. Most of the forage and grain fields on-site are typically disked and seeded between fall and early spring and harvested (cut) between late spring and early summer. They usually remain fallow until the seasonal cycle begins again. During the spring site visit in 2013, winter wheat (*Triticum aestivum*) was the primary crop growing in the fields around the Existing Golf Club, and row crops were growing in the agricultural field east of San Juan Oaks Drive (see Section 4.2, *Agricultural Resources* for a more detailed discussion of the agricultural activity within the Project Site). In addition to the row crops and winter wheat, there is an established olive grove on the hilly ground at the entrance to the Project Site at the intersection of San Juan Oaks Drive and Union Road. As of early April 2013, the large western field was disked but not yet seeded for the 2013 growing season.

Suitable habitat for native plants and wildlife is significantly limited in cultivated agricultural fields resulting from continual disking/planting/harvesting activities. Aggressive plant colonizers, especially non-native weeds, can become established on cultivated ground. Common rodents, reptiles and other animals could also occur in these areas; however, ongoing cultivation restricts the long-term establishment of plant communities or wildlife populations. Some raptors including Swainson's hawk, red-tailed hawk, American kestrel and white tailed kite are likely foragers in open cultivated fields.

Ruderal /Developed. The ruderal/developed habitat types on the Project Site consist of approximately 170 acres and include the Existing Golf Club (which includes the clubhouse, associated infrastructure) and the immediately surrounding areas including several ponds on the Existing Golf Club (Note, the ponds present on the Existing Golf Club have been determined to be non-jurisdictional and therefore have not been included in any of the wetland calculations, as described further below. Ruderal/developed habitat types are generally considered to have lower potential to support native plant species, but depending on the nature of the disturbed area, the potential for native species may increase in some disturbed areas. The ruderal/developed habitat within the Project Site is composed primarily of ornamental plant species and manicured lawn/greens with low occurrences of native plants. There are several ponds within the Existing Golf Club and most of these are supplied with water year-round. Native and non-native emergent aquatic vegetation and riparian vegetation have become established around the perimeter of some ponds located along the edge of the Existing Golf Club and have potential to support special status species; however, ponds located in the middle of the fairways have been kept relatively free of aquatic and riparian vegetation. The fairways and greens are turfed and ornamental landscaping is present around the clubhouse and parking areas. Some ruderal (disturbed) areas can be found adjacent to the managed parts of the

Existing Golf Club and support mostly non-native weeds like star thistle (*Centaurea solstitialis* and *C. calcitrapa*), hemlock (*Conium maculatum*), ripgut brome and other annual grasses.

In general, ruderal/developed areas provide varying, but relatively low value habitat for wildlife. Many wildlife species that would be expected to occur within the Project Site either prefer habitats with a diversity of plant species that provide a variety of cover and food sources or are adapted to specific vegetation communities and/or natural habitats; however, the ponds present on the Existing Golf Club, especially those that include emergent aquatic and riparian vegetation may provide suitable habitat for some wildlife species, and more common small- to medium-sized mammals including coyotes, opossums, raccoons, and skunks may traverse the open fairways, especially at night. Raptors, including red-tailed hawk and red-shouldered hawk (*Buteo lineatus*) have been observed on the Existing Golf Club and may use the more vegetated areas along the margins of the golf club for foraging and potentially nest in some of the larger trees. Amphibian species are known to exist along the fringes of the on-site ponds with emergent vegetation. In addition, deer may browse on the turfed areas. The woody and emergent vegetation around some of the ponds provides suitable habitat for birds. Common amphibians and invertebrates observed using the ponds of the golf course included Pacific treefrog, California newt, California linderiella (*Linderiella occidentalis:* non-listed fairy shrimp), and damselfly. Special-status species such as CTS and CRLF may be less common, but could also utilize the aquatic features in the ruderal/developed areas on-site. Additional species that use ruderal/developed habitat are California quail, wild turkey (*Meleagris gallopavo*) western scrub-jay (*Aphelocoma californica*), bushtit (*Psaltriparus minimus*), and California towhee (*Pipilo crissalis*).

Waterways and Wetlands. There are several landscape features and habitat types in the Project Site that have in the past or currently do convey or retain water for at least part of the year. These features are described below and include ephemeral drainages, isolated seasonal wetlands, seasonal ponds, and seeps. The USACE verified the extent of their jurisdiction in August, 2003 (see Zander Associates 2005; Appendix K6). As described in the Assessment of Waters of the United States (Zander Associates 2003b; Appendix K5) and associated wetland delineations, Drainages D and G, Wetland 1 and Ponds 8 and 9 are waters of the U. S. under jurisdiction of the USACE. Drainages A, B, C, E, and F, Ponds 1 through 7 and 10 through 13, and Wetlands 2 through 5 are USACE non-jurisdictional waters and wetlands (Figure 4.4-2). Although the non-jurisdictional features may not be regulated by the USACE , some of them support special-status species.

Ephemeral Drainages. Several ephemeral streams convey runoff from the hills in the southern portion of the Project Site northeast through the site. These drainages typically contain incised main stem channels and tributaries that carry runoff from the surrounding oak woodlands onto and through the central part of the Project Site. Mixed riparian forest is associated with the most pronounced of these streams in the (southern) upper reaches of the Project Site. With the exception of one of these drainage systems, the defined channels disappear and any seasonal runoff dissipates as the slope flattens. Three prominent ephemeral drainages convey runoff from the hills in the southern portion of the Project Site northeast through the site (Drainages C, D and F; Figure 4.4-2). All of these contain incised channels and tributaries that support an established riparian canopy but typically lack in-channel herbaceous wetland vegetation. Drainages C and D in particular contain well developed riparian and

woodland vegetation that continues from the southwestern portion of these drainages onto the Existing Golf Club.

Two less prominent waterways (Drainages A and B) originate off-site and carry seasonal runoff through small channels that extend about 200 linear feet onto the Project Site where they terminate. Runoff carried in these waterways dissipates as overland flow through the northwestern portion of the Project Site. A third waterway (Drainage E) originates in a side canyon adjacent to the main stem of Drainage D and empties into a constructed stock pond (Pond 10). Drainage G is a man-made ditch that originates near the Existing Golf Club maintenance yard, extends northwest toward the northern boundary of the Project Site, and then west along the length of the northern boundary. At the northwest corner of the Project Site, the ditch heads north following a course through agricultural fields until it eventually connects with San Juan Creek near SR 156. The Drainage G ditch is hydrologically connected to Drainage D through creeks and ponds in the Existing Golf Club and was at one time connected to Drainage F through overflow/diversions from Pond 11. None of the other drainages were directly connected to Drainage G. There was one side tributary to this drainage that was dug to convey overflow from the golf club ponds off of the Project Site.

Drainages D and G were verified by the USACE as jurisdictional under the CWA. The proposed Project has been designed to avoid all impacts to and fill within the two jurisdictional drainages. Drainage G will be widened, expanded and enhanced with riparian plantings. This drainage will function as a perimeter drainage feature to carry site runoff through a series of ponds to the northwest corner of the property and then offsite to the north. No impacts beyond those authorized for the previously approved project through permits issued by the USACE and RWQCB will occur as a result of Project development. Stream crossings to support necessary roadways and trails will be clear span bridges, arch culverts or equivalent and will avoid fill within the Ordinary High Water Mark (OHWM) of the stream channel. Repair and/or replacement of in-stream facilities (e.g. culverts, weirs), and ongoing maintenance of drainage capacity in channels will be allowed in drainages.

In addition to the water channels, there are numerous erosional gullies located primarily in the steeper hillside areas. These gullies typically do not have identifiable beds, banks or channels, are located in extremely limited watershed areas, do not support any hydrophytic vegetation, are not tributary to any larger waterway systems, and have not been identified as USACE jurisdictional waters.

Isolated Seasonal Wetlands. The wetland habitat types within the Project Site correspond to the Coastal and Valley Freshwater Marsh and the Vernal Marsh described by Holland (1986). Isolated seasonal wetlands were limited in extent comprising approximately 0.7 acre of the Project Site and occurring primarily in the relatively flat portions of the site where the duration of soil saturation or surface water ponding was sufficient to establish all three wetland parameters: hydrophytic (water-loving) plants, hydric soils, and wetland hydrology. Seasonally ponded areas within this habitat type provide habitat for aquatic invertebrates such as water striders and boatmen, and amphibians such as the Pacific treefrog. Five seasonal wetland areas were identified (Figure 4.4-2) and are described below.

W-1: This area is near the northwestern corner of the Project Site in the western pasture, where water ponds seasonally in this microtopographic depression. At the time of the 1999 surveys, no surface water or soil saturation was observed in this area but the vegetation composition was slightly different than the surrounding grassland and consisted mostly of wetland-specific plant species. This wetland is currently under USACE jurisdiction and was partially filled in 2012 and expanded under authorization (Nationwide Permit [NWP] 39; File #27710S) previously granted by the USACE. No special status species were observed during the work activity that occurred in 2012. This feature originally consisted of approximately 0.5-acre (22,280 sq. ft.) of jurisdictional seasonal wetland (as verified by the Corps in 2003). The wetland was partially filled (approximately 0.2-ac or 9,240 sq. ft. of fill) and expanded by shallow excavating of an adjacent 0.3 acre in 2012. The resulting feature consists of a new area totaling approximately 0.6 acre in the northwest corner of the San Juan Oaks property. This work was completed under Corps/RWQCB authorization. The proposed Project is designed to avoid any further encroachment into the W-1 area, and there will be no impacts to W-1 from Project development, and no habitat suitable to support special status species was identified in the vicinity of this area during pre-construction surveys conducted prior to the work (Mori 2012). The newly expanded wetland area was dry during spring surveys in 2013, probably because of abnormally low rainfall in the early months of 2013 (Zander Associates 2013).

W-2: This wetland area is a series of eight small isolated depressions situated along a fence line in the western pasture (Figure 4.4-2). These depressions were thoroughly saturated in March and April of 1999 and continued to pond and/or contain saturated soils during the growing seasons in 2000 - 2002. The predominant vegetation in these depressions was hyssop loosestrife (*Lythrum hyssopifolia*), curly dock (*Rumex crispus*), and prostrate knotweed (*Polygonum arenastrum*). At that time, the extent of the eight depressions comprising this wetland area was approximately 560 square feet. during the original site visits (0.01 acre) When revisited in 2013, the area was being dry farmed and there was no sign of recent soil saturation.

W-3: This wetland was another microtopographic depression in the western pasture. During initial site visits in 1999, it was ponded or saturated during the growing season, supported a predominance of wetland vegetation, and was underlain by hydric soils. At that time, the area was approximately 1,750 square feet (0.04 acre). When revisited in 2013, the area was being dry farmed and there was no sign of recent soil saturation.

W-4: Wetland W-4 was composed of a small narrow swale culminating in a low depression. During initial site visits in 1999, it ponded water seasonally and supported hydrophytic vegetation including rabbitsfoot grass (*Polypogon monspeliensis*) and swamp grass (*Crypsis schoenoides)*. At that time, the swale and the depression were approximately 1,000 square feet (0.02 acre) in extent. When revisited in 2013, there was no sign of recent soil saturation.

W-5: This wetland developed as the result of a road cut into the hillside. Water flowed off the slope and was trapped by the road cut creating an approximately 60 square-foot (0.001 acre) area (as measured at the time of the initial site visits in 1999) , which was saturated and supported wetland grasses such as rabbitsfoot grass and swamp timothy. When revisited in 2013, there was no sign of recent soil saturation.

Seasonal Ponds. Almost all of the ponds on the Project Site have been created as water supply/retention areas associated with grazing operations or as features related to the Existing Golf Club. On-site, there are 13 (current or former) ponds not associated with the golf club that vary in size from 0.03 acre to 1.7 acres. All of these ponds are seasonal, typically containing water during the winter months and drying out in the late spring and summer. There is no aquatic vegetation associated with these ponds other than occasional algal blooms and mosquito fern *(Azolla filiculoides)* and only marginal shoreline vegetation due to heavy cattle use of these wetlands and grazing adjacent to these ponds. During protocol surveys for California tiger salamander the species was recorded in several of these ponds, and those observations are discussed in detail later in this section. A description of each of the 13 seasonal ponds identified and shown in Figure 4.4-2 follows.

Pond 1: Pond 1 is located adjacent to the golf course maintenance yard. The existing access road to the maintenance yard is situated between the pond and the open hillsides. Pond 1 is a former irrigation pond that was filled with well water and was used for ranching operations. In 1993, at the time this was a functioning irrigation pond, it contained standing water. At this time BioSystems conducted surveys of the pond and observed western toad larvae and larvae and adults of Pacific treefrog and California newt. By 1999 Pond 1 was no longer functioning as irrigation storage and was dry; however, wetland plant species were still observed in the pond in 1999 but no signs of ponding (algal matting, vegetation matting) were present and the presence of wetland plant species alone is generally not sufficient evidence to characterize an areas as a formal wetland. Because there was no water in Pond 1 at the time of the 1999 aquatic surveys no sampling of this area was conducted. When revisited in 2013, the conditions at this pond were consistent with those previously observed in 1999 and the area no longer retains water or functions as a pond. Pond 1 was an artificially created pond used for agricultural irrigation. This pond is no longer supplied with water or used for irrigation storage purposes. Additionally, the pond does not receive enough overland flow or direct rainfall naturally to be maintained as a pond. Therefore, this pond should no longer be considered a wetland feature.

Pond 2: During the initial visits in 1999, this was identified as a larger stock pond that was hydrologically connected to the adjacent hillsides and therefore continued to pond water seasonally. There was no emergent aquatic vegetation associated with this pond and no well-developed shoreline vegetation. The pond was heavily used by cattle. Only one California newt was captured during 1999 aquatic surveys and invertebrates were uncommon in this pond. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 3: This pond contained water throughout 1993 (BioSystems 1994; Appendix K2) but was completely dry in 1999. BioSystems observed fairly abundant submergent, emergent and shoreline vegetation with several decadent willows in this pond but no wetland vegetation was present in 1999. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 4: This was a relatively small pond situated at the base of a hill and adjacent to one of the maintenance roads for the Existing Golf Club. One decadent willow and a few stems of creeping spikerush (*Eleocharis macrostachya*) were observed around the southern margin of the pond in 1999. At that time, the surrounding vegetation consisted of annual grasslands and golf course greens. Treefrog larvae were found in abundance in this pond in 1999 as were invertebrates including clam shrimp, seed shrimp, backswimmers, damselfly nymphs and beetle larvae. California linderiella were also observed during those initial visits. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 5: This pond was downslope from Pond 6 and measured about 100 feet by 20 feet. At the time of the initial site visits in 1999. At that time, there was no associated aquatic vegetation and it was surrounded by annual grassland. Also, at that time, it appeared to only hold water occasionally and water was not consistently present from year to year. When revisited in 2013, the conditions at this pond were consistent with previous observations and no sign of recent ponding was observed.

Pond 6: During the initial site visits in 1999, Pond 6 was determined to have had a relatively small watershed but it retained water most of the year. At that time, there was no aquatic vegetation in the pond and no wetland vegetation along its shores. Also, at that time, Treefrog larvae were common as were invertebrates such as backswimmers, water beetles, damselfly naiads, and dragonfly naiads. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 7: This pond was created at the base of a swale by constructing an artificial berm. At that time of the initial site visits in 1999, the area that ponded seasonally was approximately 140 feet by 90 feet. At that time, mosquito fern was observed on the water surface and creeping spikerush and knotweed (*Polygonum* sp.) were present along the water margin. BioSystems observed CTS larvae in this pond in 1993. Also, at that time, treefrog larvae were abundant and one newt larvae was captured. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 8: This was an artificial reservoir excavated adjacent to the main stem of Drainage D. At the time of the initial site visits in 1999, this reservoir was relatively large (approximately 0.7 acre at the ordinary high water mark). The sides were steep, precluding establishment of perimeter wetland or riparian vegetation. Water was diverted from Drainage D into this reservoir through a culvert and was

returned to the channel by way of mechanical valves at the downstream end. In 2003 the USACE verified its jurisdiction over this pond. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 9: Pond 9 was a small in-channel pond/settling basin upstream of the diversion culvert for Pond 8 in Drainage D. During the time of the initial site visits in 1999, this pond held water during the winter storm season but was dry in the spring and remained dry until the following winter. At that time, it did not support a prevalence of wetland vegetation. Also, at that time, the surface area of this pond at the ordinary high water mark was approximately 3,200 square feet. In 2003, the USACE verified its jurisdiction over this pond. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 10: This large stock pond was excavated at the downstream end of a seasonal drainage course (Drainage E). During the initial site visits in 1999, it held water throughout most of the summer and thus may-have been spring-fed since no flow was observed in the upstream drainage. At that time, two large willow snags were located along the banks of this pond, which was heavily used by cattle. Also, at that time, the surface area of this pond defined by the ordinary high water mark was about 1.7 acres, and California newts and backswimmers were common in this pond. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 11: This was a historic diversion structure located near the base of a small drainage. At the time of the initial site visits in 1999, it stored water seasonally and did not support submergent, emergent or shoreline vegetation. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 12: This was a stock pond that occurred within the area on-site that is now being proposed for permanent open space. At the time of the initial site visits in 1999, it was mostly unvegetated and received heavy use by livestock. When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Pond 13: This was another stock pond within the area on-site that is now being proposed for permanent open space. At the time of the initial site visits in 1999, this pond was also mostly unvegetated because of being trampled by livestock and was approximately the same size as Pond 12 (3,500 square feet). When revisited in 2013, the conditions at this pond were consistent with those observed during the 1999 surveys.

Seeps. The seeps within the Project Site (Figure 4.4-2) correspond to the freshwater seep described by Holland (1986). In 1999, Zander Associates identified four small seeps in the hills of the southerly limits of the site. Seeps 1, 2, and 3 were on the same hillside above an access road and were relatively small in extent. Seep 1 consisted of a narrow channel, approximately

one foot wide that widened to about 50 feet where it met the road and was mostly unvegetated due to trampling by livestock. Seep 2 was more vegetated and was approximately 35 feet by 50 feet. Seep 3 was slightly larger, approximately 30 feet by 100 feet, but had essentially the same vegetative composition as the others. Seep 4 was upslope and across the road from the other seeps and was actually part of a larger wetland area that continued off of the Project Site. Only about 100 square feet of the wetland area associated with Seep 4 was within the Project Site boundaries.

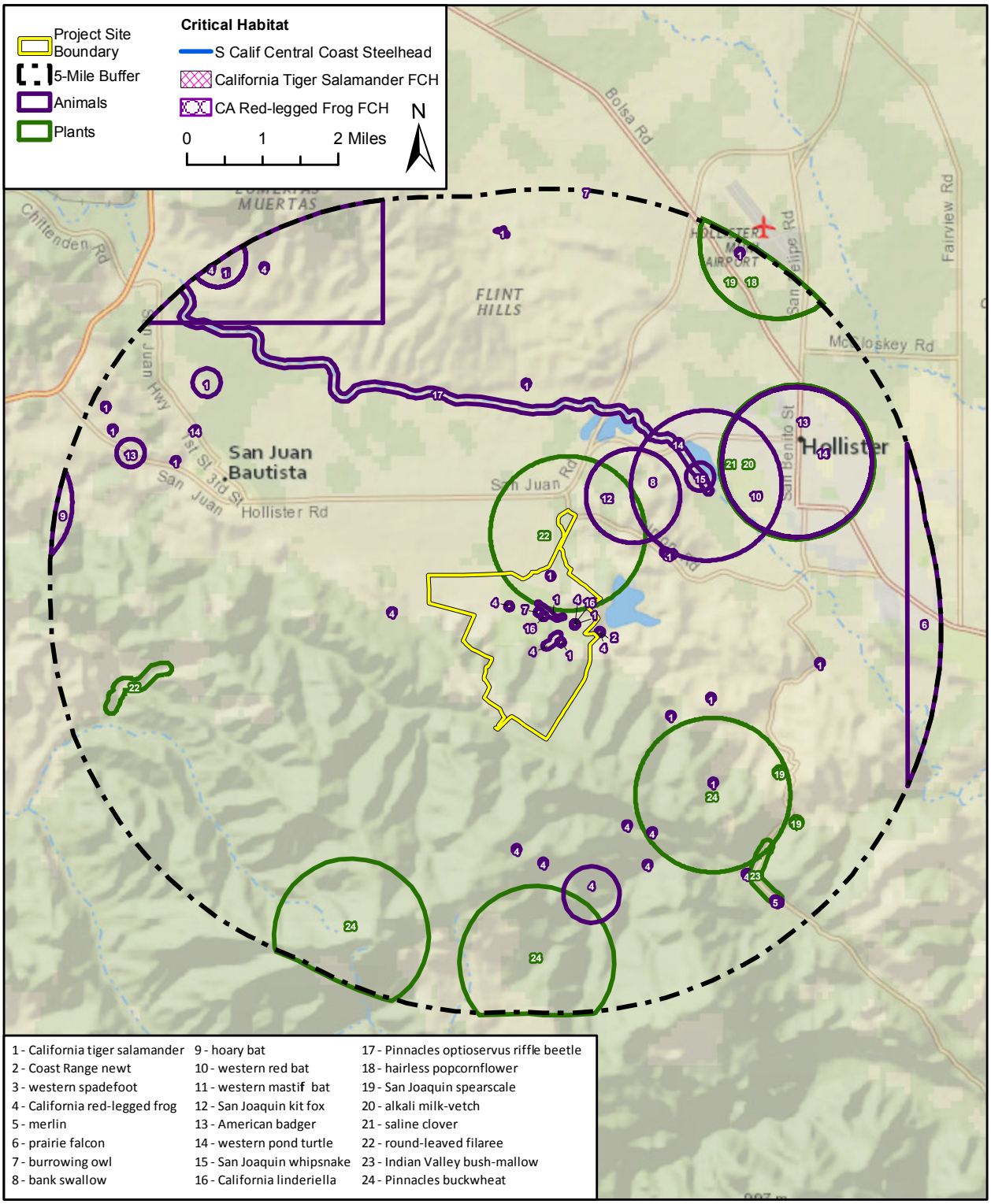
b. Special-Status Species. For the purpose of this SEIR, special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by the CDFW or included on the CDFW's Special Animals List (CDFW 2011); and plants occurring on Lists 1B and 2 of the California Native Plant Society's Online Inventory of Rare and Endangered Plants of California (CNPS, 2013).

Rincon's biologists developed a focused list of special-status plant and animal species that could potentially occur within the Project Site based on review of the CNDDB and the other biological sources listed previously. Field reconnaissance to identify habitat types helped to refine the list of species and to focus the assessment of the actual or potential for occurrence of special-status species in the Project Site and, in particular, within the areas proposed for development. Table 4.4-2 lists those sensitive plant and animal species known to occur in the Project Site and vicinity. Figure 4.4-4 shows the CNDDB occurrence records for species within five miles[b] of the Project Site.

Special-Status Plants. No special-status plants were found on the Project Site during the focused surveys conducted by Zander Associates in 2013 or during field visits conducted by Rincon in 2013. Many of the special-status plants known to occur in San Benito County generally are associated with serpentine soils or serpentinite bedrock. However, there is no serpentine soil or serpentinite bedrock in the Project Site and accordingly, species associated with this substrate are not expected to be present. Other plant species associated with habitats that are found within the Project Site would have been identifiable at the time of the surveys, which were conducted during the blooming periods of these plants. While no plants were observed, there is suitable habitat for certain special-status plants; a summary of (1) field observations and (2) conclusions regarding suitability of habitat for each of the identified plant species within the Project Site are both provided in Table 4.4-2**.**

Special-Status Wildlife. Several special-status wildlife species were observed within the Project Site during site visits that took place from the 1990s through the mid-2000s, and many are known to occur in the vicinity. The following section addresses these wildlife species. Special-status wildlife species observations and the suitability of the habitat for these species present within the Project Site are summarized in Table 4.4-2.

[b] *The CNDDB search was conducted over a 9-quad area as previously explained (see footnote a) to provide an exhaustive list of species that may occur in the region; however, mapping of a 9-quad region is prohibitive because of scale, and mapping of CNDDP occurrences within 5 miles of a project site provides a reasonable reference for nearby special status species occurrences and is standard practice for biological resources.*



Imagery provided by ESRI and its licensors © 2013. U.S. Fish and Wildlife Service, January 2013. Critical habitat shown is that most recently available from U.S. FWS. Check with U.S. FWS or Federal Register to confirm. California Natural Diversity Database, December, 2013.

Sensitive Elements Reported in the California Natural Diversity Database and Federally Designated Critical Habitat Within 5 Miles

Figure 4.4-4

Table 4.4-2
Special-Status Species Occurrence Potential for the Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
PLANTS				
Arctostaphylos gabilanensis Gabilan Mountains manzanita	--/--/1B.2	Chaparral, cismontane woodland grainitic substrates from 300-700m.	**Not Expected to Occur.** No suitable habitat within the Project Site, and the Project Site is outside of the elevation range for the species.	**Not Expected to Occur.** No suitable habitat in the Project Site, and the area is outside of the elevation range for the species
Arctostaphylos pajaroensis Pajaro manzanita	--/--/1B.1	Chaparral on sandstone outcrops. Blooms December-March.	**Not Expected to Occur.** No suitable habitat present within the Project Site. Not observed during floristic surveys.	**Not Expected to Occur**. No suitable habitat present in the Project Site. Not observed during numerous floristic surveys.
Astragalus tenervar. tener Alkali milk-vetch	--/--/1B.2	Alkali playa, valley and foothill grassland, vernal pools; low ground, alkali flats and flooded lands; in annual grassland or in placid or vernal pools	**Not Expected to Occur.** No suitable habitat is present on the Project Site. The species was not observed during floristic surveys within proposed development areas.	**Not Expected to Occur**. No suitable habitat is present. [Note to County team: please confirm]
Atriplex joaquiniana San Joaquin Spearscale	--/--/1B.2	Chenopod scrub, alkali meadow, valley and foothill grassland; In seasonal alkali wetlands or alkali sink scrub with *Distichlis spicata, Frankenia* sp., etc.	**Not Expected to Occur**. Some suitable habitat present within the Project Site; however, the species was not observed within the Development Areas during floristic surveys	**May Occur.** Suitable habitat is present in grassland habitat within the wildlife preserve areas.
California macrophylla Round-leaved filaree	--/--/1B.1	Cismontane woodland, valley and foothill grassland; Clay soils.	**Not Expected to Occur**. Some suitable habitat is present in the grassland areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in woodland and grassland habitat within the wildlife preserve areas.
Castilleja rubicundula var. *rubicundula* pink creamsacs	--/--/1B.2	Serpentine soils in chaparral (openings), cismontane woodland, meadows and seeps, valley and foothill grassland from 20 to 910 meters.	**Not Expected to Occur.** No serpentine substrate present in Development Areas and the species was not observed during floristic surveys.	**Not Expected to Occur**. No suitable serpentine substrate present within the Project Site, and it was not observed during numerous floristic surveys.
Camissonia benitensis San Benito evening primrose	FT/--/1B.1	Clay or gravelly serpentine soils on alluvial terraces.	**Not Expected to Occur.** No serpentine substrate present and Project Site out of elevation range. The species was not observed during floristic surveys.	**Not Expected to Occur.** No serpentine substrate present and Project Site is out of the elevation range for this species.

Table 4.4-2
Special-Status Species Occurrence Potential for the
Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Centromadia parryi ssp *congdonii* Congdon's tarplant	--/--/1B.1	Valley and foothill grassland; typically occurs in heavy clay soils.	**Not Expected to Occur.** Some marginally suitable habitat is present, but the species was not observed within the areas proposed for development during floristic surveys.	**Not Expected to Occur.** Marginal suitable habitat is present in grassland habitat within the wildlife preserve areas.
Chorizanthe biloba var. *immemora* Hernandez spineflower	--/--/1B.2	Cismontane woodland and chaparral from 600 to 80 meters.	**Not Expected to Occur.** The Project Site is out of elevation range for this species, and no observations during floristic surveys.	**Not Expected to Occur.** The Project Site is out of elevation range for this species.
Chorizanthe pungens var. *pungens* Monterey spineflower	FT/--/1B.2	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland from 3-450 meters.	**Not Expected to Occur.** Some marginally suitable habitat is present within the Project Site, but the species was not observed during floristic surveys.	**Not Expected to Occur.** Marginal suitable habitat is present in woodland and grassland habitat within the wildlife preserve areas.
Delphinium recurvatum Recurved larkspur	--/--/1B.2	Alkaline areas within valley and foothill grasslands.	**Not Expected to Occur.** Some suitable habitat is present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in grassland habitat within the wildlife preserve areas.
Eriogonum nortonii Pinnacles buckwheat	--/--/1B	Chaparral, valley and foothill grassland, known only from Monterey and San Benito counties; Sandy soils, often on recent burns.	**Not Expected to Occur.** Some suitable habitat is present within the Development Area; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in woodland and grassland habitat within the wildlife preserve areas.
Eryngium aristulatum Hoover's button-celery	--/--/1B.1	Vernal pools or lagunas in South Coast Ranges.	**Not Expected to Occur.** No suitable habitat is present in the Development Areas and the species was not observed during floristic surveys.	**Not Expected to Occur.** No suitable habitat is present within the Project Site.
Fritillaria falcata *Talus fritillary*	--/--/1B.2	Chaparral, cismontane woodland, lower montane coniferous forest/serpentine talus slopes.	**Not Expected to Occur.** No suitable vegetation or serpentine habitats present in Development Areas, and the species was not observed during floristic surveys.	**Not Expected to Occur.** No suitable vegetation or serpentine habitats present within the Project Site.

Table 4.4-2
Special-Status Species Occurrence Potential for the Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Fritillaria liliacea *Fragrant fritillary*	--/--/1B.2	Cismontane woodland, coastal prairie, coastal scrub, valley and foothill grassland/often serpentinite.	**Not Expected to Occur.** Some suitable habitat is present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in woodland and grassland habitat within the on-site wildlife preserve areas.
Holocarpha macradenia *Santa Cruz tarplant*	FT/SE/1B.1	Coastal grassland terraces; Monterey and San Francisco Bays on clay soils. Blooms June – Oct.	**Not Expected to Occur.** Localized endemic. Only marginal habitat in Development Areas, and the species was not observed on the site during floristic surveys.	**Not Expected to Occur.** Localized endemic, and the Project Site only contains marginal habitat for this species.
Hoita strobilina *Loma Prieta hoita*	--/--/1B.1	Chaparral, cismontane woodland, riparian woodland. Serpentine and mesic sites from 30-860 meters	**Not Expected to Occur.** No suitable serpentine habitats present in Development Areas, and the species was not observed during floristic surveys.	**Not Expected to Occur.** No suitable serpentine habitats present within the Project Site.
Layia heterotricha *Pale yellow layia*	--/--/1B.1	Valley foothill grasslands; alkaline or clay soils.	**Not Expected to Occur.** Suitable habitat is present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in grassland habitat within the wildlife preserve areas.
Malacothamnus aboriginum *Gray bush-mallow*	--/--/1B.2	Cismontane woodland, chaparral; Granitic outcrops and sandy bare soils, often in disturbed soils.	**Not Expected to Occur.** No suitable habitat is present in Development Areas and the species was not observed during floristic surveys.	**Not Expected to Occur.** No suitable habitat is present on the Project Site.
Navarretia prostrata *Prostrate navarretia*	--/--/1B.1	Coastal scrub, meadows and seeps, valley and foothill grassland (alkaline), vernal pools and wetlands within grasslands.	**Not Expected to Occur.** Some suitable habitat is present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present in grassland habitat within the wildlife preserve areas.
Plagiobothrys glaber *Hairless popcorn-flower*	--/--/1A	Meadows and seeps, marshes and swamps; Coastal salt marshes and alkaline meadows.	**Not Expected to Occur.** Some suitable habitat is present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present within the wildlife preserve areas.

Table 4.4-2
Special-Status Species Occurrence Potential for the Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Trifolium depauperatum var. hydrophilum *Saline clover*	--/--/1B.2	Marshes and swamps, valley and foothill grassland, vernal pools; Mesic. Alkaline sites.	**Not Expected to Occur.** Some suitable habitat present within the Development Areas; however, the species was not observed during floristic surveys.	**May Occur.** Suitable habitat is present within the on-site wildlife preserve areas.
Streptanthus albidus ssp. peramoenus *Most beautiful jewel-flower*	--/--/1B.2	Chaparral, valley and foothill grassland, cistmontane woodland; Serpentine outcrops, on ridges and slopes.	**Not Expected to Occur.** No suitable serpentine substrate is present within Development Areas and the species was not observed during floristic surveys.	**Not Expected to Occur.** No suitable serpentine substrate is present within the Project Site.
INVERTEBRATES				
Linderiella occidentalis *California linderiella*	--/--/--	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	**Not Expected to Occur.** No suitable habitat is present within the Development Areas.	**Present.** The Project Site contains suitable habitat and the species was recorded on site during the 1999 CTS surveys (Mori 1999).
Helminthoglypta sequoicola consors *Redwood shoulderband*	--/--/--	Known only from South slope of San Juan Grade, 8 miles NW of Salinas.	**Not Expected to Occur.** Site is outside of typical distribution range.	**Not Expected to Occur.** Project Site is outside of typical distribution range.
Branchinecta lynchi *Vernal pool fairy shrimp*	FT/--/--	Temporary pools within grass or mud-bottomed swales; earth slump or basalt-flow depression pools in grasslands	**Not Expected to Occur.** No suitable habitat is present within the Development Areas.	**Not Expected to Occur.** Potential habitat is present within some ponds in the Project Site; however the species was not found during aquatic surveys.
Lepidurus packardi *Vernal pool tadpole shrimp*	FE/--/--	Vernal pools with clear to turbid water in grass-bottomed pools and clear-water sandstone depression pools.	**Not Expected to Occur.** No suitable habitat is present within the Development Areas.	**Not Expected to Occur.** Potential habitat is present within some ponds in the Project Site; however the species was not found during aquatic surveys.
AMPHIBIANS				
Ambystoma californiense *California tiger salamander*	FT/ST-SSC/--	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding.	**May Occur.** There are no suitable breeding ponds within the Development Areas; however, the species could occur within adjacent upland habitat during dispersal.	**Present.** While there are no suitable breeding ponds within the Project Site, the species has been recorded on-site in several ponds in the Project Site. Larvae found in Ponds 3, 4, and 11 in 1993 and Ponds 6 and 10 in 1999.

Table 4.4-2
Special-Status Species Occurrence Potential for the
Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Rana draytonii *California red-legged frog*	FT/SSC/--	Lowland and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation; Requires 11-20 weeks of permanent water for larval development, must have access to aestivation habitat.	**May Occur.** There are no suitable breeding ponds within the Development Areas; however, the species could occur within adjacent upland habitat during dispersal.	**Present.** While there are no suitable breeding ponds within the Project Site, the species has been recorded on-site in several ponds in the Project Site including on the golf course. Unit SNB-1 (a unit of identified critical habitat for CLRF) includes portion of the Project Site.
Taricha torosa Coast range newt	--/SSC/--	Breeds in ponds, reservoirs, and slow-flowing streams, and frequents upland habitats from Santa Cruz to Mendocino Counties	**Not Expected to Occur.** There are no suitable breeding ponds within the Development Areas and they are outside of the distribution range for SSC designations for this species. Common species occurs in designated preservation areas.	**Present.** Found in several ponds in designated preservation areas; however, the Project Site is outside of SSC distribution range for this species.
PTILES				
Actinemys marmorata *Pacific Pond Turtle*	--/SSC/--	Thoroughly aquatic, inhabits ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation; Needs basking sites and upland habitat for egg-laying.	**May Occur.** Suitable upland habitat is present within the Development Areas where associated impacts may occur. However, the species was not found during aquatic surveys.	**May Occur.** Potential habitat is present within some ponds in the Project Site; however, the species was not found during aquatic surveys.
Masticophis flagellum ruddocki *San Joaquin coachwhip*	--/SSC/--	Open, dry habitats with little or no tree cover, found in valley grassland and saltbush scrub in the San Joaquin Valley; Needs mammal burrows for refuge and oviposition sites.	**May Occur.** Suitable habitat is present within the Development Areas. The species was not observed during field surveys.	**May Occur.** Suitable habitat is present within the wildlife preserve areas. The species was not observed during surveys.
Phrynosoma blainvillii *California coast horned lizard*	--/SSC/--	Found in a variety of habitats, from grasslands to chaparral to riparian oak woodland; most abundant in alluvial fans.	**May Occur.** Suitable grassland habitat is present within Development Areas. The species was not observed during surveys.	**May Occur.** Suitable habitat is present in grassland and woodland habitat throughout the Project Site. The species was not observed during surveys.
Spea hammondii *Western spadefoot toad*	--/SSC/--	Grassland habitats, and valley-foothill hardwood woodlands; Needs vernal pools for breeding/egg-laying and upland habitats for aestivation.	**Not Expected to Occur.** No suitable habitat present within the Development Areas.	**Not Expected to Occur.** Suitable habitat is present within some ponds in the Project Site; however the species was not found during aquatic surveys.

Table 4.4-2
Special-Status Species Occurrence Potential for the
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Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
BIRDS				
Accipiter cooperi Cooper's hawk	--/WL/--	Occurs in mainly open, interrupted or marginal type woodlands. Nests mainly in riparian growths of deciduous trees, such as canyon bottoms and river flood plains.	**May Occur (foraging).** There is suitable foraging habitat present in the grasslands and agricultural fields within the Development Areas.	**May Occur (foraging and nesting).** There is suitable foraging habitat present throughout the Project Site, and suitable nesting habitat within the golf course and in the woodland habitat portions of the Project Site.
Agelaius tricolor Tricolored blackbird (nesting)	--/SSC/--	Nests in marshes with bulrush, blackberry and cattails	**Not expected to Occur.** No suitable nesting habitat is present within the Development Areas, and no birds were observed during field surveys.	**May Occur.** Suitable nesting habitat is present within some ponds (particularly on the golf course) in the Project Site; however the species was not observed during surveys.
Aquila chrysaetos Golden eagle	--/FP/--	Breeds on cliffs or in large trees isolated from disturbance. Forages in open mountains, foothills and plains and other open country.	**May Occur (foraging).** Winter and summer range includes all of San Benito County. Observed foraging within the Project Site including Development areas, However, this area does not include suitable nesting habitat.	**Present (Foraging); May Occur (Nesting).** Winter and summer range includes all of San Benito County. Observed foraging within the Project Site, and the Project Site includes suitable (marginal) nesting habitat.
Athene cunicularia Burrowing owl	--/SSC/--	(Burrow sites) Open, dry, annual or perennial grasslands, deserts and scrublands with low-growing vegetation; Nests in burrows, dependent upon burrowing mammals, esp. California ground squirrel.	**May Occur.** Suitable habitat is present within the grassland and agricultural portions of the Project Site. There is one CNDDB record of a winter migrant from 2006, but no owls or burrows with signs of owl use were observed during the active breeding season within the Development Area during surveys. The Project Site does include an abundance of small mammal burrows some of which could be used by burrowing owl.	**May Occur.** Suitable habitat is present within the wildlife preserve and agricultural portions of the Project Site. No owls or burrows with signs of owl use were observed during the active breeding season within the Project Site during numerous surveys. The Project Site does include an abundance of small mammal burrows some of which could be used by burrowing owl.

Table 4.4-2
Special-Status Species Occurrence Potential for the
Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Buteo swainsoni Swainson's hawk	BCC/ST/--	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs and agricultural or ranch lands. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields that support rodent populations.	**May Occur (foraging).** There is suitable foraging habitat present in the grasslands and agricultural fields portions of the Development Areas.	**May Occur (foraging and nesting).** There is suitable foraging habitat present throughout the Project Site, and suitable nesting habitat within the golf course and in woodland habitat portions of the Project Site.
Elanus leucurus White-tailed kite	--/FP/--	Occurs throughout most of California's coastal and valley regions excluding the Cascade, Sierra Nevada, Mojave Desert, and Peninsular Ranges. Grasslands, dry farmed agricultural fields, savannahs and relatively open oak woodlands, and other relatively open lowland scrublands.	**May Occur (foraging).** The species was observed foraging in the Development Areas and there is suitable foraging habitat within the Development Areas).	**Present (foraging); May Occur (nesting).** The species was observed foraging in the Project Site and there is suitable nesting habitat throughout the Project Site.
Eremophila alpestris actia California horned lark	--/WL/--	Occurs in coastal regions, chiefly from Sonoma County to San Diego County and inland to San Joaquin Valley and east to foothills. Uses short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields and alkali flats.	**May Occur.** There is suitable nesting and foraging habitat within the grasslands portion of the Development Areas.	**May Occur.** There is suitable nesting and foraging habitat within the grasslands found throughout the Project Site.
Falco columbarius Merlin	--/WL/--	Occurs along sea coasts, tidal estuaries, open woodlands, savannahs, edges of grasslands and deserts, as well as farms and ranches. Clumps of trees or windbreaks are required for roosting in open country.	**May Occur (foraging).** There is suitable foraging habitat present in the grasslands and agricultural fields portions of the Development Areas.	**May Occur (foraging and nesting).** There is suitable foraging habitat present throughout the Project Site, and suitable nesting habitat within the golf course and in the woodland habitat portions of the Project Site.

Table 4.4-2
Special-Status Species Occurrence Potential for the
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Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Falco mexicanus Prairie falcon	BCC/WL/--	Inhabits dry grasslands, shrub-steppe, deserts, and other open areas up to about 10,000 feet elevation. Utilizes cliffs for nesting. Will fly far afield to forage.	**May Occur (foraging).** There is suitable foraging habitat present in the grasslands and agricultural fields portions of the Development Areas.	**May Occur (foraging).** There is suitable foraging habitat present throughout the Project Site, but the Project Site lacks suitable nesting habitat.
Falco peregrinus anatum Peregrine falcon	BCC/FP/--	Adapted to open habitats. Prefers to breed near water. Coastal cliffs and bluffs and granite outcroppings favored for nesting. Also occurs in urban areas and used tall buildings and bridges.	**May Occur (foraging).** There is suitable foraging habitat present in the grasslands and agricultural fields portion of the Development Areas.	**May Occur (foraging).** There is suitable foraging habitat present throughout the Project Site, but the Project Site lacks suitable nesting habitat.
Haliaeetus leucocephalus Bald Eagle	--/SSC/--	Found primarily along rivers and large lakes. During migration, found in mountain range and open country.	**May Occur (foraging).** Winter range includes all of San Benito County. Suitable foraging habitat in Development Areas, but no nesting habitat present.	**May Occur (foraging).** Winter range includes all of San Benito County. Suitable foraging habitat on-site, but no nesting habitat present.
Riparia riparia Bank swallow	--/ST/--	(Nesting) Colonial nester, nests in riparian and other lowland habitats west of the desert; Requires vertical banks/cliffs with fine-textured/sandy soils near streams and rivers for nests.	**Not Expected to Occur.** Known to nest along banks of Pajaro River. The species is not currently recorded in San Benito River, and is not likely to nest along the drainages on the Project Site or anywhere within the Development Areas.	**Not Expected to Occur.** Known to nest along banks of Pajaro River. The species is not currently recorded in San Benito River, and is not likely to nest along the drainages within the Project Site.
Vireo bellii pusillus Least Bell's vireo	FE/SE/--	Occurs as a summer resident of southern California in low riparian in vicinity of water or in dry river bottoms below 2000 feet. Nests are built along margins of bushes or on twigs projecting into pathways.	**Not Expected to Occur.** There is no suitable nesting habitat Suitable foraging habitat on-site, but no nesting habitat present within the Development Areas.	**Not Expected to Occur.** Although the golf course portion of the Project Site includes some riparian habitat, there is not sufficiently dense and extensive suitable riparian nesting habitat within the Project Site and the species is unlikely to occur for nesting.

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Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
MAMMALS				
Antrozous pallidus Pallid bat	--/SSC/--	Occurs in deserts, grasslands, shrublands, woodlands and forest. Most common in open, dry, habitats with rocky area for roosting. Roost must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Development Areas, but there is suitable foraging habitat on-site.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Project Site, but there is suitable foraging habitat on-site.
Corynorhinus townsendii Townsend's Big-eared bat	--/SSC/--	Northern and central California in mesic coastal environments with caves or man-made structures for roosting. Feeds along riparian habitat edges.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Development Areas, but the species may forage within Development Areas	**May Occur (foraging and roosting).** There is suitable foraging habitat present throughout the Project Site, and suitable roosting habitat within the golf course portion of the Project Site.
Eumops perotis californicus Western mastiff bat	--/SSC/--	Occurs in open semi-arid to arid habitats such as coniferous and deciduous woodlands, coastal scrub and chaparral. Roosting sites are usually crevices in cliff faces, high buildings, trees and tunnels.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Development Areas, but there is suitable foraging habitat on-site.	**May Occur (foraging and roosting).** There is suitable foraging habitat present throughout the Project Site, and suitable roosting habitat within the golf course and in woodland habitat portions within the Project Site.
Lasiurus blossevilli Western red bat	--/SSC/--	Broad-leafed woodlands, usually in riparian areas. Roosts primarily in trees in edge habitats adjacent to streams, fields, or urban areas.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Development Areas, but there is suitable foraging habitat on-site.	**May Occur (foraging and roosting).** There is suitable foraging habitat present throughout the Project Site, and suitable roosting habitat within the golf course portion of the Project Site.
Lasiurus cinereus Hoary bat	--/--/--	Roosts in dense foliage of large trees. Requires water. Prefers open habitats or habitat mosaics with access to trees for cover and open areas of habitat edge for feeding.	**Not Expected to Occur (roosting). May Occur (foraging)** There is no suitable roosting habitat within the Development Areas, but there is suitable foraging habitat on-site.	**May Occur (foraging and roosting).** There is suitable foraging habitat present throughout the Project Site, and suitable roosting habitat within the golf course portion of the Project Site.

Table 4.4-2
Special-Status Species Occurrence Potential for the Proposed Development Area and the No-Development Area of the Project Site

Species	Status* Fed/CA/ CNPS	Habitat Requirements	Proposed Development Area Suitability/Observations	Non-Development/Wildlife Preserve Areas Suitability/Observations
Taxidea taxus American badger	--/SSC/--	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats with friable soils. Needs sufficient food, friable soils, and open uncultivated ground. Cannot live in frequently plowed fields. Preys on burrowing rodents.	**May Occur.** The grassland habitat portion of the Development Areas provides suitable habitat for this species.	**Present.** The grassland and woodland habitats present throughout the Project Site provides suitable habitat for this species. Large mammal burrows were observed within woodland habitat of preservation areas in 2013.
Vulpes macrotis mutica San Joaquin kit fox	FE/ST/--	Occurs in annual grasslands or open stages with scattered shrubby vegetation. Requires loose sandy textured soils for burrowing.	**Not Expected to Occur.** Although the Project Site is within historic range of the species and there is suitable habitat within parts of the Development areas, current known populations are over 20 miles away from the site. The species was not detected during 1993 protocol surveys. There was no evidence of SJKF activity on-site during the 1993 survey.	**Not Expected to Occur.** Although the Project Site is within historic range of the species and there is suitable habitat, current known populations are over 20 miles away from the site. The species was not detected during 1993 protocol surveys. There was no evidence of SJKF activity on-site during the 1993 survey.

CNPS List 1A = Presumed extinct in California
CNPS List 1B = rare or endangered in California and elsewhere
CNPS List 2 = rare or endangered in California
BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern
SSC = California Species of Special Concern
FP = California Fully Protected Species
FE = Federally Endangered
FT = Federally Threatened
SE = State Endangered
ST= State Threatened
WL = California Department of Fish and Wildlife Bird Watch List
- - = no status

San Joaquin Kit Fox (Vulpes macrotis mutica). This small canid is federally listed as endangered and State listed as threatened. The Project Site lies within what is considered to be the historic range of the San Joaquin kit fox (SJKF) as determined by the USFWS and the CDFW. Grassland habitat at the Project Site is suitable for foraging and denning (i.e., some of the grasslands within the Project Site include an abundance of ground squirrels and ground squirrel burrows, and the site overall includes an abundance of potential prey). The most recent SJKF sighting in the vicinity was in 1992 approximately six miles east of the Project Site. Known population centers in the Project region include the San Luis Reservoir area (20 miles to the northwest in western Merced County) and the Panoche Valley area (30 miles to the southwest in eastern San Benito County). Although dispersal from these areas is possible, they are located at distances in excess of the average home range and dispersal distances for this species. Dispersal from these areas into the southern Santa Clara Valley is likely to be an irregular occurrence, and there have been no confirmed records of kit foxes in northern San Benito County within the past 20 years. Most CNDDB records for San Joaquin kit fox in San Benito County are dated from the 1907s through the early 1990s with more recent occurrences all from the Panoche Valley area.

Specific on-site surveys for SJKF were conducted in May of 1993 by BioSystems; these surveys focused on areas that are now incorporated into the Existing Golf Club but also included some portions of the Project Site outside of that golf club boundary. No protocol surveys for SJKF have been conducted in the Project Site since 1993. Updated surveys are not necessary because the Project is assuming presence of the species within the Project Site based on the presence of suitable habitat, and the existing USFWS BO has addressed potential impacts to San Joaquin Fox.

No SJKF or evidence of SJKF were observed during the 1993 surveys. However, during that survey, nineteen ground squirrel burrows of suitable size that had the potential to be used by SJKF were found on the Project Site, although no sign of SJKF use was identified in association with those burrows. No other suitable burrows were identified during the survey and no known active burrows, natal or pupping dens, or atypical dens were identified or have since been documented within the Project Site. Based on the survey results from 1993, it was determined that SJKF were not present on that portion of the Project Site where the Existing Golf Club is currently situated, and there is no specific evidence from 2013 surveys of SJKF in the Project Site. However, the CDFW typically does not recognize negative findings in protocol-level surveys as sufficient evidence to presume absence of the species, and thus exclude the requirements for mitigating for habitat loss, if suitable habitat is present on site. Furthermore, the CDFW includes the Project Site in the 2008 CWHR SJKF range map for the species. Based on the lack of recent known occurrences of SJKF within northern San Benito County it is unlikely that individuals currently occupy the Project Site; however, because of the lack of protocol surveys and the presence of suitable habitat, SJKF are considered to have low potential to occur on the Project site. This species was assumed present for the purposes of the USWFS incidental take permitting as detailed in the BO.

*California Tiger Salamander (Ambystoma californiense).*The California tiger salamander (CTS) in Central California is listed as a federal and State threatened species. CTS breed in long-lasting rain pools (e.g., vernal pools) that are often turbid, and sometimes in permanent ponds that do not support predators (e.g., fish, bullfrogs), including agricultural irrigation and stock

ponds. During the dry-season, the CTS use rodent burrows, as well as manmade structures for upland refuge (e.g., pipes, septic tank drains, and wet basements). Currently, the USFWS considers the majority of upland refuge use by CTS to occur within approximately 2,200 feet from breeding ponds, and CTS (adults and juveniles) have been found upwards of one mile from breeding areas. For successful breeding, CTS require seasonal pools that hold water for a minimum of 10 weeks to allow CTS larval metamorphosis to occur. Juveniles emigrate in mass at night from the drying pool to upland refuge sites. Because CTS adults may take 4 to 5 years to reach sexual maturity, during which time they are using upland habitat, 95-99% of their life cycle is spent on land, and suitable upland habitat is critical to the survival of the species. CTS populations on-site are maintained through a network of metapopulations (a set of local populations or breeding sites within an area) where movement between areas containing suitable habitat is possible, but not routine.

CTS larvae were found in four ponds within the Project Site in 1993 (Ponds 3, 4, 7 and 11), and in two ponds in 1999 (Ponds 6 and 10). In addition, CTS individuals were present in Pond 10 in 1993. CTS trapping surveys conducted in 2005 and 2006 (Mori 2006; Appendix K10) followed then-applicable USFWS and CDFW approved methodology, and resulted in a total of 31 captures of adult or juvenile CTS at Ponds 4 and 7 (these ponds likely support breeding populations of CTS), and along trapping fence lines set in upland habitat. Based on capture locations, Mori (2006: Appendix K10) concluded that CTS are widely distributed throughout the Project Site (focused predominantly on the west side of the Existing Golf Club). DNA analysis was conducted with samples collected at Ponds 4, 6, 7 and 10 and from upland habitat within the Project Site (Johnson at el. 2008; Appendix K14). The results of the DNA analysis showed that roughly 67% of the tested individuals were found to be putatively 100% native CTS, with the remaining 33% of the tested individuals showing some level of hybridization with the non-native barred tiger salamander (*Ambystoma tigrinum mavortium*). Johnson et al (2008; Appendix K14) concluded that the site is most likely either a native population that was at one time invaded by a small number of hybrid salamanders or that it is a native population that is currently receiving immigrants from adjacent hybrid populations (specifically the highly invaded Salinas Valley).

Extensive CTS trapping and surveys were not conducted at all ponds and upland habitat within the Project Site. However, those ponds that were not surveyed, or were surveyed but not found to contain larvae or individuals are nonetheless assumed, for purposes of this SEIR, to contain CTS because of their proximity to occupied habitat. The open grassy hills throughout the northern half of the Project Site represent potential dry season aestivation (state of dormancy or inactivity) habitat. It is likely that the on-site ponds act as a pond habitat complex that CTS utilize at different times, and the Existing Golf Club allows for movement of CTS traveling from the northeastern ponds to southeastern ponds. CTS are also known from the surrounding vicinity as they were observed on the San Juan Vista Estates development located approximately five miles northwest of the Project Site. No salamander breeding habitat was identified in any of the three waterways on-site.

In summary, CTS have been documented from at least six seasonal ponds (Ponds, 3, 4, 6, 7, 10, and 11) on portions of the Project Site since 1993. Aquatic (seining and dip-netting) studies have been conducted in most of the non-golf club ponds on the Project Site. Upland (drift fence and pitfall trap) studies were conducted during the 2005-06 wintertime rainy season to study

overland movement and determine numbers of CTS moving to and from ponds near the proposed development area around the existing golf course. Data from the capture locations revealed some aspects of upland habitat use by CTS on the Project Site. CTS were captured in all upland trap lines, indicating that they were sheltering in or migrating through grassland areas proposed for development around the Existing Golf Club. Data from pond traplines and observations at some ponds indicated that at least two small ponds (4 and 7) adjacent to the golf club supported small CTS breeding populations.

*California Red-Legged Frog (Rana draytonii).*The California red-legged frog (CRLF) is a federally listed threatened species and a California species of special concern. This native frog is a pond-dwelling amphibian, which typically occupy perennial and intermittent ponds from sea level up to approximately 4,500 feet in elevation. Ponds inhabited by CRLF typically contain some type of vegetation (usually willows and/or tules either submergent or overhanging) although CRLF have also been observed in ponds relatively devoid of visible vegetation. Deep water (>3 feet) provides refuge from potential predators, however CLRF can be found in more shallow water bodies as well. CRLF rely on darkness to hunt or evade predators.

Adult CRLF were found associated with three ponds on-site in 1999 (Ponds 4, 8 and 9) and the westernmost pond associated with the Existing Golf Club along the entrance road to the clubhouse, and were recorded as incidental captures during the 2005-2006 CTS surveys (Mori 2006). ; Appendix K10 Because the surveys conducted for CRLF were not protocol level, and because Ponds 4, 8, and 9 are in proximity of other ponds within the Project Site (including those ponds located on the existing golf course), CRLF may be found in additional on-site ponds. CRLF are also likely to use the grassland habitat for movement between more suitable habitats (especially during the rainy season) including the other ponds of the golf club. The uplands adjacent to and between aquatic sites help maintain the integrity of aquatic sites by protecting them from disturbance and supporting the normal functions of aquatic habitat (USFWS March 2001b). Unfragmented uplands also provide important dispersal areas between breeding sites.

The USFWS Revised Designation of Critical Habitat for CRLF; Final Rule includes three units (SNB-1 through SNB-3) within San Benito County. Unit SNB-1 includes portions of the southern part of the Project Site including small areas proposed for development. Existing CRLF critical habitat will be directly affected by proposed Project; however, the impacted areas represent a relatively small portion of Unit SNB-1, do not consist of suitable breeding habitat, and are situated more than 0.75 mile from suitable breeding habitat. The existing USFWS BO evaluated impacts to small portions of CRLF CH, but concluded that with conservation of larger areas of CH within the Project Site, there was not a substantial effect to CRLF CH.

*American Badger (Taxidea taxa).*The American badger is a California species of special concern. It is an uncommon, permanent resident found throughout most of the state, except in the northern North Coast area, and is most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. They prey on fossorial rodents including rats, mice, chipmunks, and especially ground squirrels and pocket gophers, as well as some reptiles, insects, earthworms, eggs, birds, and carrion. Diet shifts seasonally and yearly in response to availability of prey. Badgers dig burrows in friable soil for cover and frequently reuse old burrows, although some may dig a new den each night, especially in summer. The Project Site

is within the distribution range of American badger and suitable habitat is present within the Project Site, including in areas where new development is proposed.

*Pacific Pond Turtle (Actinemys marmorata).*The Pacific pond turtle (PPT) is a California species of special concern. It is the only native aquatic (freshwater) turtle found in California. PPT's are found in freshwater habitats throughout the state up to elevations of approximately 4,700 feet, require slow-water aquatic habitat, and are uncommon in high-flow streams. Presence of PPT seems to be associated with the availability of basking sites and hatchlings require shallow water habitat with dense vegetation in which to forage. PPT's leave the aquatic site to reproduce, aestivate and overwinter, and as such, upland habitat is also important for the species. These turtles require an upland nest site in the vicinity of the aquatic site and may overwinter on land or may remain active in water during the winter season depending on factors poorly understood at this time. PPT on the central coast of California largely appear to remain active year-round. While there is suitable habitat for the species on the Project Site, no PPT were observed during any of the biological surveys conducted in 1999, 2000, 2001, 2005, 2006, and 2013.

*Burrowing Owl (Athene cunicularia).*The California burrowing owl is a California species of special concern. The preferred habitat for burrowing owls includes annual and perennial grasslands, and deserts and arid scrublands with bare ground or low-growing vegetation. Burrowing owls use rodent burrows (primarily ground squirrel) or other similar refugia for nesting and roosting habitat. Suitable habitat is present within rolling grasslands on the Project Site, particularly on the east side of the golf course, but in 2013, when site visits were conducted, these areas lacked burrows in sufficient number and size to provide appropriate refugia or breeding burrows, and the Project Site is considered to have marginal burrowing owl habitat. The CNDDB has one record of a winter migrant burrowing owl on-site, but no burrowing owls or evidence of burrowing owl use were observed during the active breeding season during the course of the 1999, 2000, 2003 and 2013 field investigations.

Migratory Birds. Potential nesting sites for birds-of-prey and other migratory birds exist in the on-site oak woodlands, grasslands and riparian forests. Examples of these species include the white-tailed kite (*Elanus leucurus*), ferruginous hawk *(Buteo regalis),* Cooper's hawk (*Accipiter cooperi)* and golden eagle *(Aquila chrysaetos)*. Much of the area proposed for new development within the Project Site is agricultural fields and non-native grassland where the abundance and diversity of nesting species would be lower than in woodland and riparian habitats. **[**Ground nesting species such as the California horned lark, killdeer, and mourning dove may occur within the proposed development areas of the Project Site. Nesting activity is most likely to occur in the woodland and riparian habitats outside of proposed development areas; however, ground and shrub nesting birds may also nest in the grassland habitats, and ground nesting birds may nest within agricultural areas if not under active cultivation at the time of nesting.

c. Plant Communities of Special Concern and Wildlife Movement Corridors. Special-status biological resource areas include plant communities of special concern such as riparian and wetland habitats, native vegetation habitats, special-status wildlife species habitats such as ponds and drainages, and wildlife migration corridors. Biological habitats are considered to be special-status when they are limited in distribution on a regional basis; when they contain habitat for special-status species; or when they provide appropriate habitat for important

phases of an animal's life history, such as aestivation, spawning, migration, nesting, and feeding. For these reasons, these areas are of special concern to the resource agencies. Wildlife movement corridors and habitat linkages are also important because they are used by wildlife for passage through urbanized areas and for access to important foraging or breeding areas that may be isolated or part of a fragmented landscape.

Plant Communities of Special Concern. Several plant communities that occur in the Project Site are listed by the CNDDB as plant communities of special concern because the CDFW recognizes their rarity in California. Some of these habitat types are formally protected by permitting through the regulatory agencies. Others are not formally protected but do constitute a working list of the comparative rarity of particular vegetation habitat types. The plant communities of special concern that occur in the Project Site are mixed riparian forest (including Central Coast Cottonwood Sycamore Riparian Forest and Central Coast Riparian Scrub), isolated seasonal wetlands (including Coastal and Valley Freshwater Marsh and Vernal Marsh), and native perennial bunchgrass (occurring within the non-native grassland habitats).

The on-site mixed riparian forest and isolated seasonal wetland habitat types are considered plant communities of special concern by the CDFW because of substantial statewide losses associated with these types. Any activity that would remove or otherwise alter riparian and wetland habitat types is closely scrutinized by the regulatory agencies through the California Environmental Quality Act (CEQA) review process and then later through the CDFW and USACE permitting processes. Riparian communities and wetlands also may be subject to USACE jurisdiction as waters of the U. S. pursuant to Section 404 of the Clean Water Act.

Riparian communities generally border watercourses such as streams, lakes, and ponds and as a result, are typically of particularly high resource value due to the diversity of flora and fauna they support. Riparian communities also help to stabilize creek bank soils and maintain water quality through filtration. Riparian plant communities within the Project Site occur within Drainages C, D, and F; however, no development is proposed in these areas. No new development is proposed within areas consisting of riparian habitat in the Project Site; however, necessary stream crossings for roads and trails, and ongoing maintenance activities may affect riparian habitat.

Wetland communities typically occur in the bottom of waterway corridors in association with intermittent and perennial waterways, but can also occur as seeps or in areas with adequate hydrology that have a dominance of hydrophytic (water-loving) vegetation. It is estimated that up to 90% of the wetland acreage formerly present in California has been eliminated by agriculture and urbanization. As described more fully above, isolated seasonal wetland habitat types within the Project Site occur within the northwestern and northeastern portions of the site. The isolated seasonal wetlands are not directly linked to the waterways. However, water carried in three of the drainages from the hills to the south flows overland across the west pasture where wetlands 1-3 are located. This water source likely contributes somewhat to the extent and duration of the ponding in these areas. Wetland 1 is subject to USACE jurisdiction and is covered under existing USACE permits (see Section 4.4.3) wetlands. W 2-5 are not subject to USACE jurisdiction because they are isolated features, but were authorized for fill under RWQCB Water Quality Certification (#33506WQ02) (see Section 4.4.3 below) No further direct

impacts to wetlands are anticipated from the proposed development under the proposed Project.

The CNDDB lists sycamore alluvial woodland as a plant community of special concern. This habitat type is characterized by a moderately closed canopy of winter-deciduous broadleaf trees with sycamore as a dominant. Although the mixed riparian forest associated with drainages in the southeastern portion of the of the Project Site contains sycamore trees and other elements that correspond to sycamore alluvial woodland in Drainages D and F, they do not contain the predominance of sycamore trees necessary to be characterized as this habitat type.

Wildlife Movement Corridors. Wildlife movement corridors and habitat linkages are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a connection among foraging, aestivation, denning, nesting, upland, and refuge areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. A group of habitat linkages in an area can form a wildlife corridor network. Habitat linkages are generally areas by which larger, separate areas of similar habitat are connected physically. The various habitats that may be present within a movement corridor may not necessarily be identical to those habitats being linked, the linkage merely needs to contain sufficient cover and forage to allow temporary use by dispersing or migrating species.

Typically, habitat linkages are contiguous strips of natural areas that connect broader expanses of native or natural habitat; although dense plantings of landscape vegetation can serve as linkages for certain urban-tolerant species. Depending on the size and extent of a corridor and further depending on the species that utilize that corridor, specific physical resources (such as ponds, rock outcroppings, and oak trees) may need to be located within the habitat linkage at certain minimal intervals to provide a suitable linkage. For highly mobile species (especially avian species) or species with a higher tolerance of human activity and development, habitat linkages may be discontinuous patches of suitable resources, spaced sufficiently close to permit travel along a route in a relatively short period of time.

When habitat linkages are too small or narrow, they may collapse – ecologically speaking – due to encroachment or edge effects. An example of linkage failure is a corridor intended for nocturnal animal movement that is adjacent to bright residential lighting. If the light is too bright or the corridor too narrow, so that the entire corridor is effectively illuminated for the duration of the nocturnal period, then special-status species such as CTS and CRLF, that are intolerant of open pools of light will not utilize that corridor. For small animals, such as rodents and reptiles, habitat linkages need to be sufficiently wide to decrease the predatory effects of domestic dogs and cats associated with suburban development. In general, the larger a linkage is, the better it functions for the movement of animals and genetic exchange between major areas of open space.

The Project Site consists of agricultural lands in the northwest, residential and ranch land in the northeast, development (Existing Golf Club) in the central part, and relatively undisturbed grassland and woodland habitat in low rolling hills in the south. It is bounded in the north by predominantly agricultural lands, and predominantly suburban residential and ranch land in the northeast transitions to urban Hollister. In the south, the relatively undisturbed woodlands

in the Project Site occur at the foothills of the Gabilan Range, with a relatively undisrupted connection to the Gabilan Range mountains. The Project Site is buttressed in the north with highly developed agricultural lands effectively forming a disruption for wildlife movement between the Gabilan Range and the San Benito River. Therefore, the Project site is not likely to be an important wildlife movement corridor between the Gabilan Range and the San Benito River to the north of existing agricultural development; however, portions of the Project Site may be used by larger animals such as coyote, deer, bobcat, and mountain lion traversing between the Gabilan Range and the San Justo Reservoir. The oak woodlands within the Project Site are likely included in the home range of individuals of these larger animal species. Within the Project Site, smaller animals with a smaller home range use native and ruderal/developed habitat for movement between more suitable sites.

The ephemeral drainages may serve as corridors for wildlife moving throughout the Project Site that require water and that, at the same time, need cover while traversing. Both CTS and CRLF potentially use upland areas of the site as movement corridors (in addition to refuge for CTS). CTS potentially use the non-native grassland and oak woodland habitat types surrounding Ponds 1 through 7 and Ponds 8 through 11, and the golf course pond features as a movement area. Tall, dense grasses comprise a large portion of the areas surrounding the golf course making it difficult for CTS to pass. However, CTS may use areas such as greens and matted or mowed grass as movement areas. In addition, CRLF potentially move between the ponds of the Existing Golf Club and ponds in the remainder of the Project Site via non-native grassland and mixed riparian forest habitat types.

d. Regulatory Framework. Federal, state, and local agencies under a variety of statutes, regulations and guidelines have regulatory authority over biological resources. This section outlines those key local, state and federal laws, regulations and guidelines that are relevant to this environmental analysis.

Federal and State.

Federal.

USFWS and NMFS. On the federal level, the US Fish and Wildlife Service (USFWS) implements the Migratory Bird Treaty Act (MBTA) (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (BGEPA) (16 USC Section 668). The USFWS and the National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 *et seq.)*. The USFWS generally implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in "take" of any federally listed threatened or endangered species are required to obtain permits from the USFWS or NMFS (as applicable) through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project at issue. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. "Take" under the federal definition means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. "Harm" is further defined by the USFWS to include the

killing or harming special-status species due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modifications or degradation. Proposed or candidate species do not have the full protection of FESA; however, the USFWS and NMFS advise project applicants that the species in these categories could be elevated to listed status at any time.

United States Army Corps of Engineers. The US Army Corps of Engineers (USACE) has primary responsibility for protecting wetlands and other jurisdictional waters under Section 404 of the Clean Water Act (CWA). Specifically, the USACE has authority to regulate activities that result in the discharge of dredged or fill material into wetlands or other "waters of the United States." Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or groundwater, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water recharge, filtration and purification functions. Technical standards for delineating wetlands have been developed by USACE and the USFWS, which generally define wetlands through consideration of three criteria: hydrology, soils, and vegetation. The term "waters of the United States" includes wetlands and non-wetland bodies of water that meet specified criteria as defined under applicable regulations. All three of the identified technical criteria discussed above must be met for an area to be identified as a wetland under USACE jurisdiction, unless the area has been modified by human activity. In general, a permit must be obtained before fill can be placed in wetlands or other waters of the United States. Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters.

The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetlands. In achieving the goals of the CWA, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources. Any discharge into wetlands or other "waters of the United States" that are hydrologically connected and/or demonstrate a significant nexus to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to wetlands or other waters of the United States, the goal of no net loss of wetlands is met through compensatory mitigation involving creation or enhancement of similar habitats. The type of permit is determined by the USACE depending on the amount of acreage at issue and the purpose of the proposed fill.

Certain activities in wetlands or other jurisdictional waters are authorized under a nationwide permit which allows filling where impacts are considered minor. Eligibility for a nationwide permit simplifies the permitting process. For example, nationwide permits cover construction and fill of waters of the United States for a variety of routine activities such as minor road crossings, utility line crossings, streambank protection, recreational facilities, and outfall structures. To qualify for a nationwide permit, a project must demonstrate that it has no more than a minimal adverse effect on the aquatic ecosystem, including listed species under the ESA. This typically means that there will be no net loss of either habitat acreage or habitat value, and there will be appropriate mitigation where fill activities are proposed.

When the nationwide permitting process does not apply, the USACE assumes discretionary approval authority over the individual permitting process for proposed projects where impacts are considered significant, requiring adequate justification and mitigation. To comply with the EPA's Section 404(b)(1) Guidelines and obtain an individual permit, an applicant must demonstrate that the proposed discharge is unavoidable and is the least environmentally damaging practicable alternative that will achieve the overall project purpose. The 1990 Memorandum of Agreement between the EPA and the USACE concerning the Determination of Mitigation under the Guidelines prioritizes mitigation, with the first priority to avoid impacts, the second to minimize impacts, the third to provide compensatory mitigation for unavoidable impacts.

The USACE also regulates navigable waters under Section 10 (33 USC 403) of the Rivers and Harbors Act.

State.

California Department of Fish and Wildlife (formerly the California Department of Fish and Game). At the state level, the California Department of Fish and Wildlife (CDFW) has primary responsibility for the administration of the California Endangered Species Act (CESA) (Fish and Game Code Section 2050 *et seq.)*. CESA prohibits take of state listed species. Take under CESA is restricted to direct mortality of a listed species and, unlike under federal law, applicable state law and regulations do not expressly prohibit indirect harm by way of habitat modification. The CDFW prohibits take for species designated as Fully Protected under the CFGC.

As discussed more fully below, the CFGC sections 3503, 3503.5, and 3511 describe unlawful take, possession, or destruction of birds, nests, and eggs. Fully protected birds (Section 3511) may not be taken or possessed except pursuant to authorized permits. Section 3503.5 of the CFGC protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Species of Special Concern (SSC) is a category used by the CDFW for those species which are considered to be indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the CFGC as noted above. The SSC category is intended by the CDFW for use as a management tool to include these species into special consideration when decisions are made concerning the development of natural lands. The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 *et seq.*). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of the plant(s).

Jurisdictional authority of the CDFW over wetland areas is established under Section 1600 of the CFGC, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. Perennial and intermittent streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFW. The Fish and Game Code provides that it is unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake without notifying the CDFW, incorporating necessary mitigation, and obtaining a Lake or Streambed Alteration

Agreement. The Wetlands Resources Policy of the CDFW states that the Fish and Game Commission will strongly discourage development in or conversion of wetlands, unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage. The CDFW is also responsible for commenting on projects requiring USACE permits under the Fish and Wildlife Coordination Act of 1958.

Regional Water Quality Control Board. In addition, the State Water Resources Control Board (SWRCB) and each of nine local Regional Water Quality Control Boards (RWQCB) are responsible for upholding state water quality standards. Pursuant to Section 401 of the CWA, projects that apply for a USACE permit for discharge of dredge or fill material, and projects that qualify for a Nationwide Permit must obtain water quality certification under Section 401 from the RWQCB.

The SWRCB and each of the RWQCBs also have jurisdiction over "waters of the State" pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general Waste Discharge Requirements (WDRs) regarding discharges to "isolated" waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army USACE of Engineers to be Outside of Federal Jurisdiction). The local RWQCB enforces actions under this general order for isolated waters not subject to federal jurisdiction, and as noted above, is also responsible for the issuance of water quality certifications pursuant to Section 401 of the CWA for waters subject to federal jurisdiction.

Local. General Plans are created by cities and counties to guide the growth and land development of their communities. As such General Plans typically contain elements which address protection of biological resources. Typically, these elements are comprised of goals, policies and actions which protect natural resources such as environmentally sensitive habitats, special status species, native trees, creeks, wetland, and riparian habitats.

Current Adopted San Benito County General Plan. The Open Space and Conservation Element of the County of San Benito General Plan 1995 includes goals, objectives, and policies to protect the biological resources found within the County (included herein are only those that are specific to biological resources). The following goals are applicable to the proposed Project.

Goal 1 *Preservation of Natural Resources*

1. *To preserve natural wildlife habitats, including environmentally significant areas.*
2. *The protection and preservation of natural resources in the County, including prime agricultural areas, significant mineral lands, plant and animal life with emphasis on threatened or endangered species, habitat for fish and wildlife, watersheds, wetlands, and rivers.*

Objective 1 *To preserve existing plant and wildlife ecological habitats.*

Objective 2 *To preserve riparian habitats and valuable watersheds.*

Objective 3 *Develop and implement habitat conservation plan (HCP) for listed and candidate species in San Benito County.*

a. Develop a system of corridors using fault zones, river corridors, and foothills for habitat connectivity.

b. Use HCP generated funds to acquire habitat and to conduct research within areas previously not surveyed.

c. Avoid or mitigate loss of habitat for kit fox and other listed and candidate species

Objective 4 *Monitor the stability of plant and animal species recognized as sensitive on either Federal or State lists through environmental review.*

Objective 5 *Implement State and Federal policy for wetlands.*

Objective 6 *Cooperate with the Regional Water Quality Control Board to develop policies and programs for the protection and enhancement of habitat for fish on major tributaries to the Pajaro River (San Benito River, Pacheco Creek).*

Objective 7 *Establish policies and programs for groundwater recharge, the restoration and preservation of watercourses in the County for a mixture of uses including wildlife habitat and recreation.*

Objective 8 *Identify water bodies in the County with water quality problems and apply for funding to improve the water bodies.*

Objective 9 *Avoid permitting development around naturally occurring ponds in the North County in riparian corridors and in other specialized habitats.*

Objective 10 *Develop programs to encourage the protection and re-establishment of oak hardwood resources in the County.*

Objective 11 *Develop a program to eradicate invasive plant and animal species.*

Policy 1 *Major subdivisions or intense development shall not be allowed within potential habitat of Federal or State listed rare, threatened, or endangered plant or animal species until said development(s) prepares habitat plans for the species unless an interim measure has been taken to mitigate the effect of development.*

Policy 2 *Maintain Corridors for Habitat. In rural areas, road and development sites shall be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas. Measures to maintain the long-term health of the plant and animal communities in the area shall be incorporated into project design such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.*

Policy 3 *Mitigation for Wetland Development. Development shall be sited to avoid encroachment on wetlands. Mitigation shall be required for any development proposals that have the potential to reduce wetland habitat from primary or secondary effects of the development.*

Policy 4 *Avoid Loss of Habitat from Other Mitigation Measures. Mitigation measures to reduce other environmental hazards (e.g. fire hazard, flood hazard, soil erosion) shall not be acceptable if they will significantly degrade existing habitat, riparian areas, or isolate habitat.*

Policy 5 *Stimulate Regeneration of Oak Woodland Communities. Through a combination of the habitat conservation plan, inter-agency coordination, and development review procedures, the County will promote the restoration, restocking, and protection of oak woodland habitat on public and private lands in the County.*

Policy 6 *Exotic Plants and Animals. It is the policy of the County to work with State, Federal, and local agencies and land owners to develop programs to reduce the destruction of plant and animal life and habitat caused by invasive plants and animals.*

Policy 7 *Grading, Erosion, and Native Tree Removal. It is the policy of the County to minimize erosion resulting from grading and cutting and native tree removal for all development proposals.*

Policy 8 *Development in Drainage Basins. It is the County's policy to minimize development/uses within drainage basins that could alter the path of watercourses and impede groundwater recharge.*

Policy 9 *Water Quality Improvement. It is the policy of the County to cooperate with the Regional Water Quality Control Board to improve water quality problems identified for the County, to maintain water quality on all drainage, and to develop policies and programs for the protection and enhancement of habitat for fish on major tributaries to the Pajaro River (San Benito River, Pacheco Creek) and water quality in the Silver Creek watershed.*

Goal 3 *Natural Resources. To provide for the conservation, development, and utilization of natural resources, including water and its hydraulic force, water quality, forests, soils, rivers and other waters, fisheries, wildlife, minerals, energy and other natural resources.*

Objective 1 *Plan for the preservation of prime agricultural and open space lands while using them to help define the areas of rural residential growth.*

Objective 2 *Preserve the natural wildlife habitats, including Environmentally Sensitive Areas.*

Objective 3 *Prevent land use conflicts within the vicinity of open space, mineral, off-road vehicle, fire hazard areas, and agricultural uses.*

Objective 9 *To conserve and preserve watershed and natural recharge areas through establishment of groundwater conservation programs.*

Objective 16 *To prevent significant suburban or urban development around areas of important natural resources.*

Objective 17 *To provide for the safe utilization of groundwater resources, mineral deposits, and other natural resources in order to conserve and protect them for future utilization.*

Policy 19 *Natural Resources Protection. The County recognizes the need for both conservation and development of natural resources, and recognizes that the utilization of these natural resources, if not properly managed, can lead to 'their loss. It will be the County's policy to protect, wherever possible, watersheds, creeks, and rivers, soil, and mineral resources through the enactment of appropriate legislative vehicles.*

Draft 2035 General Plan Update. The proposed (but not yet adopted) Draft 2035 General Plan Update Natural and Cultural Resources Element and Land Use Element provide the following goals, policies and objectives pertaining to biological resources. Because the Draft 2035 General Plan Update has not yet been adopted by the Board of Supervisors, these policies are included for informational purposes only.

Land Use Element:

LU-1.10 *Development Site Suitability. The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and pro- vide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).*

LU-4.3 *Residential Density Reductions. The County shall consider reducing the base density of a proposed residential development project if a combination of environmental hazards (e.g., fire, seismic, flooding, greater than 30 percent slope) and/or natural resources (e.g., sensitive habitat, wetlands) existing on the site, after consideration of the mitigations to be implemented to address those hazards, make higher densities less appropriate.*

LU-4.7 *Clustered Residential Site Layout. The County shall encourage clustered residential development be designed to respect existing natural features (e.g., rivers and streams, hills and ridge lines, and substantial tree stands) as appropriate to the density and character of the development, and if applicable to use such features to separate clustered parcels from farming areas.*

LU-4.8 *Conservation Easements Related to Clustered Residential Development. The County shall encourage new clustered residential development to provide agricultural and/or other appropriate open space easements on farming or open space parcel(s) at the time that the development occurs, or if a multi-phased Planned Development, according to an adopted specific plan.*

Natural and Cultural Resources Element:

NCR-1.1 *Integrated Network of Open Space. The County shall maintain an integrated network of open space lands that support natural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.*

NCR-1.2 *Conservation Easements. The County shall support and encourage the use of conservation easements to protect open space that contains valuable natural resources.*

NCR-1.3 *Open Space Overlay District. The County shall continue to protect and preserve the rural landscape and implement open space policies for: public health, safety, and welfare; continued agricultural uses; scenic viewscape preservation, including scenic highway corridors, park and recreation uses; conservation of significant natural resources; the containment and definition of limits to urbanization; and the preservation of the natural habitat for threatened and/or endangered plant and animal species.*

Goal NCR-2 *To protect and enhance wildlife communities through a comprehensive approach that conserves, maintains, and restores important habitat areas.*

NCR-2.1 *Coordination for Habitat Preservation. The County shall work with property owners and Federal and State agencies to identify feasible and economically-viable methods of protecting and enhancing natural habitats and biological resources in the county.*

NCR-2.2 *Habitat Protection. The County shall require major subdivisions within potential habitat of Federal- or State-listed rare, threatened, or endangered plant or animal species to mitigate the effects of development. Mitigation for impacts to species may be accomplished on land preserved for open space, agricultural, or natural resources protection purposes.*

NCR-2.4 *Maintain Corridors for Habitat. The County shall protect and enhance wildlife migration and movement corridors to ensure the health and long-term survival of local animal and plant populations, in particular contiguous habitat areas, in order to increase habitat value and lower land management costs. As part of this effort, the County shall require road and development sites in rural areas to:*

a. Be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas; and

b. Incorporate measures to maintain the long-term health of the plant and animal communities in the area, such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.

NCR-2.5 *Mitigation for Wetland Disturbance or Removal. The County shall require development to avoid encroachment on wetlands to the extent practicable and shall require mitigation for any development proposals that have the potential to reduce wetland habitat.*

NCR-2.6 *Regeneration of Oak Woodland Communities. The County shall promote the restoration, restocking, and protection of oak woodland habitat on public and private lands in the county through a combination of habitat conservation planning, inter-agency coordination, and updated development review or tree preservation procedures.*

NCR-2.7 *Mitigation of Oak Woodlands. The County shall encourage development near oak woodlands to be clustered to avoid, where technically or economically practical, the loss of heritage oak trees. The County shall require transitional buffers to help maintain viable ecosystems where appropriate. Where removal of trees cannot be avoided, the County shall require project applicants to prepare a mitigation plan that identifies on- or off-site tree replacement.*

NCR-4.1 *Mitigation for Wetland Disturbance or Removal. The County shall consider implementing Regional Water Quality Control Board Basin Plan policies to improve areas of low water quality, maintain water quality on all drainage, and protect and enhance habitat for fish and other wildlife on major tributaries to the Pajaro River (San Benito River, Pacheco Creek) and the Silver Creek watershed.*

NCR-4.4 *Open Space Conservation. The County shall encourage conservation and, where feasible, creation or restoration of open space areas that serve to protect water quality such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, and drainage canals.*

NCR-4.7 *Best Management Practices. The County shall encourage new development to avoid significant water quality impacts and protect the quality of water resources and natural drainage systems through site design, source controls, runoff reduction measures, and best management practices (BMPs).*

The consistency of the Project with applicable County General Plan and Draft 2035 General Plan goals, policies and objectives pertaining to biological resources, including key policies listed above, is evaluated in Section 4.10, *Land Use*. However, with respect to the Draft 2035 General Plan Update, because this document has not been adopted as of the writing of this SEIR, this consistency analysis is being provided for informational purposes only.

Local Ordinances. Some resources are afforded protection through local ordinances such as those that protect trees, riparian corridors, and environmentally sensitive habitats. The County of San Benito has municipal codes which protect natural resources and addresses compliance with environmental regulations.

San Benito County Code.

Chapter 19.19 – Habitat Conservation Plan Study Area

The purpose of this chapter is to:

(A) Provide a method for financing development and implementation of a habitat conservation plan and a § 10(a) permit under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 et seq.) for the San Benito County habitat conservation plan study

area. It is the further purpose of this chapter to provide a method for mitigation of adverse impacts to federally protected endangered species caused by development of habitat during the preparation of a habitat conservation plan, and provide for habitat mitigation as identified in the habitat conservation plan.

(B) Provide for the establishment of fees which, upon payment, will satisfy U.S. Fish and Wildlife Service, as well as county, mitigation requirements for endangered species and their habitats which may occur within the area of the county designated herein pending completion and adoption of a habitat conservation plan and issuance of a § 10(a) permit.

Chapter 19.33 – Management and Conservation of Woodlands

The purpose of this chapter is to:

(A) Establish regulations for the conservation and protection of woodlands in the unincorporated areas of San Benito County by limiting tree removal in a manner which allows for reasonable use and enjoyment of the property. The Interim Woodlands Management Ordinance codified in this chapter will stay in effect until such time as it is replaced by a successor woodland management ordinance.
(B) This chapter is intended to:
(1) Control the removal of protected woodlands and maintain and enhance tree cover on improved and unimproved property to ensure that values and benefits provided by native trees are realized;
(2) Prevent the unpermitted wholesale removal of a majority of native trees on a parcel prior to application for a development permit;
(3) Protect woodland environments on agricultural land through an educational outreach program; and
(4) Educate residents of the county about the functions, benefits and values of woodlands to further the protection, conservation and regeneration of trees.

(C) The Board of Supervisors of the County of San Benito finds it in the public interest to adopt a woodland conservation and protection ordinance for the purpose of promoting the health, safety and general welfare of the residents of San Benito County.

4.4.4 Previous Environmental Review and Permitting

Environmental Review. The *2003 San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map EIR* (2003 EIR) examined the biological resources setting of the Project region and the potential impacts resulting from development under the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project. The 2003 EIR concluded that impacts related to oaks trees and oak woodland habitat (Impact BIO-1), Mixed Riparian Forest, Seasonal Isolated Wetland, and Ephemeral Drainage habitats, grassland and oak woodland habitat in conjunction with impacts to the San Joaquin kit fox, CRLF and CTS due to loss of aquatic and upland habitats, and special-status wildlife species and the loss of wildlife habitat and individuals on and in the vicinity of the site were potentially significant. Mitigation measures included: a pre-construction tree survey and tree protection plan; riparian and wetland protection measures; kit fox surveys, avoidance measures, and compensatory mitigation; CRLF and CTS surveys,

avoidance and minimization measures, and compensatory mitigation measures; Federal Endangered Species Act consultation; and measures for minimizing impacts to wildlife habitat (e.g. minimization of roadway widths adjacent to riparian and wetland habitats; timing imitations on initial ground disturbing activities, wildlife corridor preservation, etc.). These mitigation measures were determined to mitigate these impacts to a less than significant level.

Endangered Species Act Permitting. A USFWS Incidental Take Authorization (BO 1-8-06-F-32 issued in 2006; Appendix K12) was issued for the proposed development of the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project. The USFWS BO addressed potential impacts to San Joaquin kit fox, California tiger salamander and California red-legged frog. Although the current Project varies in design from the earlier 2003 project, the Site boundary and extent of impacts to federally listed species remains essentially unchanged. Therefore, the existing authorization was evaluated for consistency with the current Project.

USFWS issued a non-jeopardy opinion on the Vesting Tentative Map (VTM) approved by the San Benito County Board of Supervisors on July 27, 2004. The USFWS opinion was issued through its Section 7 (Endangered Species Act) consultation process with the USACE on August 11, 2006. The BO determined that the approved 2003 project could affect California tiger salamanders, California red-legged frogs, San Joaquin kit foxes and critical habitat for the red-legged frog. However, the BO also considered that project's commitment to the development of a conservation easement and management plan that would protect and manage a large percentage of the site as habitat for the above-referenced species. In addition, the BO acknowledged that proposed measures during construction coupled with monitoring, maintenance, restoration and enhancement of habitats would further reduce adverse effects on those species.

Zander Associates completed a consistency review of the proposed Project relative to the USFWS BO issued in August 2006 for the previously approved San Juan Oaks Golf Club project. The amended VTM for the proposed Project, prepared by Whitson Engineers dated November 7, 2013, was compared with the previously approved VTM as regarded the assessment completed for the BO related to three federally listed species: the San Joaquin kit fox, the California tiger salamander and the California red legged frog, including critical habitat for this latter species. A summary of the BO's assessment of project effects on federally listed species from the proposed development of the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project is included in the BO Consistency Review (Zander 2013b; Appendix K8). The development footprint of the proposed Project is substantially similar to the previously approved 2003 project, as shown in Figure 1-1 in Section 10, *Introduction.* The proposed Project would result in a reduction in impacts to upland habitat acreage and an increase in acreage dedicated to habitat preservation as compared to the 2003 project. Zander Associates concluded that the proposed Project is consistent with the assessment and conclusions in the USFWS BO for the previously approved 2003 San Juan Oaks Golf Club project. The consistency review was submitted to the USFWS in December 2013. In an e-mail dated April 14, 2014, USFWS acknowledged its review of Zander Associates assessment and determined that the BO remained valid as long as none of the Section 7 consultation reinitiation triggers were met.

CWA Permitting: CWA permits issued for the 2003 project included a USACE Section 404 Nationwide Permit (File Number 27710S; Appendix K13), and RWQCB Water Quality Certification (#33506WQ02; Appendix K16). The USACE and RWQCB permits addressed fill of both wetlands and waterways considered jurisdictional under the CWA and non-jurisdictional waters. Although the proposed Project varies in design from the earlier 2003 project, the development footprint is substantially similar and the extent of impacts to Waters of the U.S. remains essentially unchanged. Work completed to date on wetland W-1 was conducted under the existing permits. Current project design avoids any additional impacts to Waters of the U.S. For the above reasons, it is anticipated that no further USACE or RWQCB permitting would be required for the proposed Project.

4.4.5 Impact Analysis

a. Methodology and Significance Thresholds. The impact analysis of biological resources included a review of previous biological studies prepared for the Project Site (refer to Sections 4.4.1 and 4.4.2), field surveys conducted for this SEIR, and consultation with resource protection agencies. Aerial photographs, topographic maps, the CNDDB, and accepted scientific texts to identify species were also used in its preparation.

According to Appendix G of the *State CEQA Guidelines*, impacts related to biological resources from the proposed Project would be significant if the Project would:

1) *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;*
2) *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;*
3) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
4) *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;*
5) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*
6) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; and/or*
7) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.*

The County of San Benito 1995 General Plan Open Space and Conservation Element contains specific policies for the protection of biological resources, as noted above. Project consistency with these policies is evaluated in Section 4.10, *Land Use*. The Project Site is not located within

the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved conservation agreement, therefore, these impacts are not discussed further in this section, but details are provided in Section 4.15, *Effects Found Not to Be Significant.*

b. Project Impacts and Mitigation Measures.

Impact BIO-1 Implementation of the proposed Project would temporarily and permanently impact 124 acres of available grassland habitat suitable for the San Joaquin kit fox (SJKF). Development in accordance with the proposed Project may also result in direct take of individual SJKF through grading activities and on-site construction. This potential impact to a federally endangered and State threatened species is a Class II, *significant but mitigable,* impact. [Threshold number 1]

According to acreage values calculated based on habitat data provided by Zander Associates (2013), the proposed development would permanently reduce the amount of grassland habitat available for SJKF by124 acres. This represents the acreage of suitable grassland habitat (i.e. considered suitable for SJKF occupation) within the proposed Development Area. Permanent habitat impacts consist of the acreage that would be permanently converted to other uses, and predominantly includes impacts that would result from development of the resort hotel, and the residential and commercial development in Phase 5, but also includes portions of the residential development in Phases 1 through 4. There are no records of SJKF occurrences in northern San Benito County for over 20 years, and it is considered highly unlikely that the species would occur within the Project Site. However, were individuals of this species to enter the Project Site during construction, grading activities and the development of the proposed on-site circulation network would increase the risk of direct mortality to SJKF through accidents with automobiles, construction equipment, and other construction activities. The USFWS issued a Biological Opinion (USFWS 2006) on August 11, 2006 that addressed potential impacts to SJKF and from the project as proposed in 2003. The BO included specific project conditions predominantly related to CTS and CRLF, but which are also applicable to SJKF. The Project would incorporate a Wildlife/Habitat Management Plan that would ensure the avoidance of some impacts to wildlife and wildlife habitat (including San Joaquin kit fox and associated habitat). To assure that the BO remains valid and to avoid any triggers that could reinitiate Section 7 consultation, the following mitigation measures would further minimize impacts to SJKF as outlined below

Policies 1, 2, and 6 of the Open Space and Conservation Element of the San Benito County General Plan provide general measures for protecting populations and available habitat of wildlife, including special-status species and wildlife corridors. Policy 1 requires measures to be implemented to mitigate the effect of development with potential habitat for special-status species. Policy 2 requires that roads and development sites be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoids fragmentation of open space areas. Policy 6 requires that programs are developed to reduce destruction of plant and animal life and habitat caused by invasive plants and animals. Compliance with these policies would reduce impacts, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. The following mitigation measures are required to reduce impacts on the SJKF.

BIO-1(a) **Compensatory Mitigation.** Prior to issuance of any building permits, the applicant shall permanently protect suitable San Joaquin kit fox habitat as follows, to mitigate for permanent impacts to suitable San Joaquin kit fox habitat (i.e. grassland habitat) and ensure that the conserved lands are managed for wildlife habitat in perpetuity. For every one (1) acre of suitable San Joaquin kit fox grassland habitat on the site that is permanently impacted as a result of Project development, three(3) acres shall be preserved (124 acres of permanent impacts to grassland habitat at a 3:1 mitigation ratio = 372 acres preserved). The required easement area or deed restriction shall therefore be a minimum of 372 acres to compensate for impacts to grassland wildlife habitat, which can be established by utilizing the areas designated for conservation as Permanent Wildlife Habitat within the proposed Project. As proposed, the Project includes a conservation easement for approximately 1,243 acres of land to be preserved as a wildlife conservation area, exceeding the acreage requirements to mitigate for loss of suitable SJKF habitat. The conserved lands shall set aside an unfragmented section of land that could benefit the SJKF, along with other associated plant and animal species. Any proposals to grade, build, landscape, cultivate ground or otherwise use the land within conserved lands shall be prohibited, with the exception of allowable uses specified in the Wildlife/Habitat Management Plan, which shall include, without limitation, ongoing grazing, maintenance and management of utility easements and infrastructure, and abatement of any geological hazards on or through those lands. The Permanent Wildlife Habitat should be managed as a unit by an entity approved by the County. Runoff from roads, building pads, lots and other adjacent developed areas of the site shall be directed away from the conserved lands.

The on-site Permanent Wildlife Habitat easement shall:

- Provide a complete corridor through the easement area;
- Prohibit development of the easement area, including agricultural development (with the exception of allowable uses specified in the Wildlife/Habitat Management Plan, to be approved by CDFW, which shall include, without limitation, managed grazing, and the ongoing maintenance and management of utility easements and infrastructure, and abatement of any geological hazards on or through those lands);

- Prohibit removal or alteration of native plants or animals from the easement area unless otherwise specified in the Wildlife/Habitat Management Plan;
- Prohibit use of the easement area for agricultural staging activities or storage of any kind unless otherwise specified in the Wildlife/Habitat Management Plan;
- Allow for scientific investigation within the easement area conducted as part of a project or plan instigated by the land owner, or otherwise approved by the land owner and the USFWS and/or CDFW; and
- Allow for flood control and stream bank stabilization activities within the easement area conducted with approved State, Federal, and Local permits.

The on-site Permanent Wildlife Habitat easement shall not:

- Allow for or imply public access, unless included as part of a the CDFW- approved Wildlife/ Habitat Management Plan.

Prior to issuance of any building permits, the applicant shall grant an easement or convey a deed restriction suitable to the County according to the above conditions that shall be approved by the County Planning Department. The County Planning Department staff shall verify that the easement or deed restriction has been granted.

BIO-1(b) **Wildlife Fencing.** All permanent fencing in the Wildlife Habitat area shall be suitable for SJKF passage (minimum 6-inch gap between bottom of fence and ground) and shall be approved by the CDFW.

BIO-1(c) **Pre-Construction Survey and Den Avoidance.** Within 60 days prior to initiation of construction of any phase, the applicant shall hire a qualified biologist acceptable to the USFWS, CDFW, and the County, to conduct a pre-construction survey for active SJKF dens within areas proposed for development. A letter shall be submitted to the County Planning Department prior to issuance of construction permits confirming the completion of this survey. If no dens are observed, no den avoidance requirements mitigation measures are required. However, if dens are observed, implementation of mitigation measures BIO-3(d) and (e) are required. All remaining mitigation measures set forth herein shall be implemented during the Project to assure that the risk of the SJKF impacts is minimized.

Prior to final land use clearance, the applicant shall submit the results of the above survey for approval by the County Planning Department. The County Planning Department, or a qualified

third-party retained by the County at the applicant's expense, shall check plans for compliance with mitigation measures recommended by the pre-construction survey.

BIO-1(d) **Den Discovery and Avoidance.** No active SJKF dens were observed during field surveys. However, if any known or potential SJKF dens are subsequently observed during the required pre-construction survey within the designated grading envelope, the USFWS and CDFW shall be contacted to determine the appropriate take avoidance measures. If the den is unavoidable and will be destroyed by the proposed Project, and the result would exceed the take limit authorized by the existing BO (i.e. zero [0] kit foxes killed or harmed and one [1] kit fox harassed) reinitiation of take authorization shall be initiated with the USFWS and take authorization shall be obtained from CDFW, pursuant to the FESA and the CESA, respectively.

Exclusion Zones. If any known or potential SJKF dens are subsequently observed during the required pre-construction survey, the following mitigation measures shall apply: Fenced exclusion zones shall be established by a qualified biologist approved by the County around all SJKF dens that can be avoided but may be inadvertently impacted by Project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

a. Potential kit fox den: 50 feet
b. Known kit fox den: 100 feet
c. Kit fox pupping den: 250 feet

Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all Project activities such as vehicle operation, materials storage, etc., shall be prohibited within these areas. Exclusion zones shall be maintained until all Project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the USFWS and CDFW shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

Prior to final land use clearance, the applicant shall submit the results of the above survey for approval by the County Planning Department. The County Planning Department, or a qualified third-party retained by the County at the applicant's expense,

shall check plans for compliance with mitigation measures recommended by the pre-construction survey.

BIO-1(e) **Speed Limit Restriction.** To reduce the likelihood of road mortality of the SJKF, roads on the Project Site shall be posted with a 25 mph speed limit or lower during construction and in perpetuity.

Prior to final land use clearance the applicant shall submit documentation of compliance with proposed speed limits for approval by the County Planning Department. The County Planning Department shall check plans for compliance and shall site inspect one year after completion of the development for compliance.

BIO-1(f) **Worker Education Program.** Before any grading or construction activities commence, all personnel who will enter the Project Site shall attend a worker education program regarding the SJKF. Specifics of this program should include SJKF life history and careful review of the mitigation measures required to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the Project. The County Planning Department shall be notified of the time that the applicant intends to hold this meeting, and be invited to attend.

Prior to final land use clearance the applicant shall provide a copy of the WEAP training for approval by the County Planning Department. Documentation (sign-in sheets) of completion of the WEAP training for all personnel shall be submitted to the County Planning Department on a Monthly basis.

BIO-1(g) **Entrapment Prevention.** To prevent entrapment of the SJKF during the construction phases of the Project, all excavations, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped SJKF each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled**,** they shall be thoroughly inspected for entrapped SJKF. Any SJKF so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
During all of the Project's construction phases, any pipes, culverts, or similar structures with a diameter of four inches or greater that

are stored at the Project Site for one or more overnight periods shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during any construction phase, a SJKF is discovered inside a pipe, that section of pipe shall not be moved, or if necessary shall be moved only once to remove it from the path of activity until the SJKF has escaped.

Prior to final land use clearance the applicant shall provide written documentation that entrapment prevention measures have been incorporated into Project construction design/plans to the County Planning Department. Adherence to these conditions will be recorded in daily monitoring logs and noted in monitoring reports to be submitted to the County Planning Department for review.

BIO-1(h) **Waste Disposal.** So as not to attract red fox, coyotes, or domestic dogs to the area (all of which are predators of the SJKF), all waste products shall be disposed of in a manner that would not attract these animals. All food-related trash items such as wrappers cans, bottles, and food scraps generated during all construction phases shall be disposed of in closed containers only and regularly removed from the site. Food items may attract SJKF onto the Project Site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

Prior to final land use clearance the applicant shall provide written documentation that waste disposal measures have been incorporated into Project construction design/plans to the County Planning Department. Adherence to these conditions will be recorded in daily monitoring logs and noted in monitoring reports to be submitted to the County Planning Department for review.

BIO-1(i) **Inadvertent Take Procedure.** Any Project contractor or employee that observes or inadvertently kills or injures a SJKF, or who finds any such animal either dead, injured, or trapped shall be required to report the incident immediately to a supervisor overseeing the Project development. In the event that such observations are made of injured or dead SJKF, a Project representative shall immediately notify the USFWS and the CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CDFW for care, analysis, or disposition.

Prior to final land use clearance the applicant shall provide written documentation that inadvertent take procedures have been incorporated into Project construction design/plans to the County Planning Department. Adherence to these conditions will be recorded in daily monitoring logs and noted in monitoring reports to be submitted to the County Planning Department for review.

Significance After Mitigation. Implementation of the above mitigation would reduce the potential for impacts to the SJKF and preserve, in perpetuity, an upland movement corridor. Therefore, impacts to SJKF would be reduced to a less than significant level.

Impact BIO-2 Implementation of the proposed Project would result in both direct and indirect impacts to CRLF (Federally threatened) and CTS (Federally and State threatened) due to loss of upland habitats. Increased human activity within and adjacent to CRLF and CTS habitat would result in indirect impacts. These impacts are Class II, s*ignificant but mitigable,* impacts. [Threshold number 1]

Implementation of the Project would result in loss of upland habitats, including foraging and aestivation habitat for CRLF and CTS, and could result in direct impacts to these species. This would be considered as "take" of these species under the FESA. Zander Associates prepared a CTS upland Impact Assessment (Zander Associates 2014; Appendix K9) based on guidance from CDFW and utilizing modeled dispersal distances from aquatic breeding habitats as developed by Trenham and Shaffer (2005 as cited in Zander 2014). By plotting modeled CTS dispersal against the proposed development areas within the Project Site, Zander Associates developed a summary of acreage values for impacts to CTS upland habitat. Project development would result in the loss of approximately 315 acres of upland habitat adjacent to known populations of CTS. In addition, introduction of human activities would indirectly impact CRLF and CTS. Potentially significant impacts would result from the following:

- *loss of upland habitats;*
- *creation of potential barriers to connectivity between breeding and upland sites;*
- *construction of paved streets, driveways, and parking lots*
- *changes in water quality and/or quantity of runoff into stock ponds;*
- *increased vehicle traffic;*
- *use of night lighting;*
- *increased human use of the site;*
- *introduction of chemicals, minerals, and sediment;*
- *introduction of exotic plant species that tend to displace native riparian and wetland CRLF and CTS habitat; and*
- *effects of predation from the introduction of domestic pets.*

The Project Site includes approximately 1,752 acres of suitable upland habitat within approximately 2.1 kilometers of aquatic breeding habitat. Impacts to upland breeding habitat were developed by Zander Associates (2014;Appendix K9) with guidance from CDFW and

based on known estimates of CTS dispersal distances from Trenham and Shaffer (2005 as cited in Zander 2014), Orloff (2007 as cited in Zander 2014) and Searcy and Shaffer (2008). as cited in Zander 2014 Trenham and Shaffer (2005 as cited in Zander 2014) documented that greater than 50% of dispersing CTS adults and approximately 50% of dispersing CTS sub-adults are expected to occur within 380 meters (0.24 miles) of aquatic breeding habitat and that 95% of dispersing CTS (both adult and sub-adult) are expected to occur within 630 meters (0.39 miles) of aquatic breeding habitat. Searcy and Shaffer (2008 as cited in Zander 2014) identified adults and juveniles routinely moving greater than 1 km from aquatic breeding habitat and Orloff (2007 as cited in Zander 2014) recorded adult CTS that have been found to move as far as 2.1 km from breeding ponds.

Development in accordance with the proposed Project would result in the loss of approximately 315 acres of potentially suitable upland habitat for CTS. The largest losses would occur in cultivated fields in the western portion of the Project Site, located between 1 km and 2.1 km from known or potential breeding ponds. Based on distances from the known breeding ponds and the lack of aquatic breeding habitat nearby, the USFWS BO (2006; Appendix K12) determined development on the westerly portion of the Project Site would be unlikely to substantially affect CTS. Impacts to the suitable CTS habitat include loss of a total of 49 acres of upland habitat in critical areas within 630 meters of the known breeding ponds (where 95% of dispersing CTS are expected to occur). This represents approximately 7% of the upland habitat available within 630 meters of known and potential breeding habitat. As part of the Project, the applicants propose to grant an approved conservation easement for 1,243 acres of land on-site to be preserved as a wildlife preservation area. This preservation area includes approximately 567 acres of suitable upland habitat within 630 meters of aquatic breeding habitat (as described in MM BIO-3[a]), exceeding the acreage that would be required to mitigate for loss of all suitable CTS upland habitat. The Project would incorporate a Wildlife/Habitat Management Plan that would ensure the avoidance of some impacts to wildlife and wildlife habitat (including CTS and CRLF and associated habitat). Additional mitigation is necessary to ensure proper avoidance of CTS and CRLF during construction and to prevent direct impacts (take) of individuals during construction. The additional measures are outlined below.

Policies 1, 2, and 6 of the Open Space and Conservation Element of the San Benito County General Plan provide general measures for protecting populations and available habitat for wildlife, including special-status species and wildlife corridors. Policy 1 requires measures to be implemented to mitigate the effect of development with potential habitat for special-status species. Policy 2 requires that roads and development sites be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoids fragmentation of open space areas. Policy 6 requires that programs are developed to reduce destruction of plant and animal life and habitat caused by invasive plants and animals. Compliance with these policies would reduce impacts, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. The following mitigation measures shall be implemented to mitigate impacts to CTS and CRLF.

BIO-2(a) **FESA and CESA Consultation.** The Project applicant obtained take authorization from the USFWS for the CRLF in 2006. In doing so, the USFWS also considered impacts to the CRLF critical

habitat, CTS and SJKF. Take authorization was obtained by consultation pursuant to Section 7 (federal nexus) of the FESA through the USACE and resulted in the issuance of a USFWS Biological Opinion (USFWS 2006). In order to issue take authorization, the USFWS determined that the Corp's proposed authorization of the Project activity was not likely to jeopardize the continued existence of the CTS, CRLF or SJKF. However, since specific details of the Project design and timing have been modified since the issuance of the BO, the applicant initiated informal consultation with the USFWS in 2013 to obtain concurrence that the existing determination of "not likely to jeopardize" is consistent with the current Project design, as required under the applicable permits and this mitigation measure. The USFWS determined in April 2014 that the BO remains valid, as long as none of the reinitiation triggers have been met. In addition, the applicant initiated consultation with CDFW in compliance with CESA in 2013. An Incidental Take Permit (ITP) application for CTS has been submitted to CDFW.

The USFWS mitigation components of the USFWS take authorization are outlined below and are required to avoid impacts to CTS. The applicant shall also present written confirmation from CDFW that the Project complies with the applicable requirements of CESA, and shall demonstrate, to the County's satisfaction, that an ITP has been issued by CDFW.

BIO-2(b) **CRLF, CTS and SJKF avoidance and minimization measures**. The USFWS included the following reasonable and prudent measures to minimize adverse effects to the CTS, CRLF, SJKF, and critical habitat for the CRLF in the 2006 BO. Consistent with the previously issued BO, the following measures are necessary to ensure that adequate mitigation is implemented for potential impacts to these species:

1. The level of incidental take that occurs during Project implementation shall not exceed that allowed through USFWS and CDFW permitting. If take allowance is exceeded, reinitiation with USFWS and CDFW is required.
2. Only qualified biologists, authorized by the USFWS and CDFW, may survey for, capture, and move CRLF from work areas.
3. Authorized biologists must implement well-defined measures to reduce take of CTS and CRLF during Project activities.

The USFWS provided the following non-discretionary specific terms and conditions to implement reasonable and prudent measure 1:

a. Based on an estimate of 42 CTS that may be killed, injured or harmed; if more than 7 CTS in any 1 year are found dead or injured, the applicant must contact USFWS immediately so it can review the Project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed protective measures and the terms and conditions of the BO have been and continue to be fully implemented. However, if more than 42 CTS are found dead or injured, Project activities must cease and the applicant must contact USFWS immediately so it can review the Project activities to determine if additional protective measures are needed.
b. If more than two CRLF are found dead or injured, the applicant must contact USFWS immediately so it can review the Project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed protective measures and the terms and conditions of the BO have been and continue to be fully implemented.
c. If one or more SJKF are found dead or injured, the applicant must contact USFWS immediately so it can review the Project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed protective measures and the terms and conditions of the BO have been and continue to be fully implemented.

Terms and conditions to implement reasonable and prudent measure 2:

a. Bryan Mori (or other duly-authorized USFWS representative) is authorized to: survey for, capture, and move CTS and CRLF from the work area; and survey for SJKF. The applicant must request USFWS approval of any other biologist they wish to employ to survey for SJKF, and/or to survey for, capture, and move CTS and CRLF from the work area. The request must be in writing and be received by the USFWS at least 15 days prior to any such activities being conducted.
b. A USFWS-approved biologist must be contacted if any Project personnel find a CTS or CRLF under equipment, materials, or in trenches during construction activities. Project activities that may affect any CTS or CRLF found on the work site must be halted until the animal(s) can be relocated out of harm's way;
c. Prior to the onset of grading and construction activities, USFWS-approved biologists must identify appropriate areas to receive translocated CTS and CRLF adults and tadpoles in the Project area. These areas must be in proximity to the capture site, outside of any area likely to be adversely

impacted by construction activities, support suitable vegetation, and be free of exotic predatory species (e.g., bullfrogs, crayfish) to the best of the USFWS-approved biologist's knowledge.

d. All CTS and CRLF found adjacent to exclusion fencing must be moved to appropriate areas and defined in measure 2, term c above.

To avoid transferring disease or pathogens between aquatic habitats during the course of surveys and handling of CTS and CRLF, the USFWS-approved biologist must follow the Declining Amphibian Population Task Force's Code of Practice. The approved biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

Reporting requirements:

The Applicant must submit a written report to the USFWS by December 31st in each year of construction activities. The annual reports must document: the number of CTS, CRLF, and SJKF observed throughout the action area; the number of CTS and CRLF captured and relocated pursuant to Project activities; the date and time of capture; specific location of capture; life stages (adult or larva) of individuals captured and relocated; and a description of relocation sites including existing habitat types and the presence or absence of non-native vegetation.

The reports must also document: any incidental take that resulted from the implementation of the Project, including the form of take; when and where the take occurred; the disposition of dead or injured animals; problems encountered in implementing avoidance and minimization measures; and any other pertinent information. The reports must also include a map identifying locations of all CTS and CRLF found and relocation areas. The reports shall contain, if applicable, any recommendations on how future projects of this type can be conducted expeditiously while protecting the CTS, .CRLF, and SJKF. These documents will assist the USFWS and USACE in evaluating future measures for the conservation of these species during residential subdivision and associated development projects.

Disposition of dead or injured specimens:

Upon locating a dead or injured CTS, CRLF, or SJKF, initial notification must be made in writing to the USFWS's Division of

Law Enforcement by facsimile at (31 0) 328C6399 and the Ventura Fish and Wildlife Office at (805) 644-3958 immediately, and in writing within three (3) working days. Notification must include date, time, location of the carcass; cause of death, if known; and any other pertinent information. Care must be taken in handling injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state for later analysis. The finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed, unless to remove it from the path of further harm or destruction. Should any treated listed species survive, the USFWS should be contacted regarding their final disposition.

The remains of CTS and CRLF must be placed with the California Academy of Sciences Herpetology Department. Arrangements regarding proper disposition of potential museum specimens must be made with the California Academy of Sciences by the USACE or the Applicant prior to implementation of any actions.

Any SJKF found dead shall be provided to CDFW unless authorized agreements have been made with CDFW to the contrary. Additional CTS avoidance and minimization measures may be developed through the ITP process with CDFW.

BIO-2(c) **Compensatory Mitigation for CTS and CRLF.** Prior to the recordation of the first final tract map, the applicant shall permanently protect suitable upland habitat for CTS and CRLF through a conservation easement or a deed restriction suitable to the County to ensure that the conserved lands are managed for wildlife habitat in perpetuity. The total area of conserved land must be equal to or greater than one acre of suitable CRLF and CTS habitat with known populations for every one acre of impacted habitat (as recommended by CDFW for this project). Therefore, the required easement shall include a minimum of 315 acres of upland habitat to be considered in conjunction with grassland habitat impacts for the SJKF in Measure BIO-3[a] above) within the conservation of the Wildlife Habitat Preserve as described in the proposed Specific Plan. Any proposals to grade, build, landscape, cultivate ground or otherwise use the land within this area shall be prohibited, with the exception of uses specified in the Wildlife/Habitat Management Plan, which shall include, without limitation, ongoing grazing, maintenance and management of utility easements and infrastructure, and abatement of geologic hazards on or through those lands. The Permanent Wildlife Habitat should be managed as a unit by an entity approved by the County. Runoff from roads, building pads,

lots and other adjacent developed areas of the site shall be directed away from the wildlife habitat.

The on-site Permanent Wildlife Habitat easement shall:

- Provide a complete corridor through the subject property;
- Prohibit development of the area, including agricultural development (with the exception of allowable uses specified in the Wildlife/Habitat Management Plan, which shall include, without limitation, managed grazing, and ongoing maintenance and management of utility easements and infrastructure, and abatement of geologic hazards on or through those lands);
- Prohibit removal or alteration of native plants or animals unless specified in the Wildlife/Habitat Management Plan;
- Prohibit use of the area for agricultural staging activities or storage of any kind unless specified in the Wildlife/Habitat Management Plan;
- Allow for scientific investigation conducted as part of a project or plan instigated by the land owner, or otherwise approved by the land owner and the USFWS and/or CDFW; and
- Allow for flood control and stream bank stabilization activities conducted with approved State, Federal, and Local permits.

The on-site Permanent Wildlife Habitat easement shall not:

- Allow for or imply public access, unless included as part of the CDFW- approved Wildlife/Habitat Management Plan.

Prior to final map recordation, the applicant shall demonstrate compliance with the above for approval by the County Planning Department. The County Planning Department shall check plans for compliance and shall site inspect one year after completion of the development for compliance.

Significance After Mitigation. The issuance of a Biological Opinion and implementation of the mitigation measures and Project conditions ensures that incidental take of the CRLF and CTS would not jeopardize the continued existence of CRLF and CTS. Since the FESA incidental take permitting approval process requires implementation of conservation strategies to avoid, minimize, or compensate for adverse effects of a project to leave a species as good as or better than it was before the project,-these impacts are reduced to less than significant.

Impact BIO-3 Implementation of the proposed Project could directly impact nesting raptors and other avian species protected under existing regulations by causing injury, death, or nest failure. Potential impacts to nesting birds are a Class II, *significant but mitigable,* impact. [Threshold number 4]

Suitable nesting habitat for a variety of bird species protected under the MBTA, BGEPA and Fish and Game Code is present on and immediately adjacent to the portions of the Project Site that are proposed for new development. As discussed above, Project construction could potentially remove 43 trees (42 oak trees and one eucalyptus tree) and result in disturbance to shrubs, bushes and grassland habitat in areas proposed for new development. Removal of vegetation that contains nesting birds would potentially conflict with existing MBTA and Fish and Game Code regulations and this effect is potentially significant. Birds within standard buffer distances from the Project could also have nesting disrupted by Project activities whereby Project activities indirectly lead to nest failure.

Mitigation Measures. The following mitigation measures are required.

BIO-3(a) **Nesting Bird Surveys and Avoidance.** For any construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the CFGC, MBTA and the BGEPA (including, but not limited to, Cooper's hawk, California horned lark, merlin, red-shouldered hawk, and red-tailed hawk) shall be conducted by a qualified biologist no more than 14 days prior to initiation of construction activities, including construction staging and areas of vegetation removal. The surveys shall include the entire disturbance area(s) plus a 200-foot buffer around each of the disturbance area(s). If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer, although any such buffer shall meet or exceed the above minimum requirements. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

Prior to issuance of a grading permit, the applicant shall submit a preconstruction survey report (or a preliminary notification that preconstruction surveys have been completed that includes a summary of results) documenting the findings of preconstruction surveys for nesting birds and identifying any active nests and associated buffers within and adjacent to impact areas. A complete preconstruction report should be submitted to the County within 30 days after surveys have been completed. The County Planning Department, or a qualified third party retained by the County at the applicant's expense, shall review preconstruction reports and shall site inspect during construction of the development for compliance.

Significance After Mitigation. The implementation of the above mitigation measure would avoid direct and indirect impacts, thereby reducing the impacts to nesting birds to a less than significant level.

Impact BIO-4 Implementation of the proposed Project could result in impacts to special status animal species including American badger, burrowing owl, Pacific pond turtle, coast horned lizard and San Joaquin coachwhip. Impacts to special status animals are Class II, *significant but mitigable*. [Threshold number 1]

In addition to the federally and state listed species addressed under Impact BIO-3 and Impact BIO-4, four special status species, San Joaquin coachwhip, coast horned lizard, burrowing owl and American badger have potential to occur within the portions of the Project Site that are proposed for new development, and thus could be negatively affected by the Project. All five of these species have a moderate potential to occur in the grassland habitat and within or along the margins of the agricultural fields. Development of the resort hotel, portions of the commercial center and portions of the residential development in all areas (Phases 1 through 5) have the potential to result in direct impacts to these species. Individuals could be injured or killed by ground disturbing activity or construction traffic.

Policies 1, 2, and 6 of the Open Space and Conservation Element of the San Benito County General Plan provide general measures for protecting populations and available habitat of wildlife, including special-status species. Policy 1 requires measures to be implemented to mitigate the effect of development with potential habitat for special-status species. Compliance with these policies would reduce impacts, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. The following mitigation measures are required.

BIO-4(a) **Burrowing Owl Pre-Construction Surveys and Minimization.** A qualified biologist shall conduct pre-construction clearance survey(s) prior to any ground disturbance activities within all suitable habitat to confirm the presence/absence of burrowing owls. The survey(s) shall be consistent with the recommended survey methodology provided by CDFW (2012). Clearance surveys shall be conducted within 14 days prior to construction and ground disturbance activities. If no burrowing owls are observed, no further actions are required.

If burrowing owls are detected during the pre-construction clearance surveys, avoidance buffers will be implemented in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993) minimization mitigation measures. Coordination with the CDFW by a qualified biologist shall occur to establish the appropriate avoidance buffer distances specific for the Project's activities and level of expected disturbance.

If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan will be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993). The Plan shall be provided to the applicable local CDFW office prior to implementation. A qualified biologist shall coordinate with the CDFW to determine the appropriate exclusion methods (passive or active relocation) for the Project to relocate burrowing owls to a suitable offsite location. Relocation of owls can only occur during the non-breeding season.

Prior to issuance of each grading permit, the applicant shall submit a preconstruction survey report (or a preliminary notification that preconstruction surveys have been completed that includes a summary of results) documenting the findings of preconstruction surveys for burrowing owls and identifying any active burrows and associated buffers within and adjacent to impact areas. A complete preconstruction report should be submitted to the County within 30 days after surveys have been completed. The County Planning Department, or a qualified third party retained by the County at the applicant's expense, shall review preconstruction reports and shall site inspect during construction of the development for compliance.

BIO-4(b) **Pacific Pond Turtle, San Joaquin Coachwhip and Coast Horned Lizard, Capture, and Relocation**. Not less than 14 days prior to the start of any construction activities (including staging and mobilization), a San Benito County and CDFW approved biologist shall conduct surveys for Pacific pond turtle, San Joaquin coachwhip and coast horned lizard within suitable habitat. The biologist shall also oversee installation of exclusion fencing where suitable habitat is present to prevent these species from entering active work areas. If any of these species are identified within the work area, they shall be captured and relocated to suitable habitat within the same or nearest suitable habitat. CNDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed. The relocation site shall include suitable micro habitat and ecological features for each species as follows:

- Pacific pond turtle habitat shall include a pool surrounded by vegetation for escape cover.
- San Joaquin coachwhip habitat shall include suitable small mammal burrows to provide immediate escape and cover
- Coast horned lizard habitat shall include open grassland and sandy habitats, particularly where native ants are present.

During the rainy season (approximately November 1 to April 15), Pacific pond turtles may actively move through upland habitats

outside of drainages. San Joaquin coachwhip and coast horned lizard can occur in upland habitat at any time of the year. If any of these species are observed by construction personnel within or adjacent to the proposed development area, the animal's location shall be communicated to the San Benito County-approved biologist. Only the San Benito County-approved biologist shall capture and relocate wildlife. Construction personnel are not permitted to handle animals.

Prior to issuance of a grading permit, the applicant shall submit a preconstruction survey report (or a preliminary notification that preconstruction surveys have been completed that includes a summary of results) documenting the findings of preconstruction surveys for San Joaquin coachwhip, coast horned lizard and Pacific pond turtle. A complete preconstruction report should be submitted to the County within 30 days after surveys have been completed. The County Planning Department, or a qualified third party retained by the County at the applicant's expense, shall review preconstruction reports and shall site inspect during construction of the development for compliance.

BIO-4(c) **American Badger Pre-construction Surveys and Impact Avoidance.** A qualified biologist shall conduct pre-construction clearance surveys for American badger in suitable habitat within impact areas. These surveys may be conducted concurrently with SJKF surveys. Clearance surveys should be conducted for American badger, within 14 days of the start of any ground-disturbing activity. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of that portion of the site being disturbed. If no potential American badger dens are present, no further mitigation is necessary.

If potential American badger dens are present, the following measures shall be implemented:

- If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction.
- If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one way doors at burrow entrances, monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped

using active dens within the Project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.

- Construction activities shall not occur within 30 feet of active badger dens.

Prior to issuance of a grading permit, the applicant shall submit a preconstruction survey report (or a preliminary notification that preconstruction surveys have been completed that includes a summary of results) documenting the findings of preconstruction surveys for American badger. A complete preconstruction report should be submitted to the County within 30 days after surveys have been completed. The County Planning Department, or a qualified third party retained by the County at the applicant's expense, shall review preconstruction reports and shall site inspect during construction of the development for compliance.

Significance After Mitigation. The implementation of the above mitigation measures would reduce impacts to a less than significant level.

Impact BIO-5 Implementation of the proposed Project may impact riparian habitat associated with drainages present within the Project Site. This is Class II, *significant but mitigable,* impact. [Threshold numbers 2 and 3]

The development of the proposed Project, including the proposed residences, commercial facilities, hotel and associated infrastructure and open space would avoid all wetland features not previously permitted for fill, and no impacts to features considered jurisdictional under the CWA would occur from Project development. Stream crossings for roadways and trails will utilize clear span bridges, arch culverts or other equivalent measures designed to avoid fill within the OHWM of the stream channel; however, these activities may result in impacts to associated riparian habitat. Furthermore, repair and/or replacement of in-stream facilities (e.g. culverts, weirs), and ongoing maintenance of drainage capacity in channels would be allowed in drainages and may also impact riparian habitat.

Policies 3, 8, and 9 of the Open Space and Conservation Element of the San Benito County General Plan contain general actions relating to the avoidance of encroachment on wetlands and corresponding mitigation, and minimizing development/uses within drainage basins that could alter the path of watercourses and impede groundwater recharge and water quality improvement. Policy 3 and 9 require cooperation with the CDFW and Regional Water Quality Control Board (RWQCB) procedures. Compliance with these policies would reduce impacts, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. To reduce the impacts of the proposed Project on jurisdictional wetlands and waterways as well as impacts of the Project on riparian habitat, the following measures shall be implemented.

BIO-5(a) Riparian and Wetland Protection. Implementation of the following measures would further protect, and avoid riparian/wetland habitat:

- The Project shall be designed so that any and all preserved riparian and wetland habitat is buffered from development (including grading, except for stormwater and drainage control features (e.g., basins, bioswales), which may be within the buffer zone) by an average 50-foot setback measured from the edge of riparian vegetation or delineated wetland. Vegetation may be managed in this setback area for fire protection purposes.
- The riparian and wetland habitat area and average 50-foot buffer zone for preserved riparian/wetland areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing to avoid impacts during construction.
- Drainage from development adjacent to jurisdictional drainages shall be directed away from those drainages or routed through bioswales prior to entering the drainages.
- The applicant shall prepare and submit for approval to the County's Planning Department a grading and drainage plan that specifically seeks to protect waters and riparian/wetland resources downstream of construction activities (refer to Mitigation Measure H-1(c) in Section 4.9, *Hydrology and Water Quality Impact Analysis*).
- During construction activities, washing of concrete, paint, or equipment, and equipment maintenance, repair or fueling shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of such materials shall not be allowed within 100 feet of wetland and riparian resources or near sensitive biological resources.

Where impacts to riparian habitat cannot be avoided, the following shall be implemented to mitigate impacts.

- The applicant shall obtain authorization from the CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code for any activities that affect the bed, bank, or channel of streams. It is recommended that the applicant contact CDFW prior to final plan submittal in order to incorporate any additional requirements into the Project design.

As part of the regulatory permitting process, the applicant would likely be required to prepare, implement, and monitor a compensatory habitat creation/restoration plan to mitigate impacts to CDFW jurisdictional stream and riparian areas. The

plan should, at a minimum ensure no net loss of riparian habitat. One component of the plan was implemented in 2012 and provided greater than 2:1 replacement for the loss of habitat functions/values and/or acres. The remaining components of the plan would be implemented by a qualified biologist and shall include, at a minimum, the following mitigation measures: Mitigation plantings for the loss of existing riparian habitat shall be located in the on-site drainages that are proposed to be modified or preserved as part of the proposed Project to the fullest extent feasible. The compensatory plan shall provide a minimum 2:1 ratio of habitat values, functions, and/or acres created or enhanced to that impacted.

i. Prior to commencement of grading, the applicant shall file a performance security with the County to complete restoration, monitoring, and maintenance of plantings for a minimum five (5) year period to ensure mitigation success.
ii. Tree and shrub species installed as mitigation shall have 80% survivorship at the end of the five (5) year monitoring period.
iii. Control of invasive plant species will be conducted, as necessary, to encourage the development and establishment of mitigated vegetation. Seasonally-timed weeding will be done mechanically or by hand during the five (5) year monitoring period or until it is determined that the installed plantings are not at risk from competition and exclusion by exotic pest plants.
iv. Removal of native species in the creeks/drainages that are to be retained shall be prohibited, except as allowed through authorizations from CDFW.
v. Construction envelopes shall be restricted to those areas shown on approved site Grading Plans in order to avoid impacts on riparian/wetland habitats. Envelope boundaries shall be staked in the field. Approved construction envelopes shall be shown on all approved grading and building plans.

Prior to tract map recordation of each phased final map, the applicant shall submit the agency-approved habitat restoration/compensation plan and a copy of the CDFW Streambed Alteration Agreement or written confirmation from the CDFW that a permit is not required to the County Planning Department for review and approval. All aspects of the plan shall be implemented as approved. The County Planning Department, or a qualified third party retained by the County, shall conduct site inspections throughout all phases of development to ensure compliance with all habitat restoration measures, and the Streambed Alteration Agreement at the applicant's expense.

Significance After Mitigation. Implementation of the above mitigation measures would reduce impacts to a less than significant level. In addition, obtaining the required CDFW and other agency permits (to the extent necessary) for impacts within streams and riparian areas would result in a no net loss of functions and values to riparian/wetland habitats on-site.

Impact BIO-6 Implementation of the proposed Project would result in direct and indirect impacts to oaks trees and the oak woodland habitat on the Project Site. Impacts would be Class II, *significant but mitigable*. [Threshold number 5]

Although the Project has been designed to incorporate existing oak trees into on-site landscaping, as feasible, and to avoid direct impacts to native trees where feasible, the Project would result in impacts to individual oak trees. Grading that abuts individual trees and removal of topsoil beneath oak trees would alter the structure and nutrient complexity of the soil and increase erosion, and therefore, would result in impacts. Impacts would also result from increased soil moisture due to landscape watering. Indirect impacts of the proposed development would result from the encroachment on root zones (that typically extend up to six feet beyond the drip line of the tree) and tree canopies. Increased human activity within and around oak trees and oak woodland habitat may reduce the attractiveness of the oaks and associated habitat from a wildlife perspective.

Arbor Resources prepared a Tree Survey Report (Arbor Resources 2013) to inventory and evaluate 43 oak trees located on the western portion of the Project Site where the Phase 1 through Phase 4 residential development is proposed. The survey was restricted to areas of the Project Site where proposed development would directly impact oak trees within the proposed construction areas, or could potentially indirectly impact oak trees adjacent to those construction areas. Trees were identified and evaluated for their health and structural integrity, and were rated for their suitability for preservation. Thirteen trees were rated as having good suitability for preservation, 17 trees were rated as having moderate suitability, and 13 trees were rated as having low suitability. The majority of the proposed development area avoids existing trees; however some trees are present within the boundaries of the southern extent of the proposed development area west of the Existing Golf Club hole 15, and in the far eastern part of the proposed development area between Existing Golf Club holes 11 and 12. Specific design information regarding parcel layout is not currently available, so it is not possible to definitively identify trees that would be removed or otherwise adversely impacted during development. As a reasonable worst-case assumption, oak trees would be removed as a result of implementation of the Project, which would be considered a potentially significant impact. Policy 5 of the Open Space and Conservation Element of the San Benito County General Plan requires the regeneration and maintenance of oak woodland communities. Specifically, Action 2 states that development near oak woodlands shall be clustered to avoid the loss of trees and that transitional buffers shall be developed to help maintain viable ecosystems. Where removal of trees cannot be avoided, a mitigation plan shall be developed for tree replacement on- or off-site. Policy 7 requires all native trees to be illustrated on all site plans, tentative subdivision maps, and final subdivision maps, along with proposed grading plans. Ordinance No. 757 (Urgency Ordinance Providing for Interim Management and Conservation of Woodlands in San Benito County) provides guidance for pruning and removal of trees in general, and requires that a permit is obtained from the Planning Director prior to cutting or removing any tree.

Compliance with these policies would reduce impacts on oak trees, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. The following mitigation measures are required to reduce impacts associated with the removal of and/or encroachment upon up to 43 oak trees to a less than significant level. Adherence to these measures would ensure that oak trees that would be removed during Project development are identified.

BIO-6(a) **Pre-construction Survey and Tree Protection Plan.** Prior to Final Map recordation, an accurate map identifying and locating all existing oak trees within and adjacent to areas proposed for new development shall be prepared. The map shall include all existing oak trees that are outside of the proposed development area but which could be affected by the Project, and will identify all trees that would be removed as a result of Project development. The map shall be prepared by a certified arborist and submitted to the County for review and approval. Such map shall also identify all existing oak trees that are proposed by the applicant for relocation, and such trees shall be visibly marked for inspection.

Upon determination of the final development plans for each phase of the Project, a qualified arborist shall conduct surveys of oak trees and oak woodland habitat-that could be affected by the proposed development, and shall recommend specific measures to mitigate impacts, to the extent feasible, including:

If feasible, the remaining oak trees and oak woodland habitat shall be avoided by adjusting proposed lots to eliminate inclusion of oak trees. If avoidance of oak trees, their canopies, and root zones is not feasible, tree replacement shall be required as described below.

The design of proposed structures shall avoid impacts to limbs that are eight inches in diameter or greater to the greatest extent possible. In some instances, pruning and/or tying back branches may be a viable option for certain trees. These alternatives to avoidance shall be reviewed by a qualified arborist, and approved by the County, on a case-by-case basis.

All trenching, soil scraping, over-excavation and grading (soil cuts, over-excavation, fill, and finish-grading) shall be avoided within the Tree Protection Zone (TPZ), as feasible. For design purposes, the TPZ of a particular tree shall be a minimum distance from its trunk of ten times its diameter. Where an impact encroaches slightly within a TPZ, it can be reviewed by the County and the qualified arborist on a case-by-case basis to determine appropriate mitigation measures.

Soil disturbance (e.g. over-excavation, sub-excavation, grading, compaction or trenching) beyond a feature to be built within or near a TPZ shall be reduced to the maximum extent possible in the direction of a tree's trunk. In no instance should disturbance exceed the following distances towards a tree's trunk: 12 inches for a curb, gutter, walkway or pier, or 24 inches for retaining walls, foundations and concrete pads.

Any existing, unused lines or pipes within a TPZ shall be abandoned and cut off at existing soil grade. These features shall not be dug up so as to avoid potential impacts to the root system; this provision shall be specified on applicable plans.

To restrict spoils and runoff from traveling into root zones, erosion control design shall establish any silt fence and/or straw rolls uphill away from a tree trunk (not against it), and as close to the canopy edge as possibly. Where erosion control devices are located within a TPZ, the material shall not exceed a vertical soil cut of two inches for embedment.

Underground utilities and services shall be routed beyond a TPZ whenever possible. Where this is not feasible, the section of line(s) within the TPZ shall be directionally-bored by a minimum of four feet below existing grade, or installed by other means (e.g. pipe-bursting) to avoid an open trench; the ground above any tunnel shall remain undisturbed, and access pits and any above-ground infrastructure (e.g. splice boxes, meters and vaults) shall be established beyond all TPZs. No machine trenching within the TPZ shall be permitted, unless authorized, in writing, by the County, in consultation with an arborist.

Staging areas and access routes shall be designed to avoid trees and tree canopies.

Any structure or wall proposed within a TPZ shall utilize an alternative foundation that minimizes impacts to tree root systems (i.e., cantilever the encroaching section over and above existing soil grade so that the ground beneath is not be compacted or disturbed, or a pier and above-grade beam foundation that avoids soil disturbance), and shall be reviewed by a qualified arborist prior to final design approval.

All trees designated to remain in place and that are within 50 feet of grading or ground disturbance shall be protected by a five-foot high fence enclosure, prior to the beginning of construction. The fence shall be highly visible wooden, chain link, or plastic barricade fencing. The location of the fence is normally at the

dripline of the tree, but it may be adjusted or omitted with the County's written approval. In addition, the applicants shall demonstrate, to the County's satisfaction that construction activities are adhering to the approved tree protection plan. No parking of vehicles or equipment, or storage of materials shall be permitted within the dripline of the trees designated to remain.

The diameter at breast height (DBH) of oak trees removed shall be replaced on an inch-for-inch basis with replacement oak trees. For example, if a 30" DBH oak tree is removed it shall be replaced with 30 one-inch diameter container stock oak trees, or 15 two-inch diameter container stock oak trees. Replacement oak trees shall be from regionally or locally collected seed stock (within a 25-mile radius).A qualified, County-approved arborist shall design oak tree replacement programs and monitor the implementation of such plans to ensure successfully meeting the requirements of the plan.

All trees relocated or planted as mitigation shall be moved to a location approved by a qualified arborist within an on-site habitat restoration area or within the off-site conservation easement area, and planted in the ground. All trees relocated as mitigation shall have a 80% survival rate after five years. If the five year survival rate of trees planted or relocated as mitigation is less than 80%, the number of trees required to reach 80% survival shall be replaced at a 1:1 ratio. All replacement mitigation trees (trees planted to replace those that did not survive the five-year period), shall in turn have a survival rate of 100% five years from date of planting. Tree monitoring and replacement shall continue until an overall five-year, 80% survival rate is reached for all mitigation trees.

Upon occupancy, property owners shall be advised by the lot seller/lessor to avoid watering within 15 feet of all oak trees and to avoid activity that may encroach upon roots by avoiding activity within the dripline of all oak trees**.**

The proposed landscape design around the valley oaks shall conform to the following additional guidelines:

- Turf shall be avoided beneath their canopies.
- Plant material installed beneath the canopies shall be drought-tolerant, limited in amount, and planted a minimum of five feet from their trunks.
- Irrigation for any new plant material beneath an oak tree canopy shall be temporary, low volume, the minimum required to ensure establishment of new vegetation, and applied irregularly for no more than two to three years.

- Irrigation shall not occur within five feet of the trunk of any oak tree.
- New fencing shall be placed a minimum of five feet from any tree trunk.
- Ground cover beneath canopies should be comprised of a three- to four-inch layer of coarse wood chips or other high-quality mulch (gorilla hair, bark, rock, stone, gravel, black plastic or any other synthetic ground cover shall be excluded from use as ground cover under tree canopies).
- Mulch shall not be placed directly against the trunk of any trees.
- Tilling for weed control or other purposes within a TPZ shall be avoided.
- Bender board or other edging material proposed beneath the canopies shall be established on top of existing soil grade and not installed below grade.

The applicant shall submit a final tree report and tree protection plan prepared by a County-approved arborist that includes the species, quantity, diameter-at-breast-height, and status (live, dead, diseased, etc.) of native trees to be translocated and indirectly impacted by construction activities prior to initiation of the proposed Project. This report shall also identify the final number of replacement trees utilizing the County's replacement ratio identified above (if applicable). All aspects of the plans shall be implemented as approved.

Significance After Mitigation. The implementation of the above mitigation measures would reduce impacts to oak trees and the habitat they provide to a less than significant level.

Impact BIO-7 Implementation of the proposed Project would impact populations and available habitat of wildlife in general and special status species through the introduction or maintenance of populations of non-native and invasive species. Adverse effects on wildlife and wildlife habitat through the introduction and maintenance of invasive species is a Class II, *significant but mitigable,* impact. [Threshold number 7]

Project development would introduce or maintain non-native animals such as bullfrogs, house sparrows, European starlings, dogs, cats, Norway and black rats, and house mice to the Project site. In addition, Project development could introduce or maintain non-native invasive plants through landscaping of the new residences/structures and streets. The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in several ways: 1) by out-competing native species for food/resources; 2) predation; 3) and habitat alteration. Traffic and pedestrians, for example, may alter habitat, particularly for ground-dwelling special-status species such as the burrowing owl, and California horned lark that feed and/or nest on or near the ground. Project build out may result in the spread of non-

native plants through disturbance and escape of ornamentals. This could potentially impact wildlife, including sensitive species due to loss of food resources and cover. Although not a direct impact to wildlife, the introduction of domestic cats and dogs could create conflicts between predators such as coyotes and domestic animals. Residents may kill such predators, with the possibility that other non-predator species could be affected.

Policy 6 of the Open Space and Conservation Element of the San Benito County General Plan provide general measures for protecting populations and available habitat of wildlife**.** In particular, Policy 6 requires the development of programs to reduce the destruction of plants and animal life and habitat caused by invasive plants and animals. Compliance with these policies would reduce impacts, but mitigation is required to reduce impacts below thresholds.

Mitigation Measures. The following mitigation measures are required.

BIO-7(a) **Pet Brochure.** The applicant shall prepare a brochure that informs prospective homebuyers and all Home Owners Association (HOA) members about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the Project Site; similarly, inform potential homebuyers and all HOA members of the potential for coyotes to prey on domestic animals.

Prior to recordation of the first final map, the applicant shall draft a notice indicating the above information, to be recorded with the final map, subject to approval by the County Planning Department. The County Planning Department shall check plans for compliance.

BIO-7(b) **Night Lighting Standards.** The following standards pertaining to night lighting shall be added to the Project's design guidelines:

- Night lighting of public areas shall be kept to the minimum necessary for safety and security purposes.
- Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space areas and conservation easements. Decorative lighting shall be low intensity.

Prior to recordation of the first final map, the applicant shall submit a lighting plan for approval by the County Planning Department. The County Planning Department shall check plans for compliance and shall site inspect one year after completion of tract development for compliance.

BIO-7(c) **Native or Adaptive Landscaping.** In order to ensure that Project landscaping does not introduce invasive or inappropriate plant and tree species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a County approved

biologist or landscape architect. No invasive plant and tree species shall be permitted to be installed by the applicant as part of the Project development.

As a condition of each tentative map, the applicant shall submit a landscaping plan for approval by the County Planning Department. The County Planning Department, or a qualified third party retained by the County at the applicant's expense, shall check plans for compliance and shall site inspect six months after completion of the development for compliance.

Significance After Mitigation. The implementation of the above mitigation measure would reduce the potential for invasive or inappropriate plants and animals to be introduced into the Project Site, and would reduce the effects of development that support and maintain suitable habitat for species that are invasive, non-native or not readily adaptive, thereby reducing the impacts to a less than significant level.

c. Cumulative Impacts. In evaluating whether the Project would result in an impact that is cumulatively considerable, the following is considered, as explained more fully below, in the context of other cumulative developments (past, present and reasonably foreseeable future projects):

- *Fragmentation of open space in the Project vicinity;*
- *The loss of sensitive habitats and species;*
- *Urban expansion into natural areas; and*
- *Potential for open space areas within the proposed Project to become isolated from surrounding open space areas by future projects in the vicinity.*

This cumulative impact analysis for biological resources considers the contribution of the Project combined with other cumulative development (past, present and reasonably foreseeable future projects), and is based on a summary of projections in accordance with long-range general plan buildout of San Benito County and the cities of Hollister and San Juan Bautista, including approximately 32,300 residents, 10,217 housing units, and approximately 4,320 employees. As discussed more fully below, cumulative development would alter existing natural habitats resulting in an increase in anthropomorphic conditions on a cumulative basis thus triggering impacts on biological resources.

Cumulative development could result in significant adverse impacts either directly or indirectly to special-status species, and also impact other biological resources. For example, to some degree, cumulative development contributes to an incremental reduction in the amount of existing wildlife habitat. Habitat for species intolerant of human disturbance can be lost as development encroaches into previously undeveloped areas, disrupting or eliminating movement corridors and fragmenting the remaining suitable habitat retained within parks, conservation easement areas, private open space, or remaining undeveloped properties. Grading associated with construction activities generally increases erosion and sedimentation, and urban pollutants from new development could reduce water quality requiring the imposition of feasible mitigation measures.

However, the applicant for each cumulative development would be anticipated to mitigate its impacts to biological resources to the extent feasible. Applicants would also be expected to comply with applicable federal, State and local laws and regulations for their respective cumulative developments, which would also help to mitigate cumulative impacts (i.e., impacts to wetlands, riparian habitats, special status species, etc.) to the extent feasible; however, it is noted that the continued gradual urbanization of San Benito County has the potential to substantially and permanently alter biological conditions of the region.

In terms of the Project's contribution to this cumulative impact, as discussed above and similar to other cumulative developments, the Project would be required to mitigate identified impacts. These impacts could include the loss of wildlife foraging/breeding areas including the potential loss of CRLF and CTS individuals and suitable breeding and foraging habitat for these species and SJKF. The cumulative effect of these impacts depends in some degree on the proximity of other cumulative projects to the Project under consideration. The proposed development of 420 acres of the Project Site would occur predominantly in previously disturbed agricultural fields (296 acres); however, 124 acres of grassland habitat would be directly impacted by the proposed Project. However, Project development includes a proposed wildlife habitat preserve consisting of approximately 1,243 acres of grassland, oak woodland and riparian habitat. This land would be placed into a permanent conservation easement, which would help to mitigate the Project's contribution for cumulative impacts.

Although the Project will result in the loss of a small amount of wildlife foraging/breeding habitat, and potential impacts to CRLF, CTS, and SJKF individuals as well as other special-status species, based on the unlikelihood of direct impacts to special status species and the extent of habitat preservation included in the Project, the Project is not expected to contribute significantly to cumulative impacts to biological resources when combined with other expected development in the area, and cumulative impacts would be Class III, *less than significan*t.